

TWAIN HARTE SCHOOL DISTRICT

**FINDINGS OF FACT
EXHIBIT PACKAGE**

**Pinecrest Expedition Academy
Charter Petition #2**

Submitted September 30, 2019

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Pinecrest Expedition Academy

Charter Petition

Submitted to the Twain Harte School District

September 30, 2019

For a Five year charter term

July 1, 2020- June 30, 2025

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AFFIRMATIONS AND DECLARATION

As the authorized lead petitioner, I, Heidi Lupo, hereby certify that the information submitted in this petition for a California public charter school to be named Pinecrest Expedition Academy (the "Charter School"), and to be located within the boundaries of the Twain Harte School District (the "District") is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851 and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools [Ref. Education Code Section 47605(c)(1)]
- Pinecrest Expedition Academy declares that it shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act [Ref. Education Code Section 47605(b)(6)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall admit all students who wish to attend Pinecrest Expedition Academy, unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Ed. Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the characteristics). [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall adhere to all applicable provisions of federal law relating to students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Improvement Act of 2004.

- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. Education Code 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide the school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(d)(3)]
- The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
- The Charter School will maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs. [Ref. Education Code Section 47605(c)]
- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Schools Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
- The Charter School shall comply with the requirements of Senate Bill 126 (2019), including the Ralph M. Brown Act, the Political Reform Act, the Public Records Act and Govt. Code section 1090.
- The Charter School shall comply with the Family Educational Rights and Privacy Act ("FERPA").

- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]
- The Charter School will adhere to the requirements of Ed. Code §49010 and its mandate prohibiting unlawful pupil fees and complaint policy procedures.

Heidi Lupo, Lead Petitioner

Date

Introduction

"The fact that given the challenges we face, education doesn't need to be reformed--it needs to be transformed. The key to transformation is not to standardize education, but to personalize it, to build achievement on discovering the individual talents of each child, to put students in an environment where they want to learn and where they can naturally discover their true passions."

- Ken Robinson, The Element: How Finding Your Passion Changes Everything

After the closure of Pinecrest School in 2012, the community has rallied support around educational programs in the Pinecrest area. After extensive research, visits to other schools and hours of personal reflection, a group of community members, led by Heidi Lupo, envisioned a unique, highly academic and viable option of education in the Pinecrest area. This effort was first petitioned in 2018 and is now being pursued again with a revised design and components intended to create a more sustainable program.

Believing strongly in the history and heritage of both the Pinecrest area and Tuolumne County, the Pinecrest Expedition Academy will provide a public education alternative for students in Twain Harte School District and neighboring districts in Tuolumne County. As our roots and name allude, the Charter School will be based on expeditions and outdoor learning, with a strong emphasis on the area's natural elements and resources. Charter schools allow great options for families seeking alternatives in public instruction, and the Pinecrest area is rooted in outdoor activities and the amazing landscape which surrounds it. By utilizing this educational approach, we hope to be an attractive program for families in the District and County and for those seeking to relocate here. Attractive programs attract new people, allowing us to grow and evolve together as a stronger community.

As recreation programs have and are continuing to expand in the area, the need for elementary education has become an increasing priority. With the proposed expansion of programs at nearby Dodge Ridge Ski Area and housing costs lower than those in similar recreation areas (Truckee, Lake Tahoe, Mammoth, etc.), the Pinecrest area is poised to welcome new, young and active families. Our proximity to national forest lands allows for a simple integration of Expedition Learning Education and project based learning, as described in more detail throughout the charter. Our program will focus on incorporating the area's natural elements into the curriculum, including natural resource management, recreation, weather and snow sciences, fire prevention and fire science. With this addition, Pinecrest Expedition Academy will not only be a unique, stand-alone program, but will be innovative and cutting edge as described in our charter. Project based learning will develop strong skills, both academically and socially, best preparing students for high school and ultimately college acceptance and success. Working together as teams, students will learn about technology, business, organization, creativity and science through the Charter School's program with a focus on life skills, which can be applied easily to any educational or professional setting. We aim to use the entire curriculum and highlight the natural elements and resources to set the standard academically, as a high achieving, hands on program, while uniquely incorporating an aspect which the District has not implemented previously. Expedition Learning Education, with a focus on the natural elements and resources, will encompass a new, attractive, holistic approach to students and families. The exposure to the natural world, and the expansion of the classroom will not only strive for high achievement and further academic success, but allow a team learning environment to highlight each student's strengths. We want to build this Charter School and learn based on our natural environment. We want our students to walk away with life skills, applicable knowledge, based upon academics.

Pinecrest Expedition Academy will face some unique hurdles due to our low enrollment numbers. At this time, the area is small and has suffered from the lack of an elementary school in close proximity. However, the sizeable interest in the program over the 2018-19 year has proved that the program will likely flourish.

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The location of Pinecrest Expedition Academy is in a community which cares deeply for education, they have and will continue to support our efforts.

We plan to offer both a site based and independent study program. Allowing families increased flexibility for their educational needs. These programs will increase residents in the Pinecrest area. As is also proven, homes in close proximity to elementary schools see an increase in property value. This is an important fact for the Twain Harte School District, this charter school will increase the property tax base and thus the revenue generated for the Twain Harte School District.

FOUNDING GROUP

Heidi Lupo: Heidi is the Director of Operations at Pinecrest Lake Resort, where she manages staff of up to seventy-five people and an annual budget exceeding two million dollars. Additionally, Heidi owns and operates Heidi's Ski Shop in Cold Springs, California. Overseeing her own staff, recreation programs and budget, Heidi has extensive experience in government relations and negotiations, a natural knack for leadership and taking initiative, and a true talent for raising money. Heidi loves the outdoors, has spent her entire life on skis, is a certified paddle boarding and PaddleFit instructor, is a licensed coach with the US Ski and Snowboard Association, and is a member of the National Forest Recreation Association and Tuolumne County Farm Bureau. Heidi has served as the Tuolumne County District 3 Planning Commissioner and a board member on the Summerville Parent Nursery School board as their fundraising chair. Heidi lives in Strawberry, California with her two sons, Carter (4) and Colton (1) and their father, Charlie. Heidi is a graduate of Pinecrest Elementary and Summerville High School. Heidi did her undergraduate work in Political Science and Speech Communication at the University of Nevada, Reno.

Peggy Herndon: Peggy is currently employed by the Waterford Unified School District as the Principal of Waterford High School. Previously she served as their Principal of Alternative Education. Additionally, she is the SART Prevention Coordinator, and develops and implements the district wide safety plan and sits on several committees and councils. Peggy has established a Community Day School, Continuation High School, and an Independent Study Program. She has experience with intervention programs and budgeting. Peggy holds a Clear Administrative Services Credential and Multiple Subject Clear/Liberal Studies CLAD credential. She attended CSU Stanislaus and obtained her M.A. in Education Administration from National University. Peggy has two daughters who are grown and a grandson.

Courtney Sutton: Courtney is currently a Program Technician at Columbia College participating in administrative duties, events, planning and development. Previously she was the Associate Director of New Student and Family Programs at the University of the Pacific. Courtney completed her undergraduate work at Sonoma State in Political Science and received her M.A. in Educational Administration and Leadership from University of the Pacific.

John Cashman: John is a natural born coach and program designer. He is an active in all sports and has developed a career based upon his skiing skills. John is the former head of the National Training Group for the U.S. Ski Team, the former head ski racing coach for Squaw Valley, Bear Valley and Dodge Ridge. John

and his wife Christy have three children, Jordan, Keely and Noah, all of whom have active and successful careers in ski racing; Keely is a current member of the U.S. Ski Team. John has a strong knowledge of construction and design elements and has trained in avalanche safety and rescue. John is also a graduate of Pinecrest Elementary School (Columbia Union School District) and Sonora High School. He is a licensed level 300 coach with the U.S. Ski and Snowboard Association.

Chucker Twining: Chucker is a life-long resident of Tuolumne County, a real estate broker and avid outdoor enthusiast. Chucker has previously served as a trustee on the Tuolumne County Board of Education for nearly twenty years and the Columbia Union School District for four years. Chucker brings a tremendous amount of business and school governance experience to the board. Chucker and his wife Debi have two grown children and reside in Strawberry.

Ron Berry: Ron recently retired as the General Manager for Tri-Dam Project, overseeing an annual budget of 12 million dollars and a full time staff of 35 employees. Ron has extensive experience in HR, employee and union relations, public retirement systems, government functions and public utilities, contracts, hydro electric operations, water management. Ron has knowledge of facilities, their maintenance, upkeep and construction. Ron has three grown children and several grand children. .

Mike Yaley: Mike is the General Manager of Pinecrest Operations for the California Alumni Association (UC Berkeley), overseeing management of both the Pinecrest Chalet and Lair of the Golden Bear camps. Prior to his current position, Mike held various positions within the alumni association from washing dishes, student staff until eventually reaching a full time, year round position as the food service manager. From there Mike worked his way up through the ranks, taking on more and more responsibility, becoming the facilities manager prior to his current position. Mike has a background in real estate, food service, facilities management and hospitality outside of his Lair experience. Mike has a B.A. degree in History from CSU Chico. He currently lives in Tuolumne County with his wife Quincy, they have three children.

These organizations and individuals bring a strong skill set and represent community outreach. Throughout the operations of Pinecrest Expedition Academy these individuals will help to foster and maintain relationships with mentioned organizations. The organizations offer a great opportunity and will be a large part of the future of Pinecrest Expedition Academy.

CONSULTANTS

Hansberger & Klein, PLC: Hansberger & Klein, PLC (“HK School Law”) is a boutique law firm representing California schools exclusively with extensive experience forming and representing charter school non-profit corporations in all matters including but not limited to a wide variety of litigation and alternative dispute resolution matters for charter schools in all areas of operation, including labor law, employment law, contract and business disputes, tort claims, special education due process hearing and expulsion appeals..

ICON Management: ICON Management will provide back office support and professional development for Pinecrest Expedition Academy.

CCSA: The California Charter School Association will provide resources and consultation for school start up and organization.

ELEMENT 1: EDUCATIONAL PROGRAMS

Governing Law:

(i) The educational program of the charter school, designed, among other things, to identify those whom the charter 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) The annual goals for the charter school 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.

Element 2(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A to G” admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(b)(5)(A)

Pinecrest Expedition Academy will be an independent charter school, operated as the Pinecrest Expedition Academy, a nonprofit public benefit corporation, located within Twain Harte School District. Pinecrest Expedition Academy shall initially serve approximately 52 students. Pinecrest Expedition Academy will work in partnership with the District to offer a quality alternative educational choice for families and to ensure positive outcomes for students.

LCFF COMPLIANCE

The school will comply will all requirements pursuant to California Education Code and 47605(b) (5) (ii) including the development of school wide goals for all subgroups as applicable to the eight state priority areas identified in Education Code 52060(d). The school will comply will all elements of the Local Control Accountability Plan, including the adoption of any templates required by the State Board of Education.

MISSION

The mission of the Pinecrest Expedition Academy is to inspire a diverse group of learners to achieve academic excellence while developing a strong sense of character and community. Our goal is to preserve each child’s natural curiosity and love of learning and prepare students for high levels of success. We plan to integrate an outdoor classroom and an immersion into the natural elements for each student.

VISION

PEA will be the most innovative and unique public school in Tuolumne County. Students will work to be problem solvers, active community members, innovative humans and proactive agents of change. PEA will maintain a culture focused on our diversity and connected community outlook. We believe that not all children learn the same way or have the same strengths, challenges and opportunities. We believe that our learning through experience philosophy supports student discovery, academic development, depth of knowledge. Field work expeditions will be an integral part of our program, incorporated into the classroom and based upon State Standards; through the areas of science, math, humanities and arts these expeditions throughout various learning disciplines will allow students to pursue new and existing

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passions, integrating their skills and needs into the excellence of their academic development. Natural elements and resources are a clearly special opportunity for our program, thanks in part to our location, and by integrating this component into the educational program of the Charter School, we believe that the element of discovery and confidence can be expanded, leading to better outcomes in the academic classroom. Taking the lead and examples from other Expedition Learning Education schools, our projects will relate directly to the State Standards, and could include projects such as managing a gold mining operation and evaluating watersheds, bridges and reforestation. We will also seek to include a significant structure for natural resources and fire science, as listed below and outlined in Appendix I.

- Natural Elements programs will include: natural resources management, recreation management, weather and snow science, fire prevention and fire science. This program will be developed in collaboration with area organizations and agencies.
- Interdisciplinary learning expeditions, developed from State Standards, promote learning through authentic experiences, encouraging learning through both critical thinking and social responsibility.
- Small multi-grade classes cultivate a safe environment for individual and collaborative learning and self-discovery.
- High expectations for character and behavior create a positive school culture, shown through physical and emotional safety, accountability, integrity, compassion, and respect.
- Shared school traditions, heritage and celebrations support a sense of belonging within the school community along with personal growth and reflection.
- Assessment through multiple means, including project portfolios, student-led presentations and conferences, along with academic, character reports, and peer review programs hold students, teachers and staff accountable for the highest quality of work while promoting the school culture.
- Exposure to foreign languages and multicultural studies promote tolerance through knowledge and expose broad worldviews while encouraging an appreciation for local and global diversity.
- A school population, reflective of the diversity within our community promotes understanding within cultures and respect for each other's similarities and differences.
- Outdoor activities, physical fitness and visual and performing arts are vital part of students' daily lives.
- Through these ideals, and more we believe that our program will be innovative, structured and provide an environment rich with support, choice and high academic achievement.

TARGET STUDENT POPULATION

The Charter School is open to all students in grades TK-8, who will benefit from an integrated academic program that allows academic achievement and character growth to thrive along with a love of learning and a strong sense of community. The Charter School seeks to target a student seeking a highly academic and unique, small school environment. The Charter School will focus on a hands-on approach to learning, allowing students to learn in and out of the classroom, effectively applying their knowledge. Our natural elements programs will offer students an experience not offered anywhere else. We are integrating the knowledge of specialists and hands-on experience to provide students with a unique and knowledgeable academic experience. The Charter School shall serve students who are seeking a more active educational experience, engaging in both physical activity and real-life experiences, which shape us all.

Since our location will be in the Pinecrest area, we realize that our enrollment will not be large. The Pinecrest area encompasses the communities of Pinecrest, Leland Meadows, Dardanelle and upper 108, Strawberry, Cold Springs, Peter Pam. The Pinecrest area is a recreation based area located within the

Stanislaus National Forest, housing and commercial development is located on private and public lands. Tourism and recreation are responsible for the entire economy in the immediate area. Anchor businesses/agencies such as Pinecrest Lake Resort and the United States Forest Service employ year round employees in excess of 75, other area businesses and authorized permit holders employ additional employees in excess of 500 annually. The area has struggled since 2012 and the closure of Pinecrest Elementary School, to retain local residents and employees due to the distance to an elementary school. Twain Harte School District currently runs a bus to the Cold Springs area to transport the three to five students who attend Twain Harte down the hill. This is a long journey and bus rides are difficult on kids emotionally. This also puts great distance between the child and their home and family. Making classroom participation and volunteer opportunities at school next to impossible and posing great hurdles in the event there is an emergency or the child needs to be picked up from school.

Currently, elementary school students attend Twain Harte School and other public and private elementary schools elsewhere in Tuolumne County. Those that have transferred out of district to better suit the needs of their families. This need is established due to the proximity of the school to a child's home. Families have sought other schools to establish a closer proximity to emergency contacts and family members able to provide after school care. Other families have transferred out of district and have sought employment at these locations to be able to afford transportation costs to and from school. The signers of this petition represent a majority of students who attend school outside of the district in order to better suit their families needs. These families have signed this petition to establish a reasonable choice for the education of their children. Strengthening their children's academic opportunities, strengthening the community and ultimately increasing the property values of those homes in the area, a benefit for the Twain Harte School District.

Throughout this process we have reached out to members of the community within fifteen miles of the Pinecrest campus. The message is clear, the proximity to an innovate, diverse charter school is much needed. Appendix lists the parent signatures. These signatures represent, over with a desirable interest to enroll in the school. Considering the total enrollment of Twain Harte School was only 254 students in 2018-19, a student population of 52 represents 20% of the total students in the district, desiring to attend PEA.

Based on current projections, the Charter School expects to begin with 52 students in grades TK-8. Students will be instructed in two multi-grade classrooms. Based upon the unique nature, quality and integration of natural elements in the curriculum, we believe we will reach a target student population of 65 students, with three teachers by year 3 of the charter term. One teacher will provide services for Independent Study and Special Education. Projected enrollment and staffing for the charter term are as follows:

Grade	2020-21	2021-22	2022-23	2023-24	2024-25
Kindergarten/TK	7	6	7	7	7
1	6	7	7	7	7
2	7	7	8	8	8
3	5	6	8	8	7
4	5	6	7	7	7
5	5	5	7	7	7
6	5	5	7	7	7
7	5	5	7	7	7
8	2	5	7	7	7
Total Enrollment	52	57	65	65	65
<i>Certificated Staff</i>	3	3	3	3	3
<i>Non-certificated Staff</i>	2	2	2	2	2

Please note that these enrollment projections are projecting a relatively slow growth to our enrollment. We are confident that we can reach and exceed target levels by adding new students to each grade level each year. Our goal is to add approximately 5 students per year, but their grade levels may vary as the population in the area is unpredictable at this time, due to the lack of an elementary school in close proximity to the homes and work places of families. We do believe that the population of young children will increase after the establishment of the Pinecrest Expedition Academy. We are also assuming that any TK students would spend one year in TK and a second year in kindergarten.

WHAT IT MEANS TO BE “AN EDUCATED PERSON IN THE 21ST CENTURY”

We can all recognize that the world we live in has changed and will continue to change daily. Our abilities to adapt are crucial, and we must also be able to transform and evolve our abilities to succeed. Through this we know that human intelligence is a magnificent tool, and through the understanding of humans, our behaviors, and our intelligence, we can determine ways to learn effectively and efficiently.

It is the goal of Pinecrest Expedition Academy to foster a love of learning in all students, to carry throughout their lives and academic careers, by applying their knowledge through a wide range of disciplines. Expedition based learning allows young people to explore and apply the big ideas embedded in important cross-disciplinary questions while developing 21st century skills. Pinecrest Expedition Academy students will demonstrate the following skills:

- **Accountability:** Set and meet goals, prioritize, achieve desired outcomes.
- **Inquisitiveness:** Ask questions, discover and engage in active inquiry. Research questions and seek evidence to support/defend or contradict arguments, explanations or lines of reasoning.
- **Problem Solving:** Adapt to the situation and develop multiple solutions and strategies to solve the task at hand.
- **Creativity:** Be original and inventive. Utilize and generate strategies to solve routine and non-routine problems. Apply these methods to both the simple and complex.

- **Collaboration:** Work with others, use peers and diversity in groups to accomplish common goals, with shared responsibility and recognition for collaborative work.
- **Critical Thinking:** Work and think creatively, on our own and with others to solve problems and be innovative.
- **Communication:** Communicate clearly through varied means and applications.
- **Adaptability:** Possess the ability to be flexible and change or adapt to given situations or problems.

We want to see all students thrive in the ever-changing world. We are committed to the success of our students in these areas. We believe that all children are capable of success when given the proper tools and environment in which to thrive. We believe in the relationship between the school, the home and the community. We recognize the important role that each family plays in the education of their children and want the Charter School to be viewed as a strong ally for each family with the community there to provide additional support.

HOW LEARNING BEST OCCURS

We believe that creating a safe, welcoming and stimulating environment fosters the best learning. This environment should allow children to discover their abilities, interests, and values. By providing a learning program which provides appropriate and desirable experiences, we are nourishing learning. We recognize that all learners can learn, perhaps not all in the same way or from the same source. We believe that all learners possess the innate creative ability which can be developed in a safe and secure environment. Self-expression can flourish through the excitement of exploration. The flexibility is necessary to facilitate the individuality of learners and to evolve and grow along with our world.

We believe that discovery and accountability provide the foundation in the creation of lifelong learning. By allowing for enthusiasm we are nurturing the natural quest for discovery in young children. By connecting learning, drawing correlations from the textbook to real life and real experiences, that is where we create real learning. We build the knowledge and allow learners to self-discover and build their experiences through expeditions. Motivation is invaluable in this process, we believe that the unique approach, along with the integration of natural elements will create learners with personal interests and desires. Students will be taught as individuals; they will be challenged and will understand that the world is theirs to discover and improve. They will learn these skills based on a high academic program in a safe and kind environment.

As an Expedition Learning ("EL") Education school, we are committed to the following ten design principles, as developed by EL Education (<https://eleducation.org/resources/design-principles/>):

1. **The Primacy of Self-learning:** Learning happens best through challenges and requisite support. Students discover their abilities, values, passions and responsibilities in situations that offer adventure and the unexpected. In EL Education schools, students undertake tasks that require perseverance, fitness, craftsmanship, imagination, self-discipline and significant achievement. A teacher's primary task is to help students overcome their fear and discover they can achieve their goals.
2. **The Having of Wonderful Ideas:** Teaching in EL Education schools foster curiosity about the world by creating learning situations that provide important ideas to consider, time to experiment and time to make sense of what is observed.
3. **The Responsibility for Learning:** Learning is both a personal process of discovery and a social activity. Everyone learns both individually and as part of a group. Every aspect of an EL Education school encourages both children and adults to become increasingly responsible for directing their

own personal and collective learning.

4. **Empathy and Caring:** Learning is fostered best in communities where students' and teachers' ideas are respected and where there is a mutual trust. Learning groups are small in EL Education schools, with a caring adult looking after the progress and acting as an advocate for each child. Older students' mentor younger ones, and students feel physically and emotionally safe.
5. **Success and Failure:** All students need to be successful if they can build the confidence and capacity to take risks and meet increasingly difficult challenges. But it is also important for students to learn from their failures, to persevere when things are hard, and to learn to turn obstacles into opportunities.
6. **Collaboration and Competition:** Individual development and group development are integrated so that the value of friendship, trust and group action is clear. Students are encouraged to compete not against each other, but with their own personal best and with rigorous standards of excellence.
7. **Diversity and Inclusion:** Both diversity and inclusion increase the richness of ideas, creative power, problem solving ability, and respect for others. In EL Education schools, students investigate and value their different histories and talents as well as those of other communities and cultures. Schools and learning groups are heterogeneous.
8. **The Natural World:** A direct and respectful relationship with the natural world refreshed the human spirit and teaches the important ideas of recurring cycles and cause and effect. Students learn how to become stewards of the earth and of future generations.
9. **Solitude and Reflection:** Students and teachers need time alone to explore their own thoughts, make their own connections, and create their own ideas. They also need time to exchange their reflections with other students and with adults.
10. **Service and Compassion:** We are crew, not passengers. Students and teachers are strengthened by acts of consequential service to other. One primary function of an EL Education school is to prepare students with the attitudes and skills to learn from and be of service.

The Design Principles are in many cases closely aligned with a larger value system to which we subscribe: The United Nations Declarations of Human Rights. While not all translate directly to a school setting, they provide the premise for a foundation of values. The following is a simplified version created for young people (available at <http://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/articles-1-15.html>). The full, unabbreviated document is available from the United Nations.

1. We Are All Born Free & Equal. We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
2. Don't Discriminate. These rights belong to everybody, whatever our differences.
3. The Right to Life. We all have the right to life, and to live in freedom and safety.
4. No Slavery. Nobody has any right to make us a slave. We cannot make anyone our slave.
5. No Torture. Nobody has any right to hurt us or to torture us.
6. You Have Rights No Matter Where You Go. I am a person just like you!
7. We're All Equal Before the Law. The law is the same for everyone. It must treat us all fairly.
8. Your Human Rights Are Protected by Law. We can all ask for the law to help us when we are not treated fairly.
9. No Unfair Detainment. Nobody has the right to put us in prison without good reason and keep us there, or to send us away from our country.
10. The Right to Trial. If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.
11. We're Always Innocent till Proven Guilty. Nobody should be blamed for doing something until

it is proven. When people say we did a bad thing we have the right to show it is not true.

12. The Right to Privacy. Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters, or bother us or our family without a good reason.
13. Freedom to Move. We all have the right to go where we want in our own country and to travel as we wish.
14. The Right to Seek a Safe Place to Live. If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.
15. Right to a Nationality. We all have the right to belong to a country.
16. Marriage and Family. Every grown-up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.
17. The Right to Your Own Things. Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.
18. Freedom of Thought. We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.
19. Freedom of Expression. We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
20. The Right to Public Assembly. We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don't want to.
21. The Right to Democracy. We all have the right to take part in the government of our country. Every grown-up should be allowed to choose their own leaders.
22. Social Security. We all have the right to affordable housing, medicine, education, and childcare, enough money to live on and medical help if we are ill or old.
23. Workers' Rights. Every grown-up has the right to do a job, to a fair wage for their work, and to join a trade union.
24. The Right to Play. We all have the right to rest from work and to relax.
25. Food and Shelter for All. We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be cared for.
26. The Right to Education. Education is a right. Primary school should be free. We should learn about the United Nations and how to get on with others. Our parents can choose what we learn.
27. Copyright. Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission. We all have the right to our own way of life and to enjoy the good things that art, science and learning bring.
28. A Fair and Free World. There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.
29. Responsibility. We have a duty to other people, and we should protect their rights and freedoms.
30. No One Can Take Away Your Human Rights.

CURRICULUM AND INSTRUCTIONAL DESIGN

Pinecrest Expedition Academy will offer a hands-on EL Education curriculum that meets the Common Core State Standards ("CCSS"), New Generation Science Standards ("NGSS"), English Language Development ("ELD") Standards, History-Social Science Content Standards, and any other applicable California state standards (hereinafter, collectively "State Standards"). The curriculum will be rigorous and competency based. All projects and assignments and any personalized learning tools will meet standards or be competency based. The goals of EL Education are to foster academic achievement and character growth while instilling a love of learning and sense of community, EL Education has been recognized nationally as an innovative, research-based school improvement model and has been credited with producing high

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performing public charter schools, promoting high achievement through active learning, character growth and teamwork. (See <https://eleducation.org/>).

The EL Education model emphasizes Five Core Practices within its schools (<https://eleducation.org/resources/core-practices-beta-version-2017>); these core practices help frame how we, including Pinecrest Expedition Academy, implement the ten design principles:

1. Curriculum: Academically rigorous learning expeditions, case studies, projects, fieldwork, and service learning inspire students to think and work as professionals do, contributing high quality work to authentic audiences beyond the classroom.
2. Instruction: In EL Education schools, teachers use active pedagogy to help students become engaged and collaborative learners: to make connections, to find patterns, to see events from different perspective, to experiment, to go beyond the information given, and to develop empathy and compassion for events, people, and subjects.
3. Assessment: Staff members engage in ongoing data inquiry and analysis, examining everything from patterns in student work to results from state testing. Students continually assess and improve the quality of their work using models, reflection, critique, rubrics and work with experts. Standards-based learning targets drive achievement.
4. School Culture and Character: EL Education builds shared beliefs, traditions, and rituals to create a school culture which is characterized by a climate of physical and emotional safety, a sense of adventure, an ethic of service and responsibility, and a commitment to high quality work.
5. Leadership: EL Education schools build professional communities that focus on student achievement and continuous improvement. Leaders celebrate joy in learning and build a school-wide culture of trust and collaboration

Additional resources and support will be utilized from organizations such as Competency Works to help design and maintain the curriculum and outcome of the program. The premise is to include these Five Core Practice areas into a competency based instruction plan, utilizing project-based learning. As outlined by the Department of Education:

“Competency based progression creates flexibility, allows students to progress as they demonstrate mastery of academic content, regardless of time, place, or pace of learning. Competency-based strategies provide flexibility in the way that credit can be earned or include online and blended learning, dual enrollment and early college high schools, project based and community-based learning and credit recovery, among others. This type of learning leads to better student engagement because the content is relevant to each student and tailored to his or her unique needs. It also leads to better student outcomes because the pace of learning is customized to each student.”

The Five Core Practice Area of EL Education easily and directly correlate to the following principals from Competency Works:

1. Students advance upon mastery, not around seat time, age or grade level.
2. Competencies include explicit, measurable, transferable learning objectives that empower students,
3. Assessment is meaningful and a positive learning experience for students.
4. Students receive timely, differentiated support based on their individual learning needs.

5. Learning outcomes emphasize competencies that include application and creation of knowledge, along with the development of important skills and dispositions.

PEA will utilize a project-based learning model, focused on outdoor education and natural resources. This will allow our students to move away from traditional seat time learning. Students will be guided to show their skills, to master them, to meet standards and skills in each area applied. These “progressions” will be clear, they will outline the expected outcome aligning clearly with standards, we will seek to assess and measure student outcome towards these standards. These progressions may include some of the following, course themes and material which assist in developing those themes, relevant questions, the expected skills students shall master as well as knowledge of the content. Project based learning is ongoing, allowing for short-term and long-term assessments. Teachers will regularly include online tools to assess and verify progress towards outlined standards.

EL Education achieves success in these Five Core Practice areas by providing schools with an extensive professional development program.

PERSONALIZED LEARNING IN A MULTI GRADE CLASSROOM

We believe that each child can learn with a personalized approach, taking ownership of the education and learning approach. We believe that the social and emotional skills paired with academic knowledge will empower them with the skills needed for their future. As outlined by Knowledge Works:

What does Personalized Learning Mean?

Personalized learning means meeting each student at their own level, challenging them with high expectations for academic achievement and growing student agency through:

1. Instruction aligned to rigorous academic standards and social-emotional skills students need to be ready for college, career and life.
2. Customized instruction that allows each student to design learning experiences aligned to his or her own interests.
3. Varied pacing of instruction based on individual student needs, allowing students to accelerate or take additional time based on their level of mastery.
4. Real-time differentiation of instruction, supports and interventions based on data from formative assessments and student feedback to ensure every student remains on track to graduation.
5. Access to clear, transferrable learning objectives and assessment results so students and families understand what is expected for mastery and advancement.

PEA is unique in its design, with regard to the multi grade classroom setting. PEA proposed to apply a personalized learning model for each student. It is widely understood that all students learn at different paces, based on abilities and backgrounds. This intent is to allow the students be in control, while adhering to the rigorous curriculum, based upon the most current State Standards. This approach in a multi grade classroom will allow the teacher to facilitate learning groups based on like abilities and aid in facilitating a positive learning environment. Focusing on abilities rather than just grade level. It is important to recognize that even a single grade classroom can have the same ability spread as a multi grade classroom. Focusing on project-based learning, rooted in personalized learning. Classrooms will be separated by appropriate and relative grade levels in order to best serve and meet State Standards. The following will be instrumental in success.

Staff Support: Creating a clear understanding of the curriculum, which areas, if any, can be combined. Understanding how other staff members can support you and utilizing progressive professional development to be the key block for our teachers..

Balanced Literacy Format: teaching reading and writing lessons as whole, then breaking down into smaller groups, allowing for guided reading, individual conferences, peer groups, meeting the needs of your students individually.

Preparation: provide clear and well-organized information for students and parents at the beginning of the school year, and as needed throughout the year. Be clear about expectations and the curriculum which will be covered.

Resources from Competency Works will be utilized and will focus on maintaining personalized and project-based learning.

The following includes examples of curricula textbooks to be used, but the Charter School retains the right to make changes to these texts as needed for the curriculum.

ENGLISH LANGUAGE ARTS

The English Language Arts curriculum will align with the State Standards. The goal is to develop learners who are effective communicators and are lifelong readers and writers. The curriculum is literature rich. Comprehensive skills, grammar, vocabulary, and dramatization are integrated within the literature program in alignment with the State Standards. Communication skills include speaking and writing and expand into presentation skills, using modern technological tools when appropriate. The English Language Arts area of EL Education is substantial and encourages the use of California Department of Education approved supplemental texts along with the module learning. We will also use the National Geographic Cengage texts, Reach Reading for K-5 and Inside for 6-8.

SOCIAL STUDIES AND COMMUNITY SERVICE STUDIES

Social Studies will be taught in alignment with the State Standards. Students will be encouraged to discover and experience their responsibilities and rights as members of our democratic community. There will be a strong emphasis on community service as students apply their understanding of and their contributions to the world around them. EL Education curriculum is based upon project-based learning. This curriculum intends to get students out into their communities to complete projects and to immerse them into their surroundings. Technology will be used to support learning through individual and group discovery and seeking solutions to real-life challenges; it will not be used as the primary mode of delivering instruction. Pinecrest Expedition Academy will provide learners with technological skills aligned with the State Standards. We will use the Pearson Scott Foresman and Prentice Hall, California History Social Science for grades K-5 and the National Geographic World History for grades 6-8.

SCIENCE, TECHNOLOGY AND MATHEMATICS

Students will be taught mathematical concepts and processes in alignment with the State Standards. Experiences that engage students in exploring, conjecturing, justifying and communicating their understanding of mathematical concepts will be used throughout. We will utilize amongst others, the curriculum Pearson Scott Foresman for mathematics in grade K-1, Reasoning Mind Algebra Readiness Program for grades 2-6, Big Ideas Learning for grades 6-8 and/or Big Ideas Algebra. In grades 6-8 for Pinecrest Expedition Academy Charter Petition 2019

science, we will use National Geographic Science and texts and supplementary information from the California Education and Environment Initiative. Students will engage in activities that teach them to use mathematics as a tool for reasoning and problem solving in purposeful ways.

Students will be taught science and health in alignment with the State Standards. The science curriculum emphasizes hands-on experimentation, functional knowledge of scientific phenomena, and a working knowledge of the scientific method. Science must take students beyond the factual approach (of reading, reciting, drilling, and testing science) to actual inquiry-based fieldwork with instruments. This process approach lets students experience the excitement of science as well as to better understand facts and concepts. Students will focus on the basic science process skills of observing, inferring, measuring, communicating, classifying, and predicting. Students will add the integrated science process skills of identifying variables, data tables, constructing graphs, describing relationships between variables, acquiring and processing data, constructing hypotheses, and designing and implementing investigations.

The emphasis on sense-making also helps make math instruction more relevant, not an abstract language lacking intuitive appeal. The relatively heavy inclusion of language in mathematics helps students become more versatile readers, especially as teachers provide comprehension supports such as explicit content vocabulary development to make the reading accessible. Support will be offered through small group settings.

The Science curriculum will also emphasize development of the investigation and experimentation skills, straddling the State Standards in science with an overall infusion of environmental science. In all grades served, the curriculum will use hands-on activities and experimentation to deepen conceptual understanding and facility with scientific methods. The scientific thinking process may be seen as a developmental sequence involving the following cognitive processes: observing (using the senses to get information), communicating (talking, drawing, acting), comparing (pairing, making one-to-one correspondence), organizing (grouping, serializing, sequencing), relating (cause and effect, classification), inferring (using super ordinate/subordinate classification and if/then reasoning, developing scientific laws) and applying (developing strategic plans, inventing).

We plan to successfully integrate natural elements and resources into a STEM course within the first year of operation. Using supplementary texts, adopting the curriculum and engaging in teacher professional development to support this integration of subjects in alignment with the State Standards, the Charter School and EL Education philosophy. The natural elements expeditionary learning portion of the program will provide direct, expedition learning experiences built upon the text and supplementary materials. Through video analysis, peer review, exposure to different conditions and weather patterns, physics, and engineering, students will be exposed to a one of a kind experience drawing direct correlations between natural elements and resources and their learning process. This integration will also cross over directly into the language arts program.

INDEPENDENT STUDY (HSP)

The Charter School's educational program will include the enrollment of interested TK-8th grade students into an Independent Study Program, which is comprised of the site-based curriculum. We have named this portion of our program Home Study (HSP) in order to differentiate between the short term and long term independent study offerings. Students in HSP are enrolled students of the Charter School and held to the same degree of standard and expectation as students in the site-based program. This is an added feature of our program to allow flexibility for those families that need it. ISP Students will meet with their teacher on one specified day and time per week. This schedule will be

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prepared upon acceptance into the program.

The Charter School will ensure that the HSP students have equal access to the services and resources that they would have received if they were enrolled in the site-based program. HSP students are included in the statewide assessment process and are required to attend the school during testing periods.

The Charter School's program is highly collaborative thus in conflict with the typical Independent Study program; however, the Charter School team has developed a comprehensive Home Study Program that most closely represents the site-based program while still allowing flexibility for families that need such a program.

We have found that our HSP students generally have scheduling conflicts that make regular school attendance difficult however, the majority are able to attend for scheduled events, workshop or abbreviated days, such as elective attendance, PE, or intervention support.

Elements of this program include:

- Regular on-site workshop with a credentialed teacher
- Mathematics
- Literacy
- Arts
- Music
- NGSS aligned, three-dimensional STEAM activities
- Access to free before/after school tutoring with credential teachers
- Field trips related to the area of study
- On-site electives, clubs and PE
- Flexible scheduling with teacher of record
- Ability to participate in all school functions
- Extra-curricular options equivalent to site-based program
- Ability to participate in webcasts/online learning
- Ability to live stream on-site class lessons as needed
- Access to select vendors for enrichment
- Explicit support of networking with other HSP families
- 504 and IEP accommodations, modifications and services
- Access to World Language instruction

As noted above, students who are enrolled into the HSP will have access to extra-curricular programs, flexible workshop schedule, small group instruction, before and/or after-school intervention, field trips, books, and any resources available to site-based students. These services include space at the school site staffed by credentialed personnel, ongoing tutoring on-site and regular scheduled meetings (at least one every twenty (20) school days) to review assignments, standards, and assign new materials.

Parents are provided with materials for lessons that reinforce concepts during these monthly meetings with the teachers. Additionally, workshop options for parents are available to assist them in

understanding the standards and skills needed and provide ideas and resources to teach new concepts to their children. Parents are provided with information related to community events that promote student growth academically, behaviorally and socially.

HSP students are expected to complete a service learning project as well. The service learning project may be in participation with a group onsite, a group outside of the school, or individually. HSP students, like site-based students, are provided opportunities to present their learning to other students and/or community members as organized by the HSP teacher.

All HSP students participate in the school's Showcase events and display their work on site.

In addition to complying with all the laws that apply to charter schools in California in general, the Charter School will comply with all specific laws applicable to Independent Study for its Independent Study Program. Education Code § 47612.5 states that a charter school that provides Independent Study will comply with Education Code § 51745 et seq. As such, the provision of education through Independent Study is governed by an Independent Study Board Policy adopted by the Governing Board of the Charter School and implemented in accordance with individual work and master agreements for each student.

Further, the Charter School will adhere to all applicable sections of the Education Code for Independent Study, § 51745 et seq., along with its implementing regulations and funding determination requirements of Education Code § 47612.5 and § 47634.2, and Title 5 California Code of Regulations §11963 - 11963.7 ("SB740"). the Charter School will adhere to the California Code of Regulations related to audit requirements for charter schools, Title 5 California Code of Regulations §19850 - 19854. As laws pertaining to charter schools change, the Charter School reserves the right to make changes to meet the needs of the educational program as approved by the Executive Director and Board of Trustees.

SCHOOL CALENDAR AND BELL SCHEDULE

Pinecrest Expedition Academy will offer 176 days of instruction and meet the annual instructional minutes requirement in Education Code Section 47612.5(a). PEA will offer at a minimum 36000 instructional minutes in Kindergarten, 50,400 instructional minutes in grades 1-3, 54,000 instructional minutes in grades 4-8 A draft school calendar is attached as AppendixII.

Example of a proposed school schedule, subject to minor modifications:

Time	Monday	Tuesday	Wednesday	Thursday	Friday
8:20-8:40	Morning Routine	Morning Routine	Morning Routine	Morning Routine	Expedition/PE**
8:40-9:40	EL Education Module/Crew@	EL Education Module	EL Education Module	EL Education Module	Expedition/PE**
9:40-10:40	Language & Literacy	Language & Literacy	Language & Literacy	Language & Literacy	Expedition/PE**

10:40-11:45*	Specials & Read Aloud	Specials & Read Aloud	Specials & Read Aloud	Specials & Read Aloud	Expedition/PE**
11:45-12:45	Lunch & Recess	Lunch & Recess	Lunch & Recess	Lunch & Recess	Expedition/PE **
12:45-2:15	Math	Math	Math	Math	Expedition/PE **
2:15-2:45	Intervention	Intervention	Intervention	Intervention	Expedition/PE **
2:45-3:25	Science/Social Studies	Science/Social Studies**	Science/Social Studies	Science/Social Studies	Expedition/PE **
3:25-3:40	End of Day Routine	End of Day Routine	End of Day Routine	End of Day Routine	Expedition /PE**

* Kindergarten and Transitional Kindergarten dismissal.

** Physical Education will be incorporated into these areas/times

@ Crew refers to a EL Education program where students and team leaders meet and discuss their school week, curriculum and overall plans. This program allows for open communication among students and promotes a positive school culture.

This proposed schedule will provide 380 instructional minutes per day for grades 1-8, five days per week and 205 minutes per day, five days per week for TK and Kindergarten. The fifth day of the schedule provides ample opportunities for physical education as well as learning expeditions. These expeditions may occur on the campus of Pinecrest Expedition Academy or they may involve off campus work. This time period will be based upon the current curriculum module and CCSS. The expedition day will also provide a great opportunity for the natural elements program to be integrated into the curriculum, allowing for the same instructional minutes as the other four days per week. Both the morning routine and intervention time periods are intended as instructional time periods as well. Independent Study/HSP students will be eligible to attend expedition days.

PLAN FOR STUDENTS WITH DISABILITIES

General Assurances

The Charter School:

- Recognizes its responsibility to enroll and support students with disabilities.
- Pledges to work in cooperation with the Authorizer and/or SELPA to ensure that a free and appropriate education is provided to all students with exceptional needs.
- Will comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights enforced by the U.S. Department of Education Office of Civil Rights (OCR). Will comply with AUTHORIZER and SELPA guidelines, and all California laws pertaining to special education students.
- Language is intended to provide a reasonably comprehensive description of the special education program in the charter petition, in accordance with Education Code section 47605(b).
- the specific manner in which special education and related services will be provided and funded shall be set forth in an MOU.

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities Education Improvement Act ("IDEA").

The Charter School shall be its own local educational agency ("LEA") and shall apply directly for membership in a Special Education Local Plan Area ("SELPA") in conformity with Education Code Section 47641(a). The Charter School shall consider membership in the following SELPAs: Tuolumne County SELPA and the El Dorado County Charter SELPA.

In the event the Charter School seeks membership in a different state-approved SELPA, the Charter School shall provide notice to the District, the SELPA, and the California Department of Education before June 30th of the year before services are to commence.

Upon acceptance in a SELPA, the Charter School shall provide the District evidence of membership. The Charter School's application and acceptance as an independent LEA member of a SELPA shall not be considered a material revision to this charter. As an LEA member of the SELPA, the Charter School shall receive state and federal revenues directly, in accordance with the SELPA's allocation plan.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School may seek resources and services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

As an inclusive model school, the Charter School is committed to meeting the needs of all of our students with disabilities, and pledges to work in cooperation with a Special Education Local Plan Area (SELPA) to ensure that a free and appropriate education is provided to all students with exceptional needs. the Charter School will comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights law enforced by the U.S. Department of Education Office of Civil Rights (OCR). Furthermore, the Charter School will comply with OCDE and SELPA guidelines and all California laws pertaining to students with disabilities.

The following description regarding how special education and related services will be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the charter petition, in accordance with Education Code section 47605(b). During any time in which the Charter School operates as a school of the district for special education purposes (pursuant to Education Code 47641(b)), the specific manner in which special education and related services will be provided and funded shall be set forth in a

Memorandum of Understanding ("MOU"), delineating the respective responsibilities of the Charter School and the OCDE. The language that follows is not meant to preclude alternative arrangements between the OCDE and the Charter School as agreed upon in the MOU.

SELPA AFFILIATION

The Charter School is an independent Local Education Agency (LEA) member in the Tuolumne County SELPA for purposes of special education, pursuant to Education Code Section 47641(a). A change in LEA status or SELPA membership shall not require a material revision of this charter.

As an independent LEA pursuant to Education Code Section 47641(a), the Charter School will assume full responsibility for providing special education and related services to eligible charter school students, in accordance with state and federal law.

The Charter School will follow policies and procedures of the SELPA and shall utilize SELPA forms and information systems necessary to identify and serve students who qualify for special education. the Charter School agrees to collaborate with the SELPA to respond to inquiries and request and provide access to information and records, as needed, and shall be responsible for maintaining confidentiality of student records.

CHILD FIND

The Charter School understands its responsibility to ensure that all children with disabilities who need special education and related services are identified, located, and evaluated, regardless of the severity of the disability. No assessment or evaluation will be used for admission purposes.

The Charter School shall ensure that child find identification occurs in a timely manner and that no procedures or practices result in delaying or denying this identification. A parent/guardian or the Charter School staff member may request an initial evaluation at any time to determine if the child is a child with a disability. Special education referrals shall be made only after general education supports and interventions have been considered and provided, as appropriate. If the Student Study Team finds that the pre-intervention plan is not sufficient to meet the student's needs, they will recommend that student for a formal special education assessment. the Charter School may also choose to refer a student for services through the provisions of a Section 504 Plan, if appropriate.

As an independent LEA for special education purposes, the Charter School shall be solely responsible for compliance with state and federal Child Find requirements. the Charter School shall implement policies and procedures of the SELPA in which it is a member to ensure timely identification and referral of students suspected of having a disability.

REFERRAL FOR ASSESSMENT

The term "assessments" shall have the same meaning as the term "evaluation" in the IDEA, as provided in Section 1414, Title 20 of the United States Code. the Charter School's internal method for referral for assessment will be the Student Success Team (SST). Parents/guardians will be informed that special education and related services are provided at no cost to them.

As an independent LEA for special education purposes, in the event that the Charter School receives a written request for evaluation, it will be solely responsible for working with the parent/guardian to

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address the request and shall follow SELPA policies, procedures, and timelines. the Charter School shall respond to a written request for assessment within 15 days.

If the Charter School concludes that an assessment is appropriate, the parent/guardian will receive a written Assessment Plan within 15 days. The parent will be given at least 15 days to provide written consent to the Assessment Plan. Assessments will be done only upon receipt of written parent/guardian permission. The assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's/guardian's written consent for assessment.

ASSESSMENT

As an LEA for special education, the Charter School shall be solely responsible for conducting special education assessments deemed necessary and appropriate by the Charter School. The Principal will be responsible for gathering all pertinent information and arranging for assessments to be conducted in all areas of suspected disability.

Information gathered will be used as tools to determine the student's disability, eligibility for services, and determining the nature and extent of required services. The types of assessments that may be used for determining eligibility for specialized instruction and services will include, but not limited to:

- Individual testing;
- Teacher observations;
- Interviews;
- Review of school records, reports, and work samples; and
- Parent input.

The Charter School will follow the following assessment guidelines. If a conflict with SELPA policies and procedures exists, then SELPA policies and procedures will govern.

- Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment;
- The assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's written consent for assessment;
- The student must be evaluated in all areas related to his/her suspected disability;
- Assessments must be conducted by a person with knowledge of the student's suspected disability, and administered by trained and knowledgeable personnel and in accordance with any instructions provided by the producer of the assessments. Individually administered tests of intellectual or emotional functioning must be administered by a credentialed school psychologist;
- Assessments will be selected and administered so as not to be racially, culturally, or sexually discriminatory;
- Assessments will be delivered in the student's primary language, and a qualified interpreter will be provided if needed;
- Assessment tools must be used for purposes for which the assessments or measures are valid and reliable; and
- Assessments will be adapted as necessary for students with impaired sensory, physical or speaking skills; and
- A multidisciplinary team will be assembled to assess the student, including a teacher knowledgeable in the disability.

Upon completion of the assessment, an IEP team will be assembled to review the results of the assessment and determine the student's eligibility for special education. the Charter School will be responsible for

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scheduling, coordinating and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting. Parents/guardians will be provided with written notice of the IEP meeting, and the meeting will be held at a mutually agreeable time and place.

DEVELOPMENT AND IMPLEMENTATION OF IEP

Every student who is assessed for special education will have an IEP that documents assessment results and eligibility determination for special education services.

As an LEA for special education, the Charter School shall be solely responsible for ensuring that all aspects of the IEP and school site implementation are maintained. the Charter School will provide modifications and accommodations outlined within each individual's IEP and serve each student in the Least Restrictive Environment (LRE).

Each student who has an IEP will have an IEP team that oversees the IEP Development, implementation and progress of the student. All decisions concerning the special education programs and services to be provided to a student with a disability are to be made by the IEP team. The IEP team will include all of the following members:

- The parent or guardian of the student for whom the IEP was developed;
- The Student, if appropriate
- The Principal;
- At least one special education teacher;
- A General Education teacher who is familiar with the curriculum appropriate to that student, if the student is, or may be, participating in the general education environment;
- A SELPA Special Education Representative, if appropriate;
- If the child was recently assessed, the individual who conducted the assessment or who is qualified to interpret the assessment results;
- Others familiar with the student may be invited as needed.

The Charter School will provide an interpreter if necessary to ensure that all parents and/or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the school will ensure his/her participation using other methods, such as conferencing by telephone or meeting at the parent's home.

A copy of the IEP will be given to the parent/guardian in accordance with state and federal laws. Upon the parent or guardian's written consent, the IEP will be implemented by the Charter School. The IEP will include all required components and be written on SELPA forms.

The student's IEP will include the following:

- A statement of the student's present levels of academic achievement and functional performance;
- The rationale for placement decisions, including cogent and responsive explanations for the recommendations;
- The services the student will receive and the means for delivering those services;
- A description of when services will begin, how often the student will receive them, who will provide them, and where they will be delivered;
- Measurable annual goals and short-term objectives focusing on the student's current level of performance and appropriately ambitious for his/her circumstances; The goals and objectives will also be linguistically appropriate, as per Ed Code Section 56345(b).

- A description of how the student's progress toward meeting the annual goals will be measured and monitored and when reports will be provided;
- Accommodations necessary to measure the academic achievement and functional performance of the pupil on state and district assessments;
- For students 16 years of age and older, measurable postsecondary goals related to training, education, employment and independent living skills, along with transition services needed to assist the student in reaching those goals
- The IEP shall be reasonably calculated to enable the child to make progress appropriate in light of his/her circumstances.

IEP meetings will be held according to the following schedule:

- Yearly to review the student's progress and make any necessary changes;
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress;
- After the student has received a formal assessment or reassessment;
- When a parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress (consistent with state and federal law, IEP meetings will be held within 30 days of a parent's request);
- When an Individual Transition Plan (ITP) is required at the appropriate age;
- When the Charter School seeks to suspend or remove the student for a period of 10 days or more for the same behavior, in order to determine if the student's misconduct was a manifestation of his/her disability.

IEP REVIEW

The IEP team will formally review the student's IEP at least once a year to determine how the IEP is meeting his/her needs. In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years, in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

As an LEA for special education, the Charter School shall be responsible for conducting IEP reviews and determining necessary supports, services, placements, in accordance with SELPA policies and all applicable laws.

Unless otherwise specified on the student's IEP, parents will be informed three times per year (which is the same frequency as progress is reported to all students and parents) of the student's progress toward meeting annual goals and whether the student is expected to meet his/her annual goals. The Goals and Objectives section of the IEP will be an attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured, the student's progress during the relevant period, the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review, and where needed, the reasons the student did not meet the goal.

If a parent/guardian or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, the Charter School will have thirty days, not including school vacations greater than five days, to hold the IEP meeting.

SPECIAL EDUCATION STRATEGIES FOR INSTRUCTION AND SERVICES

As an independent LEA for special education purposes, the Charter School will offer a comprehensive inclusion program that includes co-teaching, individualized instruction with differentiation for all learners, and the myriad other programmatic aspects detailed above that are designed to support diverse learners' needs, including the needs of students with disabilities. Each student's IEP requires different kinds of accommodations and modifications for instruction and services; therefore, the educational strategies of the IEP will be built around the student's needs. If a student's IEP team determines that the student requires placement outside of a general education classroom, the Charter School will provide the necessary placement and/or services. The instruction outlined in each student's IEP will be delivered by personnel qualified to do so.

INTERIM AND INITIAL PLACEMENTS OF NEW CHARTER SCHOOL STUDENTS

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year.

As an independent LEA for special education purposes, the Charter School shall provide transferring students with free and appropriate public education, including services comparable to those listed in the existing IEP.

For students transferring to the Charter School from another school within the same SELPA, the Charter School, pursuant to Education Code Section 56325(a)(2), shall continue to provide services comparable to those described in the existing approved IEP, unless parents/guardians and the Charter School agree to develop and implement a new IEP.

For students transferring to the Charter School from another school within a different SELPA, the Charter School, pursuant to Education Code Section 56325(a)(1), shall continue to provide services comparable to those described in the existing approved IEP for a period of up to 30 days, by which time the Charter School shall adopt the previous IEP or, in consultation with parents/guardians, develop and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School from a school outside of California, the Charter School shall provide the student with a free appropriate public education, including services comparable to those described in their existing IEP, until the Charter School conducts an assessment pursuant to Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate, in accordance with federal and state law.

STAFFING

As an LEA for special education purposes, it will assume responsibility for special education staffing and service delivery. The Charter School will be responsible for hiring, training, and/or contracting with the staff necessary to provide special education services to its students. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified to provide services in accordance with all applicable laws, regulations, and SELPA policies.

It will be the duty of the Principal to oversee and ensure the following:

- Ensure that all aspects of the IEP are followed;

- Arrange for the teacher of the student to attend the team meetings;
- Communicate with parents about progress made toward attaining the goals stated on the student's IEP, and inform them of due process procedures and rights;
- Consult quarterly with the Principal to ensure that the objectives and goals of students with IEP's are being met;
- Complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP;
- Maintain a central file with all special education evaluation material and IEP's in accordance with FERPA and IDEA guidelines; and
- Provide a report of student progress on the same schedule as students in general education)

All teaching staff at the Charter School will also be involved in assuring that all IEPs and 504 plans are properly implemented.

PROFESSIONAL DEVELOPMENT FOR CHARTER SCHOOL STAFF

the Charter School administrators, general and special education teaching staff, as well as other appropriate faculty and staff members will attend professional development and/or training meetings necessary to comply with state and federal special education laws, including training sponsored by the OCDE and/or SELPA.

As an independent LEA for special education, the Charter School shall seek professional development opportunities for its staff through potential trainings facilitated by the OCDE, SELPA, colleges and universities, and private companies or agencies to ensure compliance with state and federal special education laws as well as implementation of best practices for students with disabilities.

Over a multi-year period, school faculties and administrators are offered a coherent, demanding, and highly regarded program of professional development to implement the model and to realize significant improvement in student learning and character development.

Professional Development increases educator's knowledge and enhances their professional skill, deepens educator's capacity to facilitate the learning success of all students.

Initially the professional development plan will include:

The focus on helping staff effectively use standards, resources, teaching strategies and assessments. The programs and services will enable English learners to access the CCSS and the ELD standards for purposes of gaining content knowledge and English language proficiency.

The next professional development step will be to have an understanding of how the curriculum matches up with the standards. The standards do not define how a teacher should teach, however the English Language Arts, listening, speaking, reading and writing should be integrated with each other and across the curriculum provide a process that includes a shared vision of expectations.

Professional development will be implemented on good basic instruction, strategies and lesson design.

PEA will foster an active learning environment that provides teachers an opportunity to plan for implementation of the CCSS. The opportunity for teachers to collaborate and learn from each other focusing on classroom management, teaching English learners and teaching students with disabilities will be provided within the school year.

Progressive professional development will be a building block for the expertise of our teachers as the year progresses. The school will also be incorporating the 21st century technology standards for all students. The teachers will be given the opportunity to learn the standards and how to implement them into their classroom setting. Professional development will include resources from EL Education and Competency Works as well as needed and will strive to focus on multi grade classroom success.

REPORTING

The Charter School, in collaboration with its SELPA where appropriate, will collect and maintain the following information on disabled students as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability and the number of students with disabilities who are English Language Learners;
- The number of students provided with test modifications and the types and the number of students exempted from Statewide assessments;
- The settings in which students with disabilities receive their services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended "in-school" and out of school, organized by disability and length of suspensions; and
- The basis of exit from the Charter School of students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.).

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of the Principal. The Principal will ensure that a central file with all special education evaluation material and IEP's is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Principal will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

PROCEDURAL SAFEGUARDS

Parents or guardians of students with IEP's at the Charter School must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

The school will provide the parent with a written Notice of Procedural Safeguards, which will include information on the procedure to initiate both formal and informal dispute resolutions, at least once per year. the Charter School will utilize the Notice of Procedural Safeguards used by the OCDE or SELPA in which it is a member.

As an LEA for special education purposes, concerns or disagreements raised by parents/guardians will be acknowledged by the school within five days. the Charter School will work to arrange a meeting with the parents/guardians to seek resolution of the disagreement. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child.

DISPUTE RESOLUTION

As an LEA for special education purposes, the Charter School acknowledges its responsibility to resolve disputes or defend due process complaints arising as a result of the Charter School's alleged failure to provide FAPE to students enrolled in the charter school. the Charter School may also initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if it determines such action is legally necessary or advisable.

COMPLAINT PROCEDURES

Parents or guardians also have the right to file a complaint with OCDE and/or California State Department of Education if they believe that the school has violated federal or state laws or regulations governing special education.

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the school.

The Charter School shall be solely responsible for its compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. All facilities of the Charter School shall be accessible for all students with disabilities in accordance with the ADA.

the Charter School will designate one employee to coordinate the school's compliance with its responsibilities under Section 504. A 504 team will be assembled by the Principal or Principal-designated 504 Coordinator and shall include the parent/guardian, the student, a qualified staff member, and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate.

If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's

impaired sensory, manual or speaking skills.

The final determination of whether the student is eligible for services under Section 504 must be made by the 504 team. Written notice of the eligibility determination will be provided to the parent or guardian of the student in their primary language, along with notice of the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to qualify for services and supports under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The Principal will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility. A 504 team shall be assembled by the Lead Teacher and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team shall review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which shall evaluate the nature of the student's disability and the impact upon the student's education. This evaluation shall include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student is eligible for accommodations under the Section 504 must

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be made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator shall ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan shall be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

Services for Students under the "IDEA"

The following description regarding how special education and related services shall be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition and is not binding on the District. The specific manner in which special education and related services shall be provided and funded shall be set forth in a Memorandum of Understanding ("MOU"), delineating the respective responsibilities of the Charter School and the SELPA. A copy of the MOU shall be presented to the District upon execution.

The Charter School shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA.

The Charter School shall provide services for special education students enrolled in the Charter School.

The Charter School shall follow SELPA policies and procedures and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints and maintaining the confidentiality of pupil records.

The Charter School agrees to promptly respond to all District or SELPA inquiries, to comply with reasonable District or SELPA directives, and to allow the District or SELPA access to Charter School students, staff, facilities, equipment and records as required or imposed by law.

Staffing

All special education services at the Charter School shall be delivered by individuals or agencies qualified to provide special education services as required by the California Education Code and the IDEA. Charter Pinecrest Expedition Academy Charter Petition 2019

School staff shall participate in District or SELPA in-service training relating to special education.

The Charter School shall be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School shall adopt and implement policies relating to all special education issues and referrals.

Identification and Referral

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School shall implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

The Charter School shall follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

Assessments

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. The Charter School shall determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

IEP Meetings

The Charter School shall arrange and notice the necessary Individualized Education Program (“IEP”) meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings: the Lead Teacher and/or the Charter School designated representative with appropriate administrative authority as required by the IDEA; the student’s special education teacher; the student’s general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School shall arrange for the attendance or participation of

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all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide notice of parental rights.

IEP Development

The Charter School understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law.

IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP at least as frequently as report cards are provided for the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time the Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district operated program under the same special education local plan area of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the Charter School conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate that is consistent with federal and state law.

Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

Non-discrimination

It is understood and agreed that all children shall have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

SELPA Representation

The Charter School understands that it shall represent itself at all SELPA meetings.

Funding

The Charter School understands that it shall be subject to the allocation plan of the SELPA.

ENGLISH LEARNERS

The Charter School will meet all applicable legal requirements for English Learners ("ELs") as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

The school will meet all requirements of federal and state law relative to equal access to the curriculum for English language learners.

In addition, if there are over 21 ELL students, provide an assurance that the school will have an ELAC.

Furthermore, for schools planning to receive Title I or III funds: Includes description of how school will monitor reclassified students for four years as required by the ESSA.

Home Language Survey

The Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms).

English Language Proficiency Assessment

All students who indicate that their home language is other than English will be tested with the English Language Proficiency Assessments for California ("ELPAC"). The ELPAC has four proficiency levels (Level 4: well developed; Level 3: moderately developed; Level 2: somewhat developed; and Level 1: minimally developed) and is aligned with the 2012 California ELD Standards.

The ELPAC consists of two separate assessments:

- Initial Assessment ("IA")

The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student's time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.

- Summative Assessment ("SA")

ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

Both the ELPAC SA and IA are paper–pencil assessments administered in seven grade spans—K, 1, 2, 3–5, 6–8, 9–10, and 11–12. In kindergarten and grade 1, all domains are administered individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually.

Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year.

The IA testing window will be year-round (July 1–June 30). Any student whose primary language is other than English as determined by the home language survey and who has not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year.

The SA testing window will be a four-month window after January 1 (February 1–May 31). The English language proficiency of all currently enrolled English Learners shall be assessed by administering the test during the annual assessment window.

The Charter School will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from publisher. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC.
- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents' opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

Strategies for English Learner Instruction and Intervention

Pinecrest Expedition Academy will seek to provide students the skills necessary to be successful in their academic careers by providing them with meaningful and authentic opportunities for using English in content-rich, language modified learning situations. English Learners will spend the majority of their time in content-based classes using language modified materials. For example, if the subject of the class is river ecosystems, materials and readings for the English Learner's English comprehension level will be supplied. Also, vocabulary essential to the understanding of the river ecosystems will be emphasized for the students as will any necessary words or phrases used for the understanding of the class content. Expeditionary Learning uses multiple methods to assess the student's mastery of subject content. As described by EL Education, "Our curriculum includes conscious, research-based supports for English language learners, with lesson-level guidance, frequent 'Language Dives' to unpack the structure and meaning of compelling sentences, and 'Conversation Cues' to promote equitable discussions." (<http://openupresources.org/ela-curriculum/>)

Monitoring and Evaluation of Program Effectiveness

The Charter School evaluates the effectiveness of its education program for ELs by:

- Adhering to Charter School-adopted academic benchmarks by language proficiency level and years in program to determine annual progress.
- Monitoring teacher qualifications and the use of appropriate instructional strategies based on program design.
- Monitoring student identification and placement.

- Monitoring parental program choice options.
- Monitoring availability of adequate resources.

Our ELD program will meet all federal and state requirements for services to English Learners. Our program addresses the process for student identification, curriculum, assessments, reporting, and re-designation as well as professional development and teacher qualifications for working with EL students.

PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING

PEA intends to offer opportunities for *all* students to seek extra development beyond grade level and extend their work beyond expectations. Personalized project-based learning provides a great vehicle to ensure that students are challenged and thriving through instruction.

Some students will enter the Charter School better prepared or be naturally endowed to learn at a faster pace than the majority of their classmates. Students who are identified as high achievers through web-based diagnostics, classroom report card grades, placement test results, and teacher recommendations will be given opportunities that provide intellectual enrichment and enable them to contribute positively to the Charter School community. Teachers, administrators or parents may request an assessment or additional assessment. For students showing significant performance who are identified as substantially above grade level the Otis-Lennon School Ability Test (OLSAT) will be used for additional designation as gifted. Projects, in particular, offer an excellent vehicle for differentiation because high achieving students can take their projects to more advanced levels. Specifically, high achieving students may be offered such programs as:

- ✓ An honors program within designated classes, with supplemental advanced challenges for students following the honors programs, or as separate honors classes.
- ✓ Development and expertise in specified areas of interest.
- ✓ Concept modeling
- ✓ Problem solving activities
- ✓ Advanced classes offered during or outside school hours.
- ✓ Special projects and assignments.
- ✓ Independent study projects
- ✓ Online courses

PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW ACHIEVING

The Charter School will take a systematic approach to closing the achievement gap by allocating multiple resources and interventions towards academically low-performing students. Teachers will work with their students whether they are performing below grade level through the results of the state assessments, diagnostic assessments administered by the Charter School, or classroom assessments and assignments. The process will identify any student who is struggling to stay or reach grade level requirements. Teachers will continue to use a consistent process to identify students who are struggling to stay at grade level throughout the year.

All students will be assessed at the beginning of each term in the areas of English Language Arts and Math, and an individual evaluation will be completed for each student to assess academic strengths and weakness. This student assessment process will allow staff to identify the learning needs of each student, including those with special needs. Each student, parent/guardian, and teacher will meet to discuss and plan how the student's individual needs will be addressed.

Academically low-achieving students will be monitored with quarterly benchmarks to determine the student's progress. Results and potential interventions will be discussed with parents/guardians, students, and teachers at that time. Students who are identified as low-achieving will have a support plan designed to help them keep pace with class work as well as for remedial skill building, for example, for those students reading far below grade level who need more specialized instruction to catch up. Each student's plan will include some combination of the following interventions and supports listed below:

- ✓ Instructional modification: Instructional activities and materials may be modified to accommodate different learning styles and needs, such as provision of accessible text.
- ✓ Support classes: proposed schedule includes specials, intervention and expedition periods where a student can receive additional support from certificated staff, as needed.
- ✓ Computer-based interventions: the Charter School intends to make use of continually improving academic intervention software for skill remediation, for preparation and/or for support with core class work.
- ✓ If a student is still not achieving at grade-level standards despite consistent participation in the above interventions, a meeting will be conducted with a student's parent/guardian and school.
- ✓ The Charter School may develop additional group intervention classes either during, before, or after school depending on student needs and staff availability and scheduling demands. For example, if a substantial number of 6th grade students need additional math support, the Charter School will offer extra math tutorial sessions during Expedition periods.

LCFF COMPLIANCE

The Charter School will comply with all requirements pursuant to California Education Code and 47605(b)(5)(ii) including the development of school wide goals for all subgroups as applicable to the eight state priority areas identified in Education Code 52060(d).

The Charter School will comply with all elements of the Local Control Accountability Plan, including the adoption of any templates required by the State Board of Education.

CHARTER SCHOOL GOALS AND ACTIONS TO ACHIEVE THE EIGHT STATE PRIORITIES

Please see the section "Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities" in **Element 2: Measurable Student Outcomes** for a description of the Charter School's annual goals to be achieved in the Eight State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii). Furthermore, the Charter School will comply with all elements of the

Local Control and Accountability Plan ("LCAP") as it applies to charter schools and will use any required templates required by the State Board of Education.

ELEMENT 2: MEASURABLE STUDENT OUTCOMES; AND ELEMENT 3: METHODS OF ASSESSMENTS OF STUDENT PROGRESS

Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with 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. Education Code Section 47605(b)(5)(B)

Governing Law: 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. Education Code Section 47605(b)(5)(C)

Each student, parent/guardian and a Charter School staff member will develop measurable learning results for the student, which will be written and included in the student's file. Progress toward student learning results will be assessed a minimum of two times per year by a teacher. We assure that the school goals are aligned to be student focused and are aligned to state priorities. This will be directly tied to the Local Control Accountability Plan, as it is adopted under the Local Control Funding Formula.

USE AND REPORTING OF DATA

Our SIS will be used as the primary tool for data capture. We are considering PowerSchool and Aeries for our SIS. The systems will be able to record results for all of the tools previously described.

Collection

- Standardized assessment results are available electronically, expediently uploaded by the Lead Teacher or their designee.
- All information pertaining to student goals is input by PEA staff
- All results from assessments given at PEA are input by the staff giving the assessment.

Analysis

- Students, parents and their teacher will review and analyze individual performance, taking into taking into context the results as compared to their learning plan.
- PEA will make every effort to ensure that meetings to analyze data are held at times when parents/guardians can attend.
- PEA staff will analyze data for each student every semester.
- Data will be used to assess and inform teaching strategies, identify needs or additional interventions. Time can be set aside during learning expeditions for meetings as well as throughout the semester.
- The PEA Board of Directors will be directly involved in the review of the data. This process will occur, at minimum twice per year.

Reporting

- The SIS will be available to all students, parents and guardians at all times to view the data, through a secure web portal. This can be viewed from home, or on designated computers during the daily operating hours of school.
- The school will publish an annual report of the results, in compliance with the Education Code. The annual report will be available for online viewing, provided to all families attending PEA, provided to the Board of Directors and posted at the school.

Communication, which is clear and ongoing will be essential, allowing parents, teachers, students and administrators the ability to collaborate at PEA. It is essential that students and their families have access to the SIS at all times. The school will have designated computers available, during school hours for families who may not have access to a computer. We will make every effort possible to ensure that the SIS is available via mobile device. Families will meet with their teacher no less than once per year, and collaborative projects through learning expeditions will be ongoing, allowing for communication to be consistent and regular. Report cards will be sent out twice per year, Back to School nights will take place twice per year.

In addition to meeting the overall student goals and Expeditionary Learning Benchmarks, Pinecrest Expedition Academy shall meet all statewide standards pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute, in accordance with Education Code 47605(c). Pinecrest Expedition Academy is committed to achieving the following student exit outcomes as measured by California's standardized assessments:

1. Students will meet or exceed the average performance levels of students in schools with similar demographics in the District in English Language Arts and Mathematics as measured by state assessments.
2. PEA will utilize State Summative Assessments, such as, CAASP, CMAs, in subjects as appropriate for Special Education students per IEP specifications and the California English Language Development Test (CELDT or ELPAC), demonstrating students performance towards proficiency, and the CST for science in specified and designated grade levels.
3. PEA will utilize NWEA's MAP assessments at the beginning of the year to help staff understand the baseline level of work, along with areas of strength or weakness.
4. To provide formal assessment of students progress, ensuring their grade level performance is "on track", PEA will utilize the NWEA assessment quarterly.
5. Reading assessments will be administered at the beginning of the school year for grades K-2.
6. Benchmark exams, similar to the CAASPP assessment will be administered quarterly.
7. Ongoing assessments will be provided by student academic software
8. Students will maintain progress toward benchmarks of proficiency in all academic subjects as defined by the Common Core State Standards Teachers will administer and utilize Formative Classroom Assessments through online learning providers.
9. Students will demonstrate continual improvement on state assessment tests.
10. The Charter School will strive to meet or exceed the requirements for renewal.

GOALS, ACTIONS, AND MEASURABLE OUTCOMES ALIGNED WITH THE EIGHT STATE PRIORITIES

Pursuant to Education Code Sections 47605(b)(5)(A)(ii) and 47605(b)(5)(B), the Charter School's annual goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, which address and align with the Eight State Priorities as described in Education Code Section 52060(d), can be found in the table below. Each of these goals addresses the unique needs of all students who are expected to attend the Charter School, including numerically significant student subgroups. The metrics associated with these goals will help the Charter School ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The Charter School shall develop and annually update the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter through the annual LCAP update.

The method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

CHARTER SCHOOL GOALS, ACTIONS AND MEASURABLE OUTCOMES THAT ALIGN WITH THE EIGHT STATE PRIORITIES	
Pursuant to Education Code Section 47605(b)(5)(A)(ii) and 47605(b)(5)(B), the Charter School has established annual goals, actions, and measurable outcomes both schoolwide and for each subgroup of pupils, which align with the Eight State Priorities identified in Education Code Section 52060(d).	
<u>Local Control and Accountability Plan</u> In accordance with Education Code Section 47606.5, the Charter School shall comply with all elements of the Local Control and Accountability Plan pursuant to regulations and a template adopted by the California State Board of Education and reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33. The LCAP and any revisions necessary to implement the LCAP, including outcomes and methods of measurement listed below, shall not be considered a material revision to the charter, and shall be maintained by the Charter School at the school site.	
<u>STATE PRIORITY #1 — BASIC SERVICES</u> <i>The degree to which teachers are appropriately assigned (E.C. §44258.9) and fully credentialed, and every pupil has sufficient access to standards-aligned instructional materials (E.C. § 60119), and school facilities are maintained in good repair (E.C. §17002(d))</i>	
SUBPRIORITY A – TEACHERS	
GOAL TO ACHIEVE SUBPRIORITY	100% of teachers possess a valid CA Teaching Credential with appropriate English learner authorization, as specified by CA Commission on Teacher Credentialing; all teachers appropriately assigned.

ACTIONS TO ACHIEVE GOAL	Expertise in hiring process, examine credentials and evaluate in annual audit.
MEASURABLE OUTCOME	100% of teachers possess a valid CA Teaching Credential with appropriate English learner authorization, as specified by CA Commission on Teacher Credentialing; all teacher appropriately assigned.
METHODS OF MEASUREMENT	Verification of teacher credentials, initially and annually; using reporting by CA Commission on Teacher Credentialing; CALPADS Report.
SUBPRIORITY B – INSTRUCTIONAL MATERIALS	
GOAL TO ACHIEVE SUBPRIORITY	100% of students will have full access to all materials.
ACTIONS TO ACHIEVE GOAL	All CA CCSS aligned instructional materials and texts will be purchased and be fully accessible to all students in the classroom.
MEASURABLE OUTCOME	100% of students will have full access to all materials.
METHODS OF MEASUREMENT	Staff will review all instructional material and tests prior to purchase.
SUBPRIORITY C – FACILITIES	
GOAL TO ACHIEVE SUBPRIORITY	Facilities are regularly maintained, clean and funded.
ACTIONS TO ACHIEVE GOAL	Daily cleaning and inspections by staff. Monthly inspections by designated board member(s) and quarterly inspections by landlord to screen for safety hazards.
MEASURABLE OUTCOME	Any items not in compliance on facility inspection check lists will be in compliance within 90 days of inspection.
METHODS OF MEASUREMENT	Business Development and Operations Coordinator will prepare monthly reports and oversee corrective actions in cooperation with staff, landlord and subcontractors. Annual Facility Inspection Reports.
<u>STATE PRIORITY #2— IMPLEMENTATION OF COMMON CORE STATE STANDARDS</u> <i>Implementation of Common Core State Standards, including how EL students will be enabled to gain academic content knowledge and English language proficiency</i>	
SUBPRIORITY A – CCSS IMPLEMENTATION	
GOAL TO ACHIEVE SUBPRIORITY	100% of teachers will participate in ongoing professional development with regard to CCSS and EL Education programs.
ACTIONS TO ACHIEVE GOAL	Teachers will identify and participate in ongoing Professional Development focused on aligning EL Education and CCSS through the EL Education model, project and expedition-based learning.
MEASURABLE OUTCOME	100% of teachers will participate in a minimum of 80 hours of Professional Development training in CCSS.

METHODS OF MEASUREMENT	Professional Development schedules will show participate by teachers.
SUBPRIORITY B – EL STUDENTS & ACADEMIC CONTENT KNOWLEDGE	
GOAL TO ACHIEVE SUBPRIORITY	ELs will be enabled to gain academic content knowledge.
ACTIONS TO ACHIEVE GOAL	Monitoring: teacher qualification and use of appropriate instructional strategies based on program design. Reclassification accordingly as required.
MEASURABLE OUTCOME	Students will achieve growth to advance through at least one level per year.
METHODS OF MEASUREMENT	ELPAC assessments. Teacher assessments and annual report cards.
SUBPRIORITY C – EL STUDENTS & ENGLISH LANGUAGE PROFICIENCY	
GOAL TO ACHIEVE SUBPRIORITY	ELs will be enabled to gain English language proficiency.
ACTIONS TO ACHIEVE GOAL	Monitoring: teacher qualifications and use of appropriate instructional strategies based on program design. Reclassification accordingly as required.
MEASURABLE OUTCOME	Students will achieve growth to advance through at least one level per year.
METHODS OF MEASUREMENT	ELPAC assessments. Teacher assessments and annual report cards.
<u>STATE PRIORITY #3— PARENTAL INVOLVEMENT</u> <i>Parental involvement, including efforts to seek parent input for making decisions for schools, and how the school will promote parent participation</i>	
SUBPRIORITY A – ACHIEVING/MAINTAINING PARENTAL INVOLVEMENT	
GOAL TO ACHIEVE SUBPRIORITY	Maintain family members of students on governing board and non-profit board. Creation of a site council.
ACTIONS TO ACHIEVE GOAL	Community and staff meet and greet events, social media exposure, board meetings, school events, student led presentations and events.
MEASURABLE OUTCOME	At least one board member is a family member of an enrolled student.
METHODS OF MEASUREMENT	100% of board agendas and packets posted in appropriate time frame. Meetings and events are shared with the community via email, social media and calls. 100% of stakeholders are aware of site council.
SUBPRIORITY B – PROMOTING PARENT PARTICIPATION	
GOAL TO ACHIEVE SUBPRIORITY	Parents should be a key part of the education environment.

ACTIONS TO ACHIEVE GOAL	Include available opportunities in weekly messages sent via email, social media and print. Student led events, presentation and conferences. Year round service opportunities available via email.
MEASURABLE OUTCOME	At least one household representative from each family present at posted events.
METHODS OF MEASUREMENT	Family member attendance rates, based upon sign in sheets.
<u>STATE PRIORITY #4— STUDENT ACHIEVEMENT</u> <i>Pupil achievement, as measured by all of the following, as applicable:</i> <ul style="list-style-type: none"> A. <i>California Assessment of Student Performance and Progress (CAASPP) statewide assessment</i> B. <i>California School Dashboard</i> C. <i>Percentage of pupils who have successfully completed courses that satisfy UC/CSU entrance requirements, or career technical education</i> D. <i>Percentage of ELs who make progress toward English language proficiency as measured by the California English Language Development Test (CELDT) and/or English Language Proficiency Assessment for California (ELPAC)</i> E. <i>EL reclassification rate</i> F. <i>Percentage of pupils who have passed an AP exam with a score of 3 or higher</i> G. <i>Percentage of pupils who participate in and demonstrate college preparedness pursuant to the Early Assessment Program (E.C. §99300 et seq.) or any subsequent assessment of college preparedness</i> 	
SUBPRIORITY A – CAASPP	
GOAL TO ACHIEVE SUBPRIORITY	60% of students, grades 3-8 will score "Standards Met" or Standards Exceed" or higher in the CAASPP testing in the area of ELA/Literacy and Mathematics.
ACTIONS TO ACHIEVE GOAL	Using the EL Education program model and curriculum as a basis and encouragement of full attendance during CAASPP testing window.
MEASURABLE OUTCOME	On an annual basis, a 90% participation rate in the CAASPP statewide assessments, at least 60% of students will score at least "Standards Met" or "Standards Exceeded" in the CAASPP testing in the areas of ELA/Literacy and Mathematics.
METHODS OF MEASUREMENT	Annual review of CAASPP data results; attendance and participation records.
SUBPRIORITY B – CALIFORNIA SCHOOL DASHBOARD	
GOAL TO ACHIEVE SUBPRIORITY	80% of students, including all student subgroups will meet the annual targets or equivalent as mandated by the CA State Board of Education.
ACTIONS TO ACHIEVE GOAL	Classrooms will incorporate testing strategies to prepare students for state standardized testing. Students will be immersed in the CCSS aligned curriculum.

MEASURABLE OUTCOME	80% of students will meet the annual target or equivalent as mandated by the CA State Board of Education.
METHODS OF MEASUREMENT	Standardized tests, benchmark assessments, CAASPP reports, examples of student work and classroom observation.
SUBPRIORITY C – UC/CSU COURSE REQUIREMENTS (OR CTE) - NOT APPLICABLE	
SUBPRIORITY D – EL PROFICIENCY RATES	
GOAL TO ACHIEVE SUBPRIORITY	Students will show growth per the ELPAC each academic year.
ACTIONS TO ACHIEVE GOAL	Receive additional instructional support which includes: strategies and small group work in line with the EL Education curriculum.
MEASURABLE OUTCOME	Achieve at least one grade level of growth per academic year.
METHODS OF MEASUREMENT	CAASPP Statewide assessment.
SUBPRIORITY E – EL RECLASSIFICATION RATES	
GOAL TO ACHIEVE SUBPRIORITY	Qualifying students will be reclassified as Fluent English Proficient annually and perform at grade level on the CAASPP statewide assessment.
ACTIONS TO ACHIEVE GOAL	Receive additional instructional support which includes: strategies and small group work in line with the EL Education curriculum.
MEASURABLE OUTCOME	Reclassification as Fluent English Proficient.
METHODS OF MEASUREMENT	CAASPP Statewide assessment.
SUBPRIORITY F – AP EXAM PASSAGE RATE - NOT APPLICABLE	
SUBPRIORITY G – COLLEGE PREPAREDNESS/EAP - NOT APPLICABLE	
<u>STATE PRIORITY #5— STUDENT ENGAGEMENT</u> <i>Pupil engagement, as measured by all of the following, as applicable:</i> <ul style="list-style-type: none"> A. School attendance rates B. Chronic absenteeism rates C. Middle school dropout rates (EC §52052.1(a)(3)) D. High school dropout rates E. High school graduation rates 	
SUBPRIORITY A – STUDENT ATTENDANCE RATES	
GOAL TO ACHIEVE SUBPRIORITY	90% of students will arrive on time and attend classes daily. A 90% ADA rate will be maintained.

ACTIONS TO ACHIEVE GOAL	By providing a safe, encouraging and exciting learning environment which focuses on the EL Education program, students will look forward to school and expedition learning. We will motivate students to achieve academic success and promote an appreciate of attendance. Staff and families will work together through morning routines and CREW to build and maintain a positive school culture.
MEASURABLE OUTCOME	90% of students will arrive on time and attend classes daily. A 90% ADA rate will be maintained.
METHODS OF MEASUREMENT	Monthly, Quarterly and Annual ADA report; attendance updates to families offered periodically and open communication between staff and families encouraging success through attendance.
SUBPRIORITY B – STUDENT ABSENTEEISM RATES	
GOAL TO ACHIEVE SUBPRIORITY	Students will not have more than (3) three unexcused absences in the school year.
ACTIONS TO ACHIEVE GOAL	Parents will be informed of absences.
MEASURABLE OUTCOME	90% of enrolled students will have fewer than (3) three unexcused absences in the school year.
METHODS OF MEASUREMENT	Absence and tardy reports from staff at the end of term, periodic attendance updates to families and open communication between staff and families encouraging success through attendance.
SUBPRIORITY C – MIDDLE SCHOOL DROPOUT RATES	
GOAL TO ACHIEVE SUBPRIORITY	Pinecrest Expedition Academy will have a middle school dropout rate of less than 5%.
ACTIONS TO ACHIEVE GOAL	By providing a safe, encouraging and exciting learning environment which focuses on the EL Education program, students will look forward to school and expedition learning. We will motivate students to achieve academic success and promote an appreciate of attendance. Staff and families will work together through morning routines and CREW to build and maintain a positive school culture.
MEASURABLE OUTCOME	Pinecrest Expedition Academy will have a middle school dropout rate of less than 5%.
METHODS OF MEASUREMENT	Student re-enrollment documentation, as verified in house and CALPADS.
SUBPRIORITY D – HIGH SCHOOL DROPOUT RATES - NOT APPLICABLE	
SUBPRIORITY E – HIGH SCHOOL GRADUATION RATES - NOT APPLICABLE	

STATE PRIORITY #6— SCHOOL CLIMATE

School climate, as measured by all of the following, as applicable:

- A. *Pupil suspension rates*
- B. *Pupil expulsion rates*
- C. *Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness*

SUBPRIORITY A – PUPIL SUSPENSION RATES

GOAL TO ACHIEVE SUBPRIORITY	Pinecrest Expedition Academy will maintain an annual suspension rate of less than 1%.
ACTIONS TO ACHIEVE GOAL	Teachers and administration will work with families to manage student behavior issues and concerns.
MEASURABLE OUTCOME	On an annual basis, less than 1% of students will be suspended.
METHODS OF MEASUREMENT	Annual School Accountability Report Card and CALPADS report, discipline incidents will be used as evidence.

SUBPRIORITY B – PUPIL EXPULSION RATES

GOAL TO ACHIEVE SUBPRIORITY	Pinecrest Expedition Academy will maintain an annual suspension rate of less than 1%.
ACTIONS TO ACHIEVE GOAL	Teachers and administration will work with families to manage student behavior issues and concerns.
MEASURABLE OUTCOME	On an annual basis, less than 1% of students will be suspended.
METHODS OF MEASUREMENT	Annual School Accountability Report Card and CALPADS report, discipline incidents will be used as evidence.

SUBPRIORITY C – OTHER SCHOOL SAFETY AND SCHOOL CONNECTEDNESS MEASURES (SURVEYS)

GOAL TO ACHIEVE SUBPRIORITY	100% of students and staff will be educated and trained on the School Safety Plan.
ACTIONS TO ACHIEVE GOAL	Annually, all staff will be trained on the school safety plan. School administration will work with the school site council and a safety committee (as needed) to create a survey reaching appropriate stakeholders. Students will regularly participate in fire, earthquake and safety drills.
MEASURABLE OUTCOME	100% of staff will participate in at least four hours of school safety training; students will have monthly fire drill and earthquake/safety drills scheduled throughout the year.
METHODS OF MEASUREMENT	Professional Development agenda and annual drill calendars; the creation of questions used to gather necessary information. Annual safety survey.

STATE PRIORITY #7— COURSE ACCESS

The extent to which pupils have access to, and are enrolled in, a broad course of study, including programs and services developed and provided to unduplicated students (classified as EL, FRPM-eligible, or foster youth; E.C. §42238.02) and students with exceptional needs.

“Broad course of study” includes the following, as applicable:

Grades 1-6: English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other as prescribed by the governing board. (E.C. §51210)

Grades 7-12: English, social sciences, foreign language(s), physical education, science, mathematics, visual and performing arts, applied arts, and career technical education. (E.C. §51220(a)-(i))

GOAL TO ACHIEVE SUBPRIORITY	All students, including any subgroups will have access to and enroll in our program as outlined in the charter.
ACTIONS TO ACHIEVE GOAL	All academic content area will be available to all students, including any subgroups, at all grade levels.
MEASURABLE OUTCOME	On an annual basis, 100% of students, including any subgroups will have access to enroll in all core and non-core subject content areas.
METHODS OF MEASUREMENT	List of students enrolled, assessment data and report cards.

STATE PRIORITY #8—OTHER STUDENT OUTCOMES

Pupil outcomes, if available, in the subject areas described above in #7, as applicable.

SUBPRIORITY A – ENGLISH

GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	Through the examination of various texts, students will be expected to demonstrate critical reading and active listening skills in order to comprehend, interpret and evaluate ideas.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Pre and post testing, end of unit quizzes, exams. presentations, projects, peer feedback, and teacher feedback. CAASPP, Report Cards.

SUBPRIORITY B – MATHEMATICS

GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework and exhibit progress in core subjects.
ACTIONS TO ACHIEVE GOAL	All students will participate in the implementation of CCSS and the EL Education expedition learning curriculum. instructional strategies will include: direct instruction, small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency by advancing one grade/skill level.

METHODS OF MEASUREMENT	Pre and post testing, end of unit quizzes, exams. presentations, projects, peer feedback, and teacher feedback. CAASPP, Report Cards.
SUBPRIORITY C – SOCIAL SCIENCES	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	All students will participate in the implementation of CCSS and the EL Education expedition learning curriculum. Instructional strategies will include: direct instruction, small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency by advancing one grade/skill level.
METHODS OF MEASUREMENT	Pre and post testing, end of unit quizzes, exams. presentations, projects, peer feedback, and teacher feedback. Report Cards.
SUBPRIORITY D – SCIENCE	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	All students will participate in the implementation of CCSS and the EL Education expedition learning curriculum. instructional strategies will include: direct instruction, small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Pre and post testing, end of unit quizzes, exams. presentations, projects, peer feedback, and teacher feedback. California Science Test, Report Cards.
SUBPRIORITY E – VISUAL AND PERFORMING ARTS	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	All students will participate in the implementation of CCSS and the EL Education expedition learning curriculum. instructional strategies will include: small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Pre and post testing, end of unit quizzes, exams. presentations, projects, peer feedback, and teacher feedback. Report Cards.
SUBPRIORITY F – PHYSICAL EDUCATION	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.

ACTIONS TO ACHIEVE GOAL	Instructional strategies will include: K-5: Students will be encouraged to explore motor movement as well as refine affective domain. 6-8: Build upon learned skills and apply them to team sports.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Benchmark/summative assessments, examples of performance, observations, and report cards.
SUBPRIORITY G – HEALTH (GRADES 1-6 ONLY)	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	All students will participate in: Instructional strategies including: direct instruction, small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Benchmark/summative assessments, examples of performance, observations and report cards.
SUBPRIORITY H – FOREIGN LANGUAGES (GRADES 7-12 ONLY)	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	Students will participate in: EL Education expedition learning curriculum. instructional strategies will include: small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Benchmark/summative assessments, examples of performance, observations and report cards
SUBPRIORITY I – APPLIED ARTS (GRADES 7-12 ONLY)	
GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	Students will participate in: EL Education expedition learning curriculum. instructional strategies will include: small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Benchmark/summative assessments, examples of performance, observations and report cards
SUBPRIORITY J – CTE (GRADES 7-12 ONLY)	

GOAL TO ACHIEVE SUBPRIORITY	Mastery of grade level competency in core subjects, based on the standards in the California state content framework.
ACTIONS TO ACHIEVE GOAL	Students will participate in: EL Education expedition learning curriculum. instructional strategies will include: small group work, learning expeditions, one to one conferring and collaboration with colleagues.
MEASURABLE OUTCOME	Annually 70% or more students demonstrating proficiency.
METHODS OF MEASUREMENT	Benchmark/summative assessments, examples of performance, observations and report cards

ELEMENT 4: GOVERNANCE STRUCTURE

Governing Law: The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement. Education Code Section 47605(b)(5)(D)

Non-Profit Public Benefit Corporation

The Charter School will be a directly funded independent charter school and will be operated as Pinecrest Expedition Academy, a California non-profit public benefit corporation, pursuant to California law upon approval of this charter. A copy of the corporation's Articles of Incorporation and Bylaws are included in the Appendices.

Pinecrest Expedition Academy operate autonomously, with the exception of the supervisory oversight required by statute and other contracted services as may be negotiated between the District and the Charter School. Pursuant to Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the Charter School, operated as a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the Charter School, as long as the District has complied with all oversight responsibilities required by law.

Attached, as Appendix III, please find the Pinecrest Expedition Academy Articles of Incorporation, Bylaws, and Conflict of Interest Code.

Board of Directors

The Charter School will be governed by the Pinecrest Expedition Academy's corporate Board of Directors ("Board" or "Board of Directors") in accordance with its adopted bylaws, which shall be consistent with the terms of this charter.

The Board shall have no less than five (5) and no more than nine (9) directors. All directors shall be designated by the existing Board of Directors. In the event of a vacancy, Board members will be sought through an application process. The seated board of directors will vote to appoint new board members. A majority of those present will be required to appoint a board member.

Except for the initial Board of Directors, each director shall hold office unless otherwise removed from office in accordance with the Bylaws for three (3) years and until a successor director has been designated and qualified.

Terms for the initial Board of Directors shall be two (2) seats for a term of one (1) year, two (2) seats for a term of two (2) years, and two (2) seats for a term of three (3) years. The initial Board of Directors is as follows:

<u>Name</u>	<u>Expiration of Term</u>
Peggy Herndon	June 30, 2023
Mike Yaley	June 30, 2020
John Cashman	June 30, 2020
Ron Berry	June 30, 2021
Courtney Sutton	June 30, 2021
Chucker Twining	January 30, 2021

Each of the initial Board members are also a part of the Founding Group of Pinecrest Expedition Academy. A description of their experience and expertise can be found under the "Founding Group" section towards the beginning of the charter petition.

Board members shall have experience in one or more of the following areas: education, government, law, business, finance/accounting, fundraising, facilities, or public relations. The Lead Teacher shall not serve on the Board and shall not vote in Board elections.

In accordance with Education Code Section 47604(b), the District may appoint a representative to sit on the Board of Directors. If the District chooses to do so, the Charter School may appoint an additional member to ensure that the Board is maintained with an odd number of directors.

Board Meetings and Duties

Notwithstanding the foregoing, The Charter School will comply with the requirements of Senate Bill 126 (2019) beginning January 1, 2020.

Pinecrest Expedition Academy will hold all meetings at the principal office of the Corporation unless the Board of Directors designates another location in accordance with the bylaws. The Board may also designate that a meeting be held at any place within the granting agency's boundaries designated in the notice of the meeting.

Regular meetings of the Board, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Board. Meeting agendas will be posted at the Charter School entrance and front office at least seventy-two (72) hours prior to the scheduled meeting.

Special meetings of the Board may be called at any time by the Chairman of the Board, if there is such an officer, or a majority of the Board. If a Chairman of the Board has not been elected, then the President is authorized to call a special meeting. The party calling the special meeting shall determine the place, date, and time thereof. Notice and agenda of the special meeting shall be posted at least twenty-four (24) hours prior to the special meeting, pursuant to the bylaws.

A schedule of meetings will be posted on the Charter School website and included in the school calendar at the beginning of the school year. Any materials included in the Board packet (exempting those for use in closed session) will be available with the agenda and at the meetings. These items will also be posted on the school website. A calendar of regular meetings, including the dates, locations and times, will be adopted annually and posted on the school's web site. Parents, staff and community members will be

encouraged to attend board meetings through regular monthly school announcements to parents, staff and the community. The meetings and all operations of the Corporation will comply with the Brown Act, Public Records Act, Political Reform Act, and Government Code Section 1090.

All meetings will be adequately recorded, and minutes will be taken. These minutes or account of proceedings will be taken for the Board and any committees of said Board. All agendas and minutes will be available in the Charter School office and on the Charter School website for a minimum of 12 months. Any person requesting a hard copy of agendas or minutes will be provided one in a timely manner.

The Board of Directors is fully responsible for the operation and fiscal affairs of the Charter School including, but not limited to, the following:

- Hire, supervise, evaluate, discipline, and dismiss the Lead Teacher and Business Development and Operations Coordinator of the Charter School;
- Hire, promote, discipline and dismiss all employees of the Charter School after consideration of a recommendation by the Lead Teacher or Business Development and Operations Coordinator;
- Approve all contractual agreements;
- Approve and monitor the implementation of general policies of the Charter School. This includes effective human resource policies for career growth and compensation of the staff;
- Approve and monitor the Charter School's annual budget and budget revisions;
- Act as a fiscal agent. This includes but is not limited to the receipt of funds for the operation of the Charter School in accordance with applicable laws and the receipt of grants and donations consistent with the mission of the Charter School;
- Contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- Establish operational committees as needed;
- Regularly measure progress of both student and staff performance;
- Involve parents and the community in school related programs;
- Execute all applicable responsibilities provided for in the California Corporations Code;
- Engage in ongoing strategic planning;
- Approve the school calendar and schedule of Board meetings;
- Review requests for out of state or overnight field trips;
- Participate in the dispute resolution procedure and complaint procedures when necessary;
- Approve charter amendments as necessary and submit requests for material revisions as necessary to the District for consideration;
- Approve annual independent fiscal audit;
- Appoint an administrative panel or act as a hearing body and take action on recommended student expulsions.

The Charter School has adopted a Conflict of Interest Code that complies with the Political Reform Act and Corporations Code conflict of interest rules, and which shall be updated with any charter school-specific conflict of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Appendix III. As required, the Conflict of Interest Code will be submitted to the County Board of Supervisors for approval.

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of the Charter School any of those duties with the exception of budget approval or revision, approval of the fiscal audit and performance report, and the adoption of Pinecrest Expedition Academy Charter Petition 2019

Board policies. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

- Be in writing;
- Specify the entity designated;
- Describe in specific terms the authority of the Board of Directors being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and
- Require an affirmative vote of a majority of Board members.

The Charter School Board of Directors will attend an annual in-service for the purposes of training individual board members on their responsibilities with topics to include, at minimum, conflicts of interest and the Brown Act. Brown Act trainings will be available to board members, both Tuolumne County and the Tuolumne County Superintendent of Schools offer annual trainings which will be offered. Additional trainings will be provided by Hansberger and Klein.

Employee Recruitment

PEA intends to use traditional means to recruit for all positions, including the key positions listed below. Using websites such as EdJoin.org, The Union Democrat, mymotherlode.com as well as job outreach programs through colleges and universities as well as their alumni associations. Heidi Lupo will fill the Business Development and Operations position on an interim basis as directed by the Board of Directors. The Pinecrest area is attractive to individuals seeking employment in a non-urban setting. The current cost of living is also drastically less than areas of the Bay Area, while our pay scale is competitive, which will help to keep the opportunities attractive to qualified individuals. Recruitment will be active and will include an ongoing effort to recruit and retain quality individuals for employment.

Lead Teacher

The Lead Teacher will be the leader of the Charter School and will fulfill the administrative role. The Lead Teacher will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Lead Teacher must report directly to the Charter School Board of Directors, and s/he is responsible supervision of all employees in the Charter School.

The Lead Teacher shall perform assigned tasks as directed by the Charter School Board of Directors and shall be required to undertake some or all of the tasks detailed below. These tasks may include, but are not limited to, the following:

- Ensure the Charter School enacts its mission;
- Supervise and evaluate teachers and staff;
- Communicate and report to the Charter School Board of Directors;
- Participate in and develop professional development workshops as needed;
- Serve or appoint a designee to serve on any committees of the Charter School;
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal;
- Communicate with parents, recruit new families and students, and assure families of academic growth;
- Take responsible steps to secure full and regular attendance at school of the students enrolled in accordance with policies established by the Board of Directors;

- Complete and submit required documents as requested or required by the charter and/or Charter School Board of Directors and/or the District;
- Identify the staffing needs of the Charter School and offer staff development as needed;
- Maintain up-to-date financial records;
- Ensure that appropriate evaluation techniques are used for both students and staff;
- Hire qualified substitute teachers as needed;
- Ensure the security of the school facilities;
- Encourage and support teacher professional development;
- Manage student discipline, and as necessary participate in the suspension and expulsion process;
- Participate in IEP meetings as necessary.
- Oversee all Independent Study program.
- Testing Coordination
- Manage Special Education

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the Board of Directors to a business administrator of the Charter School, other appropriate employee, or third party provider.

Business Development and Operations Coordinator

The Business Development and Operations Coordinator would serve as additional administrative support for Pinecrest Expedition Academy by focusing on the development of the Charter School to reach enrollment goals, fundraising, grant writing and maintaining day to day operations. Additionally, this role would oversee the unique aspect of the natural elements and resources element in our program by facilitating the necessary relationships, equipment, structure and scheduling, which is vital to the existence of the Charter School and its natural elements and resources program. The Business Development and Operations Coordinator would work with certificated staff to ensure that the curriculum and State Standards are being met and exceeded while incorporating the unique ideas and components of the Charter School's curriculum.

Additionally, the following duties will be included in the position:

- Ensure the Charter School enacts its mission;
- Communicate and report to the Charter School Board of Directors;
- Oversee school finances to ensure financial stability;
- Participate in and develop professional development workshops as needed;
- Communicate with parents, recruit new families and students, and assure families of academic growth;
- Complete and submit required documents as requested or required by the charter and/or Charter School Board of Directors and/or the District;
- Identify the staffing needs of the Charter School and offer staff development as needed;
- Maintain up-to-date financial records;
- Ensure that appropriate evaluation techniques are used for both students and staff;
- Establish and maintain a system to handle organizational tasks such as student records, teacher records, teacher credentialing information, contemporaneous attendance logs, purchasing, budgets, and timetables;
- Ensure compliance with all applicable state and federal laws and help secure local grants;

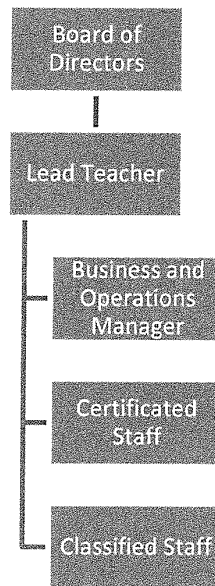
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal;
- Maintain up-to-date financial records;
- Promote the Charter School in the community and promote positive public relations and interact effectively with media;
- Attend meetings with the District on fiscal oversight issues as requested by the District;
- Provide all necessary financial reports as required for proper attendance reporting;
- Provide all necessary financial reports as required for proper attendance reporting;
- Develop the school annual performance report, the SARC, and the LCAP;
- Present independent fiscal audit to the Charter School Board of Directors and, after review by the Board of Directors, submit audit to the District, the County Superintendent of Schools, the State Controller and the California Department of Education.
- Manage day to day operations and facilities.
- Contract and oversee independent fiscal audit.

ADMINISTRATIVE ASSISTANT

PEA will seek to employ an Administrative Assistant. This position will require a high school diploma, a two year degree will be preferred. The qualified individual will have excellent computer and clerical skills, be able to obtain a ServSafe certificate and complete any other required trainings. This individual will be hired to assist with the following duties, additional duties and responsibilities may be assigned.

- Daily secretarial and attendance reporting.
- Assist with food service as needed
- Assist in classrooms as an instructional aide
- Assist with yard duty supervision
- Assist with custodial and janitorial duties.

Organizational Chart



Parent Involvement in Governance

The Charter School understands that parental involvement in the life of the school is essential to the success of the school. The Charter School has made it a priority in its mission to encourage parent participation throughout the school, including the involvement of parents in instructional programs.

The Charter School believes that parent involvement translates into increased student achievement. The philosophy of the Charter School is to encourage, honor and respect the parent voice.

School/parent meetings will be held regularly while school is in session or more frequently if necessary in order to facilitate the communication process between parents, the school administration, and the school's governing board.

Parents will be encouraged to serve on the School Site Advisory Council (described below7). Parents will be consulted and advised regarding the school's educational programs and student progress through meetings and informational bulletins on an ongoing basis. A school web site will facilitate the dissemination of information on areas of specific interest to parents.

Parents shall be informed about their students' progress through student led and parent/teacher/student conferences, progress reports, graded report cards, evaluations on portfolio projects, ad hoc meetings and access to a parent portal on our Student Information System. Teachers and administrators will have

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access to electronic mail to facilitate communication with parents who have e-mail accounts.

The school will provide parent workshops and education classes at times that are conducive and suitable for both stay home and working parents. Workshops may include the following:

- Monitoring Your Child's Use of the Internet
- Adolescent Psychology and Behavior
- Helping Your Child with Homework
- Planning Educational Family Outings
- Planning Your Child's Educational Future (High School and College)

The content of these workshops will be designed to assist parents in the educational development of their children. We believe that if given the proper tools parents will become equal partners with the school in the education of their children. We also believe that these workshops will help parents feel connected to each other and the school community.

The staff and school site administrator will maintain open lines of communication at all times with all parents. Parents will meet with staff and administrators for conferences at regular intervals throughout the year. Parents will be advised that the administrators and teaching staff will be available for additional conferences as needed.

It is anticipated that the School Site Council will be composed of:

- Up to six (6) parents or guardians, and community members, who are not parents, staff or teachers at Pinecrest Expedition Academy;
- Up to four (4) teachers;
- One (1) classified employee
- Lead Teacher or designee

The School Site Council shall provide advice to the Lead Teacher, Business Development and Operations Coordinator and the Governing Board. An annual report shall be provided to the School Site Council, outlining all state assessment results, allowing the School Site Council to play an active role in identifying weaknesses and strengths in the educational program and the Charter School's operations that need to be addressed.

Parents will be encouraged to participate and be active in the Charter School and Pinecrest Expedition Academy, the non-profit public benefit corporation, to provide fundraising and advice to the Board on any and all matters relating to the growth and development of Pinecrest Expedition Academy and its students.

Parents will be encouraged to volunteer at the Charter School. The Charter School office will maintain an active list of volunteer opportunities including:

- Work in the classroom
- Tutoring
- Planning and participation in events
- Natural Elements Program

- Parent teacher conferences.

No student will be excluded from the Pinecrest Expedition Academy or activities due to the failure of his or her parent or legal guardian to volunteer at the Charter School.

The Charter School will comply with the requirements of Ed. Code section 52064.1 that requires all charter schools to provide a local control funding formula budget overview for parents based on the State Superintendent's template.

ELEMENT 5: EMPLOYEE QUALIFICATIONS

Governing Law: The qualifications to be met by individuals to be employed by the charter school. Education Code Section 47605(b)(5)(E)

GENERAL ASSURANCES

The Charter School shall ensure that all credentialed staff hold credentials equal to those required by the district as applicable by required by law for Core and College prep courses.

The Charter School shall ensure that teachers and all paraprofessionals will meet the requirements for employment of California Education Code section 47605(l) and the applicable provisions of ESSA.

The Charter School shall not allow discrimination or harassment based on race, color, religion, sex, gender identity, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information, or any other characteristic protected by state or federal law.

The Charter School is a school of choice and no employee will be forced to work there.

The Charter School shall comply with all applicable state and federal laws regarding background checks and clearance of all personnel.

The Charter School shall comply with all State and federal laws concerning the maintenance and disclosure of employee records.

The Charter School shall comply with all State and federal mandates and legal guidelines relative to ESSA.

QUALIFICATIONS OF SCHOOL EMPLOYEES

Pinecrest Expedition Academy will ensure that all legal qualification requirements will be met for teachers, staff, paraprofessionals and other administrative employees of the Charter School. Each employee at Pinecrest Expedition Academy will meet the state licensing requirements for the position that he/she holds. For all positions, certificated and non-certificated, the employee, at minimum, needs to satisfactorily meet the performance specifications required for the position and must possess the qualifications required to perform the essential functions of the position, as determined by the Governing Board and/or Lead Teacher. No discrimination based on race, color, religion, sex, gender identity, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information, or any other characteristic protected by state or federal law. All employees and contractors must submit to a criminal background check pursuant to

Education Code Sections 44237 and 45125.1, and all employees and volunteers who have frequent or prolonged contact with students, must have a current tuberculosis risk assessment and examination (if necessary) on file with the Charter School.

Teachers will meet the requirements for employment as stipulated by Education Code Section 47605(I) and ESSA. Teachers will hold a Commission on Teacher Credentialing ("CTC") certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. Teachers assigned to a TK classroom must have been issued at least one credential by the CTC, and shall, by August 1, 2020, have one of the following:

1. At least 24 units in early childhood education, or childhood development, or both;
2. As determined by Pinecrest Expedition Academy, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in paragraph (1); or
3. A child development permit issued by the CTC.

All teacher credential documents shall be maintained on file at the Charter School and shall be subject to periodic inspection by the District.

In order to ensure implementation of the Charter School's mission and educational philosophy, preference in hiring will be given to teachers who have experience designing and implementing a curriculum aligned to Common Core State Standards.

Core Subject Teachers & Independent Study Teachers: The skills and responsibilities of a core subject teacher in a multi-grade setting program require a unique set of skills and commitment. We will recruit teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers will teach the academic classes of mathematics, language arts, science, history/ social studies. In addition to class instruction, Core Subject Teachers will be responsible for overseeing the students' academic progress from enrollment to graduation, monitoring grading and matriculation decisions as specified in the Charter School's operation policies. Core Subject Teachers working with English learners must possess a Cross-cultural Language Acquisition Development certificate ("CLAD") or equivalent and SPED credentials, if appropriate. Pinecrest Expedition Academy seeks to hire non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the capacity to work successfully in an instructional capacity. Instructional support staff will not assign grades or approve student work assignments.

The key qualifications of a Pinecrest Expedition Academy teacher will be:

- The requisite teaching credential and demonstrated expertise within the content area and grade-level taught;
- In-depth knowledge of and successful application of current teaching/learning theory to ensure the success of students;
- Belief in the mission that all students will learn and successfully master the content and skills necessary for secondary education;
- Knowledge and experience with integrated, student-driven, project-based instruction and the ability to align curriculum standards and willingness to adopt grading practices that can be used in standards-based grading;

- Knowledge of assessment strategies and the ability to use data to drive their teaching and ensure continuous improvement of student learning;
 - Knowledge of and successful experience with the unique aspects of multi-grade classrooms strongly preferred;
 - Ability to plan instructional units using developmentally appropriate instructional materials and strategies, including providing a guaranteed curriculum, challenging goals and effective feedback, differentiated instruction, and back mapping, among others;
 - Ability to collaboratively plan instructional units with other teachers and specialists;
 - Demonstrated competence using advanced technology as a learning tool: willing and able to integrate technology into teaching and student learning;
 - Ability to effectively use a broad range of instructional strategies, including providing a guaranteed curriculum, challenging goals and effective feedback, differentiated instruction, and back mapping, among others;
 - The ability to exhibit and promote multicultural awareness, gender sensitivity and racial and ethnic appreciation;
 - Outstanding classroom management skills;
 - Strong English language and interpersonal skills to communicate effectively with staff, students, parents, community, private partners and outside agencies;
 - The ability to use appropriate communication tools, especially current technologies;
 - Willingness to work as a vital part of the Pinecrest Expedition team with parents, students, and community groups to ensure continuous improvement for students, staff and the community as a whole;
 - Desire and ability to engage in continuing education, staff development and skill upgrading;
 - Enthusiasm for teaching; and
 - Positive references from most recent employment and/or college or graduate school
- One Independent Study teacher (at minimum) will also spend 1 day per week providing special education services on campus. Thus the independent study teacher must possess all needed and applicable licensing and credentials for this purpose.

- These additional positions will be added to the first year of operations:

Lead Teacher: Will possess all of the qualifications listed above as well as:
-Administrative credential.

Lead Teacher

The Lead Teacher will be the leader of the Charter School and will fulfill the administrative role. The Lead Teacher will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Lead Teacher must report directly to the Charter School Board of Directors, and s/he is responsible supervision of all employees in the Charter School.

The Lead Teacher shall perform assigned tasks as directed by the Charter School Board of Directors and shall be required to undertake some or all of the tasks detailed below. These tasks may include, but are not limited to, the following:

- Ensure the Charter School enacts its mission;
- Supervise and evaluate teachers and staff;
- Communicate and report to the Charter School Board of Directors;
- Participate in and develop professional development workshops as needed;
- Serve or appoint a designee to serve on any committees of the Charter School;
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal;
- Communicate with parents, recruit new families and students, and assure families of academic growth;
- Take responsible steps to secure full and regular attendance at school of the students enrolled in accordance with policies established by the Board of Directors;
- Complete and submit required documents as requested or required by the charter and/or Charter School Board of Directors and/or the District;
- Identify the staffing needs of the Charter School and offer staff development as needed;
- Maintain up-to-date financial records;
- Ensure that appropriate evaluation techniques are used for both students and staff;
- Hire qualified substitute teachers as needed;
- Ensure the security of the school facilities;
- Encourage and support teacher professional development;
- Manage student discipline, and as necessary participate in the suspension and expulsion process;
- Participate in IEP meetings as necessary.
- Oversee all Independent Study students. Meeting with students on a weekly basis.
- ☐ Managing Special Education
- ☐ Testing Coordination

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the Board of Directors to a business administrator of the Charter School, other appropriate employee, or third party provider.

Business Development and Operations Coordinator: Will possess the qualifications necessary to oversee the day to day operations of the Charter School, audits and reports relations with the governing board and non-profit and development of the Charter School in its first year and beyond. This individual will also facilitate the natural elements aspect of the program, its scheduling and leadership. Must have the knowledge and skill set to lead this unique aspect of the program. This position will be actively involved in the growth and development of the Charter School and its programs.

These qualifications should include the following at a minimum:

- Knowledge and experience of budgets, audits and payroll
- Experience and knowledge of facilities, leases and sub-contractors
- Experience and knowledge of current HR practices
- Experience with building maintenance, facility construction, improvement and OSHA regulations.

- Experience in fundraising, grant writing and charter development.
- Knowledge of employee relations, development and implementation of policies
- Knowledge of contracts, marketing, social media and advertising.
- Good community relations skills and the ability to promote the Charter School and improve enrollment. Bachelor's degree preferred, but not required.
- Strong working knowledge of Intuit software (Quick Books), MS Word, MS Excel, PowerPoint and other applicable programs.

ELEMENT 6: HEALTH AND SAFETY PROCEDURES

Governing Law:

The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

- (i) That each employee of the school furnish the school with a criminal record summary as described in Section 44237.*
- (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.*
- (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school. . Education Code Section 47605(b)(5)(F)*

In order to provide safety for all students and staff, the Charter School will adopt and implement full health and safety policies and procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts. These policies will be incorporated into the Charter School's student and staff handbooks and will be reviewed on an ongoing basis by the Lead Teacher and Board of Directors. The Charter School shall ensure that staff are trained annually on the health and safety policies. A full draft will be provided to the District for review at least 30 days prior to operation or as otherwise agreed upon by the District and Charter School.

The Charter School safety plan shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of Section 32282(a)(2) and procedures for conducting tactical responses to criminal incidents. The school safety plan will be reviewed and updated by March 1 of every year by the charter school. An early draft of these procedures is attached in the Appendices.

The following is a summary of the health and safety policies of the Charter School:

Procedures for Background Checks

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Lead Teacher shall monitor compliance with this policy and report to the governing Board of Directors on a regular basis. The Board Chairperson shall monitor the fingerprinting and background clearance of the Lead Teacher. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

The Charter School shall comply with all applicable state and federal laws regarding background checks and clearance of all personnel and State and federal laws concerning the maintenance and disclosure of employee records.

Role of Staff to Report Child Abuse

The Charter School adheres to the requirements of California Penal Code Section 11166 regarding child abuse reporting. School staff must report to the proper authorities if they suspect the following occurring to a student:

- Sexual assault
- Neglect
- Willful cruelty or unjustifiable punishment
- Cruel or inhuman corporal punishment or injury
- Abuse in out-of-home care

The reporting person need only “reasonably suspect” that abuse or neglect has occurred. The reporting person does not have to prove abuse.

The Principal will work with all faculty and staff members to make sure all appropriate steps are taken if a child abuse situation occurs. All faculty and staff will understand that it is their duty and responsibility to report any suspicions of child abuse. Staff will understand that under California law, failure to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor, punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both. Staff will not be made to investigate any incident, only report to the Principal and proper authorities.

All suspected cases of child abuse will be brought to the Principal and/or proper authorities. A written report of the situation will be completed and the Department of Children Services will be immediately notified. If necessary, the FUSD will be informed of the situation as well. The reporting person will be responsible for providing all the necessary information and child abuse reports to the Department of Children Services since he/she will be most knowledgeable of the situation.

Should it be necessary to remove the child from school, staff will obtain the contact information of the agent removing the child. This information will be placed in the student’s record and will be made available to the parent or guardian.

Child Abuse Reporting Procedures

The Charter School’s faculty and staff are mandated child abuse reporters under state and federal law. It is the Charter School’s policy that all employees shall comply with California state law reporting procedures. Reports of suspected child abuse are to be made to an official child protective agency.

Mandated reporters must file reports of suspected child abuse/neglect with any child protective services agency. These agencies include any police department, sheriff’s department, or county welfare department such as the Department of Children and Family Services (DCFS). A report of suspected child abuse is to be made to one agency only. It is the responsibility of the child protective services agency to determine which agency will handle the report and they may reroute the report as they determine.

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When a suspected abuse/neglect report is made, the individual who observed or has knowledge of the abuse makes the report in two parts: 1) a telephone report; and 2) a written report. The telephone report must be made immediately or as soon as practically possible; the written report must be completed and mailed within 36 hours of receiving the information concerning the incident.

The reporting person shall include the following information in the oral report:

- Reporter's full name
- Reporter's business address and telephone number
- Identification as a mandated reporter
- The child's name, address, school, grade, class, and present location if known
- The names, addresses, and telephone numbers of the child's parents/guardians
- The information that gave rise to the reasonable suspicion of child abuse/neglect including the source(s) of that information
- The name, address, telephone number, and other relevant personal information about the person(s) who might have abused the child

During the telephone report, the reporting person should, on the report form:

- Document the date and time the call is made
- Record contact person's name, title, position, I.D./badge number
- Apprise the contact person of the time school is dismissed and how the child goes home (i.e., bus, parent.)
- Ascertain and record (in a personal note) the agency's plan regarding what action will be taken, including when an investigation will be initiated, if the contact person indicates and investigation will occur
- Clarify and record the agency's directive as to what the school should/should not do regarding the reported incident/victim/perpetrator
- Have the contact person read back the report information verbatim

If advised by the contact person that there will be no investigation and/or you are to handle the suspected abuse/neglect administratively, your reporting obligation still requires you to complete and submit the written report on the appropriate form.

Any time a reporter feels it necessary to discuss a situation of possible abuse; the reporter may call the Department of Children and Family Services at 1-800-827-8724 and ask to speak with a child protective services worker.

The contents of Suspected Child Abuse Reports and the identity of the reporter must remain confidential (unless otherwise prescribed by law.) To ensure confidentiality for all parties, no other individual, including clerical and other office staff, may read, type, file or be apprised of reports of suspected child abuse. Reports are to be completed only by the reporter and may be handwritten, printed or typed.

Immunizations and TB Testing

All enrolled students and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075. Records of student immunizations shall be maintained to the extent of enrollment in public schools, and staff shall honor County requirements for periodic Tuberculosis (TB) tests. All enrolling students will have screening of vision, hearing, and scoliosis to the

same extent as would be required if the pupils attended any other public school. Faculty, staff and volunteers will be tested for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

No person shall initially be employed by the charter school unless that person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis. Any employees who test negative by a tuberculin skin test or any other test recommended by the CDC shall be required to undergo follow-up tuberculin examinations at least once each four years or more often if the board deems it necessary. If an employee has a documented positive test and has been followed by an x-ray, the foregoing examination is no longer required, and a referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow-up care. Any applicant who was previously employed in another California school district may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having the school district that last employed him/her verify that it has on file a certificate which contains that evidence.

Tuberculosis Risk Assessment and Examination

Employees, and volunteers who have frequent or prolonged contact with students, will be assessed and examined (if necessary) for tuberculosis prior to commencing employment and working with students, and for employees at least once each four years thereafter, as required by Education Code Section 49406.

Medication in School

The Charter School will adhere to Education Code Section 49423 regarding the administration of medication in school. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members.

Vision, Hearing and Scoliosis

Students will be screened for vision, hearing and scoliosis. The Charter School will adhere to Education Code Section 49450 *et seq.*, as applicable to the grade levels served by the Charter School.

Diabetes

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
4. A description of treatments and prevention methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

Suicide Prevention Policy

The Charter School will adopt a policy on student suicide prevention in accordance with Education Code Section 215.

Emergency Preparedness

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations.

Staff shall receive training in emergency response, including appropriate “first responder” training or its equivalent.

Immigration Policy

Charter School will comply with the requirements of AB 699 by adopting policies consistent with the guidance and model policies issued by the California Attorney General.

Feminine Hygiene Products

If required by Ed. Code section 35292.6, the Charter School will stock at least 50% of its restrooms with feminine hygiene products, and shall not charge students for these products, pursuant to the requirements of Education Code Section 35292.6.

California Health Youth Act

Assurance that the school will comply with the California Health Youth Act, which requires charter schools to teach sexual education and HIV prevention to students in grades 7 to 12 at least once in junior high or middle school and at least once in high school.

Human Trafficking

The Charter School shall provide information to students about how social media and mobile device applications are used for human trafficking in compliance with Assembly Bill 1861 and Senate Bill 1104.

Free and Reduced Price Meals

The Charter School shall comply with the requirement to provide each needy pupil with one nutritionally adequate free or reduced price meal during each school day in compliance with Assembly Bill 1871.

The Public School Fair Debt Collection Act mandates that a pupil can never owe or be billed for a debt owed to a charter school.

Student Debts

The Charter School shall not take any negative actions against a pupil because of a debt and will not sell debt to a debt collector.

Mental Health Services

The charter school will notify parents and pupils at least two times per school year about how to access pupil mental health services on campus or in the community or both per the requirements of Assembly Bill 2022.

Pregnant and Parenting Students

The Charter School shall provide an annual notice to students about their rights regarding pregnancy or when parenting in compliance with Assembly Bill 2289.

Bullying

The Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying, and shall make available to certificated school site employees and all other schools its employees who have regular interaction with pupils an online training module developed by the California Department of Education regarding bullying and bullying prevention in compliance with Assembly Bill 2291.

Blood Borne Pathogens

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus ("HIV") and hepatitis B virus ("HBV").

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

Drug-, Alcohol, and Smoke-Free Environment

The Charter School shall function as a drug-, alcohol-, and smoke-free environment.

Facility Safety

The Charter School shall comply with Education Code Section 47610 by utilizing facilities that are either compliant with the Field Act or the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001. The Charter School shall obtain and maintain an appropriate Certificate of Occupancy prior to the start of school.

Comprehensive Anti-Discrimination and Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation. The Charter School shall develop a

comprehensive policy to prevent and immediately remediate any concerns about discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's anti-discrimination and harassment policies. Policies can be found in Appendix III.

The Charter School will require all employees to undergo sexual harassment and abusive conduct training as required by California law.

Safe Place to Learn Act

The Charter School shall comply with all applicable requirements of the Safe Place to Learn Act, Ed. Code section 234 et seq.

ELEMENT 7: RACIAL AND ETHNIC BALANCE

Governing Law: The means by which the 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 school district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G)

Pinecrest Expedition Academy will implement a student recruitment strategy that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance that is reflective of the racial and ethnic balance of the general population residing in the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process;
- The development of promotional and informal material that appeals to all major racial and ethnic groups represented in the District, including materials in languages other than English to appeal to limited English proficient populations;
- Targeted meetings in multiple communities to reach prospective students and parents; meetings will be held at local community gathering places, libraries, preschools, community centers, and churches;
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the District;
- Flyers and brochures will be distributed District-wide; social media, local newspaper and radio advertising will be used to ensure a diverse population of students learns about the Charter School and applies for admission to the Charter School.
- PEA will strive to meet the demographics of the District

The Charter School will provide a yearly self-evaluation process regarding these processes and make adjustments accordingly.

ELEMENT 8: ADMISSION POLICIES AND PROCEDURES

Governing Law: Admission policies and procedures, consistent with [Education Code Section 47605] subdivision (d). Education Code Section 47605(b)(5)(H)

In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except

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as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

The Charter School shall be an open enrollment, tuition-free public school with no specific requirements for admission (e.g., minimum grade point average, test scores, discipline records, etc.) as outlined in Education Code § 47605(d)(2)(A). The Charter School shall adhere to all state and federal laws regarding the minimum age of students.

A charter school shall admit all pupils who wish to attend the charter school and to the extent that space allows.

If the number of pupils who wish to attend the charter school exceeds the charter 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 school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

Each type of preference shall be approved by the chartering authority at a public hearing. The preferences are listed below under Public Random Drawing.

Preferences shall be consistent with federal law, the California Constitution, and Section 200.

Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment. Parents will be clearly notified, on all recruitment materials and through text in their enrollment packet that parental involvement is not a requirement for acceptance to or continues enrollment at the charter school.

In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies

only to pupils subject to compulsory full-time education pursuant to Section 48200.

Pinecrest Expedition Academy will actively recruit a diverse student population from families who understand and value the Charter School's mission and are committed to a hands-on active learning environment with academic and behavioral expectations. Students and parents must desire a school in which teachers connect rigorous academic learning, aligned with State Standards, to adventure, service and character development.

Admission to the Charter School will be open to any student who will be in grades TK-8 the following school year. The application for admission will gather basic contact information about the student and parents.

Public Random Drawing

The enrollment period will be set the first year the Charter School is open. The open enrollment deadline for the first school year will be April 15th. Each year thereafter, the deadline for the first enrollment will be the first Friday in March. Pinecrest Expedition Academy will make a public announcement of enrollment deadlines online and in local media, through local advertising and on the applications themselves. Completed applications must be received by the open enrollment deadline(s). An intent to enroll form will only request basic information for the student, an application will be required after the public random lottery. A completed application, completion of the Application for Admission and signing the EL Education Ten Design Principles. Application forms will be available at the school site, on the website and at any information meetings held. Applications will be cataloged based upon the date and time received and marked to that effect.

The Charter School public random drawing process shall be public and transparent, held in a public space large enough to accommodate all interested, and parents do not have to be present to participate.

If the number of students who wish to attend the Pinecrest Expedition Academy exceeds the capacity of the Charter School, a public random drawing (or "lottery") will be used to determine admission for the impacted grade level, with the exception of existing students, who are guaranteed admission in the following school year. Admission preferences in the case of a public random drawing shall be given to the following students in the following order:

1. *Pupils currently attending the charter school.*
2. *Pupils who reside in the school district except as provided for in Ed. Code section 47614.5*
3. *Children of Pinecrest Expedition Academy teachers and staff*
4. *Children of the founding group members of the Charter School identified in the initial charter (not to exceed 10% of total students enrolled)*
5. *Siblings of students admitted to or attending Pinecrest Expedition Academy.*
6. *All other applicants*

The Charter School and the District agree to adhere to the requirements related to admission preferences as set forth in Education Code Section 47605(d)(2)(B)(i)-(iv).

If a lottery is required, it will be a public drawing, held at Pinecrest Expedition Academy. Anyone who submitted an application form will be notified by email, in writing of the date, time and location of the drawing and an explanation of the lottery process. The lottery will be held after the first open enrollment

period, in March or April.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

Families of students who are selected for or drawn for admission will be notified by email and will have fourteen (14) calendar days to accept admission and complete their enrollment package, which shall include the following:

1. Student enrollment form
2. Proof of immunization
3. Home Language Survey
4. Completion of Emergency Medical Information Form
5. Proof of minimum age requirements
6. Release of records

The enrollment package will be considered a parent/guardian's intent to enroll their child in Pinecrest Expedition Academy. If an admitted child does not complete the enrollment package within the fourteen (14) day period, their spot will be given to the next student on the waiting list. Throughout the year, the waiting list will be used to fill any vacant spots in the Pinecrest Expedition Academy.

If spaces open up for students on the waiting list, families will be notified by both phone and email of the opening, and the family will have seven (7) calendar days to accept by complete their enrollment package; if they do not, they will be removed from the wait list and the next spot will be notified, and so on. The waiting list will be kept in a locked and secure location. The waiting list will be used for that school year only and will not carry over from year to year. A new list will start at the completion of the application period, as needed.

A fair and neutral lottery is the intent of the Pinecrest Expedition Academy. In order to achieve fairness, a neutral party will act as the proctor for this event. This party will have no children enrolled in the Charter School or on the waiting list at Pinecrest Expedition Academy, and will not have a relative enrolled or wishing to enroll in the Charter School.

ELEMENT 9: ANNUAL FINANCIAL AUDITS

Governing Law: The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(b)(5)(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

On a daily basis, the Charter School Business Development and Operations Coordinator will seek to employ a system of internal controls intended to maintain a healthy, transparent, controlled and functioning accounting practice. The Board will seek oversight and advice from the back office provider, ICON School Management Services. The board will direct the Business Operations Director to contract and oversee the independent audit.

The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

An annual independent financial audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide.

The Charter School will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and will be approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The audit should seek to evaluate the daily financial and record keeping operations of the Pinecrest Expedition Academy. Data can be submitted to the District to meet the requirements of the District and State outside of the audit periods.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Lead Teacher, along with the audit committee, if any, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. Should deficiencies occur in said audit, the audit will be evaluated with the auditor prior to the completion of the audit report. The Lead Teacher, Business Development and Operations Director and the Board will be actively involved in the audit. For the first year of operations, the fiscal officer will be the Business Development and Operations Coordinator, assisted by ICON Management, the Charter School's back office provider. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The results of the audit, including exceptions and deficiencies will be submitted in a final report to the District. In order to resolve any deficiencies, the Board and Pinecrest Expedition Academy will work with the District to resolve these matters in a mutually agreeable timeline, in order to meet the requirements of the District, the County, CDE and State Controller.

The independent financial audit of the Charter School is a public record to be provided to the public upon request.

ELEMENT 10: SUSPENSION AND EXPULSIONS

Governing Law: The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(III) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

Education Code Section 47605(b)(5)(J)

Pinecrest Expedition Academy subscribes to positive discipline practices and maintains a comprehensive set of behavioral expectations. Students will not be suspended or expelled for academic failure, but only for actions outlined in the suspension and expulsion policy. Suspension and expulsion policies will be printed and distributed as part of the Student-Parent Handbook. This policy and its rules and procedures have been established in order to promote learning and protect the safety and well-being of all students, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students and accord all students with the same rights to due process. These disciplinary rules and procedures will be printed and distributed as part of the Student-Parent Handbook and will clearly describe discipline expectations. The Student-Parent Handbook will be reviewed and updated, as necessary, annually and distributed to all parents prior to the start of the school year. Any other student discipline policies and procedures developed by the Charter School in addition to these suspension and expulsion policies shall be approved by the Board and distributed to each student/parent as part of the Student-Parent Handbook, which shall be developed upon charter approval.

Pinecrest Expedition Academy intends to implement positive discipline. Positive discipline includes, but is not limited to, advising and counseling students, conferring with parents/guardians, revoking privileges, using alternative educational environments, and suspending and expelling students.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing of all discipline policies, rules, and procedures and given an opportunity to provide input and feedback on discipline policies and procedures. Transfer students and their parents/guardian shall be also advised of all policies and procedures of the Charter School upon enrollment. The notice shall state that these disciplinary rules and procedures are available on request at the Charter School office.

Suspended or expelled students shall be excluded from all school and school-related extracurricular activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

A. GROUNDS FOR SUSPENSION AND EXPULSION OF STUDENTS:

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including, but not limited to: (a) while on school grounds; (b) while going to or coming from school; (c) during the lunch period, whether on or off the school campus; (d) during, going to, or coming from a school-sponsored activity.

B. ENUMERATED OFFENSES

1. Discretionary Suspension Offenses: Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance as defined Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
 - h) Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
 - i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in the Health and Safety Code Section 11014.5.
 - k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - l) Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
 - m) Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
 - n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined Penal Code Section 243.4.

- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and /or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code Section 233(e). This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated school personnel or volunteers, and/or a student or group of students to the extent having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or volunteers and/or students(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - ii. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her

- age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
- iii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iv. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - v. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site, including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (b) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but

not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Lead Teacher or designee's concurrence
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Lead Teacher or designee's concurrence.
3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance as defined Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
 - h) Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
 - i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in the Health and Safety Code Section 11014.5.
 - k) Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
 - l) Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
 - m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined Penal Code Section 243.4.

- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and /or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- r) Committed sexual harassment as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code Section 233(e). This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated school personnel or volunteers, and/or a student or group of students to the extent having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or volunteers and/or students(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her

- age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site, including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (b) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but

not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

- w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Lead Teacher or designee's concurrence

4. **Non-Discretionary Expellable Offenses:** Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Lead Teacher or designee's concurrence.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

C. SUSPENSION PROCEDURE:

Subject to the requirements of Ed. Code section 47605(b)(5)(J), (i) for suspensions of fewer than 10 days, the Charter School shall provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story. For suspensions of 10 days or more and all other expulsions for disciplinary reasons, the Charter School shall provide both of the following: a) a timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights; and, b) a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

Suspensions shall be initiated according to the following procedures:

1. **Conference:**

Suspension shall be preceded, if possible, by a conference conducted by the Lead Teacher or Lead Teacher's designee with the student and his or her parent/guardian, and whenever practicable, the teacher, supervisor or Charter School employee who referred the student to the Lead Teacher or designee.

The conference may be omitted if the Lead Teacher or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians:

At the time of the suspension, a Charter School administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension, and the date of return following the suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the students may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Lead Teacher or Lead Teacher's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Lead Teacher or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. AUTHORITY TO EXPEL

As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are

entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least one member who is certificated and neither a teacher of the pupil or a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. Additional staff will be assigned by the Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

E. EXPULSION PROCEDURES

As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Lead Teacher or designee determines that the pupil committed an expellable offense.

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. SPECIAL PROCEDURES FOR EXPULSION HEARINGS INVOLVING SEXUAL ASSAULT OR BATTERY OFFENSES

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five (5) days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding entity finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a

determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. RECORD OF HEARING

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. PRESENTATION OF EVIDENCE

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. WRITTEN NOTICE TO EXPEL

The Lead Teacher or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Lead Teacher or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

J. DISCIPLINARY RECORDS

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.

K. NO RIGHT TO APPEAL

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board's decision to expel shall be final.

L. EXPELLED PUPILS/ALTERNATIVE EDUCATION

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

M. REHABILITATION PLANS

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

N. READMISSION

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Lead Teacher or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Lead Teacher or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

O. SPECIAL PROCEDURES FOR THE CONSIDERATION OF SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

1. Notification of SELPA

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student who the Charter School or SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this

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change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent/guardian, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/ 504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

5. Special Circumstances

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Lead Teacher or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7) (D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified to be eligible for special education and related services and who has violated a code of student conduct may assert the procedural safeguards if the Charter School had knowledge that the student was disabled before the behavior occurred. Knowledge on the part of the Charter School includes:

1. The parent/guardian has expressed concern in writing, or orally, to supervisory or administrative personnel of the Charter School that the child is in need of special education and related services.
2. The parent/guardian has requested a special education evaluation of the child.
3. The student is in the process of being assessed for special education.
4. The student has a section 504 plan.
5. The teacher of the student, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child to the director of special education of the Charter School or to other supervisory personnel of the Charter School.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

ELEMENT 11: RETIREMENT SYSTEMS

Governing Law: The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605(b)(5)(K)

Certificated employees at the Charter School shall participate in the State Teachers' Retirement System ("STRS"). Non-certificated full-time staff shall participate in the Public Employees' Retirement System ("PERS") and federal social security. The Lead Teacher shall be responsible for ensuring that appropriate arrangements for retirement coverage are made.

In accordance with Education Code Section 47611.3, the District or County shall create any reports required by STRS and PERS, and shall submit the required reports on behalf of the Charter School. At the District or County's request, the Charter School shall pay the District or County for the actual costs of such services.

ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L)

No student may be required to attend the Charter School. Students who reside within the District who choose not to attend the Charter School may attend school within the District according to District policy or at another school district or school within the District through the District's intra- and inter-district transfer policies. Parents and guardians of each student enrolled in the Charter School will be informed on admissions forms that the students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

ELEMENT 13: EMPLOYEE RETURN RIGHTS

Governing Law: The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M))

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

ELEMENT 14: DISPUTE RESOLUTION

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N)

The Charter School recognizes that it cannot bind the District to a dispute resolution procedure to which the District does not agree. The following policy is intended as a starting point for a discussion of dispute resolution procedures. The Charter School is willing to consider changes to the process outlined below as suggested by the District.

The intent of the dispute resolution process is to clarify roles and responsibilities and ensure a fair and timely process for resolving disputes. Should any section of this element pertaining to resolving disputes be in conflict to district policies or desired protocols, then the Charter School is amenable to altering said areas through a mutually agreed upon Memorandum of Understanding.

DISPUTES BETWEEN PINECREST EXPEDITION ACADEMY AND THE DISTRICT:

The Charter School and the District will be encouraged to attempt to resolve any disputes amicably and reasonably without resorting to formal procedures.

In the event of a dispute between Pinecrest Expedition Academy and the District, Pinecrest Expedition Academy staff, employees and Board members of the Charter School and the District agree to first frame the issue in written format ("dispute statement") and to refer the issue to the District Superintendent and Lead Teacher, or their respective designees. The written format may be a letter or other appropriately titled Memorandum memorializing the nature of the dispute(s) and issue(s). In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the District's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The Lead Teacher and the Superintendent, or their respective designees, shall informally meet and confer within five (5) days of the date of the written dispute statement to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the Superintendent and the Lead Teacher, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and Lead Teacher, or their respective designees, shall meet to jointly identify a neutral, third party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. Neither party shall make any public comments regarding the dispute. The format of the mediation session shall be developed jointly by the Superintendent and the Lead Teacher, or their respective designees. The Superintendent and Lead Teacher shall incorporate informal rules of evidence and procedure into the mediation format unless both parties agree otherwise. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the District and the Charter School. If mediation does not resolve the dispute, either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the Pinecrest Expedition Academy Charter Petition 2019

District and the Charter School.

INTERNAL DISPUTES

The Charter School shall have an internal dispute resolution process to be used for all internal disputes related to the Charter School's operations. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy of the Charter School's policies and internal dispute resolution process. The District shall promptly forward all complaints or disputes not related to a possible violation of the charter or law to the Charter School.

ELEMENT 15: SCHOOL CLOSURE PROCEDURES

Governing Law: The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine disposition of assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(O)

Closure of Pinecrest Expedition Academy will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities ("Authorized Closer").

The Charter School will promptly notify parents/guardians and pupils of the Charter School, the District, the Tuolumne County Office of Education, the Charter School's SELPA, the retirement system in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security) and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupil's school districts of residence; and the manner in which parents and guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Charter School will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School. All academic reporting required to be completed by the Charter School shall be completed upon closure.

The Charter School will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which it will provide to the Authorized Closer.

As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. The Charter School will ask the District to store original records of Charter School students. All student records of the Charter School shall be transferred to the District upon Charter School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and

maintained by the Authorized Closer in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent final audit completed within six months after closure. See 5 CCR 11962(f). The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, 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, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33 and all other required reporting.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the nonprofit public benefit corporation. Upon the dissolution of the nonprofit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled "Relief for Certain Participants in § 414(d) Plans" or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof, including the Tuolumne County Superintendent of Schools Office. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all debts and liabilities arising from the operation of the Charter School.

As the Charter School is operated as a California nonprofit public benefit corporation should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Appendix IV, the Charter School will ensure that its reserve fund includes sufficient monies to undertake any expenses associated with the closure procedures identified above.

MISCELLANEOUS CHARTER PROVISIONS

BUDGETS AND FINANCIAL STATEMENTS

Governing Law: 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 Section 47605(g).

Attached, as Appendix IV, please find the following documents:

- Budget narrative
- A projected first year budget, including startup costs
- Financial projections and cash flow for the first three years of operation

These documents are based upon the best data available to the petitioners at this time.

The Charter School shall provide reports to the District and County Superintendent of Schools as follows in accordance with Education Code Section 47604.33, and shall provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code Section 47605(g) will satisfy this requirement.
2. By July 1, a local control and accountability plan and an annual update to the local control and accountability plan required pursuant to Education Code Section 47606.5.
3. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, California Department of Education and County Superintendent of Schools.
4. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
5. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

The Charter School shall provide reporting to the District as required by law and as requested by the District including, but not limited to, the following: California Basic Educational Data System ("CBEDS"), actual Average Daily Attendance reports, all financial reports required by Education Code Sections 47604.33 and 47605(m), the School Accountability Report Card ("SARC"), and the LCAP.

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607.

Pursuant to Education Code Section 47604.3, the Charter School shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from the District.

INSURANCE

The Charter School shall acquire and finance Commercial General Liability, fire liability, Worker's Compensation Insurance, Employer's Liability Coverage, Commercial Auto Liability, including owned, leased, hired and non-owned, errors and omissions, Fidelity bond, Sexual Molestation and Abuse coverage, Employment Practices Legal Liability Coverage. and any other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts will be based on recommendations provided by the District and the Charter School's insurer. The District Board of Education shall be named as an additional insured on all policies of the Charter School. Prior to opening, the Charter School will provide evidence of the above insurance coverage to the District.

ADMINISTRATIVE SERVICES

Governing Law: The manner in which administrative services of the charter school are to be provided. Education Code Section 47605(g).

The Charter School will provide or procure its own administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

At any time, the Charter School may discuss the possibility of purchasing administrative services from the District. If the District is interested, the specific terms and cost for these services will be the subject of a memorandum of understanding between the Charter School and the District and subject to District availability and willingness to provide such services.

FACILITIES

Governing Law: The facilities to be utilized by the charter school. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. Education Code Section 47605(g).

Pinecrest Expedition Academy will be located at 30433 Old Strawberry Road, Pinecrest, CA, 95364. This building is owned by the Pinecrest Permittees Association and will be leased to the Pinecrest Expedition Academy. This facility is the former site of Pinecrest Elementary School. The building is 6,850 sq. ft, provides three classrooms, administrative offices, staff lounge, commercial kitchen a cafeteria/multipurpose room, a play structure, handicap access, a black top playground and field space. The building has an up to date HVAC system, alarm system, fire and Ansel system. The building does not contain asbestos. The building is regularly inspected and maintained and can and will meet all local codes and obtain any and all permits required.

The Charter School will have full access to this facility. Attached as Appendix V is a letter from Pinecrest Permittees Association to provide reasonable assurance that it will lease this above-described facility to Pinecrest Expedition Academy Charter Petition 2019

the Charter School upon approval of its charter petition.

If for any reason this facility is to become unavailable, we would seek to relocate the Charter School to another location in the Pinecrest area. The intent is to maintain a location east of the Little Sweden, Long Barn area.

POTENTIAL CIVIL LIABILITY EFFECTS

Governing Law: *Potential civil liability effects, if any, upon the charter school, and upon the school district. Education Code Section 47605(g).*

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d).

Pursuant to Education Code Section 47604(c), an authority that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School intends to enter into a memorandum of understanding with the District, wherein the Charter School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of the Charter School shall provide for indemnification of the Charter School's Board, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officers insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts shall be determined by recommendation of the District and the Charter School's insurance company for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance of the Charter School.

The Charter School Board shall institute appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.

TRANSPORTATION

The Charter School will not provide transportation to and from school, except as required by law. Parents/guardians are responsible for arranging all necessary transportation for their students to and from events, expeditions or otherwise.

In the event transportation is contracted, all contractors would be required to provide adequate insurance agreeable to the Charter School and the District.

OVERSIGHT, REPORTING, REVOCATION AND RENEWAL

The District may inspect or observe any part of Pinecrest Expedition Academy at any time. If the District
Pinecrest Expedition Academy Charter Petition 2019

believes it has cause to revoke this charter, it will comply with Education Code Section 47607 and all its implementing regulations. The Charter School agrees to respond promptly to all reasonable inquiries, including inquiries regarding its financial records. The District agrees to receive and review the annual fiscal and programming audit, annual performance report, and annual Student Population Committee Report.

CHARTER REVISION PROCESS

The process to revise the Charter will be as follows:

- a) Ideas for change originate anywhere
- b) Recommendations come to the governing board from one of its directors or a staff member for consideration.
- c) The governing board will consider and make a decision based on a consensus for the following: additions, deletions and/or modifications to the Charter.
- d) Material revisions will be completed in accordance with Education Code Section 47607(a).

We intend for this process to allow a consistent and open flow of communications regarding the Charter and allow for a responsive process.

DAILY OPERATIONS

Handbooks will be created for academic and extra-curricular programs offered by the Charter School. The handbooks will include any and all necessary information for daily operations. The procedures and processes included in these handbooks will be updated as needed and reviewed regularly by Pinecrest Expedition Academy Staff. Program Evaluations will be completed by parents, students and staff of the Pinecrest Expedition Academy.

CHARTER SCHOOL CONTACT INFORMATION

The contact information for the Charter School is as follows:

Pinecrest Expedition Academy
Attn: Heidi Lupo
P.O. Box 1218
Pinecrest, CA 95364

Phone: (209) 985-3044
E-mail: pinecrestexpeditionacademy@gmail.com

CONCLUSION

By approving this charter for the establishment Pinecrest Expedition Academy, the District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning, create new professional opportunities for teachers, and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Charter School petitioners are eager to work independently, yet cooperatively with the District to establish the highest bar for what a charter school can and should be. To this end, the Charter School petitioners pledge to work cooperatively with the District to answer any concerns concerning this Charter and to present the District with the strongest possible proposal requesting a five-year term from July 1, 2020 to June 30, 2025 and to begin operation in August 2020.

Appendix I:

Natural Resources Programs

Natural Elements Integration

EL Education is based upon a collaborative, project based learning environment, focused on hands on activities. We would like to pursue this using the area's natural resources and active needs. For the Pinecrest area the proximity to National Forest Lands is a key part. We plan to develop learning projects, based upon State Standards, to allow students to be exposed to active, hands on learning and problem solving techniques. This program will allow and encourage collaboration from area agencies and organizations. These projects will be led by students and will be developed for age appropriate levels. Each Crew will have different responsibilities for the projects. A key component of the EL Education program is Crew, allowing for the combination of age and grade levels to work in small groups. This collaborative effort allows for increased communication skills, shared knowledge and abilities. While projects will evolve with time, some of the following partners and projects will be included initially.

Natural Resources Management: manage, develop, maintain and lead tours on area forest interpretive trails, through the use of private and public lands. A program will be developed with area businesses and land owners as well as the United States Forest Service. This program will allow students to develop plans for the rehabilitation, maintenance, funding, and interpretive work for area trails. They will implement their plans, prepare, arrange and be involved in the physical work and eventually lead area visitors on tours of the trails. This project will work closely with PEA staff and USFS Summit Ranger District staff.

Fire Prevention and Fire Sciences: Working with the Strawberry Fire District students will develop fire prevention programs for the area. These programs will be student led and will encourage evaluation of forest fuels, their management, fire prevention, evaluation and education. Working with Strawberry Fire District staff, fire fighters and board members, students will lead the projects to educate members of the public and build skills to prepare them for post secondary programs in Forestry, Agriculture and Fire Science.

Weather and Snow Science: Through the development of a weather station and snow lab, students will track, evaluate and study weather and snow. This program will include a study of avalanches, their science, prevention and safety. This program will utilize industry professionals and supplemental texts.

Recreation: Tuolumne County has become a recreation hot spot, the evaluation of this business, its impacts, fiscally and environmentally are a crucial part of its survival. Working with the Summit Ranger District, students will be exposed to land use options, criteria and processes. This component will address policies, including CEQA and NEPA and their affect on recreation users and business owners. This program will utilize the area businesses, including Pinecrest Lake Resort.

We anticipate expanding our collaborative efforts to include other local businesses, agencies and non-profit organizations.



STRAWBERRY FIRE PROTECTION DISTRICT
Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364
strawberryfire85@gmail.com
PH 209.965.3513



September 24, 2019

Heidi Lupo
Pinecrest Expedition Academy
PO BOX 1218
Pinecrest, CA 95364

RE: Collaborative Curriculum

Dear Heidi:

The Strawberry Fire Protection District would be pleased to have a collaborative effort with the students and staff of the proposed Pinecrest Expedition Academy.

We would be happy to develop options for your students to lead programs geared to community education and evaluation for Fire Prevention in our area. This collaborative curriculum could encourage students and others to enter into the study of Fire Science. Community events and education symposiums, created by and led by your students with consultation and guidance from our District would be welcome and we look forward to the many opportunities this relationship could open up for the Pinecrest Expedition Academy, The Strawberry Fire District as well as the area property owners, residents and visitors.

We look forward to working with you in the near future.

Respectfully submitted,
Dee Martin
SFPD Board President
strawberryfire85@gmail.com
209-965-3513

Appendix II:

Draft School Calendar

2020 PROPOSED SCHOOL CALENDAR

The following calendar is proposed for the Pinecrest Expedition Academy. Adjustments will be made to align with other Tuolumne County Schools.

There are two days added at the end of the year as snow days, these days will be used in the event additional days need to be made up in the event of extreme weather conditions.

School Starts	Labor Day	Veterans Day	Thanksgiving Break	Winter Recess	MLK JR Holiday	Presidents' Day Holiday	Spring Recess	Memorial Day	Last Day	Snow Days (if needed)
8/18	9/7	11/11	11/23-11/27	12/21-1/2	1/18	2/12 & 2/15	3/29-4/2	5/31	6/4	6/7 & 6/8

Appendix III:
Articles of Incorporation, Bylaws, and
Conflict of Interest Code

4102201

ARTICLES OF INCORPORATION
OF
PINECREST EXPEDITION ACADEMY

FILED *em*
Secretary of State
State of California *VM*

JAN 22 2018

\CC

I.

The name of the Corporation shall be Pinecrest Expedition Academy.

II.

The Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes. The specific purposes for which this Corporation is organized are to manage, operate, guide, direct and promote one or more California public charter schools.

The Corporation is organized and operated exclusively for educational and charitable purposes pursuant to and within the meaning of Section 501(c)(3) of the Internal Revenue Code or the corresponding provision of any future United States Internal Revenue Law. Notwithstanding any other provision of these articles, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation. The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

III.

The name and address in the State of California of this Corporation's initial agent for service of process is:

Heidi Lupo
30433 Old Strawberry Road
Pinecrest, CA 95364

IV.

All corporate property is irrevocably dedicated to the purposes set forth in the second article above. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to any of its directors, members, trustees, officers or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered, and to make payments and distributions in furtherance of the purposes set forth in Article II.

No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

4102201

Subject to the provisions of the nonprofit public benefit provisions of the Nonprofit Corporation Law of the State of California, and any limitations in the articles or bylaws relating to action to be approved by the members or by a majority of all members, if any, the activities and affairs of this Corporation shall be conducted and all the powers shall be exercised by or under the direction of the board of directors.

The number of directors shall be as provided for in the bylaws. The bylaws shall prescribe the qualifications, mode of election, and term of office of directors.

V.

The authorized number and qualifications of members of the corporation, if any, the different classes of membership, the property, voting and other rights and privileges of members, and their liability for dues and assessments and the method of collection thereof, shall be set forth in the bylaws.

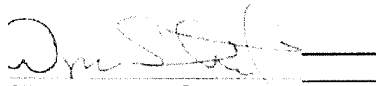
VI.

Upon the dissolution or winding up of the Corporation, its assets remaining after payment of all debts and liabilities of the Corporation, shall be distributed to a nonprofit fund, foundation, corporation or association which is organized and operated exclusively for educational, public or charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine which are organized and operated exclusively for such purposes.

VII.

The initial street address of the Corporation is: 30433 Old Strawberry Road, Pinecrest, CA 95364. The initial mailing address of the Corporation is: P.O. Box 1218, Pinecrest, CA 95364.

Dated: January 18, 2018



Wayne Strumpfer, Incorporator

a

I hereby certify that the foregoing
transcript of page(s)
is a full, true and correct copy of the
original record in the custody of the
California Secretary of State's office.

JAN 22 2018

Date:

Y.M

91rADILLA, Secretary of State

BYLAWS
OF
PINECREST EXPEDITION ACADEMY
(A California Nonprofit Public Benefit Corporation)

ARTICLE I
NAME

Section 1. NAME. The name of this Corporation is Pinecrest Expedition Academy.

ARTICLE II
PRINCIPAL OFFICE OF THE CORPORATION

Section 1. PRINCIPAL OFFICE OF THE CORPORATION. The principal office for the transaction of the activities and affairs of the Corporation is 30433 Old Strawberry Road, Pinecrest, State of California. The Board of Directors may change the location of the principal office. Any such change of location must be noted by the Secretary on these bylaws opposite this Section; alternatively, this Section may be amended to state the new location.

Section 2. OTHER OFFICES OF THE CORPORATION. The Board of Directors may at any time establish branch or subordinate offices at any place or places where the Corporation is qualified to conduct its activities.

ARTICLE III
GENERAL AND SPECIFIC PURPOSES; LIMITATIONS

Section 1. GENERAL AND SPECIFIC PURPOSES. The purpose of the Corporation is to manage, operate, guide, direct and promote the Pinecrest Expedition Academy ("Charter School"), a California public charter school. Also in the context of these purposes, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation.

The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE IV
CONSTRUCTION AND DEFINITIONS

Section 1. CONSTRUCTION AND DEFINITIONS. Unless the context indicates otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of

the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural includes the singular, and the term "person" includes both a legal entity and a natural person.

ARTICLE V DEDICATION OF ASSETS

Section 1. **DEDICATION OF ASSETS.** The Corporation's assets are irrevocably dedicated to public benefit purposes as set forth in the charter governing the charter schools operated as or by the Corporation. No part of the net earnings, properties, or assets of the Corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any director or officer of the Corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the Corporation shall be distributed to a nonprofit fund, foundation, corporation or association which is organized and operated exclusively for educational, public or charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

ARTICLE VI MEMBERSHIP

Section 1. The corporation shall have no members.

ARTICLE VII BOARD OF DIRECTORS

Section 1. **GENERAL POWERS.** Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the articles of incorporation or bylaws, the Corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors ("Board").

Section 2. **SPECIFIC POWERS.** Without prejudice to the general powers set forth in Section 1 of this article, but subject to the same limitations, the Board of Directors shall have the power to:

- a. Appoint and remove, at the pleasure of the Board of Directors, all corporate officers, agents, and employees; prescribe powers and duties for them as are consistent with the law, the articles of incorporation, and these bylaws; fix their compensation; and require from them security for faithful service.
- b. Change the principal office or the principal business office in California from one location to another; cause the Corporation to be qualified to conduct its activities in any other state, territory, dependency, or country; conduct its activities in or outside California.

- c. Borrow money and incur indebtedness on the Corporation's behalf and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.
- d. Adopt and use a corporate seal.

Section 3. DESIGNATED DIRECTORS AND TERMS. The number of directors shall be no less than five (5) and no more than nine (9), unless changed by amendments to these bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer as consistent with Education Code Section 47604(b). If the charter authorizer appoints a representative to serve on the Board of Directors, the Board of Directors may appoint an additional director to ensure an odd number of Board members. All directors, except for the representative appointed by the charter authorizer, shall be designated by the existing Board of Directors.

Except for the initial Board of Directors, each director shall hold office unless otherwise removed from office in accordance with these bylaws for three years and until a successor director has been designated and qualified. Terms for the initial Board of Directors shall be two (2) seats for a term of one (1) year, two (2) seats for a term of two (2) years, and two (2) seats for a term of three (3) years. The initial Board of Directors shall be as follows:

<u>NAME</u>	<u>EXPIRATION OF TERM</u>
Jamie Anderson	June 30, 2019
Peggy Herndon	June 30, 2019
Mike Yaley	June 30, 2020
John Cashman	June 30, 2020
Ron Berry	June 30, 2021
Courtney Sutton	June 30, 2021

Section 4. RESTRICTION ON INTERESTED PERSONS AS DIRECTORS. No persons serving on the Board of Directors may be interested persons. An interested person is (a) any person currently being compensated by the Corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director; and (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. The Board may adopt other policies circumscribing potential conflicts of interest.

Section 5. DIRECTORS' TERMS. Each director shall hold office unless otherwise removed from office in accordance with these bylaws for three (3) years and until a successor director has been designated and qualified.

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

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

Section 7. USE OF CORPORATE FUNDS TO SUPPORT NOMINEE. If more people have been nominated for director than can be elected, no corporate funds may be expended to support a nominee without the Board's authorization.

Section 8. EVENTS CAUSING VACANCIES ON BOARD. A vacancy or vacancies on the Board of Directors shall occur in the event of (a) the death, resignation, or removal of any director; (b) the declaration by resolution of the Board of Directors of a vacancy in the office of a director who has been convicted of a felony, declared of unsound mind by a court order, or found by final order or judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; or (c) the increase of the authorized number of directors.

Section 9. RESIGNATION OF DIRECTORS. Except as provided below, any director may resign by giving written notice to the Chairman of the Board, if any, or to the President, or the Secretary, or to the Board. The resignation shall be effective when the notice is given unless the notice specifies a later time for the resignation to become effective. If a director's resignation is effective at a later time, the Board of Directors may elect a successor.

Section 10. DIRECTOR MAY NOT RESIGN IF NO DIRECTOR REMAINS. Except on notice to the California Attorney General, no director may resign if the Corporation would be left without a duly elected director or directors.

Section 11. REMOVAL OF DIRECTORS. Any director, except for the representative appointed by the charter authorizer, may be removed, with or without cause, by the vote of the majority of the members of the entire Board of Directors, at a special meeting called for that purpose, or at a regular meeting, provided that notice of that meeting and such removal are given in compliance with the provisions of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code) as said chapter may be modified by subsequent legislation ("Brown Act"). The representative appointed by the charter authorizer may be removed without cause by the charter authorizer or with the written consent of the charter authorizer. Any vacancy caused by the removal of a Board designated director shall be filled as provided in Section 12.

Section 12. VACANCIES FILLED BY BOARD. Vacancies on the Board of Directors, except for the representative appointed by the charter authorizer, may be filled, by approval of the Board of Directors or, if the number of directors then in office is less than a quorum, by (a) the affirmative vote of a majority of the directors then in office at a regular or special meeting of the Board, or (b) a sole remaining director. A vacancy in the seat of the representative of the charter authorizer shall be filled by the charter authorizer.

Section 13. NO VACANCY ON REDUCTION OF NUMBER OF DIRECTORS. Any reduction of the authorized number of directors shall not result in any directors being removed before his or her term of office expires.

Section 14. PLACE OF BOARD OF DIRECTORS MEETINGS. Meetings shall be

held at the principal office of the Corporation unless the Board of Directors designates another location in accordance with these bylaws. The Board of Directors may also designate that a meeting be held at any place within the granting agency's boundaries designated in the notice of the meeting. All meetings of the Board of Directors shall be called, held and conducted in accordance with the terms and provisions of the Brown Act.

Section 15. MEETINGS: ANNUAL MEETINGS. All meetings of the Board of Directors and its committees shall be called, noticed, and held in compliance with the provisions of the Brown Act. The Board of Directors shall meet annually for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. This meeting shall be held at a time, date, and place as noticed by the Board of Directors in accordance with the Brown Act.

Section 16. REGULAR MEETINGS. Regular meetings of the Board of Directors, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Board of Directors. At least 72 hours before a regular meeting, the Board of Directors, or its designee shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

Section 17. SPECIAL MEETINGS. Special meetings of the Board of Directors for any purpose may be called at any time by the Chairman of the Board of Directors, if there is such an officer, or a majority of the Board of Directors. If a Chairman of the Board has not been elected then the President is authorized to call a special meeting in place of the Chairman of the Board. The party calling a special meeting shall determine the place, date, and time thereof.

Section 18. NOTICE OF SPECIAL MEETINGS. In accordance with the Brown Act, special meetings of the Board of Directors may be held only after twenty-four (24) hours notice is given to the public through the posting of an agenda. Directors shall also receive at least twenty-four (24) hours notice of the special meeting, in the following manner:

- a. Any such notice shall be addressed or delivered to each director at the director's address as it is shown on the records of the Corporation, or as may have been given to the Corporation by the director for purposes of notice, or, if an address is not shown on the Corporation's records or is not readily ascertainable, at the place at which the meetings of the Board of Directors are regularly held.
- b. Notice by mail shall be deemed received at the time a properly addressed written notice is deposited in the United States mail, postage prepaid. Any other written notice shall be deemed received at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or is actually transmitted by the person giving the notice by electronic means to the recipient. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to the receiver.

The notice of special meeting shall state the time of the meeting, and the place if the place is other than the principal office of the Corporation, and the general nature of the business proposed to be transacted at the meeting. No business, other than the business the general nature of which was set forth in the notice of the meeting, may be transacted at a special meeting.

Section 19. QUORUM. A majority of the directors then in office shall 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 the inception of any meeting, the meeting shall be adjourned. Directors may not vote by proxy. The vote or abstention of each Board member present for each action taken shall be publicly reported.

Section 20. TELECONFERENCE MEETINGS. Members of the Board of Directors may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:

- a. At a minimum, a quorum of the members of the Board of Directors shall participate in the teleconference meeting from locations within the boundaries of the granting agency in which the Corporation operates;
- b. All votes taken during a teleconference meeting shall be by roll call;
- c. If the Board of Directors elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;
- d. All locations where a member of the Board of Directors participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;¹
- e. Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Board of Directors directly at each teleconference location; and
- f. Members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call.²

Section 21. ADJOURNMENT. A majority of the directors present, whether or not a quorum is present, may adjourn any Board of Directors meeting to another time or place. Notice of such adjournment to another time or place shall be given, prior to the time scheduled for the continuation of the meeting, to the directors who were not present at the time of the adjournment, and to the public in the manner prescribed by the Brown Act.

Section 22. COMPENSATION AND REIMBURSEMENT. Directors may not receive compensation for their services as directors or officers, only such reimbursement of expenses as the Board of Directors may establish by resolution to be just and reasonable as to the Corporation at the time that the resolution is adopted.

Section 23. CREATION AND POWERS OF COMMITTEES. The Board, by

¹ This means that members of the Board of Directors who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any members of the public who wish to attend the meeting at that location.

² The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

resolution adopted by a majority of the directors then in office, may create one or more committees of the Board, each consisting of two or more directors and no one who is not a director, to serve at the pleasure of the Board. Appointments to committees of the Board of Directors shall be by majority vote of the directors then in office. The Board of Directors may appoint one or more directors as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Board, to the extent provided in the Board of Directors' resolution, except that no committee may:

- a. Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;
- b. Fill vacancies on the Board of Directors or any committee of the Board;
- c. Fix compensation of the directors for serving on the Board of Directors or on any committee;
- d. Amend or repeal bylaws or adopt new bylaws;
- e. Amend or repeal any resolution of the Board of Directors that by its express terms is not so amendable or subject to repeal;
- f. Create any other committees of the Board of Directors or appoint the members of committees of the Board;
- g. Expend corporate funds to support a nominee for director if more people have been nominated for director than can be elected; or
- h. Approve any contract or transaction to which the Corporation is a party and in which one or more of its directors has a material financial interest.

The Board may also create one or more advisory committees composed of directors and non-directors. It is the intent of the Board to encourage the participation and involvement of faculty, staff, parents, students and administrators through attending and participating in open committee meetings. The Board may establish, by resolution adopted by a majority of the directors then in office, advisory committees to serve at the pleasure of the Board.

Section 24. MEETINGS AND ACTION OF COMMITTEES. Meetings and actions of committees of the Board of Directors shall be governed by, held, and taken under the provisions of these bylaws concerning meetings, other Board of Directors' actions, and the Brown Act, if applicable, except that the time for general meetings of such committees and the calling of special meetings of such committees may be set either by Board of Directors' resolution or, if none, by resolution of the committee. Minutes of each meeting shall be kept and shall be filed with the corporate records. The Board of Directors may adopt rules for the governance of any committee as long as the rules are consistent with these bylaws. If the Board of Directors has not adopted rules, the committee may do so.

Section 25. NON-LIABILITY OF DIRECTORS. No director shall be personally

liable for the debts, liabilities, or other obligations of the Corporation.

Section 26. COMPLIANCE WITH LAWS GOVERNING STUDENT RECORDS. The Charter School and the Board of Directors shall comply with all applicable provisions of the Family Education Rights Privacy Act ("FERPA") as set forth in Title 20 of the United States Code Section 1232g and attendant regulations as they may be amended from time to time.

ARTICLE VIII OFFICERS OF THE CORPORATION

Section 1. OFFICES HELD. The officers of the Corporation shall be a President, a Secretary, and a Chief Financial Officer. The Corporation, at the Board's direction, may also have a Chairman of the Board and a Vice-Chair. The officers, in addition to the corporate duties set forth in this Article VIII, shall also have administrative duties as set forth in any applicable contract for employment or job specification. Except for the Chairman of the Board and Vice-Chair, officers shall not also be directors (Board members).

Section 2. DUPLICATION OF OFFICE HOLDERS. Any number of offices may be held by the same person, except that neither the Secretary nor the Chief Financial Officer may serve concurrently as either the President or the Chairman of the Board.

Section 3. ELECTION OF OFFICERS. The officers of the Corporation shall be chosen annually by the Board of Directors and shall serve at the pleasure of the Board, subject to the rights of any officer under any employment contract.

Section 4. REMOVAL OF OFFICERS. Without prejudice to the rights of any officer under an employment contract, the Board of Directors may remove any officer with or without cause.

Section 5. RESIGNATION OF OFFICERS. Any officer may resign at any time by giving written notice to the Board. The resignation shall take effect on the date the notice is received or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to any rights of the Corporation under any contract to which the officer is a party.

Section 6. VACANCIES IN OFFICE. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for normal appointment to that office, provided, however, that vacancies need not be filled on an annual basis.

Section 7. CHAIRMAN OF THE BOARD. If a Chairman of the Board of Directors is elected, he or she shall preside at the Board of Directors' meetings and shall exercise and perform such other powers and duties as the Board of Directors may assign from time to time. If a Chairman of the Board of Directors is elected, there shall also be a Vice-Chairman of the Board of Directors. In the absence of the Chairman, the Vice-Chairman shall preside at Board of Directors meetings and shall exercise and perform such other powers and duties as the Board of Directors may assign from time to time.

Section 8. PRESIDENT. The President, also known as the Business Development and Operations Coordinator and shall be the operations manager of the Corporation and shall, along with the Lead Teacher, supervise, direct, and control the Corporation's activities, affairs, and officers as fully described in any applicable employment contract, agreement, or job specification. The President shall have such other powers and duties as the Board of Directors or the bylaws may require. If there is no Chairman of the Board, the President shall also preside at the Board of Directors' meetings.

Section 9. SECRETARY. The Secretary shall keep or cause to be kept, at the Corporation's principal office or such other place as the Board of Directors may direct, a book of minutes of all meetings, proceedings, and actions of the Board and of committees of the Board. The minutes of meetings shall include the time and place that the meeting was held; whether the meeting was annual, regular, special, or emergency and, if special or emergency, how authorized; the notice given; the names of the directors present at Board of Directors and committee meetings; and the vote or abstention of each Board member present for each action taken.

The Secretary shall keep or cause to be kept, at the principal California office, a copy of the articles of incorporation and bylaws, as amended to date.

The Secretary shall give, or cause to be given, notice of all meetings of the Board and of committees of the Board of Directors that these bylaws require to be given. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board of Directors or the bylaws may require.

Section 10. CHIEF FINANCIAL OFFICER. The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the Corporation's properties and transactions. The Chief Financial Officer shall send or cause to be given to directors such financial statements and reports as are required to be given by law, by these bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

The Chief Financial Officer shall (a) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Corporation with such depositories as the Board of Directors may designate; (b) disburse the Corporation's funds as the Board of Directors may order; (c) render to the President, Chairman of the Board, if any, and the Board, when requested, an account of all transactions as Chief Financial Officer and of the financial condition of the Corporation; and (d) have such other powers and perform such other duties as the Board, contract, job specification, or the bylaws may require.

If required by the Board, the Chief Financial Officer shall give the Corporation a bond in the amount and with the surety or sureties specified by the Board of Directors for faithful performance of the duties of the office and for restoration to the Corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Chief Financial Officer on his or her death, resignation, retirement, or removal from office.

ARTICLE IX CONTRACTS WITH DIRECTORS

Section 1. **CONTRACTS WITH DIRECTORS.** The Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor shall the Corporation enter into any contract or transaction with any other corporation, firm, association, or other entity in which one or more of the Corporation's directors are directors and have a material financial interest).

ARTICLE X CONTRACTS WITH NON-DIRECTOR DESIGNATED EMPLOYEES

Section 1. **CONTRACTS WITH NON-DIRECTOR DESIGNATED EMPLOYEES.** The Corporation shall not enter into a contract or transaction in which a non-director designated employee (e.g., officers and other key decision-making employees) directly or indirectly has a material financial interest unless all of the requirements in the Corporation's Conflict of Interest Code have been fulfilled.

ARTICLE XI LOANS TO DIRECTORS AND OFFICERS

Section 1. **LOANS TO DIRECTORS AND OFFICERS.** The Corporation shall not lend any money or property to or guarantee the obligation of any director or officer without the approval of the California Attorney General; provided, however, that the Corporation may advance money to a director or officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of his or her duties if that director or officer would be entitled to reimbursement for such expenses of the Corporation.

ARTICLE XII INDEMNIFICATION

Section 1. **INDEMNIFICATION.** To the fullest extent permitted by law, the Corporation shall indemnify its directors, officers, employees, and other persons described in Corporations Code Section 5238(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that section, and including an action by or in the right of the Corporation by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in that section of the Corporations Code.

On written request to the Board of Directors by any person seeking indemnification under Corporations Code Section 5238 (b) or Section 5238 (c) the Board of Directors shall promptly decide under Corporations Code Section 5238 (e) whether the applicable standard of conduct set forth in Corporations Code Section 5238 (b) or Section 5238 (c) has been met and, if so, the Board of Directors shall authorize indemnification.

ARTICLE XIII INSURANCE

Section 1. **INSURANCE.** The Corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its directors, officers, employees,

and other agents, to cover any liability asserted against or incurred by any director, officer, employee, or agent in such capacity or arising from the director's, officer's, employee's, or agent's status as such.

ARTICLE XIV MAINTENANCE OF CORPORATE RECORDS

Section 1. MAINTENANCE OF CORPORATE RECORDS. The Corporation shall keep:

- a. Adequate and correct books and records of account;
- b. Written minutes of the proceedings of the Board and committees of the Board; and
- c. Such reports and records as required by law.

ARTICLE XV INSPECTION RIGHTS

Section 1. DIRECTORS' RIGHT TO INSPECT. Every director shall have the right at any reasonable time to inspect the Corporation's books, records, documents of every kind, physical properties, and the records of each subsidiary, as permitted by California and federal law. This right to inspect may be circumscribed in instances where the right to inspect conflicts with California or federal law (e.g., restrictions on the release of educational records under FERPA) pertaining to access to books, records, and documents. The inspection may be made in person or by the director's agent or attorney. The right of inspection includes the right to copy and make extracts of documents as permitted by California and federal law.

Section 2. ACCOUNTING RECORDS AND MINUTES. On written demand on the Corporation, any director may inspect, copy, and make extracts of the accounting books and records and the minutes of the proceedings of the Board of Directors and committees of the Board of Directors at any reasonable time for a purpose reasonably related to the director's interest as a director. Any such inspection and copying may be made in person or by the director's agent or attorney. This right of inspection extends to the records of any subsidiary of the Corporation.

Section 3. MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS. The Corporation shall keep at its principal California office the original or a copy of the articles of incorporation and bylaws, as amended to the current date, which shall be open to inspection by the directors at all reasonable times during office hours.

ARTICLE XVI REQUIRED REPORTS

Section 1. ANNUAL REPORTS. The Board of Directors shall cause an annual report to be sent to itself (the members of the Board of Directors) within 120 days after the end of the Corporation's fiscal year. That report shall contain the following information, in appropriate detail:

- a. The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year;
- b. The principal changes in assets and liabilities, including trust funds;

- c. The Corporation's revenue or receipts, both unrestricted and restricted to particular purposes;
- d. The Corporation's expenses or disbursement for both general and restricted purposes;
- e. Any information required under these bylaws; and
- f. An independent accountant's report or, if none, the certificate of an authorized officer of the Corporation that such statements were prepared without audit from the Corporation's books and records.

Section 2. **ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS.** As part of the annual report to all directors, or as a separate document if no annual report is issued, the Corporation shall, within 120 days after the end of the Corporation's fiscal year, annually prepare and mail or deliver to each director and furnish to each director a statement of any transaction or indemnification of the following kind:

- (a) Any transaction (i) in which the Corporation, or its parent or subsidiary, was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than \$50,000 or was one of several transactions with the same interested person involving, in the aggregate, more than \$50,000. For this purpose, an "interested person" is either:
 - (1) Any director or officer of the Corporation, its parent, or subsidiary (but mere common directorship shall not be considered such an interest); or
 - (2) Any holder of more than 10 percent of the voting power of the Corporation, its parent, or its subsidiary. The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the Corporation, the nature of their interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.
- (b) The amount and circumstances of any indemnifications aggregating more than \$10,000 paid during the fiscal year to any director or officer of the Corporation pursuant to Article XII of these Bylaws.

ARTICLE XVII BYLAW AMENDMENTS

Section 1. **BYLAW AMENDMENTS.** The Board of Directors may adopt, amend or repeal any of these bylaws by a majority vote of the directors present at a meeting duly held at which a quorum is present, except that no amendment shall change any provisions of any charter

governing any charter school operated as or by the Corporation or make any provisions of these bylaws inconsistent with such charter, the Corporation's articles of incorporation, or any laws.

ARTICLE XVIII FISCAL YEAR

Section 1. FISCAL YEAR OF THE CORPORATION. The fiscal year of the Corporation shall begin on July 1st and end on June 30th of each year.

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting Secretary of the Pinecrest Expedition Academy, Inc. a California nonprofit public benefit corporation; that these bylaws, consisting of 13 pages, are the bylaws of the Corporation as adopted by the Board of Directors on August 22, 2018; and that these bylaws have not been amended or modified since that date.

Executed on 8/22/2018 at Pinecrest, California.

Ron Berry
Ron Berry Secretary

PINECREST EXPEDITION ACADEMY, INC.

CONFLICT OF INTEREST CODE

I. ADOPTION

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Pinecrest Expedition Academy, Inc. hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing board members and all other designated employees of Pinecrest Expedition Academy, Inc. ("Charter School"), as specifically required by California Government Code Section 87300.

II. DEFINITION OF TERMS

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

III. DESIGNATED EMPLOYEES

Employees of this Charter School, including governing board members, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be "designated employees." The designated positions are listed in "Exhibit A" attached to this policy and incorporated by reference herein.

IV. STATEMENT OF ECONOMIC INTERESTS: FILING

Each designated employee, including governing board members, shall file a Statement of Economic Interest ("Statement") at the time and manner prescribed by California Code of Regulations, title 2, section 18730, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee's position is assigned in "Exhibit A."

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in "Exhibit B."

Statements Filed with the Charter School. All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School's filing official shall make and retain a copy of the Statement and forward the original to the County Board of Supervisors.

V. DISQUALIFICATION

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

VI. MANNER OF DISQUALIFICATION

A. Non-Governing Board Member Designated Employees

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Executive Director, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

B. Governing Board Member Designated Employees

The Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor shall the Corporation enter into any contract or transaction with any other corporation, firm, association, or other entity in which one or more of the Corporation's directors are directors and have a material financial interest).

EXHIBIT A

Designated Positions

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Members of the Governing Board	1, 2
Lead Teacher	1, 2
Business Development and Operations Coordinator	1, 2
Business Manager/CFO	1, 2
Consultants/New Positions	*

*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Executive Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Government Code § 81008).

EXHIBIT B
Disclosure Categories

Category 1

Designated positions assigned to this category must report:

- a) Interests in real property that are located in whole or in part within a two-mile radius:
 - of any school district that has authorized a Pinecrest Expedition Academy charter school, or
 - of any facility utilized by Pinecrest Expedition Academy charter schools, or
 - of a proposed site for a Pinecrest Expedition Academy facility.
- b) Investments and business positions in business entities, and sources of income (including gifts, loans, and travel payments) of the type that engage in the purchase or sale of real property or are engaged in building construction or design.

Category 2

Designated positions assigned to this category must report:

- a. Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by Pinecrest Expedition Academy.

Category 3

Designated positions assigned to this category must report:

- a Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by the designated position's department.

Appendix IV:

Budget and Financial Documents

Pinecrest Expedition Academy **Enrollment & ADA Projections**

Enrollment

	2020-21	2021-22	2022-23	2023-24	2024-25
TK-3	23	24	27	27	27
4-6	19	21	23	23	23
7-8	10	12	15	15	15
	52	57	65	65	65

0.96

Average Daily Attendance

	2020-21	2021-22
TK-3	22.08	23.04
4-6	18.24	20.16
7-8	9.6	11.52
	49.92	54.72

2022-23	2023-24	2024-25
25.92	25.92	25.92
22.08	22.08	22.08
14.4	14.4	14.4
62.40	62.40	62.40

SALARY POSITIONS ASSUMPTION	2020-21	2021-22	2022-23	2023-24	2023-24
Positions (FTE)					
Certificated Teacher	2.10	2.10	2.10	2.10	2.10
Lead Teacher/Principal	1.00	1.00	1.00	1.00	1.00
Instructional Aide	0.33	0.33	0.33	0.33	0.33
Office Manager	1.00	1.00	1.00	1.00	1.00
Food Service	0.33	0.33	0.33	0.33	0.33
Secretary	0.34	0.34	0.34	0.34	0.34
	5.10	5.10	5.10	5.10	5.10
Medical Benefits Eligibility (Cert)	3.00	3.00	3.00	3.00	3.00
Medical Benefits Eligibility (Class)	2.00	2.00	2.00	2.00	2.00

BUDGET REPORT ASSUMPTIONS	2020-21	2021-22	2022-23	2023-24
Projected Enrollment				
Grades K-3	23	24	27	27
Grades 4-6	19	21	23	23
Grades 7-8	10	12	15	15
Total Enrollment	52	57	65	65
Percent Change Over Prior Year	--	9.62%	14.04%	0.00%
Projected P-2 ADA				
Grades K-3	22.08	23.04	25.92	25.92
Grades 4-6	18.24	20.16	22.08	22.08
Grades 7-8	9.60	11.52	14.40	14.40
Total ADA	49.92	54.72	62.40	62.40
Percent Change Over Prior Year	--	9.62%	14.04%	0.00%
ADA to Enrollment Ratio	0.96	0.96	0.96	0.96
Revenue Funding Rates (Per ADA)				
Mandated Cost Reimbursement	17.37	17.86	18.42	18.42
Lottery (Prop 20)	53	53	53	53
Lottery (Non-Prop 20)	151	151	151	151
Other Major Revenue Assumptions	None			
Staffing				
Number of Teachers (FTE)	3.00	3.00	3.00	3.00
Average Teacher Cost (Salary and Benefits)	72,104	74,267	76,495	78,790
Health and Welfare Cost per Employee	11,338	11,822	12,328	12,857
Classroom Staffing Ratio				
Students per FTE	17.33	19.00	21.67	21.67
Benefits				
CalSTRS Employer Rate	18.10%	18.10%	18.10%	18.10%
Facilities				
Rent/Lease	18,000	18,900	19,845	20,837
Utilities	3,600	3,780	3,969	4,167
Repairs	1,800	1,890	1,985	2,084
Administrative Service Agreements				
Oversight Fees to Authorizer (1 or 3 percent)	1%	1%	1%	1%
Authorizer Oversight Annual Fee	5,950	6,522	7,437	7,437
Other Major Expenditure Assumptions	None			

2024-25

27
23
15
65
0.00%

25.92
22.08
14.40
62.40
0.00%

0.96

18.42
53
151

3.00
81,154
13,409

21.67

18.10%

21,879
4,376
2,188

1%
7,437

42228.015154
42228.016181

7/1/19

Pinecrest Expedition Academy - Pinecrest Budget													
EDUCATION PROTECTION ACCOUNT													
7/1/19													
Certification													
	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
EDUCATION PROTECTION ACCOUNT (EPA) MINIMUM ENTITLEMENT													
A-1	Total ADA for EPA Minimum												
B-1	Minimum Funding per ADA												
C-1	EPA Minimum Funding (A-1 * B-1)												
EPA PROPORTIONATE SHARE CAP													
A-2	Adjusted Total Revenue Limit												
B-2	Current Year Fiscal Year 2019												
B-3	Adjusted Revenue Limit (Adjusted General Purpose Fund for EPA)												
B-4	Local Proportionate Share of Property Taxes												
B-5	EPA Proportionate Share Cap (B-3 * B-4) (If less than C-1, B-4 = 0)												
EPA PROPORTIONATE SHARE													
C-1	Adjusted Proportionate Share (Adjusted General Purpose Fund for EPA)												
C-2	Statewide EPA Proportionate Share Ratio (see A-2 Certification)												
C-3	EPA Proportionate Share (C-1 * C-2)												
EPA ENTITLEMENT													
D-1	EPA Entitlement (C-3 * B-1, then C-1, then greater of A-3 or B-3)												
D-2	Miscellaneous Adjustments**												
D-3	Adjusted EPA Entitlement (D-1 + D-2)												
D-4	Prior Year Annual Adjustment												
D-5	P-2 Entitlement (D-3 + D-4)												
C-2	Statewide EPA Proportionate Share Ratio (see A-2 Certification)												
A-2	Adjusted EPA Allocation (used to calculate LCFF Revenue)												
Calculation of Net State Aid before Minimum State Aid													
Phase-In Entitlement													
Less: Property Taxes (See Item 1)													
Gross State Aid													
Less: EPA Allocation													
Net State Aid													
Minimum State Aid													
Adjusted Total Revenue Limit													
2012-13 Declined MSJ Allowance													
Less: Property Taxes (See Item 1)													
Less: EPA Allocation													
Revenue Limit Minimum State Aid													
Calculated Minimum State Aid													
Minimum State Aid Guarantee													
Charter School Minimum State Aid (Sheet effective 2014-15)													
LCFF State Aid													
EPA in Excess to LCFF Funding													
** Miscellaneous Adjustments reflect General Purpose Fund for EPA													

*A miscellaneous adjustment increases EPA State Aid (project 8012) funding in lieu of issuing an invoice to an LEA when it is overpaid. EPA State Aid offsets LCFF State Aid (project 8011). It is calculated a single time at P2.

Pinecrest Expedition Academy

Multi-Year Projection

This charter school uses the following basis of accounting:

- ☐ Accrual Basis (Applicable Capital Assets / Interest on Long-Term Debt / Long-Term Liabilities objects are 6900, 7438, 9400-9499, and 9660-9669)
- ☒ Modified Accrual Basis (Applicable Capital Outlay / Debt Service objects are 6100-6170, 6200-6500, 7438, and 7439)

Description	Object Code	2020-21	2021-22	2022-23	2023-24	2024-25
A. REVENUES						
1. LCFF Sources						
State Aid - Current Year	8011	-	-	-	-	-
Education Protection Account (EPA) - Current Year	8012	9,984.00	10,944.00	12,480.00	12,480.00	12,480.00
State Aid - Prior Years	8019	-	-	-	-	-
Transfers to Charter Schools in Lieu of Property Taxes	8096	584,972.00	641,219.00	731,215.00	731,215.00	731,215.00
Other LCFF Transfers	8091, 8097	-	-	-	-	-
Total, LCFF Sources		594,956.00	652,163.00	743,695.00	743,695.00	743,695.00
2. Federal Revenues						
No Child Left Behind	8290	-	-	-	-	-
Special Education - Federal	8181, 8182	-	-	-	-	-
Child Nutrition - Federal	8220	-	-	-	-	-
Other Federal Revenues						
Title I		-	-	-	-	-
Title II		-	-	-	-	-
Title III	8110, 8260-8299	-	-	-	-	-
Title IV		-	-	-	-	-
Title V		-	-	-	-	-
PCSGP		-	-	-	-	-
Total, Federal Revenues		-	-	-	-	-
3. Other State Revenues						
Special Education - State	8311	-	-	-	-	-
Child Nutrition - State	8520	-	-	-	-	-
School Facilities Apportionments	8545	-	-	-	-	-
Mandated Cost Reimbursement	8550	-	891.57	1,007.94	1,149.41	1,149.41
State Lottery Revenue	8560	10,182.68	11,162.88	12,729.60	12,729.60	12,729.60
ASES	8590	-	-	-	-	-
All Other State Revenues	8590	-	-	-	-	-
Total, Other State Revenues		10,182.68	12,054.45	13,737.54	13,879.01	13,879.01
4. Other Local Revenues						
Food Service Sales	8634	-	-	-	-	-
All Other Sales	8639	-	-	-	-	-
Interest	8660	-	-	-	-	-
Donations	8682	-	-	-	-	-

All Other Fees and Contracts	8689	-	-			-
All Other Local Revenues	8699	-	-			-
Total, Local Revenues		-	-			-
5. TOTAL REVENUES		605,138.68	664,217.45	757,432.54	757,574.01	757,574.01
B. EXPENDITURES						
1. Certificated Salaries						
Certificated Teachers' Salaries	1100	108,160.00	111,404.80	114,746.94	118,189.35	121,735.03
Certificated Stipends	1101	-	-	-	-	-
Certificated Pupil Support Salaries	1200	3,000.00	3,090.00	3,182.70	3,278.18	3,376.53
Certificated Supervisors' and Administrators' Salaries	1300	75,000.00	77,250.00	79,567.50	81,954.53	84,413.16
Certificated Bonuses	1400	-	-	-	-	-
Other Certificated Salaries	1900	-	-	-	-	-
Total, Certificated Salaries		186,160.00	191,744.80	197,497.14	203,422.06	209,524.72
2. Non-certificated Salaries						
Non-certificated Instructional Aides' Salaries	2100	7,200.00	7,416.00	7,638.48	7,867.63	8,103.66
Non-certificated Support Salaries	2200	14,400.00	14,832.00	15,276.96	15,735.27	16,207.33
Non-certificated Supervisors' and Administrators' Sal.	2300	-	-	-	-	-
Clerical and Office Salaries	2400	45,000.00	46,350.00	47,740.50	49,172.72	50,647.90
Non-certificated Bonuses	2600	-	-	-	-	-
Other Non-certificated Salaries	2900	-	-	-	-	-
Other Non-certificated Substitute	2935	-	-	-	-	-
Total, Non-certificated Salaries		66,600.00	68,598.00	70,655.94	72,775.62	74,958.89
3. Employee Benefits						
State Teachers' Retirement System, certificated	3101	33,694.96	34,705.81	35,746.98	36,819.39	37,923.97
State Teachers' Retirement System, classified positions	3102	-	-	-	-	-
Public Employees' Retirement System, certificated	3201	-	-	-	-	-
Public Employees' Retirement System, classified	3202	-	-	-	-	-
OASDI/Medicare/Alternative, certificated positions	3301	2,699.32	2,780.30	2,863.71	2,949.62	3,038.11
OASDI/Medicare/Alternative, classified positions	3302	5,094.90	5,247.75	5,405.18	5,567.33	5,734.36
Health & Welfare Benefits, certificated positions	3401	18,600.00	19,530.00	20,506.50	21,531.83	22,608.42
Health & Welfare Benefits, classified positions	3402	12,000.00	12,600.00	13,230.00	13,891.50	14,586.08
State Unemployment Insurance, certificated positions	3501	-	-	-	-	-
State Unemployment Insurance, classified positions	3502	9,308.00	9,587.24	9,874.86	10,171.10	10,476.24
State Employment Training Tax, certificated positions	3511	3,330.00	3,429.90	3,532.80	3,638.78	3,747.94
State Employment Training Tax, classified positions	3512	-	-	-	-	-
Workers' Compensation Insurance, certificated positions	3601	-	-	-	-	-
Workers' Compensation Insurance, classified positions	3602	3,537.04	2,876.17	2,962.46	3,051.33	3,142.87
OPEB, Allocated, certificated positions	3701	-	-	-	-	-
OPEB, Allocated, classified positions	3702	-	-	-	-	-
OPEB, Active Employees, certificated positions	3751	-	-	-	-	-
OPEB, Active Employees, classified positions	3752	-	-	-	-	-
PERS Reduction, certificated positions	3801	-	-	-	-	-

PERS Reduction, classified positions	3802	-	-	-	-	-
Other Benefits, certificated positions	3901	-	-	-	-	-
Other Benefits, classified positions	3902	-	-	-	-	-
Employee benefits - not pension	3998	-	-	-	-	-
Employer Paid Taxes	3999	-	-	-	-	-
Total, Employee Benefits		89,529.62	91,786.14	95,182.32	98,712.52	102,382.36
4. Books and Supplies						
Approved Textbooks and Core Curricula Materials	4100	15,600.00	4,100.00	5,250.00	3,250.00	3,250.00
Books and Other Reference Materials	4200	5,200.00	3,100.00	3,650.00	3,250.00	3,250.00
Materials and Supplies	4300	2,600.00	8,550.00	9,750.00	9,750.00	9,750.00
Noncapitalized Equipment	4400	7,800.00	3,350.00	4,050.00	3,250.00	3,250.00
Food	4700	17,971.20	19,699.20	22,464.00	22,464.00	22,464.00
Total, Books and Supplies		49,171.20	38,799.20	45,164.00	41,964.00	41,964.00
5. Services and Other Operating Expenditures						
Subagreements for Services	5100	-	-	-	-	-
Travel	5210	5,949.56	6,247.04	6,559.39	6,887.36	7,231.73
Conference, Convention, Meeting	5220	4,474.78	4,698.52	4,933.44	5,180.12	5,439.12
Field Trip	5240	2,080.00	2,500.00	3,000.00	3,400.00	3,800.00
Dues and Memberships	5300	3,500.00	3,675.00	3,858.75	4,051.69	4,254.27
Insurance	5400	10,411.73	11,412.85	13,014.66	13,014.66	13,014.66
Operations and Housekeeping Services	5500	8,924.34	9,782.45	11,155.43	11,155.43	11,155.43
Rent	5610	18,000.00	18,900.00	19,845.00	20,837.25	21,879.11
Utilities	5620	3,600.00	3,780.00	3,969.00	4,167.45	4,375.82
Repairs	5640	1,800.00	1,890.00	1,984.50	2,083.73	2,187.91
Other Services & Operating Expenses	5800	5,000.00	5,500.00	6,050.00	6,655.00	7,320.50
Accounting	5810	7,500.00	7,875.00	8,268.75	8,682.19	9,116.30
Business Services	5813	48,000.00	48,000.00	54,000.00	54,000.00	54,000.00
Bank Charges	5815	420.00	441.00	463.05	486.20	510.51
Education Consultants	5817	-	-	-	-	-
Legal	5830	11,000.00	1,050.00	1,102.50	1,157.63	1,215.51
Professional Development	5840	2,000.00	2,100.00	3,205.00	3,365.25	4,533.51
Substitute Teachers (Third Party Vendors)	5851	-	-	-	-	-
Contract Labor	5852	-	-	-	-	-
Special Education Encroachment	5869	44,928.00	49,248.00	56,160.00	56,160.00	56,160.00
Special Education Services	5872	-	-	-	-	-
Communications	5900	240.00	252.00	264.60	277.83	291.72
Total, Services and Other Operating Expenditures		177,828.41	177,351.85	197,834.07	201,561.77	206,486.11
6. Capital Outlay						
(Objects 6100-6170, 6200-6500 modified accrual basis only)						
Land and Land Improvements	6100-6170	-	-	-	-	-
Buildings and Improvements of Buildings	6200	-	-	-	-	-
Books and Media for New School Libraries or Major Expansion of School Libraries	6300	2,500.00	5,000.00	10,000.00	10,000.00	10,000.00
Equipment	6400	-	2,500.00	5,000.00	5,000.00	5,000.00
Equipment Replacement	6500	-	-	-	-	-
Depreciation Expense (for full accrual only)	6900	-	-	-	-	-

Total, Capital Outlay		2,500.00	7,500.00	15,000.00	15,000.00	15,000.00
7. Other Outgo						
Tuition to Other Schools	7110-7143	-	-	-	-	-
Transfers of Pass-through Revenues to Other LEAs	7211-7213	-	-	-	-	-
Transfers of Apportionments to Other LEAs - Spec. Ed.	7221-7223SE	-	-	-	-	-
Transfers of Apportionments to Other LEAs - All Other	7221-7223AO	-	-	-	-	-
All Other Transfers	7281-7299	-	-	-	-	-
Debt Service:						
Interest	7438	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Principal	7439	-	-	-	-	-
District Oversight Fee	7500	5,949.56	6,521.63	7,436.95	7,436.95	7,436.95
Total, Other Outgo		6,949.56	7,521.63	8,436.95	8,436.95	8,436.95
8. TOTAL EXPENDITURES		578,738.79	583,301.62	629,770.42	641,872.92	658,753.03
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPEND. BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)		26,399.89	80,915.83	127,662.12	115,701.09	98,820.98
D. OTHER FINANCING SOURCES / USES						
1. Other Sources	8930-8979	250,000.00	-	-	-	-
2. Less: Other Uses	7630-7699	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00
3. Contributions Between Unrestricted and Restricted Accounts (must net to zero)	8980-8999	-	-	-	-	-
4. TOTAL OTHER FINANCING SOURCES / USES		200,000.00	(50,000.00)	(50,000.00)	(50,000.00)	(50,000.00)
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)		226,399.89	30,915.83	77,662.12	65,701.09	48,820.98
F. FUND BALANCE, RESERVES						
1. Beginning Fund Balance						
a. As of July 1	9791	-	226,399.89	257,315.72	334,977.84	400,678.92
b. Adjustments for Unaudited Actuals	9,792	-	-	-	-	-
c. Adjustments for Audit or Restatements	9793, 9795	-	-	-	-	-
2. Ending Fund Balance, June 30 (E + F.1.c.)		226,399.89	257,315.72	334,977.84	400,678.92	449,499.90
Components of Ending Fund Balance (Optional):						
Nonspendable Revolving Cash (equals object 9130)	9711	-	-	-	-	-
Nonspendable Stores (equals object 9320)	9712	-	-	-	-	-
Nonspendable Prepaid Expenditures (equals object 9330)	9713	-	-	-	-	-
Nonspendable All Others	9719	-	-	-	-	-
Restricted Fund Balance	9740	-	-	-	-	-
Committed Fund Balance	9750, 9760	-	-	-	-	-
Assigned Fund Balance	9780	-	-	-	-	-
Reserve for Economic Uncertainties	9789	28,936.94	29,165.08	31,488.52	32,093.65	32,937.65
Undesignated/Unappropriated Amount	9790	197,462.95	228,150.64	303,489.31	368,585.28	416,562.25

[illegible]

\$17.86 for 2021-22 school year, \$18.42 for last of years
\$151/ADA base , \$53/ADA prop 20

DATE	DESCRIPTION	AMOUNT	BALANCE
1990			
1-1	1-1	1-1	1-1
1-2	1-2	1-2	1-2
1-3	1-3	1-3	1-3
1-4	1-4	1-4	1-4
1-5	1-5	1-5	1-5
1-6	1-6	1-6	1-6
1-7	1-7	1-7	1-7
1-8	1-8	1-8	1-8
1-9	1-9	1-9	1-9
1-10	1-10	1-10	1-10
1-11	1-11	1-11	1-11
1-12	1-12	1-12	1-12
1-13	1-13	1-13	1-13
1-14	1-14	1-14	1-14
1-15	1-15	1-15	1-15
1-16	1-16	1-16	1-16
1-17	1-17	1-17	1-17
1-18	1-18	1-18	1-18
1-19	1-19	1-19	1-19
1-20	1-20	1-20	1-20
1-21	1-21	1-21	1-21
1-22	1-22	1-22	1-22
1-23	1-23	1-23	1-23
1-24	1-24	1-24	1-24
1-25	1-25	1-25	1-25
1-26	1-26	1-26	1-26
1-27	1-27	1-27	1-27
1-28	1-28	1-28	1-28
1-29	1-29	1-29	1-29
1-30	1-30	1-30	1-30
1-31	1-31	1-31	1-31
1-32	1-32	1-32	1-32
1-33	1-33	1-33	1-33
1-34	1-34	1-34	1-34
1-35	1-35	1-35	1-35
1-36	1-36	1-36	1-36
1-37	1-37	1-37	1-37
1-38	1-38	1-38	1-38
1-39	1-39	1-39	1-39
1-40	1-40	1-40	1-40
1-41	1-41	1-41	1-41
1-42	1-42	1-42	1-42
1-43	1-43	1-43	1-43
1-44	1-44	1-44	1-44
1-45	1-45	1-45	1-45
1-46	1-46	1-46	1-46
1-47	1-47	1-47	1-47
1-48	1-48	1-48	1-48
1-49	1-49	1-49	1-49
1-50	1-50	1-50	1-50
1-51	1-51	1-51	1-51
1-52	1-52	1-52	1-52
1-53	1-53	1-53	1-53
1-54	1-54	1-54	1-54
1-55	1-55	1-55	1-55
1-56	1-56	1-56	1-56
1-57	1-57	1-57	1-57
1-58	1-58	1-58	1-58
1-59	1-59	1-59	1-59
1-60	1-60	1-60	1-60
1-61	1-61	1-61	1-61
1-62	1-62	1-62	1-62
1-63	1-63	1-63	1-63
1-64	1-64	1-64	1-64
1-65	1-65	1-65	1-65
1-66	1-66	1-66	1-66
1-67	1-67	1-67	1-67
1-68	1-68	1-68	1-68
1-69	1-69	1-69	1-69
1-70	1-70	1-70	1-70
1-71	1-71	1-71	1-71
1-72	1-72	1-72	1-72
1-73	1-73	1-73	1-73
1-74	1-74	1-74	1-74
1-75	1-75	1-75	1-75
1-76	1-76	1-76	1-76
1-77	1-77	1-77	1-77
1-78	1-78	1-78	1-78
1-79	1-79	1-79	1-79
1-80	1-80	1-80	1-80
1-81	1-81	1-81	1-81
1-82	1-82	1-82	1-82
1-83	1-83	1-83	1-83
1-84	1-84	1-84	1-84
1-85	1-85	1-85	1-85
1-86	1-86	1-86	1-86

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Assumes 5% benefits premium increase annually

[illegible]

[illegible]

Principal	7439																
District Oversight Fee	7500														5,950	5,950	5,950
7. Other Outgo	7100-7299			167	167	167	167	167	167						5,950	6,950	6,950
8. TOTAL EXPENDITURES		41,071	64,065	45,882	48,029	46,132	47,369	48,492	46,132	47,650	44,425	44,925	41,500	13,087	578,739	578,739	-
C. Operating Cash Flow		(41,071)	(64,065)	170,558	(45,533)	(46,132)	57,926	(45,996)	666	34,246	(981)	(3,977)	(552)	11,311	26,400	26,400	
D. OTHER FINANCING SOURCES / USES																	
1. Other Sources	8930-8979	250,000													250,000	250,000	-
2. Loss: Other Uses	7630-7699			8,333	8,333	8,333	8,333	8,333	8,333						50,000	50,000	
E. PRIOR YEAR TRANSACTIONS																	
1. ACCOUNTS RECEIVABLE																	
2. PREPAID EXPENDITURES																	
3. ACCOUNTS PAYABLE																	
4. LOANS PAYABLE																	
NET PRIOR YEAR TRANSACTIONS		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
F. ENDING CASH BALANCE		208,929	144,864	323,755	286,565	248,757	315,016	277,354	286,353	320,599	319,518	315,641	315,589				

		July	August	September	October	November	December	January	February	March	April	May	June	Accrued	Total	Budget	Variance
Beginning Cash Balance		July 1 Cash =	315,089	296,350	294,198	251,165	255,905	298,813	263,345	269,957	271,973	313,863	313,900	311,056			
A. REVENUES																	
1. LCFF Sources																	
State Aid - Current Year		8011															
Education Protection Account (EPA) - Current Year		8012			2,736			2,736			2,736			2,736	10,944	10,944	
State Aid - Prior Years		8019															
Transfers to Charter Schools in Lieu of Property Taxes		8096		38,473	76,946	51,298	51,298	51,298	51,298	89,771	44,865	44,865	44,865	44,865	641,219	641,219	
Other LCFF Transfers		8091, 8097															
1. Total, LCFF Sources				38,473	76,946	54,034	51,298	54,034	51,298	89,771	47,621	44,865	44,865	47,621	652,163	652,163	
2. Federal Revenues																	
No Child Left Behind		8290															
Special Education - Federal		8181, 8182															
Child Nutrition - Federal		8220															
Other Federal Revenues																	
Title I																	
Title II																	
Title III		8110, 8260															
Title IV		8299															
Title V																	
PCSOP																	
2. Total, Federal Revenues																	
3. Other State Revenues																	
Special Education - State		8311															
Child Nutrition - State		8520															
School Facilities Apportionments		8545															
Mandated Cost Reimbursement		8560				892									892	892	
State Lottery Revenue		8560					2,791		2,791				2,791	2,791	11,163	11,163	
ASES		8590															
All Other State Revenues		8590															
3. Total, Other State Revenues						892	2,791		2,791				2,791	2,791	12,054	12,054	
4. Other Local Revenues																	
Food Service Sales		8634															
All Other Sales		8639															
Interest		8650															
Donations		8682															
All Other Fees and Contracts		8669															
All Other Local Revenues		8669															
4. Total, Local Revenues																	
5. TOTAL REVENUES				38,473	76,946	54,034	52,189	54,088	54,034	51,298	92,561	47,621	44,865	50,412	664,217	664,217	
B. EXPENDITURES																	

Approved Textbooks and Core Curricula Materials	4100		2,050.00			1,025.00		1,025.00					4,100	4,100	-		
Books and Other Reference Materials	4200		620.00	620.00	310.00	310.00	310.00	310.00					3,100	3,100	-		
Materials and Supplies	4300	713	712.50	712.50	712.50	712.50	712.50	712.50	712.50	712.50	712.50	712.50	8,550	8,550	-		
Noncapitalized Equipment	4400		1,675.00	1,675.00									3,350	3,350	-		
Food	4700		1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	1,969.92	19,699	19,699	-		
4. Books and Supplies	4000-4999	713	7,027.42	4,977.42	2,692.42	4,017.42	2,992.42	2,682.42	4,017.42	2,682.42	2,992.42	2,682.42	1,022.50	38,799	38,799	-	
5. Services and Other Operating Expenditures																-	
Subagreements for Services	5100															-	
Travel	5210				1,561.76		1,561.76			3,123.52				6,247	6,247	-	
Conference, Convention, Meeting	5220		469.85	469.85	469.85	469.85	469.85	469.85	469.85	469.85	469.85	469.85		4,699	4,699	-	
Field Trip	5240		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00		2,500	2,500	-	
Dues and Memberships	5300	306	306.25	306.25	306.25	306.25	306.25	306.25	306.25	306.25	306.25	306.25	306.25	3,675	3,675	-	
Insurance	5400		951.07	951.07	951.07	951.07	951.07	951.07	951.07	951.07	951.07	951.07	951.07	11,413	11,413	-	
Operations and Housekeeping Services	5500	815	815.20	815.20	815.20	815.20	815.20	815.20	815.20	815.20	815.20	815.20	815.20	9,782	9,782	-	
Rent	5610	1,575	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	1,575.00	18,900	18,900	-	
Utilities	5620	315	315.00	315.00	315.00	315.00	315.00	315.00	315.00	315.00	315.00	315.00	315.00	3,780	3,780	-	
Repairs	5640		189.00	189.00	189.00	189.00	189.00	189.00	189.00	189.00	189.00	189.00	189.00	1,890	1,890	-	
Other Services & Operating Expenses	5800		550.00	550.00	550.00	550.00	550.00	550.00	550.00	550.00	550.00	550.00	550.00	5,500	5,500	-	
Accounting	5810	656	656.25	656.25	656.25	656.25	656.25	656.25	656.25	656.25	656.25	656.25	656.25	7,875	7,875	-	
Business Services	5813	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	48,000	48,000	-	
Bank Charges	5815		44.10	44.10	44.10	44.10	44.10	44.10	44.10	44.10	44.10	44.10	44.10	441	441	-	
Education Consultants	5817															-	
Legal	5830			262.50		262.50				262.50			262.50	1,050	1,050	-	
Professional Development	5840		525.00		525.00			525.00				525.00		2,100	2,100	-	
Substitute Teachers (Third Party Vendors)	5851															-	
Contract Labor	5852															-	
Special Education Enrichment	5869		4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	4,477.09	49,248	49,248	-	
Special Education Services	5872															-	
Communications	5900	21	21	21	21	21	21	21	21	21	21	21	21	252	252	-	
5. Services and Other Operating Expenditures	5000-5999	7,589	15,145	14,882	15,182	15,145	16,444	14,620	15,145	18,006	14,620	15,145	13,379	951	177,352	177,352	-
6. Capital Outlay																-	
(Objects 6100-6170, 6200-6500 modified accrual basis only)																-	
Land and Land Improvements	6100-6170															-	
Buildings and Improvements of Buildings	6200															-	
Books and Media for New School Libraries or Major Expansion of School Libraries	6300		5,000											5,000	5,000	-	
Equipment	6400		2,500											2,500	2,500	-	
Equipment Replacement	6500															-	
Depreciation Expense (for full accrual only)	6900															-	
6. Capital Outlay	6000-6999		7,500	-	-	-	-	-	-	-	-	-	-	7,500	7,500	-	
7. Other Outgo																-	
Tuition to Other Schools	7110-7143															-	
Transfers of Pass-through Revenues to Other LEAs	7211-7213															-	
Transfers of Apportionments to Other LEAs - Spec. Ed.	7221-7223SE															-	
Transfers of Apportionments to Other LEAs - All Other	7221-7223AO															-	
All Other Transfers	7281-7299															-	
Debt Service:																-	
Interest	7438			166.67	167	167	167	167	167	-	-	-	-	1,000	1,000	-	

		July	August	September	October	November	December	January	February	March	April	May	June	Accrued	Total	Budget	Variance
Beginning Cash Balance	July 1 Cash =	314,376	319,674	247,122	281,427	290,629	297,245	306,234	317,441	323,049	374,803	378,496	378,639				
A. REVENUES																	
1. LCFF Sources																	
State Aid - Current Year	8011																
Education Protection Account (EPA) - Current Year	8012				3,120			3,120			3,120			3,120	12,480	12,480	
State Aid - Prior Years	8019																
Transfers to Charter Schools in Lieu of Property Taxes	8096		43,873	87,746	58,497	58,497	58,497	58,497	58,497	102,370	51,185	51,185	51,185	51,185	731,215	731,215	
Other LCFF Transfers	6091, 8097																
Total, LCFF Sources			43,873	87,746	61,617	58,497	58,497	61,617	58,497	102,370	54,305	51,185	51,185	54,305	743,695	743,695	
2. Federal Revenues																	
No Child Left Behind	8290																
Special Education - Federal	8181, 8182																
Child Nutrition - Federal	9220																
Other Federal Revenues																	
Title I																	
Title II																	
Title III	8110, 8260																
Title IV	8299																
Title V																	
PCSGP																	
Total, Federal Revenues																	
3. Other State Revenues																	
Special Education - State	8311																
Child Nutrition - State	8520																
School Facilities Apportionments	8545																
Mandated Cost Reimbursement	8550					1,008									1,008	1,008	
State Lottery Revenue	8560						3,182			3,182			3,182	3,182	12,730	12,730	
ASES	8590																
All Other State Revenues	8590																
Total, Other State Revenues						1,008	3,182			3,182			3,182	3,182	13,738	13,738	
4. Other Local Revenues																	
Food Service Sales	8634																
All Other Sales	8639																
Interest	8650																
Donations	8682																
All Other Fees and Contracts	8688																
All Other Local Revenues	8696																
Total, Local Revenues																	
5. TOTAL REVENUES																	
			43,873	87,746	61,617	59,505	61,680	61,617	58,497	105,553	54,305	51,185	54,367	57,487	757,433	757,433	
B. EXPENDITURES																	

Approved Textbooks and Core Curricula Materials	4100		2,625.00			1,312.50		1,312.50						5,250	5,250	
Books and Other Reference Materials	4200		700.00	700.00	365.00	365.00		365.00					365.00	3,650	3,650	
Materials and Supplies	4300	813	812.50	812.50	812.50	812.50	812.50	812.50	812.50	812.50	812.50	812.50	812.50	9,750	9,750	
Noncapitalized Equipment	4400		2,025.00	2,025.00										4,050	4,050	
Food	4700		2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	2,246.40	22,464	22,464	
4. Books and Supplies	4000-4599	813	8,438.90	5,913.90	3,423.90	4,736.40	3,423.90	3,058.90	4,736.40	3,058.90	3,423.90	3,058.90	1,177.50	45,164	45,164	
5. Services and Other Operating Expenditures																
Subagreements for Services	5100															
Travel	5210				1,639.85	1,639.85			3,279.69					6,559	6,559	
Conference, Convention, Meeting	5220		493.34	493.34	493.34	493.34	493.34	493.34	493.34	493.34	493.34	493.34	493.34	4,933	4,933	
Field Trip	5240		300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00	3,000	3,000	
Dues and Memberships	5300	322	321.56	321.56	321.56	321.56	321.56	321.56	321.56	321.56	321.56	321.56	321.56	3,859	3,859	
Insurance	5400		1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	1,084.56	13,015	13,015	
Operations and Housekeeping Services	5500	930	929.62	929.62	929.62	929.62	929.62	929.62	929.62	929.62	929.62	929.62	929.62	11,155	11,155	
Rent	5610	1,654	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	1,653.75	19,845	19,845	
Utilities	5620	331	330.75	330.75	330.75	330.75	330.75	330.75	330.75	330.75	330.75	330.75	330.75	3,969	3,969	
Repairs	5640		198.45	198.45	198.45	198.45	198.45	198.45	198.45	198.45	198.45	198.45	198.45	1,985	1,985	
Other Services & Operating Expenses	5800		605.00	605.00	605.00	605.00	605.00	605.00	605.00	605.00	605.00	605.00	605.00	6,050	6,050	
Accounting	5810	689	689.06	689.06	689.06	689.06	689.06	689.06	689.06	689.06	689.06	689.06	689.06	8,269	8,269	
Business Services	5813	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	54,000	54,000	
Bank Charges	5815		46.31	46.31	46.31	46.31	46.31	46.31	46.31	46.31	46.31	46.31	46.31	463	463	
Education Consultants	5817															
Legal	5830			275.63		275.63			275.63				275.63	1,103	1,103	
Professional Development	5840		801.25			801.25			801.25				801.25	3,205	3,205	
Substitute Teachers (Third Party Vendors)	5851															
Contract Labor	5852															
Special Education Encroachment	5869		5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	5,105.45	56,160	56,160	
Special Education Services	5872															
Communications	5900	22	22	22	22	22	22	22	22	22	22	22	22	265	265	
5. Services and Other Operating Expenditures	5000-5999	8,447	17,081	16,556	17,920	17,081	18,195	16,280	17,081	19,835	16,280	17,081	14,912	1,085	197,834	197,834
6. Capital Outlay																
(Objects 6100-6170, 6200-6500 modified accrual basis only)																
Land and Land Improvements	6100-6170															
Buildings and Improvements of Buildings	6200															
Books and Media for New School Libraries or Major Extension of School Libraries	6300		10,000											10,000	10,000	
Equipment	6400	5,000												5,000	5,000	
Equipment Replacement	6500															
Depreciation Expense (for full accrual only)	6900															
6. Capital Outlay	6000-6999	5,000	10,000	-	-	-	-	-	-	-	-	-	-	15,000	15,000	
7. Other Outgo																
Tuition to Other Schools	7110-7143															
Transfers of Pass-through Revenues to Other LEAs	7211-7213															
Transfers of Apportionments to Other LEAs - Spec. Ed.	7221-7223SE															
Transfers of Apportionments to Other LEAs - All Other	7221-7223AO															
All Other Transfers	7281-7299															
Debt Service:																
Interest	7439			166.67	166.67	166.67	166.67	166.67	166.67					1,000	1,000	0

[illegible]

[illegible]

D. OTHER FINANCING SOURCES / USES																	
1. Other Sources	8930.8979																
2. Less: Other Uses	7630.7599																
E. PRIOR YEAR TRANSACTIONS																	
1. ACCOUNTS RECEIVABLE	57,497																
2. PREPAID EXPENDITURES																	
3. ACCOUNTS PAYABLE	9,522																
4. LOANS PAYABLE																	
NET PRIOR YEAR TRANSACTIONS	48,966																
F. ENDING CASH BALANCE		501,167	487,192	519,358	525,841	530,215	536,457	545,072	548,297	597,095	598,241	565,458	600,534				

Appendix V:
Letter from Pinecrest Permittees
Association

Letter of Intent

The purpose of this letter is to summarize some key provisions of a non-binding agreement between the parties: the Pinecrest Expedition Academy Corporation (PEAC), and the Pinecrest Permittees Association (PPA). This letter conveys the intentions of the parties to transfer certain property interests, with PEAC as the tenant and PPA as the landlord, but does not itself serve as a contract. The key provisions of this letter will then be reflected in a formal contract.

Key Provisions

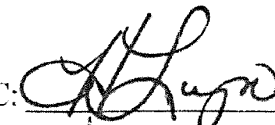
1. Rent: PEAC will pay PPA \$1500.00 (fifteen hundred dollars) per month.
2. Term of lease: Beginning July 1, 2019 for one year.
3. Option to renew: Lease may be renewed by mutual agreement at any time before expiration of the lease.
4. Description of the property: PEAC will lease the property known as Pinecrest School, encompassing the main building, and outside play and blacktop areas. PPA will have full access to portable classroom/office space and parties will share parking area. The attached exhibit depicts areas of proposed development -PPA shall have access to these areas. Language shall be further defined in negotiated lease and both parties will agree to not impede with each other's operations.
5. Contingency period: PPA will allow PEAC, at their cost, 60 (sixty) days before any formal contract is reached to conduct its due diligence, including for example: the opportunity for thorough inspection by professional building inspectors and contractors, and the exploration of, application for, and approval of all required government permits. Findings of this exploration are not binding upon the PPA for any action.

6. Responsibility for alterations, improvements, repairs, and maintenance:

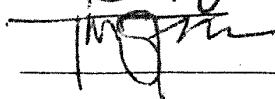
PEAC: responsible for normal maintenance of the inside of the main building and of the outdoor on-site play space.

PPA: responsible for maintaining all the mechanical systems including the heating, the water supply, plumbing, and drains, including the septic system, the electrical system to the inside of the interior walls, and the outdoor premises as necessary to maintain safe and adequate space for drop-off and pickup of students and parking for staff, parents, and visitors during school hours and for scheduled school events.

9/04/18 Heidi Lupo for PEAC:



9/04/18 Tim Fisher for PPA:



Appendix VI: Letters of Support



Twain Harte School District
22974 Twain Harte Dr. Rm 21
Twain Harte, CA 95383

Superintendent Hennes and Board Members:

Please find this letter as support for the approval of the charter petition for the Pinecrest Expedition Academy.

My name is Michael Yaley and I am the General Manager of Pinecrest Operations for the Cal Alumni Association (CAA). CAA owns and operates three summer camps and a year round resort in Pinecrest. We employ 10 year round employees and 140 seasonal employees in Pinecrest and having a school back in Pinecrest will be a huge benefit to our employees as well as others in the community. When we have job vacancies, it is difficult to attract applicants that have young families, so having a local school is a real draw.

For the benefit of the families in the area, and for the children who have to ride long distances to their current schools, I urge you to approve the charter for the Pinecrest Expedition Academy.

Respectfully,

Michael Yaley
General Manager, Pinecrest Operations
Cal Alumni Association
209.965.3582



STRAWBERRY FIRE PROTECTION DISTRICT

Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364

strawberryfire85@gmail.com

PH 209.965.3513



September 24, 2019

Heidi Lupo
Pinecrest Expedition Academy
PO BOX 1218
Pinecrest, CA 95364

RE: Collaborative Curriculum

Dear Heidi:

The Strawberry Fire Protection District would be pleased to have a collaborative effort with the students and staff of the proposed Pinecrest Expedition Academy.

We would be happy to develop options for your students to lead programs geared to community education and evaluation for Fire Prevention in our area. This collaborative curriculum could encourage students and others to enter into the study of Fire Science. Community events and education symposiums, created by and led by your students with consultation and guidance from our District would be welcome and we look forward to the many opportunities this relationship could open up for the Pinecrest Expedition Academy, The Strawberry Fire District as well as the area property owners, residents and visitors.

We look forward to working with you in the near future.

Respectfully submitted,
Dee Martin
SFPD Board President
strawberryfire85@gmail.com
209-965-3513



StrawberryPropertyOwners.org

24 September 2019

Twain Harte School District
22974 Twain Harte Drive Room 21
Twain Harte, CA 95383

To Whom It May Concern :

I am writing on behalf of the Strawberry Property Owners Association, representing the community of Strawberry in Tuolumne County. Our organization represents the interests of the approximately 300 homeowners in our community.

We strongly support the efforts of Ms. Heidi Lupo in her petition for a charter school that would be offered to the schoolchildren in Strawberry. Education is a vital element for every child, and the parents of those children need a charter school option to consider.

As you may be aware, the Pinecrest School in our community has been closed for a number of years, so education options for the children of Strawberry are already severely limited.

For these reasons, we urge you to favorably consider Ms. Lupo's petition for the development of a charter school in the Twain Harte School District.

Kind regards,

Don Barton
President
Strawberry Property Owners Association

September 24, 2019

Twain Harte School District
22974 Twain Harte Dr. RM 21
Twain Harte, CA 95383

Dear Superintendent Hennes and Members of the Board of Trustees:

I have lived in Strawberry since 1966, my five children graduated from Pinecrest Elementary School as did many grand children. My husband Bill served on the Columbia board of trustees for many years and was instrumental in building the Old Strawberry Road Campus, a campus which you received at zero cost, with a substantial fund for upkeep.

The closure of the school was devastating to our community and our children, grand children and great grand children. I have great grand children who drive over 70 miles a day, to attend elementary school. This takes away a lot of time and lessens the ability of parental involvement in their education.

Quite frankly, I am offended that my tax dollars are not used responsibly enough to operate a school in the Pinecrest area. I feel that Twain Harte is making the choice to put the education of some children ahead of others. I feel that it is your responsibility to educate all of the children in the district through similar means and reasonable access to locations. Sending a bus to Cold Springs is inadequate.

I urge you to look at what this charter school can do for your district. It will make it stronger, it will create an attractive place for children to attend school in the Pinecrest area. It will be unique. If you look at it with a reasonably open mind you will understand that this school is good for the district, it's children and the tax payers. Approve it.

Sincerely,

Valera Cashman



Pinecrest Lake Resort

P.O. Box 1216 • Pinecrest, California 95364
209/965-3411 • FAX: 209/965-4032
www.pinecrestlakeresort.com

September 24, 2019

Twain Harte School District
22974 Twain Harte Dr. Rm 21
Twain Harte, CA 95383

Dear Superintendent Hennes and Board Members:

Please find this letter as a letter of support for the Pinecrest Expedition Academy Charter Petition.

I urge you to consider the tremendous benefits this school will bring to the school district, the Pinecrest area and Tuolumne County. The proposed program is not only unique, it shows great innovation and is a selling point for new, young families looking to retain residency in the area or relocate here. The natural resources component of the program is not only unique, it is much needed in Tuolumne County.

As you are aware, and I have previously noted publicly, the closure of Pinecrest School has been detrimental to our local community and businesses on the 108 corridor. The economic contributions of the area are significant for the Twain Harte School District and Tuolumne County. Our property taxes, sales taxes, fuel tax and transient occupancy tax are major contributors to the budget of Tuolumne County. A decrease in these tax revenues will have negative effects on the County. Without the ability to maintain the tourism industry on upper 108, property taxes in the area will decline. This will be devastating to the Twain Harte School District.

Our area is attractive and currently affordable to young families looking to live an active lifestyle. The availability of high speed internet is making working from home and business expansions possible in the area. Again, I ask you to look at the bigger picture and note that this school can be beneficial to the district. These kids deserve to have a school in close proximity to their homes, their parents deserve to be involved in their kids education.

I look forward to your approval, and the involvement of Pinecrest Lake Resort and my own personal volunteerism in Pinecrest Expedition Academy for years to come.

Warmly,

Laurie Cashman
General Manager
Pinecrest Lake Resort



StrawberryPropertyOwners.org

24 September 2019

Twain Harte School District
22974 Twain Harte Drive Room 21
Twain Harte, CA 95383

To Whom It May Concern :

I am writing on behalf of the Strawberry Property Owners Association, representing the community of Strawberry in Tuolumne County. Our organization represents the interests of the approximately 300 homeowners in our community.

We strongly support the efforts of Ms. Heidi Lupo in her petition for a charter school that would be offered to the schoolchildren in Strawberry. Education is a vital element for every child, and the parents of those children need a charter school option to consider.

As you may be aware, the Pinecrest School in our community has been closed for a number of years, so education options for the children of Strawberry are already severely limited.

For these reasons, we urge you to favorably consider Ms. Lupo's petition for the development of a charter school in the Twain Harte School District.

Kind regards,

Don Barton
President
Strawberry Property Owners Association



STRAWBERRY FIRE PROTECTION DISTRICT

Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364

strawberryfire85@gmail.com

PH 209.965.3513

September 24, 2019

California State Board of Education
1430 N Street, Room 5111
Sacramento, CA. 95814

RE: Pinecrest Expedition Academy

Dear Board Members,

Please find this letter as a statement of support for the approval of the charter school petition for the Pinecrest Expedition Academy.

My name is Dee Martin. I am the President of the Board of Directors for the Strawberry Fire Protection District. As a vital part of the Strawberry/Pinecrest area communities our volunteer fire department recognizes the need for an elementary school in the area. We feel it is important to attract young families and additional year-round residents. Having an elementary school in close proximity, providing a unique and academic program is crucial in this matter. Our community has seen the effects of not having a local school - decreased population, loss of emergency responders and other services normally provided to tax paying residents. We would like to reverse this trend.

As a volunteer fire department we rely on the residents to be active participants and volunteer to work as emergency responders. There are 2 fire stations in the immediate area that rely on those volunteers for fire protection and emergency medical response. Since our neighborhood school was closed the Strawberry fire district has not been able to hire and replace the volunteers that moved away to find a more locally located school for their children. The number of emergency responders living and working in this community has decreased. This is a direct result of the school closure. Younger families do not want to move to an area where there are not options for their children to attend school. If this trend continues, this community will not be able to continue providing necessary safety services to an area whose population swells to thousands during peak season.

A huge benefit to having a neighborhood school would be the collaboration that SFPD could have with Pinecrest Expedition Academy. Our fire district is willing to provide educational opportunities to the students of the Pinecrest Expedition Academy. We will provide fire safety education and awareness as it pertains to their immediate community and environment. A small rural area school has the ability to provide unique educational experiences that are not available to students elsewhere. The Pinecrest Expedition Academy would provide the potential to develop good stewards of the community who would be more inclined to stay involved in their local communities moving into the future.



STRAWBERRY FIRE PROTECTION DISTRICT

Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364

strawberryfire85@gmail.com

PH 209.965.3513

Tuolumne County is a county supported by tourism dollars. The Strawberry/Pinecrest and upper Hwy. 108 communities are the definition of the type of communities that provide those tourism dollars. In order to continue providing those tax dollars it takes stores, restaurants, recreational opportunities and other necessary services. The local businesses need to be able to hire employees that live local. The US Forest Service needs to hire employees that live local. The two local area fire departments need to hire employees that live local. We need a local neighborhood school in order to attract families that will want to live and work local. The Strawberry Fire Protection District urges you to approve the petition for the Pinecrest Expedition Academy.

Respectfully submitted,

Dee Martin

Strawberry Fire Protection District Board President

P.O. Box 1185

Pinecrest, CA. 95364

deesfpd@gmail.com

209-965-3513



STRAWBERRY FIRE PROTECTION DISTRICT

Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364

strawberryfire85@gmail.com

PH 209.965.3513

September 24, 2019

Twain Harte School District
22974 Twain Harte Drive
Twain Harte, CA. 95383

Dear Mister Superintendent and Board Members:

Please find this letter as a statement of support for the approval of the charter petition for the Pinecrest Expedition Academy.

My name is Dee Martin. I am the President of the Board of Directors for the Strawberry Fire Protection District. As a service provider in the Pinecrest area we recognize the need for an elementary school in the area. We feel it is important to attract young families and additional year-round residents. Having an elementary school in a close proximity, providing a unique and academic program is crucial in this matter. Our community has seen our population decline by not having a school located within the community and we would like to reverse this trend.

As a volunteer fire department we rely on the residents to be active participants and volunteer to work as emergency responders. There are 2 stations in this community that rely on those volunteers for fire protection and emergency medical response. Since the Pinecrest School was closed the fire district has not been able to hire and replace the volunteers that moved away. The number of active emergency responders living and working in this community has decreased. Our ability to hire qualified staff or find volunteers has been severely affected. Families do not want to move to an area where there is not a local option for their children to attend school. Local emergency services will be extremely limited or non-existent if this trend continues. There will be no one actually living here to work the jobs available in this area – forest service, hospitality, recreation and more importantly firefighting and medical services. Responders would be dispatched from Twain Harte or even Sonora, causing delays in providing emergency services.

We value Tuolumne County, and wish to see our county and its residents thrive. Please approve this petition to help improve our area and provide for the children and families living in this community.

Respectfully submitted,
Dee Martin
Strawberry Fire Protection District
Board President
fire85@gmail.com
209-965-3513



STRAWBERRY FIRE PROTECTION DISTRICT
Strawberry Volunteer Fire Department

PO BOX 1185, PINECREST, CA 95364
strawberryfire85@gmail.com
PH 209.965.3513



September 24, 2019

Heidi Lupo
Pinecrest Expedition Academy
PO BOX 1218
Pinecrest, CA 95364

RE: Collaborative Curriculum

Dear Heidi:

The Strawberry Fire Protection District would be pleased to have a collaborative effort with the students and staff of the proposed Pinecrest Expedition Academy.

We would be happy to develop options for your students to lead programs geared to community education and evaluation for Fire Prevention in our area. This collaborative curriculum could encourage students and others to enter into the study of Fire Science. Community events and education symposiums, created by and led by your students with consultation and guidance from our District would be welcome and we look forward to the many opportunities this relationship could open up for the Pinecrest Expedition Academy, The Strawberry Fire District as well as the area property owners, residents and visitors.

We look forward to working with you in the near future.

Respectfully submitted,
Dee Martin
SFPD Board President
berryfire85@gmail.com
209-965-3513

R. Gene Gilluly
PO Box 1356
Pinecrest, CA 95364

August 12, 2019

Twain Harte School Board
Twain Harte, CA

RE: Pinecrest/Strawberry Charter School

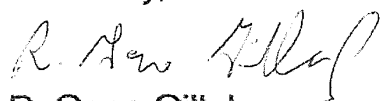
Dear Sirs,

My parents purchased the Pinecrest cabin in 1963 and I have been using it every year since. My first jobs were in the Pinecrest area. The 2 room school house on Pinecrest School Road was in use for the local residents. It was used by the children from Pinecrest, Strawberry, Cold Springs, and Peter Pan. The Forest Service families had children that attended there as well as others further down the mountain. Later a new school was built on the Old Strawberry Road and used for a short while. Now that building is owned by the Pinecrest Permittee Association. There is no school close by and the children in the area have to bus down the hill for their education.

I am in support of establishing a charter school in the area for families that live up the mountain from you. Busing them 45 minutes each way makes their school day very long. Having a local school would also entice growth of population for families seeking employment in the area (i.e. USFS, Dodge Ridge Ski Area, restaurants/motels in Cold Springs, Pinecrest and Strawberry, and other service industries). I believe that a local charter school could focus the education in the direction that the parents want their children to have.

I urge you to support the establishment of a local charter school.

Sincerely,


R. Gene Gilluly

Appendix VII: Parent Signatures

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Heidi Lupo
Name

[Signature]
Signature

4.22.19
Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
STEVEN CURTO	<u>[Signature]</u>	5.5.19	26195 LONG BARN RD. LONG BARN	770 0395	2	2
JUSTIN DECKARD	<u>[Signature]</u>	9-7-19	PO Box 514 M. WALK	459 0052	1	1
Holly Dahl	<u>[Signature]</u>	9-7-19	2995 Mono-trail Cold Springs CA	415 8280115	1	1
BRET RIMMER	<u>[Signature]</u>	9-19-19	2901 LARSEN DR Cold Springs 95005	985 5009	2	2
SHANNON DUSTON-RIMMER	<u>[Signature]</u>	9-19-19	PO Box 1201 Pinecrest	985 5050	2	2
Heidi Lupo	<u>[Signature]</u>	9-19-19	PO Box 1246 Pinecrest, CA. 95304	209 985 3044	1	1

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Heidi Lupo
Name

[Signature]
Signature

4.22.19
Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

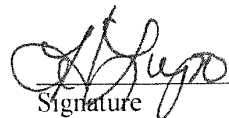
Print Name	Signature	Date	Address	Phone Number	Number of children entering grades TK-8 in 2020-21	Number of children entering grades TK-8 after 2020-21
Ellen Brewer	<u>[Signature]</u>	4/23/19	29211 Hwy 108 Long Barn	229 768-6256	1	2
Eric Brewer	<u>[Signature]</u>	4/28/19	29211 Hwy 108 Long Barn	768-7139	1	2

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

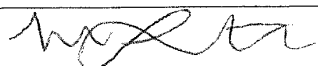


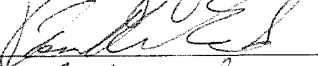

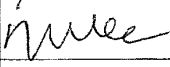

Heidi Lupo
Name


Signature

4.30.2019
Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
Mindy Lancaster		6.6.19	20664 Chief Fuller Way Milwauk, Ca 95346	209 743-7986	2	
Heidi Lupo		6.6.19	28429 Georges Dr. Strawberry, CA. 95315	209 9853044	2	
David R. Tingey		6-21	28940. 9-335 Snowwhite ridge dr	209 965-3769	1	1
Kemelle E. Esh		6/23	28940 Snowwhite ridge Peter Pan 95335	209 965-3769	1	1
Nathan Wettemer		8/8/19	1762 Valley Oak Dr. Sutter Cr. 95370	209-770-3580	2	2
Melissa Patania		8/25/19	2902 Lems Dr Cold Springs CA 95346	209 9154	5	5
Maureen Bever		8/25/19	26480 Old mono Dr. Cold Springs, Ca. 95335	115-365-4962	3	3

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Heidi Lupo
Name

[Signature]
Signature

4.22.19
Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
Jesse Jones	<u>[Signature]</u>	9/25/19	18441 Marquis Dr. Twain Harte	(209) 206-8845	1	3
Haley Russo	<u>Haley Russo</u>	9/25/19	18441 Marquis Dr Apt A Twain Harte, CA 95383	(209) 459-0437	1	3
Amy Stringer	<u>Amy Stringer</u>	9/25/19	23005 Hawk Lane Twain Harte, CA 95383	209-620-6677	1	1
Jason Stringer	<u>Jason Stringer</u>	9/25/19	" "	209 620 6677	1	1

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Name Heidi Lupo Signature [Signature] Date 4/15/2019

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
Anthony Beaford	[Signature]	6/5/19	29005 Hwy 108, Gold Springs	209-965-4728		1
Jonathan Rohr	[Signature]	6/5/19	29005 Hwy 108 Gold Springs	209-965-3341	1	2
Kara Terry	Kara Terry	6/5/19	29005 Hwy 108 Gold Springs	702-472-2395	1	1
Katie Garcia	Katie Garcia	6/5/19	29005 Hwy 108 Gold Springs	209-965-3645	1	1
Jonathan Garcia	[Signature]	6/5/19	29005 Hwy 108 Gold Springs	209-965-3645	1	1
Lauren Beaford	Lauren Beaford	6/5/19	29005 Hwy 108 Gold Springs	209-965-4228		1
Jonathan Rohr	Jonathan Rohr	6/5/19	29005 Hwy 108 Gold Springs	209-965-3341	1	2

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Heidi Lupo

Name





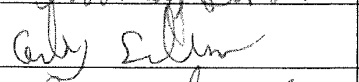
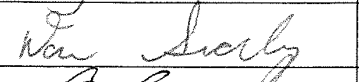
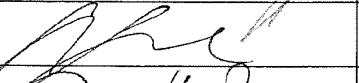
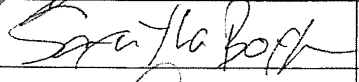
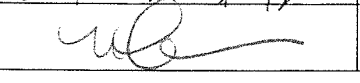
Signature

4/22/2019

Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
Lisa D. Sedlmeyer		8/25/19	2 Pinecrest Ave. Pinecrest Ca. 95364	(209) 840-9788	3	
Whitney Schlenker		8/25/19	29663 Lassen Dr Cold Springs CA 95335	209 890 9883	3	1
Cody Schlenker		8/25/19	29663 Lassen Dr. Cold Springs CA 95335	209-890-9957	3	1
Dan Sedlmeyer		8/25/19	2 Pine crest Ave Pinecrest CA 95364	209 841-8005	3	
Brian Bosque		8-27-19	99 Pinecrest Ave Pinecrest 95364	(209) 480-7053	3	2
Samantha Bosque		8-27-19	99 Pinecrest Ave Pinecrest Ave	(209) 480-9993	3	
Nicole Lemos		9.1.19	20504 Yukon Ct. Cold Springs Ca. 95335	209 840 1491	1	1

[illegible]

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Name Heidi Lupo

Signature [Signature]

Date 4/22/19

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
NICOLE SMITH	<u>[Signature]</u>	9/26/19	28111 OLD STRAWBERRY DR, STRAWBERRY	(209) 965-4027	1	1
<u>[Signature]</u>	<u>[Signature]</u>	7/16/19	28177 OLD STRAWBERRY DR, STRAWBERRY 95775	(510) 847-4389	1	1
				209-965-4012	1 SAME AS ABOVE	1 SAME AS ABOVE

Signature Page for Parents

We the undersigned believe that the attached Charter for the creation of the Pinecrest Expedition Academy ("Charter School") merits consideration and hereby petition the governing board of the Twain Harte Long Barn School District to grant approval of the Charter pursuant to Education Code Section 47605 to enable the creation of the Charter School. The Petitioners for the Charter School agree to operate the Charter School pursuant to the terms of the Charter Schools Act and the provisions of the Charter School's charter. The petitioners listed below certify that they are parents or guardians who are meaningfully interested in having their children or wards attend the Charter School.

By the Lead Petitioner:

Heidi Lupo
Name

[Signature]
Signature

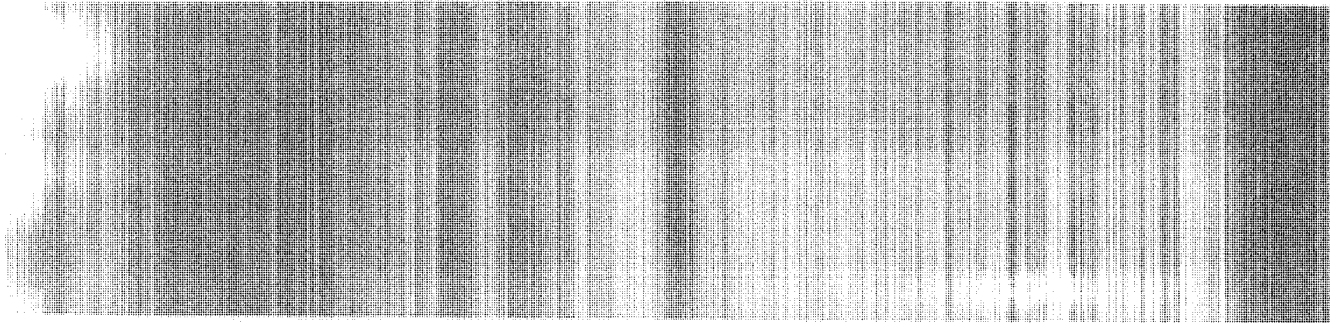
4/15/2019
Date

The petitioners recognize Heidi Lupo as the Lead Petitioner and hereby authorize the Lead Petitioner to negotiate any amendments to the attached charter necessary to secure approval by the Twain Harte Long Barn School District governing board.

By the Petitioners:

Print Name	Signature	Date	Address	Phone Number	Number of children entering grade TK-8 in 2020-21	Number of children entering grade TK-8 after 2020-21
Courtney Sutton	<u>[Signature]</u>	6/10/19	21946 Crystal Falls Dr. West, Sonoma CA 95370	209.352.1434	1	1
Chris Sutton	<u>[Signature]</u>	10.10.19	" "	209.480.8031	1	1
CHARLES HARTS	<u>[Signature]</u>	6/10/19	28429 Georges Dr. Strawberry 95375	209.480.1122	1	2

Appendix IX:
Supplemental Curriculum Information
from EL Education



Welcome to EL Education's new K-5 Language Arts curriculum. This introduction is designed to provide you with key information about how the curriculum is designed and built, and the principles that underlie it. It will also give you a good understanding of what makes this curriculum unique and valuable.

Meet the students

It is 10:15 a.m. on Wednesday, and first-graders Kristina, Elvin, and Omar are hard at work building together. Over the past few weeks in their module lessons, they have spent time every day immersed in *The Most Magnificent Thing*, a rich and complex text about a girl who creates a scooter, which their teacher Ms. Sanchez reads aloud. Now, later in the morning during Labs, Ms. Sanchez helps them learn about tools, and the students work and talk together about how to use various tools and materials to try out designs.

More than a month into this module, Kristina, Elvin, and Omar are collaborating on a "magnificent thing" for their classroom- a lovely box, decorated with their original design, that will hold colored pencils for the class to use. Once the box is complete, each of them will write a paragraph, explaining how they built the magnificent thing and how to use it-and now that they are comfortable with the letters and sounds of written language and can encode them, the first graders are ready for this final supported task.

Down the hall, fourth-graders Nathan, Sergei, and Alma are working just as hard. Over many weeks, their teacher Ms. Henderson has immersed her students in a study of animal defenses and what it takes for animals to survive and thrive. She has helped her students successfully read complex texts about the topic. During her second hour of content-based literacy instruction, the Additional Language and Literacy Block, she also has ensured that students read a lot on their own about animal defenses, and she has made sure her students received much-needed explicit skills instruction and practice.

Ms. Henderson has facilitated intense conversations among her fourth-graders about what might happen to specific animals without their defenses. Dividing the students into small, heterogeneous groups, Ms. Henderson facilitated as her fourth-graders researched three specific animals. Then she gave them specific instruction on narrative writing. Now Nathan, Sergei, and Alma are about to craft choose-your-own-adventure stories about how armadillos use natural defenses to survive and thrive. And during science time, they are digging in to explore the internal and external structures of plants and animals, and how they function.

Kristina, Elvin, and Omar; Nathan, Sergei, and Alma; and all their elementary classmates have been beneficiaries of EL Education's K-5 Language Arts curriculum. Their engagement, perseverance, and mastery are a snapshot of the realized goals for all children that underlie this comprehensive literacy curriculum.

How is the curriculum structured?

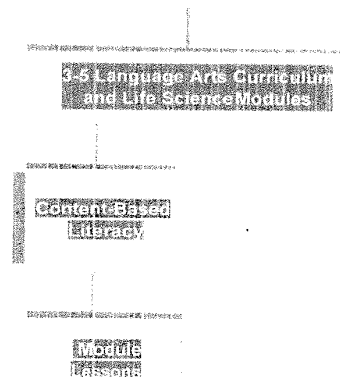
Our K-5 curriculum offers either two or three hours of literacy instruction per day, depending on the grade level. The Grades K-2 curriculum offers two hours per day of content-based literacy (*module lessons* and *K-2 Labs*) plus one hour of structured phonics (*K-2 Reading Foundations Skills Block*). All together, these three hours of curriculum are considered comprehensive, meaning that they explicitly teach and formally assess all strands and standards of the Common Core English language arts (ELA) standards for each grade level.

The Grades 3-5 curriculum offers two hours of content-based literacy instruction per day (*module lessons* and the *Additional Language and Literacy [ALL] Block*), with an additional optional companion Life Science Module, which accompanies Module 2 for a third hour of instruction lasting eight to nine weeks. With or without the *Life Science module*, the two hours of content-based literacy are considered comprehensive.

At the heart of the curriculum, at all grade levels, are the hour-long module lessons. Each grade level includes four modules, which span a full school year. The four modules allow students to build important content knowledge based on a compelling topic related to science, social studies, or literature. Each module uses rich, authentic text throughout.

K-2 and 3-5 Comprehensive Literacy

EL EDUCATION LANGUAGE ARTS CURRICULUM

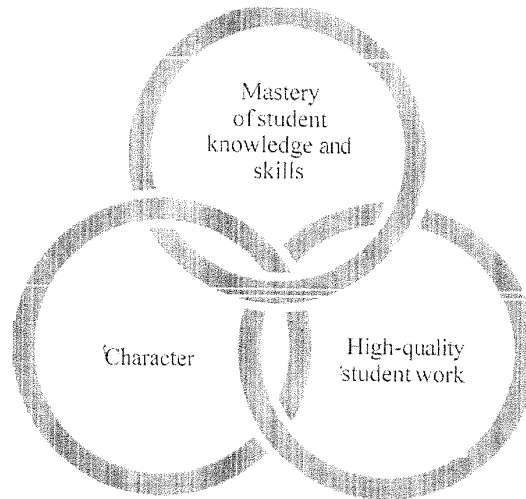


What principles underlie the K-5 Language Arts curriculum?

Equity matters

EL Education is fiercely focused on equity for all children. All children deserve schools that foster their unique abilities, give them the real opportunity to achieve high academic standards, and help them take their full place in a society for which they are well prepared when they leave school. Equity is the foundation on which the entire curriculum rests. From this foundation of equity comes what EL Education calls the Dimensions of Student Achievement.

Each component of the curriculum is described in detail later in this document.



Mastery of knowledge and skills. Students demonstrate proficiency and deeper understanding, apply their learning, think critically, and communicate clearly.

Character. Students work to become effective learners, to become ethical people, and to contribute to a better world.

High-quality work. Students create complex work, demonstrate craftsmanship, and create authentic work.

These three dimensions are the aspirational outcomes for the entire K-5 Language Arts curriculum. Achievement is more than mastery of knowledge and skills or students' scores on a test. Habits of character and high-quality work are also taught and prized.

Substantive content matters

Research shows that the deeper the content knowledge a student has, the more she is able to understand what she reads, and the more she is able to speak and write clearly about that content. In fact, remarkably, research shows that she is even more able to successfully read about and understand new content.

EL Education's K-5 Language Arts curriculum has been created with substantive content understanding- science, social studies, or literature- at its heart. Students acquire a deepening understanding of that content and they simultaneously acquire all the key literacy standards of reading, writing, speaking, and listening, which have been carefully embedded within the content.

Curriculum is a system

In the K-5 Language Arts curriculum the sequences of skills in the lessons have been carefully designed so that they work together to help students learn. As a whole, the curriculum is a system that benefits students while also providing support to teachers that helps them grow as professionals.

Backward design means planning with the end in mind and assessing all along the way

The guiding principle of backward design is straightforward. Designers must consider three questions:

- "At the end of a sequence of instruction, what will students know and be able to do?"
- "What will proficiency look and sound like?"
- "How will we know when students are proficient?"

An essential aspect of backward planning is assessment. In the module lessons, assessments have been built in to reflect the key literacy learning that students have been acquiring in the lessons. In the K-2 Skills Block, formative assessments happen weekly, so that teachers can group students for precise skill instruction.

In both module lessons and the K-2 Skills Block, daily lessons suggest specific "ongoing assessment." And although the K-2 Labs and 3-5 ALL Block (each of which are a second hour of content-based literacy instruction) do not include formal assessments (these happen only in the module lessons), they do provide rich opportunities for observing student work and data collection. All of the assessments give teachers valuable information to use, both in working with the lessons and in grouping and emphasis for Labs and the ALL Block.

Students excel in diverse and inclusive settings

EL Education's K-5 Language Arts curriculum recognizes that students learn from one another- and learn to respect one another-when they learn together in the same classroom. At the same time, students sometimes have needs that require various types of differentiation. The curriculum provides supports and resources for differentiation where needed, within all components of the curriculum: the module lessons, K-2 Labs, 3-5 ALL Block, and the critical K-2 Skills Block.

Teachers are able to provide for students with disabilities as well as students who may need academic extensions. And to engage all students, module lessons heavily emphasize differentiation; tools and scaffolding that support all learners; and flexibility in the ways information is presented, the ways students respond, and in the ways students are engaged (based on Universal Design for Learning).

English language learners (ELLs) and language minority students need their assets honored and their needs supported

ELLs and language minority students bring a wealth of diverse experience and wisdom to the classroom. In EL Education's curriculum, these language learners are presumed to be fully participating members of a diverse and heterogeneous classroom structure. At the same time, the curriculum honors the fact that language learners need targeted instruction within each lesson and additional supports if they are to be successful.

Specific scaffolds have been integrated into each module lesson so that the classroom teacher can provide myriad supports for these students, particularly for those classified as long-term ELLs. These resources take a variety of forms. Two specific areas of emphasis are the "Language Dives" (conversations that teach students to unpack the structure and meaning of complex sentences) and "Conversation Cues" (see below).

Conversation Cues promote student thinking, collaboration, and respect

Collaborative conversation-frequent, focused, exploratory- is a key tool for deep learning. Through collaborative conversation, students deepen their learning and come to appreciate the value of one another as individuals with diverse perspectives. Conversation Cues (questions that teachers can ask, such as "Can you say more about that?" or "Can you figure out why?") encourage productive and equitable conversation. These simple talk moves help students extend their thinking.²

Students own their learning

From the earliest grades, students using EL Education's curriculum learn to see themselves as active learners with agency in their own education. With teachers' guidance, they articulate specific learning targets ("I can...") for every lesson. They learn to set goals; assess their own learning; and use feedback from peers, themselves, and their teachers to make progress.

² Conversation Cues are adopted from Michaels, Sarah and O'Connor, Cathy. *Talk Science Primer*. Cambridge, MA: TERC, 2012. http://inquiryproject.terc.edu/shored/pdf/TalkScience_Primer.pdf. Based on Chopin, S., O'Connor, C., and Anderson, N. (2009). *Classroom Discussions: Using Moth Talk to Help Students Learn*, Grades K-6. Second Edition. Sausalito, CA: Moth Solutions Publications).

Families and guardians are partners

EL Education's curriculum welcomes students' families and guardians as partners in education. Students learn best when families have the opportunity to be part of the educational journey. The curriculum includes sample letters teachers can send home to describe what students will learn during a given module, how guardians can support that learning and, for Grades 3-5, specific homework assignments. Students are encouraged to share what they are learning with their family, and sometimes interview family members about their expertise and experiences.

Curriculum as powerful professional development

This curriculum is designed to help teachers build on their existing expertise and continue to improve their ability to make strong instructional decisions during planning and while teaching. Teachers are provided rich resources and opportunities to make sound and specific instructional decisions based on their students' needs.

How does EL Education's curriculum address Common Core State Standards for literacy?

EL Education's curriculum was created to teach the Common Core literacy standards with a fully content-integrated approach, recognizing as well that the content students acquire is itself a steppingstone to full literacy. Emphasis within the new standards includes:

Reading Standards

TEXT COMPLEXITY	Frequent use of grade-appropriate complex text at all grade levels for all students; at the K-2 level many close read-alouds are conducted with texts two or three grade levels above what students can read on their own to encourage high-level thinking and discourse; scaffolds so that all students are successful; Language Dives for all students (more frequent for ELs), story time to launch every K-2 Lab session
VOCABULARY	Intentional vocabulary building from content-based text; attention to figuring out words from context; decoding; emphasis on academic (Tier 2) vocabulary
CLOSE READING	Teacher-led close reading or close read-alouds of content-based texts; carefully developed text-dependent questions; multiple reads for deepening comprehension; focus question that drives a series of sessions on a single text
VOLUME OF READING	Daily Accountable Independent Reading at each individual student's level (or rereading complex text previously read with teacher support); reading to deepen and expand content knowledge and vocabulary; story time to launch every K-2 Lab session
RESEARCH	Gathering evidence for knowledge building before writing Accountable Independent Reading; K-2 Research Lab
FLUENCY	Multiple reads of complex text; research reading; volume of reading; reading decodable texts (in the K-2 Reading Foundations Skills Block)
FOUNDATIONAL SKILLS	A dedicated hour per day to explicitly teach the letter-sound patterns of the English language (in the K-2 Reading Foundations Skills Block)

Writing Standards

WRITING REFLECTS CONTENT UNDERSTANDING	All writing supports content knowledge; Students write both as they are learning content knowledge (e.g., note-taking) and as they synthesize that knowledge (e.g., in their formal writing); note-taking in the K-2 Research Lab
SPECIFIC INSTRUCTION IN ASPECTS OF WRITING	Writing skills (e.g., use of introductions, transitions) and approaches (e.g., gathering evidence to support a statement) are scaffolded specifically for particular writing in each module
WRITING FLUENCY, EASE WITH WRITING	Frequent "short writes" as well as more developed pieces; almost daily writing in the K-2 module lessons; goal-setting and reflection in the K-2 Labs writing practice as one specific component of the 3-5 Additional Language and Literacy Block
ORAL PROCESSING OF IDEAS BEFORE WRITING	Frequent opportunities for students to "orally rehearse" ideas and thinking before writing, including structured conversations and Language Dives
WRITING PROCESS (PLAN, DRAFT, CONFER/REVISE, EDIT)	Instruction and scaffolding in each aspect of the writing process; emphasis on use of models critique (kind, specific, and helpful) feedback and revision

Language Standards

STANDARD GRAMMAR AND USAGE	Short and fully developed writing (including emphasis on revising and editing skills); explicit instruction on specific language standards in K-2 module lessons (often involving analyzing or punctuating songs and poems) and in 3-5 Additional Language and Literacy Block; Language Dives; embedded grammar and usage instruction (within performance tasks and often within other writing assignments)
STANDARD WRITING CONVENTIONS INCLUDING SPELLING	Short and fully developed writing (including emphasis on revising and editing skills); focus on letter formation and spelling patterns in K-2 Reading Foundation Skills Block; explicit instruction on conventions in K-5 module lessons and the 3-5 Additional Language and Literacy Block (grammar, usage and mechanics component); Language Dives
ACADEMIC AND DOMAIN-SPECIFIC VOCABULARY	Multiple reads of complex text; short and fully developed writing; Language Dives; unpacking learning targets; explicit teaching of the language of habits of character (e.g., collaboration, perseverance)

Speaking and Listening Standards

PARTICIPATION IN DISCUSSION BUILDING ON OTHERS' IDEAS	Collaborative protocols; small group discussion norms; Conversation Cues; sentence frames to scaffold productive discussion
PRESENTATION OF IDEAS IN A STYLE APPROPRIATE TO AUDIENCE	Presentation of students' work, both formally and informally, to an audience of their peers, families, or invited guests

The K-2 Language Arts Curriculum

John Dewey, education icon, famously said, "Education is not preparation for life; education is life itself." Our curriculum for primary learners reflects that truth. Young children live in a world of activity, exploration, creation, singing, talk, and play. These ways of living- with the encouragement of loving and supportive adults- give young learners both meaning and joy. As they move, sing, explore new ideas, make stuff, talk endlessly about what they are doing, and repeat songs and poems over and over again, primary children are learning. Our curriculum is rich and academically challenging, and it is built with what EL describes as the "Characteristics of Primary Learners" at its core:

Young children find security in rhythm, ritual, and repetition.

Young children learn through play.

Young children want to belong to a community that is safe, beautiful, and good.

Young children explore the world with wonder.

Young children "understand" the world first through their bodies.

Young children seek independence and mastery.

Young children thrive in the natural world.

Young children use stories to construct meaning.

Young children seek patterns in the world around them.

Young children construct their identities and build cultural bridges.

Young children express themselves in complex ways.

The K-2 curriculum offers three hours of rich literacy instruction per day:

Two hours of content-based literacy

- One hour of module lessons

- One hour of Labs

A third hour of structured phonics:

- One hour of the K-2 Reading Foundations Skills Block (addresses the Foundational Reading standards as well as Language Standards 1 and 2)

These three hours of curriculum are considered *comprehensive*, explicitly teaching and formally assessing all strands and standards of the Common Core ELA standards for each grade level. Taken as a whole, this rigorous and joyful literacy curriculum is designed to ensure that all children have a genuine opportunity to grow and succeed.

EL Education's K-2 Comprehensive Literacy: Structure

Module Lessons: One hour per day. Labs are one hour per day. Together they make up two hours of content-based literacy. Labs are intentionally built with flex time to allow teachers to meet the needs of their students.

In Module Lessons, there are twelve formal assessments per year (three per module). The assessments always include one reading, one writing, and one speaking and listening.

K-2 Skills Block is one hour of structured phonics instruction. **K-2 Skills Block** is intentionally built with flex time to allow teachers to meet the needs of their students.

K-2 Skills Block assesses RF and L2 standards. There are benchmark assessments three times a year, weekly cycle assessments, and daily snapshot assessments.

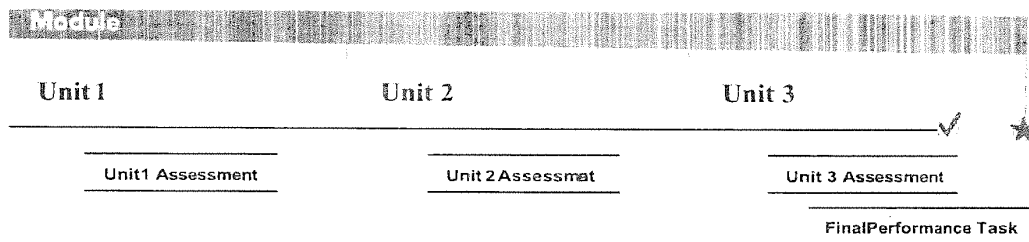
K-2 Content-Based Literacy: Module Lessons and Labs

The Module Lessons

Across K-5, students experience four modules over the course of a school year. In K-2, Module 1 is a bit shorter (six weeks rather than eight), so teachers have time to do the other important work of getting classroom routines and culture in place, which often takes more time and deliberate attention for primary-aged students. (Note: For more, see the "Fostering Character in a Collaborative Classroom" section of the Module 1 Appendix.) Each module has a consistent structure of three units, each of which includes one formal assessment.

EL Education's K-2 Language Arts: Module Lessons, Including Assessment Structure

08 - 9 weeks



The curriculum was built using the principles of backward design, meaning that we started by identifying what we wanted students to know and be able to do at the end of each module, and then we built each unit to intentionally get them there. Let's explore what that means in the first grade classroom introduced in the Snapshot at the beginning of this chapter.

The last unit of each module, **Unit 3**, culminates with a performance task. This is where Kristina, Elvin, and Omar have created the ir "magnificent thing" and are writing about it, bringing together what they know about tools, collaboration, and perseverance (and magnificent things!).

What students learn in Units 1 and 2 helps them prepare for this performance task. (This is the principle of "backward design" in action.)

In **Unit 1**, students read, sing, discuss, dramatize, draw, and write to acquire strong content knowledge as well as the literacy skills that they need to do so. Ms. Sanchez's first graders read informational texts to learn about lots of tools and the jobs each tool does. They learn how to ask and answer questions about the many texts they work with. They learn to collaborate and converse with one another, capturing their thinking in pictures and words.

Several weeks later, in **Unit 2**, they begin work with "close reading" of a complex text, *The Most Magnificent Thing*. In primary grades, this close reading happens through hearing the text read aloud (i.e., a close read-aloud). Ms. Sanchez uses a close read-aloud guide to conduct a series of sessions (across multiple lessons) that invite students to analyze and discuss this rich literary text. Students become deeply familiar with what a "magnificent thing" might be and what sorts of habits of character (such as perseverance) the girl in the story needed to make such a thing. Few first grade students can read the text independently, yet they all come to know it deeply, and to internalize its language, syntax, and meaning—reading comprehension at its best. During the module lessons in this unit, students also do a series of design challenges that give them hands-on experience with collaborative problem solving.

As the lessons in each unit progress, Ms. Sanchez regularly checks in on her students' progress. Each unit has a standards-based assessment built in. Here, students read, write, or speak with increasing independence about the

texts they have been working with. These assessments help Ms. Sanchez in two ways: They allow her to have a clear sense of what her students can do and cannot yet do, and they give her valuable information about how best to use the time in the K-2 Labs for her students' benefit.

Almost every day, K-2 students share songs and poems. These serve many functions: They give students cues about transitions from activity to activity, help build a positive classroom community, build fluency, give students opportunities to practice specific language standards, and give students a deep schema for rhythm and syntax. And, they are joyful.

This unfolding of the three units means that by **Unit 3**, when the performance task is introduced, Kristina, Elvin, Omar, and their classmates are fully equipped to create their "magnificent things" and to synthesize their understanding of what they accomplished through supported, standards-based writing.

The K-2 Labs

Labs are an important feature of the K-2 curriculum because they support and extend student learning from the module lessons. They are designed to help teachers ensure that all of their students get the time to play and explore, become immersed in oral language and content knowledge, and practice skills and habits of character that they need—both to live joyfully and to be fully successful and proficient.

The K-2 Labs are one hour long and are complementary to module lessons. These two hours of content-based literacy instruction work together to accelerate the achievement of all students.

K-2 Content-Based Literacy: Module Lessons and Labs

0 8-9 weeks



..... 0 6 weeks

Flextime

Labs: 1 hour daily

Flextime

The K-2 Labs are designed for six weeks of instruction within an eight- to nine-week module. This design allows teachers to use their discretion to flexibly schedule the Labs to best meet the needs of their students. Teachers may choose to spend that hour during those additional two to three weeks on such things as solidifying structures and routines, providing additional "spill-over" time to support module lessons, providing additional instructional time for ELLs, or for additional explicit language instruction.

Keep in mind, this is an intentionally brief description of the Labs—for more, see the separate "Implementing the K-2 Labs" introduction to your Labs Teacher Guide and Supporting Materials book.

Key Features of the K-2 Module Lessons and K-2 Labs

Emphasis on habits of character. Character is one of EL Education's Three Dimensions of Student Achievement. Collaboration, perseverance, a growth mindset, and being able to set goals and then reflect on them all are key aspects of strong social-emotional learning. They are critical to student success, in school and in life.

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
TWAIN HARTE SCHOOL DISTRICT DENYING THE PINECREST EXPEDITION
ACADEMY CHARTER PETITION AND ADOPTING WRITTEN
FINDINGS OF FACT**

WHEREAS, pursuant to California Education Code section 47605 (b), on February 27, 2018, lead petitioner Heidi Lupo submitted a timely petition to establish the Pinecrest Expedition Academy Charter School to the Twain Harte School District;

WHEREAS, the Twain Harte School District conducted a public hearing on the provisions of the proposed charter on March 19, 2018, during a special meeting of the Board of Education at the District Office, and assessed the level of support for the petition from parents, the Twain Harte School District, and the community; and

WHEREAS, Twain Harte School District administrators have reviewed and analyzed the petition and supporting documents and have identified deficiencies in and concerns related to the Petition, and have recommended that the Twain Harte School District Board of Education deny the petition for the reasons expressed in Exhibit A, hereto, Findings of Fact; and

WHEREAS, pursuant to California Education Code section 47605 (b) (1) and (2), the Twain Harte School District Board of Education finds that granting the petition to establish the Pinecrest Expedition Academy Charter School is not consistent with sound educational practice.

NOW, THEREFORE, it is hereby **RESOLVED** as follows:

Section 1. That the above recitals are all true and correct.

RES petition myt 031918:71592_1 1

Section 2. That the proposed Findings of Fact attached hereto are adopted as the final Findings of Fact regarding the factual findings specific to the petition, and support that:

1. The proposed charter school presents an unsound educational program for the pupils to be enrolled in the charter school; and
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain reasonably comprehensive descriptions of some required elements of a charter.

Section 3. That the Petition to Establish the Pinecrest Expedition Academy Charter School is denied.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2018.

BOARD OF EDUCATION OF THE
TWIN HARTE SCHOOL DISTRICT

By: _____
President

By: _____
Clerk

CLERK'S CERTIFICATE

I, _____, Clerk of the Board of Education of the Twain Harte School District, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted at a regular meeting place thereof on the ____ day of _____, 2018, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

An agenda of said meeting was posted at least 72 hours before said meeting at Etiwanda, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said board meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2018

Clerk of the Board of Education
of the Twain Harte School District

Exhibit "A"
Proposed Findings of Fact

Twain Harte School District

Proposed Findings of Fact-April 25, 2018

Pinecrest Expedition Academy Charter School Petition

I. Introduction

On February 27, 2018, the Pinecrest Expedition Academy (“PEA”), a nonprofit charter school operator, submitted a charter school petition (“Petition”) to the Twain Harte School District (“District”) for a TK-8 charter school (“Charter School”) to be located at the former site of the District’s Pinecrest School. On March 19, 2018, the District Board of Education/Trustees (“Board”) held the requisite public hearing on the Petition. Based on a thorough and careful review of the Petition, as well as public input received at the March 19, 2018 public hearing, the District recommends that the Board deny the Petition.

The District recognizes and empathizes with the situation the Pinecrest area faces due to the lack of a school in that area. Indeed, the District operated the Pinecrest School for over thirty years in order to serve the Pinecrest area, closing at the end of the 2011-2012 school year only because its operation was no longer financially feasible. The District has remained steadfast in its commitment to the Pinecrest area since the closure of the Pinecrest School by offering transportation services to Pinecrest area students wishing to take advantage of the excellent academic curriculum available at the Twain Harte School. While Heidi Lupo, the Charter School’s lead petitioner, has argued that the Petition proposes an educationally sound and financially viable alternative to Twain Harte School (Exhibit Packet, pp. 192, 193), the District must respectfully disagree.

The District has concluded that the Petition should be denied for the reasons summarized below, in keeping with the dictates of Education Code section 47605(b).

1. The Charter School presents an unsound educational program for the pupils to be enrolled therein. As discussed further in Section V.A. of these Findings of Fact, the Petition does not address how academic development appropriate for each grade level will be accomplished in the context of the Charter School’s multi-grade classrooms, provides little to no information regarding what textbooks and other instructional materials will be used in the Charter School, and is unsatisfactory in its discussion of special education services.
2. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. As discussed further in Section V.B. of these Findings of Fact, the Charter School’s enrollment and revenue projections are unreasonably overstated. In addition, Petitioners have not demonstrated successful experience in operating and managing a charter school and have not developed a plan for attracting and retaining the highly trained and experienced personnel called for in the Petition.
3. The Petition does not contain reasonably comprehensive descriptions of all 15

required elements. As discussed further in Section V.C. of these Findings of Fact, the Petition does contain a reasonably comprehensive description of the Charter School's educational program, the means by which the Charter School will achieve a racial and ethnic balance among its pupils that is reflective of the surrounding general population, and whether students can be involuntarily removed from the Charter School for reasons other than disciplinary problems.

These Findings of Fact elaborate upon the conclusions above and present a final analysis of the Petition for consideration by the Board. It should be noted, however, that these Findings of Fact only address the most significant areas of concern with respect to the Petition. They do not exhaustively list every concern regarding, or error, omission, or deficiency in, the Petition.

Should the Board take action to deny the Petition, it shall adopt these Findings of Fact in support of its denial.

II. Procedural Overview

Pursuant to Education Code section 47605(b), the governing board of a school district in receipt of a charter petition must hold a public hearing on the provisions of the charter within 30 days of receipt of the petition, at which time the board shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. The Board met this requirement when it held a public hearing on March 19, 2018, 20 days after the District's receipt of the Petition on February 27, 2018.

Education Code section 47605(b) further requires that the governing board of a school district in receipt of a charter petition either grant or deny the petition within 60 days of its receipt by the district. The Board will meet this requirement by acting on the Petition at a special meeting on April 25, 2018, 57 days after the District's receipt of the Petition on February 27, 2018.

If the Board grants the Petition, the Charter School becomes a legal entity. If the Board denies the Petition, Petitioners may appeal the denial to the Tuolumne County Board of Education ("TCBOE") per Education Code section 47605(j)(1). If the TCBOE grants the Petition, the Charter School becomes a legal entity, and the TCBOE becomes the supervisory agency over the Charter School. If the TCBOE denies the Petition, Petitioners may appeal the denial to the State Board of Education ("SBE") per Education Code section 47605(j)(1). If the SBE grants the Petition, the Charter School becomes a legal entity, and the SBE becomes the supervisory agency over the Charter School (see Education Code section 47605(k)(1)). However, pursuant to Education Code section 47605(k)(1), the SBE may, by mutual agreement, designate its supervisory and oversight responsibilities to any local educational agency in Tuolumne County or to the Board. If either the TCBOE or the SBE, as the case may be, fails to act on the Petition within 120 days of its receipt, the decision of the Board to deny the Petition shall be subject to judicial review per Education Code section 47605(j)(4).

III. Standard of Review

Education Code section 47605(b) sets forth the following standards for consideration of charter petitions:

First, the chartering authority shall be guided by 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.

Second, a school district governing board shall grant a charter for the operation of a charter school if it is satisfied that granting the charter is consistent with sound educational practice.

Third, a school district governing board shall not deny a charter petition unless one or more of the following findings are made:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. (Education Code section 47605(b)(1).)
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Education Code section 47605(b)(2).)
3. The petition does not contain the number of signatures required by Education Code section 47605(a). (Education Code section 47605(b)(3).)
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d). (Education Code section 47605(b)(4).)
5. The petition does not contain reasonably comprehensive descriptions of all 15 elements required by Education Code section 47605(b)(5).
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act. (Education Code section 47605(b)(6).)

The review of a charter petition is also guided by the regulations promulgated by the SBE, which expand upon the elements above. (See California Code of Regulations, title 5, sections 11967.5 et seq.)

As summarized in the Introduction to these Findings of Fact, the District has concluded that the Petition is deficient with respect to items 1, 2, and 5 above.

IV. Staff Team Review

A team of District staff members (“Staff Team”) thoroughly and carefully reviewed the Petition. Each member of the Staff Team reviewed either the entire Petition or sections thereof, as relevant to his/her area of expertise.

The following individuals comprised the Staff Team:

- Rick Hennes, Superintendent
- Tonya Midget, Chief Business Official
- Ron Wurz, Maintenance, Operations, and Transportation Director

- Gabe Wingo, Principal
- Laura DeMars, 4th Grade Teacher
- Wendie Roberts, California School Employees Association President and Librarian
- Parker & Covert LLP, Legal Counsel

As stated in the Introduction to these Findings of Fact, the Staff Team has concluded that the Board should deny the Petition.

V. Discussion

A. The Charter School presents an unsound educational program for the pupils to be enrolled therein.

1. The Petition does not address how academic development appropriate for each grade level will be accomplished in the context of the Charter School's multi-grade classrooms.

The Charter School will serve students in grades TK-8. (Exhibit Package, p. 11.) Students will be instructed in two multi-grade classrooms. (Exhibit Package, p. 11.) One classroom will house students in grades TK-3, and the other classroom will house students in grades 4-8.

While the Charter School will use what the Petition describes as an “expeditions and outdoor learning” curriculum (Exhibit Package, p. 7), the Petition is also very clear that the Charter School will be dedicated to rigorous academic learning (see Exhibit Package, pp. 7, 15, 16, 54). However, the Petition is completely silent as to how grade appropriate academic development will take place in classrooms with such varying grade levels. Further, the Petition does not provide how the Charter School will avoid teacher burnout in such a challenging environment, a factor that contributed to the closing of a similar school in the Pinecrest area only a few years ago. (See Section B.1.c. below.) A thorough discussion to this effect is required in order for Petitioners to present a sound educational program for Charter School pupils.

2. The Petition provides little to no information regarding what textbooks and other instructional materials will be used in the Charter School.

In spite of the Petition’s numerous statements regarding the academic rigor of the Charter School (see above), the Petition is silent as to what textbooks and instructional materials will be used to implement this academically rigorous curriculum, except to provide that technology will be used as part of the learning process. Indeed, the Petition does not even provide a list of textbooks or instructional materials being considered for use by students at the Charter School, again failing to provide a discussion necessary for a determination that the Petition presents a sound educational program.

3. The Petition is unsatisfactory in its discussion of special education services.

The Charter School presents an unsound educational program for special education students to be enrolled therein. The Petition does provide that the Charter School will adhere to all applicable provisions of law relating to students with disabilities (Exhibit Package, pp. 4, 19.), that the

Charter School will be solely responsible for compliance with Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act (Exhibit Package, p. 19), and that the Charter School will provide and remain responsible for special education as required by the Education Code and the Individuals with Disabilities Education Act (Exhibit Package, pp. 21, 201). The Petition also provides that it will apply directly for membership in a Special Education Local Plan Area (“SELPA”) (Exhibit Package, p. 19, 197, 201), but the Petition hits a bump in the road when it comes to SELPA.

Membership in a SELPA requires a detailed memorandum of understanding (“MOU”) that clearly delineates the duties and obligations of the Charter School and the SELPA in providing required special education services. However, such an MOU with the Tuolumne County SELPA is problematic. The Tuolumne County SELPA has reviewed the Petition’s approach to special education and has advised that the Petition fails to meet 11 out of the 16 required elements studied: “Results indicate an inadequate description of a comprehensive plan to meet the needs of students with mild/moderate or moderate/severe disabilities under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act.” (Exhibit Packet, pp. 186-187.) Petitioners have failed to successfully rebut the Tuolumne County SELPA’s conclusions.

B. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

Because the Petition does not adequately describe the Charter School’s educational program, it is not demonstrably likely that Petitioners will successfully implement said program. Moreover, there are other insurmountable challenges faced by the PEA that require the District to deny the Petition, not least of which is the fact that the Petition fails to explain how the Charter School makes economic sense.

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.

California Code of Regulations, title 5, section 11967.5.1(c)(3) provides:

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

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

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar

type, size, and location.

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

When providing the Charter School's budget as required by Education Code section 47605(g) and California Code of Regulations, title 5, section 11967.5.1(c)(3)(B), Petitioners should have but failed to provide complete and accurate budget notes and assumptions describing in detail the amounts presented in the budget. Detailed budget notes and documentation supporting budget amounts are a critical component of the basis upon which approval of a charter petition is granted. Petitioner failed to provide any historical spending experience or budget analysis comparing PEA and other start-up charter school budgets in California with the proposed PEA budget.

1. **The Charter School's enrollment projections are unreasonably overstated.**

a. **Petitioners base the Charter School's enrollment projections on unsubstantiated optimism.**

The following are Petitioners' enrollment projections:

School Year	2018-19	2019-20	2020-21	2021-22	2022-23
Grades K-3	13	17	23	27	45
Grades 4-6	9	15	28	28	33
Grades 7-8	3	8	14	18	22
Total Enrollment	25	40	65	73	100
Percent Change Over Prior Year	---	60.00%	62.50%	12.31%	150.00%

(Exhibit Package, p. 114.)

The following are Petitioner's average daily attendance ("ADA") projections:

<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>	<u>2021-2022</u>	<u>2022-2023</u>
24.00	38.40	62.40	70.08	96.00

(Exhibit Package, p. 114.)

There is nothing in the Petition that supports Petitioners' assumption that this exponential growth – an increase of 75 enrolled students in the course of four years – will materialize, nor does it contain with any specificity a realistic plan to make this growth happen. Indeed, based on the figures included in these Findings of Fact, it would not be unexpected to see the enrollment figures for the Charter School actually *decline* over time. Petitioners' optimism is simply not enough to make the Charter School viable.

Petitioners' defend their "attractive program" and argue that it will encourage others to relocate to the Pinecrest area (Exhibit Package, pp. 7, 190, 192.), an overconfident conclusion. Along the same lines, Petitioners suggest that the population of young children will increase after the establishment of the Charter School (Exhibit Package, p. 12), but do not explain how that will miraculously increase student enrollment by 75 in a matter of four years. Additionally, Lead Petitioner Heidi Lupo and Petitioners' attorney, Jerry Simmons, have represented that the Charter School will get to an enrollment figure of 100 by the 2022-2023 school year in part by attracting currently home schooled students (Exhibit Package, p. 193), but the Petition contains no information as to the number of currently home schooled students, the extent to which they will contribute to the increase in enrollment, or why they would choose to return to a more traditional educational setting. Finally, Ms. Lupo claims that Petitioners have "very strong support" of the community (Exhibit Package, p. 192), yet only four individuals who support the Petition, in addition to Ms. Lupo and Mr. Simmons, showed up at the March 19, 2018 Board hearing where the fate of the Charter School was hanging in the balance. (Exhibit Packet, pp. 190-193.)

As a matter of fact, in spite of the above, the Petition does acknowledge that the population in the Pinecrest area is currently unpredictable, and that enrollment in the Charter School will not be large. (Exhibit Package, pp. 11, 12.) Indeed, the Petition goes as far as to reiterate the District's conclusion, stating that the Charter School will "face some unique hurdles due to [its] low enrollment numbers." (Exhibit Package, p. 7.)

b. The Pinecrest School closure is evidence of declining enrollment not only at Pinecrest School itself, but also District-wide.

Exhibiting more unbridled optimism, one of the Charter School supporters stated at the March 19, 2018 Board hearing that the District's Pinecrest School "used to have a ton of kids and it was highly successful." (Exhibit Package, p. 193.) The numbers, however, show a much different story: The Pinecrest School was inviable due to declining enrollment (both at the school and District levels), the loss of "necessary small school" funding, and the budget deficiencies resulting therefrom, ultimately leading to its closure in 2012. In spite of this reality, the PEA is basically proposing to reopen the District's Pinecrest School, even in the same location.

The numbers speak for themselves:

School Yr.	TH ADA/Enrollment		PC ADA/Enrollment		Total Dist. ADA/Enrollment	
2007-2008	324.57	341	53.34	57	377.91	398
2008-2009	296.83	317	53.74	55	350.57	372
2009-2010	256.95	271	47.19	51	304.14	322
2010-2011	264.17	281	47.69	49	311.86	330
2011-2012	262.32	281	34.52	35	296.84	316

In addition to declining enrollment, and related thereto, the loss of “necessary small school” funding in 2012, and the resulting loss of extra ADA/Local Control Funding Formula (“LCFF”) funding, was also responsible for sounding the Pinecrest School’s death knell. It begs the question then: If the Pinecrest School was “unnecessary” in 2012, what makes the Charter School “necessary” in 2018? Petitioners fail to convincingly answer this vital question.

c. The brief existence of the Mountain Oaks Charter School Pinecrest campus supports the District’s conclusion that the Charter School’s enrollment projections are unrealistic and that the Charter School is doomed to fail.

The fact that the Charter School is unnecessary and, indeed, superfluous, is supported by yet more historical evidence. The Calaveras County Office of Education (“CCOE”) approved the Mountain Oaks Charter School Pinecrest campus (“Mountain Oaks”) in 2012, shortly after the District closed the Pinecrest School, in order to serve the former Pinecrest School students and at the behest of the Pinecrest area parents. Mountain Oaks was doomed to failure for many of the same reasons that the Charter School is. Indeed, Mountain Oaks closed its doors in 2014, after only two years of operation. (Exhibit Package, pp. 190-191.) The numbers are, again, revealing:

<u>School Year</u>	<u>District ADA/Enrollment</u>		<u>Mountain Oaks ADA/Enrollment</u>	
2012-2013	269.65	284	27.97	29
2013-2014	275.35	291	24.26	25

The numbers show that the declining enrollment experienced by the District at the Pinecrest School continued under the auspices of Mountain Oaks.

In addition, Petitioners fail to reveal that, while Mountain Oaks was ostensibly an independent study school, the parents of students at Mountain Oaks insisted on receiving regular school services from its two teachers, so that the services to be provided by the Charter School and the services that were in fact provided by Mountain Oaks are comparable. Teacher burnout contributed to Mountain Oaks’ closure in 2014, and there is no reason to believe that this will not happen with the Charter School as well.

d. The Tuolumne County Office of Education’s return of the PEA’s recent countywide charter petition supports the District’s finding that the Charter School will not attract students from throughout Tuolumne County, but that, rather, the Charter School’s very limited student population will be drawn from Pinecrest itself and its immediate environs.

The Petition is the PEA’s second attempt to open a charter school in Pinecrest. Earlier this year, the PEA brought a countywide charter school petition before the Tuolumne County Office of Education (“TCOE”). The TCOE returned the petition before consideration by the Tuolumne County Board of Education/Trustees. (Exhibit Package, pp. 209-210.) The TCOE’s return provides additional evidence in support of the District’s position.

A countywide charter will only be granted if, in addition to other Education Code requirements, the charter school is found to provide services to a countywide pupil population that will benefit

from those services and that cannot be served as well by a charter school that operates in only one school district in the county. (Education Code section 47605.6(a).) The TCOE concluded that the proposed charter school would not offer services to a countywide pupil population that would benefit from those services. The TCOE further concluded that the proposed PEA charter school would only offer services of benefit to students within the District's jurisdiction.

The fact that the TCOE found that the PEA charter school would not offer services to a countywide pupil population supports the conclusion that that only District residents should be expected to enroll in the Charter School. Therefore, Petitioners' reliance on attracting non-resident students to enroll in the Charter School in order to get from 25 to 100 students in a matter of four years (Exhibit Package, p. 7) is misplaced. This conclusion is underscored by the fact that, while the District offers student transportation, the Charter School would not, as further discussed below.

e. The fact that the Charter School will not offer transportation services further limits the Charter School's enrollment possibilities.

As noted above, the Charter School's lack of transportation services also supports the conclusion that the Charter School will not be successful because its enrollment projections are overinflated. While supporters of the Petition point to the transportation difficulties associated with Pinecrest area students having to travel to Twain Harte School, they fail to acknowledge the flip side of that equation, namely, that travel difficulties will negatively impact enrollment at the Charter School as well. It makes complete sense that transportation is an issue in both directions, to and from Pinecrest, especially in light of Petitioners reliance on the enrollment of out-of-District students. Indeed, transportation was an issue contributing to Mountain Oak's closure. (Exhibit Package, p. 190.) However, a crucial difference is the fact that, while the Charter School will not provide transportation services, the District does provide transportation to Cold Springs and, in inclement weather, to Long Barn. (Exhibit Package, p. 193.) Students from the Pinecrest area are thus assured safe and convenient transportation to and from Twain Harte School, rendering the Charter School unnecessary.

f. District-wide projections predict a steady decline in enrollment.

As if the evidence above were not sufficient, it is indisputable in light of the numbers below that the steady decline in District enrollment has continued after the closure of Mountain Oaks:

<u>School Year</u>	<u>District ADA/Enrollment</u>	
2014-2015	282.2	296
2015-2016	267.23	274
2016-2017	253.47	271
2017-2018	252.57	264

Moreover, the District projects that enrollment will continue to decrease in the foreseeable future, continuing the last decade's trend.

<u>School Year</u>	<u>District Projected ADA/Enrollment</u>	
2018-2019	247.34	259

School Year	District Projected ADA/Enrollment
2019-2020	240.47 252
2020-2021	227.18 238
2021-2022	224.85 236
2022-2023	224.85 236

By extrapolation, this means that Charter School enrollment, far from increasing exponentially, as projected by Petitioners, will actually decrease.

2. The Charter School's viability is premised on unreasonably overstated revenue projections.

Because the Petition's revenue projections are based on unrealistic projected enrollment, the revenue projections are equally unrealistic and, indeed, flawed. The numbers, again, speak for themselves: The Petition specifies that the net income the first year of operation will be \$12,783.57, and the net income jumps to an astounding \$190,964.88 by the fifth year of operation. (Exhibit Package, p. 193.) The Petition, however, contains no evidence that the Charter School will have sufficient operational revenue, let alone the specified net income.

a. Petitioners' LCFF calculations are flawed.

Petitioners' LCFF calculations are flawed because they are based on unreasonably high enrollment projections, as explained in detail above. The fact that Petitioners' LCFF calculations are flawed is especially concerning because this funding mechanism represents a large portion of the Charter School's proposed budget: 49.71% of the Charter School's proposed budget for the 2018-2019 school year, increasing to 90.31% of the Charter School's proposed budget for the 2022-2023 school year.

BUDGET REPORT ASSUMPTIONS	2018-19	2019-20	2021-21	2021-22	2022-23
Projected Enrollment					
Grades K-3	13	17	23	27	45
Grades 4-6	9	15	28	28	33
Grades 7-8	3	8	14	18	22
Total Enrollment	25	40	65	73	100
Percent Change Over Prior Year	---	60.00%	62.50%	12.31%	150.00%
Projected P-2 ADA					
Grades K-3	12.48	16.32	22.08	25.92	43.20
Grades 4-6	8.64	14.40	26.88	26.88	31.68
Grades 7-8	2.88	7.68	13.44	17.28	21.12
Total Enrollment	24.00	38.40	62.40	70.08	96.00
Percent Change Over Prior Year	---	60.00%	62.50%	12.31%	150.00%
ADA to Enrollment Ratio	0.96	0.96	0.96	0.96	0.96

(Exhibit Package, p. 114.)

b. Petitioners' revenue projections rely on grant and loan funds that are limited in scope and may not be ultimately available.

Petitioners anticipate receiving start-up funds of \$375,000 from the Public Charter Schools Grant Program ("PCSGP"), which provides funding for Planning Year and Implementation Years 1 and 2. (Exhibit Package, pp. 139, 142, 193.) PCSGP funds are to be used for start-up costs, including, but not limited to, purchases of textbooks, furniture, computers and other technology, and instructional materials. In addition, PCSGP funds should be used for professional development and other operational expenses that are one-time in nature, as governed by the guidelines set forth in the PCSGP. Petitioners also anticipate receiving a California Department of Education ("CDE") Revolving Loan of \$250,000 for secured cash flow for the first few years of operation. Like the \$375,000 from the PCSGP, the \$250,000 from the CDE Revolving Loan are for the Planning Year and Implementation Years. However, it is uncertain that Petitioners will, in fact, receive this funding, and the discussion of alternatives (e.g., the source of alternate borrowing, its terms of repayment, the costs of borrowings, and any default clause applicable in case of failure of repayment) is insufficient. Accordingly, the Charter School cannot rely on the PSPGP funds or the CDE Revolving Loan, either in the short- or the long-run, for two reasons: First, the PSPGP funds and the CDE Revolving Loan can only be relied upon as revenue during the initial years of operation, and, second, the PSPGP funds and the CDE Revolving Loan may not materialize at all.

Petitioners fail to account for \$225,000 of year one PCSGP start-up costs and \$150,000 of year two costs. These material revenue and expense omissions in the PEA Budget overstate revenues, understate PEA's total expenditures, reduce fund balances and result in a negative or deficit fund balance reserves of (-%).

Overall, because of the material nature of the PEA charter petitioners' omissions from the PEA budget and budget notes, including PEA's unbudgeted PCSGP start-up costs, the PEA charter petition and budget present an unrealistic financial and operational plan for the proposed PEA charter school.

The PEA charter petition's Budget fails to present sufficient detailed budget notes or budget assumptions that clearly describe PEA's financial budget projections pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B).

The PEA charter petitioners failed to provide supplementary information describing how the proposed PEA 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.

Detailed budget narratives, budget notes and assumptions are a critical component of the basis upon which approval of the PEA charter petition is granted. The PEA charter petitioners failed to provide any historical experience or budget analysis supporting their projected enrollment so therefore PEA's projected enrollment presents an unrealistic financial and operational plan for the proposed PEA charter school.

The PEA charter petition includes PCSGP start-up grant revenue of \$225,000 in 2018-19 Year 1 and \$150,000 in 2019-20 Year 2.

The PEA charter petition, budget, and budget notes fail to present the required allowable PCSGP start-up costs associated with the PCSGP start-up revenue, describing in detail how the PCSGP funds will be spent.

Start-up costs must be separately identified. This means if PCSGP start-up costs are described as associated with Travel expenditures in the PEA charter petition Budget Narrative, and account object code 5210, Travel expenditures is \$2,580.30 in the PEA Budget, the PEA Budget narrative or budget assumptions should have stated that all \$2,580.30 in Travel expenditures are PCSGP start-up costs. If a portion of the Travel expenditures were to be considered as PCSGP start-up costs, the PEA budget narrative or budget assumptions should have described how much of the total Travel expenditures costs of \$2,580.03 are considered PCSGP start-up costs.

Nowhere in PEA's alleged PCSGP start-up only expenditure object codes are there any budget notes or assumptions that describe in detail how much each budgeted amount represents in start-up costs. The actual PEA budget fails to identify any PCSGP start-up costs or partial start-up costs comingled within its expense object codes. Simply stating in the PEA budget narrative that various expenditures have been set aside to be paid from PCSGP start-up costs without quantifying the dollar amounts and expenditure object codes those amounts will be paid from is insufficient and cannot be relied upon.

Without a detailed start-up budget or a budget clearly describing PCSGP start-up costs in the budget notes and assumptions which transparently identify all start-up cost amounts within each expenditure object code or account name, it is impossible to know if the PEA Budget actually includes PCSGP start-up costs, and how and where start-up costs will be spent. Because PCSGP start-up costs are one time in nature, and because the PCSGP is a federal grant program, the PEA Budget should have, but fails, to separately identify its PCSGP start-up costs.

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

The PEA charter petitioners have failed to present any separately identified alleged PCSGP start-up cost amounts and to describe the specific dollar amounts allocated within each expenditure object code account. Further, the PEA charter petition, budget, and budget notes fail to explain how PEA's start-up costs will be funded should PEA 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 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 PEA Budget, Budget Notes, and charter petition fail to present the PEA charter petitioner’s PCSGP Work Plan and fail to identify the specific amounts of PCSGP start-up costs within the PEA Budget’s expenditure object codes, if any.

The PEA Budget’s 2018-19 Year 1 fund balance includes \$225,000 in PCSGP start-up revenue and a 2018-19 Year 2 fund balance includes \$150,000 in PCSGP start-up revenue; and however, the PEA Budget fails to identify any PCSGP start-up costs. As a result of the PEA charter petitioners only recognizing PCSGP start-up revenues while PEA’s PCSGP start-up costs fail to be budgeted, PEA’s Year 1 fund balance is overstated by \$225,000 and Year 2 fund balance is overstated by \$150,000

Also, because PEA’s start-up PCSGP costs are not budgeted while PEA’s PCSGP revenue is used as part of PEA’s Year 1 Cash Flow, PEA’s Year 1 Cash Flow and Fund Balance is overstated by \$225,000. Similarly, PEA’s Year 2 Cash Flow and Fund Balance is overstated by \$150,000.

Because PEA is recognizing PCSGP start-up revenues as contributing to cash in-flows and PEA’s PCSGP start-up cash costs or expenditures fail to be budgeted, PEA’s 2018-19 Year 1 ending Cash Flow and 2019-2020 Cash Flow are overstated by PEA’s unbudgeted PCSGP start-up costs of \$225,000 and \$150,000, respectively.

To summarize PEA's PCSGP start-up cost deficiencies, the PEA charter petitioners have:

- Prepared their Budget based on PCSGP revenues which PEA may not be awarded;
- Failed to present any PCSGP start-up costs in PEA's Budget or Cash Flow;
- Used PCSGP start-up revenues of \$225,000 to subsidize PEA's 2018-19 Year 1 and \$150,000 to subsidize PEA's 2019-20 Year 2 un-restricted operations, un-restricted fund balance, and cash flow in the PEA Budget.

The PEA 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 PEA charter petitioners' failure to identify budgeted PCSGP start-up cost amounts, failure to provide PCSGP start-up costs budget notes or assumptions describing PEA's PCSGP start-up costs, and using PCSGP start-up revenue to subsidize non-start-up Cash Flow result in the PEA charter petition and Budget presenting an unrealistic financial operational plan for the proposed PEA charter school.

As discussed above, it is unreasonable to expect the enrollment increases as projected in the Petition. It is much more reasonable to expect that there will be a decrease in enrollment, or, under the best circumstances, no enrollment change at all. Assuming no enrollment change then, and the resulting constant revenues of approximately \$258,000, and assuming that expenses will remain constant at approximately \$506,000 (although, as discussed below, the expenses projected in the Petition are understated), the Charter School can be expected to have an operating deficit of approximately \$248,000 per year that will have to be funded from the PSPGP's \$375,000 and the CDE Revolving Loan's \$250,000. (See Exhibit Package, pp. 118-121, 139.) These funds, however, may not be available at all and will certainly not be available after the Planning Year and Implementation Years, so that the Charter School's finances look grim:

School Yr.	Annual Deficit	\$375k Grant Draw	\$250k Loan Draw	Deficit	Total Deficit
2018-2019	\$248,000	\$225,000	\$23,000	\$0	\$0
2019-2020	\$248,000	\$150,000	\$98,000	\$0	\$0
2020-2021	\$248,000	\$0	\$129,000	\$119,000	\$119,000
2021-2022	\$248,000	\$0	\$0	\$248,000	\$367,000
2022-2023	\$248,000	\$0	\$0	\$248,000	\$615,000

(Exhibit Package, pp. 118-121, 139.)

c. The Pinecrest School Club's projected funds and contributions to the Charter School are historically unsubstantiated.

Petitioners maintain that the Pinecrest School Club will raise between \$45,000 and \$50,000 in the 2018-2019 school year. (Exhibit Package, p. 196.) However, based on the gross annual revenue amounts and the ending asset balances reported each year to the California Attorney General, the estimated fundraising amounts seem very ambitious, if not unrealistic. The Pinecrest School Club's total funds and contributions equal \$22,340 for June 13, 2016 to present. (Exhibit Package,

p. 199.)

The Petition does not contain an explanation of how the Pinecrest School Club expects to increase its fundraising from roughly \$22,000 over a period of approximately two years to between \$45,000 and \$50,000 for the 2018-2019 school year. Again, Petitioners' "evidence" consists of wishful thinking, statements to the effect that their "fundraising programs are successful and sustainable" (Exhibit Package, pp. 7-8) and that they "will see much success" (Exhibit Package, pp. 196), but ultimately acknowledging that their plan is uncertain and "will evolve over time" (Exhibit Package, p. 196).

3. Petitioners have not demonstrated successful experience in operating and managing a charter school.

The Petition provides information about its "Founding Group," the members of which, with the exception of Ms. Lupo, comprise the initial Charter School Board of Directors. (Exhibit Package, pp. 8-9, 158.) None of the information provided shows that any of these individuals possess the required experience to operate a charter school: While Peggy Herndon has experience working for a school district, the Petition does not discuss any charter school experience or experience with the challenges that accompany working with such a small educational organization. While Jamie Anderson has teaching experience, there is no mention that she has experience dealing with the challenges of a multi-grade classroom charter school. While Courtney Sutton has experience working at the college level, she does not have any K-12 educational experience at all. Neither does Mike Yaley. Finally, neither John Cashman nor Ron Berry have experience in the educational field at all.

4. Petitioners have not developed a plan for attracting and retaining the highly trained and experienced personnel called for in the Petition.

The Petition sets the bar quite high for the qualifications of the Lead Teacher and the Business Development and Operations Coordinator. Both will have to wear many hats, but the Petition does not explain how these individuals will be attracted and retained, especially in such a small community, and especially when the Charter School will not have the District resources backing it. As a side note, the Petition does not recognize that this situation could very easily lead to burnout, a factor that contributed to the closing of a similar school in the Pinecrest area only a few years ago. (See Section B.1.c. above.)

The Lead Teacher, for instance, will not only teach, but also fulfill an extensive administrative role, requiring not only a teaching credential, but also an administrative credential. (Exhibit Package, p. 44, 48.) He or she will be responsible for the following administrative duties, among others:

- Supervise all Charter School employees.
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal.
- Identify the staffing needs of the Charter School and offer staff development as needed.
- Ensure that appropriate evaluation techniques are used.
- Monitor compliance with criminal background check policy.
- Review audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them.

(Exhibit Package, pp. 44, 50, 56.)

The Business Development and Operations Coordinator must possess the following overarching qualifications, at a minimum:

- Knowledge and experience of budgets, audits, and payroll.
- Experience and knowledge of facilities, leases, and sub-contractors.
- Experience and knowledge of current human resources practices.
- Experience in fundraising, grant writing, and charter development.
- Knowledge of employee relations, development, and implementation of policies;
- Knowledge of contracts, marketing, social media, and advertising.

(Exhibit Package, p. 49.)

C. **The Petition does not contain reasonably comprehensive descriptions of all 15 required elements.**

1. **The Petition does not meet the requirement of Education Code section 47605(b)(5)(A) that a charter school petition contain a reasonably comprehensive description of the educational program of the charter school.**

The Petition does not contain a reasonably comprehensive description of the educational program of the Charter School because it does not address how academic development appropriate to each grade level will be accomplished in the context of the Charter School's multi-grade classrooms, and because the Petition provides little to no information regarding what textbooks and other instructional materials will be used in the Charter School, as discussed in more detail in Section V.A. above.

2. **The Petition does not meet the requirement of Education Code section 47605(b)(5)(G) that a charter school petition contain a reasonably comprehensive description of the means by which the 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 school district to which the charter petition is submitted.**

The Petition does not contain a reasonably comprehensive description of the means by which the 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 District. (See Petition, p. 53.) The Petition fails to state what the racial and ethnic makeup of the area is and how the PEA will specifically target such racial and ethnic groups to achieve balance among its pupils.

3. **The Petition does not meet the requirement of Education Code section 47605(b)(5)(J) that a charter school petition contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason.**

While the Petition contains a reasonably comprehensive description of the procedures by which Charter School pupils can be suspended or expelled, it does not specify whether students can be involuntarily removed from the Charter School for reasons other than disciplinary problems.

VI. Conclusion

Based on the Staff Team's thorough and careful review of the Petition, as well as public input received at the March 19, 2018 public hearing, the District recommends that the Board adopt these Findings of Fact and deny the Petition for the reasons detailed above.

To summarize once again, the District recommends that the Petition be denied based on the following conclusions:

1. The Charter School presents an unsound educational program for the pupils to be enrolled therein. As discussed further in Section V.A. of these Findings of Fact, the Petition does not address how academic development appropriate for each grade level will be accomplished in the context of the Charter School's multi-grade classrooms, provides little to no information regarding what textbooks and other instructional materials will be used in the Charter School, and is unsatisfactory in its discussion of special education services.
2. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. As discussed further in Section V.B. of these Findings of Fact, the Charter School's enrollment and revenue projections are unreasonably overstated. In addition, Petitioners have not demonstrated successful experience in operating and managing a charter school and have not developed a plan for attracting and retaining the highly trained and experienced personnel called for in the Petition.
3. The Petition does not contain reasonably comprehensive descriptions of all 15 required elements. As discussed further in Section V.C. of these Findings of Fact, the Petition does contain a reasonably comprehensive description of the Charter School's educational program, the means by which the Charter School will achieve a racial and ethnic balance among its pupils that is reflective of the surrounding general population, and whether students can be involuntarily removed from the Charter School for reasons other than disciplinary problems.

**TWAIN HARTE SCHOOL DISTRICT
BOARD OF EDUCATION TRUSTEES**

SPECIAL BOARD MEETING

Called by the Board President Pursuant to Government Code Section 54956

SPECIAL BOARD MEETING MINUTES

Located At:

Twain Harte School
Board Room (Upper Campus)
22974 Twain Harte Drive
Twain Harte, CA 95383

Wednesday, April 25, 2018

Governing Board Members

Lisa Brady – President, Chantal Fowler – Clerk, Members: Tim Hoffman-Brady, Ronda Bailey, Eli Wingo

The Closed Session meeting was called to order at 3:00 p.m. by Member Brady.

CLOSED SESSION

1. CALL TO ORDER

1.1. Roll Call

Member Lisa Brady
Member Eli Wingo
Member Ronda Bailey
Member Tim Hoffman-Bailey
Member Chantal Fowler
Superintendent Rick Hennes
Chief Business Official-Tonya Midget
Administrative Specialist-Kelly Gilbertson

1.2. Agenda Review & Adoption

Motion to Approve: Member Wingo

Second: Member Bailey

Vote: 5 Ayes, 0 Noes, 0 Absent, 0 Abstentions

2. COMMENTS FROM THE PUBLIC-On Closed Session Item 3.1 Only

(The public may address the Board on any matter pertaining to the district that is not on the agenda.)

There were not any comments from the public.

CLOSED SESSION

3.

3.1 Conference with Legal Counsel-Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 Of the Government Code.

Number of anticipated cases: 1

OPEN/PUBLIC SESSION-The public session was called to order at 4:00 p.m.

4. CALL TO ORDER

2019 Petition District Findings of Fact Exhibit Package 000220

4.1. Roll Call-

Member Lisa Brady
Member Eli Wingo
Member Ronda Bailey
Member Tim Hoffman-Bailey
Member Chantal Fowler
Superintendent Rick Hennes
Chief Business Official-Tonya Midget
Administrative Specialist-Kelly Gilbertson

4.2. Pledge of Allegiance-The pledge of allegiance was said by all.

ANNOUNCE ACTION TAKEN IN CLOSED SESSION

5. There was not any action taken in closed session.

6. COMMENTS FROM THE PUBLIC

(The public may address the Board on any matter pertaining to the district that is not on the agenda. Speakers will need to fill out a speaker request card. Public comments may be received verbally or in writing. The Board will impose its customary 3 minute limit per speaker. The Board will only receive public comments and will not discuss, respond or take action.)

Member Brady greeted the audience. She said now is the time on our agenda for the Resolution and proposed Findings of Fact on the proposed Pinecrest Expedition Academy. Pinecrest Expedition Academy submitted its Petition to the Superintendent's office on February 27, 2018. A public hearing to consider the level of support for the petition by teachers employed by the District, other employees of the District, and parents was held March 19, 2018.

Because this is a special meeting, the meeting notice for this special meeting indicated the Business to be transacted at the meeting. No other business shall be considered at this special meeting. The public will be provided an opportunity to address the item described in the notice.

For the record, we ask that speakers fill out a speaker request card. Public comments may be received verbally or in writing. The Board will impose its customary 3 minute limit per speaker. The Board will only receive public comments. During the public comment period, the Board will not discuss or respond to public comments.

After the close of the public comment period, the Board will hear presentations on an overview of the petition process, the standard of review of the petition and the Board options with respect to the Findings of Fact and the Petition. The Board may then ask legal counsel or staff to respond to specific public comments received on the Petition or the Findings of Fact. The Board will then discuss the Resolution and proposed Findings.

Member Brady opened the public comment period.

Margie Bulkin from the Tuolumne County Superintendent of Schools spoke first to clarify an error in the findings on page 10 in the board packet, listed in the timeline of events. She wanted to clarify that the Tuolumne County Schools office did not deny the petition. She would like to put verbiage in the right spot. They County Schools Office returned the petition because it did not meet the criteria for a County Wide Benefit Charter School. She said that returning and denying the petition are two very different things. She explained that if the Tuolumne County Schools Office would have denied the County Wide Benefit Charter petition, it would have to have been presented to the County Board of Trustees as they govern side by side in some instances and a County Wide Benefit Charter would be one of them. She said the County Wide Benefit Charter

did not meet the criteria to get to the Board of Trustees. She explained that the Charter wasn't denied or approved. It was returned.

Nathan Rohr thanked the board for letting him speak. He said that at the last meeting several people spoke about how great Twain Harte School is and the people that did not want to send their children to Twain Harte were accused of trying to take away a classroom education from children. He said that is not true. He said he has a lot of respect for Twain Harte School and several teachers are actually his friends. He said if he lived in the Twain Harte Community, he would send his children to Twain Harte School, but he does not. He lives in the Pinecrest Community. He said as a parent and in good conscious, he does not want to put his young children on a one or two hour bus ride, especially with medical concerns and other things going on. He said that buses have refused to come up to the Pinecrest area on several occasions due to snow. If the Pinecrest School does not open and he knows that he speaks for several parents in the Pinecrest Community, his children will be in a Charter school and if the goal of this committee is to see that the children in the Pinecrest Community receive a classroom style education, then the board should be doing everything in their power to help re-open Pinecrest School.

Kurt Anderson said that he is an upper mountain guy and his kids are upper mountain kids. He fought for Pinecrest School before and he is willing to fight for it again. He would love to have a small school in the community. He said he is a redneck and does have a few issues. He does not like the touchy feely, all kids are winners stuff. He likes the kids that are willing to work hard, get the good grades, willing to work hard in sports, those kids are the winners. He thinks that in a small community those things can be easier nurtured. He said he is all for Pinecrest School.

Steve Bloxham said he lives less than a mile from Pinecrest School and has for the past 8 years. He said that his background for over a decade is that he went into schools in Northern Nevada and rural Northern California and has worked with kids on how to do well in school and how to get into college and how to actually get through college. There were 493 kids and 93% of them made it through college. His daughter is a teacher of third grade. He said on the standardized testing last year at her school in Nevada, the students tested out at 5th grade level. He said it is unbelievable what can be done at a small school. One of two things concern him, one of those things being the name of the school. He said the name creates an ummetus tone. He said this kind of thing affects legends and this kind of thing is not healthy. He said to name a school something like Expedition creates an image that is eww, even with liberals and he said he is pretty liberal in some ways. The name should include some kind of throwback. He said this should be a school like 1905. A mixed grade with basic essential knowledge, this is a subtitle that people can understand and blend into in their minds and respect a school board that does this kind of thing. A mixed grade Essential knowledge and basic are words that ring. These words ring and the board is going to get famous from this. He said his friend does spots for 20/20. He said this is the kind of thing people get famous from. He said this is the kind of thing that works and that people need. He said he was concerned when Pinecrest School shut down and he did not know the reasons and wasn't involved in it at all. He said he hopes it reopens. His second concern was, why it has to be a Charter. He doesn't mind charter schools; in fact he thinks some of them are very good. He said he doesn't like cluster desks either, he likes rows. He said this is the kind of thing that works and its fun. He said kids graduate without knowing basic knowledge. There should be the word STEM. Kids graduate college without knowing about electricity or how to use a weaving mill. This is the kind thing that could be blended into an elementary class. Third graders could grasp this if repeated over and over again. They end up with practical knowledge that creates pride in the entire district. This should be an element of pride. But, that word expedition, ugh.

Anthony said he lives at the Christian Camp and had to take off work a little early to make sure that he could make this 4:00 p.m. meeting today. He said it is challenging. He said he has his wife and daughter will him this afternoon. He further stated that like his friend Nate said, they are not against Twain Harte at all. They love Twain Harte School and have friends at the school

that they care about deeply and it is nothing against the school. It is all about having a school that is closer for our kids. He said if the Charter does not happen he is not going to send his kids to school at Twain Harte. At least not right away. He said it is just too far. He said they will find another way to educate their children and it definitely won't be at Twain Harte. He said he and his family are in attendance to support Pinecrest.

Heidi Lupo, the Lead Petitioner of the Pinecrest Academy started by thanking Rick Hennes and Kelly Gilbertson for their professional and prompt communication during this entire process. She said they have truly been wonderful and she wanted to commend them for that. She also thanked the reviewing committee. She said this is the first time in her life that she was called an optimist. She said she is not an optimist, she is a realist. She said the enrollment projections in the petition are based on the needs of the community over the next five years. Charter Schools in general and the location at hand is incredibly marketable and attractable to young families. She said the districts finding are inaccurate as they do not account for the following information; The Pinecrest area now has access to affordable high speed internet for use at home and for businesses. She said this opens the door for not only school programs, but also for the ability for people to work from home and telecommute to out of area jobs. The district should include for a footnote that Twain Harte does not allow Interdistrict transfers into Twain Harte School. She said this will hamper the potential growth of Twain Harte School, but is technical data that will not live at the growth of Pinecrest Expedition Academy. Since the submission of the petition on February 27th, she has received active interest from families that will include an additional 23 children that are ready to enter the Expedition Academy during the term of the Charter. She further stated that tourism is a 230 million dollar industry in Tuolumne County. Pinecrest and the upper 108 are significant contributors. She said the districts findings state that the Charter would only be attractive to the residents of the Pinecrest area and the district undervalues the number of individuals that work in the Pinecrest area and have interest in their children attending a program of choice in close proximity to the workplace. For example, the United States Forest Service Summit Ranger District employees 90 employees. Of those employees, their families contain 22 children under the age of 9 that did not sign the petition. Additionally, Heidi said she lives in reality and owns and manages businesses, she has run numerous budget scenarios. Including a scenario will they reach a scenario of 65 students enrolled by year 3 and maintain that enrollment for years 3, 4 and 5. She said this scenario generates a surplus of 25,312 dollars at the end of year 1 and a surplus of 25,253 at the end of year 5, which led her to some other inaccuracies on the budget. She said that, first off, the district states that the Charters viability is premised on unreasonably overrated revenue. She said their revenues are based on enrollment projections. The school has used the LCFF calculator which is provided by FICMA and other resource revenues are calculated by the rates proposed by the state. Secondly, the district states that the LCFF calculations are flawed. She said this is inaccurate. Lastly, she said that the major resource of the charter school funding is LCFF.

Courtney Sutton, the founding board member of the Pinecrest Expedition Academy. She said that the petition submitted to the district is educationally sound and identifies EL education and module learning as the primary curriculum model and an effective approach to a multi grade classroom. She said that contrary to the districts findings, they have identified the following text in the petition; for English and language arts, EL education supplemental text -National Geographic (not understandable), for Social Studies and Community Services Studies-Pearson Scott-Foresman, (not understandable) California History Social Science and National Geographic World History. For Math-Pearson Scott-Foresman Math Reasoning, Mind Algebra Readiness, Big Ideas Learning and Big Ideas Algebra. She stated they have also left room in the petition that allows texts to be changed and added just as outlined in the educational supplemental online program will be added to help each teacher and student achieve success. She said it should be noted that the EL Education curriculum has recently reviewed the highest score even given by the ED report based on the following; text quality and complicity and alignment to standards, knowledgeability with text, vocabulary and (not understandable), instructional supports and feasibility. Out of the total 696 points, the EL Education program scored 668. As stated in the EL Education, CEO Scott Hardle quotes; created by teachers who are teachers, our curriculum views

over 25 years of educational experience in literacy and instruction and inspires educators and sparks student's excitement for learning. This recognition is a testament to our mission to create classrooms where teachers can fulfill their highest aspirations and students can achieve more than they think possible. Our founding group is pleased to be able to utilize the professional development on site and online available through the EL Education. We are confident our staff will have available resources to keep them focused and driven in their teaching environment.

Courtney concluded by reading a statement by John Cashmen; She said he apologized for not being present. In his work obligations, he encountered significant traffic which delayed his arrival. He said he coaches, develops and mentors athletes on an elite international level. He recognizes the value and necessity of collaboration in order to succeed in a situation, whether it be athleticism, academics or workloads. The ability to work with others in a safe environment and ask for help and ideas throughout the collaboration is the key to success. He believes this environment can be easily accomplished in a multi-grade classroom setting and be evident to work effectively in other Charter Schools, such as Creekside Charter and Sierra Expeditionary Learning School. He said that the goal is to see students thrive in an ever changing world utilizing our ideals of what makes an educated person in the 21st Century. She further stated that John said that accountability, problem solving, creativity, collaboration and critical thinking, communication and adaptability set the stage for students to work together.

Janelle Ruley greeted the superintendent and the board. She stated she is an attorney from the firm representing the Charter. She said her partner; Jerry Simmons was in attendance for the public hearing. She said she is in attendance to be in support of the Pinecrest Charter Expedition Academy and wants to urge the board to approve the Charter and separate from the districts staff report. She stated that she was sure that the board has been advised by their legal counsel. The legal intent behind the Charter School is that they are an integral part of the California Education system and their establishment should be encouraged. Further the default position of the law is that the District must approve the Charter unless it makes findings in one or more six possible areas of the Charter petition. She stated that the District findings mistakes facts and mistakes flaws and should not be relied upon as basis for (not understandable). She spoke about the textbook and instructional methods stating that the findings said they were not identified. She said the Charter is not required to include that in the petition, but Pinecrest Charter Expedition decided to do so. She said as the law does not require those items to be listed. She said as far as the racial ethnic balance, Pinecrest Expedition Academy does outline a detailed plan for student recruitment and she said that is what the key is and what we need to talk about. She said how are they going to find a kid so that the population has the same racial ethnic balance as that residing in the district. She said the districts racial ethnic balance changes every year and putting it in the Charter doesn't really do anything for them as they have to make the comparison every year. She said there is not a lot of fun in having a satanic number in the Charter petition. Again, the plan is recently comprehensive regardless of whether or not that percentage is in there. She said as far as suspension and expulsions; she thought this one was a little bit strange in the district findings because there is a whole paragraph listed in the petition regarding suspension and expulsion. She said she would be happy to show the board where the information is outlined in the Charter petition. She said the law changed this past January and that is outlined in the petition regarding expulsion and suspension.

She said she was going to make a note of the County's word of returning the Charter petition, not denying it. She thanked the County Superintendent for bringing that to the attention of the board. Lastly, about the Special Education program. The Tuolumne County Selpa reviewed the Charter based on a rubric that was created, she's not sure when, but by a financial agency that oversee schools and school district throughout the state. She isn't sure why the Special Education Department didn't review the petition based on their own expertise.

John Lupo said, how about Courtney? She is a Twain Harte graduate. He said he supports this petition because he thinks it is the right thing to do. That's why he thinks the board should approve it. He said the last time he was at the special board meeting, the teachers spoke about what a good job they do and he said, no one disputes that. He said he knows that the teachers feel

a duty to the staff to support them and they would not want anybody to lose a job because they supported their position. The hard thing is that, he thinks they are there for the best interest of the students and their families first and the staff second. He said he believes that everyone at the meeting would agree with that. Second, he said that he thinks this is sort of like an interdistrict transfer and again that is why he supports local school boards and not unification because you want to know who your neighbors, friends and teachers are. He said the democratic process would be the right thing to follow. He said, if someone came to you right across the street and said that their kids were born here and said, hey Mr. Wingo, I got a job at the hospital and my kids can go to school right at Sonora Elementary. He said it is just better for everybody. He can't believe that the board would deny those people that right. He said he has been on school boards and never denied anybody who wanted to transfer in or out because that is what they want for their kids and that is what is in the best interest for their families. He reiterated the reason we are all here is for the best interest of the kids and their families. He said by supporting this petition, you are supporting this community and as you have heard, it is hard to get a job here, and hard to buy a house and survive. He said it is a lot better for the people that want to work for the Forest Service, Dodge Ridge, Tri Dam, Strawberry Inn or wherever they want to work. He said this will really help the community and the county. Like Dodge Ridge for example, they depend on the community. He said, so let's do this. Instead of fearing this, embrace this and work together with these people. Share innovation and resources. He said this is the right thing to do for those friends and families. Lastly, he said, let these kids go to school where these parents want them to go. He urged the board to do the right thing. He said, he thinks they know what that is.

Denise Bengard said she actually had no intention of speaking today, but wanted to clear something up about the bus rides since she is the bus driver that goes up to Pinecrest. She said when Pinecrest School was open, she drove Pinecrest kids. She said she picked kids up in Twain Harte that went up to Pinecrest. She picked kids up at Pinecrest Dam that went to Twain Harte School. She said she has been driving for 14 years and has gone through snow storms where her bus was leaping over snow drifts, but she would get up to Pinecrest and get the kids. She said by the time she leaves the bus yard to the time she hits Jennes Park, it is 30 minutes. She said they are not on the bus for an hour to two hours, unless she is in a snow storm and broke down. She said in that case, someone comes up to help her and picks the kids up. She said she has kindergartners that go up to Pinecrest and then back down depending on what side of 108 they live on. In that instance they are sometimes on the bus for 45 minutes. Denise said, from Pinecrest to Twain Harte, it is a 30 minute bus ride. She said there are times when she has had the CHP escort her up to Pinecrest School, drop the kids off and pick the kids back up. She said in bad weather, she would call CHP and say if they want the kids off the hill, she will need an escort and they would provide an escort. She said they are willing to do whatever it takes to get their students to and from Twain Harte School. She just wanted to clear up that bus issue.

Jillian Rohr said she already wrote the board a letter, but she did want to let everyone know that her letter was in their packets a couple of weeks ago. She said she will not be bringing her child to Twain Harte School due to the fact that she has heard some other bus stories. However, she would like to finish Heidi's notes. Secondly, the LCFF calculations are flawed. She said this is inaccurate. The major resource of Charter School funding is LCFF revenue in general. The school might be eligible for other funding such as, Federal funding. However, the initial budget is projected without having additional resources. The projections rely on loans and grants that are limited in scope and may not be available. She said they have applied for the Charter School Revolving loan and all expenditures related to the PCSGP and are reported in the budget expenditures and they are not required to submit that in the petition process. She went on to state that Pinecrest School Club is historically unsubstantiated. She said that the school has raised funds through PSC and is not included in the budget. The school does receive in kind donations for having a dollar a year lease for facilities. She said this is listed as in-kind donations revenues will offset the revenues. Additionally, Heidi's fundraising abilities are being discounted. In the last twelve months she has been responsible for fundraising money through for parent nursery school. In twelve months she has raised over \$51,000 for a program that charges a daily fee, this is a substantial amount of money and has increased at least five times since her involvement. The

fundraising abilities of PSC and thanks to the area property owners is far greater and will be achieved. She thanked everyone for acknowledging and encouraging Heidi.

Member Brady closed the public comment period. She explained that the board will hear presentations on an overview of the petition process, the standard of review of the petition and the Board options with respect to the Findings of Fact and the Petition.

Addison Covert thanked the board president and the members of the board. He said he is in attendance to provide some back up assistance to school district staff in preparation of tonight's meeting and he very much appreciates the information that has been provided by the audience thus far. Before the board tonight is a draft resolution that has been prepared based on the recommendation of the district staff for board's consideration. He said they would like to hear from the board in this process as well. He said there will be an opportunity for the board to discuss what it has heard so far and what its action might ultimately end up being tonight. He said he would like to spend a moment or two going over the recommendation from staff, which is that the petition denied by the school board. That recommendation is based upon mandatory requirements that the state education code and the state legislature have set are the exclusive grounds for either approving or disapproving a charter school. The school board is subject to a fairly tight timeline in the education code for the processing of a petition and to reaching a decision as to whether they grant approval of the petition or to not grant approval of the petition. He said they are locked into a situation where we get the best information that they possibly can and conduct an independent review at the district staff level and come up with a set of recommendations and provide those to the board. He believes the information contained in the packet contains recommendations that are sound legally and justify the ultimate recommendation that is being outlined in the resolution and the findings that have been presented for you. He said he is more than happy to discuss those or answer any additional questions. He said he also wants to provide the board with sufficient time to discuss the petition ask questions and make statements about the process and have time if any statements are to be made and to have time to confer before a final decision is made with respect to the resolution. In closing, he said it is his time to conclude unless there are further questions or comments.

Member Brady asked the board if they had any questions, comments or statements.

Member Wingo read the following statement; he said he attended Twain Harte School as a child and did his senior project at Twain Harte School. He said for those of you who are unaware, Summerville High School requires senior projects for students to be able to graduate. He said it is kind of hard and actually a big deal. He volunteered some time at Twain Harte. He said he helped the principal pack up his office upon retirement and has watched the school shrink in size. It seemed to get smaller with each passing year. First he heard that Southfork School closed. Then he heard that Black Oak School closed. He said around the time that his nephew started at Twain Harte School, he got appointed to the board due to the fact that there were two candidates running and two seats available and to save the school money. Since then, he said he has learned what it means to be a board member. He said he will continue to support the school. When he first started with the board, he said the issue with Pinecrest School was coming to a close. The board sadly had to close Pinecrest School. Needless to say, there was a lot of push back. However, he was secure in knowing that the children from that school would be welcome with open arms on the Twain Harte campus by the staff and students. During his time on the board, they have had to make some tough choices. They have had to vote to close a school, made some staffing changes, and hired a new superintendent and a new principal. He said since he has started, it seems that one battle after another has been waged. But, something someone said during a trying time really stuck with me. A gentleman at a board meeting said that not a lot of people have time to sit around and talk about the cost of toilet paper. I said to myself, "is this guy confused about what a school board does?" Every choice the board makes affects a student on this campus and he said they do discuss how much to spend on items. He said; let me tell you about this staff and this school to help you better understand what the board does. Down at the end of the table is, Tonya Midget, the Chief Business Official. She does an outstanding job of keeping the school on track

and works a lot more than her contracted hours and gives 110% every single day. Kelly Gilbertson in the back takes the minutes of these meeting and works hard to keep us informed with information about making tough choices. Rick Hennes, the school superintendent works well past his contracted hours because he really cares about Twain Harte School. He said seated next to him is Ronda Bailey, who works for this community and in this community every single day and all day. She works 40 plus hours every week. He said he works at Black Oak Casino as an EMT and teaches classes at the casino. He said the school board meetings are not always at convenient times due to his work schedule, but he is always at the meetings. Lisa Brady works hard day in and day out with a population of inmates. Tim Hoffman-Brady works with Eli Wingo at the casino. He knows that Member Hoffman-Brady works hard because he sees it every day. Chantal Fowler works incredibly hard for this community. All of the board member has had a child or have children that attend Twain Harte School. He said he does not have a child that attends Twain Harte School and has been asked by many people why he is on the board. He said the reason he is on the board is because he wishes to give back to the school. He said they drive up and down the mountain just like everyone else. He said we all have issues in life we must overcome to work together to make this place a better version of than it was yesterday. Now as the board, elected or appointed, it is also the administration that advises us, which in itself is a difficult job because he said that some of them have hot heads. There are teachers here in the audience, some behind you or next to you. Some are not in attendance due to possibly grading papers, helping a student or some maybe just simply wanted to go home and rest. He said the continually try to better themselves as teachers. A few examples are, Mrs. Olsen taught while Member Wingo was attending and impacted his life greatly by helping a struggling dyslexic boy to learn how to write in cursive. He said his handwriting wasn't super successful and she always encouraged him to do well. She always pushes kids a little further and to aim a little higher. He said he was in her classroom recently and saw all those little faces light up while she was helping them with reading. He said, Mrs. Barry is still here. She taught him how to read and seek out knowledge. He said she continues to excel and seek out new teaching methods. He said that Mr. Gold taught P.E. while Member Wingo was attending Twain Harte and all of Mr. Gold's lessons where about team work and working hard along with fair play and the rules. He said that Mr. Brown teaches at Twain Harte and he mention that not many people know his Father taught at Twain Harte School also. Mr. Brown encourages kids to learn science and math. He said he tells him every single day he learns something about science and math and he said his nephew sounds like he really knows what he is talking about. He said he can tell that Mr. Brown has a very positive impact on his nephew. He said that Laura DeMars teaches kids about robots and computers and makes learning fun. Mrs. Rose teaches kids to think critically and about the world around them and then write about it. Mrs. Roberts, the Library Media Specialist gives kids a chance to get books and pushes them to read. She recommends books to kids and finds new books to bring in. Mr. Wurz is in charge of the upkeep of the campus and they do a fantastic job. Mr. Wurz has won a safety award two years in a row. He was given a list of nine items that need to be fixed and he completed 8 of those items. He said according to the presenters, the award is pretty difficult to achieve. He said Mrs. Cross is in the office. She has seen so much time here. She has seen so many staff and so many students over the years and she keeps coming back. He said, maybe there might just be something magical about Twain Harte School and maybe that is why the board is so passionate about this school in this community. We are a community. He said, what he is trying to say, is before you seek alternative education programs, maybe those seeking alternatives should spend some time at the school and perhaps you will see that magic that he sees on the Twain Harte campus when he drives to work every day. Lastly, every single vote in this room affects the students that attend school at Twain Harte. It impacts them and changes the campus and the culture. He said the school is a community regardless of where you are from. He said he believes it is time we all work together instead of against each other.

Member Hoffman-Brady asked a question of the people up the hill, which is where he lives. He asked why won't they bring their kids to Twain Harte? He understands that now they are trying to open a charter, but said it has been six years and he thinks they have been rag tagging their kids all over the place when there is a perfectly good school at Twain Harte with perfectly good teachers and he doesn't understand why they aren't brought to Twain Harte. He said the charter

people talk about outdoor activities. He said Twain Harte School has four accredit STEM teachers. Some of them are known very well and one of them has just won an award from one of his peers as one of the best teachers in our whole area. He taught at the Pinecrest School and he teaches STEM and that is what is talked about all through the petition. He just doesn't understand why. He asked for an answer. He said, he has had seven kids at Twain Harte and he lives up the hill. He said Twain Harte is a great school with great teachers and fantastic outdoor activities.

Heidi Lupo said that she is going to have their counsel answer the question. She said that she thinks he will get a different answer from every single person in the room. She said that it is each person's very personal decision. She said at the beginning of the meeting, it was stated that there would not be a back and forth. Member Wingo explained that the back and forth does not happen during the public comments. He explained the back and forth happens now. He said now is the time to ask questions about the petition and the finding of fact. She said if the Pinecrest families want to come up and answer that question, she is certainly not going to stop them. She asked are we sure that is what we want to open up the door for? Superintendent Hennes and Member Brady stated, yes.

Mr. Lupo said there isn't anyone in attendance that is delineating the teachers, the bus drivers or anything about Twain Harte. Nobody is complaining about that. As the attorney just said, every person that comes before you and has signed this petition probably has their own personal reason. He said what is comes down to is choice. That is what this is about. It is about democracy. He gave an example about asking for a transfer and he can't believe that would be denied, no matter how good this school is. Member Wingo said they have actually approved several interdistrict transfers. Mr. Lupo said that is what the charter people are asking for, is a transfer. He said if the transfer is in the best interest of his family and his kids, why the board wouldn't say, okay. He said that is the board's duty.

Member Hoffman-Brady reiterated it's been six years and a whole generation of elementary children. He wanted to know, why they don't come to Twain Harte. He said they have been shoved all around the mountain and he just doesn't understand why they don't come to Twain Harte. Mr. Lupo said the families and kids are choosing where they want to go for their reasons. He said that nobody is shoving; it is a choice for all students and families. He said it's about respecting families choices. He said the board should embrace it. He said that declining enrollment is because people can't afford to live in work in this county. He said this is your chance to do that and it will help more people move to the area. He said people don't like what is going on at TH. He said the board's duty is to support the entire community and embrace and support these people's choice. He said this is the right thing to do.

Heidi Lupo asked Member Hoffman-Brady if he was asking why her kids don't go to Twain Harte and she said her children aren't old enough to go to Twain Harte School. She said that most of the signatures on the petition are just having kids that are in primary grades that are now willing to go to school. She said they have either tried another program in the county that hasn't worked for them or are looking for something different. She said, personally she believes in programs of choice and she believes in innovation and she believes they can create a high quality environment in the Pinecrest area that is different from what is offered at Twain Harte.

Member Wingo asked Heidi Lupo about the \$51,000 that was gathered in donations and was that gathered under the Pinecrest School name. She said, no. That was from the fundraising effort that she did at the Summerville Parent Nursery School. She said that is a different 501 3 c (non-profit). Simply stated, she said she wants the board to know that she can raise a whole lot of money.

Superintendent Hennes asked Heidi Lupo about when she mentioned that Twain Harte School does not accept Interdistrict transfers. She said from her understanding, that Twain Harte has a practice of not letting Interdistrict transfer students in. Superintendent Hennes said that it is very bad information and totally false.

Jillian Rohr said that she hasn't sent her children to Twain Harte because her oldest child is just 3 years old. She never wanted to do the commute. She gave a shout out to the bus driver. She is happy to hear it is only a ½ hour commute, but thinks that her 5 year old would have a difficult time on a ½ hour commute with strangers might make him a little bit scared and she thinks that if a ride is available that is only 5 minutes away, she would send her child to that school. She thinks the board is thinking about older children. She said she heard about kindergarten going to all day and that makes them socialize a little longer and it makes the day a lot longer, especially with the additional transportation time and she believes her child would be exhausted. She said if she had the opportunity to send her child to a school that is just 5 miles away, that would be amazing and she would take them up on that offer. She said she doesn't support the board not giving them the opportunity.

Kim Hartwig said that she lives in Sugar Pine and had two five year olds that rode the bus to Pinecrest School and back all the way until 6th grade and it was never an issue. She said there was never a problem. She said she is frustrated with the fact that it has not been discussed that when Pinecrest School was open, it was paid for by a Grant that does not exist anymore. She said that what the Charter is asking for is for Twain Harte to give money to the Charter that Twain Harte is spending on the Twain Harte students. She said this would be giving \$200,000 plus dollars a year to another school to run the same thing we are currently doing at Twain Harte and take the money away from the Twain Harte students. She then asked an audience member not to shake her head at her. She said she didn't appreciate that.

The audience member told Kim Hartwig that she was incorrect and Kim Hartwig said, then correct me.

Heidi Lupo asked for a point of order. She said that they were asked a specific question about children and that the discussion seemed irrelevant.

Courtney Sutton said she is on the hall of fame in the Twain Harte gym and she talks about Twain Harte all the time. She said she has a two year old and one on the way. She said she lives in Pinecrest and she would send her child to Pinecrest. She said she can't reiterate enough what John Lupo said about families having a choice and considering what is in the best interest of each family. She said it's about choice and what fits for your family. She said families should have that option. She said she split her time between Pinecrest and Twain Harte and it was a long bus trip. She said it never seemed like a 30 minutes trip. She believes it is the parent/student choice and it is the board's duty to provide an opportunity for everyone in the community and she would like them to think about that.

Kimberlie Ballard has been a teacher for about 10 years. She said she has taught in Manteca, Turlock and Southern California. She said what she keeps hearing over and over is the sense of family. She said as she looks at the board, she has had Tim's son in her class, Lisa's son in her class, Eli's nephew and Ronda's daughter. She said out of every place that she has worked; she said Twain Harte has the most sense of family. She said that Twain Harte is not trying to create division, but instead what she is trying to say, is that Twain Harte loves kids and would love to have more kids at Twain Harte. She said that Open House is on May 9th and that would be a perfect opportunity to come and see what each grade level looks like. She said that every month they do a STEM project. She said there is good learning going on at Twain Harte. She said she used to teach at Pinecrest School and she said she thinks we all need to unite. She said it was hard when the school closed and seemed to create some division. She said that Twain Harte has a very transparent board and are trying to really bring us together. She asked that everyone come to Open House.

Member Brady asked if there were any more statements or comments from the Board. There was not.

She said the Board will now discuss the Resolution and the proposed findings.

Addison Covert said this would be the time for the board to ask any questions about the documents and make any additional statements that they might have. Once that process is done, this would be the appropriate time if a board member would like to make a motion in support of the document and then to gain a second and then the board would vote either up or down on that motion.

Addison Covert wanted to make a quick suggestion on the County Superintendent clarifying earlier that the County Board did not exactly reject the petition; instead it was returned because it wasn't the appropriate format at that time. He suggested that the findings be approved with the modification on that one term. So, that the findings would reflect when the petition went to the County Board of Education, their petition was returned and not rejected. Member Wingo clarified if that would be only if they approved it.

Member Wingo asked Heidi Lupo a question about transportation and how students will get to and from school. She said the Charter will not provide transportation. Transportation will be the responsibility of the family. She said she is sure there might be active carpooling.

Member Wingo also asked about lunch and will that be provided. She said they are not required to provide a meal program. Member Wingo asked if the kids go up to Pinecrest and don't have a lunch, are they just out of luck. She said they would try to facilitate a meal for a child if needed, but it will not be provided at the Charter.

Member Hoffman-Brady said that no transportation and 34 students, 24 that are from Twain Harte. He said he is concerned about no transportation. Heidi Lupo said the parents that signed the petition did not seem to be concerned about lack of a bus. He said he has trouble with no bus. Heidi Lupo said there was more concern about small children taking the bus and what happens on the bus. Member Wingo said he believes that the Twain Harte bus drivers have pretty tight control of their bus. Member Wingo was concerned about what happens on busses. Heidi Lupo said she hears stories of what happens on the bus. Chantal Fowler said that her children ride the bus and get a 5 minute bus ride in the morning. She said they are on the bus in the afternoon for about an hour and she lives a mile away. She said it doesn't really matter where you live. Sometimes it's the luck of the draw and any kid could end up on the bus for a while.

Heidi Lupo said it is your choice to put your kid on the bus.

Lisa Brady asked about the SELPA piece and how will they provide Special Education Services. The Charter attorney said there will be two options for Special Education, she said they can either be deemed public school by the district where the district would receive all the money that would be deemed for charter school for its ADA students. She said the district would receive all that money and keep it and then would actually provide services for those students. The other model would be to seek membership on its own in a SELPA and receive the state and federal money on its own and then provide the services for its own students. The second option is what the Pinecrest Academy is seeking to do. The Charter has described it in a way that has been approved by school districts up and down the state and by the state board of education as well. The money comes into the Charter school and the Charter spends the money on its students as it needs to. If those costs exceed what the state and federal money brings to the Charter, then the money would come out of the Charter's general fund. She said the Charter School does not discriminate based on admission of disability. All students who wish to attend may do so, regardless of disabilities and what the range may be. She said the Charter would hire someone to provide services or contract with a provider to provide services.

Member Brady called for a vote to approve Resolution 2017-2018-04-01.

7. ACTION ITEM

7.1 RESOLUTION OF THE BOARD OF EDUCATION OF THE TWAIN HARTE SCHOOL DISTRICT DENYING THE PINECREST EXPEDITION ACADEMY CHARTER PETITION AND ADOPTING WRITTEN FINDINGS OF FACT

Motion to Approve: Member Wingo

Second: Member Bailey

Vote: 5 Ayes, 0 Noes, 0 Absent, 0 Abstentions

Resolution 2017-2018-04-01 was passed denying the Pinecrest Expedition Charter Academy Petition with the modification of denied being changed to returned in regard to page 10 in the Finding of Fact.

8. ADJOURNMENT

Member Brady adjourned the meeting at 5:04 p.m.

Lisa Brady, President

Rick Hennes, Superintendent

Date

**Next Regular Meeting of the Board of Education
Wednesday, May 9, 2018 at 4:00 p.m.
Twain Harte School Board Room, Twain Harte School
Agenda material may be reviewed at the District Office
22974 Twain Harte Drive
Twain Harte, CA 95383
between the hours of 7:30 a.m. - 4:00 p.m.**

Agenda posted by Kelly Gilbertson at 11:00 a.m. on April 20, 2018 at the following locations: 2 locations at Twain Harte School, the District Office and Tuolumne County Schools Office. Agenda emailed to: the Union Democrat and Clark Broadcasting (93.5 KKBN). Notice given to each Board Member as well.

In compliance with the Americans with Disabilities Act, if you need special assistance (i.e. auxiliary aids or services) in order to participate in this public meeting, please contact the District Office at 209-586-3772 for assistance. Notification 48 hours prior to the start of the meeting will enable the staff to make reasonable arrangements to ensure accessibility to this public meeting.

Tuolumne County Board of Education

The Tuolumne County Superintendent of Schools Office exists to serve local school districts and ultimately all students including those with special needs in order to promote academic, vocational, artistic and personal success of all Tuolumne County students.



Draft Minutes

June 11, 2018

4:00 p.m.

Room 217, County Schools Office

Board President Simonson called the meeting to order at 4:03 p.m. and asked Trustee Feriani to lead the audience in the pledge.

Members Present: Cyndi Simonson
 Juliana Feriani
 Ian Morcott
 Nicholas Chernoff
 Don Rolle
 ~~Martha Golay~~
 Chucker Twining

Approval of Agenda:

Trustee Feriani moved to approve the agenda as presented.

Second: Trustee Twining

Ayes: Trustees Simonson, Feriani, Morcott, Chernoff, Rolle, Twining

Noes: None

Introduction of Guests

Staff: Brian Thomas, Troy Ashton, Cathy Parker, Lisa Rico, Colleen Whitlock, Blaine Cowick, Joanne Job, Tracy Rasmussen, Lisa Blaylock

Guests: Emily McVey, Collen Applegate, Randall Saari and Family

Public Comment:

A member of the public said that the room set up was great; Public Health is looking for agencies willing to have non-smoking areas a community events and is looking for input.

Public Hearing:

The board held a public hearing regarding the 2018-2019 LCAP and Budget. The hearing was opened at 4:07 PM. There was no public comment. The hearing was closed at 4:08 PM.

Consent Agenda:

Trustee Rolle moved to adopt the consent agenda as presented.

Second: Trustee Morcott

Ayes: Trustees Simonson, Feriani, Morcott, Chernoff, Rolle, Twining

Noes: None

Presentations/Recognitions

TCSOS Graduate—Colleen Whitlock introduced Randall Saari. Randall's teacher, Joane Job said that she is very proud of Randall and happy he could be here today. Ms. Bulkin presented the diploma. The board congratulated Randall and thanked him for the example he has set.

Information Items

Second Interim Report Letter

Communication to Foothill Leadership Academy Re: Foothill Leadership Academy's Credit Card Purchases for a Personal Benefit and Violation of the "Free and Public" Clause—Letter was drafted as a result of a routine annual review requesting 16-17 credit card statements. Serious concerns were noted in the letter so that immediate corrections can be made. Ms. Bulkin gave an explanation of the use of public funds and noted that there were food purchases with no pre-approved requisition or board approval or policy. There are particular concerns about expenditures at Standard Pour and Seven Sisters, which include alcohol. Ms. Bulkin spoke about the other concern in the letter, which refers to requesting fees from parents for field trips without informing parents that students must be allowed participate in educationally related events without a fee

Public Comment: letter from FLA that states FLA does not agree that expenditures were out of line. They did send a letter to parents stating that fees for field trips can be reimbursed. Funds raised from Gala or from donations from Parent Club will be used to reimburse \$9785 to the general fund.

District Report

Foothill Leadership Academy—The annual report was passed out and presented by FLA teacher Colleen Applegate.

Public Comment: Emily McVey read a prepared statement. She wants to clear up misunderstanding regarding expenditures. Ms. McVey maintains that requisitions or board approved policy are not required of charter schools and purchase of alcohol not applicable to charters.

Tom Nichols of CSMC: Stated that he was there with empathy for both authorizer and charter. FLA is willing to be transparent and honest regarding expenditures. They are willing to revise financial procedures, policies and set up a separate bank account for donations.

Staff Report

None

(Note, Hearing for FLA Petition was moved up on the agenda due to the 4:45 PM start time of the hearing)

Public Hearing:

The board held a public hearing regarding the Petition to Establish the “Pinecrest Expedition Academy” and Budget. The hearing was opened at 4: 46 PM. Public comment will be limited to 3 minutes per person. Those wishing to speak were asked to fill out a speaker request form and speakers will be selected at random.

Public Comment:

Jenelle Ruley—attorney with Young Minney & Corrs. She stated that there is legislative intent to approve charter schools. There are six reasons to deny. They have reviewed the charter and find it does meet the requirements of the law.

Rick Hennes—Pinecrest closed in 2012 due to loss of small school funding. Charter wants to take \$250,000 from Twain Harte without offering transportation of food services. Mr. Hennes sent a request on May 31st for more information regarding ????????but has not received a response.

Tonya Midget—She is the CBO of Twain Harte and has 21 years of experience in school finance. In her review of the proposed charter budget, donations make up a large portion of the budget.

Daniel Lee—made a statement regarding the amount budgeted for rent and donations for PEA.

Heidi Lupo—Lead petitioner for PEA—her mission is to return an elementary school to Pinecrest area. Board does not have charter experience, but does have a lot of experience in areas of business administration, education, human resources, and fiscal.

Tim Hoffman-Brady—60% of Twain Harte students receive free/reduced price meals and PEA will not be able to provide that. Petitioners have not come to the Twain Harte campus to walk the campus and see programs offered to kids. If parents had invested the same amount of their time in Twain Harte as they had the petition, that would help.

Laura DeMars—4th grade teacher at Twain Harte—Twain Harte offers quality education STEM, hands-on. Charter plan for 2 classrooms—it is difficult teaching combo classes.

Lynette Groff—Parent with students that have gone through Twain Harte. Twain Harte offers outdoor, hands-on education. Treasurer on PTO and Site Council. ATCAA food for kids provides food for 13% of student body. Concerned for low income families.

Alan Green—owned property in Pincrest since 1975 and pays taxes. Need local support for students in the area. Going to lease building at a reduced rate and going to possibly build new homes. Stated that other people don’t want it in their backyard—they do.

John Cashman—lives in Strawberry with wife and three children. Supports PEA. Unique education option that Pinecrest community wants. Family involvement in community and former Pinecrest School. A school is a staple of a community.

Laurie Cashman—longtime resident, business owner, taxpayer, mother and grandparent. Believe in schools of choice and educational options. Impossible to operate a business without qualified staff. PEA would offer unique culture and education opportunities.

Adam Coyenne—Local school would allow parent involvement in student's education. When hiring, employee's biggest concern is lack of local school.

Linda Gnipp—Teacher at Twain Harte—asked the board to consider whether it is financially viable and best for students, if PEA would be providing FAPE for students with disabilities. How will charter accommodate special education students with special needs for outdoor activities?

Mike Yealy—Hard to attract good employees without a local school. Believes it is vital to the community. Founding member and board member for PEA.

John Lupo—Property and tax payer in Twain Harte and Pinecrest area. Parents have the fundamental right to choose how to educate their children. Will have a greater chance to attract employees for business with a local school. A local school connects a community. Wants a school where they live and work.

Ron Berry—Founding member and board member of PEA—Void left since closure of Pinecrest school. Confident PEA has experience and resources to make PEA successful.

Jennifer Lloyd—Resident of Cold Springs—Daughters attended Pinecrest and are at Summerville High now. She supported having Mt. Oaks charter at Pinecrest, but without Twain Harte willing to rent former school, facilities were inadequate and the program was incompatible.

Brette Rimmer—Resident of Cold Springs—have four children, 2 elementary age. Work in resort business in Pinecrest for 20 years. Students have done well at Twain Harte, but desire is for children to attend a local school.

Sue Kirk—Lives in Cold Springs—it takes a community to raise a school. Band together to support learning. Untapped wealth in Cold Springs. School was a social hub and needed to bring back to life.

Brian Boyer—lives and works in the area. Local school would allow parents to be involved in their children's education.

Daniel Richardson—Parent of 6 children and have a good understanding of public entity budgets. Current school in Twain Harte provides transportation for students. Twain Harte with parental support can provide opportunities for children to achieve greatness.

The hearing was closed at 5:49 PM.

Action Items:

Forest Reserve Formula

Trustee Morcott moved to approve the Forest Reserve Formula for the 2017-2018 federal fiscal year.

Second: Trustee Chernoff

Ayes: Trustees Simonson, Feriani, Morcott, Chernoff, Rolle, Twining

Noes: None

Board Member Training/Training

Trustee Rolle moved to approve the following member attended the CCBE Conference: Simonson, Feriani, Morcott, Chernoff, Rolle, Twining

And for Juliana Feriani's attendance of the CSBA's Annual AEC: Trustee Feriani stated that there are a higher percentage of county topics this year, but if there are not a lot of county topics at the meeting that she will not attend.

Second: Trustee Twining

Ayes: Trustees Simonson, Feriani, Morcott, Chernoff, Rolle, Twining

Noes: None

Discussion Items

None

Comments:

County Superintendent

- Ms. Bulkin stated that she is looking forward to the TCSOS graduation on Tuesday at the Opera Hall. There are 22 students who have come a long way thanks to Cathy Parker.

Board

- Trustee Twining—today's graduate was so appreciative and proud of his accomplishment. Trustee Twining thanked staff for all of their support.
- Trustee Simonson—attending Leadership academy this year on a scholarship and will be attending sessions on STEM and school safety.

The meeting was adjourned at 6:06 p.m.

Marguerite D. Bulkin

County Superintendent and Secretary to the Board



Tuolumne County Superintendent of Schools Office

For: Action

Subject:

Action on Pinecrest Expedition Academy Charter Appeal

Issue:

The board will take action on either Resolution #2018-06 To Deny; or Resolution # 2018-07 To Approve the charter petition

Previous Activity:

Background:

On March 19, 2018, the Twain Harte School District held a public hearing on the Pinecrest Expedition Academy Charter petition.

On April 25, 2018, the Twain Harte School District board voted on a resolution setting forth factual findings to deny the petition for Pinecrest Expedition Charter School.

On May 4, 2018, the Tuolumne County Board of Education received the appeal of Twain Harte School District's Denial of the Pinecrest Expedition Academy Charter School petition. The appeal packet was returned to PEA as incomplete.

On May 11, 2018 the Tuolumne County Board of Education received the complete appeal packet of Twain Harte School District's Denial of the Pinecrest Expedition Academy Charter School petition. On June 11, 2018, the Tuolumne County Board of Education held a public hearing to assess the level of support by parents, teachers and employees of the Twain Harte School District for the grant of the charter.

On June 18, 2018, the TCSOS staff presented a summary of an interview held with the petitioners.

On June 18, 2018, Pinecrest Expedition Academy chief petitioner, Heidi Lupo, gave a presentation to the board.

Superintendent's Recommendation:

Prepared by



**TUOLUMNE COUNTY BOARD OF EDUCATION
RESOLUTION #2018-07**

**Resolution Of The Board Of Trustees
To Grant Conditional Approval For The Petition Of The
"Pinecrest Expedition Academy"**

WHEREAS, pursuant to Education Code section 47607, a petition for grant of a charter shall be governed by the standards and criteria set forth in Education Code section 47605; and

WHEREAS, on or about April 25, 2018 the Board of the Twain Harte School District ("District") denied the charter petition ("Petition" or "Charter") for the proposed Pinecrest Expedition Academy to operate as an independent charter school; and

WHEREAS, pursuant to Education Code Section 47605 and California Code of Regulations, Title 5, Section 11967, on or about May 11, 2018, Pinecrest Expedition Academy ("PEA" or "Charter School") submitted the Petition and supporting documents on appeal to the Tuolumne County Board of Education ("County Board"); and

WHEREAS, in accordance with Education Code Section 47605(b) the County Board held a public hearing on the provisions of the Petition on June 11, 2018, at which time the County Board considered the level of support for the Petition by teachers and other employees and parents/guardians; and

WHEREAS, on June 12, 2018 the Petitioner and the Tuolumne County Superintendent of Schools Office ("TCSOS") mutually agreed to extend the time period for the County Board to take action on the Petition to August 13, 2018 as permitted by Education Code section 47605(b) to provide the District additional time to review information submitted by the Petitioner addressing District concerns with the Petition; and

WHEREAS, in reviewing the Petition, the County Board 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; and

WHEREAS, the TCSOS has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, and made a recommendation to the County Board that the Charter be denied based on that review; and

WHEREAS, all of the issues and concerns noted in Resolution #2018-06 (attached hereto as Exhibit A) denying the Charter must be remediated in order for approval of the Charter to be consistent with sound educational practice; and

WHEREAS, pursuant to County Board Policy 0420.4(D), an initial approval of a charter petition by the County Board shall be for a period normally not to exceed three (3) years.

WHEREAS, the County Board has reviewed the Petition and supporting documentation submitted by Petitioners, the statements presented at the public hearing, and TCSOS' recommendation; and

WHEREAS, the County Board specifically notes that Resolution #2018-06 (Exhibit A) does not include findings relative to every defect in the Petition submitted, but is limited to some of the significant issues with the Petition, and that the findings set forth herein are sufficient to support the County Boards denial of the Petition.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Tuolumne County Board of Education, having fully considered and evaluated the Petition for establishment of Pinecrest Expedition Academy, hereby grants conditional approval of the Charter for a term of three (3) school years commencing on July 1, 2019 and ending on June 30, 2022, unless otherwise earlier revoked in accordance with law; subject to the Petitioners' compliance with all of the following conditions:

1. The Petitioners shall work with the County Superintendent and/or her designee to amend the Charter to address the concerns and/or deficiencies identified in Resolution #2018-06 (Exhibit A) and any other requirements imposed by law, as determined and deemed fulfilled by the County Superintendent within sixty (60) days of the date this Resolution is adopted; and

2. The Petitioners shall work with the County Superintendent and/or her designee to finalize a Memorandum of Understanding ("MOU") between the parties setting forth an agreement and arrangement between the parties within sixty (60) days of the date this Resolution is adopted; and

3. Upon the Petitioners' timely compliance with the foregoing conditions, the County Superintendent shall provide the Petitioners with written notice confirming the Charter School has complied with all conditions of approval as adopted by the County Board in this Resolution, with a final copy of the approved Charter and a copy of the MOU executed by both parties.

BE IT FURTHER RESOLVED AND ORDERED that the Petition shall only take effect as the school's Charter upon the Petitioners' compliance with all of the conditions herein within the sixty (60) day time frame, and the Charter shall not become effective until all such conditions are deemed fulfilled by the County Superintendent.

BE IT FURTHER RESOLVED AND ORDERED that the County Superintendent and/or her designee is authorized and directed to take such other action as she may deem warranted to implement this Resolution, including the execution of the MOU and any other agreement(s) between the parties in furtherance of the Charter as approved herein.

BE IT FURTHER RESOLVED AND ORDERED that should Petitioners not comply with all of the conditions to the County Superintendent or designee's sole satisfaction within the sixty (60) day time frame, or such later deadline as agreed to in writing by the County Superintendent or designee, the conditional approval of the Petition is terminated and withdrawn and the Petition is denied based on the written factual findings set forth above and adopted hereby,

unless the County Board, in its sole discretion, deletes the condition or extends the deadline for compliance therewith.

BE IT FURTHER RESOLVED AND ORDERED that, pursuant to Education Code section 47605(i), the Petitioners shall provide written notice of the Boards' approval of the Charter, and a copy of the Charter, to the California Department of Education.

BE IT FURTHER RESOLVED AND ORDERED 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 is invalid, the remaining findings and/or factual determinations and the conditional approval/denial for failure to comply with the conditions shall remain in full force and effect. In this regard, the County Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

PASSED AND ADOPTED this 13th day of August, 2018 by the Board of Trustees of the Tuolumne County Board of Education by the following vote:

AYES:	<u>4</u>
NOES:	<u>3</u>
ABSENT:	<u>0</u>

CERTIFICATION

State of California)
)
County of Tuolumne) ss.

I certify the above is a true copy of a Resolution adopted by the Board of Trustees of the Tuolumne County Board of Education at its regularly scheduled meeting on Monday, August 13, 2018.

Dated: August 13, 2018

BOARD OF TRUSTEES OF THE
TUOLUMNE COUNTY BOARD OF
EDUCATION, COUNTY OF TUOLUMNE,
STATE OF CALIFORNIA

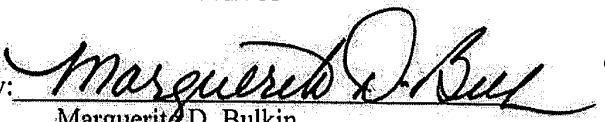
By: 
Marguerite D. Bulkin
Superintendent

EXHIBIT A

**RESOLUTION #2018-06
TO DENY THE PETITION OF
“PINECREST EXPEDITION ACADEMY”**



**TUOLUMNE COUNTY BOARD OF EDUCATION
RESOLUTION #2018-06**

**Resolution Of The Board Of Trustees
To Deny The Petition Of "Pinecrest Expedition Academy"**

WHEREAS, pursuant to Education Code section 47607, a petition for grant of a charter shall be governed by the standards and criteria set forth in Education Code section 47605; and

WHEREAS, on or about April 25, 2018, the Board of the Twain Harte School District ("District") denied the charter petition ("Petition" or "Charter") for the proposed Pinecrest Expedition Academy to operate as an independent charter school; and

WHEREAS, pursuant to Education Code Section 47605 and California Code of Regulations, Title 5, Section 11967, on or about May 11, 2018, Pinecrest Expedition Academy ("PEA" or "Charter School") submitted the Petition and supporting documents on appeal to the Tuolumne County Board of Education ("County Board"); and

WHEREAS, in accordance with Education Code Section 47605(b) the County Board held a public hearing on the provisions of the Petition on June 11, 2018, at which time the County Board considered the level of support for the Petition by teachers and other employees and parents/guardians; and

WHEREAS, in reviewing the Petition, the County Board 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; and

WHEREAS, the Tuolumne County Superintendent of Schools Office ("TCSOS") has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, and made a recommendation to the County Board that the Charter be denied based on that review; and

WHEREAS, the County Board has reviewed the Petition and supporting documentation submitted by Petitioners, the statements presented at the public hearing, and TCSOS' recommendation; and

WHEREAS, the County Board specifically notes that this Resolution #2018-06 does not include findings relative to every defect in the Petition submitted, but is limited to some of the significant issues with the Petition, and that the findings set forth herein are sufficient to support the County Boards denial of the Petition.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Tuolumne County Board of Education, having fully considered and evaluated the Petition for the establishment of Pinecrest Expedition Academy, hereby denies the Petition as not consistent with sound educational practice based upon numerous grounds and factual findings including, but not limited to, the following:

1. The Petition does not contain reasonably comprehensive descriptions of all of the elements prescribed by law. [Education Code § 47605(b)(5).]

2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code § 47605(b)(2).]

3. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code § 47605(b)(1).]

BE IT FURTHER RESOLVED AND ORDERED that the County Board of Education hereby determines the foregoing findings are supported by the following specific facts:

A. *The Petition does not contain reasonably comprehensive descriptions of all the elements prescribed by law. [Ed. Code § 47605(b)(5).]*

1. Educational Program. [Ed. Code §§ 47605(b)(5)(A), (B) & (C).] The description of the Charter School's educational program is not reasonably comprehensive based on various reasons including, but not limited to, the following:

a. The Petition provides for 176 days of instruction, which is not consistent with the number of instructional days offered by other districts such as Twain Harte. This raises concerns regarding whether the Charter School can successfully implement its program with such limited days and without account for snow days and other inclement weather known to the area.

b. The Petition also projects a second-year enrollment of 40 students in the 2019-2020 school year while reflecting only one certificated staff member. The student-to-teacher ratio not only raises questions about LCFF funding, but it also presents concerns related to the Charter's School ability to implement its educational program and best serve multi-grade classrooms of students with varying levels of abilities and needs. Although the Petition also provides for a Lead Teacher, it is unrealistic that the Lead Teacher will be able to provide sufficient pupil support given that the Lead Teacher is tasked with almost all of the personnel and administrative duties in the Charter School.

c. Special Education. The Petition does not provide a reasonably comprehensive description of its plan for special needs students. Although the Petition discusses its plan for identifying special needs students at enrollment, conducting IEP meetings, etc., the allocation of monies does not appear to be sufficient to support the Charter School's assurances of serving special needs students. Specifically, the Petition indicates the Charter School "shall be responsible for the hiring, training, and employment of site staff" (i.e., special education teachers, paraprofessionals, and resource specialists) and "itinerant staff" (i.e., speech therapists, occupational therapists, behavioral therapists, psychologists) necessary to provide special education services to its students. It is especially concerning that the budget does not allocate for the hiring of a Special Education teacher. As noted above, the Petition provides for only one certificated staff member in the first year of operation. The Petition fails to describe what Special Education support will be provided to the teacher in serving multi-grade classrooms with students of varying degrees of ability/disability and special needs.

The Petition also states the Charter School shall be “solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.” However, the financial documents show the Charter School has allocated only \$5,000.00 in Special Education Encroachment and zero dollars for Special Education Contractors in its first year of operation, which does not appear to be nearly enough funding to serve special needs students as proposed in the Petition.

Additionally, absent any evidence within the Petition, there is currently no reasonably comprehensive description of information regarding the Charter School’s handling of complaints related to special education services, such as who will be designated as the staff member responsible for handling such complaints and what procedures will be followed including timelines for resolution.

2. Governance Structure. [Ed. Code § 47605(b)(5)(D).] The description of the Charter School’s governance structure is not reasonably comprehensive. The Petition states the Charter School will be operated by the “Pinecrest Expedition Academy,” a California non-profit public benefit corporation and that its Board of Directors meetings will comply with the “Brown Act” and its operating Bylaws confirm this representation. The Petition also states the Charter School will comply with the “Political Reform Act” (“PRA”). The Conflict of Interest Code restates this representation by indicating the Charter School will comply with Government Code section 87100 *et seq.* Lastly, the Petition also states the Charter School will comply with the Public Records Act and Government Code section 1090. However, the Petition is severely lacking in specificity as to an additional layer of corporate governance presented in the Petition. Specifically, the Petition states on pages 8 and 41 that a separate non-profit public benefit corporation used for fundraising called the “Pinecrest School Club,” will “be the sole statutory member of Pinecrest Expedition Academy.” The Petition further states that “Pinecrest School Club” will have the right to vote on election, removal, and filling vacancies of the Charter School’s directors as well as disposition of all of the Charter School’s assets. The Petition itself provides no information regarding the corporate structure or governance of the “Pinecrest School Club,” including but not limited its articles of incorporation and corporate bylaws confirming its stated purpose is to operate a California public charter school. Although the petitioners did provide a copy of the Pinecrest School Club’s Articles of Incorporation and Bylaws after submitting the petition, a review of those documents does not establish that the Pinecrest School Club is authorized to operate a California Public Charter School. The Petition provides no information regarding the Pinecrest School Club’s members, whether that entity complies with the Brown Act, Government Code section 1090, etc.

3. Employee Qualifications. [Ed. Code § 47605(b)(5)(E).] The description of the Charter School’s employee qualifications is not reasonably comprehensive. The Petition does not provide qualification requirements for its classified staff. The Petition fails to address what non-instructional staff (e.g., administrative assistants, attendance clerks, custodians, campus monitors, etc.) it expects to employ and what experience and expertise is appropriate to those positions. The Petition also indicates it seeks to employ non-certificated instructional support staff in some cases without identifying a minimum number of teaching positions which will be fully credentialed. The Petition makes no reference to requirements for instructional aides.

4. Health and Safety. [Ed. Code § 47605(b)(5)(F).] The description of the Charter School’s employee Health and Safety policies is not reasonably comprehensive. The Petition notes

that a comprehensive safety plan and accompanying policies have yet to be developed, and the policies will not be provided to the District for review until at least 30 days prior to the Charter School's operation. The delay in the development and review phase of such procedures results in uncertainty as to what encompasses students' rights and the Charter School's responsibilities, particularly in regards to the harassment policies and procedures. The Petition fails to provide student or staff policies addressing harassment for District review to ensure compliance with State and Federal requirements. The Petition fails to identify the staff member responsible for handling sexual and/or racial harassment complaints, the procedures and timelines for handling and responding to such complaints, and how staff and students will be notified of these procedures. The same concerns apply to the Petition's failure to describe a reasonably comprehensive description of the procedures regarding mandated child abuse reporting, suicide prevention, tobacco, drug and alcohol prevention, and other safety issues.

5. Public Employee Retirement System Participation. [Ed. Code § 47605(b)(K).] The description of the manner by which staff members will participate in retirement systems is not reasonably comprehensive. The Petition fails to reference the notice requirements of Education Code section 47611(b)(2). Specifically, the Charter School must notify all applicants for positions with the charter school that "accepting employment in the charter school may exclude the applicant from further coverage in the applicant's current retirement system," depending on the retirement programs offered by the Charter School.

6. Dispute Resolution Procedure. [Ed. Code § 47605(b)(5)(N).] The Petition does not contain a reasonably comprehensive description of the procedures to be followed by the Charter School and the District to resolve disputes related to the charter. The Petition states disputes will be resolved by informal meetings between the County and Charter School and proposes a schedule for such meetings ending with mediation. However, the Petition does not provide any information regarding its procedures to resolve internal disputes including notice to the County of any internal dispute between the Charter School and students, parents, etc., of matters within the Board's oversight responsibilities.

7. Closure Protocol. [Ed. Code § 47605(b)(5)(O).] The Petition does not contain a reasonably comprehensive description of the procedures to be followed by the Charter School upon closure. The Petition provides a description of the procedures to be used if the Charter School closes, including notification, maintenance and transfer of pupil records, and the disposition of all assets and liabilities of the Charter School. However, the Bylaws submitted by the Petitioner are unsigned and do not appear to have been formally adopted by the Corporation's Board of Directors. Thus, any closure protocol provided must be consistent with the Charter School's corporate arrangement for dissolution which would require further review of *bona fide* corporate Bylaws. In the absence of *bona fide* corporate bylaws, we are unable to determine whether the proposed closure protocol is a legally permissible distribution. Moreover, the Petition's closure protocol fails to provide that all remaining assets obtained with public monies will revert to the County.

8. Facility. [Ed. Code § 47605(a)(1) and (g).] The description of the site to be used by the Charter School is not reasonably comprehensive. Although the Petition identifies a site to be utilized by the Charter School, supported by a letter from the owner of the building, Pinecrest Permittees Association, indicating a mutual intention to enter into a lease agreement, the rental fee has yet to be negotiated and the facility has yet to be secured. The Petition indicates "the rent is

expected to be \$1 per year,” but the letter from the facility owner makes no indication of such agreement. The Petitioner has calculated an expense of “\$2 per square foot to be offset by in-kind donations.” However, the Petition fails to provide any information about the facility, including the amount of square footage and the conditions for operation. The Petition also fails to provide information related to where the expected donations to support the cost of the facility will come from as well as how the Petitioner will successfully solicit such donations.

9. Administrative Services. [Ed. Code § 47605(g).] The description of the manner in which administrative services are to be provided for the Charter School is not reasonably comprehensive. The Petition states that the Charter School will provide or procure its own administrative services “either through its own staff or through an appropriately qualified third-party contractor.” Yet the Petition does not provide any information regarding the qualifications of its staff or vendor to provide such services, nor its plan for securing or handling other business and/or personnel related services including retirement system reporting, taxes, withholdings, workers’ compensation insurance, credential compliance, W-2 and W-9 processing, etc.

10. Operational Budget and Financial Statements. [Ed. Code § 47605(g).] The operational budget and financial statements do not include sufficiently detailed budget expenditures and there is an extraordinary reliance on fundraising to support operational budget and multi-year projections. The budget does not sufficiently identify expenditures for Special Education services including a Special Education teacher, paraprofessionals, resource specialists, other staff, and non-public placements specifically referenced in the Petition. The budget does not identify expenditures for substitute teachers. The budget also fails to identify expenditures for fees associated with the processing of STRS and PERS data and payments by the County Office as well as fees associated with bringing the facility in compliance with applicable building codes and up to suitable conditions. It also indicates an expenditure of only \$2,000 for Professional Development, which is low given that the Petition references 80 hours of training.

The presumed cash-flow analysis appears to be incomplete and/or inadequate in light of the omissions in budget expenditures. In the event that grant funds are unavailable or insufficient, the Petition indicates the Charter School intends to sell its account receivables for extra cash. However, the Petition fails to describe the process for selling receivables or address the potential fees associated with such a process. Furthermore, the budget’s proposed expenditures related to the facility are unsupported by any documentation regarding a facility lease, the rental fee, and the operating conditions of the facility.

11. Potential Civil Liability Effects. [Ed. Code § 47605(g).] The Petition does not adequately address the potential civil liability effects on the District. The Petition states the Charter School will acquire insurance for general liability, and other insurance coverage to secure against financial risks. The Petition also states the District will be named an additional insured on the general liability insurance policy. However, the Petition fails to identify or provide any information regarding the specific coverage limits and provider of such coverage to confirm this representation.

B. *The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.* [Ed. Code § 47605(b)(2).]

The specific findings of fact set forth in paragraphs 1 through 11, above, are realleged and incorporated herein by reference. Said specific facts evidence that Petitioner is demonstrably unlikely to successfully implement the program set forth in the Petition.

C. ***The Petition presents an unsound educational program. [Ed. Code § 47605(b)(1).]***

The specific findings of fact set forth in paragraphs A (1)-(11) and B, above, are realleged and incorporated herein by reference. Said specific facts evidence that Petitioner presents an unsound educational program.

BE IT FURTHER RESOLVED AND ORDERED by the County Board of Education that for the forgoing reasons and based on the forgoing findings, the Petition for the establishment of Pinecrest Expedition Academy is hereby denied.

BE IT FURTHER RESOLVED AND ORDERED 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 is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the County Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

PASSED AND ADOPTED this 13th day of August, 2018 by the Board of Trustees of the Tuolumne County Board of Education by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

CERTIFICATION

State of California)
)
County of Tuolumne) ss.

I certify the above is a true copy of a Resolution adopted by the Board of Trustees of the Tuolumne County Board of Education at its regularly scheduled meeting on Monday, August 13, 2018.

Dated: August 13, 2018

BOARD OF TRUSTEES OF THE
TUOLUMNE COUNTY BOARD OF
EDUCATION, COUNTY OF TUOLUMNE,
STATE OF CALIFORNIA

By: _____
Marguerite D. Bulkin
Superintendent

Published Oct. 5, 2018 at 04:53PM

County superintendent recommends rescinding conditional approval for Pinecrest charter school



[View larger image](#)

Tuolumne County Superintendent of Schools Margie Bulkin will recommend that the Tuolumne County Board of Education rescind a conditional approval for the Pinecrest Expedition Academy on Monday due to the charter school's projected inability to be solvent in their first year of operation.

Chief among Pinecrest Charter School's budgetary shortfalls was their ineligibility for a \$475,000 startup grant from the California Department of Education Public Charter Schools Grant Program because they projected they would not have at least 50 students.

"I'm disappointed and felt like it was something I should have caught. So I blame myself," said Pinecrest Expedition Academy chief petitioner Heidi Lupo. "Our goal is to return elementary education to Pinecrest so I am still going to do everything I can do to make that happen."

The Tuolumne County Board of Education granted a conditional charter to the Pinecrest Expedition Academy in a 4-3 vote on Aug. 13 on the condition that the charter school rectify 11 educational and regulatory deficiencies in its petition within

60 days.

Bulkin said the charter school would not have received her recommendation for approval even with the startup grant, because the school projected a positive budget in its first year, but was negative in the next two years.

“I was already concerned about meeting fiscal solvency,” she said. “There was no way they could meet a sustainable budget without that grant.”

The county board of education will vote on Bulkin’s recommendation Monday.

If the charter is officially approved by the board of education, it will be in effect from July 1, 2019, to June 30, 2022.

But the fact that the board will overlook the clear budgetary deficiencies of the charter school was unlikely, Bulkin said.

“I really think everyone has done their due diligence and that's what we’re supposed to do. I think it's yielded the correct recommendation,” she said.

The report of ineligibility for the startup grant was a surprise to both the county office and Lupo when it was received on Oct. 3.

Lupo said she and her back office company that drafted the grant application were evaluating the charter school’s budget to determine if expenses could be cut to meet the lost in expected grant money. The money would have been allocated in the first three years for some operational costs, including salaries, as well as improvements and equipment, she said.

The school’s projected enrollment of approximately 30 students in the first year had dual consequences as it related to both the grant and funding and the Local Control Funding Formula, which allocates state funding based on average daily attendance.

Lupo referred to the 30 student enrollment as “conservative” and indicated that additional families had expressed interest in enrolling students. The charter petition projected an increase to 40 students in the 2020-21 school year, and 50 students in the 2021-22 school year.

Bulkin said the increase was “unrealistic” and not supported by enrollment trends throughout the county.

Lupo said she was not sure if she would appeal the grant denial to show that school had a committed enrollment of 50 students.

“I screwed up on that. We did not know that there was a minimum enrollment. I have no other explanation,” she said.

Bulkin added that the charter petition ultimately did not address the need for specific technologies to administer state assessments (which are conducted on computers) and did not allocate sufficient money for special education.

The charter school has not secured a revolving annual loan of \$250,000 for which they would have been eligible if the charter was approved, Bulkin said.

If the charter approval is rescinded by the board of education, the charter petition may be appealed to the 11-member state board of education.

“We’re trying to evaluate every possibility right now,” said Lupo, but would not confirm if any decision had been made to do so.

Bulkin said the “process does not reverse itself” and the only way to file a new charter petition would be to do it in a new district, or submit a “brand-new, revised and redone” in the Twain Harte District.

The Twain Harte School District denied the school’s charter petition on April 25, which prompted the county board of education’s review of the charter petition on appeal.

The original Pinecrest Elementary School, a K-8 school, which closed in June 2012, had 39 students, 20 of whom were from outside the district.

Twain Harte Superintendent Rick Hennes has said that the allowance of the Pinecrest Expedition Academy would force the district to cut programs and reduce staffing. About 260 students are enrolled in the Twain Harte School District.

Hennes has further alleged that about \$30,000 raised by the Pinecrest School Club, once a booster club for the former Pinecrest Elementary School (which was located in the former Twain Harte-Long Barn School District, now just the Twain Harte School District) between the Pinecrest Elementary School closure and 2018 belongs to the Twain Harte School District.

The Pinecrest School Club was identified by the county as “disputed money” and was not considered in the charter school’s budget, Bulkin said.

Lupo said the Pinecrest School Club money was never considered a part of the charter school budget, and the groups relationship to the school was dissolved.

The school club still exists as a non-profit entity, Lupo said.

Contact Giuseppe Ricapito at (209) 588-4526 or gricapito@uniondemocrat.com . Follow him on Twitter @gsepinsonora.

#

Published Oct. 8, 2018 at 07:49PM

Tuolumne County board says no to Pinecrest school



[View larger image](#)

A leader for the proposed Pinecrest Expedition Academy asked the Twain Harte School District to reconsider establishing a Pinecrest-area elementary school on Monday after the Tuolumne County Board of Education voted to rescind a conditional approval for the charter.

“I think that Twain Harte needs to realize that they need to make concessions. Just saying no over and over again is not acceptable when we’re trying to educate our children,” Heidi Lupo, lead petitioner for the Pinecrest Expedition Academy, said after the decision.

The Tuolumne County Board of Education voted unanimously to rescind the charter, with no members offering any comments before the vote. Area 5 trustee Martha Golay was not at the meeting.

The charter petition may be appealed to the 11-member state board of education, but Lupo said she had not decided whether she would do so.

One dozen Twain Harte School employees attended the meeting in matching blue t-shirts emblazoned with “Twain” and a heart symbol to show solidarity with the school, they said.

Two employees declined to comment before the vote.

Twain Harte School District trustees Eli Wingo and Tim Hoffman-Brady said they would like to mend the rift between the district and representatives of the charter school, but seemed unwilling to consider the establishment of a Pinecrest-area elementary school.

“Coming together, I don't know how that works, but I would really like to see them send their kids down to our school,” Wingo said at the podium.

“It is time to put the clubs away,” added Tim Tim Hoffman-Brady, but referred to the establishment of a Pinecrest school as “not cost effective.”

In her statement to the board, Tuolumne County Superintendent of Schools Margie Bulkin said that chief among the concerns for the charter school was the potential that it could be fiscally insolvent within the first three years of operation.

“We had come to the conclusion that their budget they had produced was not going to meet a three-year positive projection,” Bulkin said.

Its financial situation was already tenuous, she added, but on Oct. 3, the report of the charter school's ineligibility for a state startup grant the most important indicator that the school's budget was financially unsound.

The Pinecrest Expedition Academy was deemed ineligible for up to a \$475,000 startup grant from the California Department of Education Public Charter Schools Grant Program because they did not project a required minimum threshold of 50 students.

The charter school included \$300,000 in their budget for the start-up grant, which was removed after the notification by the state, she said. When the revenue was removed, the school's budget showed it as negative for all three years of its proposed operation.

“This is criteria I was unaware of. I relied on the expertise of an outside vendor,” Lupo said. “Ultimately this was my responsibility and I accept it.”

Janelle Ruley, a partner with the Los Angeles-based Young, Minney & Corr who was present at other county board meetings involving the Pinecrest Expedition Academy, was not present at the meeting on Monday.

After the vote was confirmed, Area 3 trustee Juliana Feriani expressed frustration with the back office hired by Lupo for overlooking the minimum enrollment component of the start-up grant proposal. In the future, the board should be informed of what the California Department of Education requirements are for the establishment of a charter school before the process is initiated.

A conditional charter was granted to the Pinecrest Expedition Academy in a 4-3 vote by the Tuolumne County Board of Education on Aug. 13 on the condition that the charter school rectify 11 educational and regulatory deficiencies in its petition within 60 days.

The school’s projected enrollment was approximately 30 students in the first year, a number that Lupo previously suggested was “conservative.”

At the meeting on Friday, she said 42 students were intending to enroll at the school in its first year.

The charter petition projected an increase to 40 students in the 2020-21 school year, and 50 students in the 2021-22 school year, but Bulkin referred to the projections as “unrealistic” and not supported by enrollment trends throughout the county.

If the charter was approved by the board of education, it would have been in effect from July 1, 2019, to June 30, 2022.

“I know there's a way to make this work but due to the time constraints, I cannot provide you a plan for financial solvency,” Lupo said during the meeting.

County officials rectified the charter petition to reflect only 30 students in the three years of operation. That also diminished projected revenue accounted by the Local Control Funding Formula, which is apportioned by a school's average daily attendance.

Twain Harte School District Chief Business Official Tonya Royce said the loss of an estimated 25 students from the district to the Pinecrest Expedition Academy would have resulted in about a \$251,197 loss to the district from in lieu property tax transfers to the charter school in the 2019-20 school year.

Royce budgeted for \$253,316 in revenue loss for the year, which would have amounted to cuts of one full time teacher, a librarian, a school counselor, a Safe School Ambassador, all art and music instruction at the school, all class trips, purchases of classroom library books, and the Treehouse Program, a social adjustment program for K-3 students.

With the rescinded approval, the revenue and expenses associated with the approximately \$250,000 in lieu property tax transfer would be added back into the school budget, she said before the meeting on Monday.

About 260 students are enrolled in the Twain Harte School District. The Twain Harte School, a K-8 school, did not fill a music and band teacher vacancy in the 2018-19 school year because of the possibility that it might be cut in again in the next year, Superintendent Rick Hennes said in August.

Pinecrest Expedition Academy also did not secure a revolving annual loan of \$250,000 for which they would have been eligible if the charter was approved, Bulkin said.

The charter petition did not address the need for specific technologies to administer state assessments (which are conducted on computers) and did not allocate sufficient money for special education.

The Twain Harte School District denied the school's charter petition on April 25, which

prompted the county board of education's review of the charter petition on appeal. The original Pinecrest Elementary School, a K-8 school, which closed in June 2012, had 39 students, 20 of whom were from outside the district.

Lupo reinforced her commitment to a school in the Pinecrest area, and referred to the sending of a bus to the Cold Springs area "not adequate."

"Let's come together at the table and reach a mutually agreeable solution," she said. The Pinecrest Expedition Academy did not have as large of a contingent of supporters as they did at other board meetings, but one additional person, Heidi Lupo's father, addressed the board during the meeting.

"There's one thing the Twain Harte school can never do and that's be in Pinecrest," said John Lupo.

Contact Giuseppe Rikapito at (209) 588-4526 or gricapito@uniondemocrat.com. Follow him on Twitter @gsepinsonora.

#

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Suite 5111
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January 14, 2019

Ms. Heidi Lupo
Lead Petitioner
Pinecrest Expedition Academy
P.O. Box 1218
Pinecrest, CA 95364
pinecrestexpeditionacademy@gmail.com

Dear Ms. Lupo,

On December 3, 2018, the California Department of Education (CDE) received an appeal to establish Pinecrest Expedition Academy, a new charter school which was denied by Twain Harte School District and the Tuolumne County Board of Education. Pursuant to the petition received by CDE, Pinecrest Expedition Academy was scheduled to open in the 2018-19 school year. Pursuant to Education Code Section 47652(c), a charter school in its first year of operation may only commence instruction within the first three months of the fiscal year beginning July 1 of that year. A charter school is not eligible for apportionment if instruction commences after September 30 of the fiscal year. The State Board of Education (SBE) would have had to approve the Pinecrest Expedition Academy appeal no later than September 7, 2018 for the school to open by the statutory deadline.

Please be advised that the SBE considers a change in the opening date of a charter school to be a material change to the petition. If Pinecrest Expedition Academy wishes to operate in the 2019-2020 school year, the authorization process may be reinitiated with Twain Harte School District.

Therefore, the appeal for the establishment of Pinecrest Expedition Academy will not be agendized or heard by the SBE at its March 13-14, 2019 meeting pursuant to Education Code section 47605(j)(4) and California Code of Regulations, Title 5, Section 11967.

Please let me know if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Judy Cias".

Judy Cias
Chief Counsel
State Board of Education

Ms. Heidi Lupo
Page 2

cc: Dr. Ilene Straus, Interim President, State Board of Education
Lisa Constancio, Director, Charter Schools Division, California Department of
Education
Cathy A. Parker, Tuolumne County Superintendent of Schools
Rick Hennes, Superintendent, Twain Harte School District

HELLO! WE ARE ICON

Since our initial inception in 2013, **SavantCo Education** has experienced significant growth and improvement both as an organization and a strategic partner for charter schools throughout California. As we continue to **evolve and strategize** on how we can better serve our clients, we have made two important changes to our company. First, we will be introducing our new, state-of-the-art digital solutions software called **Limelite**. The robust financial program within will be able to present to you a comprehensive financial snapshot of your school at your fingertips while preserving the intricacies needed in school accounting. Second, we will be changing the name of our company to **ICON School Management** which has been inspired by our vision to be a representative of what a quality school management/business partner should look like. These changes will take place starting the **2018-19 school year** and we hope you will share our excitement as we continue to make improvements to our company. Thank you for your continued support and partnership!

WE UNDERSTAND THAT EACH CHARTER IS UNIQUE

One size fits all approaches will never help your school reach its full potential.
We deliver custom solutions, tailored to you – your school, your culture, your one of a kind
challenges.

OUR CLIENTS





CSIS California School Information Services

San Bernardino County Superintendent of Schools

Extraordinary Audit of the Hope Academy Charter School

May 2, 2016

Joel D. Montero
Chief Executive Officer





May 2, 2016

Ted Alejandre, Superintendent
San Bernardino County Superintendent of Schools
601 North E Street
San Bernardino, CA 92415

Dear Superintendent Alejandre:

A study agreement between the Fiscal Crisis and Management Assistance Team (FCMAT) and the San Bernardino County Superintendent of Schools to provide an Assembly Bill 139 extraordinary audit of the Hope Academy Charter School was signed on January 7, 2016. Specifically, the agreement states that FCMAT will perform the following:

Assign professionals to conduct an extraordinary audit on behalf of the Morongo Unified School District/Hope Academy Charter School (Palm Desert).

1. Evaluate policies, procedures, internal controls for procurement practices performed by the charter school.

Evaluation of Policies and Procedures:

- a. Determine whether the charter's petition, memorandum of understanding, charter school bylaws or other policies and administrative regulations exist that include language pertaining to conflicts of interest pursuant to Government Code Section 1090.
- b. Identify documented positions with responsibility for initiating, reviewing, approving, and reconciling procurement activities.
- c. Review financial processes related to key purchasing activities including procurement authorization and vendor payments.

Evaluation of Internal Controls:

- a. Evaluate processes for adequate separation of duties and proper authorizations and approvals.
- b. Evaluate monitoring procedures and verify that controls are operating properly.
- c. Evaluate controls that prevent management from overriding internal controls to prevent misappropriation of funds.

FCMAT

Joel D. Montero, Chief Executive Officer

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Administrative Agent: Christine L. Frazier - Office of Kern County Superintendent of Schools

2019 Petition District Findings of Fact Exhibit Package 000265

- d. Determine if clearly established lines of authority and responsibility exist and are documented in organizational charts.
2. Review the charter's policy on conflict of interest and the requirements under the Fair Political Practices Commission related to the disclosure of certain financial interests and sources of income to the public. Identify whether any actions by the superintendent/ executive director resulted in a personal or financial benefit to the director.
3. Conduct sample tests of transactions specific to the allegations for the 2015-16 fiscal year and one prior fiscal year. Testing of sampled transactions for this review will be based on the team's judgment and experience and may not include the testing of all transactions and records for this period.

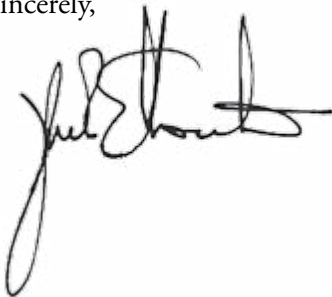
Transaction Testing Objectives:

- a. Determine whether transactions were conducted in accordance with established policy and procedures.
- b. Determine if expenditures made by the charter school are for legitimate educational purposes and in accordance with approved contracts.
- c. Determine whether the charter school engaged in related-party transactions and if those transactions were conducted in accordance with established policy and procedures and were transparent in nature.

This report includes the study team's findings and recommendations.

FCMAT appreciates the opportunity to serve you and extends its thanks to all the staff of the San Bernardino County Superintendent of Schools for their assistance during fieldwork.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel D. Montero', with a stylized, flowing script.

Joel D. Montero

Chief Executive Officer

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About FCMAT

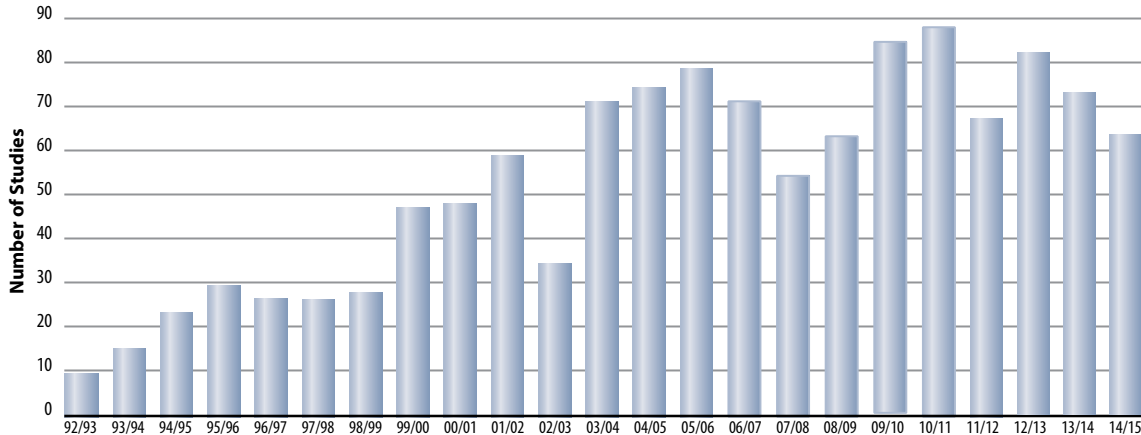
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the LEA to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms.

Studies by Fiscal Year



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) and also maintains DataGate, the FCMAT/CSIS software LEAs use for CSIS services. FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. AB 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. AB 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, Senate Bill 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

Since 1992, FCMAT has been engaged to perform more than 1,000 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

In December 2015, the Fiscal Crisis and Management Assistance Team (FCMAT) received a request from the San Bernardino County Superintendent of Schools for an Assembly Bill (AB) 139 extraordinary audit of the Hope Academy Charter School. The county office had received allegations of multiple fiscal irregularities, questionable expenditures and inappropriate related-party transactions at the charter school. Concerned that these allegations may have violated various government and education codes related to fraud and/or misappropriation of assets, the county superintendent initiated an investigation to determine whether sufficient evidence of criminal activity exists to report the matter to the local district attorney's office for further investigation. Under the provisions of Education Code (EC) section 1241.5, FCMAT entered into a contract with the county office to conduct an AB 139 extraordinary audit.

Study Guidelines

FCMAT provides a variety of services to school districts and county offices of education upon request. Education Code Section 1241.5(b) (c) permits a county superintendent of schools to review or audit the expenditures and internal controls of any school district or charter school in that county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination. According to the Education Code, the review or audit conducted by the county superintendent will focus on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and is to be conducted in a timely and efficient manner. This is in accordance with Education Code Section 42638 (b), which states as follows:

If the county superintendent determines that there is evidence that fraud or misappropriation of funds has occurred, the county superintendent shall notify the governing board of the school district, the State Controller, the Superintendent of Public Instruction, and the local district attorney.

Therefore, FCMAT focused on the allegations of misappropriation of assets, questionable contracts with third-party vendors and conflict of interest to determine whether Hope Academy Charter School and/or its personnel may have been involved in or committed fraudulent activities.

Audit Fieldwork

Investigating allegations of fraud requires a number of steps that include interviewing potential witnesses and assembling evidence from internal and external sources. The FCMAT study team conducted initial county office interviews in February 2016 and then visited the Victorville charter school main office in March 2016 to conduct interviews, collect data and review documents. Additional interviews were conducted in Los Angeles and by telephone with individuals that had significant knowledge of financial transactions and/or audited records of the school.

Specifically, FCMAT reviewed, analyzed and tested records that included audited financial statements, financial records, support documentation, lease documents, board meeting minutes, the charter petitions and other documentation from independent third party sources. The review also included interviews with the current and former superintendent/executive director, key management personnel, business office staff, current and former charter school employees,

the back-office provider, representatives from the California Department of Education-Charter Schools Division, representatives from the El Dorado County Special Education Local Plan Area (SELPA), and the 2014-15 independent auditor to evaluate information concerning any alleged mismanagement, fraud, or abuse.

The fieldwork focused on determining whether there is sufficient information to ascertain fraud, the misappropriation of funds and/or conflict of interest. Because of the allegations, the FCMAT team focused on related-party transactions, self-dealing through privately owned company transactions of management and key employees particularly the former superintendent/director of the charter school, his immediate relatives and breach of fiduciary duty.

Although there are many different types of fraud, a conflict of interest and breach of fiduciary duty exists when officers or employees of the organization have a personal financial interest in a contract or transaction and is considered to be a form of misappropriation of assets.

All fraud has common elements including the following:

- *Knowingly* making an *untrue representation* or a false claim of a *material fact*
- *Intent* to deceive, or *concealment* of the act
- *Reliance* on untrue information
- *Damages* or a *loss* of money or property

This report is the result of that investigation and is divided into the following sections:

I. Introduction

II. Background

III. Scope and Procedures

IV. Findings and Recommendations

- Occupational Fraud
- Internal Control Elements
- Conflict of Interest
- Political Reform Act – Disclosure, Conflicts of Interest and Enforcement
- Government Code 1090 – Financial Interest of Public Officials, Officers and Employees
- California Corporations Code Section 5233
- Related-Party Transactions, Significant Influence, and Self-Dealing
- Irregular Purchase and Sale of Motor Home
- Misleading Reporting of Expenses– SB 740
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- Questionable Legal Professional Services
- Audit Findings
- Hope Academy Charter School Summary of Related and Irregular Transactions

- Subsequent Events
- Prevention and Detection
- Recommendation

V. Appendices

Study Team

The FCMAT study team was composed of the following members:

Deborah Deal, CICA, CFE, CBO*	Colleen Patterson
Azusa Unified School District	FCMAT Consultant
Los Angeles, California	San Clemente, CA

Leonel Martínez
FCMAT Technical Writer
Bakersfield, CA

*As a member of this study team, this consultant was not representing her respective employer but was working solely as an independent contractor for FCMAT. Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms.

Background

Hope Academy, Inc. was incorporated on April 6, 2011 and granted status as a nonprofit public benefit corporation, a 501 (c)(3) in the state of California, on December 3, 2014. The Morongo Unified School District approved the charter's petition for five years starting July 1, 2011 through June 30, 2016 to operate as a nonclassroom-based charter school. Three district teachers who wanted to start a program for underserved at-risk students in the Yucca Valley region originated the petition. Two of the original founders resigned from the charter school before 2014.

The academy was approved to serve students in the Morongo Basin according to its petition, which states the following:

Before going forward with any proposed expansion for a new independent study resource center outside the District's boundaries, there will be open communication between the District, Hope Academy, and the district in question.

Over time, Hope Academy expanded operations in several adjacent counties and districts located in San Bernardino, Kern and Riverside counties without the district's express permission or knowledge.

Hope Academy commenced operations during the 2011-12 fiscal year. The first resource center was opened in Yucca Valley in August 2011. The academy has several resource centers, supporting the Structured Time Enrichment Program (STEP) for students in transitional kindergarten through eighth grade, operating from 9 a.m. to 2:30 p.m. daily and independent study programs for students in grades kindergarten through 12 in several counties. Resource centers are located in Beaumont, Bloomington, Indio, Palm Desert and Victorville (opened in fiscal year 2013-14), Apple Valley, Big Bear, Bakersfield and Tehachapi (opened in fiscal year 2014-15.) The Apple Valley resource center closed during the current fiscal year.

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.

Scope and Procedures

The fraud investigation consisted of gathering adequate information on specific allegations, establishing an audit plan, and performing various audit test procedures to determine whether fraud may have occurred, and if so, evaluate the loss, determine who was involved, and determine how it occurred. During interviews, FCMAT study team members asked questions pertaining to levels of authority to enter into contracts, governing board oversight, financial management internal

controls, job duties and responsibilities, and questions related specifically to the related-party transactions between the former founder superintendent/executive director and companies he initiated, managed and/or controlled, amounts paid to the founder's companies for back-office financial work, technology, and the questionable purchase of a motor home from relatives. The FCMAT study team also asked questions about bonuses paid between January 2014 and June 2015 were distributed to the founder, his spouse and his mother.

Other questionable expenditures were revealed during fieldwork and included the amounts paid for back-office services and other services to the founder's company before board approval and at the same time that another back-office provider was under contract.

The primary focus of this review is to determine and report to the county office of education and the charter school whether there are reasonable assurances, based on testing, that adequate management controls are in place for the charter's reporting and monitoring of financial transactions, and whether fraud, misappropriation of funds or other illegal activities may have occurred. Management controls include the processes for planning, organizing, directing, and controlling program operations, including systems for measuring, reporting, and monitoring performance.

The FCMAT study team utilized fraud risk assessment checklists for conflict of interest and management/key employees in addition to conducting sample tests of financial transactions, other data and contracts to determine if fraud, misappropriation of funds or other illegal activities may have occurred. Testing for this review is based on sample selection and does not include the testing of the complete list of all transactions and records for this period. Sample testing and review results are intended to provide reasonable, but not absolute assurance as to the accuracy of the charter school's transactions and financial activity.

To accomplish this audit's objectives, a number of audit test procedures were developed to provide an in-depth analysis and understanding of the allegations and potential outcomes. The team had access to the general ledger records, including supporting documentation provided by school personnel and the back-office provider. Supporting documentation for many transactions was reportedly missing, including the documents for credit card transactions, construction contracts, and several expenditure transactions. FCMAT specifically performed audit tests related general ledger transactions, payroll records, credit card transactions, check disbursements, construction expenditures, rent/facility lease agreements and federal forms W2, 990 and 1099 including the following:

- Review the charter school's petition documents and assurances.
- Review the governing board meeting minutes from July 2014 through February 2016.
- Review charter board policies for purchasing, contracting and conflict of interest.
- Analyze the charter school's compliance with laws and regulations relating to conflict of interest and the Political Reform Act and review of Forms 700.
- Review the charter school's internal control processes and procedures to determine possible weaknesses in prevention and detection of fraud, misappropriation and/or criminal activity.
- Review the general ledger records from July 2014-December 2015 for the charter school.
- Review payroll records from July 2014 through December 2015, including calendar year-to-date information.

- Review of proper authorization and available supporting documentation for lease agreements, contracts and inter-company transactions.
- Review credit card transactions and payments.
- Analysis of supporting documentation for credit card transactions.
- Review Federal Forms: W2, 990, and 1099 over the audit period.
- Review 2012-15 independent financial audit.
- Review Senate Bill (SB 740) nonclassroom-based funding certifications.
- Review School Accountability Report Card data from 2013-14 and 2014-15.
- Review SELPA maintenance-of-effort calculation.
- Review the charter school's fiscal policies and procedures.

The following findings and recommendations are the result of the audit procedures and review performed.

Findings and Recommendations

Occupational Fraud

An organization's owners, executives, managers or employees may commit occupational fraud, which has three primary classifications: schemes related to asset misappropriation, corruption, and financial statements.

Asset misappropriation frauds include cash skimming, falsifying expense reports and/or forging company checks. Corruption schemes involve an employee(s) using his or her influence in business transactions to obtain a personal benefit that violates that employee's duty to the employer or the organization; conflicts of interest fall into this category. Financial statement fraud includes the intentional misstatement or omission of material information in the financial reports.

Occupational fraud is one of the most difficult types of fraud and abuse to detect; however, the most common method of detection is receiving tips by telephone, email or online forms accounting for three times the number of any other fraud prevention method for this type of scheme, and for 39.1% of detection methods overall. According to the 2016 *Report to the Nations on Occupational Fraud and Abuse* the Association of Certified Fraud Examiners, Inc., corruption schemes accounted for 35.4% of all occupational fraud cases reported with a median loss of \$200,000.

Based on this study, the perpetrator's position and authority in the organization have a direct correlation with the losses incurred. Approximately 40.9% of fraudsters were employees; 36.8% were managers; 3.4% other categories, and 18.9% were owner/executives. Although the second lowest percentage is from owner/executives, this group generated the largest median loss of \$703,000 of the 2,410 cases reported worldwide between January 2014 and October 2015.

At Hope Academy, the lack of internal controls and integral relationship between the founder superintendent/executive director and related family members particularly between the founder, his spouse and extended family and his private businesses, created an environment that allowed the essential elements of fraud to occur, including motivation and opportunity.

Internal Control Elements

Internal controls are the principal mechanism for preventing and/or deterring fraud or illegal acts. Illegal acts, misappropriation of assets or other fraudulent activities can include an array of irregularities characterized by intentional deception and misrepresentation of material facts. Effective internal control processes provide reasonable assurance that a charter school's operations are effective and efficient, that the financial information produced is reliable, and that the organization operates in compliance with all applicable laws and regulations.

Internal control elements provide the framework for an effective fraud prevention program. An effective internal control structure includes the policies and procedures used by staff, adequate accounting and information systems, the work environment and the professionalism of employees. An effective internal control structure includes the five interrelated components of the control environment, fraud risk assessment, control activities, information and communication, and monitoring.

Internal Control Element	
Control Environment	<i>Commonly referred to as “the moral tone of the organization,” the control environment includes a code of ethical conduct; policies for ethics, hiring and promotion guidelines; proper assignment of authority and responsibility; oversight by management, the board or an audit committee; investigation of reported concerns; and effective disciplinary action for violations.</i>
Fraud Risk Assessment	<i>Identification and assessment of organization’s objectives to establish and develop a strategy to react timely.</i>
Control Activities	<i>The development of policies and procedures to enforce the governing board’s directives. These include the actions by management to prevent and identify misuse of the charter school’s assets, including the prevention of override of controls in the system by any employee.</i>
Information and Communication	<i>The establishment of effective fraud communication. This includes ensuring that employees receive information regarding policies and opportunities to discuss ethical dilemmas. Establishing clear lines of communication in an organization to report suspected violations.</i>
Monitoring	<i>Ongoing monitoring that includes periodic performance assessments for fraud deterrence by managers and employees.</i>

Examples of improper internal controls include, but are not limited to, the following:

- Failure to adequately segregate the duties and responsibilities of authorization.
- Failure to limit access to assets or sensitive data.
- Not recording transactions, resulting in lack of accountability and the possibility of theft.
- Unauthorized transactions, resulting in skimming, embezzlement or larceny.
- Lack of monitoring or implementing internal controls by the governing board and management.
- Collusion among employees where little or no oversight or supervision exists.

A system of internal controls consists of policies and procedures designed to provide the governing board and management with reasonable assurance that the organization achieves its objectives and goals. Traditionally referred to as *hard* controls, these include sufficient due diligence by the organization to perform background and cross checks of employee Social Security numbers, bank account numbers and addresses to companies that do business with the organization to prevent conflict of interest. Hard controls also include segregation of duties, limiting access to cash, board/management review and approval, and reconciliations. Other types of internal controls include *soft* controls such as asking employees to disclose any potential conflicts of interest without verification, management tone, performance evaluations, training programs, and maintaining established policies, procedures, ethics training and expected standards of conduct.

The internal control environment is a critical component since it establishes the organization’s moral tone, commonly referred to as “the tone at the top.” This tone is an intangible internal control element that consists of the organization employees’ perception of the ethical conduct of the governing board and executive management.

A strong system of internal controls that consists of all five elements can provide reasonable, but not absolute assurance that the organization will succeed in achieving its goals and objectives. The failure to establish adequate internal controls limiting the superintendent/executive director’s ability to access assets combined with a lack of accountability to the governing board created an environment for fraud and misappropriation to occur.

Conflict of Interest

A conflict of interest exists when an individual *who has a private financial interest in the outcome of a contract or a public decision does either of the following:*

1. Participates in the decision-making process
2. Influences, or attempts to influence, others making a contract or decision

Statutes that govern conflicts of interest include the Political Reform Act, Government Code 1090, Government Code 87100, and Corporations Code Section 5233 for nonprofit organizations.

Contracts between board members or administrators (their dependents, including spouses) who make or influence contractual decisions and the charter school are prohibited by law and cannot be cured by abstention. As to all other actions, board members must abstain from decisions that materially affect their personal financial interests.

A conflict of interest can still exist with subsequent action on the contract, such as authorizing payment under a contract, negotiating disputes or contract terms; therefore, the governing board member or administrator should abstain from all discussions, negotiations and/or votes related to the contract in which he or she has a personal interest.

This report will demonstrate that conflict of interest exists at the academy, with charter officials participating in the decision-making process and exercising considerable influence that had major financial implications without full disclosure to the charter's governing board. Additionally, multiple transactions involved self-dealing with the founder's private businesses that allowed the founder and his spouse (the associate director and later acting superintendent) to gain financially from these decisions and contracts. Both individuals participated in subsequent actions to contracts, including signatory authority and approval of payments on behalf of both the charter school and their private back-office provider company.

Political Reform Act – Disclosure, Conflicts of Interest and Enforcement

In June 1974, Proposition 9 enacted the Political Reform Act, Government Code Sections 81000 - 91014. The stated intent of the act was to establish a process for most state and local officials as well as certain designated employees to publicly disclose their personal income and assets as follows:

[a]ssets and income of public officials which may be materially affected by their official actions...[are] disclosed and in appropriate circumstances the officials...[are] disqualified from acting in order that conflicts of interest may be avoided.

The Fair Political Practices Commission (FPPC) enforces the act's provisions, which require every state and local governmental agency to adopt a conflict of interest code. The commission is the state agency responsible for interpreting the provisions of the law and issuing California Form 700 – Statement of Economic Interests. Because charter school governing board members are considered “public officials” and governing boards are considered “legislative bodies,” board members and certain designated individuals must file Form 700 annually or within 30 days of taking and exiting their official position. Additionally, some consultants to the organization “who makes, participates in making, or acts in a staff capacity for making governmental decisions” may be required to complete Form 700.

The Political Reform Act provides an eight-step process to determine whether a conflict of interest exists as follows:

1. Is the individual a public official?
2. Is the public official making, participating in making, or influencing a governmental decision?
3. Does the public official have one of the five qualifying types of economic interests? (An economic interest will be discussed more fully in the next section of this report.)
4. Is the economic interest directly or indirectly involved in the governmental decision?
5. Will the governmental decision have a material financial effect on the public official's economic interests?
6. Is it reasonably foreseeable that the economic interest will be materially affected?
7. Is the potential effect of the governmental decision on the public official's economic interests distinguishable from its effect on the general public?
8. Despite a disqualifying conflict of interest, is the public official's participation legally required?

The Morongo Unified School District granted approval for the Hope Academy Charter School subject to the conditions contained in the school charter petition executed on March 15, 2011. Article IV "Governance Structure" contained in the Hope petition states the following:

Hope Academy shall be subject to Government Code Section 1090 *et seq.*, the Political Reform Act of 1974 (Gov Code Section 87100 *et seq.*, the "PRA") and any attendant regulations as they may be amended from time to time, and all conflict of interest laws and prohibitions applicable to California non-profit corporations and/or California charter schools. All officers, employees, and members of the governing board of Hope Academy shall comply with the requirement of each and all of those conflict of interest laws and regulations. Prior to the commencement of the 2011-2012 school year, Hope Academy shall adopt for Hope Academy the Fair Political Practices Commission's Model Conflict of Interest Code...

Hope Academy Board Policy 7002.1 dedicated eight pages to the Political Reform Act and conflict-of-interest regulations including exhibits of reporting categories. (The complete board policy is attached as Appendix A to this report.) Because board-meeting minutes have little or no detail and in some cases are missing, it is unclear when this board policy was officially approved; however, PRA regulations do not require board approval to be binding on the charter school. The petition between Hope Academy and Morongo Unified dated March 15, 2011 provides the contractual status and therefore, Hope Academy is subject to the conflict-of-interest statutes.

Until most recently, the academy's current governing board members, charter school officials, designated employees and qualifying consultants had not filed Form 700. Former governing board members, charter school officials, designated employees as well as qualifying consultants that met the conditions previously identified in this report have not filed them to date.

Government Code 1090 – Financial Interest of Public Officials, Officers and Employees

Simply stated, the intent of Government Code 1090 (Section 1090) is to prohibit public officials, officers and employees from engaging in a contract in which he or she has a financial interest in both a governmental and personal capacity.

Section 1090 has broad implications, applies to school districts and can also apply to charter schools if included in the charter petition, as is the case with Hope Academy, or the memorandum of understanding. Section 1090 provides as follows:

Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by anybody or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, “district” means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

FCMAT found that charter conditions designed to disclose potential conflict of interest, including proof of compliance with the Political Reform Act of 1974, Government Code Section 87100, and Government Code Section 1090, were not in compliance as of the date of FCMAT’s fieldwork.

On March 15, 2011, the Morongo Unified School District and Hope Academy Charter School approved and executed the charter petition for five years. Section IV “Governance Structure,” as described in the previous section, provided that Hope would adhere to Government Code 1090 provisions.

Hope Academy’s conflict-of-interest policy includes the specific terminology and definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, California Code of Regulations Title 2, Division 6, Section 18730.

California Corporations Code Section 5233

The purpose of California Corporations Code Section 5233 is to define self-dealing transactions where the corporation is a party “to which one or more of its directors has a material financial interest...” An extension of this code is included in new requirements in Part VI of the Federal Form 990 entitled, “Governance, Management, and Disclosure,” which can lead to questions regarding the continuance of tax-exempt status. According to California Attorney General Kamala D. Harris, “the IRS considers such policies and procedures generally to improve tax compliance. The absence of appropriate policies and procedures may lead to opportunities for excess benefit transactions, inurement, operation for non-exempt purposes, or other activities inconsistent with exempt status.” Unjust enrichment from earnings (gross or net) may be considered inurement.

This report will establish that a business relationship exists between one of the original founders of Hope Academy and his private companies that provided back-office service and technology services as evidenced by contracts, master agreements and consulting arrangements. Conclusive documentation supports that the founder, his spouse and several relatives exercised significant personal involvement and financial interest, violating the conflict-of-interest statutes as well as policies adopted by the academy’s governing board.

Related-Party Transactions, Significant Influence and Self-Dealing

The Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 850-10-50 contains the disclosure requirements for related party relationships and transactions as follows:

- “Affiliates” of the entity.
- Entities for which investments in their equity securities would be required, absent the election of the fair value option under the Fair Value Option Subsection of Section 825–10–15, to be accounted for by the equity method by the investing entity.
- Trusts for the benefit of employees, such as pension and profit sharing trusts that are managed by or under the trusteeship of management.
- Principal owners of the entity and members of their immediate families.
- Management of the entity and members of their immediate families.
- Other parties with which the entity may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests.
- Other parties that can significantly influence the management or operating policies of the transacting parties or that have an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

The FASB ASC glossary, which is attached as Appendix B to this report, also defines the terms: affiliate, control, immediate family, management, and principal owners.

The executive management of nonprofit organizations such as Hope Academy have the responsibility to document in detail and fully disclose to the auditors, governing board, county oversight agencies, and the state for purposes of conflict of interest and full disclosure reporting requirements any and all potential related party transactions to comply with Generally Accepted Accounting Principles (GAAP). Failure to disclose related party transactions might be considered a departure from GAAP that could result in a qualified or adverse audit opinion and the potential for civil and criminal prosecution.

The facts below demonstrate that several related party transactions exist between the founder/former superintendent/executive director, back-office provider services and other companies.

Interviews indicate that in 2013, one of the academy’s founders married a fellow employee, and these two individuals served as the founder/superintendent/executive director and associate director, respectively. These positions were the highest-salaried administrative positions in the organization until the founder resigned in April 2015 and his spouse in December 2015. This husband and wife team had significant influence over several related party transactions from which they secured considerable financial benefit and excessive compensation based on comparable wages throughout San Bernardino County during the time period of this review.

The academy’s Board Policy 4002.1 on certificated salary indicates the following:

All employees will be compensated based on Board approved pay scales. Pay scales will be kept in line with those of districts throughout San Bernardino County. Raises in

pay and/or benefits from year to year will be determined by evaluating the financial situation of the school along with a review of neighboring district's raises in salary or other compensation.

A review of comparable salaries in the San Bernardino County area found that several other administrators employed by Hope Academy were paid wages that greatly exceed other school districts in the area. Excessive salaries and service fees for back-office services paid to the founder's company forced the charter school to factor (assign) accounts receivable to maintain sufficient cash flow for operations.

The table below shows a sample of compensation from surrounding districts. Information for these local districts is based on the most recent compensation data available from Transparent California (www.transparentcalifornia.com) and the California Department of Education (CDE) enrollment data for the corresponding fiscal year. Hope Academy information is based on actual year-end payroll data and CDE enrollment certifications:

District/Charter	Enrollment	Superintendent/ Executive Director	Senior Certificated Administrator
Morongo Unified	8,905	\$157,278 (2012)	\$73,067 (2012)
Hesperia Unified	23,735	\$156,260 (2014)	\$155,904 (2014)
Oro Grande Elementary	3,789	\$159,497 (2013)	\$140,000 (2013)
Hope Academy	1,744	\$220,275 (2014)	\$164,500 (2014)

The academy has the lowest enrollment, but the highest compensation. A review of the information above shows that Hope Academy's compensation compared with other local school districts was excessive and did not meet the intent of the charter's board policy.

The December 2014 year-to-date employee compensation records show that several administrators and employees at the academy received high salaries and benefits compared to those in similar positions in the local geographical area, and many are relatives of the founder and his spouse. Comparisons of employee contracts with the April 2015 payroll found increases that are unsubstantiated by board action. Interviews with the founder, his spouse and others indicate that bonuses and stipends were paid for a variety of reasons including "low wages" due from previous years and stipends to ensure maintenance-of-effort (MOE) requirements for special education funding. Although interviews suggest that the governing board was fully apprised of these payments, no documented evidence supports these claims. (More information on bonuses, stipends and MOE is provided later in this report.)

SavantCo Education Inc.

Factoring

Factoring accounts receivable provides charter schools with short-term financing for periods of negative cash flows. Factoring agreements for charter schools generally have higher-than-average interest rates because banks are reluctant to loan money to charter schools without sufficient collateral.

The founder and his spouse signed a factoring agreement between Charter Asset Management Fund, LP (CAM) and Hope Academy, Inc. on September 2, 2014. The spouse signed as "Vice President, Board of Directors," misrepresenting her official title, for a \$7,874.87 administrative and discount fees on face value receivables of \$107,874.87.

The table below shows Schedule 2 – Prior Receivables Purchased By CAM attached to the September 2, 2014 factoring agreement, which dates back to December 27, 2013, totaled \$233,802.79 in administrative and discount fees while the charter school was maintaining excessively high compensation levels that included large bonuses.

Prior Receivables Purchased by CAM

Funding Date	Face Value	Admin Fee	Discount
8/27/14	\$25,000.00	\$462.50	\$737.50
8/27/14	330,000.00	6,105.00	15,675.00
8/27/14	25,000.00	462.50	1,187.50
8/27/14	319,555.31	5,911.77	19,013.54
8/13/14	30,000.00	555.00	150.00
8/13/14	126,157.07	2,333.91	2,460.06
8/13/14	140,000.00	2,590.00	2,730.00
8/13/14	226,795.46	4,195.72	7,937.84
6/20/14	180,000.00	3,330.00	9,450.00
6/20/14	25,000.00	462.50	1,312.50
6/20/14	70,000.00	1,295.00	3,675.00
6/20/14	102,856.37	1,902.84	6,428.52
01/22/14	37,000.00	684.50	2,941.50
03/26/14	95,000.00	1,757.50	5,652.50
02/21/14	101,000.00	1,868.50	7,423.50
03/26/14	104,587.85	1,934.88	6,222.98
03/01/14	83,172.61	1,538.69	5,780.50
04/16/14	31,472.03	518.12	1,446.62
04/16/14	24,000.00	395.11	438.88
04/16/14	24,000.00	395.11	900.00
01/22/14	55,000.00	1,017.50	3,987.50
04/16/14	59,027.19	782.34	2,213.50
01/22/14	28,000.00	518.00	2,226.00
02/12/14	119,133.11	2,203.96	8,637.15
04/16/14	208,160.63	3,426.92	9,568.14
05/07/14	143,552.87	2,204.17	6,570.00
05/07/14	144,860.11	2,186.97	7,451.84
01/22/14	58,977.93	1,091.09	2,506.56
03/26/14	120,000.00	2,220.00	1,800.00
04/16/14	24,000.00	395.11	180.00
12/27/13	15,000.00	277.50	772.50
12/27/13	10,000.00	165.00	515.00
01/22/14	100,000.00	1,850.00	2,950.00
02/25/14	146,932.23	2,718.25	2,203.98
01/22/14	10,000.00	185.00	295.00
01/22/14	45,000.00	832.50	1,350.00
02/25/14	60,000.00	1,110.00	900.00
01/22/14	91,523.25	1,693.18	1,372.85
12/27/13	33,000.00	610.50	1,138.50
12/27/13	25,000.00	462.50	862.50
12/27/13	131,636.71	2,435.28	3,290.92
12/27/13	100,275.47	1,855.10	2,506.89
Totals	\$3,829,676.20	\$68,940.02	\$164,862.77

SavantCo Education, Inc. - Master Services Agreement

On April 14, 2015, the governing board approved a new service agreement dated June 8, 2015 effective July 1, 2015. Following the founder's resignation on April 14, 2015, an additional amount of \$20,000 per month was added to the SavantCo Education contract for "Executive Administrative Services" bringing the total monthly charges to \$78,000 per month from April 2015 through June 2015.

The FCMAT study team requested board meeting minutes to support this increase to the contract, but could not determine if the governing board approved the additional amount for executive administrative services. SavantCo Education has agreed to return these funds, indicating that no board approval was ever received to support the increase.

Following the resignation of the founder in April 2015, his spouse continued employment with Hope Academy and exercised signatory authorization until July 2015 when the governing board appointed a new superintendent/executive director. The founder's spouse signed several contracts, lease agreements and checks as the "superintendent" during this time, including at least one check to her husband's back-office company, SavantCo Education, for executive administrative oversight totaling \$20,000 per month as previously reported.

During the interview with FCMAT, the spouse claimed she never had board authorization to sign as superintendent, but had general signatory authority and could not recall approving the invoices for the additional executive administrative services or signing several checks for additional services (such as lease agreements and other expenditures) although there is written evidence to support her approval by email and express approval on the checks and invoices. A review of board minutes presented to FCMAT concludes that there was no authority for her signature as superintendent.

The California Department of Corporations lists several entities that included the founder of Hope Academy as an officer and had related party transactions with Hope Academy as follows:

1. SavantCo Financial, Inc. for automobile lease agreements
2. SavantCo Education, Inc. as the back-office service provider
3. Savantech, Inc. for technology services

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. These invoices include several charges that should not have been charged to Hope Academy. The following table delineates these charges.

Invoice Date	Monthly Retained Fee	Set-Up Fee	Air Quality-Beaumont	DropBox and Smarte Tools	Hiring Services/ Other Fees	Furniture Charge Back	Tech Buyback	Discount
January 2014	\$4,500		\$1,550					(\$605)
February 5, 2014	\$10,800		\$700		\$2,400			(\$394.60)
February 21, 2014	\$12,140		\$2,200		\$800			(\$757)
March 2014	\$19,000	\$450	\$750	\$3,000				(\$1,160)
April 2014	\$19,000	\$1,500	\$750	\$250				(\$1,025)
May 2014	\$19,000	\$4,000	\$750	\$250	\$1,200	\$1,040		(\$1,208)
June 2014	\$19,000		\$750	\$8,650	\$1,750		\$1,439	(\$1,579)
Total	\$103,440	\$5,950	\$7,450	\$12,150	\$6,150	\$1,040	\$1,439	(\$6,728.60)

On June 25, 2014, the founder signed the master services contract in his capacity as superintendent/executive director of Hope Academy while he was also a principal officer in SavantCo Education, Inc. His partner, another officer of SavantCo Education, countersigned this agreement.

FCMAT could not locate disclosure documentation or a reference in board minutes that publicly discloses the relationship of the founder as a principal officer in SavantCo before board approval of the master services agreement. The contract was terminated December 2015, and a new back-office vendor was approved as of January 2016 to provide equivalent services for \$22,000 per month with a \$20,000 initial set up fee.

SavantCo Financial Inc.

SavantCo Financial Inc. provided vehicle-leasing services for the academy. According to the founder and confirmed by his SavantCo Education partner, the charter school was unable to secure vehicle financing. The founder along with his partner from SavantCo Education and the founder's spouse purchased and leased back several vehicles for administrators and employees who had long commutes between resource centers.

Interviews with the founder's partner from SavantCo Education confirms this arrangement, but added that the charge-back only includes a \$100 addition to the actual payment plus an administrative fee for handling the monthly lease billing of \$450. General ledger transactions and check copies from SavantCo Education confirm that Hope Academy made down payments for vehicles as well as monthly lease and administrative fee payments to SavantCo Education. FCMAT was unable to verify board approval for vehicle leases or verify the base monthly payments made to SavantCo Education, but verified the monthly administrative fees. On November 19, 2015, the governing board terminated all SavantCo Financial vehicle lease agreements.

Savantech

Savantech provided technology related services to Hope Academy from January 2014 through September 2015. This was another related company owned and operated by the founder doing business with the academy. Savantech employees were authorized credit card holders on Hope Academy's credit card account charging supplies, equipment and gasoline.

FCMAT found that Hope Academy paid twice for some supplies and equipment when Savantech employees used the Hope Academy credit card for these items. Several of these expenditures were billed back to Hope Academy on the Savantech invoice. Purchases made on Hope Academy credit cards by Savantech totaling \$1,868.06 and subsequently billed to Hope Academy include the following:

- A replacement screen and glass for an LCD was charged on a card March 17, 2015 for \$52.97 and March 24, 2015 for \$147.88, and subsequently billed on a Savantech invoice dated March 25, 2015.
- Gray ink was purchased April 21, 2015 for \$190.37; a keyboard and mice purchased April 15, 2015 for \$157.60; and a color inkjet printer was purchased for \$368.60 on April 14, 2015, and subsequently billed on a Savantech invoice dated April 21, 2015.
- Paper totaling \$104.50 and switches for the computer network costing \$846.14 on April 23, 2015, and subsequently billed on a Savantech invoice dated on April 24, 2015.

Irregular Purchase and Sale of Motor Home

The founder recommended to the governing board the purchase of a 2004 Bounder 27' Class A motor home as a mobile Web lab to fulfill the Western Association of Schools and Colleges (WASC) requirements for science. According to the founder, the intent was to remodel the motor home into a mobile lab that would provide hands on science to students at the various resource centers for academy students in order to be compliant with WASC.

The governing board approved the purchase for \$60,855.34 at the June 9, 2015 board meeting. According to the new superintendent/executive director, the founder did not disclose that the motor home was registered to his parents-in-law in Montana and that the amount of the purchase was the exact amount of the payoff from Commerce Bank. The founder's spouse signed the check dated June 15, 2015 for the payoff to her parents from academy's general bank account.

Renovation costs to convert the motor home into a mobile wet lab were prohibitive, causing the board to declare the motor home surplus property at the October 13, 2015 board meeting in conformance with Board Policy 3011.1. The motor home was sold for \$9,000 at public auction, a loss of \$51,855 four months after the original purchase.

Misleading Reporting of Expenses – SB 740

Education Code Section 47612.5 (d) (1) as created by SB 740 (Chapter 892, Statutes of 2001) establishes that charter schools may receive funding for nonclassroom-based instruction only if a determination for funding is made, pursuant to Section 47634.2, by the State Board of Education (SBE).

The determination for funding is applied to all nonclassroom-based instruction and is subject to several conditions as prescribed by the SBE. Elements reported in the "Nonclassroom-Based Funding Determination Form" (SB 740) include the following:

1. Financial information: Revenues, expenditures; revenues over expenditures; fund balance; and reserves. The structure applied to financial reporting is defined by California School Accounting Manual (CSAM), and coded in a chart of accounts as designated in Standard Accounting Code Structure (SACS). This financial information is organized primarily by resource code, and secondarily by object code. Examples of function code are: Instruction, operations, facilities and administration.
2. Pupil-to-teacher ratio and the number of full-time equivalent employees who possess a valid teaching permit.
3. Entities receiving \$50,000 or more of the charter school expenditures.
4. Governing board information and affiliations with any entities listed in item three, above.

A certification as to the accuracy of the information listed above provided by the charter school's director, principal or governing board chairperson, along with several statements, which include that the charter's board has adopted and implemented conflict-of-interest policies and that all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services and considerations rendered for or supplied to the school.

Three quantitative elements reported on the SB 740 determination form are used to calculate the annual funding percentages for charter school funding. The determination percentages are one of the following: 100%, 85%, 70% or zero. The final determination has the following three separate components:

1. Direct certificated salaries and benefits charged to function 1000 equal to 40% of federal and state revenues, and
2. Direct certificated salaries and benefits plus support services charged to function 1000 - 3999 for a cumulative total of 80% (including item #1 and any expenditures in this item) of federal and state revenues for books, supplies, other support and instructional services, and
3. Class size pupil to teacher ratios no greater than 25:1.

A review of the detailed general ledger expenditures to support the reports filed with CDE for 2014-15 resulted in concerns regarding Hope Academy's compliance with the SB 740 determination request, and possible manipulation of expenditures to increase the determination to 100%.

Determination for 2012-13: CDE – The Charter School Division confirmed that Hope Academy was granted an exception to its 2012-13 SB 740 filing based on fiscal year 2011-12 reported data. A finding of mitigating circumstances was granted by the CDE and a payment of \$350,000 in bonuses was subsequently paid to all 2012-13 employees. During this reporting period, Hope Academy reported \$98,050 in total “operations and facilities” for the Yucca Valley site. A February 15, 2013 letter documented the mitigating circumstances, and the attached SB 740 certified declaration signed by the founder as “superintendent/chief executive” that the board had adopted, and implemented, a conflict-of-interest policy and that all of the charter school's transactions, contracts and agreements were in the best interest of the school and reflect a reasonable market rate for all goods, services and considerations rendered for or supplied the school.

Determination for 2013-14: Hope Academy filed the 2014-15 SB 740 determination request for fiscal year 2013-14. Despite having the Yucca Valley campus, opening five resource centers that year, and having previously claimed facility expenditures, the SB 740 determination request did not include any facilities and operations costs. The declaration listed \$128,502 in management service fees paid to SavantCo Education that had been coded as direct instructional services by SavantCo Education.

These expenditures were not direct instructional services, but effectively increased the direct services category to meet the 100% determination. Not claiming the facility expenditures and miscoding the management service fees (legal fees, audit fees and other fees) as direct educational services created an inaccurate calculation that CDE relied on to make a 100% determination for the academy.

Once again, the SB 740 declaration filed January 15, 2015 certified that the board had adopted and implemented conflict-of-interest policies and indicated that all of the charter school's transactions, contracts and agreements were in the best interest of the school and reflect a reasonable market rate for all goods, services and considerations rendered for or supplied the school. The deputy superintendent of Hope Academy signed this declaration on January 22, 2015.

Audit reports are used to verify and match SB 740 expenditures reported in various categories including direct instructional and support services. A review of June 30, 2012 and June 30, 2013 independent audit reports prepared by Hosaka, Rotherham & Company Certified Public

Accountants supported the inaccurate SB 740 filings prepared by the academy and failed to properly reclassify expenditures in the correct categories necessary to support the 2012-13 and 2014-15 SB 740 filings. The audit reports also failed to disclose in a footnote the related-party transactions between the academy and SavantCo Education, a requirement of SB 740 disclosure. Interviews with SavantCo administration indicated that two Hosaka employees assigned to academy audits went on to become co-owners in SavantCo Education in March or April 2014.

A comparison of SB 740 filings to the 2013 audit found several variances and misapplication of SACS. Hope Academy grew rapidly between 2012 and 2013, adding several resource centers, but a sampling of the general ledger maintained by SavantCo Education showed an excessive amount of expenses coded to direct instruction and instruction related services; no expenditures in operations and facilities; and comparatively few coded to administration. The overreporting of expenses related to instruction and instructional services had a significant effect on the SB 740 determination calculations applied to fiscal years 2012-13 and 2013-14, increasing the percentage of annual funding.

Federal Form 990

Hosaka prepared the 2012-13 and 2013-14 Internal Revenue Service Form 990 Return of Organization Exempt from Income Tax for Hope Academy. Both tax returns checked “No” to the following question:

1. Was the organization a party to a business transaction with one of the following parties:
 - A current or former officer, director, trustee, or key employee?
 - A family member of a current or former officer, director, trustee, or key employee?
 - An entity of which a current or former officer, director, trustee or key employee was an officer, director, trustee, or direct or indirect owner?

The 2012-13 and 2013-14 IRS tax forms both checked “Yes” to the following question:

2. Did the organization have a written conflict of interest policy?
 - Were officers, directors or trustees and key employees required to disclose annually interests that could give rise to conflicts?

Schedule O, states that board members and key employees must file Form 700 annually and that the signing officer reviews Form 990 before filing. Hope Academy’s founder signed both tax returns under penalties of perjury.

Bonuses and Stipends Paid to Administrator, Spouse and Other Employees

The FCMAT study team could not locate board approval for stipends and/or bonuses remitted to the senior administrators and other staff members. Interviews with several administrators state that stipends and special education bonuses were paid to some employees.

Bonus Payment 2013-14

A single payment of \$45,000 was listed in the 2013-14 payroll records labeled as “Bonus.” This payment was paid to the founder. FCMAT was unable to verify authorization for this bonus through board minutes or other supporting documentation.

Special Education Bonuses 2013-14

Although interviews with the founder indicated that all employees who served special education students benefited from a special education bonus, payroll records show two entries coded as Special Education Bonus that totaled \$8,000. A \$6,000 amount was paid to the founder’s spouse and \$2,000 to one teacher.

Stipends 2014-15

FCMAT reviewed monthly stipend payments in the November 2014 payroll register totaling \$13,200 to nine employees including the founder’s wife for \$6,000; the deputy superintendent for \$1,000; the founder’s mother for \$1,000; and six other employees shared the balance of \$5,200.

Special Education Bonuses 2014-15

In June 2015, only two special education bonuses were paid: \$35,000 to the founder’s spouse and \$15,000 to one teacher. Evidence of board action was not provided to support payments of stipends or bonuses.

Interviews with the founder and several academy administrators indicated that bonuses had to be paid to meet the special education maintenance-of-effort (MOE) calculation requirements; however, a review of the expenditures indicated that Hope Academy had met the MOE requirements in 2013-14 and 2014-15 without consideration of the bonuses.

MOE requires local agencies (school districts and charter schools) that receive a federal grant award under the Individuals with Disabilities Education Act, Part B (IDEA – B) to maintain at least the same level of state and local expenditures on a per-pupil basis to support federal programs from one fiscal year to the next to ensure that local agencies provide services to disabled students. Districts and charter schools must comply with the MOE requirement to receive IDEA-B funding each fiscal year (34 CFR §300.203.) The 20 United States Code [USC] Section 1413 and 34 Code of Federal Regulation [CFR] Section 300.231 prohibits the amounts received under IDEA - B from being used to reduce the level of expenditures for the education of disabled children with limited exceptions on an aggregate or per-capita basis from the preceding fiscal year.

Interviews with SELPA administration indicated that 2013-14 was the first year that Hope Academy was a SELPA participant. As a result, there was no maintenance-of-effort requirement because this was the base year for per-pupil expenditures, yet the founder indicated that bonuses had to be paid to meet this requirement.

In the 2014-15 fiscal year, the academy per-pupil expenses totaled \$11,690. Compared to 2013-14 base year expenditures of \$7,814 per pupil, this represented an increase of 50%. Sufficient expenditures were charged to special education to meet the MOE. A statement from SELPA staff to FCMAT indicated Hope Academy never consulted SELPA staff about MOE concerns or issues related to meeting the MOE.

FCMAT conducted an extensive review of the general ledger maintained by SavantCo Education for the academy. These records show that 62 entries totaling \$602,492.16 were made during year-end closing for the 2014-15 fiscal year that reclassified expenditures from the unrestricted general fund to special education. Repeated requests to SavantCo Education for supporting documentation to the journal entry were ignored.

Accounting Reclassifications – Salaries and Benefits

CSAM Procedure 910-10 provides that salaries and wages charged to a specific goal such as special education require supporting documentation indicating how the costs relate to that goal for those specific activities. For federal or state restricted funds, personnel activity reports, activity worksheets, or equivalent documentation are generally necessary.

Because IDEA – B funding is funded from federal sources, the charter school is required to follow federal regulations. Employees that are split funded with any portion from federal sources must complete a Personnel Activity Report (PAR) in accordance with Federal Office of Management and Budget Circular 87 which states:

Each employee paid in part from a single cost objective and in part from other revenue, or an employee paid from multiple cost objectives, completes a Personnel Activity Report (PAR) each pay period, or an approved sampling method is used.

No time study, or other documentation, to support salaries charged to IDEA-special education were provided to support the year-end journal entry reclassifying certificated or classified salaries. Journal entries are correcting entries that should be supported by documentation that identifies the purpose for the correction.

Administrative Services and Wages

FCMAT requested administrative employment contracts to support actual payroll records. On the documents provided to FCMAT, only the contract for the deputy superintendent had a signature. A table comparing employment contract base pay shows differences between board authorization and actual payments:

Position	Contractual Base Salary	Difference	Comments
Deputy Superintendent – Contract as of 7/1/2014	\$135,000	\$10,000	7/1/14 contract allows for modification “Before first payroll of each year.” First contract year did not end until June 30, 2015.
Senior Director of Programs (spouse of Founder) – Contract as of 7/1/2013	\$110,000	\$33,500	8/1/13 contract allows for renegotiation, with “increases...discussed in June.” First contract year ended June 30, 2014.
Assistant Superintendent of Elementary Programs	\$85,000	0	7/1/14 contract allows for renegotiation June 2015.
Assistant Superintendent of Secondary Programs	\$125,000	0	7/1/14 contract allows for renegotiation June 2015.
Founder/ Superintendent	\$0	N/A	No contract provided.

Deputy Superintendent: The founder executed the deputy superintendent's employment contract with an effective date of July 1, 2014. The first payroll following the effective date of the contract was \$10,000 more than the board-authorized contract amount. During interviews, the deputy superintendent indicated that he was properly approved for this increase although FCMAT could find no evidence of this.

Senior Director of Programs: The founder/superintendent was the Hope Academy administrator listed as the signatory for the August 1, 2013 contract for the senior director of programs, his spouse. This is the only employment contract provided by the academy that includes an employer paid tax-sheltered annuity (TSA) of \$500 per month. In addition to the stipends and bonuses, the TSA contributions are not included in the employment contract approved by the governing board. FCMAT was not provided documentation demonstrating subsequent board approval.

Additional payments recorded in the payroll records show \$33,500 in payments prior to board approval of her next contract July 1, 2014. The governing board should approve any increases in compensation before actual payments to the employee.

Founder/Superintendent: Upon his resignation from Hope Academy, a \$20,000 per month administrative fee was added to the SavantCo Education invoice for April, May and June 2015. During interviews, the founder stated that this fee was paid for SavantCo Education (his company) to "back-fill" the administrative services even though the academy had on staff a deputy superintendent and four other administrators with compensation levels in excess of \$120,000 per year including his spouse. The spouse was signing as the superintendent on contracts, warrants and other documents approving expenditures following the founder's resignation. Board minutes do not reflect governing board approval to increase the SavantCo Education contract by \$20,000 per month following the resignation of the founder/superintendent. During interviews with FCMAT, a partner and chief financial officer of SavantCo Education said these funds would be returned to Hope Academy.

From January 2015 through June 2015, the salary for the founder's spouse was increased by \$2,083.33 per month (\$12,500), yet board minutes do not reflect action to approve a new contract or any temporary increase in compensation. The table below is a summary of administration services and wages reported through the general ledger accounts and federal forms for July 1, 2014 through December 2015:

Services and Wages Paid to Founder, His Companies and Spouse, over 18-Month Period

Payee	Service	Fiscal Year 2014-2015	July-Dec 2015	TOTAL
SavantCo Education	Business Services	\$439,205	\$353,107	\$792,312
SavantCo Finance	Financing Services	\$15,321	\$24,966	\$40,287
Savantech	Technology Support	\$37,225	\$45,101	\$82,326
Spouse	Wages	\$159,583	\$97,833	\$257,416
Founder	Wages	\$158,166	\$0	\$158,166
Total		\$809,500	\$521,007	\$1,330,507

In addition to the wages and service income listed above, one Savantech employee had a credit card issued in his name that was used to purchase materials and supplies; the founder/superintendent and spouse had numerous credit card charges for personal expenditures including computers and software that are not accounted for, meals and travel charged to Hope Academy. Several credit card charges have no supporting documentation or lack a detailed description of goods/services and several others include the description "Admin lunch."

Questionable Legal Professional Services

In addition to several of the founder's relatives that worked for the academy, professional services for legal issues were provided by the founder's uncle and his firm located in Royal Oak, Minnesota. Although some bills were addressed to SavantCo Education and others to Hope Academy, the charter paid all the bills through invoices submitted to Hope.

A review of Federal Forms 1099 for the 2015 calendar year show that Hope Academy paid \$108,577.27 for legal services from May through December 2015, and three more invoices were paid in 2016, when the academy severed its relationship with the firm.

A review of the individual invoices shows brief descriptions for professional legal services that relate to SavantCo Education and the founder (denoted as "JM") following his resignation. Some examples of billings charged to the academy from SavantCo Education from July 2015 include the following:

- Follow up conference with JM;
- Review new California cases on point and 1090 issues;
- Analysis and research of Charter School's compliance with three California statutes regarding conflict of interest;
- Research on primary source material for Political Reform Act and Section 1090 conflict-of-interest provisions; and
- Emails to and from JM; develop facts and drafting.

The following is a list of all payments made from Hope Academy to the law firm in 2015 totaling \$108,577.27, of which \$23,316.44 for checks 3999, 4017 and 4227 listed below were signed by the founder's spouse following his resignation in April 2015 and contain questionable charges.

Payments Made to Hope Academy

Date	Check No	Amount
5/4/2015	3999	\$1,107.00
5/7/2015	4017	\$7,969.00
7/8/2015	4227	\$14,240.44
9/14/2015	4516	\$3,977.00
9/21/2015	4535	\$8,284.00
10/6/2015	4606	\$27,549.98
10/30/2015	4723	\$18,289.02
11/12/2015	4766	\$14,974.35
12/14/2015	4871	\$2,186.48
Total Payments		\$108,577.27

Audit Findings

FCMAT interviewed the audit partner engaged by the newly appointed Hope Academy administration to perform the 2014-15 annual audit. The following comments were discussed with the FCMAT study team.

The auditor noted in the annual 2014-15 audit the following:

Substantial audit findings,

- Questionable costs,
- Lack of internal controls,
- Related-party transactions,
- Questionable accounting practices provided by the back-office provider,
- Unreasonable and inequitable charge backs from the back-office provider, and
- Substantial doubt of going concern due to a decrease in net assets coupled with current liabilities that exceed its total assets by \$721,155.

Financial Statement Findings: There are five audit findings, four involving internal controls. The following is a summary of the findings, conditions and effects as a result of poor oversight and/or full disclosure to the governing board, lack of internal controls, and inadequate accounting practices for which the school paid monthly fees that exceeded industry standards:

Finding	Condition	Effect
2015-01 – State Compliance	Student eligibility records were not consistent with the data reported in CalPADS causing an over reporting of unduplicated pupil counts.	A reduction in funding of \$140,354.
2015-02 – Internal Control	Numerous instances where the back-office provider has no documentation, record or substantiation to verify charge backs to the charter school based on the Master Services Agreement. Expenses could be deemed out of the scope of “applicable industry standards.”	School has incurred unallowable or unauthorized expenses.
2015-03 – Internal Control	Motorhome was purchased from a relative of the “Executive Director/employee” of the school and CEO of the back-office provider. Board approval lacked full disclosure of related-party. No sales agreement.	School may have incurred unallowable or unauthorized expenses.
2015-04 – Internal Control	No written policies or procedures for processing, approval and recording of payroll, stipends and/or bonuses to employees causing some employees being improperly paid.	School could potentially incur unallowable or unauthorized payroll, stipends and bonuses.
2015-05 – Internal Control	Weakness in internal control over financial reporting. Adjustments approved by management to increase other revenue and decrease prepaid expenses caused beginning net assets to be misstated and out of balance. Back-office provider failed to balance the books at year-end closing.	Misstatements can be misleading and under- or over-estimate the financial condition.

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 service range greatly, however, based on the number of students in the charter school and the master 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.

Included in these bill-backs are invoices for SavantCo Education to attend and host a vendor booth at the annual charter school convention; Verizon cell phone bills for SavantCo Education employees and their spouses, and other individuals along with the SavantCo Education main line; several expenses directly for SavantCo Education business including business cards, travel, Xerox machine, grant writing conference expenses, a truck liner for a vehicle Hope Academy has never operated; insurance on vehicles that were leased to Hope Academy with an administrative fee of \$450 per month designed to cover insurance, maintenance and repairs; business software SavantCo Education uses for all its back-office clients; services not identified in the master services agreement for hiring employees and credentialing; and executive administrative services.

During FCMAT interviews, the SavantCo Education chief financial officer and CPA acknowledged receipt of the Hope Academy bill-back and agreed that at least \$113,000 will be reimbursed to the academy. The partners of SavantCo Education terminated their relationship with the academy founder and former partner of SavantCo Education effective March 1, 2016 citing concerns that the FCMAT AB 139 audit will affect their business with other charter school clients.

Hope Academy Charter School Summary of Related and Irregular Transactions

The table below is a compilation of payments and questionable costs made through the academy to the founder/former superintendent, family members of the founder and close associates. The founder authorized many of these payments in his capacity as both owner/partner of SavantCo Education and superintendent of the charter school.

Hope Charter School Summary of Related and Irregular Transactions

	Time Period	Type	Accounting Records
SavantCo Education – unapproved service charges	January 2014 through June 2014	No board approval.	\$130,890.40
Motor home purchase.	June 2015	Lacked full disclosure to the governing board.	\$60,855.34
Bonuses paid – Special Education MOE	2012-13	Payments after the fact questionable approval and understanding of MOE requirements.	\$350,000
Special Education Bonuses	2013-14	Lacked board approval. Not required for MOE.	\$6,000 to spouse and \$2,000 to teacher.
Stipends	2014-15	Involving nine employees including spouse for \$6,000, mother \$1,000, deputy superintendent \$1,000. No board authorization available.	\$13,200
Special Education Bonuses	June 2015	Payment to spouse \$35,000 and \$15,000 to teacher. Unauthorized.	\$50,000
Payments beyond employment contract.	2014-15	Deputy superintendent was paid in excess of the board approved contract.	\$10,000
Payments beyond employment contract.	2014-15	Spouse was paid in excess of board-approved contract.	\$44,000
SavantCo Education	April, May and June 2015	Payments made for “Executive Administrative Services” following resignation of founder.	\$60,000
Payments beyond employment contract.	January 2015 through June 2015	Spouse monthly contract was increased by \$2,083.33 per month without board approval.	\$12,500
Professional legal services.	Calendar year 2015	Questionable costs with legal firm located in Minnesota and relative of founder.	\$108,577.27
Bill backs.	2013-2014 through December 2015	Bill backs from Hope Academy to SavantCo Ed including the administrative services list above.	\$130,016.02
Misuse of credit card.	January 2014 through December 2015	Credit card charges made by Savantech on Hope’s credit card and charged back by invoice to Hope Academy.	\$1,868.06

The above transactions represent significant influence that the Hope Academy founder/former superintendent, spouse of the founder and close associates had over financial decisions that personally benefited them. The founder’s spouse authorized several of these transactions for payment and gave these individuals the ability to simultaneously control and benefit from these transactions. The lack of documentation to support transactions through board approval, policy, procedures and records creates the perception of fraud, misappropriation of assets and possible criminal activity.

There is little evidence of responsible governance by the board and clearly a lack of fiscal accountability by the former charter administration.

Subsequent Events

As of July 1, 2015, the governing board appointed a new superintendent whose spouse is the business technician. In addition, a new back-office service provider contract was awarded on January 1, 2016. The legal firm with a relative of the founder/former superintendent no longer provides professional legal services.

Special attention to internal controls and review processes are evident; however, the governing board should adopt policies and written procedures should be developed and implemented to prevent the breaches of internal control that have existed and delineate proper segregation of duties especially with related parties.

The governing board meeting minutes should provide clear documentation to support vendor and employment contracts and ensure that requirements contained in Government Code 1090, the Political Reform Act, Form 990 and disclosure requirements under FASB accounting coding standards 825-10-15 have a process that verifies compliance.

Prevention and Detection

As previously mentioned, an effective internal control environment includes ethical values and integrity displayed by management combined with the effective oversight as well as the underlying tone set by the organization's site administrators. The tone of the organization set by management through its words and actions demonstrates to others that dishonest or unethical behavior will not be tolerated. An atmosphere where employees feel safe to communicate concerns is a fundamental component of a strong and effective internal control environment.

The control environment is an essential element and provides the foundation for other internal controls to be effective in achieving the goals and objectives to prevent and/or deter fraud or illegal acts. Regular external audits are a strong deterrent to mismanagement and fraud, but they cannot serve as the only method of ensuring accountability. It is imperative for the county office and Hope Academy's governing board to review the findings and recommendations of this audit to implement the appropriate internal controls and hold the responsible parties accountable for their actions.

Internal controls clearly are among the most important aspects of any fraud prevention program. Administrators and managers are in a position of authority and therefore have a higher standard of care to establish the ethical tone and serve as examples to other employees. Employees with administrative responsibility have a fiduciary duty to the organization in the course of their employment to ensure that those activities are conducted in compliance with all applicable board policies, laws, regulations, and standards of conduct. Management personnel are entrusted to safeguard the charter school's assets and ensure that internal controls function as intended. The charter should not employ relatives of employees on a permanent or part-time basis so that the relative reports directly to the employee, or the employee exercises any direct influence on the relative's hiring, salary placement, promotions, evaluations, pay increases, payments for stipends or bonuses.

While the governing board and all employees in the organization have some responsibility for internal controls, the founder/former superintendent, his spouse and close associates holding key administrative positions had a fiduciary duty and responsibility to make certain that the assurances in the charter petition and the governing board fiscal policies and procedures were conducted responsibly and ethically.

Based on the evidence presented to FCMAT, there is sufficient documentation to demonstrate that fraud, mismanagement and misappropriation of the charter school funds and assets may have occurred. The charter school's internal control environment has significant weaknesses, which increases the probability of fraud and/or abuse. These findings should be of great concern to the governing boards of Hope Academy and the San Bernardino County Superintendent of Schools and require immediate intervention to limit the risk of fraud and/or misappropriation of assets in the future.

The existence of fraud is solely the purview of the courts and juries, and FCMAT will not make statements that could be construed as a conclusion that fraud has occurred.

In accordance with Education Code Section 42638(b), action by the county superintendent shall include the following:

If the county superintendent determines that there is evidence that fraud or misappropriation of funds has occurred, the county superintendent shall notify the governing board of the local agency, the State Controller, the Superintendent of Public Instruction and the local district attorney.

Recommendation

The county superintendent should:

1. Notify the governing board of Hope Academy Charter School, San Bernardino County Superintendent of Schools governing board, the State Controller, the Superintendent of Public Instruction, and the local district attorney that fraud, misappropriation of assets or other illegal activities may have occurred.

Appendices

- A. Hope Academy Board Policy 7002.1
- B. FASB-ASC Glossary
- C. Study Agreement

Appendix A – Hope Academy Board Policy 7002.1

Hope Academy

Subject: Board-Staff Communications

Effective Date: September 6, 2011

Approved By: Board of Directors

Policy: 7002.1

Role of the Board

Board-Staff Communications

Hope Academy Charter School desires to maintain open channels of communication between the Board and the staff. However, the basic line of communication between the Board and staff will be through the Executive Director.

Staff Communications to the Board

Communications from staff members to the Board or its committees shall be submitted through the Executive Director. The Executive Director shall forward such communications received from staff members to the Board. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

If approached by a staff member with a complaint not using the appropriate process (*Board Policy 2001.1: Uniform Complaint Procedures*), members of the Board should report it as soon as possible to the Board President.

Board Communications to Staff

All official communications, policies, and directives of the Board that would be of interest and concern to the staff will generally be communicated through the Executive Director. The Executive Director shall also keep staff members informed of the Board's concerns and actions.

If the Board is in need of clarification about agenda items, Board members may contact senior staff in order to obtain available information. This should be done, when possible, with the knowledge of the Executive Director as a courtesy and also in order not to undermine the Executive Director's authority. The intent of communication is to share current and available information and never to direct or manage the staff member's time or activities.

Social Interaction

Both staff and Board members share an interest in the school and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the School. However, since Board members are not authorized to act

on behalf of the Board unless by quorum, in open public session, or when specifically vested with such authority, Board members and members of the staff should not discuss any matter which may result in the individual Board member(s) making some decision and giving the staff member a directive as a result.

In no case should Board members pass information on to staff or students. The route from the Board to staff or students is via the Executive Director. Board members should never discuss divisions within the Board, emerging Board policy, hiring or layoff matters involving staff, or student due process. Board members should not discuss individual personalities, personnel grievances, or other complaints with staff members or others outside the appropriate setting. It is very damaging to discuss rumors which may prove to be unfounded and which may damage morale, or which may be used by one faction against another, or by one staff person against another. Board members may not always be aware of the factions which may exist among staff and students or of the ambitions of particular individuals, and it is harmful to pass on information which may inadvertently be used to further interpersonal intrigues or other problems at staff or student levels. It is also dangerous to discuss any actions, which could, theoretically, result in legal proceedings and interfere with the job of the Executive Director and Board.

Instead, all such matters should be addressed in accordance with the procedures established in Board policy.

Hope Academy Conflict-of-interest Code

Adoption

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., Hope Academy Charter School hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members, candidates for member of the governing board, and all other designated employees of Hope Academy Charter School (“Charter School”), as specifically required by California Government Code Section 87300.

Designated Employees

Employees of this Charter School, including governing board members and candidates, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be designated employees. The designated positions are listed in “Exhibit A” attached to this policy and incorporated by reference herein.

Statement of Economic Interests: Time of Filing

Each designated employee, including governing board members and candidates, shall file a Statement of Economic Interest (“Statement”) at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee’s position is assigned in “Exhibit A.”

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or

source of income may foreseeably be affected materially by a decision made or participate in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in “Exhibit B.”

Initial Statements

All designated employees employed by the Charter School on the effective date of this Code, as originally adopted, promulgated and approved by the Charter School, shall file statements within 30 days after the effective date of this Code. Thereafter, each person in a position that becomes by an amendment to this Code a “designated employee” shall file an Initial Statement within 30 days after the effective date of the amendment.

Governing Board Candidates

Candidates for election to the governing board shall file statements within 5 days after the final date for filing nomination petitions.

Assuming Office Statements

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming designated positions.

Annual Statements

All designated employees shall file statements no later than **April 1**.

Leaving Office Statements

All persons who leave designated positions shall file statements within 30 days after leaving office.

Statements for Persons Who Resign 30 Days after Appointment

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or Leaving Office Statement.

Statements Filed With the Charter School

All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School’s filing officer shall make and retain a copy and forward the original to the County Board of Supervisors.

Statements of Economic Interests: Contents of and Time Period Covered by the Statements**Contents of Initial Statements**

Initial Statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

Contents of Assuming Office Statements

Assuming Office Statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office.

Contents of Annual Statements

Annual Statements shall disclose any reportable investments, interest in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first Annual Statement shall begin on the effective date of the Code or date of assuming office, whichever is later. The statement shall include any reportable investment or interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition or disposal.

Contents of Leaving Office Statements

Leaving Office Statements shall disclose reportable investments, interest in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office. The statement shall include any reportable investment or interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition or disposal.

Statements of Economic Interests: Manner of Reporting**Investment and Real Property Disclosure**

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property; and
4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer. Reportable investments or interest in real property do include those in excess of one thousand dollars (\$1,000) held by the filer's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the filer, spouse and dependent children together own a direct, indirect or beneficial interest of 10% or more.

Personal Income Disclosure

Personal income is required to be reported under this Code, the statement shall contain the following:

The name and address of each source of income aggregating \$250 or more in value or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

1. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
2. A description of the consideration, if any, for which the income was received;
3. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift and the date on which the gift was received; and
4. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

Business Entity Income Disclosure

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity; and
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such a person was equal to or greater than ten thousand dollars (\$10,000).

Business Positions Disclosure

When reporting business positions, a designated employee shall list the name of each business entity not specified above in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management; a description of the business activity in which the entity is engaged; and designated employee's position with the business entity.

Disqualification

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

1. Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth one thousand dollars (\$1,000) or more.
2. Any source of income totaling two hundred fifty dollars (\$250) or more provided or promised to the designated employee within twelve months prior to the decision. (This category does not include gifts or loans made at regular rates by commercial lending institutions.)
3. Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of director.
4. Any donor of gifts totaling \$250 or more in value provided or promised to the designated within twelve months prior to the decision; any intermediary or agency for such a donor.

No designated employee shall be prevented from making or participating in any decision to the extent that his/her participation is legally required for the decision to be made. (The need to break a tie vote does not make the designated employee's participation legally required.)

Manner of Disqualification

Non-Governing Board Member Designated Employees

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School Director, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

Governing Board Member Designated Employees

Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. The Board member shall then refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken).

Definition of Terms

As applicable to a charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

**Hope Academy
Conflict of Interest Code**

EXHIBIT A

Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in “Exhibit B” (i.e. categories 1, 2, and 3).
 - A. Members of the Governing Board
 - B. Candidates for Member of the Governing Board
 - C. Corporate Officers (e.g., Executive Director/President, CFO/Treasurer, Secretary)
 - D. Executive Director of Charter School
 - E. Chief Administrative Officer
 - F. Chief Educational Officer
 - G. Consultants¹
 - H. Other Employees²
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of “Exhibit B.”
 - A. Controller
 - B. Assistant Controller
 - C. Other Employees³
- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of “Exhibit B.”
 - A. Director of Technology
 - B. Contractor
 - C. Other Employees⁴

¹ The Director may determine, in writing, that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’s determination is a public record and shall be retained for public inspection in the same manner and location of interest code.

² “Other Employees” include any employee occupying a position that requires the employee to make a governmental decision that foreseeably and materially affects a personal financial interest, source of income, or a business position in a business entity.

³ “Other Employees” include any employee with authority to make purchases that may foreseeably and materially affect an investment and/or business position in business entities or who are in a position to influence a governmental decision that may foreseeably and materially affect an investment and/or business position in a business entity.

⁴ “Other Employees” include employees with authority to make purchases that may foreseeably and materially affect investments and business positions in business entities which provide services, supplies, materials, or equipment in which the employee has authority to purchase.

**Hope Academy
Conflict of Interest Code**

EXHIBIT B

Disclosure Categories

Category 1 Reporting

- A. Interest in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property, if the fair market value of the interest is greater than \$1,000. (Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.)
- B. Investments in or income from persons or business entities which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the District.
- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction. Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests. Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater. Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. No investment or interest in real property is reportable unless its fair market value exceeds \$1,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$250 or more in value or \$50 or more in value if the income was a gift during the preceding 12-month reporting period.

Category 2 Reporting

- A. Investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Director or Director. Investments include interests described in Category 1.

Category 3 Reporting

- A. Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Director. Investments include the interests described in Category 1.

Appendix B – FASB-ASC Glossary

Related Parties

1961

AU Section 334

Related Parties

(Supersedes Statement on Auditing Standards
No. 6, AU sec. 335.01–.19.)*

Source: SAS No. 45.

See section 9334 for interpretations of this section.

Effective for periods ended after September 30, 1983, unless otherwise indicated.

.01 This section provides guidance on procedures that should be considered by the auditor when he is performing an audit of financial statements in accordance with generally accepted auditing standards to identify related party relationships and transactions and to satisfy himself concerning the required financial statement accounting and disclosure.¹ The procedures set forth in this section should not be considered all-inclusive. Also, not all of them may be required in every audit.

Accounting Considerations

.02 Financial Accounting Standards Board (FASB) *Accounting Standards Codification* (ASC) 850, *Related Party Disclosures*, gives the requirements for

* This section also withdraws the following auditing interpretations dated March 1976 (AU sec. 9335.01–.11):

- Evaluating the Adequacy of Disclosure of Related Party Transactions
- Disclosure of Commonly Controlled Parties
- Definition of "Immediate Family"

¹ Financial Accounting Standards Board (FASB) *Accounting Standards Codification* (ASC) 850-10-50 contains the disclosure requirements for related party relationships and transactions. The FASB ASC glossary defines *related parties* as

- a. Affiliates of the entity
- b. Entities for which investments in their equity securities would be required, absent the election of the fair value option under the Fair Value Option Subsection of Section 825–10–15, to be accounted for by the equity method by the investing entity
- c. Trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management
- d. Principal owners of the entity and members of their immediate families
- e. Management of the entity and members of their immediate families
- f. Other parties with which the entity may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests
- g. Other parties that can significantly influence the management or operating policies of the transacting parties or that have an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests. The FASB ASC glossary also defines the terms *affiliate*, *control*, *immediate family*, *management*, and *principal owners*. FASB ASC 850-10-05-3 provides examples of related party transactions.

[Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

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related party disclosures. Certain accounting pronouncements prescribe the accounting treatment when related parties are involved; however, established accounting principles ordinarily do not require transactions with related parties to be accounted for on a basis different from that which would be appropriate if the parties were not related. The auditor should view related party transactions within the framework of existing pronouncements, placing primary emphasis on the adequacy of disclosure. In addition, the auditor should be aware that the substance of a particular transaction could be significantly different from its form and that financial statements should recognize the substance of particular transactions rather than merely their legal form.² [Revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

.03 Transactions that because of their nature may be indicative of the existence of related parties include³ —

- a. Borrowing or lending on an interest-free basis or at a rate of interest significantly above or below market rates prevailing at the time of the transaction.
- b. Selling real estate at a price that differs significantly from its appraised value.
- c. Exchanging property for similar property in a nonmonetary transaction.
- d. Making loans with no scheduled terms for when or how the funds will be repaid.

Audit Procedures

.04 An audit performed in accordance with generally accepted auditing standards cannot be expected to provide assurance that all related party transactions will be discovered. Nevertheless, during the course of his audit, the auditor should be aware of the possible existence of material related party transactions that could affect the financial statements and of common ownership or management control relationships for which FASB ASC 850-10-50 requires disclosure. Many of the procedures outlined in the following paragraphs are normally performed in an audit in accordance with generally accepted auditing standards, even if the auditor has no reason to suspect that related party transactions or control relationships exist. Other audit procedures set forth in this section are specifically directed to related party transactions. [Revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

.05 In determining the scope of work to be performed with respect to possible transactions with related parties, the auditor should obtain an

² Some pronouncements specify criteria for determining, presenting, and accounting for the substance of certain transactions and events. Examples include (1) presenting consolidated financial statements instead of separate statements of the component legal entities (FASB ASC 810, *Consolidation*); (2) capitalizing leases (FASB ASC 840, *Leases*); and (3) imputing an appropriate interest rate when the face amount of a note does not reasonably represent the present value of the consideration given or received in exchange for it (FASB ASC 835, *Interest*). [Footnote revised, June 1993, to reflect conforming changes necessary due to the issuance of Statement of Position 93-3. Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

³ FASB ASC 850-10-05-4 gives other examples of common types of transactions with related parties. FASB ASC 850-10-05-5 states that "transactions between related parties are considered to be related party transactions even though they may not be given accounting recognition. For example, an entity may receive services from a related party without charge and not record receipt of the services. While not providing accounting or measurement guidance for such transactions, FASB ASC 850 requires their disclosure nonetheless." [Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

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understanding of management responsibilities and the relationship of each component to the total entity. He should consider controls over management activities, and he should consider the business purpose served by the various components of the entity. Normally, the business structure and style of operating are based on the abilities of management, tax and legal considerations, product diversification, and geographical location. Experience has shown, however, that business structure and operating style are occasionally deliberately designed to obscure related party transactions.

.06 In the absence of evidence to the contrary, transactions with related parties should not be assumed to be outside the ordinary course of business. The auditor should, however, be aware of the possibility that transactions with related parties may have been motivated solely, or in large measure, by conditions similar to the following:

- a. Lack of sufficient working capital or credit to continue the business
- b. An urgent desire for a continued favorable earnings record in the hope of supporting the price of the company's stock
- c. An overly optimistic earnings forecast
- d. Dependence on a single or relatively few products, customers, or transactions for the continuing success of the venture
- e. A declining industry characterized by a large number of business failures
- f. Excess capacity
- g. Significant litigation, especially litigation between stockholders and management
- h. Significant obsolescence dangers because the company is in a high-technology industry

Determining the Existence of Related Parties

.07 The auditor should place emphasis on testing material transactions with parties he knows are related to the reporting entity. Certain relationships, such as parent-subsidiary or investor-investee, may be clearly evident. Determining the existence of others requires the application of specific audit procedures, which may include the following:

- a. Evaluate the company's procedures for identifying and properly accounting for related party transactions.
- b. Request from appropriate management personnel the names of all related parties and inquire whether there were any transactions with these parties during the period.
- c. Review filings by the reporting entity with the Securities and Exchange Commission and other regulatory agencies for the names of related parties and for other businesses in which officers and directors occupy directorship or management positions.
- d. Determine the names of all pension and other trusts established for the benefit of employees and the names of their officers and trustees.⁴
- e. Review stockholder listings of closely held companies to identify principal stockholders.

⁴ FASB ASC glossary term *related parties* includes "trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management." [Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

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- f.* Review prior years' working papers for the names of known related parties.
- g.* Inquire of predecessor, principal, or other auditors of related entities concerning their knowledge of existing relationships and the extent of management involvement in material transactions.
- h.* Review material investment transactions during the period under audit to determine whether the nature and extent of investments during the period create related parties.

Identifying Transactions With Related Parties

.08 The following procedures are intended to provide guidance for identifying material transactions with parties known to be related and for identifying material transactions that may be indicative of the existence of previously undetermined relationships:

- a.* Provide audit personnel performing segments of the audit or auditing and reporting separately on the accounts of related components of the reporting entity with the names of known related parties so that they may become aware of transactions with such parties during their audits.
- b.* Review the minutes of meetings of the board of directors and executive or operating committees for information about material transactions authorized or discussed at their meetings.
- c.* Review proxy and other material filed with the Securities and Exchange Commission and comparable data filed with other regulatory agencies for information about material transactions with related parties.
- d.* Review conflict-of-interests statements obtained by the company from its management.⁵
- e.* Review the extent and nature of business transacted with major customers, suppliers, borrowers, and lenders for indications of previously undisclosed relationships.
- f.* Consider whether transactions are occurring, but are not being given accounting recognition, such as receiving or providing accounting, management or other services at no charge or a major stockholder absorbing corporate expenses.
- g.* Review accounting records for large, unusual, or nonrecurring transactions or balances, paying particular attention to transactions recognized at or near the end of the reporting period.
- h.* Review confirmations of compensating balance arrangements for indications that balances are or were maintained for or by related parties.
- i.* Review invoices from law firms that have performed regular or special services for the company for indications of the existence of related parties or related party transactions.
- j.* Review confirmations of loans receivable and payable for indications of guarantees. When guarantees are indicated, determine their nature and the relationships, if any, of the guarantors to the reporting entity.

⁵ Conflict-of-interests statements are intended to provide those charged with governance with information about the existence or nonexistence of relationships between the reporting persons and parties with whom the company transacts business. [Footnote revised, April 2007, to reflect conforming changes necessary due to the issuance of Statement on Auditing Standards No. 114.]

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Examining Identified Related Party Transactions

.09 After identifying related party transactions, the auditor should apply the procedures he considers necessary to obtain satisfaction concerning the purpose, nature, and extent of these transactions and their effect on the financial statements. The procedures should be directed toward obtaining and evaluating sufficient appropriate audit evidence and should extend beyond inquiry of management. Procedures that should be considered include the following:

- a. Obtain an understanding of the business purpose of the transaction.⁶
- b. Examine invoices, executed copies of agreements, contracts, and other pertinent documents, such as receiving reports and shipping documents.
- c. Determine whether the transaction has been approved by those charged with governance.
- d. Test for reasonableness the compilation of amounts to be disclosed, or considered for disclosure, in the financial statements.
- e. Arrange for the audits of intercompany account balances to be performed as of concurrent dates, even if the fiscal years differ, and for the examination of specified, important, and representative related party transactions by the auditors for each of the parties, with appropriate exchange of relevant information.
- f. Inspect or confirm and obtain satisfaction concerning the transferability and value of collateral.

[Revised, March 2006, to reflect conforming changes necessary due to the issuance of Statement on Auditing Standards No. 105. Revised, April 2007, to reflect conforming changes necessary due to the issuance of Statement on Auditing Standards No. 114.]

.10 When necessary to fully understand a particular transaction, the following procedures, which might not otherwise be deemed necessary to comply with generally accepted auditing standards, should be considered.⁷

- a. Confirm transaction amount and terms, including guarantees and other significant data, with the other party or parties to the transaction.
- b. Inspect evidence in possession of the other party or parties to the transaction.
- c. Confirm or discuss significant information with intermediaries, such as banks, guarantors, agents, or attorneys, to obtain a better understanding of the transaction.
- d. Refer to financial publications, trade journals, credit agencies, and other information sources when there is reason to believe that unfamiliar customers, suppliers, or other business enterprises with which material amounts of business have been transacted may lack substance.
- e. With respect to material uncollected balances, guarantees, and other obligations, obtain information about the financial capability of the

⁶ Until the auditor understands the business sense of material transactions, he cannot complete his audit. If he lacks sufficient specialized knowledge to understand a particular transaction, he should consult with persons who do have the requisite knowledge.

⁷ Arrangements for certain procedures should be made or approved in advance by appropriate client officials.

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other party or parties to the transaction. Such information may be obtained from audited financial statements, unaudited financial statements, income tax returns, and reports issued by regulatory agencies, taxing authorities, financial publications, or credit agencies. The auditor should decide on the degree of assurance required and the extent to which available information provides such assurance.

Disclosure

.11 For each material related party transaction (or aggregation of similar transactions) or common ownership or management control relationship for which FASB ASC 850-10-50 requires disclosure, the auditor should consider whether he has obtained sufficient appropriate audit evidence to understand the relationship of the parties and, for related party transactions, the effects of the transaction on the financial statements. He should then evaluate all the information available to him concerning the related party transaction or control relationship and satisfy himself on the basis of his professional judgment that it is adequately disclosed in the financial statements. [Revised, March 2006, to reflect conforming changes necessary due to the issuance of Statement on Auditing Standards No. 105. Revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]⁸

.12 Except for routine transactions, it will generally not be possible to determine whether a particular transaction would have taken place if the parties had not been related, or assuming it would have taken place, what the terms and manner of settlement would have been. Accordingly, it is difficult to substantiate representations that a transaction was consummated on terms equivalent to those that prevail in arm's-length transactions.⁹ If such a representation is included in the financial statements and the auditor believes that the representation is unsubstantiated by management, he should express a qualified or adverse opinion because of a departure from generally accepted accounting principles, depending on materiality (see section 508.35 and .36).

⁸ Also, see section 431, *Adequacy of Disclosure in Financial Statements*. [Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

⁹ FASB ASC 850-10-50-5 states that if representations are made about transactions with related parties, the representations "shall not imply that the related party transactions were consummated on terms equivalent to those that prevail in arm's-length transactions unless such representations can be substantiated." [Footnote revised, June 2009, to reflect conforming changes necessary due to the issuance of FASB ASC.]

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Appendix C – Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM AB139 STUDY AGREEMENT January 7, 2016

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the San Bernardino County Superintendent of Schools, hereinafter referred to as the COE, mutually agree as follows:

1. BASIS OF AGREEMENT

The team provides a variety of services to school districts and county offices of education upon request. Pursuant to the provisions of Education Code(EC) Section 1241.5 (c), a county superintendent of schools may review or audit the expenditures and internal controls of any school in his or her county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination and EC Section 47604.4(a); the county superintendent may conduct an investigation of the charter school based on written complaints by parents or other information that justifies the review.

Allegations have been received regarding potential for conflict of interest issues based on Government Code Section 1090. Primary assertions indicate that an administrator of the Hope Academy Charter School (Palm Desert) inappropriately executed and entered into contractual agreements with vendor companies and/or individuals for procurement of goods and services in which a direct financial interest exists. The primary focus of this review is to identify and advise the COE, based on the testing performed, whether sufficient evidence exists supporting an allegation that fraud, misappropriation of funds or other illegal fiscal practices may have occurred.

The extraordinary audits conducted by the county superintendent shall be focused on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and shall be conducted in a timely and efficient manner. All work shall be performed in accordance with the terms and conditions of this agreement.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The San Bernardino County Superintendent of Schools has requested that the team assign professionals to conduct an extraordinary audit on behalf of the Morongo Unified School District/Hope Academy Charter School (Palm Desert). Per EC Section 1241.5(c), the superintendent has reason to believe that fraud, misappropriation of funds, or other illegal practices may have occurred.

The review will include but not be limited to the following:

1. Evaluate policies, procedures, internal controls for procurement practices performed by the charter school.

Evaluation of Policies and Procedures:

- a. Determine whether the charter's petition, memorandum of understanding, charter school bylaws or other policies and administrative regulations exist that include language pertaining to conflicts of interest pursuant to Government Code Section 1090.
- b. Identify documented positions with responsibility for initiating, reviewing, approving, and reconciling procurement activities.
- c. Review financial processes related to key purchasing activities including procurement authorization and vendor payments.

Evaluation of Internal Controls:

- a. Evaluate processes for adequate separation of duties and proper authorizations and approvals.
 - b. Evaluate monitoring procedures and verify that controls are operating properly.
 - c. Evaluate controls that prevent management from overriding internal controls to prevent misappropriation of funds.
 - d. Determine if clearly established lines of authority and responsibility exist and are documented in organizational charts.
2. Review the charter's policy on conflict of interest and the requirements under the Fair Political Practices Commission related to the disclosure of certain financial interests and sources of income to the public. Identify whether any actions by the superintendent/executive director resulted in a personal or financial benefit to the director.
 3. Conduct sample tests of transactions specific to the allegations for the 2015-16 fiscal year and one prior fiscal year. Testing of sampled transactions for this review will be based on the team's judgement and experience and may not include the testing of all transactions and records for this period.

Transaction Testing Objectives:

- a. Determine whether transactions were conducted in accordance with established policy and procedures.

- b. Determine if expenditures made by the charter school are for legitimate educational purposes and in accordance with approved contracts.
- c. Determine whether the charter school engaged in related-party transactions and if those transactions were conducted in accordance with established policy and procedures and were transparent in nature.

B. Services and Products to be Provided

1. **Orientation Meeting** - The team will conduct an orientation session at the COE, authorizing district and/or charter school to brief management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. **On-site Review** - The team will conduct an on-site review at the charter school if necessary; and will continue to review pertinent documents off-site.
3. **Progress Reports** - The team will inform the COE of material issues as the review is performed.
4. **Exit Meeting** – The team will hold an exit meeting at the conclusion of the on-site review to inform the COE of significant findings to that point.
5. **Draft Report** – When appropriate, electronic copies of a preliminary draft report will be delivered to the COE's administration for review and comment on a schedule determined by the team.
6. **Final Report** - Electronic copies of the final report will be delivered to the COE following completion of the review. Printed copies are available from the FCMAT office upon request.
7. **Follow-Up Support** – If requested, the team will meet with the COE, authorizing district and/or charter school to discuss the findings and recommendations of the report.

3. PROJECT PERSONNEL

The study team will be supervised by Michael H. Fine, Chief Administrative Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- | | | |
|-----------|--------------------------------|-----------------------------------|
| A. | <i>To Be Determined</i> | <i>FCMAT Staff</i> |
| B. | <i>To Be Determined</i> | <i>FCMAT Consultant(s)</i> |

4. **PROJECT COSTS**

The cost for studies requested pursuant to EC Section 42127.8 (d) (1) shall be:

- A. \$800 per day for each staff team member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate.
- B. All out-of-pocket expenses, including travel, meals and lodging.

Based on the elements noted in Section 2A, the total estimated cost of the study will be \$25,000.

- C. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT services may be reimbursed from funds pursuant to EC Section 1241.5 set aside for this purpose. Other payments, when deemed necessary, are payable to Kern County Superintendent of Schools - Administrative Agent.

5. **RESPONSIBILITIES OF THE COE, DISTRICT AND/OR CHARTER SCHOOL**

- A. The COE, district and/or charter school will provide office and conference room space during on-site reviews.
- B. The COE, district and/or charter school will provide the following if requested:
 - 1. Policies, regulations and prior reports addressing the study request
 - 2. Current or proposed organizational charts
 - 3. Current and two (2) prior years' audit reports
 - 4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the COE, district and/or charter school and sent to FCMAT in an electronic format
 - 5. Documents should be provided in advance of field work; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository where the COE, district and/or charter school shall upload all requested documents.
- C. The COE's administration will review a preliminary draft copy of the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

Pursuant to EC Section 45125.1(c), representatives of FCMAT will have limited contact with pupils. The county office, district and/or charter school shall take appropriate steps to comply with EC Section 45125.1(c).

6. **PROJECT SCHEDULE**

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

<i>Orientation:</i>	<i>To be determined</i>
<i>Staff Interviews:</i>	<i>To be determined</i>
<i>Exit Meeting:</i>	<i>To be determined</i>
<i>Preliminary Report Submitted:</i>	<i>To be determined</i>
<i>Final Report Submitted:</i>	<i>To be determined</i>

7. **COMMENCEMENT, TERMINATION AND COMPLETION OF WORK**

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the COE, district and/or charter school and any other parties from whom, in the team's judgment, it must obtain information. Once the team has completed its field work, it will proceed to prepare a preliminary draft report and a final report. Prior to completion of field work, the COE may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the COE does not provide written notice of termination prior to completion of field work, the team will complete its work and deliver its report and the COE will be responsible for the full costs. The COE understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once field work has been completed, and the COE shall not request that it do so.

8. **INDEPENDENT CONTRACTOR**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the COE. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the COE in any manner without prior express written authorization from an officer of the COE.

9. **INSURANCE**

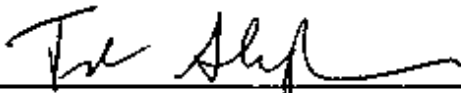

During the term of this agreement, FCMAT shall maintain liability insurance of not less than \$1 million unless otherwise agreed upon in writing by the COE, automobile liability insurance in the amount required under California state law, and workers compensation as required under California state law. FCMAT shall provide certificates of insurance, with additional insured endorsements, indicating applicable insurance coverages upon request.

10. HOLD HARMLESS

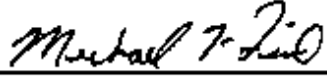
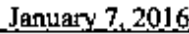
FCMAT shall hold the COE, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement. Conversely, the COE shall hold FCMAT, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement.

11. CONTACT PERSON

Contact: Richard De Nava, Assistant Superintendent, Business Services
Telephone: (909) 386-2459
E-mail Address: richard_denava@sbcss.k12.ca.us

Ted Alejandre, Superintendent
San Bernardino County Superintendent of Schools

Michael H. Fine
Chief Administrative Officer
Fiscal Crisis & Management Assistance Team

**TWAIN HARTE SCHOOL DISTRICT
BOARD OF EDUCATION TRUSTEES**

SPECIAL BOARD MEETING

Called by the Board President Pursuant to Government Code Section 54956

MINUTES FOR SPECIAL BOARD MEETING

Located At:

Twain Harte School
22974 Twain Harte Drive, Twain Harte, CA 95383
Boardroom

October 23, 2019 at 4:00 p.m.

PUBLIC SESSION

1. CALL TO ORDER: By Member Fowler at 4:00pm

1.1. Pledge of Allegiance

1.2. Roll Call: Trustees Present: Trustee Eli Wingo
Trustee Tim Hoffman-Brady
Trustee Chantal Fowler
Superintendent Rick Hennes

2. COMMENTS FROM THE PUBLIC

At a Special Board Meeting, the Public may comment on the items on the agenda for the special meeting only.

None

3. DISCUSSION ITEM PUBLIC HEARING

3.1. Pinecrest Expedition Academy

Trustee Fowler: Good evening. Now is the time on our agenda for the public hearing on the proposed Pinecrest Expedition Academy. Pinecrest Expedition Academy submitted its petition to the Superintendent's office on September 30, 2019. The public hearing is to consider the level of support for the petition by teachers employed by the District, other employees of the District, and parents. For the record, we ask that speakers fill out a speaker request card. Public comments may be received verbally or in writing. The Board will impose its customary 3-minute limit per speaker with the exception of Ms. Lupo, Lead Petitioner Pinecrest Expedition Academy Charter and Mr. Rick Hennes, Superintendent Twain Harte School District. The Board will only receive public comments and will not discuss, respond or act at this public hearing.

Trustee Fowler opened the public hearing at 4:03pm

Ms. Lupo, Lead Petitioner Pinecrest Expedition Academy

- The petition submitted meets all the legal requirements for a charter petition in the State of California and is financially viable. The petition is not intended to lessen or cast ill light on any programs or staff currently operating or employed in the Twain Harte School District.
- The program is unique, innovative and the perfect fit for the outdoor lifestyle in the Pinecrest Area. The program is attractive to current and future residents of the Pinecrest area as well as families who work in but live out of the area.
- This charter is essential for sustainability of businesses in the area to attract professionals for the work force.
- The establishment of the program is essential to businesses in the Pinecrest area.
- It is difficult to be 30 miles away from our children's schools, weather issues and difficulty participating in school functions.
- Pinecrest businesses and residents need and support this program. They look forward to improved taxes and infrastructure.

- Program uses project based learning to establish “3 dimensions of student achievement”, mastery and knowledge of skills, character and high quality student work.
- The program will incorporate the areas natural resources by scheduling 1 day a week for learning expeditions and exploratory work. Supplies personalized learning for a multi-grade classroom.
- Two options of enrollment; site based instruction or independent study. You must choose one path but can be involved in the expedition studies on independent study.
- We can work together to create a tax measure to increase funds for the District like measure A in Truckee and take advantage of the expertise on the Pinecrest Expedition Academy Board to raise the property tax base in the area.
- Most Pinecrest students do not attend Twain Harte School, they have transferred to other schools out of the District or are home schooled.

Mr. Hennes, Superintendent Twain Harte School District

- In the opening statement of the charter petition it states, “Pinecrest Expedition Academy will face some unique hurdles due to our low enrollment number... However, the sizeable interest in the program over the 2018-19 school year has proved that the program will likely flourish.” What change in demand constitutes the use of the word, “flourish”?
- As of July 1st, 2019, Assembly Bill 1505 states the following: a school district may deny a petition to establish a charter school if the charter school is demonstrated unlikely to serve the interests of the entire community in which the school is proposing to locate, it also allows for the consideration of the fiscal impact of the proposed charter school.
- In the petition it is stated that this charter school will increase the property tax base thus increase the revenues granted for the Twain Harte School District. Who has determined this and on what basis?
- The petition states they will serve 52 students for the 2020-21 school year. The District’s research finds there are 33 students, a decrease of 19 students.
- Concern raised in a letter of support: “This is a long journey and bus rides are difficult on kids emotionally. This also puts great distance between the child and their home and family”.
Response: A normal bus run in the county is 30 minutes, some are longer. It is a 25-30-minute bus ride from Cold Springs to Twain Harte School in normal weather. Who has determined that longer bus rides are emotionally detrimental to children?
- Concern raised in a letter of support: “Without the ability to maintain the tourism industry on upper 108, property taxes in the area will decline. This will be devastating to the Twain Harte District.
Response: The Pinecrest School has been closed since 2012 and the impact has not been devastating to the property taxes in the area. What will be devastating is the District giving up \$359,284 a year to fund the charter school.
- The proposed budget allows \$44,000 encroachment for special education services. Depending on the needs of students, that is not a realistic budget.
- In the submitted budget as of July 1, 2020 it shows a cash flow of \$250,000 from a loan for a Charter School Facility Grant. According to the AB 86, an eligible school must have at least 70 percent of students enrolled at the charter school who are eligible for free or reduced meals or the charter school must be physically located in an elementary school attendance area here at least 70 percent of students enrolled are eligible for free or reduced meals. Current free and reduced count is at 61%. The earliest that an applicant can receive their money is October of 2020, therefore, as of 8/31/20 the charter would have a \$105,136 deficit.
- The District has been informed that the Pinecrest Expedition Academy supporters are engaged in apparent fundraising efforts. How will this revenue contribute or not contribute to the ongoing costs the charter school will face if it is approved to operate.

Chucker Twining, Pinecrest Resident: Spoke in support of Pinecrest Expedition Academy Petition

Dee Martin, President of the Board Strawberry Volunteer Fire Department: Spoke in support of Pinecrest Expedition Academy Petition

Laura DeMars, Twain Harte Teacher: Spoke in opposition to Pinecrest Expedition Academy

Meridith Dean, Pinecrest Resident: Spoke in support of Pinecrest Expedition Academy Petition

Courtney Sutton, Pinecrest Expedition Academy Board: Spoke in support of Pinecrest Expedition Academy Petition

Sue Kirk, Pinecrest Resident: Spoke in support of Pinecrest Expedition Academy Petition

John Lupo, Pinecrest Resident: Spoke in support of Pinecrest Expedition Academy Petition

Lynn Groff, Twain Harte Parent Group President: Spoke in opposition to Pinecrest Expedition Academy

Shelli Deckard, Pinecrest Resident: Spoke in support of Pinecrest Expedition Academy Petition

Denise Bengard, Twain Harte Bus Driver: Spoke in opposition to Pinecrest Expedition Academy

Susan Hackett, Strawberry Resident: Spoke in support of Pinecrest Expedition Academy Petition

Kim Ballard, Twain Harte Teacher: Spoke in opposition to Pinecrest Expedition Academy

Trustee Fowler closed the public hearing at 4:44pm

4. ADJOURNMENT : Trustee Fowler adjourned the meeting at 4:45pm

Next Regular Meeting of the Board of Education
November 13, 2019
Twain Harte School Boardroom

Agenda material and a recording of the Public Hearing may be reviewed at the District Office
22974 Twain Harte Drive, Twain Harte, Ca., between the hours of 7:30 a.m. – 4:00p.m.

Lisa Brady, Board President

Rick Hennes, Superintendent

Date



California State Treasurer
Fiona Ma, CPA



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CALIFORNIA SCHOOL FINANCE AUTHORITY

Charter School Facility Grant Program (Senate Bill 740 Program)

Designed to provide annual assistance with rent and lease expenditures for charter school facilities.



Contact Information

If you have any questions about the SB740 program, please contact [CSFA](#).

Program Updates

[FAQ has been Updated](#)

[Updated - 2017-18 and 2018-19
Awardee Lists](#)

[2017-18 & 2018-19 Funding
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The Charter School Facility Grant Program provides annual assistance with facilities rent and lease expenditures to charter schools that meet eligibility criteria. Charter schools are awarded per unit of classroom-based Average Daily Attendance (ADA), up to 75% of their annual facilities rent and lease costs for the school.

CSFA's administration of the Charter School Facility Grant Program has resulted in an increase of funding to charter schools from \$47 million in 2011-12 to \$137 million in 2018-19. In addition to increased funding, CSFA has increased efficiencies for applicants by launching an online application process for the submission of documents for this grant. The online application has been a tremendous success – saving all applicants time and money!

Proposed Regulation Amendments

The California School Facility Grant Program posted three public Notices of proposed regulations which included: a Notice of Addition of Documents and Information to Rulemaking File, pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, Notice of Modification to Text of Proposed Regulations, pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, and a Notice of Proposed Rulemaking Action, pursuant to Government Code, Section 11346.4. the last public comment period closed on August 15, 2019. Listed below are the documents available for Public Comment:

15 Day Notice of Addition of Documents and Information to Rulemaking File and 15 Day Notice of Modification to Text of Proposed Regulations

- [15 Day Notice](#)
- [Proposed Regulations for 15 Day Notice](#)
- [Addendum to Initial Statement of Reasons](#)
- [Good Standing Confirmation Form](#)

Notice of Proposed Rulemaking Action (45 Day Notice)

- [Notice of Proposed Rulemaking Action](#)
- [Initial Statement of Reasons](#)
- [Proposed Permanent Regulations](#)

SB740 2019-20 Application

The 2019-20 Online Application closed on June 3, 2019 at 5:00 P.M. The Application reopened for First year Charter Schools on September 10, 2019 and closed October 15, 2019 at 5:00 P.M.

- [SB740 2019-20 Online Application](#)
- [Legal Status Questionnaire \(LSQ\) and Certification Signature Pages](#)

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Plans For Pinecrest Charter School Revamped

By **B.J. Hansen**

Published **Oct 16, 2019 10:43 am**



Forest area at Pinecrest

[View Photo](#)

Pinecrest, CA — The Twain Harte School District Board of Trustees will hold a special meeting later this month to hear about a revised proposal to start a charter school in Pinecrest.

The Pinecrest Expedition Academy would utilize the former Pinecrest Elementary School site that closed in 2012 and the petition includes both a traditional site-based program and the option for independent study.

The idea of a charter school in Pinecrest was first petitioned to the Tuolumne County Board of Education in 2018, but proponents say it ran into issues related to being eligible for the Public Charter School Grant Program.

Lead petitioner, Heidi Lupo, says, "Our efforts in 2018 shed great light on the vast need for an elementary education program in the Pinecrest area, unfortunately we made a mistake which led to the petition not being approved. Our new petition is stronger and financially viable. The inclusion of an independent study option provides us with the ability to financially sustain the program without grant funds."

Public school students in the Pinecrest area currently travel down to Twain Harte, and proponents of the charter say the distance makes it difficult for families to take an active role in their children's education.

A public hearing about the proposal is scheduled for October 23 at 4pm in the Twain Harte School Board Room located at the upper campus at 22974 Twain Harte Drive. The purpose is to consider the level of support for the petition by teachers employed by the district, other district employees, and parents.

Written by [BJ Hansen](#).

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- Power Outage In Mi Wuk Village
- Fatal House Fire In Jamestown
- McClintock: Recognizing A Great Veteran
- Calaveras County D.A. No Longer Prosecuting CAO Assault
- Unusual Foot-Traffic Through Local Home Improvement Store
- Supes Close In On General Plan Update Finish Line