



LAW OFFICES OF YOUNG, MINNEY & CORR, LLP
SACRAMENTO • LOS ANGELES • SAN DIEGO

OCTOBER 30, 2014

VIA: EMAIL
bkayrell@hemetusd.org

Dr. Barry L. Kayrell, Superintendent
Hemet Unified School District
1791 W. Acacia Ave.
Hemet, CA 92545

Re: Consideration of Charter Petition for Baypoint Preparatory Academy

Dear Superintendent Kayrell:

Our office represents the petitioners for Baypoint Preparatory Academy (“BPA” or the “Charter School”) regarding the charter petition it submitted to the Hemet Unified School District (“HUSD” or the “District”). If HUSD is represented by legal counsel in this matter, please inform me of the legal counsel’s contact information and I will forward this communication.

BPA, and the families it intends to serve, desires a collaborative partnership with HUSD. To that end, the Charter School hereby requests that the District honor the statutory timelines for approving or denying its charter petition by placing final action on the charter petition on the November 4, 2014 HUSD Board meeting agenda. By adhering to the statutory timeline, the District can demonstrate its respect for the charter review process and for the community of families who desire the educational choice offered by BPA.

Regarding the timeline for consideration of a charter petition, Education Code Section 47605(b)(5) states:

No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.

(Emphasis added.)

BPA submitted its charter petition to HUSD on September 12, 2014. In accordance with Education Code Section 47605(b)(5), the public hearing should have been held on or before October 12, 2014. BPA did not object to its public hearing being held on October 21, 2014, but the Charter School does note that the District violated the statutory timeline by holding the public hearing 9 days after the 30-day deadline.

In accordance with Education Code Section 47605(b)(5), HUSD must take action to approve or deny the BPA charter on or before November 11, 2014. If the District Board places the charter petition on its November 4th meeting agenda, it will meet the statutory timeline. If the District holds a Special Board meeting on or before November 11th, it will meet the statutory timeline. If the District waits to take action on the BPA charter until November 18th, as it currently intends to do, it will be in violation of the statutory timeline. The Charter School has not and will not agree to extend the statutory timeline for consideration of its charter petition.

In addition to violating the statutory timeline for consideration of the BPA charter petition, HUSD's decision to take final action on the charter petition on November 18th means that the decision will take place in Idyllwild, which is nearly 25 miles from the District Office in Hemet. The Charter School plans to locate in Hemet, and the majority of its supporters live in Hemet. The meeting location in Idyllwild may have a substantial impact on their ability to attend this important meeting. If the District were to move final consideration to the November 4th meeting, however, it would enable its interested constituents to be present at the meeting because it occurs in Hemet, and it would be in compliance with the statutory timeline.

HUSD's Board actions around the BPA charter raise additional legal compliance questions. Most notably, the District Board held a closed session on October 7, 2014 to "confer with legal counsel" under the authority of Government Code Section 54956.9(b). This subdivision of the Government Code, though, speaks only to attorney-client privilege. Citing to Government Code Section 54956.9(b) does not give the public a clear indication of what was discussed regarding the BPA charter. Presumably, the HUSD Board met in closed session to discuss anticipated litigation against BPA (Government Code Section 54956.9(d)), as no actual litigation between the parties is pending. The Charter School and its supporters find it troubling that the District is anticipating litigation against or from an entity that does not yet exist. According to the October 7th meeting minutes, no action was taken in this closed session. Its presence on the agenda nevertheless raises questions about HUSD's practice surrounding independent charter school petitions.

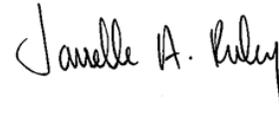
Again, BPA hereby requests that the District place final action on its charter petition on the November 4, 2014 HUSD Board meeting agenda. This step would show good faith on the part of the District to meet the statutory timeline; to allow Hemet residents an opportunity to attend this important meeting; and to collaborate with the BPA petitioners.

Should you have any questions on this matter, please do not hesitate to contact me.

* * *



Sincerely,
**LAW OFFICES OF
YOUNG, MINNEY & CORR, LLP**



JANELLE A. RULEY
ATTORNEY AT LAW

CC: Frank Ogwaro and Nancy Spencer, Baypoint Preparatory Academy



Meeting on November 18, 2014 Tuesday, 06:30 PM

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Hemet USD Minutes

Created: February 21, 2015 at 02:20 PM

Regular Meeting of the Governing Board of the Hemet Unified School District

November 18, 2014

Tuesday, 06:30 PM

Idyllwild K-8 School Gymnasium

26700 Highway 243

Idyllwild, CA 92549

Attendees

Paul Bakkom	Governing Board
Dr. Lisa DeForest	Governing Board
Marilyn Forst	Governing Board
Vic Scavarda	Governing Board
James Smith	Governing Board
Ross Valenzuela	Governing Board
Joe Wojcik	Governing Board

A - Call to Order

Minutes

Mr. Bakkom called the meeting to order at 4:00 p.m.

B - Roll Call

Minutes

Trustees present were:

Paul Bakkom, President

Ross Valenzuela, Vice President

Dr. Lisa DeForest

Marilyn Forst

Vic Scavarda

Jim Smith

Joe Wojcik

Staff present were:

Dr. Barry L. Kayrell, Superintendent

Dr. LaFaye Platter, Deputy Superintendent

Dr. David Horton, Assistant Superintendent

Vince Christakos, Assistant Superintendent

Karen Ashman, Executive Assistant

C - Hearing Session - Opportunity to Address the Board

1. C-1 Hearing Session

This is an opportunity for citizens to make suggestions, identify concerns, request information, or offer objective criticism about matters affecting the school district. The President invites anyone wishing to address the Board regarding any item, to do so at this time. If you wish to address the Board regarding an item on the agenda, you may do so now, or when the item appears on the agenda - prior to a vote being taken.

Meeting on November 18, 2014 Tuesday, 06:30 PM

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To address the Board, please complete a Comments Card, located in the foyer area, and give it to the Superintendent's Executive Assistant. The President will call upon you during the Hearing Session or at the time the item appears on the agenda, as indicated on your Comments Card. When called upon, please give your name and then make your statement. You will be allowed a maximum of three minutes to address the Board. Individual speakers shall not give their time to another speaker.

Minutes

There were no speakers.

D - Announcement of Closed Session

Minutes

Mr. Bakkom adjourned the meeting into Closed Session at 4:01 p.m.

E - Closed Session

- 1. E-1 To discuss negotiations with chief negotiator, Dr. LaFaye Platter, Deputy Superintendent, per Government Code 3549.1 and 54957.6**
- 2. E-2 To discuss the employee items as listed, per Government Code 54957, 54957.6 and 3549.1; Public Employee Employment/Discipline/Dismissal/Release pursuant to Government Code §54957 - Dr. LaFaye Platter**
- 3. E-3 To discuss Pupil Personnel Items as listed, per 49070 and 76232 of the Education Code; deliberations regarding the expulsion of students; reconsideration of inter- or intra-district transfer requests - Dr. David Horton, Assistant Superintendent**
- 4. E-4 To confer with real property negotiator Vincent Christakos, Assistant Superintendent**
- 5. E-5 To confer with legal counsel regarding Bayshore Charter Petition; discuss pending litigation (significant exposure to litigation - one case) pursuant to subdivision (b) of Government Code Section 54956.9 - Dr. Barry L. Kayrell, Superintendent.**
- 6. E-6 To confer with legal counsel - anticipated/threatened litigation/adjudactory action - Vince Christakos, Assistant Superintendent**
- 7. E-7 To discuss Certificated Personnel Assignment Order #CE14-9 and Classified Personnel Assignment Order #CL14-9 - Dr. LaFaye Platter**

F - Reconvene to Open Session/Report Out from Closed if Needed

Minutes

Mr. Bakkom reconvened the meeting into Open Session at 6:34 p.m.

Dr. Kayrell reported action taken in Closed Session as follows:

On a motion by Mr. Smith, seconded by Mr. Scavarda, board members voted 7-0 to expel the students listed in Action Items L-1 and L-2.

On a motion by Mr. Smith, seconded by Mr. Wojcik, board members voted 7-0 to uphold the denial of the intra-district transfer request for student ID#56014.

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G - Pledge of Allegiance and Moment of Silence

1. G-1 The Pledge of Allegiance will be led by Matt Hamlet, eighth grade student at Idyllwild School.

Minutes

Matt was present to lead the Pledge of Allegiance which was followed by a moment of silence.

H - Revision/Adoption/Ordering of Agenda

1. H-1 Revision/Adoption/Ordering of the Agenda of November 18, 2014 (1)

Minutes

Consent Item M-30 was pulled and moved up for individual consideration.

Action Items L-4 and L-5 will be amended on page 3 of the attachment called JPA Agreement to correct the "five" board members to "seven" board members.

The agenda was adopted as revised.

Motion #60-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: Vic Scavarda

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

I - Public Relations

1. I-1 Recognition of Mr. Bakkom, Outgoing President - Dr. Barry L. Kayrell, Superintendent

Minutes

Dr. Kayrell presented Mr. Bakkom with a plaque in recognition of his four years of service as a board member and the past year as board president.

2. I-2 Governing Board Recognition and Award - Paul Bakkom, Trustee

Mr. Bakkom will recognize Jason Sonnier, Counselor, Hamilton High School, with the Recognition and Award for November.

Minutes

Mr. Bakkom introduced Mr. Sonnier who received an engraved clock and a certificate for \$500 to be used for the district program of his choice.

3. I-3 Student Representative's Report - Gillian Hotchkiss, Hamilton High School

Minutes

Gillian was not present to give her report.

Meeting on November 18, 2014 Tuesday, 06:30 PM

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J - Information/Discussion/Reports

Minutes

No reports were submitted.

Consent Item M-30 was moved up and approved with a 7-0 vote on Motion #61-14-15 by Mr. Valenzuela and seconded by Dr. DeForest.

Dr. Platter introduced Michael Munnell, newly promoted assistant principal for the combined Helen Hunt Jackson and College Prep High School programs. Dr. Platter also introduced Christian Miley, newly hired principal for the Community Day School program.

K - Hearing Session-Opportunity to Address the Board

1. K-1 Hearing Session

This is an opportunity for citizens to make suggestions, identify concerns, request information, or offer objective criticism about matters affecting the school district. The President invites anyone wishing to address the Board regarding any item, to do so at this time. If you wish to address the Board regarding an item on the agenda, you may do so now, or when the item appears on the agenda - prior to a vote being taken.

To address the Board, please complete a Comments Card, located in the foyer area, and give it to the Superintendent's Executive Assistant. The President will call upon you during the Hearing Session or at the time the item appears on the agenda, as indicated on your Comments Card. When called upon, please give your name and then make your statement. You will be allowed a maximum of three minutes to address the Board. Individual speakers shall not give their time to another speaker.

Minutes

Art Plinski, teacher, presented a petition of "No Confidence in Superintendent Kayrell" to the Governing Board.

Jeri John, retired teacher, spoke of concerns for the low pay for substitute teaching.

Erin Plumb, teacher, spoke in support of raises for teachers.

Doug Marshall, teacher, spoke in support of the petition of "No Confidence."

John Ventuleth, teacher, shared concerns for problems he experienced with district technology particularly Gmail, AERIES and Illuminate.

Jason Chrest, teacher, shared concerns that a job posting for substitute teachers was posted to EdJoin before the proposed resolution for substitute teachers was approved.

Evelyn Joy Kight Moore, teacher, shared her concerns for the disruption to the system caused by lengthy and unproductive negotiations.

John Simon, parent, shared concerns for behavior issues caused by large class sizes.

William Valenzuela, teacher, shared concerns for the proposed resolution regarding substitute teachers.

John Graham, retired teacher, shared concerns for the proposed resolutions regarding concerted work stoppage and substitute teachers.

Robert Hudson, HTA president, shared concerns for the proposed resolution regarding concerted work stoppage.

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L - Action Items

1. L-1 Expulsion of Pupil Personnel Case #23-2014-2015 (P)

Approve the expulsion of Pupil Personnel Case #23-2014-2015 from the Hemet Unified School District for a calendar year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district. The panel further recommends that a review meeting be scheduled in June 2015 to consider whether to suspend the enforcement of the expulsion for the first semester of the 2015-2016 school year with enrollment at a school to be determined on a Behavior Contract with a Reentry Hearing scheduled in November 2015.

Minutes

Consent Items L-1 and L-2 were approved as recommended through a Closed Session Master Motion.

Motion made by: James Smith

Seconded by: Vic Scavarda

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

2. L-2 Expulsion of Pupil Personnel Case #26-2014-2015

Approve the expulsion of Pupil Personnel Case #26-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district with a Reentry Hearing scheduled in June 2015.

Minutes

Approved as recommended.

Closed Session Master Motion

3. L-3 Adoption of Resolution No. 2304 to Issue Hemet Unified School District 2014 General Obligation Refunding Bonds (P)

Adopt Resolution No. 2304 to Issue Hemet Unified School District 2014 General Obligation Refunding Bonds

Minutes

Approved as recommended.

Motion #62-14-15

Motion made by: Joe Wojcik

Seconded by: Dr. Lisa DeForest

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes

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Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

4. L-4 Adoption of Resolution No. 2305 to Form the Hemet Unified School District Financing Authority and Approve the Joint Powers Agreement with CFD No. 2004-1 of the School District ⁽¹⁾

It is recommended that Resolution No. 2305 be adopted to create the Authority, which can be used for any future pooled financing arrangement with the CFDs of the School District as well as other authorized financing structures.

Minutes

Approved as modified (page 3 - replaced "five" board members with "seven" board members).

Motion #63-14-15

Motion made by: Joe Wojcik

Seconded by: James Smith

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

5. L-5 Adoption of Resolution 2306 to Form the Hemet Unified School District Public Financing Authority and Approve the Joint Powers Agreement ⁽¹⁾

It is recommended that Resolution No. 2306 be adopted to create the Authority, which can be used for any future pooled financing arrangement with the CFDs of the School District as well as other authorized financing structures.

Minutes

Approved as modified (page 3 - replaced "five" board members with "seven" board members).

Motion #64-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: Joe Wojcik

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

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6. L-6 Deny Petition from Baypoint Preparatory Academy Charter School and Adopt Resolution Denying the Petition (1)

Deny the Petition regarding Baypoint Preparatory Academy Charter School and adopt Board Resolution No. 2313 denying the Petition for the Baypoint Preparatory Academy Charter School.

Minutes

Nancy Spencer, Director of Bayshore Preparatory Charter School, spoke in support of approving the petition and her concerns with the findings used to deny it.

Frank Ogwaro, Chairman BOD, Bayshore Preparatory Charter School, spoke in support of approving the petition, that it was not a conversion of a private school and shared concerns with the findings used to deny it.

Jodi Miller, teacher, spoke in support of approving the petition and that the petition addressed concerns regarding low achieving, high achieving and EL students.

Lorraine Culton, retired teacher, spoke in support of approving the petition as a great option for children and not a rollover of a private school.

Janelle Ruley, attorney, spoke in support of approving the petition and that special education concerns were addressed by membership in the El Dorado County SELPA.

Fatima Cristern Adame, CCSA representative, spoke in support of approving the petition.

Lori Ruziska, parent, spoke in support of approving the petition as another path for educating children.

Russell Schmidt, citizen, spoke in support of approving the petition as another choice for students and teachers.

Kathy Krick, parent, spoke in support of approving the petition and that it was not the conversion of a private school but offered another opportunity for students.

David Branka, parent, spoke in support of approving the petition and that a K-12 environment worked better for his children.

Melanie Hernandez, parent, spoke in support of approving the petition and that students needed more options.

Mary Carlton, community member, spoke in support of approving the petition.

Ed Krick, parent, spoke in support of approving the petition and of concern for several of the findings against the charter.

Jimmy Sheldrake, member Cornerstone Church, spoke in support of approving the petition and that their school was closing because they could no longer afford to operate it, therefore it was not a conversion. He requested a roll call vote.

The petition was denied.

Motion #65-14-15

Motion made by: James Smith

Seconded by: Joe Wojcik

Votes

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Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

7. L-7 Emergency Resolution in the Event of a Concerted Refusal to Work by Employees ⁽¹⁾

Adoption of Emergency Resolution No. 2314 in the Event of a Concerted Refusal to Work by Employees.

Minutes

James Walsh, teacher, shared concerns for the proposed resolution and for other misinformation that he believed new teachers were receiving.

Approved as recommended.
Motion #66-14-15

Motion made by: Vic Scavarda
Seconded by: Joe Wojcik

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

8. L-8 Resolution to Recruit and Hire Day-to-Day Substitute Teachers ⁽¹⁾

Adopt Resolution No. 2315 to hire day-to-day substitute teachers on a one year waiver.

Minutes

Approved as recommended.
Motion #67-14-15

Motion made by: Joe Wojcik
Seconded by: Marilyn Forst

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

M - Consent Items

Meeting on November 18, 2014 Tuesday, 06:30 PM

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1. M-1 Consent Action (b)

Minutes

Consent Items M-3 and M-30 were pulled for individual consideration.

The items remaining on Consent (M-1, M-2, M-4 through M-29, and M-31 through 34) were approved as recommended.
Master Motion #68-14-15.

Motion made by: Dr. Lisa DeForest

Seconded by: Marilyn Forst

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

2. M-2 Approval of Minutes

Approve the Minutes of the November 4, 2014 Self Evaluation and Planning and Regular Meeting of the Governing Board.

Minutes

Approved as recommended.
Master Motion #68-14-15

3. M-3 Approval of College Prep High School and Helen Hunt Jackson Senior Class Trip

(b) (c)

Approval for the College Prep High School and Helen Hunt Jackson Senior Class to participate in Senior Grad Night on May 26-27, 2015 at Disneyland in Anaheim, California.

Minutes

Approved as amended. The schools shall meet policy requirements with regard to increasing the number of chaperones accompanying the students.
Motion #69-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: Ross Valenzuela

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

4. M-4 Approval of Ramona School's Fifth Grade Pathfinder Field Trip

Approval of Ramona School fifth grade class to participate in an overnight outdoor education field trip on December 1-3, 2014 at Pathfinder Ranch in Garner Valley, California, funded through various fundraisers. Note: time cards for teachers attending this event will not be collected or paid.

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Minutes

Approved as recommended.
Master Motion #68-14-15

5. M-5 Adoption of Proclamation – Great American Smokeout

Adoption of the Proclamation designating Thursday, November 20, 2014 as the day of the Great American Smokeout.

Minutes

Approved as recommended.
Master Motion #68-14-15

6. M-6 Approval of New Courses of Study

Adopt at second and final reading, new course outlines (Agriculture Chemistry, AP Psychology and AP Human Geography).

Minutes

Approved as recommended.
Master Motion #68-14-15

7. M-7 Approval of Acceptance of the Homeless Support Services Grant

Approval to accept the funds for the Homeless Support Services Grant award in the amount of \$860 for the fiscal year 2014-15, per MOU #537.

Minutes

Approved as recommended.
Master Motion #68-14-15

8. M-8 Acceptance of Funds for the Agriculture Vocational Education Incentive Grant

Acceptance of funds for the Agriculture Vocational Education Incentive Grant award in the amount of \$20,746 for the 2014-2015 academic school year.

Minutes

Approved as recommended.
Master Motion #68-14-15

9. M-9 Approval of Intent to Apply for California Department of Education Supporting Inclusive Practices Grant

Approve intent to apply for Grant from California Department of Education Supporting Inclusive Practices to support students with disabilities in the amount of \$56,500.

Minutes

Approved as recommended.
Master Motion #68-14-15

10. M-10 Approval of Intent to Apply for California State Preschool Program (CSPP) Grant

Approve intent to apply for Grant from California Department of Education for California State Preschool expansion of part day preschool for three and four year-old children.

Minutes

Approved as recommended.
Master Motion #68-14-15

11. M-11 Approval of Intent to Apply for California State Preschool Program (CSPP) Quality Rating and Improvement System (QRIS) Block Grant

Approve intent to apply for California State Preschool Program (CSPP) Quality Rating and Improvement System (QRIS) Block Grant from California Department of Education for part day preschool for three and four year-old children to support an increase of the number of

Meeting on November 18, 2014 Tuesday, 06:30 PM

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low income children in high quality preschool programs.

Minutes

Approved as recommended.

Master Motion #68-14-15

12. M-12 Approval to Apply for Continued Funding for 2015-2016 Child Development Services for State Preschool

Approval to apply for continued funding for 2015-2016 child development services for State Preschool funded through the California Department of Education Child Development Services and Prekindergarten and Family Literacy Program grants.

Minutes

Approved as recommended.

Master Motion #68-14-15

13. M-13 Review and Approve Preschool Programs Monthly Accountability Progress Reports for September and October 2014

Accept and approve staff report, provide guidance/direction as appropriate.

Minutes

Approved as recommended.

Master Motion #68-14-15

14. M-14 Ratification of Approval of Memorandum of Understanding Between California Family Life Center Empower Youth Program and Hemet Unified School District with Services Provided at Alessandro High School

Approve Memorandum of Understanding between California Family Life Center Empower Youth Program and the Hemet Unified School District located at Alessandro High School effective upon execution through June 30, 2015. Ratification is requested because MOU was not received until November 7, 2014.

Minutes

Approved as recommended.

Master Motion #68-14-15

15. M-15 Approval of Agreement to Authorize Hiring Virginia Pritchard, an Independent Consultant, to Perform Services at Hemet High School

Approval of the Independent Consultant Agreement with Virginia Pritchard to provide services as a piano accompanist for the Holiday Concert at Hemet High School from December 8-10, 2014, not to exceed \$300, funded through ASB per agreement HHS-C1544.

Minutes

Approved as recommended.

Master Motion #68-14-15

16. M-16 Approval of Agreement for Authorize Hiring Epic Assembly, an Independent Consultant, to Perform Services at Hemet High School

Approval of the Independent Consultant Agreement with Epic Assembly to provide services at Hemet High School on November 20, 2014 during class periods 1-4, to provide an assembly to challenge students to make positive life choices, at no cost, per agreement HHS-C1546.

Minutes

Approved as recommended.

Master Motion #68-14-15

17. M-17 Approval to Authorize Hiring John Abrams, Amazing School Assemblies!, an Independent Contractor, to Provide Services

Approval of the agreement for Independent Contractor Services with John Abrams Amazing

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School Assemblies to The Bully Game #2 anti-violence assemblies at Cottonwood School on February 10, 2015, contract will not exceed \$900, funded through site funds per agreement COTT-101.

Minutes

Approved as recommended.
Master Motion #68-14-15

18. M-18 Approval of Purchase Orders

Approval/Ratification of purchase orders, contracts, direct payments and invoices in the amount of \$2,350,615.79, of which \$1,152,281.82 is Child Nutrition and \$1,198,333.97 is Purchasing.

Minutes

Approved as recommended.
Master Motion #68-14-15

19. M-19 Acceptance of Donations to the District

Acceptance of donations to the District with letters of appreciation to be sent.

Minutes

Approved as recommended.
Master Motion #68-14-15

20. M-20 Agreement for School Facilities Needs Analysis

Approval of Agreement with Special District Financing & Administration (SDFA) to provide an updated School Facilities Needs Analysis at a cost of \$13,500 plus expenses from Developer Fee Funds.

Minutes

Approved as recommended.
Master Motion #68-14-15

21. M-21 Approval of Renewal of ActPoint KPI Subscription

Approve renewal of subscription for the ActPoint KPI Plus (100) Performance Management System content module, annual license fee not to exceed \$8,750.00, paid from Business Services General Fund.

Minutes

Approved as recommended.
Master Motion #68-14-15

22. M-22 Ratification of Approval of Agreement for Special Services with School Services of CA

Ratification of approval of agreement, not to exceed \$25,000, for special services with School Services of CA. Ratification is necessary due to services needed prior to a scheduled Board Meeting.

Minutes

Approved as recommended.
Master Motion #68-14-15

23. M-23 Request to Waive Use of Facilities Fees

Waive all or part of the use of facilities fees for The Dancer's Studio's use of West Valley High School.

Minutes

Approved as recommended.
Master Motion #68-14-15

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24. M-24 Requests for Approval to Operate a School Connected Organization

Approve the listed School Connected Organizations for the 2014-15 school year.

Minutes

Approved as recommended.

Master Motion #68-14-15

25. M-25 Authorization to Extend District Wide Waste Services with CR&R Incorporated

Extend existing waste services contract with CR&R, on a year-to-year basis, not to exceed five years, at \$285,261.00 to be paid from the General Fund.

Minutes

Approved as recommended.

Master Motion #68-14-15

26. M-26 Authorization for Use of Multiple Award Contract Programs

Approval to use CMAS contract #3-11-70-0876AG for the purchase of Cisco equipment on an as-needed basis.

Minutes

Approved as recommended.

Master Motion #68-14-15

27. M-27 Authorization to Lease Copiers for 60 months at Valle Vista Elementary

Approval to lease three copiers at Valle Vista Elementary for 60 months, at \$1,134.97/mo from the site's budget.

Minutes

Approved as recommended.

Master Motion #68-14-15

28. M-28 Approval of Reduction and Release of Retention Funds – Silver Creek Industries, Inc. – Little Lake Elementary (3) Classroom Relocatable Replacement Project

Approval of Reduction and Release Retention Funds in the amount of \$8,777.15 to Silver Creek Industries, Inc. for their work for the Little Lake Elementary (3) Classroom Relocatable Replacement project.

Minutes

Approved as recommended.

Master Motion #68-14-15

29. M-29 Notice of Completion – Silver Creek Industries, Inc. - Little Lake Elementary (3) Classroom Relocatable Replacement Project

Approval of Notice of Completion for Silver Creek Industries, Inc. for the Little Lake Elementary (3) Classroom Relocatable Replacement project.

Minutes

Approved as recommended.

Master Motion #68-14-15

30. M-30 Approval of Certificated Personnel Assignment Order No. CE 14-9 (b) (c)

Approval of Certificated Personnel Assignment Order No. CE 14-9.

Minutes

Approved as amended. [Click here to view.](#) Motion #61-14-15

Motion made by: Ross Valenzuela

Meeting on November 18, 2014 Tuesday, 06:30 PM

file:///L:/Backup USB/2011-2012 SCHOOL YEAR/DESKTOP-OFF...

Seconded by: Dr. Lisa DeForest

Votes

Paul Bakkom	Yes
Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

31. M-31 Approval of Classified Personnel Assignment Order No. CL 14-9

Approval of Classified Personnel Assignment Order No. CL 14-9.

Minutes

Approved as amended. [Click here to view.](#) Master Motion #68-14-15

32. M-32 Receipt and First Reading of Suggested Revised Governing Board Policy and Administrative Regulation

Approve at first reading the following revised Board Policy and Administrative Regulation with second and final reading and adoption, at a future meeting:

BP 1312.3 Uniform Complaint Procedures

AP 1312.3 Uniform Complaint Procedures

Minutes

Approved as recommended.

Master Motion #68-14-15

33. M-33 Approval at Second and Final Reading and Adoption of Suggested Revised Governing Board Bylaws

Approve at second and final reading and adoption the following revised Board Bylaws:

BP 5117 - Interdistrict Attendance

AR 5117 - Interdistrict Attendance

BP 6161 - Equipment, Books and Materials

Minutes

Approved as recommended.

Master Motion #68-14-15

34. M-34 Approval at Second and Final Reading and Adoption of Suggested Revised Governing Board Bylaws

Approve at second and final reading of suggested revised Board Bylaws:

AR 0520.2-Title 1 Program Improvement Schools

AR 6142.91-Reading/Language Arts Instruction

BP 6162.51-State Academic Achievement Tests

AR 6162.51-State Academic Achievement Tests

AR 6164.2-Guidance/Counseling Services

Minutes

Approved as recommended.

Master Motion #68-14-15

N - Information/Discussion/Reports

Meeting on November 18, 2014 Tuesday, 06:30 PM

file:///L:/Backup USB/2011-2012 SCHOOL YEAR/DESKTOP-OFF...

Minutes

No reports were submitted.

O - Items From the Governing Board

Minutes

Mr. Scavarda offered his congratulations to counselor, Jason Sonnier, and extended his thanks to Idyllwild staff and parents for the great meal and to everyone for driving up and offering comments.

Mr. Wojcik extended his appreciation to the speakers and to Matt Kraemer and staff for their hospitality. He offered good luck wishes to Mr. Bakkom and commented on the wonderful job he did as a member and president of the Board.

Mr. Smith echoed Mr. Wojcik's comments to Mr. Bakkom and added his appreciation for over 40 years of acquaintance. Mr. Smith indicated his wish that the community could understand that charter schools are public schools and the District, as the local education agency, had to make sure they complied with the requirements.

Dr. DeForest concurred with previous board member's statements and shared she would miss Mr. Bakkom's analogies and appreciated his due diligence and passion for kids.

Mrs. Forst extended her appreciation to the Idyllwild community for their hospitality and shared her appreciation for Paul's many years with the District.

Mr. Valenzuela also extended his appreciation to Mr. Bakkom for his years of service and introduced newly elected trustee, Megan Haley.

Mr. Bakkom shared his appreciation for the comments offered by fellow board members.

P - Items From the Superintendent

Minutes

On behalf of District staff, Dr. Kayrell thanked Mr. Bakkom for his wonderful contributions and passion for students.

Q - Closed Session (if necessary)

Minutes

Closed Session was not necessary.

R - Reconvene in Open Session/Report Out from Closed if Needed

Minutes

Not necessary.

S - Adjournment

1. S-1 Adjournment Action (1)

Minutes

Mr. Bakkom adjourned the meeting at 8:25 p.m.

Motion made by: Dr. Lisa DeForest

Seconded by: Ross Valenzuela

Votes

Paul Bakkom

Yes

Meeting on November 18, 2014 Tuesday, 06:30 PM

file:///L:/Backup USB/2011-2012 SCHOOL YEAR/DESKTOP-OFF...

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

T - Future Meetings

1. T-1 Annual Organizational and Regular Meeting of the Governing Board, Tuesday, December 9, 2014, Organizational Session at 3:30 p.m.; Closed Session immediately thereafter; Open Session at 6:30 p.m. Meeting to be held at the Professional Development Service Center Board Room, 1791 W. Acacia Ave., Hemet, CA 92545

2. T-2 Regular Meeting of the Governing Board Tuesday, January tbd, 2015; Closed Session at 4:00 p.m.; Open Session at 6:30 p.m. Meeting to be held at the Professional Development Service Center Board Room, 1791 W. Acacia Ave., Hemet, CA 92545

Minutes

Board President

Vice President



Dr. Barry L. Kayrell
Superintendent

Dr. LaFaye Platter
Deputy Superintendent

Dr. David Horton
Assistant Superintendent

Vince Christakos
Assistant Superintendent

Professional Development
Service Center

1791 W. Acacia Avenue
Hemet, CA 92545
(951) 765-5100
Fax: (951) 765-5115

Professional Development
Academy

2085 W. Acacia Avenue
Hemet, CA 92545
(951) 765-5100
Fax: (951) 765-6421

www.hemetusd.k12.ca.us

Governing Board
Paul Bakkom
Dr. Lisa DeForest
Marilyn Forst
Vic Scavarda
James Smith
Ross Valenzuela
Joe Wojcik

November 13, 2014

VIA FIRST CLASS MAIL AND EMAIL nspencer@bayshoreprep.org

Nancy Spencer
Baypoint Preparatory Academy
1175 Linda Vista Drive
San Marcos, CA 92075

Re: Baypoint Preparatory Academy

Dear Ms. Spencer:

Enclosed please find a copy of the Staff Report/Recommendation and the proposed Resolution being submitted to the Hemet Unified School District Governing Board concerning the Charter Petition you submitted for Baypoint Preparatory Academy.

The District Governing Board will take final action on this matter at the Board meeting of November 18, 2014, which will be held at 6:30 p.m. Closed Session begins at 4:00 p.m., and Open Session is estimated to begin at approximately 6:30 p.m.

At that meeting, you will be given an opportunity to speak on the matter prior to action by the District Governing Board. The District Governing Board may have questions or comments for you at that time.

Very truly yours,

Dr. Barry L. Kayrell
Superintendent



December 16, 2014

VIA: HAND DELIVERY

Riverside County Office of Education
3939 Thirteenth Street
Riverside, California 92501

Re: Baypoint Preparatory Academy Charter Petition Appeal to the Riverside County Board of Education

The purpose of this letter is to respond to Hemet Unified School District's ("HUSD" or the "District") staff report and findings of fact for denial (memorialized in Resolution No. 2313) of the Baypoint Preparatory Academy ("BPA" or the "Charter School") charter petition, and to demonstrate that the District's staff report does not constitute sufficient legal grounds to deny the establishment of the BPA charter.

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools ... 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. (Emphasis added.)

Education Code Section 47605(b) also enumerates and limits the legal bases for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- (3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].
- (5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district to approve a charter petition, unless it makes written factual findings to support a denial.

The District Staff Report, which could form the basis for findings for denial of the charter petition by the District Board, contains findings that do not meet the legal standard for denial of a charter petition. Many of the findings concern resolvable matters that the District could have more appropriately dealt with through minimal communication with the Charter School, in a memorandum of understanding (“MOU”) with BPA, or imposed conditions on the Charter School’s operation. Moreover, the findings are based on incorrect facts, conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the BPA charter.

Below, please find a summary of the findings from the District staff report (in *italicized* text), in the order in which they were presented, immediately followed by the Charter School’s response (in plain text).

HUSD Finding: the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. Education Code Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: “No charter shall be granted under this part that authorizes the conversion of any private school to a charter school.”

BPA Response: While the law states that a charter school cannot propose to convert a private school to the status of a charter school, the law does not provide any guidance as to which facts are important or relevant in determining whether a charter does propose to convert a private school into a charter school.

Indeed, the District staff report lists a collection of facts, but provides no legal rationale or support for the proposition that those particular facts are determinative of the issue. Further, many of the facts are either inaccurate, or only partially accurate.

The District staff offer as evidence that they received emails from parents stating that some Cornerstone teachers will be employed at Baypoint. The District staff neglected to explain whether or how they might have verified the accuracy of these alleged statements from parents. In reality, when BPA representatives spoke with any individual interested in teaching at the Charter School, they were informed that they would need to be properly credentialed and highly qualified to teach the grades/subjects they were interested in, and that they would need to apply for a job on Edjoin, where the positions will be posted. There are absolutely no guarantees of

employment for anyone. Element 5 of the petition sets forth, in detail, the positions and qualifications for BPA administrators and teachers. These individuals have not yet been identified or hired. Candidates for these positions must meet the qualifications set forth in the petition and undergo an application and interview process, resulting in hiring by the Governing Board or Executive Director. The District fails to identify any specific facts that are inconsistent with the information provided in the petition or demonstrate that it has independently verified that the email assertions were factual. The staff's reliance upon opinions expressed in parent emails, rather than the charter petition, is improper and potentially unlawful.

The District staff offer as evidence that they received emails from parents stating that they want to enroll their child/children in BPA.

It is a legal requirement for all charter petitions to include signatures from parents or teachers indicating their meaningful interest in sending their child to, or working at, that charter school. The District staff have produced no facts to demonstrate that the emails they allegedly received are anything more than parents actively expressing their interest, in the same way they may have done on the petition signature page.

The District staff offer as evidence that BPA proposes to locate within the same zip code as Cornerstone.

Zip code 92544 covers approximately 135 square miles. The District is clearly speculating as to BPA's intentions, without any factual support whatsoever. Even assuming the staff's conclusion is true, it is common for charter schools to lease facilities from former private and parochial schools. This type of lease agreement is consistent with the law and does not lend itself to the conclusion that the charter school was established as a conversion of that private school.

The District staff offer as evidence that BPA will give an admissions preference to founding families.

First, admissions preferences for founders are very common throughout California, and are explicitly recognized in the Public Charter Schools Grant Program application. Second, the admissions preference is limited to less than 10% of the total enrollment of BPA, so even if some founders have a connection to Cornerstone, there is no guarantee that Cornerstone students will comprise a large proportion of the Charter School's enrollment. Third, all families expressing interest in having their children attend BPA have been notified of the likelihood that admission will be determined by a public random drawing.

The District staff report does nothing but speculate on the occurrence of a series of facts selected for unknown and undisclosed reasons. The District staff omitted the fact that the petitioners, who operate a successful charter school authorized by the San Marcos School District have no personal connection or past history with Cornerstone. We hereby affirm that BPA does not and will not convert a private school into a charter school.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

HUSD Finding: *The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only “the actual location for BPA has not been finalized,” but that “BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD.”*

BPA Response: No law requires a charter petition to identify the address of a specific facility or to provide evidence of a lease at the time of approval. Indeed, almost no property owner would enter into a lease with an entity that does not have an approved charter. The Charter Schools Act only requires a petition to identify “where the school intends to locate.” (Education Code Section 47605(g)). BPA’s petition clearly provides a description of where the Charter School intends to locate. Again, almost no charter school petitioners have a facility in place in advance of submission of a charter petition. Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petition does not contain reasonably comprehensive descriptions of all elements required by law.

HUSD Finding A1: *The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the “computer-based Edgenuity curriculum” will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.*

BPA Response: The educational program for grades 6-12 is described in detail in pages 15 through 23 of the Petition. These pages include the proposed daily schedule for each grade level, showing the class sessions, as well as times working on Edgenuity, the computer-based, Common Core aligned curriculum that is described throughout the petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A2: *The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.*

BPA Response: The plans for low-achieving and high-achieving students are specifically addressed on page 23, as well as throughout the Petition. The basis of the program is to provide individualized attention to each student and to customize an education plan for each student’s needs. Backed by excellent teaching resources, the parent, teacher, and the student will develop a personalized learning plan addressing the targeted areas of improvement. This is the success

behind Bayshore, the model upon which Baypoint is based. Teachers have an infinite supply of resources to assist students, and to list all of those resources would be impractical.

The Petitioners would also like to point out that these areas are not addressed in the initial petitions or charter renewals for Western Center Academy Charter and College Prep High School, both of which were unanimously approved by the Governing Board of Hemet Unified School District.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A3: The proposed plans for English learners (“EL”) and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

BPA Response: Page 24 of the Petition provides a detailed description of the plan for EL students, including CELDT testing and individualized instruction. The personalized learning plan is covered in detail throughout the Charter Petition and is at the core of the program’s success for Bayshore, upon which Baypoint will be modeled.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A4: The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act (“IDEA”).

The Petition claims that BPA “shall be solely responsible for its compliance with Section 504 and the ADA.” Although, it states that “[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA,” the Petition fails to include any written verifiable assurances from the identified SELPA. Under Ed. Code Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

BPA Response: The District here is mistaken in its reading of the plain meaning of Education Code Section 47641(a). The statute clearly states that the Charter School must make written, verifiable assurances that it will participate as an LEA member of a SELPA, not that the SELPA itself must make such assurances. BPA made the proper assurances in its charter petition. BPA also submitted to the District a letter from the El Dorado County SELPA stating that it would be offered membership in that SELPA by simply submitting a letter of intent to join the SELPA.

Regarding interventions, as the District surely knows, specific interventions and courses are

determined by the IEP team, based on the unique needs of each student. It would be unreasonable and impracticable to list any and all possible interventions for students with exceptional needs, and the Charter Schools Act does not require this level of detail in a charter petition. With respect to the IEP development process, the IDEA and related provisions of California law outline specific procedural requirements which BPA has stated it will adhere to (among other requirements of state and federal law). BPA need not recite every legal requirement in its charter petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A5: The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

BPA Response: Education Code Section 47605(b)(5)(A)(iii) states: “[c]ourses 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.”

On page 22 of the charter petition, BPA states that it will seek accreditation from the Western Association of Schools and Colleges. Once accreditation is earned, all courses will be considered transferable to other public high schools. Also on page 22, the BPA charter details the A-G approved courses, which may be used to meet college entrance requirements.

An in-depth description of courses and their transferability, along with graduation requirements, will be offered to parents in a Student/Parent Handbook.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding B1: The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of Cal. Gov. Code Section 1090, et seq. and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be “interested persons.” Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

BPA Response: There is no legal requirement for charter petitions to include assurances for compliance with the Political Reform Act and/or Government Code Section 1090, et seq. All charter schools must comply with the Political Reform Act, including BPA, so there is no need to recite this legal requirement.

Government Code Section 1090, et seq. does not apply to charter schools. In September of this

year, the Governor vetoed a bill that would have applied Government Code Section 1090, *et seq.* to charter schools. Had this law already been applicable to charter schools, there would be no need for such legislation. The Governor's rebuke provides even more evidence that charter schools are not required to follow this law.

Nevertheless, the BPA Board of Directors has been composed with the requirements of Section 1090 in mind, and BPA hereby affirms that it will comply with the Political Reform Act, as well as the provisions of the corporations code governing nonprofit corporations (particularly with regard to self-dealing transactions).

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding C: The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

BPA Response: The requirement to include employee qualifications for all "key" staff positions comes from Title 5, California Code of Regulations, Section 11967.5.1. This Section applies only to charter petitions submitted for review by the State Board of Education. HUSD has not adopted this Regulation into its Board Policy, and therefore cannot deny the BPA charter based upon such finding.

The District states that the Charter School did not include "all" qualifications for teachers. This finding is puzzling, especially as the District offered no explanation as to what might be missing. As an independent charter school, BPA is permitted by law to set the qualifications for its employees. It did so. The District's finding has no merit. As stated on page 52 of the charter, the qualifications for additional certificated and non-certificated personnel will be identified in job descriptions. In the event a need arises to hire such individuals, the Charter School would be glad to share the qualifications for a specific position.

The Charter School provided a more than reasonably comprehensive description of how BPA will serve special education students. There is no legal requirement to address autism in particular, and HUSD provides no indication as to why it selected this particular disability to point out.

Accordingly, these findings are impermissible bases for denial of the charter petition.

HUSD Finding D: The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be

extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides “children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)” will be exempted from the random drawing.

BPA Response: Education Code Section 47605(d)(2)(B) allows for a “preference” for additional categories of students and places no restrictions whatsoever on how such a preference may be implemented. The California Department of Education, as well as charter school authorizers up and down the State, has routinely viewed both priority ratios and exemptions as permissible “preferences” under this Section. In addition, this application is consistent with the Non-Regulatory Guidance issued by the US Department of Education for the Public Charter Schools Grant Program.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding E1: The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District’s ability to effectively oversee the School.

BPA Response: By law, a charter petition must contain a reasonably comprehensive description of the dispute resolution procedures to be employed in the event of disputes relating to the provisions of the charter. The District here is not stating that BPA did not provide a reasonably comprehensive description of dispute resolution. Instead, HUSD is stating that it disagrees with the procedures proposed by BPA. Such disagreement is not factually based, and not a lawful basis for denial of the charter petition.

BPA would have been glad to discuss and memorialize in an MOU, an alternative dispute resolution procedure. Indeed, page 79 of the charter petition states, “[a]ll times and procedures in this section may be revised upon mutual written agreement of HUSD and BPA.” (Emphasis added.)

HUSD Finding E2: Given the significance of opening and operating a charter school and the District’s oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

BPA Response: Please see response to Finding E1. The District here is lodging a complaint, but it is not making a factual finding that could be a lawful basis for denial.

We look forward to working with the County Board and the Riverside County Office of Education during consideration of the charter petition. Please feel free to contact me nspencer@bayshoreprep.org; 760-471-0847 if you have any questions.

Sincerely,

Nancy Spencer
Lead Petitioner

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

Hemet USD Minutes

Created: February 22, 2015 at 04:32 PM

Annual Organizational and Regular Meeting of the Governing Board of the Hemet Unified School District

December 09, 2014

Tuesday, 03:30 PM

Professional Development Service Center Board Room,
1791 W. Acacia Ave.
Hemet, CA 92545

Attendees

Dr. Lisa DeForest	Governing Board
Marilyn Forst	Governing Board
Megan Haley	Governing Board
Vic Scavarda	Governing Board
James Smith	Governing Board
Ross Valenzuela	Governing Board
Joe Wojcik	Governing Board

A - Call to Order

Minutes

Dr. Kayrell called the meeting to order at 3:35 p.m.

B - Roll Call/Establishment of Quorum

Minutes

Trustees present were:

Ross Valenzuela, President

Jim Smith, Vice President

Dr. Lisa DeForest

Marilyn Forst

Megan Haley

Vic Scavarda

Joe Wojcik

Staff present were:

Dr. Barry L. Kayrell, Superintendent

Dr. LaFaye Platter, Deputy Superintendent

Dr. David Horton, Assistant Superintendent

Vince Christakos, Assistant Superintendent

Karen Ashman, Executive Assistant

C - Hearing Session

1. C-1 Hearing Session

This is an opportunity for citizens to make suggestions, identify concerns, request information, or offer objective criticism about matters affecting the school district. The President invites anyone wishing to address the Board regarding any item, to do so at this time. If you wish to address the Board regarding an item on the agenda, you may do so now, or when the item appears on the agenda - prior to a vote being taken.

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

To address the Board, please complete a Comments Card, located in the foyer area, and give it to the Superintendent's Executive Assistant. The President will call upon you during the Hearing Session or at the time the item appears on the agenda, as indicated on your Comments Card. When called upon, please give your name and then make your statement. You will be allowed a maximum of three minutes to address the Board. Individual speakers shall not give their time to another speaker.

Minutes

Brian Blackmore, parent, spoke in support of teachers and both parties working something out.

D - Open Session - Annual Organizational Meeting

1. D-1 Administration of Oath of Office to Newly Elected Trustee, Megan Haley; and Continuing Trustees Vic Scavarda, Ross Valenzuela and Joe Wojcik - Dr. Barry L. Kayrell, Superintendent

Minutes

Dr. Kayrell administered the Oath of Office to Mrs. Haley, Mr. Scavarda, Mr. Valenzuela and Mr. Wojcik.

E - Action Items

1. E-1 Election of Governing Board President for 2014-2015 Governing Board Year - Dr. Barry L. Kayrell, Superintendent (P)

The Superintendent will preside over the nomination and election of the Governing Board President for the 2014-2015 Governing Board Year.

Minutes

On nomination by Mr. Smith, seconded by Mr. Scavarda, Ross Valenzuela was elected President for the 2014-15 school year.

Motion #71-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: Vic Scavarda

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

2. E-2 Election of Governing Board Vice-President for 2014-2015 Governing Board Year (P)

Nominate and elect Governing Board Vice-President for 2014-2015 Governing Board Year.

Minutes

On nomination by Mrs. Forst, seconded by Mr. Scavarda, Jim Smith was elected Vice-President for the 2014-15 Governing Board Year.

Motion #72-14-15

Motion made by: Joe Wojcik

Seconded by: Vic Scavarda

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

3. E-3 Appointment of Governing Board Member to Represent the Board at the Annual Election for Members to Serve on the Riverside County Committee on School District Organization

Appoint Governing Board Member to represent the Board at the annual election for members to serve on the Riverside County Committee on School District Organization (current member - Mr. Valenzuela).

Minutes

Dr. DeForest was appointed to represent the Board at the annual RCCSDO election.

4. E-4 Approval of the Proposed Calendar of Governing Board Meetings for the 2014-2015 Governing Board Year (1)

Approve the proposed Calendar of Governing Board Meetings for the 2014-2015 Governing Board Year with the February 2015 meetings scheduled for February 3 and February 24.

Minutes

Approved as recommended.
Motion #73-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

5. E-5 Approval of the Proposed 2014-2015 Governing Board Recognition and Award of K-12 Curricular/Co-Curricular and Extra-Curricular Programs Schedule (1)

Approve the 2014-2015 Governing Board Recognition and Award Schedule.

Minutes

Approved as amended.
Motion #74-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: Vic Scavarda

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes

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Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

6. E-6 Appointment of Board Representative(s) to Serve on the Headstart Parent Policy Committee

Appoint Board Representative(s) to serve on the Headstart Parent Policy Committee (current committee members are Mr. Scavarda and Mr. Smith).

Minutes

Appointed Mrs. Forst, Mr. Scavarda and Mr. Smith to serve on the Headstart Parent Policy Committee.

7. E-7 Appointment of Trustees to Committees

Appoint Trustees to each committee.

Minutes

Trustees were appointed to committees as follows:

Career and Technical Education Committee - Dr. DeForest, Mrs. Haley and Mr. Smith

Curriculum Council - Mr. Scavarda, Mr. Smith and Mr. Valenzuela

District DATA Team Committee - Mrs. Haley and Mr. Valenzuela

Facilities Committee - Dr. DeForest, Mrs. Forst and Mr. Wojcik

Finance Committee - Mrs. Haley, Mr. Scavarda and Mr. Wojcik

Recognition and Awards Committee - Mr. Smith, Mr. Valenzuela and Mr. Wojcik

Technology Advisory Committee - Mr. Scavarda and Mr. Valenzuela

Wellness/Nutrition Committee - Dr. DeForest, Mrs. Forst and Mr. Wojcik

8. E-8 Approval for the Superintendent to Function as Secretary of the Governing Board ⁽¹⁾

Approve the Superintendent to function as Secretary of the Governing Board during the 2014-2015 Governing Board Year.

Minutes

Approved Dr. Kayrell to serve as Secretary as recommended.

Motion #75-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes

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Joe Wojcik Yes

9. E-9 Approval of Employees as Authorized Agents and Signers (1)

Approve for the Superintendent, Dr. Barry L. Kayrell;
Deputy Superintendent, Human Resources, Dr. LaFaye Platter;
Assistant Superintendent, Business Services, Vincent Christakos
Assistant Superintendent, Educational Services, Dr. David Horton;
Director, Fiscal Services, Pamela Buckhout; and
Assistant Director, Fiscal Services, Alisha Fogerty
to serve as authorized agents for the Hemet Unified School District during the 2014-15
Governing Board Year, including the signing of Warrant Orders, Orders for Salary Payment
and Notices of Employment.

Minutes

Approved as recommended.
Motion #76-14-15

Motion made by: Vic Scavarda

Seconded by: Dr. Lisa DeForest

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

10. E-10 Approval of Employees to Sign Checks (1)

Approve the following:
Superintendent, Dr. Barry L. Kayrell;
Deputy Superintendent, Human Resources, Dr. LaFaye Platter;
Assistant Superintendent, Business Services, Vincent Christakos;
Director, Fiscal Services, Pam Buckhout; and
Assistant Director, Fiscal Services, Alisha Fogerty,
to sign Revolving Cash Checks and Abatement Account Checks for the 2014-2015
Governing Board Year.

Minutes

Approved Action Items E-10, E-11 and E-12 as recommended.
Master Motion #77-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

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11. E-11 Approval to Serve as Authorized Agent

Approve Director, Human Resources, Sharon Bowman, to serve as authorized agent during the 2014-2015 Governing Board Year, including the signing of Salary Payments and Notices of Employment.

Minutes

Approved Action Items E-10, E-11 and E-12 as recommended.
Master Motion #77-14-15

12. E-12 Approval to Serve as Authorized Agent

Approve Payroll Manager, Fiscal Services, Michael Stribling, to serve as authorized agent for the Hemet Unified School District during the 2014-2015 Governing Board Year, including the signing of Warrant Orders and Orders for Salary Payment, Revolving Cash Checks and Abatement Account Checks.

Minutes

Approved Action Items E-10, E-11 and E-12 as recommended.
Master Motion #77-14-15

F - Announcement of Closed Session

Minutes

Mr. Valenzuela adjourned the meeting into Closed Session at 4:02 p.m.

G - Closed Session

1. G-1 To discuss negotiations with chief negotiator, Dr. LaFaye Platter, Deputy Superintendent, per Government Code 3549.1 and 54957.6;

2. G-2 To discuss the employee items as listed, per Government Code 54957, 54957.6 and 3549.1; Public Employee Employment/Discipline/Dismissal/Release; Layoff/Reduction in Hours of classified employee pursuant to Government Code §54957 - Dr. LaFaye Platter;

3. G-3 To discuss Pupil Personnel Items as listed per 49070 and 76232 of the Education Code; deliberations regarding the expulsion of students; reconsideration of inter- or intra-district transfer requests - Dr. David Horton, Assistant Superintendent

4. G-4 To confer with real property negotiator Vincent Christakos, Assistant Superintendent

5. G-5 To confer with legal counsel - discuss pending litigation pursuant to subdivision (b) of Government Code Section 54956.9

6. G-7 To discuss Certificated Personnel Order #CE14-10 and Classified Personnel Assignment Order #CL14-10 - Dr. LaFaye Platter

H - Reconvene to Open Session/Report Out from Closed if Needed

Minutes

Mr. Valenzuela reconvened the meeting into Open Session at 6:30 p.m.

Dr. Kayrell reported action taken in Closed Session:

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On a Closed Session motion by Dr. DeForest, seconded by Mrs. Haley, and by a 7-0 vote, upheld the denial of intra-district transfer requests for students ID#11319 and ID#11320.

Direction was given to staff to work on alternatives for students behind in credits in lieu of expulsion.

I - Pledge of Allegiance and Moment of Silence

1. I-1 The Pledge of Allegiance will be led by Alyssa Zaragoza, a fifth grade student at Valle Vista Elementary School, and will be followed by a moment of silence.

Minutes

Alyssa was present to lead the Pledge of Allegiance which was followed by a moment of silence.

J - Revision/Adoption/Ordering of Agenda

1. J-1 Revision/Adoption/Re-Ordering of the Agenda of December 9, 2014 (v)

Minutes

Consent Items O-19 and O-21 were pulled for individual consideration.

The agenda was adopted as revised.

Motion #78-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

K - Public Relations

1. K-1 Good Apple Awards - Dr. LaFaye Platter, Deputy Superintendent

Good Apple Awards will be presented to the following individuals:

Cindy Pierce, Employee, Human Resources

Mike Stribling, Employee, Fiscal Services

Minutes

Mr. Stribling was present to accept the award presented by Dr. Platter.

2. K-2 Student Representatives' Reports - Eneka Young, Alessandro High School, Mariel Bagsit, College Prep High School; Gillian Hotchkiss, Hamilton High School, Jessica Cripe, Hemet High School, Miller Frank, Tahquitz High School and Hannah Sweatt, West Valley High School

Minutes

Eneka, Jessica, Miller and Hannah were present to report on recent and upcoming events at their schools.

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L - Information/Discussion/Reports

1. L-1 Presentation on First Interim Report - Vincent Christakos, Assistant Superintendent, Business Services (D)

Accept staff report, provide guidance/direction as appropriate.

Minutes

Received Mr. Christakos' report.

M - Hearing Session-Opportunity to Address the Board

1. M-1 Hearing Session

This is an opportunity for citizens to make suggestions, identify concerns, request information, or offer objective criticism about matters affecting the school district. The President invites anyone wishing to address the Board regarding any item, to do so at this time. If you wish to address the Board regarding an item on the agenda, you may do so now, or when the item appears on the agenda - prior to a vote being taken.

To address the Board, please complete a Comments Card, located in the foyer area, and give it to the Superintendent's Executive Assistant. The President will call upon you during the Hearing Session or at the time the item appears on the agenda, as indicated on your Comments Card. When called upon, please give your name and then make your statement. You will be allowed a maximum of three minutes to address the Board. Individual speakers shall not give their time to another speaker.

Minutes

Karen Hannem, grandparent, spoke in support of a salary increase for teachers and smaller class sizes.

Rebecca Young, parent, shared she would not send her students to school if substitutes were used during a teacher's strike.

Colleen Barton, teacher, shared her belief that the superintendent should work collaboratively with and visibly support teachers for better student achievement.

Bob Hudson, HTA President, shared that teachers sought professionalism, comparability, respect and uniformity in class sizes.

Kassandra Eliseo, parent, spoke in support of a fair settlement for teachers and smaller class sizes.

Keith Broaders, citizen, shared his respect for good teachers and the job they do and acknowledged that the Board had a responsibility to manage fiduciary matters for the District. He urged both groups to work together and suggested that teachers were free to go elsewhere for higher pay.

Erin Plumb, teacher, spoke of her dissatisfaction with her salary, substitute costs in the event of strike and with SROs during recent picketing.

Roy Plumb, parent, complained about SROs during recent picketing and substitute costs in the event of strike.

Whitney Choura, parent, shared concerns for administrators' salaries and spoke in support of students, classroom caps, teachers and funding classroom supplies and technology.

Melissa Phillips, parent, spoke of concerns for the impact on education in the event of a strike and suggested a raise for teachers was an investment in the future.

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Leslie Ventuleth, citizen, shared concerns for labor relations between HTA and management.

John Ventuleth, teacher, shared his concern for stress from labor relations, suggested a SERP and urged the two sides to work together.

Laura Anderson, teacher, shared concerns for large class sizes.

William Valenzuela, teacher, shared rumors he heard about what substitute teachers were being offered if they worked during a strike. He also shared he was a teacher because of the students not monetary gain.

Kendall Vaught, CTA representative, shared her support for teachers.

John Graham, retired, shared concerns for administrators' pay, teachers' pay and negotiations.

Bill Shawver, teacher, spoke of his concern for students and in support of teachers.

Mr. Valenzuela thanked the speakers for sharing.

N - Action Items

1. N-1 Expulsion of Pupil Personnel Case #24-2014-2015 (1)

Approve the expulsion of Pupil Personnel Case #24-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district with a Reentry Hearing scheduled in June 2015.

Minutes

On a Master Motion by Mr. Scavarda, seconded by Mr. Smith, Action Items N-1 through N-14 were approved as recommended
Master Motion #79-14-15

Motion made by: Vic Scavarda

Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

2. N-2 Expulsion of Pupil Personnel Case #28-2014-2015

Approve the expulsion of Pupil Personnel Case #28-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district with a Reentry Hearing scheduled in June 2015.

Minutes

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Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

3. N-3 Expulsion of Pupil Personnel Case #29-2014-2015

Approve the expulsion of Pupil Personnel Case #29-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district with a Reentry Hearing scheduled in June 2015.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

4. N-4 Expulsion of Pupil Personnel Case #31-2014-2015

Approve the expulsion of Pupil Personnel Case #31-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at Accelerated Core Education Academy, private school or another school district. The panel recommends that the enforcement of the expulsion for the first semester of the 2014-2015 school year be suspended with enrollment at Accelerated Core Education Academy on a Behavior Contract. The panel further recommends that a review meeting be scheduled in January 2015 to consider whether to suspend the enforcement of the expulsion for the second semester of the 2014-2015 school year with enrollment at West Valley High School on a Behavior Contract with a Reentry Hearing scheduled in June 2015.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

5. N-5 Expulsion of Pupil Personnel Case #34-2014-2015

Approve the expulsion of Pupil Personnel Case #34-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Betty G. Gibbel Regional Learning Center, private school or another school district with a Reentry Hearing scheduled in June 2015.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

6. N-6 Expulsion of Pupil Personnel Case #35-2014-2015

Approve the expulsion of Pupil Personnel Case #35-2014-2015 from the Hemet Unified School District for the remainder of the first semester of the 2014-2015 school year and the second semester of the 2014-2015 school year with enrollment at the Family Tree Learning Center, private school or another school district. The panel recommends that the enforcement for the first and second semesters be suspended with enrollment at the Family Tree Learning Center on a Behavior Contract with a Reentry Hearing scheduled in June 2015.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

7. N-7 Reentry of Pupil Personnel Case #14-2014-2015

Approve the reentry of Pupil Personnel Case # 14-2014-2015 into the Hemet Unified School District on a Reinstatement Contract.

Minutes

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Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

8. N-8 Reentry of Pupil Personnel Case #52-2013-2014

Approve the reentry of Pupil Personnel Case # 52-2013-2014 into the Hemet Unified School District on a Reinstatement Contract.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

9. N-9 Reentry of Pupil Personnel Case #68-2013-2014

Approve the reentry of Pupil Personnel Case # 68-2013-2014 into the Hemet Unified School District on a Reinstatement Contract.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

10. N-10 Reentry of Pupil Personnel Case #94-2013-2014

Approve the reentry of Pupil Personnel Case # 94-2013-2014 into the Hemet Unified School District on a Reinstatement Contract.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

11. N-11 Reentry of Pupil Personnel Case # FF-2013-2014

Approve the reentry of Pupil Personnel Case # FF-2013-2014 into the Hemet Unified School District on a Reinstatement Contract.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

12. N-12 Suspended Enforcement of Pupil Personnel Case #98-2013-2014

Approve the suspended enforcement of the expulsion of Pupil Personnel Case # 98-2013-2014 into the Hemet Unified School District to attend Tahquitz High School on a Behavior Contract.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

13. N-13 Denials of Reentry from Expulsion

Approval for the Superintendent to deny the reentry of the students involved in the listed Pupil Personnel Cases into the Hemet Unified School District.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

14. N-14 Denials of Suspended Enforcement of Expulsion

Approval for the Superintendent to deny the suspended enforcement of the expulsion of the students involved in the listed Pupil Personnel Cases into the Hemet Unified School District.

Minutes

Action Items N-1 through N-14 were approved as recommended through
Master Motion #79-14-15

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O - Consent Items

1. O-1 Consent Action (P) (C)

Minutes

Consent Items O-19, O-21, O-33, O-34 and O-35 were pulled for individual consideration.
The remainder of the items on Consent were approved as recommended.
Master Motion #80-14-15

Motion made by: James Smith

Seconded by: Joe Wojcik

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

2. O-2 Approval of Minutes

Approve the Minutes of the November 18, 2014 Regular Meeting of the Governing Board.

Minutes

Approved as recommended.
Master Motion #80-14-15

3. O-3 Approval of Tahquitz High School Cheer Field Trip

Approval of Tahquitz High School cheer squad to participate in the 2015 USA Spirit Nationals Cheer Competition at the Anaheim Convention Center on March 20-22, 2015, at a cost of \$100 per student (36 students), funded through various fund raising activities.

Minutes

Approved as recommended.
Master Motion #80-14-15

4. O-4 Approval of Winchester School Fifth Grade Pathfinder Field Trip

Approval of Winchester School fifth grade class to participate in an overnight outdoor education field trip on February 23-25, 2015 at Pathfinder Ranch in Garner Valley, California, funded through various fundraisers. Note: time cards for teachers attending this event will not be collected or paid.

Minutes

Approved as recommended.
Master Motion #80-14-15

5. O-5 Approval of Western Center Academy Seventh Grade CIMI Catalina Field Trip

Approval of Western Center Academy seventh grade class to attend the Catalina Island Marine Institute (CIMI) marine biology camp located on Catalina Island from April 27-29, 2015, at a cost of \$275 per student (128 students), funded through fund raising activities and donations. Note: time cards for teachers attending this event will not be collected or paid.

Minutes

Approved as recommended.
Master Motion #80-14-15

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6. O-6 Ratification of Approval of Hemet High School Academic Decathlon Team Field Trip

Ratification of Approval for the Hemet High School Academic Decathlon Team to participate in the field trip to solar plant, University of Las Vegas, Spring Reserve, and Hoover Dam on Saturday, December 6 through Monday, December 8, 2014, in Las Vegas, Nevada. The notification of this field trip was not received in time to avoid ratification but was approved by the Superintendent. Note: time cards for teachers attending this event will not be collected or paid.

Minutes

Approved as recommended.
Master Motion #80-14-15

7. O-7 Ratification of Approval of Hemet High School Cross Country Field Trip

Ratification of approval of Hemet High School Cross Country individual to participate in the 2014 CIF State Cross Country Championships in Fresno, California on November 28-29, 2014, at no cost to the student, funded through fund raisers and ASB. The notification of the field trip date was predicated on the student athletes qualifying for the event in between board meetings and was approved by the Superintendent.

Minutes

Approved as recommended.
Master Motion #80-14-15

8. O-8 Textbooks Recommended for Adoption

Adopt at second and final reading the textbooks listed on the attachment.

Minutes

Approved as recommended.
Master Motion #80-14-15

9. O-9 Approval of the Revised Single Plan for Student Achievement for the 2014-15 School Year

Approval of Revised/Amended Single Plan for Student Achievement for Title I Schoolwide/State School-Based Coordinated Programs for the 2014-2015 fiscal school year per California Department of Education compliance request.

Minutes

Approved as recommended.
Master Motion #80-14-15

10. O-10 Acceptance of Grant Award Notification – Carl D. Perkins Career and Technical Education Improvement Act of 2006 for 2014-2015

Acceptance of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 in the amount of \$231,850 for the period July 1, 2014 through June 30, 2015.

Minutes

Approved as recommended.
Master Motion #80-14-15

11. O-11 Approval of Agreement with the American Lung Association to Provide Licensing Services

Approval of the agreement with the American Lung Association to provide licensing to allow facilitation of material to parents and staff for cessation of smoking for the term of October 6, 2014 through October 6, 2017, not to exceed \$2,600 to be funded with the Tobacco grant.

Minutes

Approved as recommended.
Master Motion #80-14-15

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12. O-12 Approval to Authorize Hiring Adam Voight, an Independent Contractor, to Perform Services

Approval of the agreement for Independent Contractor Services with Dr. Adam Voight to provide project evaluation services on the School Climate Transformation Initiative Grant for the 2014-2015 school year, in the amount not to exceed \$6,000 funded by the School Climate Transformation Initiative grant, per agreement number ESA-C1548.

Minutes

Approved as recommended.

Master Motion #80-14-15

13. O-13 Approval to Authorize Hiring Edgenuity Inc., an Independent Contractor, to Perform Services

Approval of the agreement for Independent Contractor Services with Edgenuity Inc., to provide software licenses to Helen Hunt Jackson School from December 10, 2014 through November 30, 2015, in the amount not to exceed \$19,700, funded with LCAP per agreement number ESA-C1547.

Minutes

Approved as recommended.

Master Motion #80-14-15

14. O-14 Approval of Agreement for Authorize Hiring Jane Perry, an Independent Consultant, to Perform Services

Approval of the agreement for Independent Contractor Services with Jane Perry to provide guide and interpreting services for the Marumori Exchange Students from March 22 through March 30, 2015, the contract will not exceed \$1,500, per agreement ESA-C1545.

Minutes

Approved as recommended.

Master Motion #80-14-15

15. O-15 Approval to Authorize Hiring Jeremy Brown, My Brown Music, Independent Consultant, to Perform Services

Approval of the independent consultant agreement with Jeremy Brown, My Brown Music, to provide the services as a judge for Hemet Unified School District Solo and Ensemble Festival, and Solo & Ensemble Festival not to exceed \$600, funded through Music funds, as specified in the agreement ESA-C1550.

Minutes

Approved as recommended.

Master Motion #80-14-15

16. O-16 Approval To Authorize Hiring Craig Yancey, Independent Consultant, to Perform Services

Approval of the independent consultant agreement with Craig Yancey, to be a judge for Hemet Unified School District Jazz Festival, Solo and Ensemble, not to exceed \$900, funded through District Music funds, as specified in the agreement ESA-C1549.

Minutes

Approved as recommended.

Master Motion #80-14-15

17. O-17 Approval of Purchase Orders

Approval/Ratification of purchase orders, contracts, direct payments and invoices in the amount of \$2,022,985.79.

Minutes

Approved as recommended.

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Master Motion #80-14-15

18. O-18 Acceptance of Donations to the District

Acceptance of donations to the District with letters of appreciation to be sent.

Minutes

Approved as recommended.

Master Motion #80-14-15

19. O-19 Approval of Revised Facility Use Fees (1)

Approval of revised use of facilities fees including adding Acacia Gym, Hemet High theater and revised Theater Tech fees.

Minutes

Mr. Wojcik requested staff to look at cutting direct cost fees back to the 2009 level because it was then that fees were doubled due to the recession.

This item was tabled to a future meeting.

Motion #81-14-15

Motion made by: Joe Wojcik

Seconded by: Vic Scavarda

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

20. O-20 Approval of the First Interim Report as of October 31, 2014

Approval and positive certification of the 2014-15 First Interim Financial Report and budget revisions which include maintenance of an unrestricted general fund 5% reserve for economic uncertainty in the amount of \$10,355,000.

Minutes

Approved as recommended.

Master Motion #80-14-15

21. O-21 Resolution of the Governing Board of the Hemet Unified School District Approving the Annual and Five Year Report for Fiscal Year 2013-2014, in Compliance with Government Code Section 66006 and 66001 (1)

Adopt Resolution No. 2316 approving the Hemet Unified School District Reportable Fees Report for fiscal year 2013-14 in compliance with Government Code Sections 66006 and 66001 by adoption of a resolution.

Minutes

Dr. Kayrell asked if there were comments and there were none.

Approved as recommended.

Motion #82-14-15

Motion made by: Dr. Lisa DeForest

Seconded by: James Smith

Votes

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Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

22. O-22 Approval of Resolution to Assign Fund Balance Classifications, Fund Balance Spending Order and Minimum Fund Balance Pursuant to GASB 54 Regulations

Approve Resolution No. 2317 to Approve Fund Balance Classification Assignment, Fund Balance Spending Order and Minimum Fund Balance pursuant to GASB 54 regulations.

Minutes

Approved as recommended.

Master Motion #80-14-15

23. O-23 Resolution Committing Fund Balance in Accordance with GASB 54

Approve Resolution No. 2318 to Commit Fund Balance Reserves.

Minutes

Approved as recommended.

Master Motion #80-14-15

24. O-24 Request for Approval to Operate School Connected Organizations

Approve the listed School Connected Organizations for the 2014-15 school year.

Minutes

Approved as recommended.

Master Motion #80-14-15

25. O-25 Authorization of Attorney-Client Contract Between Hemet Unified School District and the Chauvel & Glatt, LLP

Authorization of Attorney-Client Contract between Hemet Unified School District and the Chauvel & Glatt, LLP for legal services effective December 10, 2014.

Minutes

Approved as recommended.

Master Motion #80-14-15

26. O-26 Approval of Proposal from Office & Ergonomic Solutions, Inc. for Special Education Furniture for New Relocatable Rooms 410, 415, and 417 at the PDSC

Approval of Proposal from Office & Ergonomic Solutions, Inc. to provide furniture for Rooms 410, 415, and 417 for the new Special Education relocatable at the PDSC in the amount of \$27,803.47 to be funded with Special Education and Mental Health Services funds.

Minutes

Approved as recommended.

Master Motion #80-14-15

27. O-27 Approval of Certificated Personnel Assignment Order No. CE 14-10

Approval of Certificated Personnel Assignment Order No. CE 14-10.

Minutes

Approved as amended. [Click here to view.](#) Master Motion #80-14-15

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

28. O-28 Approval of Classified Personnel Assignment Order No. CL 14-10

Approval of Classified Personnel Assignment Order No. CL 14-10.

Minutes

Approved as amended. [Click here to view](#). Master Motion #80-14-15

29. O-29 Adoption of Resolution Pertaining to a Reduction in Hours/Layoff of a Classified Employees

Adoption of Resolution No. 2307 directing the Superintendent to give notice of reduction of hours/layoff to the employees affected due to a lack of work/lack of funds.

Minutes

Approved as recommended.

Master Motion #80-14-15

30. O-30 Approval of Certificated Substitute Hourly Salary Schedule

Approval of certificated substitute hourly salary schedule, effective January 1, 2015.

Minutes

Approved as recommended.

Master Motion #80-14-15

31. O-31 Approval of Revised Salary Schedules 201 and 281 for the 2014-2015 Fiscal Year

Approval of the revised Salary Schedules 201 and 281 for 2014-2015 for Classified Management as attached.

Minutes

Approved as recommended.

Master Motion #80-14-15

32. O-32 Approval of Agreement for the Provision of Instructional Programs with California State University, Fullerton

Approve the Agreement for the Provision of Instructional Programs with California State University, Fullerton, effective December 1, 2014 through November 30, 2017.

Minutes

Approved as recommended.

Master Motion #80-14-15

33. O-33 Receipt and First Reading of Suggested New Governing Board Policy and Administrative Regulation

Approve at first reading the following revised Board Policy and Administrative Regulation with second and final reading and adoption, at a future meeting:

BP 1114 Social Media Use

AR 1114 Social Media Use

Minutes

Received at first reading.

34. O-34 Receipt and First Reading of Revised Governing Board Bylaws

Receive and review at first reading the following revised Governing Board Bylaws, with second and final reading and adoption at the next regular Governing Board meeting:

BP 3513.3 Tobacco-Free Schools

AR 5123 - Promotion/Acceleration/Retention

AR 6141.5 - Advanced Placement

AR 6159.4 - Behavioral Interventions for Special Education Students

BP 6164.2 -BP 6164.2 - Guidance/Counseling Services

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

BP 6173.1 - Education for Foster Youth
AR 6176 - Weekend/Saturday Classes
Minutes
Received at first reading.

35. O-35 Second and Final Reading and Adoption of Revised Governing Board Policies and Administrative Regulations (P)

Adopt at second and final reading the following revised Governing Board Policies and Administrative Regulations.

BP 1312.3 Uniform Complaint Procedures
AR 1312.3 Uniform Complaint Procedures

Minutes

Approved as recommended.
Motion #83-14-15

Motion made by: Joe Wojcik
Seconded by: James Smith

Votes

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

P - Information/Discussion/Reports

1. P-1 2014-15 First Interim Reports for Western Center Academy and CPHS Charter Schools (P)

Accept staff report, provide guidance/direction as appropriate.

Minutes

Received staff report.

2. P-2 Consider Appointing Members to a Citizens Advisory Committee to Rename Hemet Educational Learning Program (HELP)

Board members are asked to appoint community members to serve on an Advisory Committee to consider names for the expelled students program (formerly HELP) by providing up to two names each to the Executive Assistant by January 6, 2015. Submitted committee member's names will be brought forward for appointment at the second board meeting in January 2015.

Minutes

Board members will submit names of community members to serve on a committee to consider names for the program formerly known as HELP.

Q - Items From the Governing Board

Minutes

Mr. Scavarda invited audience members to let him know if they wished to be considered to serve on the HELP committee. He shared he'd helped chaperone a HHJCPHS dance and had a great time. He shared his wish that like opposing soldiers in "Silent Night", a Simon Weintraub

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

novel, that the two negotiating sides could call a truce.

Dr. DeForest thanked those who spoke assuring them that the Board was attentive and taking notes. She defended the presence of SROs at the picketing event stating that officers were not pawns of the district, but took an oath to protect and serve and that there are consequences when citizens act out. Also she spoke to comments about hiring consultants for music festivals, speaking at an AVID event at Tahquitz and keeping Pathfinders going for students. She extended her wishes for peace and hope in the new year.

Mrs. Haley was happy to have seen the awesome things going on in BARR and PLTW at Tahquitz and hoped to see the same programs at Hamilton. She extended her appreciation for the warm welcome and her wishes for an end to troubles for the new year.

Mr. Wojcik welcomed Mrs. Haley and congratulated Mr. Valenzuela and Mr. Smith. He suggested using some Governing Board funds if needed to keep Pathfinders going.

Mrs. Forst expressed regrets for the unhappy meeting but was glad to hear speakers asking for money for students rather than for themselves. She also shared the board had requirements to follow when spending money.

Mr. Smith was happy to have served as a judge at the Rancho Viejo MS Spelling Bee and thanked Ralph Mosqueda, teacher for Hemet HS FFA for speaking to the local Kiwanis group. He also attended a recent Student of the Month event. He extended his hopes for labor peace and a solution to build on and work together.

Mr. Valenzuela said he would judge the District Spelling Bee in January and that he too found Pathfinders important. He thanked others for their kind remarks and hoped to serve as well as past presidents had.

R - Items From the Superintendent

Minutes

Dr. Kayrell extended his welcome to Mrs. Haley, thanked speakers for their comments and shared he'd attended the California League of Middle Schools awards ceremony where Lisa Rendon, a teacher at Rancho Viejo MS, was honored.

S - Closed Session (if necessary)

Minutes

Not necessary.

T - Reconvene in Open Session/Report Out from Closed if Needed

U - Adjournment

Minutes

Not necessary.

1. U-1 Adjournment Action (P)

Minutes

Mr. Valenzuela adjourned the meeting at 8:45 p.m.
Motion #84-13-14

Motion made by: Vic Scavarda

Seconded by: James Smith

Votes

Meeting on December 09, 2014 Tuesday, 03:30 PM

<http://hemet.csbaagendaonline.net/cgi-bin/WebObjects/hemet-eAgen...>

Dr. Lisa DeForest	Yes
Marilyn Forst	Yes
Megan Haley	Yes
Vic Scavarda	Yes
James Smith	Yes
Ross Valenzuela	Yes
Joe Wojcik	Yes

V - Future Meetings

1. V-1 Regular Meeting of the Governing Board proposed for Tuesday, January 6, 2015; Closed Session 4:00 p.m.; Open Session 6:30 p.m. Meeting to be held at Professional Development Service Center Board Room, 1791 W. Acacia Ave., Hemet, CA 92545

2. V-2 Regular Meeting of the Governing Board proposed for Tuesday, January 20, 2015; Closed Session 4:00 p.m.; Open Session 6:30 p.m. Meeting to be held at Professional Development Service Center Board Room, 1791 W. Acacia Ave., Hemet, CA 92545

Minutes

Board President

Vice President



Price Quote for Services

HEMET UNIFIED SCHOOL DISTRICT

Edgenuity Inc.
 8860 E. Chaparral Road
 Suite 100
 Scottsdale AZ 85250
 480-423-0118

Date 11/18/2014
 Quote # 12948
 Vendor #

Software Version	Account Executive	Payment Schedule
Version 4.5	Shannon Alves	
Pricing Expires	Contract Start Date	Contract End Date
12/22/2014	12/10/2014	12/9/2015

Header	Quantity	Description	Amount
Software Licenses	25	Concurrent User Licenses Virtual Classroom and Web Administrator- 25 Courses of Choice Note: Does not include MyPath or Sophia Courses	13,750.00
Professional Services	2	On-Site Professional Development Day	5,000.00
Hardware	1	Mini Tower E70T Media Appliance	950.00

It has been a pleasure working with you! **Total \$19,700.00**

This quote is made subject to Edgenuity Inc. Standard Terms and Conditions of Purchase and License ("Terms and Conditions"). The Terms and Conditions are available in their entirety at: <http://www.edgenuity.com/Edgenuity-standard-terms-and-conditions-of-sale.pdf> and are incorporated herein by this reference.

If this Quote includes any Sophia® Learning Inc. courses for purchase, the following language applies to any such purchase [and this language is also found in the above linked Terms and Conditions): "Use of any Sophia course is prohibited for all students under the age of 13 years."

District Contact

 Signature

 Print Name

 Title

 Date

Edgenuity Inc. Representative

Shannon Alves
 shannon.alves@edgenuity.com
 323-605-3251

Not valid unless accompanied by a purchase order.

Please specify a shipping address if applicable.

Please sign and fax this quote, the district purchase order and order documentation to 480-423-0213.

8860 E. Chaparral Rd., Scottsdale, Arizona 85250 877.2020.EDU Fax: 480.423.0213 www.edgenuity.com



Where individuals inquire, design & create....

2014-15
First Interim Report
For the Period Ending October 31, 2014

Business Services

December 9, 2014

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This and other financial and budget documents of the
Hemet Unified School District are available at:

<http://www.hemetusd.k12.ca.us/>

The Hemet Unified School District is located at:

1791 W. Acacia Avenue, Hemet, CA 92545

(951) 765-5100



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Executive Summary

BACKGROUND

The Education Code of the State of California requires that charter schools submit interim financial reports to their authorizing agency at least twice a year. A charter school's First Interim financial report must be submitted to its authorizing agency by December 17th. The First Interim report reflects the current financial status of the district or charter school as of October 31. The report also includes budget revisions based on expenditure and revenue trends and other available information. Current year actual financial data is limited for the First Interim report and as a result, the budget estimates provided are more conservative than those presented later in the year in the Second Interim and year-end financial reports. Projected fund balances are typically less than those reported later in the year when more concrete data is available.

Charter interim reports are used to provide important financial information to Hemet Unified's governing board about its charter schools regarding projected current year revenues, expenses and fund balances. In addition, while charter schools are not required to provide multi-year projections and cash flow projections to its authorizing agency, both items are included in the CPHS Interim report to help the governing board make informed decisions regarding the charter school's financial future.

The College Prep High School (CPHS) is a dependent charter that utilizes its authorizing agency's resources for financial, student and other reporting requirements. As a result, district staff prepare CPHS's interim reports in conjunction with the interim reports for all other funds of the district.

FISCAL OVERVIEW

Budgeted revenues and transfers in for CPHS, including First Interim revisions, total \$1,190,240. Expenses and transfers out total \$1,170,653. Revenues are projected to exceed expenses by \$19,587 leaving a projected ending balance for the 2014-15 year of \$98,094. Reductions across all budget categories are related to lower enrollment and ADA than originally projected at budget adoption.

FIRST INTERIM SUMMARY

Changes from the October 31 board approved operating budget:

- Local Control Funding Formula decreases by \$397,613
- State, Federal and Local Revenues increase by \$57,312
- Expenditures and transfers out decrease by \$324,278
- The projected ending balance decreases by \$16,023

First Interim Budget Adjustments	
LCFF	(\$ 397,613)
Federal, State & Local Revenue	\$ 57,312
Change in Revenue	(\$ 340,301)
Change in Expenses/Uses	(\$ 324,278)
Change in Fund Balance	(\$ 16,023)



First Interim Revisions

Revenues

Revenues for charter schools come from many sources and are broken out into five major categories; Local Control Funding Formula (LCFF), federal, other state, local, and other sources/transfers in.

Revenue budgets at First Interim total \$1,090,240. LCFF dollars make up \$901,983 of the total revenues anticipated for 2014-15 by CPHS. This is down \$397,613 from the adopted budget amount of \$1.3 million. CPHS receives no revenues from federal sources. Other state revenues show an increase at First Interim of \$56,361 to a total of \$100,262. The increase is for one time mandate cost funds distributed to all schools on a per prior year ADA basis, as well funding for Prop 39, the Energy Jobs Act. The increases for these grants is offset by reductions to projected lottery receipts due to declining enrollment. A small increase is proposed for local revenue for special education pass-through funding from Riverside County SELPA bringing the total budgeted amount in this category to \$87,995. As of October 31, 2014, CPHS received a total of \$383,350 in revenue from these combined sources.

Transfers In/Other Sources

Revenues in this category come from funds transferred in to the charter school fund from other district funds or proceeds from financing activities. There is \$100,000 budgeted in this category for funds transferred in to the College Prep High School from the general fund to cover budget shortfalls.

Expenditures

Expenditures for CPHS are projected to total \$1.07 million for 2014-15.

Salary and benefit costs are budgeted at just under \$900,000 and make up 83.7% of total projected expenses. Salary and benefit costs paid as of October 31st totaled \$276,623. The budget for salaries and benefits has been decreased by \$209,029 in the First Interim report for declining enrollment and transfer of administrative staff to other schools and programs.

\$57,250 is budgeted for books and supplies with \$35,839 spent to-date. The budget in this expense category is reduced by \$6,204 from amounts budgeted as of October 31, 2014. The budget in the services and operating expenses category is projected at \$116,647, a reduction of \$82,121 from October 31 budget levels. At the end of October, \$20,787 had been expended for services and operating expenses. There are no planned expenses budgeted for capital outlay or other outgo at this time.

Other Financings Sources/Uses

A \$100,000 transfer in from the General Fund to the College Prep account was included in the adopted budget to cover projected budget shortfalls. This contribution amount remains unchanged at First Interim. \$97,142 is recorded as a transfer out to general fund special education accounts. The first interim change is a small increase of \$76.

Ending Balance

The June 30, 2015 ending balance for CPHS is projected to be \$98,094. Unrestricted balances are not sufficient to meet a recommended 3% reserve of \$35,120.

Programs with projected ending balances are:

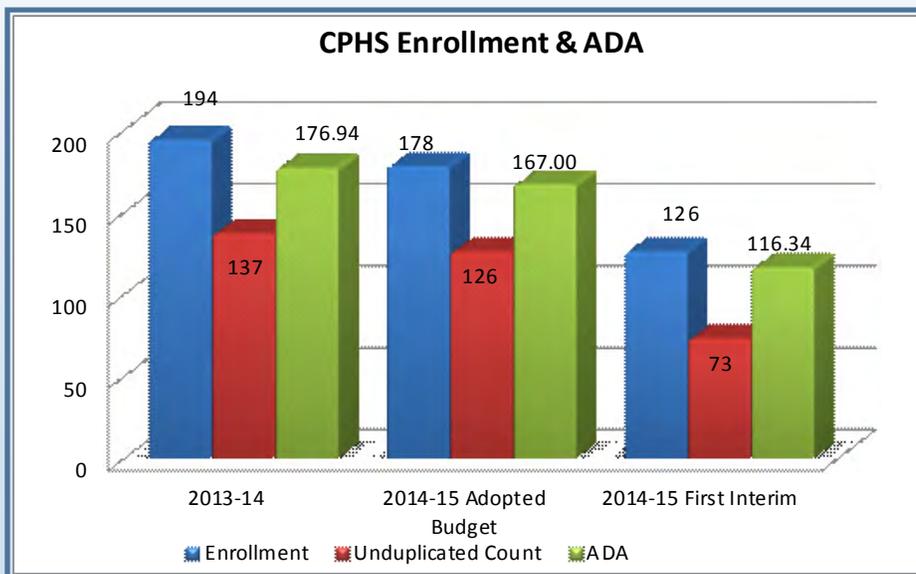
• Unrestricted GP Block Grant—0000	\$ 17,757
• Donations—0600	\$ 3,104
• Unrestricted Lottery—1100	\$ 5,751
• Prop 39 Energy Jobs—6230	\$ 51,594
• Restricted Lottery—6300	\$ 19,888

Total **\$ 98,094**



ENROLLMENT AND ADA

College Prep High School student enrollment was projected at 180 for budget purposes in its first adopted budget. Preliminary CalPADS enrollment for October 2014 was reported at 126. The rate of student attendance is estimated around 94.0%. Average daily attendance (ADA) was projected at 167.0 in the 2014-15 adopted budget. New estimates project ADA for 2014-15 at 116.34. The school's unduplicated count is averages about 65% of student enrollment.



CASH FLOW ANALYSIS & MULTI-YEAR PROJECTION

Cash Flow

A detailed cash flow analysis provided in the appendix of this report indicates CPHS will have sufficient cash reserves to cover expenditures during the 2014-15 year. A prior year loan of \$50,000 was repaid in full in July. A cash balance of \$107,805 is projected for June 30, 2015.

Multi-Year Projection

While not required for charter schools, the preparation of a multi-year projection is strongly recommended to help stakeholders analyze budgets and make financial decisions that can have multi-year impacts. The multi-year projection included in this report assumes the state will continue to move forward on filling the gap in funding between the base year and full implementation of the LCFF by 2020-21.

Assumptions used to formulate the multi-year projection for CPHS are listed in the table on the following page. Included in the assumptions is the phasing out of College Prep and its anticipated closing by the end of the 2016-17 school year. Competition of the Western Center Academy's expansion to high school is expected to have a negative impact on enrollment at CPHS in future years. The district has begun implementing a plan to phase out the closure of CPHS. In conjunction with the phase out of the CPHS charter school, the district will merge the program into a blended seat-based/independent study program with its Independent Study high school, Helen Hunt Jackson.

Based on the assumptions used in the multi-year projection for CPHS, it is expected the school will have a positive ending balance through 2016-17, although the ending balance will be reduced significantly by the end of the projection period to just under \$14,000.



Multi-Year Projection Assumptions

	2014-15	2015-16	2016-17
LCFF Gap Funding	29.560%	20.680%	25.480%
COLA (applied to LCFF base)	0.850%	2.190%	2.140%
Enrollment	126	77	26
ADA	116.34	72.24	24.39
ADA %	94.00%	94.00%	94.00%
LCFF ADA	116.34	72.24	24.39
Unduplicated % (Rolling 3 Yr Avg)	65.63%	64.48%	58.78%
Staffing Loss FTE's (CE Tchrs)		(4)	(2)
School Year (Days)	180	180	180
Salary Increase (HTA)	4.00%	0.00%	0.00%
Salary Increase Others	0.00%	0.00%	0.00%
Step & Column	1.00%	1.00%	1.00%
H&W Increase HTA (per FTE)	\$ 1,500	-	-
STRS Rates	8.880%	10.730%	12.580%
PERS Rates	11.771%	12.600%	15.000%
Grade Levels Served	10-12	11-12	12



Appendix - Summaries and Reports

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Multi-Year Projection	A-11



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Hemet Unified School District and
Riverside County Office of Education Findings for Denial

CHARTER SCHOOL
INTERIM FINANCIAL REPORT
First Interim Report - Detail

Charter School Name: College Prep High School
(continued)
CDS #: 128363
Charter Approving Entity: Hemet USD
County: Riverside
Charter #:
Fiscal Year: 2014-15

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	Adopted Budget - July 1st			Actuals thru 10/31			1st Interim Budget		
		Unrestricted	Restricted	Total	Unrestricted	Restricted	Total	Unrestricted	Restricted	Total
A. REVENUES										
1. LCFF Sources										
State Aid - Current Year	8011	970,541.00		970,541.00	316,080.00		316,080.00	778,006.00		778,006.00
Education Protection Account (EPA) - Current Year	8012	184,256.00		184,256.00	8,842.00		8,842.00	23,268.00		23,268.00
State Aid - Prior Years	8019									
Transfers to Charter Schools in Lieu of Property Taxes	8096	144,799.00		144,799.00	40,895.00		40,895.00	100,709.00		100,709.00
Other LCFF Transfers	8091, 8097									
Total, LCFF Sources		1,299,596.00		1,299,596.00	365,817.00		365,817.00	901,983.00		901,983.00
2. Federal Revenues										
No Child Left Behind	8290									
Special Education - Federal	8181, 8182									
Child Nutrition - Federal	8220									
Other Federal Revenues	8110, 8260-8299									
Total, Federal Revenues										
3. Other State Revenues										
Special Education - State	StateRevSE		10,422.00	10,422.00		24.00	24.00		10,547.00	10,547.00
All Other State Revenues	StateRevAO	28,469.00	5,010.00	33,479.00				34,165.00	55,550.00	89,715.00
Total, Other State Revenues		28,469.00	15,432.00	43,901.00		24.00	24.00	34,165.00	66,097.00	100,262.00
4. Other Local Revenues										
All Other Local Revenues	LocalRevAO	400.00	86,644.00	87,044.00	1,033.00	16,476.00	17,509.00	1,400.00	86,595.00	87,995.00
Total, Local Revenues		400.00	86,644.00	87,044.00	1,033.00	16,476.00	17,509.00	1,400.00	86,595.00	87,995.00
5. TOTAL REVENUES		1,328,465.00	102,076.00	1,430,541.00	366,850.00	16,500.00	383,350.00	937,548.00	152,692.00	1,090,240.00
B. EXPENDITURES										
1. Certificated Salaries										
Certificated Teachers' Salaries	1100	580,377.00		580,377.00	151,170.00		151,170.00	503,615.00		503,615.00
Certificated Pupil Support Salaries	1200	36,929.00		36,929.00	8,374.00		8,374.00	37,612.00		37,612.00
Certificated Supervisors' and Administrators' Salaries	1300	125,896.00		125,896.00	13,453.00		13,453.00	13,453.00		13,453.00
Other Certificated Salaries	1900				1,620.00		1,620.00	1,620.00		1,620.00
Total, Certificated Salaries		743,202.00		743,202.00	174,617.00		174,617.00	556,300.00		556,300.00
2. Non-certificated Salaries										
Non-certificated Instructional Aides' Salaries	2100									
Non-certificated Support Salaries	2200	21,266.00		21,266.00	6,000.00		6,000.00	21,481.00		21,481.00
Non-certificated Supervisors' and Administrators' Sal.	2300									
Clerical and Office Salaries	2400	97,505.00		97,505.00	27,375.00		27,375.00	83,725.00		83,725.00
Other Non-certificated Salaries	2900	32,860.00		32,860.00	5,534.00		5,534.00	20,976.00		20,976.00
Total, Non-certificated Salaries		151,631.00		151,631.00	38,909.00		38,909.00	126,182.00		126,182.00
3. Employee Benefits										
STRS	3101-3102	66,577.00		66,577.00	15,236.00		15,236.00	58,740.00		58,740.00
PERS	3201-3202	27,554.00		27,554.00	7,098.00		7,098.00	27,554.00		27,554.00
OASDI / Medicare / Alternative	3301-3302	21,772.00		21,772.00	5,237.00		5,237.00	20,905.00		20,905.00
Health and Welfare Benefits	3401-3402	110,907.00		110,907.00	30,402.00		30,402.00	90,015.00		90,015.00
Unemployment Insurance	3501-3502	447.00		447.00	107.00		107.00	399.00		399.00
Workers' Compensation Insurance	3601-3602	17,002.00		17,002.00	4,052.00		4,052.00	15,171.00		15,171.00
OPEB, Allocated	3701-3702	1,665.00		1,665.00	262.00		262.00	1,407.00		1,407.00
OPEB, Active Employees	3751-3752	2,641.00		2,641.00	703.00		703.00	2,671.00		2,671.00
Other Employee Benefits	3901-3902									
Total, Employee Benefits		248,565.00		248,565.00	63,097.00		63,097.00	216,862.00		216,862.00
4. Books and Supplies										
Approved Textbooks and Core Curricula Materials	4100		7,000.00	7,000.00	11,965.00	2,272.00	14,237.00	6,170.00	5,946.00	12,116.00
Books and Other Reference Materials	4200									
Materials and Supplies	4300	30,942.00		30,942.00	9,720.00		9,720.00	26,993.00		26,993.00
Noncapitalized Equipment	4400	17,255.00		17,255.00	11,882.00		11,882.00	18,411.00		18,411.00
Food	4700									
Total, Books and Supplies		48,197.00	7,000.00	55,197.00	33,567.00	2,272.00	35,839.00	51,574.00	5,946.00	57,520.00
5. Services and Other Operating Expenditures										
Subagreements for Services	5100									
Travel and Conferences	5200				450.00		450.00	450.00		450.00
Dues and Memberships	5300	950.00		950.00				950.00		950.00
Insurance	5400	4,434.00		4,434.00	4,636.00		4,636.00	4,636.00		4,636.00
Operations and Housekeeping Services	5500	62,100.00		62,100.00						
Rentals, Leases, Repairs, and Noncap. Improvements	5600	5,896.00		5,896.00	1,380.00		1,380.00	6,561.00		6,561.00
	575x	73,206.00		73,206.00	5,681.00		5,681.00	73,206.00		73,206.00
Professional/Consulting Services and Operating Expend.	5800	45,784.00		45,784.00	7,910.00		7,910.00	23,944.00		23,944.00
Communications	5900	6,900.00		6,900.00	730.00		730.00	6,900.00		6,900.00
Total, Services and Other Operating Expenditures		199,270.00		199,270.00	20,787.00		20,787.00	116,647.00		116,647.00

CHARTER SCHOOL
INTERIM FINANCIAL REPORT
First Interim Report - Detail

Charter School Name: College Prep High School
(continued)
CDS #: 128363
Charter Approving Entity: Hemet USD
County: Riverside
Charter #: _____
Fiscal Year: 2014-15

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	Adopted Budget - July 1st			Actuals thru 10/31			1st Interim Budget		
		Unrestricted	Restricted	Total	Unrestricted	Restricted	Total	Unrestricted	Restricted	Total
6. Capital Outlay <i>(Objects 6100-6170, 6200-6500 modified accrual basis only)</i>										
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			-			-			-
Equipment	6400			-			-			-
Equipment Replacement	6500			-			-			-
Depreciation Expense (for full accrual only)	6900			-			-			-
Total, Capital Outlay				-			-			-
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			-			-			-
Principal	7439			-			-			-
Total, Other Outgo				-			-			-
8. TOTAL EXPENDITURES		1,390,865.00	7,000.00	1,397,865.00	330,977.00	2,272.00	333,249.00	1,067,565.00	5,946.00	1,073,511.00
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPEND. BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)		(62,400.00)	95,076.00	32,676.00	35,873.00	14,228.00	50,101.00	(130,017.00)	146,746.00	16,729.00
D. OTHER FINANCING SOURCES / USES										
1. Other Sources	8910-8979	100,000.00		100,000.00	100,000.00		100,000.00	100,000.00		100,000.00
2. Less: Other Uses	7610-7699		97,066.00	97,066.00		16,500.00	16,500.00		97,142.00	97,142.00
3. Contributions Between Unrestricted and Restricted Accounts (must net to zero)	8980-8999			-			-			-
4. TOTAL OTHER FINANCING SOURCES / USES		100,000.00	(97,066.00)	2,934.00	100,000.00	(16,500.00)	83,500.00	100,000.00	(97,142.00)	2,858.00
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)		37,600.00	(1,990.00)	35,610.00	135,873.00	(2,272.00)	133,601.00	(30,017.00)	49,604.00	19,587.00
F. FUND BALANCE, RESERVES										
1. Beginning Fund Balance										
a. As of July 1	9791	51,869.00	21,771.00	73,640.00	56,629.00	21,878.00	78,507.00	56,629.00	21,878.00	78,507.00
b. Adjustments to Beginning Balance	9793, 9795			-			-			-
c. Adjusted Beginning Balance		51,869.00	21,771.00	73,640.00	56,629.00	21,878.00	78,507.00	56,629.00	21,878.00	78,507.00
2. Ending Fund Balance, June 30 (E + F.1.c.)		89,469.00	19,781.00	109,250.00	192,502.00	19,606.00	212,108.00	26,612.00	71,482.00	98,094.00
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			-			-			-
Undesignated/Unappropriated Amount	9790	89,469.00	19,781.00	109,250.00	192,502.00	19,606.00	212,108.00	26,612.00	71,482.00	98,094.00

LOCAL CONTROL FUNDING							v15.3a (released November 3, 2014)					
CALCULATE LCFF TARGET							CALCULATE LCFF TARGET					
Unduplicated as % of Enrollm		3 yr average		COLA		2.190%	3 yr average		COLA		2.140%	
				64.48%		64.48%			58.78%		58.78%	
						2015-16					2016-17	
	ADA	Base	Gr Span	Supp	Concen	TARGET	ADA	Base	Gr Span	Supp	Concen	TARGET
Grades TK-3	-	7,165	745	1,020	375	-	-	7,318	762	950	153	-
Grades 4-6	-	7,272		938	345	-	-	7,428		873	140	-
Grades 7-8	-	7,489		966	355	-	-	7,649		899	145	-
Grades 9-12	72.24	8,677	226	1,148	422	756,579	24.39	8,862	230	1,069	172	252,014
Subtract NSS	-	-	-	-	-	-	-	-	-	-	-	-
NSS Allowance	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL BASE	72.24	626,826	16,326	82,941	30,485	756,579	24.39	216,144	5,610	26,069	4,191	252,014
Targeted Instructional Improv	-	-	-	-	-	-	-	-	-	-	-	-
Home-to-School Transportati	-	-	-	-	-	-	-	-	-	-	-	-
Small School District Bus Rep	-	-	-	-	-	-	-	-	-	-	-	-
LOCAL CONTROL FUNDING FI						756,579						252,014
ECONOMIC RECOVERY TARGI					3/8	-					1/2	-
CALCULATE LCFF FLOOR							CALCULATE LCFF FLOOR					
				12-13 Rate	15-16 ADA					12-13 Rate	16-17 ADA	
Current year Funded ADA tim	-	-	-	-	-	-	-	-	-	-	-	-
Current year Funded ADA tim	-	-	-	-	-	-	-	-	-	-	-	-
Necessary Small School Allow	-	-	-	-	-	-	-	-	-	-	-	-
2012-13 Categoricals	-	-	-	-	-	-	-	-	-	-	-	-
2012-13 Charter Categorical i	-	-	-	-	-	-	-	-	-	-	-	-
Less Fair Share Reduction	-	-	-	-	-	-	-	-	-	-	-	-
New charter: District PY rate	-	-	-	6,150.40	72.24	444,305	-	-	-	6,150.40	24.39	150,008
Beginning in 2014-15, prior y	-	-	-	-	-	115,771	-	-	-	-	-	52,807
LOCAL CONTROL FUNDING FI						560,076						202,815
CALCULATE LCFF PHASE-IN EI							CALCULATE LCFF PHASE-IN EI					
						2015/16						2016-17
LOCAL CONTROL FUNDING FI						756,579						252,014
LOCAL CONTROL FUNDING FI						560,076						202,815
LCFF Need (LCFF Target less LCFF)						196,503						49,199
Current Year Gap Funding				20.68%		40,637				25.48%		12,536
ECONOMIC RECOVERY PAYM						-						-
LCFF Entitlement before Min						600,713						215,351
CALCULATE STATE AID							CALCULATE STATE AID					
Transition Entitlement						600,713						215,351
Local Revenue (including RDA)						(62,527)						(20,282)
Gross State Aid						538,186						195,069
CALCULATE MINIMUM STATE							CALCULATE MINIMUM STATE					
			12-13 Rate	15-16 ADA		N/A			12-13 Rate	16-17 ADA		N/A
2012-13 RL/Charter Gen BG a			-	72.24		-			-	24.39		-
2012-13 NSS Allowance						-						-
Less Current Year Property Tz						(62,527)						(20,282)
Subtotal State Aid for Historic						-						-
Categorical funding from 201						-						-
Charter Categorical Block Gra						-						-
Minimum State Aid Guarante						-						-
CHARTER SCHOOL MINIMUM							CHARTER SCHOOL MINIMUM					
Local Control Funding Formul						600,713						215,351
Minimum State Aid plus Prop						62,527						20,282
Offset						-						-
Minimum State Aid Prior to C						-						-
Total Minimum State Aid with						-						-
TOTAL STATE AID						538,186						195,069
Additional State Aid (Additio						-						-
LCFF Phase-In Entitlement (bi						600,713						215,351
CHANGE OVER PRIOR YEAR			-33.40%	(301,270)					-64.15%	(385,362)		
LCFF Entitlement PER ADA						8,316						8,829
PER ADA CHANGE OVER PRIC			7.26%	563					6.17%	513		
LCFF SOURCES INCLUDING EX							LCFF SOURCES INCLUDING EX					
				Increase		2015-16				Increase		2016-17
State Aid				-32.83%	(263,088)	538,186				-63.75%	(343,117)	195,069
Property Taxes net of in-lieu				0.00%	-	-				0.00%	-	-
Charter in-Lieu Taxes				-37.91%	(38,182)	62,527				-67.56%	(42,245)	20,282
LCFF pre COE, Choice, Supp				-33.40%	(301,270)	600,713				-64.15%	(385,362)	215,351

College Prep High - 1st Interim		11/24/14			
Minimum Proportionality Percentage (MPP): Summary Supplemental & Concentration Grant					
		2013-14	2014-15	2015-16**	2016-17**
1.	LCFF Target Supplemental & Concentration Grant Funding <i>from Calculator tab</i>		186,909	113,426	30,260
2.	Prior Year (estimated) Expenditures for Unduplicated Pupils above what was spent on services for all pupils		107,740	100,000	30,000
	Prior Year EIA expenditures 2014-15 py exp (2013-14 exp) must >= 2012-13 EIA exp	TRUE			
3.	Difference [1] less [2]		79,169	13,426	260
4.	Estimated Additional Supplemental & Concentration Grant Funding [3] * GAP funding rate		23,402	2,776	66
	GAP funding rate		29.56%	20.68%	25.48%
5.	Estimated Supplemental and Concentration Grant Funding [2] plus [4] (unless [3]<0 then [1]) LCAP Section 3, Part A		131,142	102,776	30,066
6.	Base Funding LCFF Phase-In Entitlement less [5], excludes Targeted Instructional Improvement & Transportation		770,841	497,937	185,285
	LCFF Phase-In Entitlement		901,983	600,713	215,351
7/8.	Minimum Proportionality Percentage* [5] / [6] LCAP Section 3, Part B		17.01%	20.64%	16.23%
8.	MPP at Target Supplemental and Concentration Spending Level* [1] / (Adjusted Base Grant) LCFF Funding before TIIG & Transportation Add-ons (from Calculator tab) Adjusted Base Grant (LCFF Funding before TIIG & Transport. Add-ons less [1])		26.14%	23.28%	16.35%
			901,983	600,713	215,351
			715,074	487,287	185,091
*percentage by which services for unduplicated students must be increased or improved over services provided for all students in the LCAP year. If Step 3a <=0, then calculate the minimum proportionality percentage at Estimated Supplemental & Concentration Grant Funding, step 5 **Regulations only require an LEA to demonstrate how it is meeting the proportionality percentage in the LCAP year, not across all three year.					
SUMMARY SUPPLEMENTAL & CONCENTRATION GRANT & MPP					
			2014-15	2015-16	2016-17
Current year estimated supplemental and concentration grant funding in the LCAP year		\$	131,142	\$ 102,776	\$ 30,066
Current year Minimum Proportionality Percentage (MPP)			17.01%	20.64%	16.23%

Hemet Unified School District and
Riverside County Office of Education Findings for Denial

College Prep High School
2014-15 Cash Flow - 1st Interim Budget

		JULY Actual	AUG Actual	SEPT Actual	OCT Actual	NOV Projected	DEC Projected	JAN Projected							
A. BEGINNING CASH		25,725.29	303,761.30	259,638.96	312,558.86	307,166.99	315,435.41	353,978.31							
B. RECEIPTS:															
Revenue Limit															
Charter Block Grant	8015	56,443.00	7.25%	56,443.00	7.25%	101,597.00	13.06%	101,597.00	13.06%	70,020.54	9.00%	70,020.54	9.00%	70,020.54	9.00%
Charter Block Grant (EPA)	8012	0.00	0.00%	0.00	0.00%	8,842.00	38.00%	0.00	0.00%	0.00	0.00%	4,866.28	21.00%	0.00	0.00%
PY Charter Blk Grant	8019	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
In-Lieu	8096	0.00	0.00%	0.00	0.00%	0.00	0.00%	40,895.00	40.61%	12,588.63	12.50%	12,588.63	12.50%	12,588.63	12.50%
PY In-Lieu	8099	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Federal Revenues	8100-8299	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Other State Revenues	8300-8599	0.00	0.00%	0.00	0.00%	24.00	0.02%	0.00	0.00%	19,273.00	19.22%	51,594.00	51.46%	6,069.30	6.05%
Other Local Revenues	8600-8799	0.00	0.00%	4,328.00	4.92%	12,148.00	13.81%	1,033.14	1.17%	9,551.43	10.85%	9,551.43	10.85%	9,685.05	11.01%
Transfers In/Other Sources	8910-8979	100,000.00	100.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
TOTAL RECEIPTS		156,443.00		60,771.00		122,611.00		143,525.14		111,433.60		148,640.88		98,363.52	
C. DISBURSEMENTS															
Certificated Salaries	1000-1999	10,491.33	1.89%	51,730.30	9.30%	57,265.73	10.29%	55,130.11	9.91%	54,347.74	9.77%	54,095.93	9.72%	53,743.40	9.66%
Classified Salaries	2000-2999	6,544.01	5.19%	10,695.46	8.48%	10,940.01	8.67%	10,729.53	8.50%	11,143.16	8.83%	10,862.85	8.61%	10,912.19	8.65%
Employee Benefits	3000-3999	10,450.70	4.82%	18,249.43	8.42%	18,398.04	8.48%	15,998.65	7.38%	19,482.63	8.98%	19,413.04	8.95%	20,153.03	9.29%
Books & Supplies	4000-4999	0.00	0.00%	28,061.41	48.79%	4,903.00	8.52%	2,874.91	5.00%	993.34	1.73%	3,764.61	6.54%	2,159.44	3.75%
Services & Operating Expenses	5000-5999	4,671.85	4.01%	6,049.74	5.19%	3,549.82	3.04%	6,515.64	5.59%	7,646.88	6.56%	12,410.12	10.64%	12,559.29	10.77%
Capital Outlays	6000-6999	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Other Outgo	7100-7299/7400-7499	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Indirect Costs	7300-7399	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Transfers Out/Other Uses	7610-7699	0.00	0.00%	0.00	0.00%	8,709.00	8.97%	7,791.00	8.02%	9,551.43	9.83%	9,551.43	9.83%	9,577.41	9.86%
TOTAL DISBURSEMENTS		32,157.89		114,786.34		103,765.60		99,039.84		103,165.18		110,097.98		109,104.76	
D. TAX ANTICIPATION NOTES															
2014-15 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00	
Jul 2015 TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00	
2015-16 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00	
TRANS TOTAL		-		-		-		-		-		-		0.00	
E. INTERFUND LOANS	9311/9611	-	-	-	-	(50,000.00)		-		-		-		0.00	
F. PRIOR YEAR TRANSACTIONS															
Accounts Receivable		589,349.00	105.64%	9,893.00	1.77%	71,323.30	12.78%	122.83	0.02%	0.00	0.00%	0.00	0.00%	21,813.69	3.91%
Accounts Payable/Def Rev		435,598.10	67.52%	0.00	0.00%	37,248.80	5.77%	0.00	0.00%	0.00	0.00%	0.00	0.00%	172,317.99	26.71%
TOTAL PRIOR YEAR TRANSACTIONS		153,750.90		9,893.00		34,074.50		122.83		0.00		0.00		(150,504.30)	
G. NET INCOME (B - C + D+ E + F)		278,036.01		(44,122.34)		52,919.90		(5,391.87)		8,268.42		38,542.90		(161,245.54)	
ENDING CASH (A +G)		303,761.30		259,638.96		312,558.86		307,166.99		315,435.41		353,978.31		192,732.77	
9/11/2013		303,761.30		259,638.96		312,558.86		307,166.99		315,435.41		353,978.31		192,732.77	
		0.00		0.00		0.00		0.00							

Hemet Unified School District and
Riverside County Office of Education Findings for Denial

College Prep High School
2014-15 Cash Flow - 1st Interim Budget

		FEB Projected	MARCH Projected	APRIL Projected	MAY Projected	JUNE Projected	ACCRUALS Projected	TOTAL						
A. BEGINNING CASH		192,732.77	174,241.41	145,197.75	112,395.34	77,056.01	107,804.68	25,725.29						
B. RECEIPTS:														
Revenue Limit														
Charter Block Grant	8015	62,240.48	8.00%	62,240.48	8.00%	62,240.48	8.00%	(59,338.02)	-7.63%	778,006.00				
Charter Block Grant (EPA)	8012	0.00	0.00%	4,886.28	21.00%	0.00	0.00%	4,653.60	20.00%	(0.16)	0.00%	23,268.00		
PY Charter Bk Grant	8019	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00		
In-Lieu	8096	12,588.63	12.50%	5,428.22	5.39%	1,007.09	1.00%	1,007.09	1.00%	1,009.99	1.00%	100,709.00		
PY In-Lieu	8099	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00		
Federal Revenues	8100-8299	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00		
Other State Revenues	8300-8599	0.00	0.00%	0.00	0.00%	4,394.63	4.38%	2,636.75	2.63%	0.00	0.00%	16,270.32	16.23%	100,262.00
Other Local Revenues	8600-8799	0.00	0.00%	2,701.76	3.07%	7,743.66	8.80%	8,529.61	9.69%	0.00	0.00%	22,722.92	25.82%	87,995.00
Transfers In/Other Sources	8910-8979	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	100,000.00
TOTAL RECEIPTS		74,829.11		75,256.74		75,385.86		74,413.93		67,901.17		(19,334.95)		1,190,240.00
C. DISBURSEMENTS														
Certificated Salaries	1000-1999	52,987.98	9.53%	53,239.78	9.57%	53,581.86	9.63%	56,248.09	10.11%	2,165.54	0.39%	1,272.21	0.23%	556,300.00
Classified Salaries	2000-2999	11,118.04	8.81%	11,619.84	9.21%	11,598.69	9.19%	11,163.32	8.85%	7,617.35	6.04%	1,237.55	0.98%	126,182.00
Employee Benefits	3000-3999	19,694.31	9.08%	20,481.19	9.44%	19,743.22	9.10%	19,654.53	9.06%	12,721.13	5.87%	2,422.10	1.12%	216,862.00
Books & Supplies	4000-4999	2,699.30	4.69%	3,509.09	6.10%	3,349.92	5.82%	3,619.85	6.29%	2,318.78	4.03%	(733.65)	-1.28%	57,520.00
Services & Operating Expenses	5000-5999	6,820.84	5.85%	12,748.74	10.93%	12,250.92	10.50%	7,901.11	6.77%	12,368.96	10.60%	11,153.09	9.56%	116,647.00
Capital Outlays	6000-6999	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Other Outgo	7100-7299/7400-7499	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Indirect Costs	7300-7399	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Transfers Out/Other Uses	7610-7699	0.00	0.00%	2,701.76	2.78%	7,663.66	7.89%	11,166.36	11.49%	0.00	0.00%	30,429.95	31.33%	97,142.00
TOTAL DISBURSEMENTS		93,320.47		104,300.40		108,188.27		109,753.26		37,191.76		45,781.25		1,170,653.00
D. TAX ANTICIPATION NOTES														
2014-15 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
Jul 2015 TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
2015-16 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
TRANS TOTAL		-		-		-		-		-		-		-
E. INTERFUND LOANS	9311/9611	-	-	-	-	-	-	-	100.00%	-	-	-	-	(50,000.00)
F. PRIOR YEAR TRANSACTIONS														
Accounts Receivable		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	18.49	0.00%	(55.79)	-0.01%	692,464.52
Accounts Payable/Def Rev		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	(20.77)	0.00%	0.00	0.00%	645,144.12
TOTAL PRIOR YEAR TRANSACTIONS		0.00		0.00		0.00		0.00		39.26		(55.79)		47,320.40
G. NET INCOME (B - C + D+ E + F)		(18,491.36)		(29,043.66)		(32,802.41)		(35,339.33)		30,748.67		(65,171.99)		16,907.40
ENDING CASH (A +G)		174,241.41		145,197.75		112,395.34		77,056.01		107,804.68		42,632.69		42,632.69
9/11/2013		174,241.41		145,197.75		112,395.34		77,056.01		107,804.68		42,632.69		42,632.69

Hemet Unified School District and
Riverside County Office of Education Findings for Denial

College Prep High School
2015-16 Cash Flow - 1st Interim Estimated Budget

		JULY Projected	AUG Projected	SEPT Projected	OCT Projected	NOV Projected	DEC Projected	JAN Projected	
A. BEGINNING CASH		107,804.68	90,249.40	56,897.49	36,807.66	9,900.91	16,888.20	17,076.36	
B. RECEIPTS:									
Revenue Limit									
Charter Block Grant	8015	26,344.02	5.03%	26,344.02	5.03%	47,398.29	9.05%	47,398.29	9.05%
Charter Block Grant (EPA)	8012	0.00	0.00%	0.00	0.00%	3,612.00	25.00%	0.00	0.00%
PY Charter Blk Grant	8019	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
In-Lieu	8096	0.00	0.00%	3,751.62	6.00%	7,503.24	12.00%	5,002.16	8.00%
PY In-Lieu	8099	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Federal Revenues	8100-8299	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Other State Revenues	8300-8599	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Other Local Revenues	8600-8799	0.00	0.00%	4,454.39	9.14%	0.00	0.00%	4,029.43	18.33%
Transfers In/Other Sources	8910-8979	0.00	0.00%	0.00	0.00%	0.00	0.00%	5,428.06	11.14%
TOTAL RECEIPTS		26,344.02	34,550.03	58,513.53	59,468.26	62,632.69	61,358.69	61,857.94	
C. DISBURSEMENTS									
Certificated Salaries	1000-1999	0.00	0.00%	29,526.67	9.62%	28,391.03	9.25%	31,276.17	10.19%
Classified Salaries	2000-2999	3,096.12	4.58%	6,344.44	9.38%	6,218.90	9.20%	5,941.43	8.79%
Employee Benefits	3000-3999	7,921.70	6.00%	12,547.25	9.50%	11,608.69	8.79%	11,782.84	8.93%
Books & Supplies	4000-4999	684.21	1.95%	10,315.29	29.35%	3,694.38	10.51%	4,955.06	14.10%
Services & Operating Expenses	5000-5999	862.27	1.21%	3,119.98	4.38%	12,975.94	18.20%	10,031.12	14.07%
Capital Outlays	6000-6999	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Other Outgo	7100-7299/7400-7499	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Indirect Costs	7300-7399	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%
Transfers Out/Other Uses	7610-7699	0.00	0.00%	4,454.39	8.40%	0.00	0.00%	6,299.97	11.87%
TOTAL DISBURSEMENTS		12,564.30	66,308.02	62,888.94	70,292.48	55,645.40	61,170.53	60,477.74	
D. TAX ANTICIPATION NOTES									
2013-14 Mid Yr TRANS	9640	-	-	-	-	-	-	0.00	
Jul 2014 TRANS	9640	-	-	-	-	-	-	0.00	
2014-15 Mid Yr TRANS	9640	-	-	-	-	-	-	0.00	
TRANS TOTAL		-	-	-	-	-	-	0.00	
E. INTERFUND LOANS	9311/9611	-	-	-	-	-	-	0.00	
F. PRIOR YEAR TRANSACTIONS									
Accounts Receivable		(3,867.00)	20.00%	(1,589.34)	8.22%	(968.68)	5.01%	(12,909.98)	66.77%
Accounts Payable/Def Rev		27,468.00	60.00%	4.58	0.01%	14,745.74	32.21%	3,172.55	6.93%
TOTAL PRIOR YEAR TRANSACTIONS		(31,335.00)	(1,593.92)	(15,714.42)	(16,082.53)	0.00	0.00	(389.13)	
G. NET INCOME (B - C + D + E + F)		(17,555.28)	(33,351.91)	(20,089.83)	(26,906.75)	6,987.29	188.16	991.07	
ENDING CASH (A + G)		90,249.40	56,897.49	36,807.66	9,900.91	16,888.20	17,076.36	18,067.43	
9/11/2013		90,249.40	56,897.49	36,807.66	9,900.91	16,888.20	17,076.36	18,067.43	

Hemet Unified School District and
Riverside County Office of Education Findings for Denial

College Prep High School
2015-16 Cash Flow - 1st Interim Estimated Budget

		FEB Projected	MARCH Projected	APRIL Projected	MAY Projected	JUNE Projected	ACCRUALS Projected	TOTAL						
A. BEGINNING CASH		18,067.43	20,130.51	26,458.66	21,153.55	11,774.75	42,800.34	107,804.68						
B. RECEIPTS:														
Revenue Limit														
Charter Block Grant	8015	49,964.61	9.54%	49,964.61	9.54%	47,136.42	9.00%	47,136.42	9.00%	47,136.42	9.00%	(7,279.98)	-1.39%	523,737.99
Charter Block Grant (EPA)	8012	0.00	0.00%	3,612.00	25.00%	0.00	0.00%	0.00	0.00%	3,612.00	25.00%	0.00	0.00%	14,448.00
PY Charter Blk Grant	8019	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
In-Lieu	8096	5,002.16	8.00%	8,753.78	14.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	17,507.56	28.00%	62,527.00
PY In-Lieu	8099	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Federal Revenues	8100-8299	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Other State Revenues	8300-8599	0.00	0.00%	0.00	0.00%	2,917.65	13.27%	0.00	0.00%	0.00	0.00%	7,089.58	32.25%	21,982.00
Other Local Revenues	8600-8799	0.00	0.00%	1,512.26	3.10%	4,339.60	8.91%	4,774.30	9.80%	0.00	0.00%	13,510.44	27.73%	48,720.00
Transfers In/Other Sources	8910-8979	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
TOTAL RECEIPTS		54,966.77		63,842.65		54,393.67		51,910.72		50,748.42		30,827.60		671,415.00
C. DISBURSEMENTS														
Certificated Salaries	1000-1999	31,061.32	10.12%	30,447.46	9.92%	30,754.39	10.02%	31,644.48	10.31%	1,319.80	0.43%	1,227.69	0.40%	306,930.00
Classified Salaries	2000-2999	5,957.12	8.81%	6,168.34	9.12%	5,955.34	8.81%	5,869.47	8.68%	3,347.27	4.95%	1,000.90	1.48%	67,625.00
Employee Benefits	3000-3999	11,292.58	8.55%	11,353.16	8.60%	11,364.24	8.61%	11,325.99	8.58%	7,636.17	5.78%	1,212.67	0.92%	132,063.00
Books & Supplies	4000-4999	1,669.79	4.75%	1,517.74	4.32%	2,536.33	7.22%	3,280.05	9.33%	1,455.43	4.14%	568.08	1.62%	35,151.00
Services & Operating Expenses	5000-5999	2,922.88	4.10%	6,515.54	9.14%	4,798.88	6.73%	4,395.23	6.17%	5,964.16	8.37%	5,950.71	8.35%	71,284.00
Capital Outlays	6000-6999	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Other Outgo	7100-7299/7400-7499	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Indirect Costs	7300-7399	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
Transfers Out/Other Uses	7610-7699	0.00	0.00%	1,512.26	2.85%	4,289.60	8.09%	4,774.30	9.00%	0.00	0.00%	15,669.22	29.54%	53,053.00
TOTAL DISBURSEMENTS		52,903.69		57,514.50		59,698.78		61,289.52		19,722.83		25,629.27		666,106.00
D. TAX ANTICIPATION NOTES														
2013-14 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
Jul 2014 TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
2014-15 Mid Yr TRANS	9640	-	-	-	-	-	-	-	-	-	-	-	-	0.00
TRANS TOTAL		-		-		-		-		-		-		-
E. INTERFUND LOANS	9311/9611	-	-	-	-	-	-	-	-	100.00%	-	-	-	0.00
F. PRIOR YEAR TRANSACTIONS														
Accounts Receivable		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	(19,335.00)
Accounts Payable/Def Rev		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	45,780.00
TOTAL PRIOR YEAR TRANSACTIONS		0.00		0.00		0.00		0.00		0.00		0.00		(65,115.00)
G. NET INCOME (B - C + D+ E + F)		2,063.08		6,328.15		(5,305.11)		(9,378.80)		31,025.59		5,198.33		(59,806.00)
ENDING CASH (A +G)		20,130.51		26,458.66		21,153.55		11,774.75		42,800.34		47,998.67		47,998.68
9/11/2013		20,130.51		26,458.66		21,153.55		11,774.75		42,800.34		47,998.67		47,998.68

2014-15 1st Interim Budget Multi-Year Projection

2014-15 1st Interim Budget College Prep High School		Grades 10-12		Grades 11-12			Grade 12	
		2013-14 Audited Actuals	2014-15 1st Interim Budget	Change	2015-16 Projected Budget	Change	2016-17 Projected Budget	Change
A. Revenues:								
Local Control Funding Formula								
LCFF	8011	983,221	670,266	(312,955)	423,738	(246,528)	160,191	(263,547)
Supplemental/Concentration	8011		107,740	107,740	100,000	(7,740)	30,000	(70,000)
EPA	8012	35,368	23,268	(12,100)	14,448	(8,820)	4,878	(9,570)
In-Lieu	8096	176,741	100,709	(76,032)	62,527	(38,182)	20,282	(42,245)
Total GPBG	8010-8099	\$ 1,195,330	\$ 901,983	\$ (293,347)	\$ 600,713	\$ (301,270)	\$ 215,351	(385,362)
Federal Revenues	8100-8299	0	0	0	0	0	0	-
Other State Revenues	8300-8599	39,193	100,262	61,069	21,982	(78,280)	8,642	(13,340)
Other Local Revenues	8600-8799	111,967	87,995	(23,972)	48,720	(39,275)	15,405	(33,315)
Transfers In	8910-8929	0	100,000	100,000	0	(100,000)	0	-
Other Sources	8930-8979	0	0	0	0	0	0	-
Contributions	8980-8999	0	0	0	0	0	0	-
Total Revenues		\$ 1,346,490	\$ 1,190,240	\$ (156,250)	\$ 671,415	\$ (518,825)	\$ 239,398	\$ (432,017)
B. Expenditures:								
Certificated Salaries	1000-1999	\$ 701,266	\$ 556,300	\$ (144,966)	\$ 306,930	\$ (249,370)	\$ 159,226	(147,704)
Classified Salaries	2000-2999	148,872	126,182	(22,690)	67,625	(58,557)	34,422	(33,203)
Employee Benefits	3000-3999	216,470	216,862	392	132,063	(84,799)	74,896	(57,167)
Books and Supplies	4000-4999	54,034	57,520	3,486	35,151	(22,369)	17,576	(17,575)
Services, Other Operating Expenses	5000-5999	178,071	116,647	(61,424)	71,284	(45,363)	26,146	(45,138)
Capital Outlay	6000-6599	0	0	0	0	0	0	-
Other Outgo	7100-7299/7400-7499	0	0	0	0	0	0	-
Direct Support/Indirect Costs	7300-7399	0	0	0	0	0	0	-
Transfers Out	7610-7699	121,423	97,142	(24,281)	53,053	(44,089)	16,752	(36,301)
Other Uses	7630-7699			0		0		-
Total Expenditures		\$ 1,420,136	\$ 1,170,653	\$ (249,483)	\$ 666,106	\$ (504,547)	\$ 329,018	\$ (337,088)
C. Net Increase (Decrease)		\$ (73,646)	\$ 19,587	\$ 93,233	\$ 5,309	\$ (14,278)	\$ (89,620)	\$ (94,929)
D. Beginning Fund Balance		\$ -	\$ 78,507	\$ 78,507	\$ 98,094	\$ 19,587	\$ 103,403	\$ 5,309
E. Contribution from HAAAT		\$ 152,153						
Ending Fund Balance		\$ 78,507	\$ 98,094	\$ 19,587	\$ 103,403	\$ 5,309	\$ 13,783	\$ (89,620)

BAYPOINT PREPARATORY ACADEMY



RCOE APPLICATION

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BAYPOINT PREPARATORY ACADEMY

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Form A

Notice of Intent to Submit Application On Appeal of Denial
PETITION FOR ESTABLISHMENT OF A CHARTER SCHOOL
Appeal Submission Following Denial By District
Riverside County Office of Education

CHARTER SCHOOL INFORMATION

Name of proposed charter school: Baypoint Preparatory Academy

General location (including district) of proposed school: Hemet, CA (HUSD)

Projected grade levels: K-12 Projected enrollment: 325 Goal date for opening school: 8-24-15

LEAD PETITIONER INFORMATION

Name of lead petitioner: Nancy Spencer

Address: 1175 Linda Vista Dr. City: San Marcos Zip: 92078

Daytime Phone Number(s): 760-471-0847 C: 562-325-0701 FAX: 760-736-0275

Email address: nspencer@bayshoreprep.org

LIST CHARTER DEVELOPMENT TEAM MEMBERS

<u>Nancy Spencer</u>	<u>Frank Ogwaro</u>	<u>Jody Miller</u>
<u>Tom Estill</u>	<u>Allison Magill</u>	<u>William Jagger</u>
<u>Karl Yoder</u>	_____	_____
_____	_____	_____

CERTIFICATION

I/we certify that we our petition was denied by a Riverside County district within the past 180 days (evidence attached).

Print Name: Nancy Spencer Signature: Nancy Spencer Date: 12-16-14

OFFICE USE ONLY

Received by: _____

Print Name: _____ Signature: _____ Date: _____

**RESOLUTION NO. 2313
DENYING THE CHARTER PETITION FOR
BAYPOINT PREPARATORY ACADEMY
BY THE GOVERNING BOARD OF THE
HEMET UNIFIED SCHOOL DISTRICT**

WHEREAS, pursuant to *Education Code* Section 47600 et seq., the Governing Board of the Hemet Unified School District ("District Board") is required to review and consider authorization of charter schools; and

WHEREAS, on or about September 12, 2014, the Petitioners, on behalf of Baypoint Preparatory Academy ("BPA" or "Charter School"), submitted a Charter Petition ("Petition") to the Hemet Unified School District ("District"), and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Charter was brought to the District Governing Board meeting of October 7, 2014, at which time it was received by the District Governing Board, thereby commencing the timelines for District Governing Board action thereon; and

WHEREAS, the District Board conducted a public hearing on the provisions of the Petition on October 21, 2014, pursuant to *Education Code* Section 47605, at which time the District Board considered the level of support for this Petition by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at that public hearing the lead petitioners and several interested parents spoke in support of the Petition. No District teachers or other District employees spoke in favor of the Petition; and

WHEREAS, the Petition proposes a K-12 in-seat program; and

WHEREAS, in reviewing the Petition for the establishment of BPA, the District 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 District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Petition and information related to the operation and potential effects of the proposed BPA, and made a recommendation to the District Board that the Petition be denied based on that review; and

WHEREAS, the District Board has fully considered the Petition submitted for the establishment of BPA and the recommendation provided by District staff.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the District Board finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. *Education Code* Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: "No charter shall be granted under this part that authorizes the conversion of any private school to a charter school."

BE IT FURTHER RESOLVED AND ORDERED that the District Board determines that its finding that the granting of the BPA Charter Petition would constitute the conversion of a private school is supported by the following facts:

1. The District received numerous emails from interested parents in which the parents indicate the BPA faculty will be substantially similar to the faculty of Cornerstone Christian School, which will be closing at the end of this academic year.
2. The District received numerous emails from interested parents whose children currently attend Cornerstone Christian School. These emails indicate that the parents intend to enroll their children in BPA if the BPA Petition is approved.
3. The BPA Petition failed to specify the exact location of its proposed facility. The BPA Petition has indicated it is in the process of negotiating a lease with a facility in the same zip code as Cornerstone Christian School, thus, causing the District to believe that the proposed Charter School will be housed in the same facility in which Cornerstone Christian School is currently located.
4. The Petition proposes an admission exemption for families who are part of the founding group. Since it appears that many of the people involved in the attempt to establish BPA are associated with the private Cornerstone Christian School in Hemet, this may result in an enrollment exemption for those students.

BE IT FURTHER RESOLVED AND ORDERED that the District Board, having fully considered and evaluated the Petition for the establishment of BPA, hereby finds the Petition not to be consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Petition pursuant to *Education Code* Section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [*Education Code* Section 47605(b)(2)]
2. The Petition does not contain reasonably comprehensive descriptions of all elements required by law. [*Education Code* Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby determines the foregoing findings are supported by the following specific facts:

I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code Section 47605(b)(2)]

A. Facility Location

Education Code section 47605(g) states in relevant part: “[the] description of the facility to be used by the charter school shall specify where the school intends to locate.”

The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only “the actual location for BPA has not been finalized,” but that “BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD.”

II. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE FOLLOWING ELEMENTS REQUIRED BY LAW. [Education Code Section 47605(b)(5)]

The Petitioners are required to set forth in the Petition reasonably comprehensive descriptions of sixteen elements as described in *Education Code* Section 47605(b)(5). The District Board finds that there are serious deficiencies/concerns in several of these required elements as more fully discussed below.

A. THE PETITION DOES NOT PROVIDE A REASONABLY COMPREHENSIVE DESCRIPTION OF THE “EDUCATIONAL PROGRAM.” [Education Code Section 47605(b)(5)(A)]

1. The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the “computer-based Edgenuity curriculum” will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.
2. The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.
3. The proposed plans for English learners (“EL”) and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified

differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

4. The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act ("IDEA").

The Petition claims that BPA "shall be solely responsible for its compliance with Section 504 and the ADA." Although, it states that "[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA," the Petition fails to include any written verifiable assurances from the identified SELPA. Under *Ed. Code* Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

5. The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

B. PETITION DOES NOT PROVIDE A REASONABLE COMPREHENSIVE DESCRIPTION OF "THE GOVERNANCE STRUCTURE OF THE SCHOOL, INCLUDING, BUT NOT LIMITED TO THE PROCESS TO BE FOLLOWED BY THE SCHOOL TO ENSURE PARENTAL INVOLVEMENT." [Education Code Section 47605(b)(5)(D)]

1. The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of *Cal. Gov. Code* Section 1090, *et seq.* and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be "interested persons." Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

C. THE PETITION DOES NOT CONTAIN A REASONABLY COMPREHENSIVE DESCRIPTION OF THE EMPLOYEE QUALIFICATIONS. [Education Code Section 47605(b)(5)(E)]

The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

D. **ADMISSION REQUIREMENTS, IF APPLICABLE.** [*Education Code Section 47605(b)(5)(H)*]

The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides "children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)" will be exempted from the random drawing.

E. **THE PROCEDURES TO BE USED BY THE DISTRICT AND THE CHARTER SCHOOL FOR RESOLVING DISPUTES RELATING TO PROVISIONS OF THE CHARTER.** [*Education Code Section 47605(b)(5)(N)*]

1. The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District's ability to effectively oversee the School.
2. Given the significance of opening and operating a charter school and the District's oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the

past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

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 Petition shall remain in full force and effect. In this regard, the District Board 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, ADOPTED AND SIGNED this 18th day of November 2014 by the Governing Board of the Hemet Unified School District of Riverside County, California.



President of the Governing Board for the
Hemet Unified School District

I, Barry L. Kayrell Clerk of the Governing Board of the Hemet Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District as a meeting of said Board held on the 18th day of November 2014, and that it was so adopted by the following vote:

AYES:	<u>7</u>	ABSTAIN:	<u>0</u>
NOES:	<u>0</u>	ABSENT:	<u>0</u>

Barry Kayrell
Clerk of the Governing Board of the
Hemet Unified School District



December 16, 2014

VIA: HAND DELIVERY

Riverside County Office of Education
3939 Thirteenth Street
Riverside, California 92501

Re: Baypoint Preparatory Academy Charter Petition Appeal to the Riverside County Board of Education

The purpose of this letter is to respond to Hemet Unified School District's ("HUSD" or the "District") staff report and findings of fact for denial (memorialized in Resolution No. 2313) of the Baypoint Preparatory Academy ("BPA" or the "Charter School") charter petition, and to demonstrate that the District's staff report does not constitute sufficient legal grounds to deny the establishment of the BPA charter.

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools ... 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. (Emphasis added.)

Education Code Section 47605(b) also enumerates and limits the legal bases for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].

(5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district to approve a charter petition, unless it makes written factual findings to support a denial.

The District Staff Report, which could form the basis for findings for denial of the charter petition by the District Board, contains findings that do not meet the legal standard for denial of a charter petition. Many of the findings concern resolvable matters that the District could have more appropriately dealt with through minimal communication with the Charter School, in a memorandum of understanding (“MOU”) with BPA, or imposed conditions on the Charter School’s operation. Moreover, the findings are based on incorrect facts, conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the BPA charter.

Below, please find a summary of the findings from the District staff report (in *italicized* text), in the order in which they were presented, immediately followed by the Charter School’s response (in plain text).

HUSD Finding: the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. Education Code Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: “No charter shall be granted under this part that authorizes the conversion of any private school to a charter school.”

BPA Response: While the law states that a charter school cannot propose to convert a private school to the status of a charter school, the law does not provide any guidance as to which facts are important or relevant in determining whether a charter does propose to convert a private school into a charter school.

Indeed, the District staff report lists a collection of facts, but provides no legal rationale or support for the proposition that those particular facts are determinative of the issue. Further, many of the facts are either inaccurate, or only partially accurate.

The District staff offer as evidence that they received emails from parents stating that some Cornerstone teachers will be employed at Baypoint. The District staff neglected to explain whether or how they might have verified the accuracy of these alleged statements from parents. In reality, when BPA representatives spoke with any individual interested in teaching at the Charter School, they were informed that they would need to be properly credentialed and highly qualified to teach the grades/subjects they were interested in, and that they would need to apply for a job on Edjoin, where the positions will be posted. There are absolutely no guarantees of

employment for anyone. Element 5 of the petition sets forth, in detail, the positions and qualifications for BPA administrators and teachers. These individuals have not yet been identified or hired. Candidates for these positions must meet the qualifications set forth in the petition and undergo an application and interview process, resulting in hiring by the Governing Board or Executive Director. The District fails to identify any specific facts that are inconsistent with the information provided in the petition or demonstrate that it has independently verified that the email assertions were factual. The staff's reliance upon opinions expressed in parent emails, rather than the charter petition, is improper and potentially unlawful.

The District staff offer as evidence that they received emails from parents stating that they want to enroll their child/children in BPA.

It is a legal requirement for all charter petitions to include signatures from parents or teachers indicating their meaningful interest in sending their child to, or working at, that charter school. The District staff have produced no facts to demonstrate that the emails they allegedly received are anything more than parents actively expressing their interest, in the same way they may have done on the petition signature page.

The District staff offer as evidence that BPA proposes to locate within the same zip code as Cornerstone.

Zip code 92544 covers approximately 135 square miles. The District is clearly speculating as to BPA's intentions, without any factual support whatsoever. Even assuming the staff's conclusion is true, it is common for charter schools to lease facilities from former private and parochial schools. This type of lease agreement is consistent with the law and does not lend itself to the conclusion that the charter school was established as a conversion of that private school.

The District staff offer as evidence that BPA will give an admissions preference to founding families.

First, admissions preferences for founders are very common throughout California, and are explicitly recognized in the Public Charter Schools Grant Program application. Second, the admissions preference is limited to less than 10% of the total enrollment of BPA, so even if some founders have a connection to Cornerstone, there is no guarantee that Cornerstone students will comprise a large proportion of the Charter School's enrollment. Third, all families expressing interest in having their children attend BPA have been notified of the likelihood that admission will be determined by a public random drawing.

The District staff report does nothing but speculate on the occurrence of a series of facts selected for unknown and undisclosed reasons. The District staff omitted the fact that the petitioners, who operate a successful charter school authorized by the San Marcos School District have no personal connection or past history with Cornerstone. We hereby affirm that BPA does not and will not convert a private school into a charter school.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

HUSD Finding: The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only “the actual location for BPA has not been finalized,” but that “BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD.”

BPA Response: No law requires a charter petition to identify the address of a specific facility or to provide evidence of a lease at the time of approval. Indeed, almost no property owner would enter into a lease with an entity that does not have an approved charter. The Charter Schools Act only requires a petition to identify “where the school intends to locate.” (Education Code Section 47605(g)). BPA’s petition clearly provides a description of where the Charter School intends to locate. Again, almost no charter school petitioners have a facility in place in advance of submission of a charter petition. Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petition does not contain reasonably comprehensive descriptions of all elements required by law.

HUSD Finding A1: The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the “computer-based Edgenuity curriculum” will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.

BPA Response: The educational program for grades 6-12 is described in detail in pages 15 through 23 of the Petition. These pages include the proposed daily schedule for each grade level, showing the class sessions, as well as times working on Edgenuity, the computer-based, Common Core aligned curriculum that is described throughout the petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A2: The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.

BPA Response: The plans for low-achieving and high-achieving students are specifically addressed on page 23, as well as throughout the Petition. The basis of the program is to provide individualized attention to each student and to customize an education plan for each student’s needs. Backed by excellent teaching resources, the parent, teacher, and the student will develop a personalized learning plan addressing the targeted areas of improvement. This is the success

behind Bayshore, the model upon which Baypoint is based. Teachers have an infinite supply of resources to assist students, and to list all of those resources would be impractical.

The Petitioners would also like to point out that these areas are not addressed in the initial petitions or charter renewals for Western Center Academy Charter and College Prep High School, both of which were unanimously approved by the Governing Board of Hemet Unified School District.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A3: The proposed plans for English learners ("EL") and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

BPA Response: Page 24 of the Petition provides a detailed description of the plan for EL students, including CELDT testing and individualized instruction. The personalized learning plan is covered in detail throughout the Charter Petition and is at the core of the program's success for Bayshore, upon which Baypoint will be modeled.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A4: The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act ("IDEA").

The Petition claims that BPA "shall be solely responsible for its compliance with Section 504 and the ADA." Although, it states that "[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA," the Petition fails to include any written verifiable assurances from the identified SELPA. Under Ed. Code Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

BPA Response: The District here is mistaken in its reading of the plain meaning of Education Code Section 47641(a). The statute clearly states that the Charter School must make written, verifiable assurances that it will participate as an LEA member of a SELPA, not that the SELPA itself must make such assurances. BPA made the proper assurances in its charter petition. BPA also submitted to the District a letter from the El Dorado County SELPA stating that it would be offered membership in that SELPA by simply submitting a letter of intent to join the SELPA.

Regarding interventions, as the District surely knows, specific interventions and courses are

determined by the IEP team, based on the unique needs of each student. It would be unreasonable and impracticable to list any and all possible interventions for students with exceptional needs, and the Charter Schools Act does not require this level of detail in a charter petition. With respect to the IEP development process, the IDEA and related provisions of California law outline specific procedural requirements which BPA has stated it will adhere to (among other requirements of state and federal law). BPA need not recite every legal requirement in its charter petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A5: The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

BPA Response: Education Code Section 47605(b)(5)(A)(iii) states: “[c]ourses 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.”

On page 22 of the charter petition, BPA states that it will seek accreditation from the Western Association of Schools and Colleges. Once accreditation is earned, all courses will be considered transferable to other public high schools. Also on page 22, the BPA charter details the A-G approved courses, which may be used to meet college entrance requirements.

An in-depth description of courses and their transferability, along with graduation requirements, will be offered to parents in a Student/Parent Handbook.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding B1: The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of Cal. Gov. Code Section 1090, et seq. and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be “interested persons.” Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

BPA Response: There is no legal requirement for charter petitions to include assurances for compliance with the Political Reform Act and/or Government Code Section 1090, et seq. All charter schools must comply with the Political Reform Act, including BPA, so there is no need to recite this legal requirement.

Government Code Section 1090, et seq. does not apply to charter schools. In September of this

year, the Governor vetoed a bill that would have applied Government Code Section 1090, *et seq.* to charter schools. Had this law already been applicable to charter schools, there would be no need for such legislation. The Governor's rebuke provides even more evidence that charter schools are not required to follow this law.

Nevertheless, the BPA Board of Directors has been composed with the requirements of Section 1090 in mind, and BPA hereby affirms that it will comply with the Political Reform Act, as well as the provisions of the corporations code governing nonprofit corporations (particularly with regard to self-dealing transactions).

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding C: The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

BPA Response: The requirement to include employee qualifications for all "key" staff positions comes from Title 5, California Code of Regulations, Section 11967.5.1. This Section applies only to charter petitions submitted for review by the State Board of Education. HUSD has not adopted this Regulation into its Board Policy, and therefore cannot deny the BPA charter based upon such finding.

The District states that the Charter School did not include "all" qualifications for teachers. This finding is puzzling, especially as the District offered no explanation as to what might be missing. As an independent charter school, BPA is permitted by law to set the qualifications for its employees. It did so. The District's finding has no merit. As stated on page 52 of the charter, the qualifications for additional certificated and non-certificated personnel will be identified in job descriptions. In the event a need arises to hire such individuals, the Charter School would be glad to share the qualifications for a specific position.

The Charter School provided a more than reasonably comprehensive description of how BPA will serve special education students. There is no legal requirement to address autism in particular, and HUSD provides no indication as to why it selected this particular disability to point out.

Accordingly, these findings are impermissible bases for denial of the charter petition.

HUSD Finding D: The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be

extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides “children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)” will be exempted from the random drawing.

BPA Response: Education Code Section 47605(d)(2)(B) allows for a “preference” for additional categories of students and places no restrictions whatsoever on how such a preference may be implemented. The California Department of Education, as well as charter school authorizers up and down the State, has routinely viewed both priority ratios and exemptions as permissible “preferences” under this Section. In addition, this application is consistent with the Non-Regulatory Guidance issued by the US Department of Education for the Public Charter Schools Grant Program.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding E1: The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District’s ability to effectively oversee the School.

BPA Response: By law, a charter petition must contain a reasonably comprehensive description of the dispute resolution procedures to be employed in the event of disputes relating to the provisions of the charter. The District here is not stating that BPA did not provide a reasonably comprehensive description of dispute resolution. Instead, HUSD is stating that it disagrees with the procedures proposed by BPA. Such disagreement is not factually based, and not a lawful basis for denial of the charter petition.

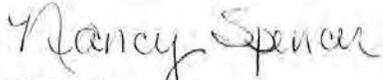
BPA would have been glad to discuss and memorialize in an MOU, an alternative dispute resolution procedure. Indeed, page 79 of the charter petition states, “[a]ll times and procedures in this section may be revised upon mutual written agreement of HUSD and BPA.” (Emphasis added.)

HUSD Finding E2: Given the significance of opening and operating a charter school and the District’s oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

BPA Response: Please see response to Finding E1. The District here is lodging a complaint, but it is not making a factual finding that could be a lawful basis for denial.

We look forward to working with the County Board and the Riverside County Office of Education during consideration of the charter petition. Please feel free to contact me nspencer@bayshoreprep.org; 760-471-0847 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Spencer".

Nancy Spencer
Lead Petitioner



ASSURANCES

As the authorized lead petitioner I, Nancy Spencer, hereby certify that the information submitted in this petition for the charter for Baypoint Preparatory Academy (BPA), located within the boundaries of the Hemet Unified School District (HUSD) 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, BPA will follow any and all federal, state and local laws and regulations that apply to the Charter School.:

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 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)]
- Shall be deemed the exclusive public school employer of the employees of BPA for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Shall admit all students who wish to attend BPA, and who submit a timely application, unless BPA receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Admission to BPA shall not be determined according to the place of residence of the student or his or her parents within the State except as provided in Education Code Section 47605 (d)(2). Preference in the public random drawing shall be given as required by Ed Code section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable effort to accommodate the growth of the Charter School in accordance with Ed Code Section 47605(d)(2)(C).
- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, 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 or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- Shall adhere to all provisions of federal law related 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 in Education Improvement Act of 2004.

- 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 Section 11967.5.1(f)(5)(C)]
- Shall ensure that teachers at BPA 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 non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
- Shall at all times maintain all necessary and appropriate insurance coverage.
- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- Shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves BPA without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil's last known address. BPA shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- Shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
- Shall on a regular basis consult with parents and teachers regarding BPA's education programs.
- Shall comply with applicable jurisdictional limitations to locations of its facilities.
- Shall comply with all laws establishing the minimum and maximum age for public school enrollment.
- Shall comply with all applicable portions of the No Child Left Behind Act.
- Shall comply with the Public Records Act.
- Shall comply with the Family Educational Rights and Privacy Act.
- Meetings of the Board of Directors of BPA shall comply with the Ralph M. Brown Act.
- Shall meet or exceed the legally required minimum number of school days.

Nancy Spencer

12-16-14

Nancy Spencer
Lead Petitioner
Executive Director-Bayshore Preparatory Charter School

Date



Baypoint Preparatory Academy

1175 Linda Vista Drive
San Marcos, CA 92078
760-471-0847

Violet Gutierrez, Charter Schools Coordinator
Riverside County Office of Education
3939 Thirteenth Street
Riverside, California 92501

Re: Baypoint Preparatory Academy Charter Petition Appeal to the Riverside County Board of Education

Dear Ms. Gutierrez:

The Baypoint Preparatory Academy (the "Charter School") charter petition was submitted to Hemet Unified School District (the "District") on September 12, 2014. The District Board voted to deny the petition on November 18, 2014.

The Charter School respectfully submits its charter petition to the Riverside County Board of Education (the "County"). We have listed below the relevant and appropriate changes to the charter petition, which are necessary to reflect approval by the County:

1. Chartering Authority

Any text referring to Hemet Unified School District, HUSD, or the District as the chartering authority would be revised to read "Riverside County Board of Education," "Riverside County Office of Education," "RCBE," "RCOE," or the "County."

2. Technical Amendments

The Charter School will comply with any and all technical amendments to its charter as required by the RCBE and RCOE. We will make every effort to submit any supplemental documentation that the County may request in a timely manner.

We look forward to working with the County Board and the Riverside County Office of Education during consideration of the charter petition. Please feel free to contact me nspencer@bayshoreprep.org; 760-471-0847 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Spencer".

Nancy Spencer
Lead Petitioner



Form B

Applicant Information
PETITION FOR ESTABLISHMENT OF A CHARTER SCHOOL
Appeal Submission Following Denial By District
Riverside County Office of Education

Applicant Information – ATTACH RESUME

Applicant's Position with Charter School: <input type="checkbox"/> Lead Petitioner <input type="checkbox"/> Director/Principal <input type="checkbox"/> On-Site Financial Manager		
Name of Applicant (First/Middle/Last) : Nancy Eddy Spencer		
Other Names Used (i.e. Maiden/Former Married): Eddy		
Current Address: 1175 Linda Vista Dr.,		
City: San Marcos	State: CA	Zip: 92078

Background Information

Include this information in the attached resume:

- Education History
- Employment History – If applicable, include previous experience with Charter Schools
- Professional Licenses/Credentials
- Professional Affiliations (Corporate Positions, Board Positions, etc.)
- Fictitious Business Name Affiliations
- Professional References
- If applicable – Arrests and/or Convictions

Proposed Charter School

Charter School Name: Baypoint Preparatory Academy		
Address (if available):		
City: Hemet	State: CA	Zip:
Legal Entity Behind Charter School (if available) Baypoint Preparatory Academy		
Other Charter Schools with which Affiliated (prior and current): Bayshore Preparatory Charter School (current) Vista Real Charter School (prior)		
Location(s) of Other Charter Schools: San Marcos, CA Oxnard, CA		

Authorization to release Information

My signature affirms that all information on this application is true to the best of my knowledge. Further, I authorize all employers, institutions, government agencies and persons named as references to release information for use in establishing my qualifications and credentials for this position. This authorization:

- Removes all liability from those who provide information and verification in response to any information I have stated in applying on behalf of the above referenced Charter School.
- Releases the Riverside County Office of Education and any agent acting on its behalf from any and all liability of whatever nature in requesting or using such information to assess my candidacy on behalf of the above referenced Charter School.
- Is valid during my entire candidacy and during any resulting period of employment with the above referenced Charter School.
- Is an indication of my knowledge and understanding that the information provided in this application will be used to examine by background and my knowing and voluntary agreement to the background information being publicly disclosed as part of the charter/renewal petition and review process.

Signature

Applicant Signature: <i>Nancy Spencer</i>	
Title: Executive Director	Date: 12-16-14

OFFICE USE ONLY

Charter School Application Process by:		
Phone:	Fax:	E-mail:

Nancy E. Spencer

7143 Tanager Drive, Carlsbad, CA 92011
Email: nspencer@bayshoreprep.org
Cell Phone: (562) 325-0701

EMPLOYMENT HISTORY

Executive Director

January 2009 – present

Bayshore Preparatory Charter School
San Marcos, California

- Schoolwide API increase of 129 points over 4 years
- Socioeconomically Disadvantaged API increase of 94 points over 3 years
- Hispanic/Latino API increase of 65 points over 3 years
- 5 Year Budget Reserves: 6%, 11%, 15%, 24%, 10%
- Implemented full Common Core Curriculum in 2013-14
- Achieved full WASC accreditation on initial visit
- Received Highest 6-year WASC accreditation
- Two unanimous 5-year charter renewals: 2009/2014
- Increased A-G approved courses from 18 to 29
- Met AYP growth in all student groups over the past three years

Principal

July 2005 – January 2009

Vista Real Charter High School
Oxnard/Santa Paula, California

- Planned, implemented, and coordinated new personalized charter high school, growth to 500+ students
- Received full WASC accreditation before end of second year
- Developed and implemented standards-based high school curriculum
- Successfully opened satellite campus servicing additional at risk students
- Networked with community organizations and leaders to promote school and recruit students
- Recruited, staffed, trained and evaluated NCLB compliant educational staff
- Conducted school/faculty meetings, in-services and staff development training
- Developed and implemented school policies and procedures
- Increased API from 444 to 703, one of the highest ASAM API scores in the State

Teacher/Acting Coordinator

December 2002- July 2005

Parkview School K-8 Independent Study Program
Placentia/Yorba Linda, California

- Successfully supervised district independent study program, while maintaining growth, quality, and consistency in program
- Hired, trained, supervised and evaluated staff personnel
- Planned, organized and directed major facility expansion and restructuring during school year
- Planned, organized and implemented the school's calendar of events, classes, workshops and schedules
- Allocated funding for school budget- procuring funds for additional office, classroom equipment and staff development conference
- Served as GATE Site Coordinator, STAR Testing Coordinator and on District Superintendent's Advisory Committee

Conference Events Coordinator

1987 - 2002

Various Educational Conferences
California/Washington

- Supervised, recruited, staffed, and trained 25-50+ volunteers
- Recruited by conference chairman for executive committee for three major regional, national, and international conferences/events
- Directly participated in all major conference decisions, scheduling, budgeting, speaker selection, promotions, and facility coordination, 2-4 day events, 300+ workshops, 200+ vendors, 800- 6000+ participants.
- Planned, organized, scheduled, coordinated and promoted three successful first-time regional events from conception to follow-up including: facility acquisition, organization recruitment, event scheduling, media contact, publicity, set-up, takedown, and final evaluation

Other Teaching Experience

1972-2002

Public/Private

California/Idaho/Minnesota

- 25 years homeschooling four children, grades kindergarten through twelfth grade: all subjects
- 5 years public school teaching grades fifth through ninth: mathematics, history and art

EDUCATION HISTORY

Post Graduate: 52 Units

- University of Idaho, University of California Irvine, Pepperdine University, California State University Fullerton, College of Notre Dame

B.S. Education

- University of the Pacific Stockton, CA
Magna Cum Laude

PROFESSIONAL LICENSES/CREDENTIALS

- California Clear Administrative Services
- California Standard Elementary: All Subjects K-9, NCLB
- California Standard Secondary: Math, Physical Science, History 7-12, NCLB
- NTE, CBEST certified; Who's Who in America's Teachers- Twice

PROFESSIONAL AFFILIATIONS

- Little Friends Preschool Board-Treasurer
- Pacific View Charter School-Board Member
- Word of Life Community Church Board-Treasurer
- The Bay Group Board-Secretary
- Southern Counties Special Education Charter Consortium JPA Board-Board Chair

PROFESSIONAL REFERENCES

- Ms. Barbara Howard
Director II
Center for Teacher Innovation
Riverside County Office of Education
951 826-6632
BHOWARD@rcoe.us
- Miles Durfee, Managing Regional Director, Southern California
California Charter Schools Association
Tel: (213) 244-1446 Extension 228
Cell: 858-663-1587
Email: mdurfee@calcharters.org
- Frank Ogwaro, Board Chair
Bayshore Preparatory Charter School
Cell: 760-497-4208
frankogwaro@gmail.com
- Darlene Jagger
Credentialed Teacher-Retired
PYLUSD
Ph: 714-536-4149
Cell: 714-625-5359
Email: dj@allforcessupply.com

Form C

Charter Information
PETITION FOR ESTABLISHMENT OF A CHARTER SCHOOL
Appeal Submission Following Denial By District
 Riverside County Office of Education

This page is to be submitted with your original charter petition submitted to the district. The information you supply will be incorporated into the Board Report that will be submitted to the Riverside County Board of Education on your behalf. Use additional pages as needed to provide the following information:

1. Name of organization or individuals applying for charter: Baypoint Preparatory Academy
2. Grade levels to be served by the proposed charter school: Kindergarten through twelfth Grade
3. Number of students proposed to be served: 325
4. Location address or target districts: Hemet, CA (HUSD)
5. Proposed instructional setting(s): College Prep Classroom Based Blended Learning
6. Facility status and location(s): LOI, Negotiating Lease: 26089 Girard Street, Hemet, CA 92544
7. Board of Directors: (list):

<u>Frank Ogwaro</u>	<u>Allison Magill</u>
<u>Tom Estill</u>	<u>Bill Jagger</u>
<u>Elizabeth Oberreiter</u>	
8. Source(s) of money for start-up: PSCGP, Loan
9. 3-5 top leaders and their positions:

Leader	Position
<u>Frank Ogwaro</u>	<u>Board Chair</u>
<u>Nancy Spencer</u>	<u>Executive Director</u>
<u>Jody Miller</u>	<u>Academic Coordinator</u>
10. Have you submitted your charter to any other jurisdiction for approval? X Yes No
 If yes, where? Hemet Unified School District
11. Are there any "sister" charters? X Yes No
 If yes, indicated where located: 1175 Linda Vista Dr., San Marcos, CA 92078
12. Under which SELPA do you intend to provide Special Education Services: El Dorado County Charter SELPA
 Contact information for David M. Toston, Executive Director

SELPA : El Dorado County SELPA/Charter SELPA
 Telephone: 530-295-2467
 Fax: 530-676-4337
 Dtoston@edcoe.org

If Riverside County SELPA, please note that their Local Plan requires a consultation with the SELPA Director prior to approval of a charter. (See Attachment A,)

13. Provide information on any management company with which your charter school will contract.
 Use additional pages, if necessary

Name and Contact Information for Management Company:

Service to be provided:

Delta Managed Solutions, Karl Yoder	Back Office Services
1451 River Park Drive, Suite 180	Fiscal Services
Sacramento, CA 95815	Payroll Services/Risk Management
T: 916-649-6461 F: 916-244-0307	Purchasing/Procurement
	Compliance/Reporting
The Bay Group	Facility Negotiations/Acquisitions
1175 Linda Vista Dr.	Curriculum/Information Technology
	Contracts
San Marcos, CA 92078	Asset Acquisitions (Furniture and Equipment)
	Independent Oversight of Shared Personnel
T: 760-471-0847 F: 760-736-0275	Procurement of Start-up/Operational Funding
	Marketing/Community Outreach



Form C
continued

Charter Information
PETITION FOR ESTABLISHMENT OF A CHARTER SCHOOL
Appeal Submission Following Denial By District
Riverside County Office of Education

14. Provide a description of the Philosophy of your school:

Baypoint Preparatory Academy is committed to providing an intimate, friendly academic environment that recognizes and values each student's unique learning profile, defines clear expectations, sets appropriate yet challenging goals, and celebrates the achievement of these goals. Baypoint believes that all students who are actively involved in their educational program develop self-direction and thus become lifelong learners who are productive global citizens.

Baypoint will strive to prepare all students to become responsible citizens in the 21st century, a world of cultural diversity and rapid technological change. All students will be held to the highest academic standards, yet given the nurturing required to reach those standards.

The foundation of our program will be a partnership between students, parents and teachers. Our high expectations and individualized choices will encourage all students to become actively engaged, passionate learners. Our goal is for all graduates to be prepared to successfully compete in the workforce, to attend the colleges of their choice, to communicate across gender, race, and socioeconomic complexities, and to value service to others in society. Baypoint will be dedicated to assisting our youth in becoming adults who are competent, confident, productive, and adaptable, with the skills and attitudes to enable them to successfully contribute to society.

Even though a challenging curriculum and program can be very powerful, Baypoint believes the instructional staff will be the key component to the success of student achievement. Baypoint will employ a staff of professionals who pride themselves on providing a caring, safe, and supportive academic environment where students are accepted and appreciated as individuals with unique interests and aspirations.

15. Describe the innovative elements of your charter that could be considered to be "best practices" and could be replicated by other schools:
- Employment procedures that involve key members of the team vetting out potential candidates who share the same passion and drive that complements the academic philosophy.
 - Curriculum decisions involving the entire staff driven by the academic philosophy and Common Core/State Standards.
 - A flexible environment where teachers are encouraged to approach learning utilizing innovative instructional methods.
 - Student data driven decisions based on standardized tests, State testing and teacher generated assessments.
 - A belief that all students can succeed academically regardless of their socioeconomic status.
 - Encouraging and supporting professional development for all staff.
 - Transparency and accountability at all levels within the charter school.

As you are already aware, serving on a public charter school board is a position of great trust and responsibility. As a board member of a public school, you are not only ultimately responsible for the education of all students enrolled in the school, but also entrusted with the obligation to see that the public monies which are given to the charter school are legally and wisely spent.

By providing the requested information prospective board members will assist the Charter Schools Unit in determining if the application demonstrates that the school will be run in a financially, organizationally and educationally sound manner.

Using this "Form D" as a cover sheet, submit typed responses to the inquiries on this page and page 12:

1. Indicate how you became aware of the proposed charter school and the opportunity to serve as a member of its board if it is chartered, including who invited you, if applicable, to sit on the board.
2. Explain why you wish to serve on the board.
3. Please indicate if you have previously served on a board of a school district or a not-for-profit corporation (including the board of a non-public school) and describe any relevant experience).
4. Describe your understanding of the appropriate role of a public charter school board member.
5. Indicate specifically the knowledge and experience that you would bring to the board.

Allison Magill
Name (please print)

Allison Magill
Signature

12/15/2014
Date

1. I currently serve on the Board of Directors for Bayshore Preparatory Charter School, a kindergarten through twelfth grade independent study school authorized by San Marcos Unified School District. The proposed academic program of Baypoint Preparatory Academy is based, in part, on the successful academic program operated by Bayshore. Bayshore supports the petition for establishment of Baypoint. It was through my involvement with Bayshore that I was asked to serve on the Board for Baypoint.
2. I firmly believe in the value of providing families with options for high quality public education and I am committed to furthering public school choice through the growth and impact of charter schools. I enjoy serving on the Board of Directors for Bayshore Preparatory Charter School and am thrilled to see the replication of this high quality educational program in the San Jacinto Valley. Given my strong support for the school's educational program, as well as the positive experiences I have had with the talented and dedicated leaders and staff at Bayshore, I would be honored to serve as a member of the Board of Directors for Baypoint Preparatory Academy.
3. I have served on the Board of Directors for Bayshore Preparatory Academy, a kindergarten through twelfth grade independent study school chartered by San Marcos Unified School District, for the past two years.
4. In my capacity as a board member, I will be responsible for making governing decisions that uphold the mission and will foster success of the school. I understand my duty to make well-informed and objective decisions that are consistent with the mission and educational philosophy articulated in the charter, and that provide school administrators and staff with the resources and support they need to be successful in implementing the educational program set forth in the charter. I further understand that leading a charter school triggers several laws regulating conflicts of interest and official conduct. It will be my responsibility to understand the application of these laws to charter schools and to act responsibly and transparently in my capacity as a board member.
5. As an attorney and employee of the California Charter Schools Association, I have a wide range of strengths and skills that would make me an asset to the Board of Directors for Baypoint Preparatory Academy. In general, my training as an attorney provides me with a unique knowledge of laws and regulations that may impact school operations, as well as the analytical skills necessary to carefully evaluate and make informed decisions regarding issues that may come before the board. My expertise in the area of charter school law is particularly relevant and will be an asset in ensuring that Baypoint is and remains in compliance with all laws applicable to charter schools.

In addition, as a longstanding employee of the California Charter Schools Association, I have a demonstrated commitment to ensuring the success of individual charter schools and the growth of the charter school movement. My position with the Association provides me with unique access to information and resources necessary to make intelligent decisions as a Board member, and to keep the school informed of trends and critical updates that may relate to school operations.

**REQUEST FOR INFORMATION FROM
PROSPECTIVE CHARTER SCHOOL BOARD MEMBERS**

Form D

Frank Ogwaro

1. I currently serve on the Board of Directors at Bayshore Preparatory Charter School in San Marcos. The success of Bayshore's program was recognized by the community. The proposed charter school would implement a similar educational option that focused on students individual skills and learning styles, and in that effort the Hemet community sought out the schools leadership for its education experience. I accepted an invitation to join the petitioning team by the current schools leadership, to serve as a member of the Board of Directors in the proposed charter school. I am honored to serve the community in this opportunity.

2. Charter schools are one of many educational options for our children. My two children have very different learning styles and this initially prompted my wife and I to seek out the best alternative for our family. Charter schools are not a fit for all, however, it was a great public school alternative for our family. As this option was made available for my family, I wish to lend my time and effort in any capacity deemed helpful, to continue this education alternative for those families that the schools education philosophy meets their child(ren) needs. In that interest I wish to serve as my contribution to the community.

3. I currently serve on the Board of Directors of Bayshore Preparatory Charter School as the Chairman of the governing board. Bayshore serves kindergarten through twelfth grade. My experience in this capacity of leading the oversight of a school that serves all grade levels exposes me to all necessary accountability requirements expected of an educational public agency.

I am also the founder and chairman of the board of a non-profit private corporation. My duty is to manage all aspects of the operation with the ultimate goal of the organization's mission, entrusted by the shareholders.

I will join a group of board members that will each contribute a set of skills and strengths to the proposed charter school if approved. In this collective leadership, my contribution will be to lend my experience and strength to each task at hand in the capacity that I am fully informed, in an effort to meet and exceed the schools mission.

4. Charter schools are a public agency, and as such, an independent governing body is required to maintain oversight, be knowledgeable in vast areas of school operations, be free of any conflict of interest and ensure fiscal management of the use of funds entrusted by the public. Our independent appropriate role as a public charter school board member is to honor the gravity of this fiduciary obligation by lending our individual expertise, experience, and guidance, in directly supporting the schools leadership of meeting and/or surpassing all the required accountability standards.

Board members would be responsible for continued improvements and implementation of school policies and procedures and ensure they are adhered to throughout the schools operation. Board members will independently evaluate each scenario, opinion, legality, dispute resolution, best practices; while interdependently, guiding the schools leadership in its mission. The body of the governing board has a further obligation to maintain transparency and accessibility to the public.

5. As a business owner in three different business sectors including finance, non-profit emerging market sustainability ventures, and services and construction, I have a wide range of experience to contribute in a capacity the proposed charter schools governing body deems appropriate.

The experience of having successfully negotiated three separate private facility lease agreements for a public charter school lends a skill level to an area of a charter schools biggest challenge, which is securing facilities conducive for educational use. I currently serve on the budget and finance committee of a charter school, making me familiar with the intricacies of charter school funding and fiscal management. I communicate with our district authorizer finance department, back office service provider and independent auditor continually to ensure fiscal viability. I am the founder and chairman of a non-profit private organization that shares similar oversight and fiduciary responsibilities as would be expected of a board member of a non-profit public benefit organization.

As the current chairman of the governing board of a charter school, I will bring that same strength in operations and fiscal management to this proposed charter schools governing body. My designated knowledge and experience will lend to the leadership requirements of this body.

**REQUEST FOR INFORMATION FROM
PROSPECTIVE CHARTER SCHOOL BOARD MEMBERS**

Form D

Tom Estill

1. I became aware of the proposed charter through a specific Board meeting of Bayshore Prep Charter School, on whose board I sit.
 2. As a successful businessman I have learned that giving back to a community is one of the greatest accomplishments a person can make. I would like to share some of my life experiences with others to aid them in becoming successful in their pursuit of happiness and also helping others. I am concerned for the 'school generation' and would like to do what I can to help this new generation of students reach the pinnacle of their success. I believe that a student's greatest chance of being successful comes when they have choices. I believe that Baypoint will provide an excellent learning resource for students fitting its learning style
 3. I am currently the secretary Bayshore Preparatory School Board and the treasurer of The Bay Group, a non-profit private corporation.
 4. I believe the appropriate role of a charter school board member is to make sure the charter educates each student in a manner consistent with the CDOE and providing various learning opportunities to each of the student body. The charter must uphold its mission statement at all times and remain with the utmost integrity with all business dealings. A good board member should always ask him/herself....what is in the best interest of the students?
 5. I have a variety of life experiences and would be happy to share not only successes I have had but also what I have learned from some failures. Even what some may call failures may teach some valuable life lessons. I have served my country during the Vietnam 'conflict', been spit on by others because of it when I returned, and still managed to start a company, mentor others to do the same, help raise a family with my beautiful wife, and try to help others by providing an example for others to follow. I have over 36 years of experience in the pest management industry. Through all phases I have been involved in education from training other technicians to training managers. I have sat on numerous committees and boards and developed learning curriculums. One of the main things I have learned are the effects on education of students when you have a board that is disengaged, self serving and ignorant of the governing process.
- I have seen numerous examples of how to NOT operate a school board, most recently by attending board meetings in Hemet. I give you my word.....I will NEVER try and emulate any school board member in Hemet.

As you are already aware, serving on a public charter school board is a position of great trust and responsibility. As a board member of a public school, you are not only ultimately responsible for the education of all students enrolled in the school, but also entrusted with the obligation to see that the public monies which are given to the charter school are legally and wisely spent.

By providing the requested information prospective board members will assist the Charter Schools Unit in determining if the application demonstrates that the school will be run in a financially, organizationally and educationally sound manner.

Using this "Form D" as a cover sheet, submit typed responses to the inquiries on this page and page 12:

1. Indicate how you became aware of the proposed charter school and the opportunity to serve as a member of its board if it is chartered, including who invited you, if applicable, to sit on the board.
2. Explain why you wish to serve on the board.
3. Please indicate if you have previously served on a board of a school district or a not-for-profit corporation (Including the board of a non-public school) and describe any relevant experience).
4. Describe your understanding of the appropriate role of a public charter school board member.
5. Indicate specifically the knowledge and experience that you would bring to the board.

WILLIAM S. JAGER
Name (please print)

W.S. Jager
Signature

12/15/14
Date

William Jagger

Re: Responses to inquiry

December 14, 2014

To whom it may concern:

In answer to the questions from "Form "D" the following information is supplied:

1. As a sitting board member of Bayshore Preparatory Charter School, I was asked to continue my leadership role in a similar capacity in the proposed charter school, Baypoint Preparatory Academy. I was asked to serve on the Board of Baypoint by the petitioning team. Bayshore Preparatory Charter School has a vibrant, successful and growing program that will be modeled at Baypoint.
2. I was honored to be considered for this new position. I have been a team member in a few business mergers and start-ups, as evidenced in my biography, including my own business. I believe I have the experience and tenacity to assist in the leadership of the proposed charter school.
3. I currently serve on the Board of Directors of Bayshore Preparatory Charter School.
4. As a board member of a public charter school, I understand the importance of educating children and young adults in a non-traditional environment that will enable them to grow and succeed academically and socially, an environment that recognizes and accommodates different learning styles that may not be compatible with a traditional public school setting. I wish charter schools had existed when I was school age. I strongly believe in the direction and skill of the Executive Director of Bayshore, and I see my role, given my experience, as encouraging and guiding her and her management team to build the best charter school we can to help the children and the community.
5. I've been the president of my own corporation for the last six years. Previous to that, I spent over 30 years in various middle and upper management positions at a variety of companies, where I had to motivate and train staff and customers. I have an undergraduate degree in History and an MBA from Pepperdine University. I hold clear teaching credentials in New Jersey and Washington State. Prior to and during my business career, I was a Captain in the U.S. Army and a Vietnam Veteran, where I had to lead men in combat. This was probably the most challenging of all my experiences. It may also be noted that my wife is a retired certified teacher, so I am somewhat familiar with how the academic "system" works. I look forward to assisting in this leadership role.

As you are already aware, serving on a public charter school board is a position of great trust and responsibility. As a board member of a public school, you are not only ultimately responsible for the education of all students enrolled in the school, but also entrusted with the obligation to see that the public monies which are given to the charter school are legally and wisely spent.

By providing the requested information prospective board members will assist the Charter Schools Unit in determining if the application demonstrates that the school will be run in a financially, organizationally and educationally sound manner.

Using this "Form D" as a cover sheet, submit typed responses to the inquiries on this page and page 12:

1. Indicate how you became aware of the proposed charter school and the opportunity to serve as a member of its board if it is chartered, including who invited you, if applicable, to sit on the board.

The Executive Director made me aware of the new charter during the summer of 2014 while working on mutual projects. The ED invited me to be part of the Board due to my experience in the charter world and the experience that I have had with online/blended and independent study programs.

2. Explain why you wish to serve on the board.

As a Board member I hope to assist the school in their efforts to bring another option for students in the public and private sector. I believe that I could make a positive impact from my 28 years of experience as not only a teacher, but an administrator as well for private, public and charter schools.

3. Please indicate if you have previously served on a board of a school district or a not-for-profit corporation

(Including the board of a non-public school) and describe any relevant experience).

I am currently a founding Board member for Alma Fuerte a charter school that will hopefully launch in Pasadena in 2015.

4. Describe your understanding of the appropriate role of a public charter school board member.

The role of a public charter school board member is to make sure that school and Board is in compliance with CA Ed Code, follows the petition and works with the authorizer to guarantee that all students are given an equal opportunity to attend the school.

5. Indicate specifically the knowledge and experience that you would bring to the board.

My experience ranges from being a brick and mortar teacher to being the Director of Online Learning for 15 Virtual/Blended Schools in CA. I am currently the Interim CEO.

Elizabeth Obercenter
Name (please print)

E Obercenter
Signature

12/15/2014
Date

Public Charter Schools - Induction Programs for Recruiting and Retain... http://www.centerforteacherinnovation.org/public_charter_schools.php

HOME ABOUT US INDUCTION TEACHER SERVICES REFLECTIVE COACHES PUBLIC SCHOOL DISTRICTS PUBLIC CHARTER SCHOOLS PRIVATE SCHOOLS EVENTS



Charter Schools

Induction: A Key Tool for Recruiting and Retaining Teachers

The National Association of State Boards of Education states that effective teaching is the primary factor that influences student achievement after accounting for student characteristics. New teachers typically require from three to five years to teach at a level that maximizes student growth and achievement. In a recent survey of California assistant superintendents, accelerating new teacher skill development while implementing Common Core curriculum and technology into the learning are the top critical challenges facing our schools and districts today.

The Center for Teacher Innovation (formerly RIMS-BTSA) has fully redesigned its Induction programs and developed a customized approach to helping new teachers excel. This innovative new program accommodates and supports the distinctive needs and unique learning environments of Charter Agencies. The program's online structure promotes authentic growth with continuous learning cycles that are Common Core-aligned, resource rich, and applicable to each teacher's unique learning environment. Each teacher is paired with a Reflective Coach who participates in our professional development course in order to effectively guide and support the beginning teacher. New teachers who participate in induction programs benefit schools through improved teaching practices, higher student achievement and lower teacher turnover. Based on the evidence from the initial success of our program, students are also benefiting in both their social/emotional and academic learning.

Center for Teacher Innovation - Partnering Agencies

If you are interested in learning more about our innovative new program and partnering with us, please contact:

Barbara L. Howard
Director II, Center for Teacher Innovation
sponsored by the Riverside County Office of Education
(951) 826-6632
bhoward@rcoe.us

SERVICES:

- Teacher Education
- Online Induction
- Intern
- CA Teacher Test Prep
- Credential Services
- Professional Development



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Public Charter Schools:

<u>Academy of Arts And Sciences</u>
<u>Adelanto Charter Academy</u>
<u>Alta Vista Public Charter School</u>
<u>Antelope Valley Learning Academy</u>
<u>ASA Charter</u>
<u>Assurance Learning Academy</u>
<u>Bayshore Preparatory Charter School</u>
<u>Casa Ramona Academy</u>
<u>Dehesa Charter School</u>
<u>Desert Sands Charter High School</u>
<u>Desert Trails Preparatory Academy</u>
<u>Diego Hills Charter School</u>
<u>Diego Valley Charter</u>
<u>Empire Springs Charter</u>
<u>Encore Junior & Senior High School For The Performing & Visual Arts</u>
<u>Excel Prep Charter - IE</u>
<u>Excel Prep Charter School</u>
<u>Excelsior Education Center</u>
<u>Gateway College & Career Academy</u>
<u>Gorman Learning Center</u>
<u>Grove High School Charter</u>
<u>Harbor Springs Charter</u>
<u>Hardy Brown College Prep Charter</u>
<u>Hope Academy Charter</u>
<u>Imagine Schools Riverside County</u>
<u>Inland Leaders Charter School</u>
<u>Julian Charter School</u>
<u>Laverne Elementary Preparatory Academy</u>
<u>Lewis Center - Apple Valley</u>
<u>Mosaica Online of Southern California</u>
<u>Mirus Secondary School</u>
<u>Mission View Public School</u>

<u>National University Academy Of Health Sciences</u>
<u>New Vision Middle School</u>
<u>Norton Space And Aeronautics Academy</u>
<u>Nova Academy</u>
<u>Options For Youth - San Bernardino</u>
<u>Options For Youth - Victorville</u>
<u>Options For Youth - Victorville Inland Empire</u>
<u>Pathways to College Charter School</u>
<u>Provisional Accelerated Learning (PAL) Academy</u>
<u>Public Safety Academy</u>
<u>River Springs Charter School</u>
<u>San Jacinto Valley Academy</u>
<u>Santa Rosa Academy</u>
<u>Sky Mountain Charter School</u>
<u>SOAR Charter Academy</u>
<u>Summit Leadership Academy</u>
<u>Sycamore Academy Of Science And Cultural Arts</u>
<u>Temecula Preparatory School</u>
<u>Temecula Valley Charter School</u>



2. **ACTION ITEM 2 – DECISION ON BAYPOINT PREPARATORY ACADEMY CHARTER SCHOOL PETITION**

Pursuant to Education Code 47605 (j) (1), Baypoint Preparatory Academy Charter Schools presented the Riverside County Board of Education a petition for the establishment of a charter school following the petition's denial by the Hemet Unified School District. A Public Hearing was held pursuant to Education Code 47605 (b) on January 14, 2015 to consider the terms of the proposed charter and to consider the level of support for the petition by the teachers employed by the district, parents and members of the community.

Motion: It was moved by Member Villani and seconded by Member Hoffman to adopt the Staff Findings of Fact report and deny the Baypoint Preparatory Academy Charter School Petition.

Vote: 4 Ayes: Members Hoffman, Rainey, Romero and Villani.
2 Nays: Members Corral and Dennis.
1 Absent: Member Tucker
Motion carried.

I hereby certify that the foregoing is a full, true and correct copy of an order made on **February 11, 2015**, and entered into the minutes of the Riverside County Board of Education.

WITNESS my hand and the seal of the County Board of Education.
Date: February 11, 2015

By: _____
Kenneth M. Young, Riverside County Superintendent of Schools,
And Secretary to the Riverside County Board of Education, in and for
the County of Riverside, State of California.

Staff Report

Regarding Petition to establish **Baypoint Preparatory Academy Charter School** under oversight authority of Riverside County Board of Education



Staff Report Presented to the
Riverside County Board of Education by County
Superintendent of Schools
Regular Board Meeting
Riverside, California
February 11, 2015

RIVERSIDE COUNTY OFFICE OF EDUCATION
Riverside, California

February 11, 2015

STAFF REPORT
Baypoint Preparatory Academy

I. BACKGROUND

Petitioners submitted the Baypoint Preparatory Academy Charter Petition ("Petition") to establish and operate a charter school to be named Baypoint Preparatory Academy ("Charter School") under the oversight of the Governing Board of the Hemet Unified School District ("District"), beginning in the 2015-2016 school year. The Petition was received by the District Governing Board at its meeting on October 7, 2014.

Under Education Code section 47605(b), within 30 days of receiving the Petition, the District Governing Board was required to "hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents." The District Governing Board held a public hearing on October 21, 2014. Education Code section 47605(b) then required the Board to "either grant or deny the charter within 60 days of receipt of the petition," unless the parties mutually agreed to extend the deadline by an additional 30 days. The District Governing Board acted within the statutory 60-day timeline and unanimously denied the Petition at its November 18, 2014 meeting. The District Governing Board supported its denial of the Petition with written factual findings as required by Education Code section 47605(b).

In accordance with Education Code section 47605(j)(1), the Petitioners appealed the District's denial of the Petition to the Riverside County Board of Education ("County Board"). Under Education Code section 47605(j)(1), the County Board of Education is required to review the Petition pursuant to subdivision (b). Accordingly, the County Board of Education held a public hearing on January 14, 2015, within 30 days of receiving the Petition. To comply with the 60-day timeline for granting or denying the Petition, the County Board of Education must act on whether to grant or deny the Petition at its meeting on February 11, 2015.

If the County Board of Education grants the Petition, the Charter School becomes a legal entity and the County Office becomes the supervisory agency over the Charter School. Under Education Code section 47605(j)(1), if the County Board of Education denies the Petition, the Petitioners may appeal that denial to the State Board of Education ("SBE").

II. STANDARD FOR REVIEW OF CHARTER PETITION

Education Code section 47605(b) sets forth the following guidelines to consider in reviewing charter petitions:

- The chartering authority shall be guided by the intent of the Legislature that charter schools are an integral part of the California educational system and that establishment of charter schools should be encouraged.

- A charter for the operation of a school shall be granted if the chartering authority is satisfied that granting the charter is consistent with sound educational practice.
- A petition for the establishment of a charter school shall not be denied unless the chartering authority makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
 - (1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
 - (2) *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
 - (3) *The petition does not contain the number of signatures required by statute.*
 - (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
 - (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*

In addition to the foregoing, review and analysis of the Petition was also guided by the regulations promulgated for the SBE's evaluation of charter petitions ("Regulations").

III. RECOMMENDATION

Based upon a comprehensive review and analysis of the Petition by County Office staff in collaboration with legal counsel, denial of the Petition is recommended. Findings with respect to the primary deficiencies appear in numbered paragraphs in Section IV below. This Staff Report contains analysis of the Petition, and the written factual findings supporting the recommendation of denial. Denial of the Petition is recommended because:

- **The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition**
- **The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition**

Factual findings regarding the most significant areas of concern with the Petition are described below. This Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the County Board of Education's decision on whether to grant or deny the Petition. Should the County Board of Education take action to deny the Petition, it may adopt this Staff Report as the written factual findings required to support its denial of the Petition under Education Code section 47605(b).

IV. FINDINGS IN SUPPORT OF DENIAL

Review and analysis of the Petition resulted in the following findings:

A. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements. (Ed. Code, § 47605(b)(5).)

Education Code section 47605(b)(5)(A)-(P) requires a charter petition to include “reasonably comprehensive” descriptions of numerous elements of the proposed charter school. The Regulations require the “reasonably comprehensive” descriptions required by Education Code section 47605(b)(5) to include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
 - Improve pupil learning.
 - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - Provide parents, guardians, and pupils with expanded educational opportunities.
 - Hold itself accountable for measurable, performance-based pupil outcomes.
 - Provide vigorous competition with other public school options available to parents, guardians, and students.

(5 C.C.R. § 11967.5.1(g).)

Element 1 - Educational Program

A charter petition must comprehensively describe the educational program of the school in conformity with the minimum factors set forth in subdivision (b)(5)(A) of Education Code section 47605 (“the Statute”) and subdivision (f)(1) of section 11967.5.1 of the Regulations.

The Petition does not contain a sufficient description of an appropriate educational program based on the following findings:

a. High School Coursework

A charter designed to serve high school students must describe how 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. (Ed. Code, § 47605(b)(5)(A)(iii).) Although the Petition states the Charter School will seek accreditation in the Spring of 2016 and that it will submit teacher developed courses for A-G approval (p. 22), it does not explain what will happen if it does not receive such accreditation or approval; nor does it indicate whether or how it will communicate this information to parents in a meaningful way. Notably, the Petition proposes a grade 12

cohort for the 2015-2016 school year that will be immediately affected by college entrance requirements, as well as cohorts in grades 9 through 12 who may be affected by college entrance and/or transferability issues in the future, should accreditation or approval fail.

b. Target Population

Among the minimum requirements, a charter must indicate the charter school's target student population, including, at a minimum, grade levels, approximate number of pupils, and specific educational interests, backgrounds, or challenges. (5 C.C.R. § 11967.5.1(f)(1)(A).) Although the Petition indicates it will serve approximately 325 students in kindergarten through grade 12 who desire a college preparatory based education (p. 21), it does not identify any specific educational interests, backgrounds, or challenges faced by the target population for which the Charter School would provide a unique alternative to existing public school options. Notably, the Petition does not include a transitional kindergarten program to promote school readiness, as might be expected of a charter school seeking to enroll underserved populations.

c. Basic Learning Environment, Curriculum and Teaching Methods

Among minimum requirements, a charter must indicate the basic learning environment and instructional approach, including, but not limited to, curriculum and teaching methods to be implemented. (5 C.C.R. § 11967.5.1(f)(1)(D)-(E).) The Petition indicates that students in grades 6 through 12 will rotate between working independently on computer-based curriculum, in small group instruction, and in collaborative cross-curricular projects (p. 15); however, it does not comprehensively explain the scope of the curriculum, how classroom instruction will incorporate Common Core State Standards, the role of teachers throughout the school day, and how collaborative work will be structured and aligned with standards. The math coursework at the secondary level is particularly confusing and does not appear to be aligned with Common Core State Standards. English Language Development also appears to be missing from secondary schedules. It is also unclear whether computer-based activities will take place at school, at home, or both, and how the Charter School will support technology needs of students in any home-based program.

d. Academically Low-Achieving and High-Achieving Students

Among minimum requirements, a charter must indicate how the charter school will meet the needs of students achieving substantially above or below grade level expectations. (5 C.C.R. § 11967.5.1(f)(1)(G).) Although the Petition refers to its "plans" for academically low-achieving and high-achieving students, those plans essentially assume that the structure of the Charter School's overall programming, culminating in a personalized learning plan, will address the needs of not only these special populations of students, but all students who attend the proposed Charter School. (p. 23.) The same approach is therefore applied to both groups of students. There are no specific interventions to support academically low-achieving students; nor are there any measurable objectives to evaluate whether the personalized learning plan approach is providing educational benefit to academically low or high achieving students.

e. English Learners

Among minimum requirements, a charter must indicate how the charter school will meet the needs of English learners. (5 C.C.R. § 11967.5.1(f)(1)(G).) The Petition's plan for English learners (p. 24) does not sufficiently describe how the Charter School will meet the needs of its English learners. It mostly affirms it will comply with all requirements, but without

describing those requirements or how the Charter School intends to comply with them. The budget and other aspects of the Petition do not establish an understanding of requirements or staffing to meet them. The Petition lacks specified differentiation for each level, or any indication of what instructional interventions or curricula will be utilized to meet individual student needs for learning English. Although the Petition states that all English learner students will undergo core content instruction, it is not clear how the Charter School will address the various levels of learning of its students through English language development services and specialized instruction. The Petition does not distinguish between newcomers and longer term English learners, whether in terms of need or programming. In addition, the Petition does not include a clear reclassification process, which is important in understanding how students will exit from the English learner status. Finally, it is unclear what the Petition means when it says students will “move quickly through subjects where language is not a factor.”

f. Students with Disabilities and Special Education Programs

Among minimum requirements, a charter must indicate how the charter school will meet the needs of students with disabilities and specify its special education plan. (5 C.C.R. § 11967.5.1(f)(1)(G)-(H).)

i. *Compliance with State and Federal Law*

The Petition does not adequately explain how the Charter School will comply with the requirements for identifying and serving students eligible for special education and related services. For example, the Petition fails to include all required roles in setting forth who will comprise a student’s individualized education program (“IEP”) team (p. 27); misstates the applicable standard by stating that the IEP will be designed to “maximize” educational benefit (*ibid*); suggests that triennial reevaluation is optional (p. 28); fails to mention prior written notice and suggests that native language translation of procedural safeguards (and presumably prior written notice) is only necessary when requested by parent (*ibid*); and ignores the requirement to individualize by stating that “[a]ll identified special education students are expected to participate in the California High School Exit Exam (CAHSEE)” and by stating that “[d]ifferentiated or weighted grading policies or practices are not in place for identified special education students” (*ibid*), apparently regardless of any determination by the IEP team to the contrary.

In addition to procedural issues, the Petition also fails to demonstrate how the Charter School will deliver a substantive free appropriate public education to students with disabilities through its general educational program if their unique needs require adaptations, modifications, accommodations, or supplemental aids and services in that educational program. It also fails to demonstrate how special education and related services will be provided to supplement the regular education program, or provide the continuum of program options to students who enroll in the Charter School.

Similar to the English learner description, the description of how the Charter School will meet the needs of students eligible under the IDEA is mostly a listing of legal requirements and not a description of how the Charter School will meet them. It also contains internal inconsistencies. While it asserts the continuum of program options and services will be available, none of them are described and staffing and resources are not allocated for these purposes. Additionally, the Charter School impermissibly conditions eligibility evaluations on first exhausting a student study team process. Without explaining how the student study team process would interface with referrals for evaluation, the Petition also indicates all requests for assessment will be responded to within 15 days of referral. It is unclear then

when and how the Charter School will respond to referrals for assessments of students suspected of having a qualifying disability, and whether that response would be in line with the Charter School's child find duties under the IDEA. It is unclear from the Petition whether the Charter School has the requisite understanding of its child find obligations, and obligations to serve students once they are found eligible.

ii. SELPA Membership

The Petition states that the Charter School will participate as a local education agency in the El Dorado County Office of Education Charter SELPA. (p. 26.) It does not, however, include any supporting documentation or verifiable assurances from the SELPA as required by Education Code section 47641(a).

iii. Section 504

The Petition's discussion of Section 504 of the Rehabilitation Act of 1973 (Section 504) is also incomplete. (pp. 25-26.) For example, the law requires a due process procedure under Section 504 as a procedural safeguard for parents, but the Petition is silent on how it will implement or provide for Section 504 due process.

Elements 2 and 3 – Measurable Student Outcomes and Methods by Which Student Outcomes Are Measured

The Statute and Regulations provide for a charter petition to identify the specific skills, knowledge and attitudes that reflect the school's educational objectives and that can be assessed frequently and sufficiently by objective means to determine satisfactory progress, and to provide for the frequency of the objective means for measuring outcomes to vary by factors such as grade level, subject matter, and previous outcomes. The pupil outcomes shall align with state priorities. (Ed. Code, § 47605(b)(5)(B); 5 C.C.R. § 11967.5.1(f)(2).) To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students during the school year. (5 C.C.R. § 11967.5.1(f)(2)(A).)

The Petition does not contain a sufficient description of measurable student outcomes and methods by which student outcomes are measured based on the following findings:

The Petition fails to align its pupil outcomes by grade level with the state priorities set forth in Education Code section 52060(d) and includes general, and in some cases un-measurable, goals. In addition, the Petition fails to incorporate the Local Control and Accountability template adopted by the SBE.

Element 4 - Governance Structure

The Statute and Regulations provide for a charter petition to identify and describe the governance structure including, at a minimum: evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable; organizational and technical designs to reflect a seriousness of purposes; active and effective representation of interested parties; assurances of governing a successful educational program. (Ed. Code, § 47605(b)(5)(D); 5 C.C.R. § 11967.5.1(f)(4).)

The Petition does not contain a sufficient description of an appropriate governance structure based on the following findings:

a. Organization of the Board

Each charter school must have its own board dedicated to that particular charter school. (Ed. Code, § 47605(b)(5)(D).) The board is supposed to reflect the local community and foster parent participation. (5 C.C.R. § 11967.5.1(f)(4)(B)(2).) The Charter School's governing board, however, is currently comprised of four individuals who reside outside of Riverside County, two of whom are also members of the board of the Bayshore Preparatory Charter School in San Marcos, San Diego County. (p. 43-44.) Indeed, the bylaws attached to the Petition confirm that the principal office of Baypoint Preparatory Academy "shall be located at 1175 Linda Vista Drive, San Marcos, CA 92078" (Section 2.01) in San Diego County. This is also the address registered with the California Department of Education for Bayshore Preparatory Charter School.

Although the Petition recites that "Board meetings will be held within the boundaries of the charter school" (p. 40), the Charter School has no identified location (other than a desire to locate somewhere within the District) and the boundaries of the Charter School are undefined insofar as it will be open to all students in California. Furthermore, the bylaws state that "[m]eetings of the Board may be held at the corporation's principal office [in San Diego County], or at any other place within or outside of the State of California ..." (Section 6.09). Thus, the Petition is inconsistent and unclear in terms of describing how its governing Board will function in compliance with the Brown Act and promote the purposes of the Charter Schools Act.

These facts indicate that the Charter School will not be representative of the local community, or otherwise actively and effectively promote involvement and representation of interested parties, including parents, in Charter School governance. The overlapping board membership and principal office location of the Charter School with Bayshore Preparatory Charter School also pose ethical conflicts of interest and incompatible offices due to the inherent tension between protecting the interests of one charter school over another when a single decision could affect them both.

b. Parent Involvement

Although the Petition states that the Charter School will have a Parent Advisory Committee ("PAC") (p. 45-46), it does not describe any other opportunities for parental involvement beyond the quarterly PAC meetings.

c. Conflict of Interest Policy

The Conflict of Interest policy provided with the Petition incorporates the standards of the California Corporations Code and the Political Reform Act, but fails to reference or incorporate the standards of Government Code section 1090, a law of general application to public entities. Because the purpose behind Government Code Section 1090 is to ensure that public funds are protected from self-dealing in contract transactions, compliance with Government Code section 1090 is a critical part of any public school accountability and transparency plan. Indeed, the bylaws permit 49% of board members to be "interested persons." No information is offered to explain the basis for any exemption from that law, or why only the Corporations Code conflict of interest standards would be sufficient.

Element 5 - Employee Qualifications

The Statute requires the Petition to describe the qualifications to be met by individuals employed by the Charter School. (Ed. Code, § 47605(b)(5)(E).) The Regulations provide that the qualifications should at a minimum, identify general qualifications for the various categories of employees; ensure the health and safety of the school's faculty, staff, and students, and the academic success of the students; identify the key positions in each category and specify the additional qualifications expected for those positions; and specify applicable legal requirements will be met, including but not limited to credentials as necessary. (5 C.C.R. § 11967.5.1(f)(5).)

The Petition does not contain a sufficient description of appropriate employee qualifications based on the following findings:

a. Comprehensive List of Employment Positions

On page 8 of the financial projection submitted with the Petition, the Charter School indicates that it plans to employ a Special Education Coordinator, a Special Education teacher, a special education instructional aide, and 3.5 instructional aides, in addition to other classified staff. The Petition, however, does not include these positions in its discussion of employee qualifications with respect to Element 5 (p. 47 et seq.). Instead, the Petition states that the Charter School "may hire additional certificated personnel to assist in providing supplementary instruction, management, and support services" and that they "will have the necessary qualifications, skills, experience, and credentials to fulfill the requirements described in their job description," which is likewise missing (p. 52). The necessary qualifications, skills, experience and credentials required is not otherwise described.

Inclusion of special education teachers, aides, and related service providers such as school psychologists, counselors, and therapists – none of whom is listed – is particularly relevant and important for a charter school that asserts it will function as its own local education agency for purpose of membership in an out-of-county SELPA (p. 26). These positions are not included in the description.

b. Administrators

Public school districts require their administrators to hold an administrative credential. Here, however, the Executive Director is not required to hold an administrative credential (p. 49), and the Site Administrator may or may not hold an administrative credential depending on the Charter School's assessment of his or her experience (p. 51). In addition, the Site Administrator is responsible for creating and overseeing the Charter School's "policies and programs relating to Special Education, English Learners and Gifted and high-achieving students and other sub-groups" (p. 50), but is not required to have related credentials, such as in special education or English language learning. While the Charter School need not require an administrative credential, it is unclear why it would not, particularly in light of the functions described.

c. Teachers

The Petition identifies the responsibilities and qualifications of teachers in general (p. 51-52), but does not make any distinctions between elementary and secondary level teachers or identify any key teaching positions, roles, or responsibilities and any additional qualifications expected for them. In particular, there is no mention of an individual who will

assist secondary students as they prepare for post-secondary activities, including college admissions, vocational training, or transition to adulthood.

Element 7 - Racial and Ethnic Balance

The Statute requires the Petition to identify the means whereby the Charter School will achieve a racial and ethnic balance among its students that is reflective of the authorizing district's general population. (Ed. Code, § 47605(b)(5)(G).)

The Petition does not contain a sufficient description of appropriate means of ensuring racial and ethnic balance consistent with the District's demographics. Based on the information presented in the Petition, it is unclear which demographic target the Charter School seeks to, or will be able to, achieve. Although the Petition talks in generalities about District demographics, it also indicates that it "will focus [its] efforts ... on Hemet and the surrounding communities." (p. 9) The Petition acknowledges, however, that the demographics of the City of Hemet are not the same as the District as a whole. This is not in conformity with Education Code section 47605(b)(5)(G) because that section requires the Charter School to reflect the District, not a subset of the District. Indeed, data concerning another charter school option in the District show that the District's general population is not reflected in charter school enrollment, and the Petition does not explain how or why the Charter School will achieve a different result. This is also significant given the charter school has come to the County Board on appeal, such that it will still be required to locate in the District boundaries and give preference to District residents pursuant to Education Code section 47605(d) and (j).

Element 8 - Admission Requirements

The Statute and Regulations require the Petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605(b)(5)(H); 5 C.C.R. § 11967.5.1(f)(8).)

The Petition does not contain a sufficient description of appropriate admission requirements based on the following findings:

a. Preference Policy

The Petition describes impermissible enrollment preferences. In the event of a lottery, students who are currently enrolled, siblings of admitted students, and children of founding parents, teachers and staff (not to exceed 10% of total enrollment) will be exempt. (p. 60.) Therefore, it appears that siblings and children of founders or staff are given a preference over those students residing within the District, as those children are permitted to bypass the lottery process and given automatic admission. This violates the requirement of Education Code section 47605(d)(2)(B) that preference be given to students currently attending the charter school and pupils who reside in the District.

The Petition also states that the Charter School's "Governing Board may review and revise [the] preference policy as necessary for the well-being of the school." (p. 60.) Changes to the preference policy, however, would affect the admissions and makeup of the Charter School and therefore constitute an impermissible material revision of the charter if made unilaterally by the Charter School after charter approval, but without authorizer approval.

Element 10 - Student Suspension and Expulsion Procedures

The Statute and Regulations require the Petition to comprehensively describe the procedures by which students can be suspended or expelled. (Ed. Code, § 47605(b)(5)(J); 5 C.C.R. § 11967.5.1(f)(10).)

The Petition does not contain sufficient description of appropriate procedures by which students can be suspended or expelled based on the following findings:

a. Inclusion of Willful Defiance

The Petition identifies willful defiance as a possible reason for suspension or expulsion. (p. 68.) Although Education Code section 48900 does not apply directly to charter schools, Assembly Bill No. 420 (Stats. 2014, ch. 660) expresses a *public policy* that children in kindergarten or any of grades 1 to 3 should not be suspended for willful defiance, and no student through grade 12 should be recommended for expulsion for willful defiance, in part because discipline for willful defiance has been disproportionately used to discipline minority students. The fact that much of the Education Code does not apply directly to the operation of charter schools does not mean that the pedagogical and policy bases that form the foundation of the Education Code have no place in evaluating the soundness or likely success of a charter school program. More importantly, it is because charter schools are free from most of the Education Code that the charter document must lay out a clear, comprehensive and sound plan that provides students with minimum due process and is consistent with other aspects of the charter petition. Inclusion of willful defiance as a possible reason for suspension or expulsion indicates a lack of seriousness of purpose and calls into doubt the viability of a successful program, particularly in the area of behavior management and consequences.

b. Definition of Sexual Harassment

The Petition identifies sexual harassment as a possible reason for suspension or expulsion. (p. 68.) Although it does not apply directly to charter schools, Education Code section 48900.2 expresses a *public policy* that children in kindergarten or any of grades 1 to 3 should not be suspended or recommended for expulsion based on allegations of sexual harassment based on age. As set forth above, the fact that much of the Education Code does not apply directly to the operation of charter schools does not mean that the pedagogical and policy bases that form the foundation of the Education Code have no place in evaluating the soundness or likely success of a charter school program. More importantly, it is because charter schools are free from most of the Education Code that the charter document must lay out a clear, comprehensive and sound plan. Failure to explain or limit the way in which sexual harassment may be a reason for suspension or expulsion indicates a lack of seriousness of purpose and calls into doubt the viability of a successful program, particularly in the area of behavior management and consequences, in a charter school that serves students in kindergarten to grade 3.

c. Due Process

The due process rights of students are not clear and may violate constitutional principles and/or confuse parents and students as they are described in the Petition. Among other things, the due process rights described in Step 2 (p. 69) omit the student's right to be confronted with an accusation of his or her alleged misbehavior and to offer an explanation prior to disciplinary action. In addition, including the "opportunity for the student to be represented by counsel," particularly when read in the context of the other "opportunities"

described under Step 5 could lead parents and students to believe that the Charter School will appoint counsel for the student. (p. 70.) The Petition indicates if a Student is expelled, the Charter School will “assist” with the location of an appropriate placement “within the district of residence, county, and/or private school.” (p.71). The Petition does not explain whether or to what extent the Charter School will have any responsibility to the student after they are referred back to their district of residence or other program, or explain the Charter School’s assumption that students expelled from the Charter School are the responsibility of another agency or school to place.

d. Special Education Procedural Safeguards

The procedural safeguards for eligible students with disabilities are not clear and may violate state and federal laws. Among other things, the Petition fails to recognize the ways in which a substantial change of placement may take place. Under the IDEA, a change of placement occurs if (1) removal is for more than 10 consecutive days, *or* (2) a series of removals constitutes a pattern that totals more than 10 days in a school year as a result of substantially similar behavior or other information related to the circumstances of the removals. (34 C.F.R. § 300.536.) The Petition also fails to recognize or describe services that are required for students with disabilities during any periods of removal exceeding ten school days in one year, or how the Charter School will provide those students with a free, appropriate public education during any applicable removal and throughout term of expulsion from the Charter School. Particularly since the Charter School is proposing to be its own LEA for purposes of special education, it is significant the Petition fails to recognize and comprehensively describe this procedural protection afforded to students with disabilities.

Element 11 - Retirement Programs

The Statute requires the Petition to describe 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. (Ed. Code, § 47605(b)(5)(K).) The Regulations require the charter specify the positions to be covered under each system and identify the staff that will be responsible for arranging coverage. (5 C.C.R. § 11967.5.1(f)(11).)

The Petition does not contain a sufficient description of the manner by which staff members of the Charter School will be covered for retirement based on the following findings:

The Petition lacks any definitive information about retirement programs whatsoever. The State Teachers’ Retirement System may be available, but it also may not; employees may be covered by the Public Employees Retirement System, but the Charter School does not intend to participate; federal social security will cover anyone who is not covered by another program, although it is unclear who they may be. (p. 75.) It is illusory to simply restate all of the options without substantively explaining how they will actually apply. (5 C.C.R. § 11967.5.1(g).) In addition, the Petition fails to identify the staff that will be responsible for arranging coverage.

Element 14 - Dispute Resolution

The Statute requires the Petition to describe the procedures to be followed by the Charter School and the entity granting the charter to resolve disputes relating to provisions of the charter. (Ed. Code, § 47605(b)(5)(N).) The Regulations require a description of how the costs of the dispute resolution process, if needed, would be funded, and also a recognition

that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter, it will be handled in accordance with that provision of law and any regulations pertaining thereto. (5 C.C.R. § 11967.5.1(f)(14).)

The Petition does not contain a sufficient description of an appropriate dispute resolution process based on the following findings:

The dispute resolution procedures set forth in the Petition are cumbersome, and as written they suggest an improper limitation on the charter authorizer's ability to take appropriate action against the Charter School outside the dispute procedures, up to and including potential revocation of the charter. (p. 79.) The dispute resolution procedures also carry financial implications for private mediation, and attempts to bind the County Office to splitting the cost of that. Finally, and the dispute resolution procedures potentially interfere with the public's right to obtain information about the workings of government agencies, as well as the agencies' obligation to operate in a transparent manner because it imposes restriction on public comment concerning any pending dispute.

B. The Petitioners are Demonstrably Unlikely to Successfully Implement the Program. (Ed. Code § 47605(b)(2).)

The Statute requires Petitioners to show that they are demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) The Regulations also require consideration of whether a petition has presented a realistic financial and operational plan, including the areas of administrative services, financial administration, insurance and facilities. (5 C.C.R. § 11967.5.1(c)(1), (c)(3).)

Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for the following reasons:

a. Failure to Comprehensively Describe the Required Elements

The issues set forth above concerning the Petition's failure to comprehensively describe Elements 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 14 support the finding that the program is incomplete and does not pass pedagogical or legal muster. As such, it cannot be successfully implemented.

b. Budget and Financial Plan

Under section 11967.5.1(c)(3)(B) of the Regulations, an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately: a) at a minimum, describe the first year operational budget, start-up costs, and cash flow, and financial projections for the first three years; b) 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; c) 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; and d) present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

The Petition does not present a sound, realistic financial plan for the following reasons:

i. Start-up Costs

The Petition assumes receipt of \$375,000 in Public Charter School Implementation Funding to cover \$375,000 in expenditures in 2014-15, including \$88,205 in salaries and benefits, \$204,750 in supplies and equipment, and \$82,045 in other services. The application period has passed for the 2014-15 awards, and 2014-15 was the last year of the federally funded Public Charter Schools Grant Program 2010-15 Cycle. Accordingly, this funding cannot be relied upon at this time.

ii. Cash Flow

The Petition projects \$500,000 as loan proceeds and other cash inflows to be received in July 2015 to cover \$342,901 in projected expenditures for July and August. The maximum loan amount for a new charter from the Charter School Revolving Loan Fund is \$250,000, even if the charter is still able to access funding if and when it receives approval. It is unclear from where the additional \$250,000 of this projected \$500,000 is expected. Thus, Petitioners have not presented a realistic plan to cover the cost of expenses in the first two months of operation.

iii. Projected Enrollment

The projected enrollment of 25 students in each grade with a 93% attendance rate and a 302.25 ADA for LCFF purposes is unrealistic. The budget does not account for lower attendance rates, attrition or under-enrollment. A plan for a variance in enrollment should be budgeted, including the possibility of 10% fewer students than projected and/or attrition. The Petition also lacks any basis for determining the projected numbers for student enrollment are realistic, and therefore the projected revenue flowing from them is also questionable.

c. Charter School Location

A charter petition must identify a single charter school that will operate within District boundaries. (Ed. Code, § 47605(a)(1).) Notably, a charter petition submitted to a county board of education on appeal "shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition" and "shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate." (Ed. Code, § 47605(j)(1).)

Under section 11967.5.1(c)(3)(D) of the Regulations, the charter and supporting documents must (i) describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter; (ii) in the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school; and (iii) reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.

The Petition does not meet the threshold requirement of the Charter Schools Act to identify the proposed site where the Charter School will operate, in violation of Education Code section 47605(a)(1) and (j)(1). In fact, the Petition does not even describe the type of

location facilities needed to operate the Charter School, such as, by way of example and not limitation, the number of classrooms, the amount of administrative space, and the proposed recreational and extracurricular space required. Nor does the Petition explain how the Charter School's proposed location will accommodate its growth from 325 students in year one to 825 students in year five, or whether all students, in K-12 will be served in the same facility. The Petition indicates it will grow to 825 students (p. 21), but the budget and financial projections are built on growth to 725 students. The inconsistency in the number of students and plans for the additional 100 students are not accounted for in the petition or plan for facilities.

Instead, the Petition proposes incomplete and competing options. One the one hand, it "reserves the right to request a facility from the District under Proposition 39," while at the same time indicating that the Charter School "is negotiating for a facility in the 92544 zip code within the geographical boundaries of the [District]." (p. 65.) A charter school must provide information as to the facilities to be used by the school, which shall specify where the school intends to locate, and it may not unilaterally change locations from year to year. An addition to or change in sites requires a material revision in compliance with the Education Code. In any event, it appears that the Charter School has missed the application deadline for facilities under Proposition 39 for the 2015-16 school year. Thus, facilities will not be available to the charter school under Proposition 39 in the upcoming school year. In any case, specifying unidentified, and alternate locations is insufficient.

V. CONCLUSION

For the reasons stated above, the Petition, as submitted, fails to provide a reasonably comprehensive description of several essential charter elements, and demonstrates that Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition.

VI. RECOMMENDATION

Denial of charter petition must be based on findings of fact consistent with law. RCSS staff recommends that the County Board, based on the content of the Charter Petition, information presented at Board meetings, staff report, and review of the findings of fact presented in this Report, take the following action: Adopt the findings of fact presented in this Staff Report and deny the Charter Petition for Baypoint Preparatory Academy.

BAYPOINT PREPARATORY ACADEMY RESPONSE TO THE RCOE STAFF REPORT FINDINGS

The purpose of this document is to respond to the Riverside County Office of Education's ("RCOE" or the "County") staff report and findings of fact for denial of the Baypoint Preparatory Academy ("BPA" or the "Charter School") charter petition, and to demonstrate that the County's staff report does not constitute sufficient legal grounds to deny the establishment of the BPA charter.

As a general comment, it goes without saying that the petitioners have a proven track record of success with Bayshore Preparatory Charter School (BPCS). This group of charter petitioners is not untested. BPCS has not only succeeded academically but has also established an excellent track record in finances and governance.

The RCOE Staff Report contains findings that do not meet the legal standard for denial of a charter petition. Many of the findings concern resolvable matters that the County could have more appropriately dealt with through minimal communication with the Charter School, in a memorandum of understanding ("MOU") with BPA, or imposed conditions on the Charter School's operation. Moreover, the findings are based on incorrect facts, conjecture, or extend beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the BPA charter.

The RCOE staff report relies on two findings in support of denial. Our comments are listed below and organized according to the RCOE Staff Report findings.

THE PETITION FAILS TO SET FORTH A REASONABLY COMPREHENSIVE DESCRIPTION OF ALL REQUIRED ELEMENTS OF A CHARTER PETITION

Element I – Educational Program

High School Coursework

The RCOE Staff Report claims that the petition does not adequately address how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college eligibility requirements.

Pages 22 and 23 of the Petition explain that Baypoint will seek WASC accreditation and will offer an extensive list of A-G approved courses. While the Petition does not specifically state how this will be communicated to parents, we feel that this document, the Petition, was submitted to educators who understand that WASC and A-G convey transferability. Once accreditation is earned, all courses will be considered transferable to other public high schools. An in-depth description of courses and their transferability, along with graduation requirements, will be included in enrollment packets, other forms and/or a Student/Parent Handbook, therefore meeting this requirement.

This is a common practice for charter schools, given that transferability and eligibility requirements may change from time to time via legislation and/or case law developments. If such information were included in the charter petition, a material revision would be necessary to update the petition to incorporate changes in the law. By incorporating this information in enrollment packets and other forms provided to parents and students, the charter school need not request a material revision – a slow and uncertain process – should laws impacting transferability and/or eligibility change.

Target Population

Districts seeking to deny charter petitions often claim that charter schools must provide a “unique” educational alternative to programs offered by the authorizing school district. Nowhere does the Charter Act impose such a requirement. In fact, the petition adequately identifies the target population the charter school proposes to serve. This target population is included in the Petition Introduction as well as in Element 1 pages 12 through 24 including: grade levels, approximate number of pupils, specific educational interest, backgrounds and/or challenges.

Also, transitional kindergarten programs are not required to be offered by charter schools.

Basic Learning Environment

The educational program for grades K-12 is described in detail in pages 13 through 23 of the Petition. These pages include a descriptor of the educational program, with specific descriptions for the kindergarten through fifth grade and sixth through twelfth grade programs, including proposed daily schedule for each grade six through twelve, showing the class sessions, as well as times working on Edgenuity, the computer-based, rigorous Common Core aligned curriculum that is described throughout the petition.

Curriculum and Teaching Methods For Academically Low-Achieving and High Achieving Students

It is a well-established procedure to include a personalized learning plan to accommodate the needs of both low-achieving and high-achieving students. The plans for low-achieving and high-achieving students are specifically addressed on page 23, as well as throughout the Petition.

For low achieving students the Petition states– “Backed by excellent teaching resources, the parent, teacher, and student will develop a personalized learning plan addressing the targeted areas of improvement.” (p. 23)

In addition, all academically high-achieving students will be provided with enrichment activities above their grade level. Page 23 of the Petition states that high school students will be offered AP courses, as well as the opportunity to enroll in community college courses for more advanced study.

The basis of the program is to provide individualized attention to each student and to customize an education plan for each student’s needs. Teachers have an infinite supply of resources to assist students, and to list all of those resources in the Petition would be impractical.

The charter school proposes to use this same methodology to benefit ALL students, yet the RCOE Staff Report suggests that this plan is somehow inappropriate. If personalized learning plans are proven to be successful intervention methods for both high and low-achieving students, it makes no sense to suggest that such plans would be inappropriate to offer all students. This is the success behind Bayshore, the model upon which Baypoint is based.

English Learners

The petitioners have many years of experience running successful charter school programs, including serving a diverse background of students, including English Learners(EL). Plans for English Learners would be met by developing EL programs in-house that are flexible and capable of being changed based on data and the dynamics of a changing student population. Page 24 of the Petition provides a detailed description of the plan for EL students, including CELDT testing and individualized instruction. The personalized learning plan is covered in detail throughout the Petition and is at the core of the program's success for Bayshore, upon which Baypoint will be modeled.

The level of specificity that the RCOE Staff Report seems to require in the petition would once again require a material revision any time the school wished to change some aspect of its EL program, which would defeat the purpose of operating a charter school in the first place. As requirements for English Learners may change from time to time via legislation and/or case law developments, if such information were included in the charter petition, a material revision would be necessary to update the petition to incorporate changes in the law. By incorporating this information in school-developed curricular plans that can change based on data and the needs of the actual population being served, the charter school need not request a material revision every time it wishes to modify its EL programs to better serve its population.

SPED compliance with State and Federal Law

Pages 24 through 31 of the Petition address how BPA will meet the needs of Students with disabilities. The charter petitioners have been members of the El Dorado Charter SELPA for the past three years and have extensive experience serving students with special needs. Given BPCS's membership in this SELPA, all of the information noted in the RCOE staff report is already addressed in the BPCS's agreement with the SELPA. Once again, specifying the level of detail required by the RCOE Staff in the charter petition itself raises a fundamental problem should the SELPA (and/or state and federal law, for that matter) mandate new or different requirements of its members. Each change would require a material revision to the charter, which is not only a slow process but an uncertain one at that. By specifying these details in its SELPA agreement and related in-house procedural guidelines, the charter school is better able (and more quickly able) to service its special needs students adequately. The RCOE Staff Report implies that a charter petition must include every internal policy and procedure related to meeting the needs of special education students.

With respect to the IEP development process, the IDEA and related provisions of California law outline specific procedural requirements, which BPA has stated it will adhere to (among other requirements of state and federal law). BPA need not recite every legal requirement in its charter petition. The Charter School Act does not require this level of detail in a charter petition.

SELPA Membership

The County here fundamentally misinterprets the express language of Education Code Section 47641(a). Education Code Section 47641(a) states: “[a] charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency....” The plain language of the statute places the burden on the charter school to make verifiable written assurances that it will be a local educational agency (“LEA”) member of a special education local plan area (“SELPA”). By specifying that charter schools must make this assurance in the charter petition itself, Education Code Section 47641(a) makes clear that the requirement for assurances rests with the charter school petitioners themselves, as the authors of the charter petition document. Further, this is how the statute has been interpreted by charter school authorizers statewide.

Education Code Section 47641(a) does not mandate that a charter school produce documentation from an outside source purporting to assure that the charter school will participate as an LEA member of a SELPA. An outside entity does not have the authority to commit the charter school to such participation. Indeed, in practical terms, a SELPA, for example, cannot make a promise that it will admit a charter school as an LEA member, when the charter school has not yet received authorization to operate from a school district, county board of education, or the SBE.

Education Code section 47641(a) does NOT require a charter petition to “include any supporting documentation or verifiable assurances from the SELPA” regarding its special education. Indeed, Section 47641(a) requires only that “[a] charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education.” The Petition makes just such verifiable, written assurances in its petition. Indeed, a simple check of the members of the El Dorado SELPA would have verified the school’s written assurance that it is, in fact, a member of the SELPA.

The County here is mistaken in its reading of the plain meaning of Education Code Section 47641(a). The statute clearly states that the Charter School must make written, verifiable assurances that it will participate as an LEA member of a SELPA, not that the SELPA itself must make such assurances. BPA made the proper assurances in the Petition (page 26). BPA also submitted to the County an email from the El Dorado County SELPA stating that it would be offered membership in that SELPA by simply submitting a letter of intent to join the SELPA

Additionally, BPA has received email confirmation from the El Dorado County Charter SELPA that it will be admitted into that SELPA upon its existing school, BPCS, being in good standing and verification of BPA charter approval.

Section 504

Pages 24 through 26 of the Petition address the requirements for serving students under Section 504 of the Rehabilitation Act. These pages address the areas of compliance, facility accessibility, student participation, written policies and procedures, and how they will be

implemented. In addition, the Petition states BPA will comply with all applicable state and federal laws in serving students with disabilities.

Element 2 and 3 – Measurable Student Outcomes and Methods by Which Outcomes are Measured

The RCOE staff misinterprets the plain language of the applicable statute. Education Code Section 47605(b)(5)(B) states: “[t]he 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.” This Section mandates only that pupil outcomes align with the state priorities. Therefore, when the BPA charter petition identifies pupil outcomes aligned with the state priorities, it is necessarily true that the outcomes are applicable to all grade levels served by the Charter School.

Education Code Section 52060(d) (the 8 state priorities) contains a number of priorities that do not apply to all grade levels. For example, Section 52060(d)(4)(C) applies only to high school level students. And, Section 52060(d)(5)(C) applies only to middle school level students. As such, if a charter school does not serve high school students, or does not serve middle school students, it would not be required to establish pupil outcomes for students in those grade levels.

Additionally, the finding that the petition fails to include the Local Control and Accountability (“LCAP”) template adopted by the SBE is incorrect. There is no legal requirement for a charter petition to include an LCAP, (How could a petition to establish a charter school create an LCAP without students enrolled and teachers hired?) only that it meet the legal requirements from the Local Control Funding Formula, codified in Education Code Sections 47605(b)(5)(A)(ii)-(C). As such, the charter petitioners will comply with the LCAP template, as required and as it is updated by the CDE.

Element 4 – Governance Structure

Organization of the Board

Neither the Charter Act nor its associated regulations require every charter school to “have its own board dedicated to that charter school.” The RCOE Staff Report incorrectly cites Ed. Code section 47605(b)(5)(D) for unknown reasons to support this contention. Section 47605(b)(5)(D) simply states that a charter school petition must include a description of “[t]he governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.” In fact, a charter school may be operated by a non-profit corporation, and that non-profit corporation may operate one or more charter schools pursuant to Ed. Code section 47604(a).

There is absolutely no authority that would prevent a non-profit corporation, properly formed and operating in accordance with all legal requirements and that is located within one county, from operating a charter school in another county where the charter school is duly authorized. The RCOE Staff Report implies that a corporation with a physical location in one county cannot do business in another county, a conclusion that is simply unsupported by law.

The petition contains adequate assurances that the charter school will hold board meetings within the jurisdictional boundaries of the authorizing district.

The RCOE Staff Report contains completely unsupported allegations that, simply because the non-profit corporation that operates the charter has a business address located in an adjacent county, that the board of that corporation will somehow be exposed to “ethical conflicts of interest and [the doctrine of] incompatible offices.” There is absolutely no evidence to support this finding, and it is an absurd conclusion to reach in any event.

BPA repeatedly explained to RCOE staff that the corporate documents utilized Bayshore Preparatory Charter School (BPCS)’s address due to the fact that BPA does not yet have an address, as its charter is not yet approved. BPA also repeatedly explained that the BPCS Board members are only involved with BPA until such time as BPA is operating smoothly on its own within Hemet. It is surprising that County staff would not welcome support from experienced charter school operators for a proposed new school.

Parent Involvement

The Petition includes a description of the Parent Advisory Committee. The Parent Advisory Committee description adequately addresses the requirements of Ed. Code section 47605(b)(5)(D).

The RCOE Staff Report’s “finding” that the charter petition does not otherwise “describe any other opportunities for parental involvement” is merely a subjective opinion about the merits of the petition. In fact, throughout the Petition, beginning with the Mission Statement on page 12 of the Petition, as well as throughout the Petition, parent participation is paramount and encouraged.

Conflict of Interest Policy

Government Code Section 1090 does not apply to charter schools. In September 2014, the Governor vetoed a bill that would have applied Government Code Section 1090, *et seq.* to charter schools. Had this law already been applicable to charter schools, there would be no need for such legislation. The Governor’s rebuke provides even more evidence that charter schools are not required to follow this law.

Nevertheless, the BPA Board of Directors has been composed with the requirements of Section 1090 in mind, and BPA hereby affirms that it will comply with the Political Reform Act, as well as the provisions of the corporations code governing nonprofit corporations (particularly with regard to self-dealing transactions).

Element 5 – Employee Qualifications

Comprehensive List of Employment Positions

On pages 47 through 52 of the Petition, key employee qualification and job descriptions are defined. The RCOE Staff Report requires that the charter school incorporate in its petition a detailed job description for every position that it would plan to hire at any time of its existence. Such a requirement extends well beyond the requirements of the Charter Act, and would once

again force the school to seek a material revision every time it a) wanted to change a job description or job requirements, and b) wanted to add a new job description. Such a restriction is unnecessary and completely nonsensical. Indeed, a charter school must be able to hire (and fire) employees based on its needs and requirements, as its student population changes and as its data and other factors require. The entire premise of charter schools frees them from the restrictions imposed on traditional school districts for hiring and terminating personnel.

In addition, as stated on page 52 of the Petition, the additional certificated and non-certificated personnel BPA may hire will have the necessary qualifications, skills, experience and credentials to fulfill the requirements that will be identified in the applicable job descriptions. In the event a need arises to hire such individuals, the Charter School would be glad to share the qualifications for a specific position.

Administrators

Regarding Administrative Personnel, the RCOE Staff Report points out that that the Site Administrator does not need to hold an administrative credential, the Report then expresses a subjective preference that the site administrator hold such a credential. Such a subjective preference is not a “finding of fact.” It is merely an expression of opinion.

Teachers

The RCOE Staff Report calls for additional details about teaching positions that would, once again, require a level of specificity that is appropriate for internal policies and procedures, but not for a charter school petition. Providing the requested level of detail would, as stated already, require the charter school to seek a material revision every time it wanted to change the distinctions between elementary and secondary school teachers or the key teaching positions, roles and responsibilities of those teachers. Constricting a charter school’s ability to continually edit and update these types of “distinctions” and “roles and responsibilities” is precisely the opposite intent of the Charter Act, as it allows the charter school to accommodate the ever-changing needs of its student population as data and other factors demand.

Element 7 – Racial and Ethnic Balance

Every charter school in California is, of course, obligated to serve any student, regardless of race or ethnicity. And, every charter in California may also have limitations placed on its enrollment by authorizing entities, such as a School District or a County Office of Education (or the State Board of Education). Furthermore, charter schools may deny enrollment to students when those enrollment caps have been reached, pursuant to the charter contract with the school’s authorizing entity. Until such time as the enrollment cap has been reached for any particular grade level, the charter school may not refuse enrollment to any student based on race or ethnicity or any other factor.

The RCOE Staff Report seems to suggest something otherwise – namely, that the charter school must somehow guarantee enrollment to certain races/ethnicities or other groups. This the charter school cannot do. Ed. Code section 47605(b)(5)(G) requires only that a charter school describe how it will seek to achieve a racial and ethnic balance among its students that is reflective of the authorizing district’s general population, not that it violate both state and federal laws prohibiting discriminatory conduct in its enrollment practices.

Element 8 – Admission Requirements

The RCOE Staff Report states – without support in either state or federal law – that the school’s enrollment preferences are “impermissible.” This, of course, is not true. Education Code Section 47605(d)(2)(B) allows for a “preference” for additional categories of students and places no restrictions whatsoever on how such a preference may be implemented. The California Department of Education, as well as charter school authorizers up and down the State, has routinely viewed both priority ratios and exemptions as permissible “preferences” under this Section. BPA agrees that Education Code Section 47605(d)(2)(B) requires admission preference, in the event that a charter school receives more applications than it has capacity, be given to residents of the District. However, this Section does not specify *how much* preference residents of the District must be given. The Petition reflects this legal requirement.

In addition, this application is consistent with the Non-Regulatory Guidance issued by the US Department of Education for the Public Charter Schools Grant Program.

Element 10 – Student Suspension and Expulsion Procedures

Inclusion of Willful Defiance

The RCOE Staff Report acknowledges that Ed. Code section 48900 does not apply to charters, yet the Staff Report also reaches the conclusion that a failure to prohibit “willful defiance” as a means for suspension/expulsion calls into doubt the entire “viability” of the program. As such, the change in law to eliminate willful defiance as an expulsion offense, and as a suspension offense for students in grades 1-3, does not necessarily have any bearing on BPA’s charter petition. Indeed, the new legislation was signed into law by the Governor after BPA had submitted its charter petition to Hemet Unified School District. Charter schools are schools of choice; parents choose to enroll their children in a charter school based on many factors, including that school’s particular discipline policies and procedures.

Definition of Sexual Harassment

The RCOE Staff Report acknowledges that Ed. Code section 48900.2 does not apply to charters, yet the Staff Report also reaches the conclusion that a failure to prohibit suspension of expulsion in grades 1-3 for an act of “sexual harassment” as a means for suspension/expulsion calls into doubt the entire “viability” of the program. Again, charter schools are schools of choice; parents choose to enroll their children in a charter school based on many factors, including that school’s particular discipline policies and procedures.

Due Process

The RCOE Staff Report regarding due process rights of students completely mischaracterizes the petition’s statements on this point, and, in fact, completely ignores recent case law developments regarding “dismissal” of students from charter schools. The area of due process rights for suspension and expulsion is a constantly evolving area of the law for charter schools, and the petition adequately accounts for the current state of the law in this regard.

Because charter schools are schools of choice, they do not have continuing jurisdictional authority over a student who disenrolls or is expelled. Such a student returns to the jurisdictional authority of his or her school district of residence upon disenrollment or expulsion from a charter school.

SPED Procedural Safeguards

With this finding, the RCOE staff is holding BPA to a standard which does not apply to the Charter School. Given that the petitioners currently operate a charter school (BPCS) that is a member of a SELPA and has in place all adequate safeguards to protect the due process rights of students with special needs as required by the SELPA, the RCOE Staff Report conclusions on this topic make little sense. Every LEA that is a member of a SELPA enters into an operating agreement with that SELPA and must ensure that its policies and procedures regarding special education are fully compliant with both federal and state law on this subject.

Element 11 – Retirement Programs

The RCOE Staff Report is completely unfounded in its allegations that the charter school petition's description of retirement programs is inadequate. The RCOE Staff should be fully aware, charter schools may opt to participate in STERS or PERS or they may not and elect to offer other retirement benefits altogether. In fact, the law in this area is constantly changing. As an example of this, CalPERS denied charter school participation in their retirement program; that denial has now been rescinded.

The RCOE Staff would have the school set in stone retirement plans that may, or may not, be available to the charter school in the future and may, or may not, best serve the needs of the charter school and its employees.

Element 14 – Dispute Resolution

By law, a charter petition must contain a reasonably comprehensive description of the dispute resolution procedures to be employed in the event of disputes relating to the provisions of the charter. The County is not stating that BPA did not provide a reasonably comprehensive description of dispute resolution. Instead, RCOE is stating that it disagrees with the procedures proposed by BPA.

The Charter School made no attempt to limit the County Board's authority under Education Code Section 47607(c). While the RCOE Staff can ask for changes to the dispute resolution policy, every charter contract is a negotiated instrument. The RCOE Staff suggest that the dispute resolution policy must favor RCOE's interests only; such a one-sided dispute resolution policy is patently unfair, yet the charter school cannot be held at fault for simply asserting its preferences and interests ahead of RCOE. There is no legal requirement that a charter school must shoulder the full costs of dispute resolution. The two parties can negotiate a dispute resolution that reflects a compromise agreement. Otherwise, for RCOE to unilaterally demand that the dispute resolution policy only favor RCOE's interests is simply outside the scope of a negotiated contract.

BPA would have been glad to discuss and memorialize in an MOU, an alternative dispute resolution procedure. Indeed, page 79 of the Petition states, “[a]ll times and procedures in this section may be revised upon mutual written agreement of RCOE and BPA.” (Emphasis added.)

THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM PRESENTED IN THE PETITION

Failure to Comprehensively Describe the Required Elements

Comments addressing this are included above.

Budget and Financial Plan

Start-up Costs

The Findings assume the PCSGP grant included in the budget is not yet applied for. In fact, it has been applied for and already awarded for the full \$375k amount, only contingent upon a charter approval before May 2015. Recent updates from CDE now also allow expenditures from this grant cycle to continue past June 30, 2015.

Cash Flow

The Findings state that it is unclear where the additional \$250k of this projected \$500k will come from – it will come from DMS. Since DMS has arranged over \$60 million in cash flow financing for River Springs since 2007, an existing RCOE charter, it is demonstrably likely that such funding is also available here. If DMS is unable to find external financing, they have committed to loaning the \$250k directly. BPA presented information to RCOE regarding DMS’ ability to provide additional cash flow financing.

Projected Enrollment

Because actual enrollments are difficult to obtain prior to receiving a charter, uncertainty does remain about the school’s ability to enroll 325 students. However, this number is fairly typical for other similar charter schools, and an ADA ratio of 93% is below other site-based charter schools (95% is a typical ratio to use). Hundreds of other charter schools approved in spring have opened with 325 or more students in fall. We are also happy to develop a pro-forma budget showing how we will remain sustainable at 10% fewer students upon request.

Charter Location

As the RCOE Staff was well aware, and as the Staff explained in public session several times, the RCOE must review the petition “as it was presented to the district.” Thus, the language in the petition that reserves the rights of the charter school to request a Proposition 39 facility is simply meant to do what it purports to do – preserve the rights of the charter school to request such a facility should it have the right to do so. To do otherwise would be abandoning important legal rights that every charter school has.

BPA has not rented a facility because it is not yet approved to operate. At this point in the year, the facility would be a privately rented facility, not a Prop 39 district building. Similar to the projected enrollment problem, the way this chicken-or-egg issue has been successfully addressed dozens of times around the state is to grant a conditional charter approval, in which the charter then has a period of time after conditional approval to obtain a viable facility in order for the contingent charter to remain approved.

No law requires a charter petition to identify the address of a specific facility or to provide evidence of a lease at the time of approval. Indeed, almost no property owner would enter into a lease with an entity that does not have an approved charter. The Charter School Act only requires a petition to identify “where the school intends to locate.” (Education Code Section 47605(g)) BPA’s petition clearly provides a description of where the Charter School intends to locate.

Additionally, there were discussions with RCOE Staff, in public sessions, about the proposed facilities and all parties understood and knew that the facilities were more than adequate to meet the needs of the charter school. To reiterate, almost no charter school petitioners have a facility in place in advance of submission of a charter petition. Accordingly, this finding is an impermissible basis for denial of the charter petition.

**RESOLUTION NO. 2313
DENYING THE CHARTER PETITION FOR
BAYPOINT PREPARATORY ACADEMY
BY THE GOVERNING BOARD OF THE
HEMET UNIFIED SCHOOL DISTRICT**

WHEREAS, pursuant to *Education Code* Section 47600 et seq., the Governing Board of the Hemet Unified School District ("District Board") is required to review and consider authorization of charter schools; and

WHEREAS, on or about September 12, 2014, the Petitioners, on behalf of Baypoint Preparatory Academy ("BPA" or "Charter School"), submitted a Charter Petition ("Petition") to the Hemet Unified School District ("District"), and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Charter was brought to the District Governing Board meeting of October 7, 2014, at which time it was received by the District Governing Board, thereby commencing the timelines for District Governing Board action thereon; and

WHEREAS, the District Board conducted a public hearing on the provisions of the Petition on October 21, 2014, pursuant to *Education Code* Section 47605, at which time the District Board considered the level of support for this Petition by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at that public hearing the lead petitioners and several interested parents spoke in support of the Petition. No District teachers or other District employees spoke in favor of the Petition; and

WHEREAS, the Petition proposes a K-12 in-seat program; and

WHEREAS, in reviewing the Petition for the establishment of BPA, the District 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 District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Petition and information related to the operation and potential effects of the proposed BPA, and made a recommendation to the District Board that the Petition be denied based on that review; and

WHEREAS, the District Board has fully considered the Petition submitted for the establishment of BPA and the recommendation provided by District staff.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the District Board finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. *Education Code* Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: "No charter shall be granted under this part that authorizes the conversion of any private school to a charter school."

BE IT FURTHER RESOLVED AND ORDERED that the District Board determines that its finding that the granting of the BPA Charter Petition would constitute the conversion of a private school is supported by the following facts:

1. The District received numerous emails from interested parents in which the parents indicate the BPA faculty will be substantially similar to the faculty of Cornerstone Christian School, which will be closing at the end of this academic year.
2. The District received numerous emails from interested parents whose children currently attend Cornerstone Christian School. These emails indicate that the parents intend to enroll their children in BPA if the BPA Petition is approved.
3. The BPA Petition failed to specify the exact location of its proposed facility. The BPA Petition has indicated it is in the process of negotiating a lease with a facility in the same zip code as Cornerstone Christian School, thus, causing the District to believe that the proposed Charter School will be housed in the same facility in which Cornerstone Christian School is currently located.
4. The Petition proposes an admission exemption for families who are part of the founding group. Since it appears that many of the people involved in the attempt to establish BPA are associated with the private Cornerstone Christian School in Hemet, this may result in an enrollment exemption for those students.

BE IT FURTHER RESOLVED AND ORDERED that the District Board, having fully considered and evaluated the Petition for the establishment of BPA, hereby finds the Petition not to be consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Petition pursuant to *Education Code* Section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [*Education Code* Section 47605(b)(2)]
2. The Petition does not contain reasonably comprehensive descriptions of all elements required by law. [*Education Code* Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby determines the foregoing findings are supported by the following specific facts:

I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code Section 47605(b)(2)]

A. Facility Location

Education Code section 47605(g) states in relevant part: “[the] description of the facility to be used by the charter school shall specify where the school intends to locate.”

The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only “the actual location for BPA has not been finalized,” but that “BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD.”

II. THE PETITION DOES NOT CONTAIN *REASONABLY COMPREHENSIVE* DESCRIPTIONS OF THE FOLLOWING ELEMENTS REQUIRED BY LAW. [Education Code Section 47605(b)(5)]

The Petitioners are required to set forth in the Petition reasonably comprehensive descriptions of sixteen elements as described in *Education Code* Section 47605(b)(5). The District Board finds that there are serious deficiencies/concerns in several of these required elements as more fully discussed below.

A. THE PETITION DOES NOT PROVIDE A REASONABLY COMPREHENSIVE DESCRIPTION OF THE “EDUCATIONAL PROGRAM.” [Education Code Section 47605(b)(5)(A)]

1. The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the “computer-based Edgenuity curriculum” will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.
2. The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.
3. The proposed plans for English learners (“EL”) and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified

differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

4. The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act ("IDEA").

The Petition claims that BPA "shall be solely responsible for its compliance with Section 504 and the ADA." Although, it states that "[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA," the Petition fails to include any written verifiable assurances from the identified SELPA. Under *Ed. Code* Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

5. The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

B. PETITION DOES NOT PROVIDE A REASONABLE COMPREHENSIVE DESCRIPTION OF "THE GOVERNANCE STRUCTURE OF THE SCHOOL, INCLUDING, BUT NOT LIMITED TO THE PROCESS TO BE FOLLOWED BY THE SCHOOL TO ENSURE PARENTAL INVOLVEMENT." [Education Code Section 47605(b)(5)(D)]

1. The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of *Cal. Gov. Code* Section 1090, *et seq.* and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be "interested persons." Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

C. THE PETITION DOES NOT CONTAIN A REASONABLY COMPREHENSIVE DESCRIPTION OF THE EMPLOYEE QUALIFICATIONS. [Education Code Section 47605(b)(5)(E)]

The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

D. **ADMISSION REQUIREMENTS, IF APPLICABLE.** [*Education Code Section 47605(b)(5)(H)*]

The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides "children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)" will be **exempted** from the random drawing.

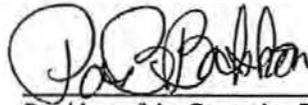
E. **THE PROCEDURES TO BE USED BY THE DISTRICT AND THE CHARTER SCHOOL FOR RESOLVING DISPUTES RELATING TO PROVISIONS OF THE CHARTER.** [*Education Code Section 47605(b)(5)(N)*]

1. The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District's ability to effectively oversee the School.
2. Given the significance of opening and operating a charter school and the District's oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the

past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

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 Petition shall remain in full force and effect. In this regard, the District Board 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, ADOPTED AND SIGNED this 18th day of November 2014 by the Governing Board of the Hemet Unified School District of Riverside County, California.



President of the Governing Board for the
Hemet Unified School District

I, Barry L. Kayrell Clerk of the Governing Board of the Hemet Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District as a meeting of said Board held on the 18th day of November 2014, and that it was so adopted by the following vote:

AYES:	<u>7</u>	ABSTAIN:	<u>0</u>
NOES:	<u>0</u>	ABSENT:	<u>0</u>

Barry Kayrell
Clerk of the Governing Board of the
Hemet Unified School District



December 16, 2014

VIA: HAND DELIVERY

Riverside County Office of Education
3939 Thirteenth Street
Riverside, California 92501

Re: Baypoint Preparatory Academy Charter Petition Appeal to the Riverside County Board of Education

The purpose of this letter is to respond to Hemet Unified School District's ("HUSD" or the "District") staff report and findings of fact for denial (memorialized in Resolution No. 2313) of the Baypoint Preparatory Academy ("BPA" or the "Charter School") charter petition, and to demonstrate that the District's staff report does not constitute sufficient legal grounds to deny the establishment of the BPA charter.

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools ... 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. (Emphasis added.)

Education Code Section 47605(b) also enumerates and limits the legal bases for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].

(5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district to approve a charter petition, unless it makes written factual findings to support a denial.

The District Staff Report, which could form the basis for findings for denial of the charter petition by the District Board, contains findings that do not meet the legal standard for denial of a charter petition. Many of the findings concern resolvable matters that the District could have more appropriately dealt with through minimal communication with the Charter School, in a memorandum of understanding (“MOU”) with BPA, or imposed conditions on the Charter School’s operation. Moreover, the findings are based on incorrect facts, conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the BPA charter.

Below, please find a summary of the findings from the District staff report (in *italicized text*), in the order in which they were presented, immediately followed by the Charter School’s response (in plain text).

HUSD Finding: the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. Education Code Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: “No charter shall be granted under this part that authorizes the conversion of any private school to a charter school.”

BPA Response: While the law states that a charter school cannot propose to convert a private school to the status of a charter school, the law does not provide any guidance as to which facts are important or relevant in determining whether a charter does propose to convert a private school into a charter school.

Indeed, the District staff report lists a collection of facts, but provides no legal rationale or support for the proposition that those particular facts are determinative of the issue. Further, many of the facts are either inaccurate, or only partially accurate.

The District staff offer as evidence that they received emails from parents stating that some Cornerstone teachers will be employed at Baypoint. The District staff neglected to explain whether or how they might have verified the accuracy of these alleged statements from parents. In reality, when BPA representatives spoke with any individual interested in teaching at the Charter School, they were informed that they would need to be properly credentialed and highly qualified to teach the grades/subjects they were interested in, and that they would need to apply for a job on Edjoin, where the positions will be posted. There are absolutely no guarantees of

employment for anyone. Element 5 of the petition sets forth, in detail, the positions and qualifications for BPA administrators and teachers. These individuals have not yet been identified or hired. Candidates for these positions must meet the qualifications set forth in the petition and undergo an application and interview process, resulting in hiring by the Governing Board or Executive Director. The District fails to identify any specific facts that are inconsistent with the information provided in the petition or demonstrate that it has independently verified that the email assertions were factual. The staff's reliance upon opinions expressed in parent emails, rather than the charter petition, is improper and potentially unlawful.

The District staff offer as evidence that they received emails from parents stating that they want to enroll their child/children in BPA.

It is a legal requirement for all charter petitions to include signatures from parents or teachers indicating their meaningful interest in sending their child to, or working at, that charter school. The District staff have produced no facts to demonstrate that the emails they allegedly received are anything more than parents actively expressing their interest, in the same way they may have done on the petition signature page.

The District staff offer as evidence that BPA proposes to locate within the same zip code as Cornerstone.

Zip code 92544 covers approximately 135 square miles. The District is clearly speculating as to BPA's intentions, without any factual support whatsoever. Even assuming the staff's conclusion is true, it is common for charter schools to lease facilities from former private and parochial schools. This type of lease agreement is consistent with the law and does not lend itself to the conclusion that the charter school was established as a conversion of that private school.

The District staff offer as evidence that BPA will give an admissions preference to founding families.

First, admissions preferences for founders are very common throughout California, and are explicitly recognized in the Public Charter Schools Grant Program application. Second, the admissions preference is limited to less than 10% of the total enrollment of BPA, so even if some founders have a connection to Cornerstone, there is no guarantee that Cornerstone students will comprise a large proportion of the Charter School's enrollment. Third, all families expressing interest in having their children attend BPA have been notified of the likelihood that admission will be determined by a public random drawing.

The District staff report does nothing but speculate on the occurrence of a series of facts selected for unknown and undisclosed reasons. The District staff omitted the fact that the petitioners, who operate a successful charter school authorized by the San Marcos School District have no personal connection or past history with Cornerstone. We hereby affirm that BPA does not and will not convert a private school into a charter school.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

***HUSD Finding:** The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only "the actual location for BPA has not been finalized," but that "BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD."*

BPA Response: No law requires a charter petition to identify the address of a specific facility or to provide evidence of a lease at the time of approval. Indeed, almost no property owner would enter into a lease with an entity that does not have an approved charter. The Charter Schools Act only requires a petition to identify "where the school intends to locate." (Education Code Section 47605(g)). BPA's petition clearly provides a description of where the Charter School intends to locate. Again, almost no charter school petitioners have a facility in place in advance of submission of a charter petition. Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petition does not contain reasonably comprehensive descriptions of all elements required by law.

***HUSD Finding A1:** The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the "computer-based Edgenuity curriculum" will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.*

BPA Response: The educational program for grades 6-12 is described in detail in pages 15 through 23 of the Petition. These pages include the proposed daily schedule for each grade level, showing the class sessions, as well as times working on Edgenuity, the computer-based, Common Core aligned curriculum that is described throughout the petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

***HUSD Finding A2:** The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.*

BPA Response: The plans for low-achieving and high-achieving students are specifically addressed on page 23, as well as throughout the Petition. The basis of the program is to provide individualized attention to each student and to customize an education plan for each student's needs. Backed by excellent teaching resources, the parent, teacher, and the student will develop a personalized learning plan addressing the targeted areas of improvement. This is the success

behind Bayshore, the model upon which Baypoint is based. Teachers have an infinite supply of resources to assist students, and to list all of those resources would be impractical.

The Petitioners would also like to point out that these areas are not addressed in the initial petitions or charter renewals for Western Center Academy Charter and College Prep High School, both of which were unanimously approved by the Governing Board of Hemet Unified School District.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A3: The proposed plans for English learners ("EL") and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

BPA Response: Page 24 of the Petition provides a detailed description of the plan for EL students, including CELDT testing and individualized instruction. The personalized learning plan is covered in detail throughout the Charter Petition and is at the core of the program's success for Bayshore, upon which Baypoint will be modeled.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A4: The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act ("IDEA").

The Petition claims that BPA "shall be solely responsible for its compliance with Section 504 and the ADA." Although, it states that "[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA," the Petition fails to include any written verifiable assurances from the identified SELPA. Under Ed. Code Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

BPA Response: The District here is mistaken in its reading of the plain meaning of Education Code Section 47641(a). The statute clearly states that the Charter School must make written, verifiable assurances that it will participate as an LEA member of a SELPA, not that the SELPA itself must make such assurances. BPA made the proper assurances in its charter petition. BPA also submitted to the District a letter from the El Dorado County SELPA stating that it would be offered membership in that SELPA by simply submitting a letter of intent to join the SELPA.

Regarding interventions, as the District surely knows, specific interventions and courses are

determined by the IEP team, based on the unique needs of each student. It would be unreasonable and impracticable to list any and all possible interventions for students with exceptional needs, and the Charter Schools Act does not require this level of detail in a charter petition. With respect to the IEP development process, the IDEA and related provisions of California law outline specific procedural requirements which BPA has stated it will adhere to (among other requirements of state and federal law). BPA need not recite every legal requirement in its charter petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A5: The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

BPA Response: Education Code Section 47605(b)(5)(A)(iii) states: “[c]ourses 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.”

On page 22 of the charter petition, BPA states that it will seek accreditation from the Western Association of Schools and Colleges. Once accreditation is earned, all courses will be considered transferable to other public high schools. Also on page 22, the BPA charter details the A-G approved courses, which may be used to meet college entrance requirements.

An in-depth description of courses and their transferability, along with graduation requirements, will be offered to parents in a Student/Parent Handbook.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding B1: The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of Cal. Gov. Code Section 1090, et seq. and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be “interested persons.” Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

BPA Response: There is no legal requirement for charter petitions to include assurances for compliance with the Political Reform Act and/or Government Code Section 1090, et seq. All charter schools must comply with the Political Reform Act, including BPA, so there is no need to recite this legal requirement.

Government Code Section 1090, et seq. does not apply to charter schools. In September of this

year, the Governor vetoed a bill that would have applied Government Code Section 1090, *et seq.* to charter schools. Had this law already been applicable to charter schools, there would be no need for such legislation. The Governor's rebuke provides even more evidence that charter schools are not required to follow this law.

Nevertheless, the BPA Board of Directors has been composed with the requirements of Section 1090 in mind, and BPA hereby affirms that it will comply with the Political Reform Act, as well as the provisions of the corporations code governing nonprofit corporations (particularly with regard to self-dealing transactions).

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding C: The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

BPA Response: The requirement to include employee qualifications for all "key" staff positions comes from Title 5, California Code of Regulations, Section 11967.5.1. This Section applies only to charter petitions submitted for review by the State Board of Education. HUSD has not adopted this Regulation into its Board Policy, and therefore cannot deny the BPA charter based upon such finding.

The District states that the Charter School did not include "all" qualifications for teachers. This finding is puzzling, especially as the District offered no explanation as to what might be missing. As an independent charter school, BPA is permitted by law to set the qualifications for its employees. It did so. The District's finding has no merit. As stated on page 52 of the charter, the qualifications for additional certificated and non-certificated personnel will be identified in job descriptions. In the event a need arises to hire such individuals, the Charter School would be glad to share the qualifications for a specific position.

The Charter School provided a more than reasonably comprehensive description of how BPA will serve special education students. There is no legal requirement to address autism in particular, and HUSD provides no indication as to why it selected this particular disability to point out.

Accordingly, these findings are impermissible bases for denial of the charter petition.

HUSD Finding D: The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be

extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides "children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)" will be exempted from the random drawing.

BPA Response: Education Code Section 47605(d)(2)(B) allows for a "preference" for additional categories of students and places no restrictions whatsoever on how such a preference may be implemented. The California Department of Education, as well as charter school authorizers up and down the State, has routinely viewed both priority ratios and exemptions as permissible "preferences" under this Section. In addition, this application is consistent with the Non-Regulatory Guidance issued by the US Department of Education for the Public Charter Schools Grant Program.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding E1: The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District's ability to effectively oversee the School.

BPA Response: By law, a charter petition must contain a reasonably comprehensive description of the dispute resolution procedures to be employed in the event of disputes relating to the provisions of the charter. The District here is not stating that BPA did not provide a reasonably comprehensive description of dispute resolution. Instead, HUSD is stating that it disagrees with the procedures proposed by BPA. Such disagreement is not factually based, and not a lawful basis for denial of the charter petition.

BPA would have been glad to discuss and memorialize in an MOU, an alternative dispute resolution procedure. Indeed, page 79 of the charter petition states, "[a]ll times and procedures in this section may be revised upon mutual written agreement of HUSD and BPA." (Emphasis added.)

HUSD Finding E2: Given the significance of opening and operating a charter school and the District's oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

BPA Response: Please see response to Finding E1. The District here is lodging a complaint, but it is not making a factual finding that could be a lawful basis for denial.

We look forward to working with the County Board and the Riverside County Office of Education during consideration of the charter petition. Please feel free to contact me nspencer@bayshoreprep.org; 760-471-0847 if you have any questions.

Sincerely,



Nancy Spencer
Lead Petitioner

December 16, 2014

VIA: HAND DELIVERY

Riverside County Office of Education
3939 Thirteenth Street
Riverside, California 92501

Re: Baypoint Preparatory Academy Charter Petition Appeal to the Riverside County Board of Education

The purpose of this letter is to respond to Hemet Unified School District's ("HUSD" or the "District") staff report and findings of fact for denial (memorialized in Resolution No. 2313) of the Baypoint Preparatory Academy ("BPA" or the "Charter School") charter petition, and to demonstrate that the District's staff report does not constitute sufficient legal grounds to deny the establishment of the BPA charter.

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools ... 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. (Emphasis added.)

Education Code Section 47605(b) also enumerates and limits the legal bases for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- (3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].
- (5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district to approve a charter petition, unless it makes written factual findings to support a denial.

The District Staff Report, which could form the basis for findings for denial of the charter petition by the District Board, contains findings that do not meet the legal standard for denial of a charter petition. Many of the findings concern resolvable matters that the District could have more appropriately dealt with through minimal communication with the Charter School, in a memorandum of understanding (“MOU”) with BPA, or imposed conditions on the Charter School’s operation. Moreover, the findings are based on incorrect facts, conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the BPA charter.

Below, please find a summary of the findings from the District staff report (in *italicized* text), in the order in which they were presented, immediately followed by the Charter School’s response (in plain text).

HUSD Finding: the District Board hereby denies the Petition because it finds that the establishment of BPA would be a conversion of a private school, the Cornerstone Christian School in Hemet, to a charter school. Education Code Section 47602(b) specifically prohibits the granting of a charter in such circumstances, stating in pertinent part: “No charter shall be granted under this part that authorizes the conversion of any private school to a charter school.”

BPA Response: While the law states that a charter school cannot propose to convert a private school to the status of a charter school, the law does not provide any guidance as to which facts are important or relevant in determining whether a charter does propose to convert a private school into a charter school.

Indeed, the District staff report lists a collection of facts, but provides no legal rationale or support for the proposition that those particular facts are determinative of the issue. Further, many of the facts are either inaccurate, or only partially accurate.

The District staff offer as evidence that they received emails from parents stating that some Cornerstone teachers will be employed at Baypoint. The District staff neglected to explain whether or how they might have verified the accuracy of these alleged statements from parents. In reality, when BPA representatives spoke with any individual interested in teaching at the Charter School, they were informed that they would need to be properly credentialed and highly qualified to teach the grades/subjects they were interested in, and that they would need to apply for a job on Edjoin, where the positions will be posted. There are absolutely no guarantees of

employment for anyone. Element 5 of the petition sets forth, in detail, the positions and qualifications for BPA administrators and teachers. These individuals have not yet been identified or hired. Candidates for these positions must meet the qualifications set forth in the petition and undergo an application and interview process, resulting in hiring by the Governing Board or Executive Director. The District fails to identify any specific facts that are inconsistent with the information provided in the petition or demonstrate that it has independently verified that the email assertions were factual. The staff's reliance upon opinions expressed in parent emails, rather than the charter petition, is improper and potentially unlawful.

The District staff offer as evidence that they received emails from parents stating that they want to enroll their child/children in BPA.

It is a legal requirement for all charter petitions to include signatures from parents or teachers indicating their meaningful interest in sending their child to, or working at, that charter school. The District staff have produced no facts to demonstrate that the emails they allegedly received are anything more than parents actively expressing their interest, in the same way they may have done on the petition signature page.

The District staff offer as evidence that BPA proposes to locate within the same zip code as Cornerstone.

Zip code 92544 covers approximately 135 square miles. The District is clearly speculating as to BPA's intentions, without any factual support whatsoever. Even assuming the staff's conclusion is true, it is common for charter schools to lease facilities from former private and parochial schools. This type of lease agreement is consistent with the law and does not lend itself to the conclusion that the charter school was established as a conversion of that private school.

The District staff offer as evidence that BPA will give an admissions preference to founding families.

First, admissions preferences for founders are very common throughout California, and are explicitly recognized in the Public Charter Schools Grant Program application. Second, the admissions preference is limited to less than 10% of the total enrollment of BPA, so even if some founders have a connection to Cornerstone, there is no guarantee that Cornerstone students will comprise a large proportion of the Charter School's enrollment. Third, all families expressing interest in having their children attend BPA have been notified of the likelihood that admission will be determined by a public random drawing.

The District staff report does nothing but speculate on the occurrence of a series of facts selected for unknown and undisclosed reasons. The District staff omitted the fact that the petitioners, who operate a successful charter school authorized by the San Marcos School District have no personal connection or past history with Cornerstone. We hereby affirm that BPA does not and will not convert a private school into a charter school.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition.

HUSD Finding: *The Petition does not include the required description of facilities. There is no evidence of a finalized lease or other contractual arrangement identifying a specific location for the School. Specifically, the Petition states only “the actual location for BPA has not been finalized,” but that “BPA is negotiating for a facility in the 92544 zip code within the geographical boundaries of the HUSD.”*

BPA Response: No law requires a charter petition to identify the address of a specific facility or to provide evidence of a lease at the time of approval. Indeed, almost no property owner would enter into a lease with an entity that does not have an approved charter. The Charter Schools Act only requires a petition to identify “where the school intends to locate.” (Education Code Section 47605(g)). BPA’s petition clearly provides a description of where the Charter School intends to locate. Again, almost no charter school petitioners have a facility in place in advance of submission of a charter petition. Accordingly, this finding is an impermissible basis for denial of the charter petition.

The Petition does not contain reasonably comprehensive descriptions of all elements required by law.

HUSD Finding A1: *The BPA Petition does not present a reasonably comprehensive description of the educational program for grades 6-12th. The actual curriculums for these grade levels are not identified in the Petition and instead, the Petition only states that the “computer-based Edgenuity curriculum” will be used. Moreover, it is unclear how students will access these online curriculums, whether it is at home, at school, or both. Furthermore, the Petition fails to identify the technology structure meaning how much instruction will occur live and how much will occur via online curriculum.*

BPA Response: The educational program for grades 6-12 is described in detail in pages 15 through 23 of the Petition. These pages include the proposed daily schedule for each grade level, showing the class sessions, as well as times working on Edgenuity, the computer-based, Common Core aligned curriculum that is described throughout the petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A2: *The proposed plans for low-achieving and high-achieving students is vague and otherwise void of any specific advisory curriculum or education plan. The program goals and objectives for these students are not measurable and the Petition fails to adequately identify how this program will be implemented.*

BPA Response: The plans for low-achieving and high-achieving students are specifically addressed on page 23, as well as throughout the Petition. The basis of the program is to provide individualized attention to each student and to customize an education plan for each student’s needs. Backed by excellent teaching resources, the parent, teacher, and the student will develop a personalized learning plan addressing the targeted areas of improvement. This is the success

behind Bayshore, the model upon which Baypoint is based. Teachers have an infinite supply of resources to assist students, and to list all of those resources would be impractical.

The Petitioners would also like to point out that these areas are not addressed in the initial petitions or charter renewals for Western Center Academy Charter and College Prep High School, both of which were unanimously approved by the Governing Board of Hemet Unified School District.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A3: The proposed plans for English learners (“EL”) and special education students are insufficient. Although the Petition states that all BPA EL students will undergo core content instruction, there is no specified differentiation for each EL level or any indication of what instructional interventions or curriculums will be utilized to meet student need. Furthermore, the Petition does not include a well-defined EL reclassification process.

BPA Response: Page 24 of the Petition provides a detailed description of the plan for EL students, including CELDT testing and individualized instruction. The personalized learning plan is covered in detail throughout the Charter Petition and is at the core of the program’s success for Bayshore, upon which Baypoint will be modeled.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A4: The Charter does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Act (“IDEA”).

The Petition claims that BPA “shall be solely responsible for its compliance with Section 504 and the ADA.” Although, it states that “[p]ursuant to Education Code Section 47641(a), BPA will participate as a local education agency (LEA) for Special Education purposes in the El Dorado County office of Education (EDCOE) Charter SELPA,” the Petition fails to include any written verifiable assurances from the identified SELPA. Under Ed. Code Section 47641, petitioners cannot elect to oversee their own special education program without such assurances. Moreover, the Petition fails to identify what specific instructional interventions or alternative courses that will be utilized to meet special education student needs. Likewise, it fails to adequately describe IEP development or implementation of the IEP.

BPA Response: The District here is mistaken in its reading of the plain meaning of Education Code Section 47641(a). The statute clearly states that the Charter School must make written, verifiable assurances that it will participate as an LEA member of a SELPA, not that the SELPA itself must make such assurances. BPA made the proper assurances in its charter petition. BPA also submitted to the District a letter from the El Dorado County SELPA stating that it would be offered membership in that SELPA by simply submitting a letter of intent to join the SELPA.

Regarding interventions, as the District surely knows, specific interventions and courses are

determined by the IEP team, based on the unique needs of each student. It would be unreasonable and impracticable to list any and all possible interventions for students with exceptional needs, and the Charter Schools Act does not require this level of detail in a charter petition. With respect to the IEP development process, the IDEA and related provisions of California law outline specific procedural requirements which BPA has stated it will adhere to (among other requirements of state and federal law). BPA need not recite every legal requirement in its charter petition.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding A5: The Charter fails to include information on transferability of classes to other high schools or how this will be communicated to parents as required by law.

BPA Response: Education Code Section 47605(b)(5)(A)(iii) states: “[c]ourses 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.”

On page 22 of the charter petition, BPA states that it will seek accreditation from the Western Association of Schools and Colleges. Once accreditation is earned, all courses will be considered transferable to other public high schools. Also on page 22, the BPA charter details the A-G approved courses, which may be used to meet college entrance requirements.

An in-depth description of courses and their transferability, along with graduation requirements, will be offered to parents in a Student/Parent Handbook.

As such, BPA has met the applicable requirement, and this finding is an impermissible basis for denial.

HUSD Finding B1: The Petition and accompanying Bylaws contain no assurances that the School will comply with the conflict of interest provisions of Cal. Gov. Code Section 1090, et seq. and the Political Reform Act of 1974. To the contrary, the bylaws permit 49% of persons serving on the board to be “interested persons.” Accordingly, the potential for self-dealing of public funds, combined with the legal and administrative considerations, necessitates a policy of requiring charter petitions to not only pledge compliance with all conflict of interests laws that govern public agencies generally, but to have written policies in place that support and demonstrate actual compliance.

BPA Response: There is no legal requirement for charter petitions to include assurances for compliance with the Political Reform Act and/or Government Code Section 1090, et seq. All charter schools must comply with the Political Reform Act, including BPA, so there is no need to recite this legal requirement.

Government Code Section 1090, et seq. does not apply to charter schools. In September of this

year, the Governor vetoed a bill that would have applied Government Code Section 1090, *et seq.* to charter schools. Had this law already been applicable to charter schools, there would be no need for such legislation. The Governor's rebuke provides even more evidence that charter schools are not required to follow this law.

Nevertheless, the BPA Board of Directors has been composed with the requirements of Section 1090 in mind, and BPA hereby affirms that it will comply with the Political Reform Act, as well as the provisions of the corporations code governing nonprofit corporations (particularly with regard to self-dealing transactions).

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding C: The BPA Petition does not include reasonably comprehensive descriptions of employee qualifications. Specifically, the Petition fails to include qualifications for all key staff positions. Notably, the Petition fails to include all qualifications for the position of "Teachers" or "Additional Certificated and Non-Certificated Personnel." Furthermore, the Petition fails to include a description of the duties for "Additional Certificated and Non-Certificated Personnel" or what personnel this category encompasses. Finally, the Petition fails to specifically articulate that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

BPA Response: The requirement to include employee qualifications for all "key" staff positions comes from Title 5, California Code of Regulations, Section 11967.5.1. This Section applies only to charter petitions submitted for review by the State Board of Education. HUSD has not adopted this Regulation into its Board Policy, and therefore cannot deny the BPA charter based upon such finding.

The District states that the Charter School did not include "all" qualifications for teachers. This finding is puzzling, especially as the District offered no explanation as to what might be missing. As an independent charter school, BPA is permitted by law to set the qualifications for its employees. It did so. The District's finding has no merit. As stated on page 52 of the charter, the qualifications for additional certificated and non-certificated personnel will be identified in job descriptions. In the event a need arises to hire such individuals, the Charter School would be glad to share the qualifications for a specific position.

The Charter School provided a more than reasonably comprehensive description of how BPA will serve special education students. There is no legal requirement to address autism in particular, and HUSD provides no indication as to why it selected this particular disability to point out.

Accordingly, these findings are impermissible bases for denial of the charter petition.

HUSD Finding D: The admissions preferences set forth in the Charter do not comply with Education Code Section 47605(d)(2)(B) and are unacceptable. The Education Code provides that, in cases in which the number of students who wish to attend a charter school exceeds capacity, attendance shall be determined by public random drawing, except preference shall be

extended to pupils who currently attend the school and pupils who reside in the authorizing school district. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law.

The exceptions listed by BPA violate the provisions of the Education Code. Specifically, the Petition provides “children of founding parents, teachers, and staff (not to exceed 10% of total enrollment)” will be exempted from the random drawing.

BPA Response: Education Code Section 47605(d)(2)(B) allows for a “preference” for additional categories of students and places no restrictions whatsoever on how such a preference may be implemented. The California Department of Education, as well as charter school authorizers up and down the State, has routinely viewed both priority ratios and exemptions as permissible “preferences” under this Section. In addition, this application is consistent with the Non-Regulatory Guidance issued by the US Department of Education for the Public Charter Schools Grant Program.

Accordingly, this finding is an impermissible basis for denial of the charter petition.

HUSD Finding E1: The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District’s ability to effectively oversee the School.

BPA Response: By law, a charter petition must contain a reasonably comprehensive description of the dispute resolution procedures to be employed in the event of disputes relating to the provisions of the charter. The District here is not stating that BPA did not provide a reasonably comprehensive description of dispute resolution. Instead, HUSD is stating that it disagrees with the procedures proposed by BPA. Such disagreement is not factually based, and not a lawful basis for denial of the charter petition.

BPA would have been glad to discuss and memorialize in an MOU, an alternative dispute resolution procedure. Indeed, page 79 of the charter petition states, “[a]ll times and procedures in this section may be revised upon mutual written agreement of HUSD and BPA.” (Emphasis added.)

HUSD Finding E2: Given the significance of opening and operating a charter school and the District’s oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

BPA Response: Please see response to Finding E1. The District here is lodging a complaint, but it is not making a factual finding that could be a lawful basis for denial.

We look forward to working with the County Board and the Riverside County Office of Education during consideration of the charter petition. Please feel free to contact me nspencer@bayshoreprep.org; 760-471-0847 if you have any questions.

Sincerely,

Nancy Spencer
Lead Petitioner