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ROSS VALLEY SCHOOL DISTRICT

ROSS VALLEY CHARTER
RENEWAL PETITION

DISTRICT STAFF REPORT
Published October 26, 2020

INTRODUCTION

Ross Valley Charter School ("RVC" or "Charter School") is currently authorized by the State Board of Education ("SBE"). Although RVC was granted its charter to begin operation in 2016, it obtained a material revision from the SBE to begin operations in the 2017-18 school year. RVC's current charter expires on June 30, 2021. Accordingly, on August 10, 2020, pursuant to Education Code section 47605.9, RVC submitted its charter renewal petition to the Ross Valley School District ("District") seeking renewal of the charter for a five (5) year term from July 1, 2021 to June 30, 2026 ("Petition"), with a signed certification from Petitioner that it deems the Petition to be complete, as now required by Education Code section 47605 to verify that the Petitioner has reviewed the information provided and ensures to the receiving entity that the charter petition has all the required information and documentation. The District worked with legal counsel as well as an expert in charter finance to review/evaluate the Petition and supporting materials.

In order to evaluate the past history of the Charter School as required for consideration of renewal, the District requested records from the Charter School and from the California Department of Education ("CDE") as the entity currently charged with oversight of the Charter School. The District received very limited information regarding the Charter School's academic performance. No verifiable summative academic performance data other than two years of CAASPP scores for 3rd through 5th grades to show a single year of growth was provided.¹ In addition to concerns with the Charter School's fiscal status and the lack of information regarding its student population and adequate and comprehensive performance information, serious concerns of fraud and false statements made by RVC in connection with its application for and receipt of a Paycheck Protection Program ("PPP") loan during the spring of 2020 as well as issues with the Charter School's compliance with the Brown Act came to the District's attention. As a potential authorizer, and in order to evaluate the operations, status, and performance of the Charter School, the District investigated and substantiated the concerns.

Accordingly, on or about September 3, 2020, the District Board of Trustees ("Board") issued RVC a Notice of Alleged Violations and Reasonable Opportunity to Cure ("NOAV"), pursuant to Education Code section 47607(e), for engaging in fiscal mismanagement and substantial mismanagement in governance in connection with the PPP loan, in addition to other concerns related to its operations including RVC's failure to serve students with disabilities and complete renovations and fire life safety improvements necessary to provide for Americans with Disabilities access and for the safe operation of its campus.

¹ In accordance with Education Code section 47607.2, the State is developing criteria for "verified data." Although the State has not yet done so, the statute nonetheless requires a charter authorizer, or potential authorizer, to consider year over year academic performance as set forth in section 47607.2(b)(3).

The NOAV provided RVC with an opportunity to cure the alleged violations within thirty (30) calendar days and directed RVC to take the following corrective actions by October 5, 2020: (1) return all PPP loan monies received to date and close out the loan; (2) remove Conn Hickey from his position as RVC Business Official; (3) remove Luke Duchene as Executive Director; (4) take all steps needed to replace the current RVC Board of Directors and provide new RVC Directors with mandatory Brown Act training; (5) complete all required renovations to satisfy ADA facility access requirements for the RVC school site located at 102 Marinda Drive, Fairfax, California including ADA compliance and fire and life safety compliance; (6) complete all other renovations/improvements in compliance with applicable state and local building enforcement agencies with jurisdiction in the area where RVC is located, that are necessary for RVC to be authorized to serve students in person at the RVC school site; and (7) establish a plan for compensatory education for disabled students deprived of in-person instruction.

On or about October 5, 2020, RVC responded to the NOAV. Upon review, and as detailed **below, RVC's responses to the NOAV** were inadequate; RVC affirmatively declined to take corrective action relating to its fiscal and governance deficiencies, with the exception of having provided Brown Act training to some of its officials; RVC did not demonstrate any action or intent to take any additional action in connection with its building renovations; nor did RVC describe any plan to ensure that access and compensatory education would be provided for students with disabilities who were deprived of services and in-person education.

The review team carefully reviewed the Petition as well as the limited information provided by RVC and CDE including the CAASPP academic performance information provided. The budget, projections and budget narrative were reviewed as were prior year budget documents, agendas and minutes related to the RVC governance. As detailed below, the **information raised several concerns regarding the Charter School's fiscal status and whether** it is sustainable as a going concern in light of excessive debt, failures to accurately book debt and required expenditures, and the overall reasonableness of the Charter School budget. The information further demonstrates that RVC has engaged in conflicts of interest in violation of law and their policy regarding conflicts of interest. Governance concerns are also raised by improper delegation of authority and the sudden departure of an RVC board member whom RVC represented would be on the Board through the new term. In addition, the Charter School has not been ADA compliant and student data reflects that RVC does not serve students with significant disabilities on par with statewide numbers and has no academic performance information regarding any subgroup of students to demonstrate year over year growth for its five year term. The Petition itself does not set forth a reasonably comprehensive description of each of the required elements.

In accordance with Education Code section 47605(b), and the mutually agreed-upon timeline for consideration of the Petition, on October 13, 2020, a public hearing on the provisions of the charter was held, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the school district, and parents.

Pursuant to agreement between the District and RVC, the Board is scheduled to either grant or deny the Petition during its meeting on November 10, 2020. This staff report includes **the District staff's recommendations, including the recommended findings, on the Petition,** and is being published **on the District's website** at least fifteen (15) days prior to the November 10th meeting, pursuant to Education Code section 47605(b).

STANDARD OF REVIEW FOR RENEWAL PETITION

Although RVC was authorized by the SBE, Education Code section 47605.9(b) requires RVC to submit its renewal petition to the District because RVC is located within the District's boundaries. Specifically, Education Code section 47605.9(b) states:

A charter school operating under a charter approved by the state board pursuant to Section 47605, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located.

Charters may be renewed pursuant to Education Code section 47607(a)(2), which states as follows:

A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

Additionally, renewals of charters are governed by the standards and criteria described in Education Code section 47605, and must include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code, § 47607(b).)

Education Code section 47607.2 sets forth the standards for the renewal of charter schools that are **considered "middle performing"** which qualify for a five year renewal term. Specifically, the chartering authority must consider "the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5." (Ed. Code, § 47607.2(b)(1).) The chartering authority must provide "greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal." (Ed. Code, § 47607.2(b)(2).)

In addition to the state and local indicators, the chartering authority must consider clear and convincing evidence showing either of the following: (a) the school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or (b) strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers. (Ed. Code, § 47607.2(b)(3).) Such evidence must be demonstrated by "verified data" (Ed. Code, § 47607.2(b)(4)), and must be considered by the chartering authority for the next two (2) subsequent renewals until January 1, 2026. (Ed. Code, § 47607.2(b)(5).)

Education Code section 47607.2(c) defines "verified data" as follows:²

(1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are

² See FN 1.

externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for **renewal before the state board's adoption pursuant to paragraph (2)** may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.³

It is noted that CDE has designated RVC as "middle performing" though the basis for determining this designation is not known nor published.⁴ The District's independent analysis of the Charter School's academic performance is made difficult by the lack of data to demonstrate year over year improvement. The available CAASPP data does demonstrate one year of improved scores from 2017-18 to 2018-19 for three of the seven grades served, but no data was made available for the remaining years of operation, for all grades, or for any subgroups served by the Charter School with the exception of students who identify as **"White" or "Hispanic/Latino."** **It should be noted that in the case of CAASPP scores for the Hispanic/Latino subgroup, there was no grade-by-grade level data provided.** In other words, CAASPP data for the Hispanic/Latino subgroup was provided for the entire subgroup only.

With regard to a "middle performing" charter school, the chartering authority may deny renewal only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable, that its decision provided greater weight to performance on measurements of academic performance. (Ed. Code,

³ The State has not yet developed the statutorily required criteria to define verifiable data.

⁴ The list of charter schools and their respective performance categories as determined by **CDE is published by CDE's Charter Schools Division at <https://www.cde.ca.gov/sp/ch/documents/ab1505results2020.xlsx>.**

§ 47607.2(b)(6).) Renewals for "middle performing" charter schools shall be for a period of five years. (Ed. Code, § 47607.2(b)(7).)

Notwithstanding the standards above, Education Code section 47607(e) provides that denial of renewal of a charter may be based upon a finding that the school is demonstrably unlikely to successfully implement its program due to substantial fiscal or governance factors, or if it is not serving all pupils who wish to attend:

Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 **days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.** The chartering authority may deny renewal only by making either of the following findings: (1) The corrective action proposed by the charter school has been unsuccessful. (2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Because Education Code section 47605.9(b) requires RVC to submit its renewal Petition to the District, the District applies the above standards in determining charter renewal.

RECOMMENDATION

Based upon a comprehensive review and analysis by District staff, in collaboration with legal counsel and its expert in charter finance, of the Petition, the Charter **School's operational** history, the limited/incomplete academic performance data, the September 3, 2020 NOAV, **RVC's** October 5, 2020 written response, the documents provided by the Charter School and CDE, as well as the level of support for the charter as expressed during the October 13, 2020 public hearing, District staff recommends that the Petition be **denied**. Findings with respect to the primary deficiencies are set forth herein. This staff report contains the written factual findings specific to the RVC renewal petition which support the recommendation. Denial of the Petition is recommended on the following grounds:

- **RVC is demonstrably unlikely to successfully implement the program set forth in the Petition due to substantial fiscal or governance factors. (Ed. Code, § 47607(e).)**
- **Corrective action has been unsuccessful. (Ed. Code, § 47607(e)(1).)**
- **Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, § 47605(c)(2).)**
- **The Petition does not contain reasonably comprehensive descriptions of the required charter elements. (Ed. Code, § 47605(c)(5).)**

Factual findings regarding the most significant deficiencies are described herein. This staff report does not exhaustively list every concern, and focuses on those believed to most greatly impact the **Board's** decision on whether to grant the Petition. Should the Board take action to deny the Petition, the Board may adopt this staff report as the written factual findings required to support the denial of the Petition.

FINDINGS

Review and analysis of the Petition and the Charter School's historical performance resulted in the following findings⁵:

A. RVC Is Demonstrably Unlikely To Successfully Implement Its Program Set Due To Substantial Fiscal Or Governance Factors

Fiscal Mismanagement

The following facts demonstrate substantial fiscal mismanagement regarding the operation of RVC in connection with its application for and acquisition of a PPP loan.

1. Timeline of Paycheck Protection Program Loan Process

On April 2, 2020, during a special meeting of the RVC Board, the RVC Board appointed Conn Hickey to serve as RVC's Business Official on a "volunteer" basis. The April 2nd agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.*" (Emphasis added.) This is not a position authorized by the RVC charter. It is noted that while the Board action identifies Mr. Hickey as a volunteer Business Official, the RVC website represents him to hold the office of Treasurer.⁶

According to its charter and consistent with law, the RVC Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVCS in accordance with RVCS laws and the receipt of grants and donations consistent with the **Mission of RVCS.**" (Charter, p. 140.) While the April 2nd meeting minutes reflect that the RVC Board ultimately approved Mr. Hickey's authority to sign checks, the RVC Board did not approve authority to enter into contracts and agreements, nor do the minutes include any discussion or notes related to this issue. Notably, the April 2nd agenda did not identify any item related to the PPP, though the Board discussed COVID-19 related financial impacts during the meeting. (Attached hereto as Exhibit A are true and correct copies of the RVC Board Meeting Agenda and Minutes, dated April 2, 2020.) The April 2 minutes were approved and posted on May 7, 2020.

Nonetheless, without Board authorization or any other authority to submit an application for federal PPP funding, or to enter into agreements to bind RVC, on April 9, 2020, Mr. Hickey applied online to Westamerica Bank for a \$292,485 PPP loan as RVC's "Authorized Representative or Applicant." Mr. Hickey is expressly not RVC's authorized representative or applicant. On April 9, 2020, in applying for the loan, Mr. Hickey also misrepresented that RVC Board analysis of the requirements to obtain the loan were met – this was untrue as there was no RVC Board discussion or authorization of a PPP loan. Later that same day, at or about 4:24 p.m., Westamerica confirmed receipt of the loan application (Reference #12494090). (Attached hereto as Exhibit B is a true and correct copy of PPP Application, Reference #12494090, dated April 9, 2020; Exhibit C is an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program – Application Received," dated April 9, 2020.) Notably, Westamerica Bank is Mr. Hickey's former employer.

⁵ Although this Section is entitled Findings, any and all statements contained within the Staff Report are included in support of the Findings.

⁶See RVC website, "RVC BOARD AND GOVERNANCE" page.

On April 16, 2020, Westamerica notified Mr. Hickey that Small Business Administration ("SBA") funding limits were reached but that it would continue to process applications should additional funds become available. (Attached hereto as Exhibit D is a true and correct copy of an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program," dated April 16, 2020.)

Three (3) days later, on April 19, 2020, Westamerica informed Mr. Hickey that RVC was eligible for less than the \$292,485 requested – specifically, RVC was eligible for \$270,653. Westamerica asked if the lower amount was acceptable. (Attached hereto as Exhibit E is a true and correct copy of an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Application – Information Request #12494090," dated April 19, 2020.)

The following day, on April 20, 2020, RVC uploaded the RVC Board agenda for its upcoming April 23rd meeting. Even though Mr. Hickey had submitted the loan application and received confirmation from Westamerica that RVC was eligible for \$270,000 in PPP funding, the April 23rd agenda did not identify any item for discussion or action regarding the PPP loan. Furthermore, while budget documents (e.g., RVC's 6-Year Budget Draft and Budget Draft Key Assumptions) submitted for the April 23rd meeting reflected assumptions for the receipt of a \$300,000 facility loan and other smaller CARES Act funding, they do not show PPP loan assumptions or impacts on revenue. (Attached hereto as Exhibit F is a true and correct copy of RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions.) The April 23 minutes were approved and posted on March 14, 2020.

On April 23, 2020, at 10:27 a.m., Mr. Hickey responded to Westamerica to "accept your counter offer" of \$270,000 in PPP funding. This again occurred without RVC Board approval and well before the RVC Board's meeting later that evening at 7:00 p.m.; though again, this item was not agendized for the April 23 meeting. (Attached hereto as Exhibit G is a true and correct copy of an email from Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request #12494090," dated April 23, 2020; see also, Exhibit H, true and correct copies of the RVC Board Meeting Agenda and Minutes, dated April 23, 2020.)

During the April 23rd RVC Board meeting at 7:00 p.m., minutes reflect that the RVC Board discussed and/or took action on the PPP loan, which was not noticed in the April 23rd meeting agenda as required by the Brown Act.⁷ (Gov. Code, §§ 54950 et seq.) Specifically, the April 23rd meeting minutes⁸ indicate that: "\$270 PPP loan/grant with reserve helps balance for three years" and "Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000." This direction did not authorize Mr. Hickey as RVC's Business Official to participate in any loan process and, importantly, was made *after* Mr. Hickey already applied for and accepted Westamerica's PPP loan of \$270,000. (Exhibit H, RVC Board Meeting Agenda and Minutes, dated April 23, 2020.) The minutes reflect RVC Board action "5-0-1" though no action was agendized, let alone action on a PPP loan. (*Ibid.*)

⁷ The fact that no discussion or action regarding the PPP loan is noticed on the April 23rd agenda is also a violation of the Brown Act. (Gov. Code, §§ 54954.2, 54954.3(a) ["no action shall be taken on any item not appearing on the agenda"].)

⁸ The April 23rd meeting minutes were not publicly posted until nearly a month later on May 14, 2020, just hours before the May 14th Board meeting and the April 23 minutes were not approved until June 12, 2020.

Mr. Hickey applied for the PPP loan as RVC's "Authorized Representative or Applicant" on April 9th, *without* authorization to engage, apply for, or obtain a PPP loan on RVC's behalf. Not only is the conduct without authorization, it is contrary to the charter and state and federal law governing transparency. Additionally, the misrepresentations to obtain the loan violate the duty to be honest in seeking state or federal loans and therefore constitute fraud.⁹

Four (4) days after the April 23rd meeting, on April 27, 2020, RVC's PPP loan was awarded.¹⁰ On April 29, 2020, Westamerica informed Mr. Hickey that the bank's processing of the loan was complete and would be submitted to the SBA for the loan documents.

On May 8, 2020, at 8:46 a.m., Westamerica emailed the loan documents to Luke Duchene, Director, which must be signed by "principals within the company." At 8:49 a.m., Mr. Duchene forwarded the email to Sharon Sagar, Board Chair, and Mr. Hickey. Then, at 10:45 a.m., Mr. Duchene electronically signed the loan agreement. (Attached hereto as Exhibit I is a true and correct copy of an email from Mr. Duchene to Ms. Sagar and Mr. Hickey, re: "Fwd: Westamerica Bank has sent you the document "12494090" to sign," dated May 8, 2020, including attachments.) This action made RVC and Mr. Duchene complicit in the misrepresentations made to obtain the loan.

On May 13, 2020, Westamerica emailed Mr. Hickey confirming that the bank was "[p]leased to have funded an SBA loan for your business" and outlined loan forgiveness requirements. Still, by this point, the RVC Board had not documented any action related to this loan. Furthermore, the RVC Board had taken no action to even evaluate the need for the loan or make any public representation in seeking the loan. (Attached hereto as Exhibit J is a true and correct copy of an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Forgiveness Information," dated May 13, 2020.)

The following day, on May 14, 2020, the RVC Board approved Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan," *after* the loan was actually funded. ("Resolution"). Again, the May 14th RVC Board meeting agenda does not mention the PPP loan or the Resolution – another violation of the Brown Act.¹¹ Nowhere in the Resolution does the RVC Board even acknowledge Mr. Hickey's April 9th loan application or his unauthorized acceptance of the Westamerica loan. In fact, the Resolution falsely states that the loan was received on May 8th and that Mr. Duchene "was authorized at the April 23, 2020 board meeting to enter into the [PPP] Agreement." As evidenced above, the loan had already been applied for and accepted by Mr. Hickey. (Attached hereto as Exhibit K is a true and correct copy of Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan.") Any purported action to authorize Mr. Duchene was invalid for failure to agendaize and give the public notice of any action related to the PPP loan.

The May 14th Resolution falsely claims that, on April 23, 2020, the RVC Board authorized Mr. Duchene to:

⁹ It is a violation of federal law to knowingly present a false or fraudulent claim for payment to the United States government.

¹⁰ See <https://projects.propublica.org/coronavirus/bailouts/search?q=Ross+Valley+Charter>

¹¹ Both the Resolution and the April 23rd meeting minutes were uploaded to Board Docs at 12:30 p.m. on May 14th, the day of the meeting. The May 14th meeting minutes, which document the RVC Board's approval of the Resolution, were not approved until the RVC Board's June 11, 2020 meeting.

Borrow Money. To borrow, from Westamerica Bank (Lender) on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars (\$270,653.00).
Execute Note. To execute and deliver to Lender the Paycheck Protection Program note.

No discussion of the loan, its terms nor any indication that the RVC Board was informed of **Mr. Hickey's application or subsequent emails with Westamerica were agendaized or reflected** in the approved minutes. (Ex. H.) The only notation regarding this issue is the inclusion of **a single sentence authorization for the "Chair or School Director to execute a PPP loan up to \$290,000 as soon as available."** This is not the authorization that was stated in the May 7th loan authorization document or the Resolution. Additionally, it was invalid as it was not an agendaized action item. (Ex. H.)

In sum contrary to the various statements in the Resolution, the facts show the Resolution was approved by the RVC Board after the loan was already applied for by Mr. Hickey on April 9; accepted by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on May 8th; and was funded on May 13th ("**Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business.**"). None of these facts are included in the Resolution.

2. Approval of Resolution Misrepresenting Facts Related to the Paycheck Protection Program Loan Process

As stated above, on May 14, 2020, the RVC Board approved Resolution No. 2020-5-14. The **Resolution adopted by the RVC Board was RVC's *post hoc* effort to document purported compliance with PPP loan requirements.** As the Resolution states, RVC must certify that "**[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant.**" However, this was never done despite representations to the contrary.

On or about May 19, 2020, Sharon Sagar, RVC Board President, said RVC "needs the money for operations in case state cash payments to schools are deferred as predicted."¹² In an email from Mr. Duchene to RVC families, Mr. Duchene also stated, "**[t]hree weeks ago, our state financial regulator directed all public schools to create additional, emergency cash reserves, to protect against state deferrals of our revenue, which the Governor just announced will start next month, and which in the last recession grew in length to 5 full months of deferrals.**" (Attached hereto as Exhibit L is a true and correct copy of an email from Mr. Duchene to RVC families, re: Further Explanation of RVC's Acceptance of the PPP Loan, dated May 20, 2020.)

However, the Resolution makes repeated references to unsubstantiated future and possible financial issues (e.g., potential cash deferrals, possible multi-year recession and difficulty in obtaining bank loans), not current problems as required for the loan. It is clear that RVC acquired the PPP loan to increase its reserves in anticipation of future need, not to mitigate past or current economic hardship – **the "current" nature of the "economic need" to which**

¹² *Ross Valley Charter Gets \$270K Small Business Relief Loan*, Marin Independent Journal, published May 19, 2020, available at <https://www.marinij.com/2020/05/19/ross-valley-charter-gets-270k-small-business-relief-loan/>.

applicants must attest is for short-term cash-flow hardships created by current, and not future anticipated, COVID-19 related impacts.

RVC also failed to acknowledge both to the community and in applying for the loan, the fact that state education funding was not impacted by COVID-19 expressly to ensure funding to pay teachers and staff in the 2019-20 school year (during the term of the loan). Governor **Newsom's** March 13, 2020 Executive Order N26-20 expressly states that county offices of education, school districts and charter schools will continue to receive state funding in order **to, among other things, "[c]ontinue to pay its employees."** (See Governor Newsom's March 13, 2020 Executive Order N26-20.¹³)

RVC was also assured of its ongoing Average Daily Attendance revenue during the timeframe of the loan. (California State Budget 2020-21 Summary, p. 36 ["the Budget includes: A hold-harmless for the purpose of calculating apportionment in the 2020-21 fiscal year; average daily attendance shall be based on the 2019-20 year, except for new charter schools commencing instruction in 2020-21."].)

As stated, no need or basis for the loan was discussed or referenced at any time prior to applying for and obtaining the PPP loan, **nor are RVC's** claims for current need for the intended purposes of the PPO loan honest. As reflected in the calculations for a PPP loan, it is based upon 2.5 times the average monthly *payroll*. The PPP loan is a short term payroll loan, not a loan for speculative future need. From inception, the PPP loan program was primarily for payroll with the following requirement in place at the time RVC applied:

At least 75 percent of the PPP loan proceeds shall be used for payroll costs. For purposes of determining the percentage of use of proceeds for payroll costs (but not for forgiveness purposes), the amount of any refinanced EIDL will be included. The rationale for this 75 percent floor is contained in the First PPP Interim Final Rule.

In addition to payroll, certain rent and utility payments were for over the initial eight-week period following the date of loan disbursement. These are the requirements in place April 2, 2020, at the time of the loan was requested and certified. (See Interim Final Rule.¹⁴)

Mr. Duchene also stated in an email that RVC had "lost out on about \$30,000 in Family Giving" and justified the loan as having been applied for because of State budget cuts and deferrals. (Attached hereto as Exhibit M is a true and correct copy of an email from Mr. Duchene to RVC families, re: Our Finances – Weathering the Storm, dated May 17, 2020.) **However, RVC's budget documents and Board meeting minutes show that it was given a \$20,000 COVID grant from the Walton Foundation, and that expenses were lower than revenue – which made up for the family giving shortfalls. Furthermore, there is no documented proof that the family giving shortfall was experienced after COVID and not before. The budget did not show a negative fund balance and did not incorporate the PPP loan funds.**

¹³ <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.13.20-EO-N-26-20-Schools.pdf>

¹⁴ <https://www.federalregister.gov/documents/2020/04/20/2020-08257/business-loan-program-temporary-changes-paycheck-protection-program-additional-eligibility-criteria>

The intent of the CARES Act was to mitigate immediate COVID-19 hardship so that businesses would not have imminent closures. In response to the Marin Independent Journal article relating to RVC's PPP loan, Congressman Jared Huffman, on Facebook, expressed, "I never imagined that public charter schools which had experienced no revenue loss would seek - much less receive - this funding." Again, payroll was expressly covered by the funds provided to charter schools under Governor Newsom's March 13, 2020 Executive Order N26-20.

RVC also claims in the Resolution that it needs the PPP loan because RVC does not have access to revenue sources available to traditional public school districts. Specifically, the Resolution falsely states that "RVC's only other option for working capital would be receivables sale ("factoring loans")." However, RVC fails to acknowledge the unique revenue sources that it does have access to that traditional public districts do not.

In fact, all non-profit corporations like RVC are, if qualified, eligible to access a line of credit with a bank. While some banks may have limited their lending activity, there are still banks making loans and extending lines of credit. Merely because RVC does not currently have a line of credit does not mean it could not acquire one. Nowhere in the Resolution is it reflected that RVC even tried to acquire a line of credit, increase its current credit limit, or renegotiate the terms. And had RVC educated itself on its options it would have learned that the State was implementing a program specifically to assist charter schools with deferral relief.

Unlike traditional public school districts, charter schools, such as RVC, have access to many sources of funding and financing available only to charters schools, many of which RVC has availed itself of in the past and is currently in the process of acquiring, including but not limited to the following:

- *Charter only grants:* RVC has received hundreds of thousands of dollars in charter-specific grants and has access to many more. RVC received a \$300,000 grant from the Walton Foundation in or about the 2018-19 school year. In fact, while RVC was applying for PPP funds, RVC received a COVID-19 Walton Foundation grant for \$20,000.
- *Charter-only loans:* RVC received hundreds of thousands of dollars in a charter-only start-up loan from the CDE during its first year of operation. While claiming in its PPP application that it had no other sources of capital, RVC was already in the process of applying for a \$300,000 capital facility improvement loan from Charter Schools Development Corporation (and at least \$50,000 of that loan application has since been approved). There are many charter lending organizations such as the PNC Financial Services Group, Inc., which represents itself to be "[a] leader in charter school financing," and Charter School Capital, among many others.
- *Private Personal Loans and Donations:* Unlike traditional public schools, nonprofit corporation operated charter schools can directly accept private loans from individuals, as well as any amount of private donations. RVC has many outstanding loans from private individuals associated with the charter school. Additionally, the National Charter School Resource Center provides information on varying types of charter-specific funding resources.

Besides the unique charter-specific funds noted above, at the time of its PPP loan application, RVC was also assured receipt of its State allocation of funds to cover its state entitlement and payroll. (See Governor Newsom's March 13, 2020 Executive Order N26-20,

FN 11.) However, RVC nonetheless represented the need for a PPP loan to fund those same payroll costs - essentially double dipping.

Purported need due to lack of other resources is no basis to flout the law and misrepresent to the government and the community in order to obtain funds. The application for and receipt of the PPP loan was improper and demonstrates fiscal mismanagement.

3. False Statements to the Federal Government in the PPP Loan Process

Mr. Hickey made numerous false statements in connection with his application for and receipt of PPP loan funding. RVC participated and adopted those false statements in accepting the loan that was obtained based on the misrepresentations.

U.S. Small Business Association ("SBA") PPP FAQ #31 states that, before submitting a PPP application, all borrowers should review carefully the required certification that "[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant" and that "all borrowers must assess their economic need for a PPP loan." FAQ #31 was always applicable to small businesses and FAQ #37 served to clarify this point. But notably, RVC appeared to understand this requirement as it was included in the May 14, 2020 Resolution.¹⁵ In fact, from inception, the PPP loan has required the assessment of economic need. However, RVC represented it had complied when in fact it had not. And, regardless of requirements for forgiveness, this certification is a standing requirement for all PPP applications.

Certifications supporting the PPP loan application should be documented, reviewed and approved by the Board. Such written record should demonstrate that a bona fide, good faith effort was undertaken to support the certifications truthfully. If a defensible written record cannot be produced, then the loan proceeds should be returned, ideally before elapse of the grace period for doing so. This is a matter of public concern properly sunshined for public input and properly discussed and analyzed by the governing board as a matter of fiscal responsibility.

As discussed above, the RVC Board appointed Conn Hickey to serve as RVC's Business Official on a "volunteer" basis. The April 2, 2020 Board meeting agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.*" (Emphasis added.) This is not a position authorized by the RVC charter. Additionally, the RVC Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVCS in accordance with RVC Board Bylaws and the receipt of grants and donations consistent with the Mission of RVC." (Charter, p. 142.) At no time did the RVC Board grant Mr. Hickey authority to act as an "authorized representative" to enter into contracts and agreements generally or to pursue a PPP loan. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.)

Nonetheless, Mr. Hickey applied for the loan on April 9 and committed to the loan on April 16, 2020 – all without RVC Board authorization. The RVC Board did not undertake any assessment of a COVID-19 related economic need for a PPP loan before or at the time the

¹⁵ SBE FAQ #37 was published April 28, 2020, clarifying the application of FAQ #31, before the Resolution was adopted by the RVC Board.

loan application was submitted as was required by the SBA PPP FAQ #31 or Interim Final Rule. Nor did it do so at any time prior to receipt of the loan despite representations to the contrary – representations made both to the federal government and the public. There was **no assessment related to the PPP loan at the April 23, 2020 meeting despite Mr. Duchene's** representation to SBE Oversight on June 16, 2020 when RVC first notified its authorizer of more than a quarter million dollar loan. (Attached hereto as Exhibit N is a true and correct copy of an email from Mr. Duchene to SBEOVERIGHT re: Paycheck Protection Program Loans, dated June 16, 2020.) Again, there was no agenda item related to PPP loan on the April 23 board meeting agenda. (See Exhibit H, RVC Board Meeting Agenda and Minutes, dated April 23, 2020.)

Both Mr. Hickey and Mr. Duchene certified by their initials on their respective loan **applications that "knowingly making a false statement** to obtain a guaranteed loan from SBA **is punishable under the law."**¹⁶ Indeed, SBA PPP FAQ #11 warns borrowers that, as the Borrower Application Form indicates, only an authorized representative of the business seeking a loan may sign on behalf of the business.

An individual's signature as an "Authorized Representative of Applicant" is a representation to the lender and to the U.S. government that the signer is authorized to make the certifications, including with respect to the applicant and each owner of 20% or **more of the applicant's equity, contained in the** Borrower Application Form.

In applying for the PPP loan, Mr. Hickey was required to represent in good faith that current economic uncertainty makes the loan request necessary to support the ongoing operations of the Applicant. However, such evaluation never occurred prior to April 9th when Mr. Hickey actually applied for the loan making such representation by his certification on the application.

Again, Mr. **Hickey applied for the PPP loan as RVC's "Authorized Representative or Applicant"** on April 9th, though he had no authority either by his position or from the governing board to do so. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.) (Charter p. 142.) Not only was his conduct without authorization, it is contrary to state and federal law governing transparency. Additionally, the misrepresentations made to the federal government to obtain the loan violated the duty to be honest in seeking state or federal loans and therefore constitute fraud. It is a violation of federal law to knowingly present a false or fraudulent claim for payment to the United States government. (31 U.S. Code § 3729.)

RVC's actions including acceptance of the PPP loan and efforts taken to cover up the improper process that was undertaken to obtain the loan, including adoption of the Resolution rife with false statements, demonstrate that the RVC administration and RVC Board were complicit with the deceitful actions of Mr. Hickey in applying for and obtaining the PPP loan.

¹⁶ Contrary to representations made, Mr. Duchene did *not* apply for the loan. The application which was submitted and resulted in the loan was submitted by Mr. Hickey. The application **with Mr. Duchene's certification was not the actual loan application though it was presented** to the public as if it were.

The above described facts demonstrate:

- Failure to obtain federal loan in compliance with law
- The PPP application was presented or caused to be presented to the Federal Government with knowingly false and/or fraudulent information for purposes of obtaining funding
- Misrepresentations were made to the public for purposes of avoiding review of the Charter School's acts in seeking and obtaining federal PPP funding
- Failure of the Governing Board to actively manage the Charter School's fiscal operations in compliance with law

Governance Mismanagement, Violation of Charter, Violation of Law

The above-described facts demonstrating RVC's fiscal mismanagement also demonstrate substantial mismanagement in governance of RVC by its Board and administration establishing that RVC is demonstrably unlikely to successfully implement the program. The following facts further demonstrate RVC's governance mismanagement, violation of the RVC Charter, and violation of law such that RVC is unlikely to successfully implement the program.

1. Board Misrepresentation To The Public Regarding Paycheck Protection Program Loan Application And Funding

In RVC Board Resolution No. 2020-5-14, RVC misrepresented to the public the series of events and justifications for its application for and receipt of a PPP loan.

On April 9, 2020, Mr. Hickey submitted the application for the PPP loan to Westamerica, his former employer. On April 16, Mr. Hickey was informed that RVC qualified for a lesser amount of approximately \$270,000 and Mr. Hickey "accepted" the "counter offer." (See Exhibit G, email from Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request #12494090," dated April 23, 2020.) On April 29, 2020, Westamerica informed Mr. Hickey that the bank's processing of the loan was complete and would be submitted to the SBA for the loan documents.

On May 8, 2020, at 8:46 a.m., Westamerica emailed the loan documents to RVC Director, Luke Duchene, which was required to be signed by "principals within the company." At 8:49 a.m., Mr. Duchene forwarded the email to Sharon Sagar, RVC Board Chair, and Mr. Hickey. Then, at 10:45 a.m., Mr. Duchene electronically signed the loan agreement. (See Exhibit I, email from Mr. Duchene to Ms. Sagar and Mr. Hickey, re: "Fwd: Westamerica Bank has sent you the document "12494090" to sign," dated May 8, 2020, including attachments.) This action demonstrates that RVC and Mr. Duchene were complicit in the misrepresentations made to obtain the loan.

On May 13, 2020, Westamerica emailed Mr. Hickey confirming that the bank was "[p]leased to have funded an SBA loan for your business" and outlined loan forgiveness requirements. Still, by this point, the RVC Board had not documented any action related to this loan. Furthermore, the Board had taken no action to even evaluate the need for the loan or make any public representation in seeking the loan. (See Exhibit J, email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Forgiveness Information," dated May 13, 2020.) Nor did it notify its oversight agency of any intention to obtain a nearly \$300,000 federal PPP loan.

The following day, on May 14, 2020, the RVC Board approved Resolution No. 2020-5-14, after the loan was actually funded. Again, the May 14, 2020 Board meeting agenda does not mention the PPP loan or the Resolution.¹⁷ Nowhere in the Resolution does the RVC Board even acknowledge Mr. Hickey's April 9th loan application or his unauthorized acceptance of the Westamerica loan. In fact, the Resolution falsely states that the loan was received on May 8th and that Mr. Duchene "was authorized at the April 23, 2020 board meeting to enter into the [PPP] Agreement." As evidenced above, the loan had *already* been applied for and accepted by Mr. Hickey. (Attached hereto as Exhibit K is a true and correct copy of Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan.")

The May 14th Resolution falsely claims that, on April 23, 2020, the RVC Board authorized Mr. Duchene to:

Borrow Money. To borrow, from Westamerica Bank (Lender) on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars (\$270,653.00).
Execute Note. To execute and deliver to Lender the Paycheck Protection Program note.

No such discussion or action on the PPP loan was agendized on April 23, 2020. The only agenda item was "DISCUSSION/BUDGET UPDATE," which is not an action item and makes no mention of a PPP loan, the criteria for a PPP loan, or a needs assessment for a PPP loan. In fact, the April 23rd minutes do not include any documented discussion of the loan, its terms or indication that the Board was informed of Mr. Hickey's application or subsequent emails with Westamerica. The only notation regarding this issue is the inclusion of a single sentence authorization for the "Chair or School Director to execute a PPP loan up to \$290,000 as soon as available." This is not the authorization that was stated in the May 7th loan authorization document or the Resolution nor was it direction that could be properly given in light of the failure to agendize the topic as required by the Brown Act.

Contrary to the various statements in the Resolution, the facts show the Resolution was approved by the RVC Board after the loan was already applied for without authority by Mr. Hickey on April 9; accepted without authority by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on May 8th; and was funded on May 13th ("Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business.").

None of these facts are included in the Resolution. Contrary to the representations in the Resolution, at no time was an evaluation done as required by the PPP loan and as misrepresented in seeking and obtaining the loan.

2. Improper Delegation of Authority

As stated above, Mr. Hickey was not properly delegated the authority from the RVC Board to engage in the actions related to the PPP loan. On April 2, 2020, during a special meeting of the RVC Board, the Board appointed Mr. Hickey to serve as RVC's Business Official on a

¹⁷ This also constitutes a violation of the Brown Act in addition to those identified below as no item is to be discussed or acted upon unless properly agendized to provide notice to the public. (Gov. Code, § 54954.2.)

"volunteer" basis. The April 2, 2020, Board meeting agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.*" (Emphasis added.) Notably, this is not a position authorized by the RVC charter.

Furthermore, the RVC Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVC in accordance with RVC Board Bylaws and the receipt of grants and donations consistent with the Mission of RVC." (Charter, p. 142.) While the April 2, 2020, Board meeting minutes reflect that the Board ultimately approved Mr. Hickey's authority to sign checks, the Board did *not* approve authority to enter into contracts and agreements generally, nor do the minutes include any discussion or notes related to this issue. The April 2nd agenda did not identify any item related to the PPP, though the Board discussed COVID-19 related financial impacts during the meeting. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.)

3. Repeated Failure to Comply with the Brown Act

The existing RVC Charter includes an assurance that the Charter School shall comply with the Ralph M. Brown Act ("Brown Act"), and the Board will meet regularly "in full compliance with the Brown Act." (Charter, pp. 12, 141.)¹⁸ This is further a requirement of law as recognized by the Attorney General in its 2018 opinion (OAG Opinion No. 11-201) and SB 126 (Ed. Code, § 47604.1), in effect at the time of the events discussed here. Among other requirements, the Brown Act requires RVC to "post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session"; and "[n]o action or discussion shall be undertaken on any item not appearing on the posted agenda . . ." (Gov. Code, § 54954.2.)

However, RVC demonstrates a systemic failure to comply with the letter or spirit of the Brown Act. On April 20, 2020, RVC uploaded the Board agenda for its upcoming April 23, 2020, meeting. Even though Mr. Hickey had submitted the PPP loan application and received confirmation from Westamerica that RVC was eligible for \$270,000 in PPP funding, and accepted that "counter offer of \$270,000 in PPP funding," the April 23rd agenda did not identify any item for discussion regarding the PPP loan. Furthermore, while budget documents submitted for the April 23rd meeting reflected assumptions for the receipt of a \$300,000 facility loan and other smaller CARES Act funding, they do not show PPP loan assumptions or impacts on revenue. (Attached hereto as Exhibit O is a true and correct copy of RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions.)

The minutes from the April 23, 2020, RVC Board meeting reflect that without the requisite notice to the public, the Board discussed and/or took action on the PPP loan in violation of the Brown Act. Specifically, the April 23rd meeting minutes indicate that: "\$270 PPP loan/grant with reserve helps balance for three years" and "Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000." This direction did not authorize Mr. Hickey as RVC's Business Official to participate in any loan process and, importantly, was made *after* Mr. Hickey already applied for and accepted Westamerica's PPP loan of \$270,000. (See Exhibit H, RVC Board Meeting Agenda and Minutes, dated April 23, 2020.)

¹⁸ Similar assurances regarding compliance with the Brown Act are included in the Renewal Petition.

A fundamental purpose of the Brown Act is to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public. (See Gov. Code, § 54954.3(a).) The fact that RVC Board discussion relating to the PPP loan was not noticed/agendized in the April 23rd meeting agenda deprived the public of the opportunity to address the Board regarding that decision constituting multiple violations of the Brown Act. The overall lack of transparency and the false and misleading information presented to the public as well as the government is directly contrary to the purposes of the Brown Act of the integrity of public institutions.

4. Failure to Comply with Americans with Disabilities Act

RVC is required to admit all students who wish to attend the Charter School and shall not discriminate against any pupil on the basis of any of the characteristics listed in Education Code section 220, which includes students with disabilities. (Ed. Code, §§ 47605(e); 220.) Furthermore, in its existing Charter, RVC assures: "All facilities of the Charter School shall be accessible for all students with disabilities in accordance with the ADA." (Charter, p. 97)

However, the Charter School was notified by the California Department of Education ("CDE") on May 17, 2019, and again on October 18, 2019, that its facility located at 102 Marinda Drive, Fairfax, California, was conditionally authorized by CDE to open and operate for the 2019-20 school year, based on RVC's completion of several renovation projects by August 19, 2020, including those necessary to satisfy the Americans with Disabilities Act ("ADA") facility requirements. (Attached hereto as Exhibit P is a true and correct copy of a letter from CDE Charter Schools Division to Ms. Sagar re: RVC renovation projects, dated August 24, 2020.)

By the start of the school year on August 19, 2020, the renovations necessary to come into compliance with the ADA had not been completed yet RVC operated in disregard for the authorizer's health and safety directives. As a result, by correspondence dated August 24, 2020, the CDE informed RVC that it "shall provide weekly updates of the progress of the ADA renovations" to CDE by the last day of each month starting August 28, 2020 – meaning the ADA renovations had still not been completed. According to the August 24, 2020, correspondence from CDE, RVC anticipates completion of the outstanding ADA work by November 30, 2020, over three months *after* its school start date.¹⁹

Even though the 2020-21 school year is well underway, the site remains out of compliance with the ADA. Because the site is out-of-compliance with the ADA and therefore inaccessible to students with disabilities, RVC is not serving or able to serve all students who wish to attend the Charter School in violation of its Charter and the law.

CDE informed RVC that due to noncompliance with the life safety requirements it was precluded from serving any students at the school site.

Additionally, on August 25, 2020, the CDPH issued Guidance Related to Cohorts ("Cohorting Guidance") regarding permissible use of small-group in-person services.²⁰ The Cohorting Guidance provides guidance for necessary in-person limited instruction, targeted support

¹⁹ The failure to RVC to make necessary renovations, including for ADA compliance, also demonstrates RVC's fiscal and governance mismanagement as well as a failure to adhere to SBE's oversight directives.

²⁰<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>

services, and facilitation of distance learning in small group environments for a specified subset of children and youth. The Cohorting Guidance applies to schools that cannot reopen **for in person instruction pursuant to the CDPH's July 17, 2020 reopening framework**, including elementary schools that have not received an elementary school waiver through their local county public health office.

Pursuant to the Cohorting Guidance, a school that is otherwise unable to reopen under the CPDH framework, will be able to provide supervision and care for students, including, specialized services for students with disabilities and English learners, access to the Internet and devices for distance learning, and in-person support for at-risk and high-need students, if specified conditions are met.

Per the Targeted, Specialized Support and Services at School Frequently Asked Questions **accompanying the Cohorting Guidance: "Students with disabilities should be prioritized by the LEA and school for receiving targeted supports and services. In addition, English learners, students at higher risk of further learning loss or not participating in distance learning, students at risk of abuse or neglect, foster youth and students experiencing homelessness may also be prioritized."**²¹ In fact, the Office of Administrative Hearings ("OAH") has recently reinforced that absent in-person instruction and provision of services, disabled students are denied free and appropriate public education.

Since RVC is prohibited from having any students physically on its campus, not only is RVC prohibited from seeking a waiver from the Marin County Department of Health that would allow it to conduct in-person instruction, but the lack of a facility accessible to those with disabilities for the provision of in-person education services, inhibits the ability of RVC to serve the needs of special needs students and prevents those students from receiving necessary services. The ability of RVC to meet the needs of English learners and other at-risk and high-need students are also impacted.

5. Failure to Comply with Fire and Life Safety Requirements

"Every public, private, or parochial school building having an occupancy of 50 or more pupils or students or more than one classroom shall be provided with a dependable and operative fire alarm system." (Ed. Code, § 32001.)

In addition to the need for ADA compliance, RVC was informed by the fire inspector that the Charter School must have an updated fire and life safety system. According to SBE communications, RVC estimated the cost to be \$100,000 – CDE staff concluded, **"Clearly, they don't have that kind of money, and will not be able to move forward with the ADA conditions."** (Attached hereto as Exhibit Q is a true and correct copy of an email from Matthew Huddleston to Carrie Lopes re: Ross Valley Construction to meet ADA condition, dated May 7, 2020.)

Absent compliance with ADA and fire and life safety requirements, students, including those with special needs, may not access the school site.²² Access to the school site is a fundamental requirement for provision of education and services for all students, including students with special needs. RVC states that it has obtained loans to cover the costs of the

²¹ <https://files.covid19.ca.gov/pdf/guidance-schools-cohort-FAQ.pdf>

²² The failure to RVC to make necessary renovations, including for fire and life safety compliance, also demonstrates RVC's fiscal and governance mismanagement.

necessary work, however, the issue of excessive debt burden is a serious concern as set forth in more detail below.

6. Conflict of Interest

Conflict of interest laws apply to charter schools, including RVC, and are intended to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on public officers and those that advise them.

Mr. Hickey was formerly the RVC CFO and Treasurer of RVC, and resigned on November 12, 2019. Despite the resignation, the RVC website continues to represent him to hold the office of Treasurer. Approximately five (5) months later, on April 2, 2020, the RVC Board appointed Mr. Hickey to serve as RVC's Business Official on a "volunteer" basis. (Attached hereto as Exhibit R is a true and correct copy of RVC Board Meeting Minutes, dated November 18, 2019.)

According to Mr. Hickey's 2019 Form 700, Mr. Hickey also served as an Associate Client Manager for EdTec from July 22, 2019, through November 12, 2019, receiving between \$10,001 and \$100,000 in salary. At the same time as Mr. Hickey was under contract with EdTec, RVC contracted with EdTec for finance and accounting, payroll, and other back office services since at least February 2017. (Attached hereto as Exhibit S is a true and correct copy of Mr. Hickey's Form 700, dated December 30, 2019.)

Notably, on or about June 25, 2019, Mr. Hickey signed an agreement (Statement of Work #4) as CFO-Treasurer on behalf of RVC with EdTec for finance, accounting, payroll and other back office services for the term of July 1, 2019, through June 30, 2020. Less than one (1) month later, on July 22, 2019, Mr. Hickey began working for EdTec as an Associate Client Manager while still RVC's CFO-Treasurer. Since entering into the Statement of Work #4 agreement, RVC has entered into numerous other agreements with EdTec – Statement of Work #5 (on September 6, 2019); Statement of Work #6 (on August 18, 2020); Statement of Work #7 (on August 18, 2020); and Statement of Work #8 (on September 19, 2020). (Attached hereto as Exhibit T are true and correct copies of Statements of Work with EdTec, dated June 25, 2019; September 6, 2019; August 18, 2020; August 18, 2020; and September 19, 2020.)

Board members and management employees, including charter school board members and management employees, are subject to several statutory and common law conflict of interest provisions: (1) Government Code section 1090 prohibits a governing board member or public employee from being financially interested in any contract made by the member/employee **in his or her official capacity ("Section 1090")**; (2) the Political Reform Act of 1974 (Gov. Code, § 87100 et seq., "PRA") prohibits public officials from using their official positions to influence governmental decisions in which they have a financial interest; and (3) the common law conflict of interest doctrine requires public employees and officers to avoid placing personal interests above or in conflict with their duty to the public.

In addition to the Attorney General's Opinion that these laws apply equally to charter school board members and employees, SB 126 was recently signed into law confirming the application of Government Code section 1090 and the Fair Political Practices Act, among other public integrity statutes, specifically to charter schools.

The term "financially interested" has been liberally interpreted and includes both direct and indirect financial interests in a contract. (*Thomson v. Call* (1985) 38 Cal.3d 633, 645.) "It

includes any monetary or proprietary benefit, or gain of any sort or the contingent possibility of monetary or proprietary benefits." (*People v. Honig* (1996) 48 Cal.App.4th 289, 332.) "Put in ordinary, but nonetheless precise terms, an official has a financial interest in a contract if he might profit from it." (*Id.* at 333.) "[F]inancial interests may be indirect as well as direct, and may involve financial losses, or the possibility of financial losses, as well as the prospect of pecuniary gain." (86 Ops.Cal.Atty.Gen. 138, 140 (2003).)

Mr. Hickey's position as CFO-Treasurer creates a conflict of interest under Section 1090 with regard to the EdTec agreements discussed above relative to any participation in the making of the agreement(s). For example, on September 6, 2019, RVC and EdTec entered into an agreement for Statement of Work #5, which is during the time when Mr. Hickey was simultaneously serving as CFO-Treasurer and an Associate Client Manager for EdTec.

What is also notable is the increases in the EdTec Contracts:

- Statement of Work #4 – June 25, 2019 – Back office services of \$58,925 for the 2019-20 school fiscal year / For the CALPADS services described in Annex A, there will be an additional fee of \$5,500 per school fiscal year.
- Statement of Work #5 – September 6, 2019 – CAASPP Test Analysis: \$950 flat fee per chartering agent / charter school.
- Statement of Work #6 – August 18, 2020 – Back Office Services: EdTec will provide these services at a fixed fee per school fiscal year as follows: \$58,925 for the 2020-21 school fiscal year.
- Statement of Work #7 – August 18, 2020 – Back Office Services: EdTec will provide these services at a fixed fee per school fiscal year as follows: \$90,000 for the 2021-22 school fiscal year: \$92,250 for the 2022-23 school fiscal year.

In the years after Mr. Hickey worked with EdTec while also serving as "volunteer" Business Official for RVC, the EdTec contract nearly doubled from \$58,925 to \$90,000 for the 2021-22 school fiscal year and \$92,250 for the 2022-23 school fiscal year.

The prohibition against self-dealing found in Section 1090 is not satisfied by the interested official's recusal from discussions, meetings, and votes pertaining to the contract. (*Fraser-Yamor Agency, Inc. v. County of Del Norte* (1977) 68 Cal. App. 3d 201, 211-212.) No matter how carefully or completely the official attempts to avoid participating in or influencing the execution of a contract, he or she is conclusively presumed to have "made" the contract for purposes of Section 1090, and the contract is void. (*Thomson v. Call* (1985) 38 Cal. 3d 633, 649.) That said, there is no information provided by RVC in response to requests from the District to demonstrate any disclosures or other efforts to avoid the conflict of interest.

While Section 1090 prohibits the making of a contract, the PRA prohibits public officials or employees from using their official positions to influence any governmental decisions in which they have a financial interest. The proscription is broad – it not only prohibits participation in the vote on such matters but precludes making, participating in making, or influencing or attempting to influence a decision where there is a conflict of interest. (Gov. Code, § 87100.) This prohibition extends to providing "information, an opinion, or a recommendation for the purpose of affecting the decision." (FPPC Regs., § 18704.)

It is not enough under either the PRA or Section 1090 that Mr. Hickey refrained from voting on the above agreements; it must be apparent that he had no input whatsoever and did nothing to influence any others in the making of the contract. This is not apparent under the circumstances presented. But again, there is no information provided by RVC in response to requests from the District regarding this matter to demonstrate any disclosures or other efforts to avoid the conflict of interest.

Finally, the common law conflict of interest doctrine requires public employees and officers to avoid placing personal interests above or in conflict with their duty to the public. Here, the appearance of impropriety is apparent. Mr. Hickey has been with RVC from its inception. Shortly after entering into an agreement with EdTec on behalf of RVC, Mr. Hickey worked for EdTec and received compensation from the company while still serving as the CFO-Treasurer, during which time RVC entered into at least one (1) agreement for work with EdTec. **Since Mr. Hickey's "resignation" from RVC in November 2019, Mr. Hickey joined RVC again as a "volunteer" Business Official, during which time RVC again entered into agreements with EdTec. Regardless of the status as "volunteer" (which is not a position authorized by the charter) it remains that Mr. Hickey routinely and consistently advises the RVC board with regard to all financial matters including those involving EdTec.**

RVC has also represented that Mr. Hickey is not required to file a Form 700 in 2020 and appears to believe that he is not subject to conflict of interest laws because he is no longer employed with RVC. However, conflicts apply to those that serve in a position to influence or provide input on board decisions, which includes his position as Business Official, and Mr. Hickey is required to file an annual statement disclosing his investments and his interests in real property. (Gov. Code, §§ 87200, 87203.) The District is informed and believes that had he met this requirement, the Form would reflect that he continues to receive payment from EdTec.

In fact, the assertion by RVC that Mr. Hickey is not subject to reporting requirements in contrary to **RVC's** own Conflict of Interest Code which requires those individuals who hold positions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, to file a Form 700 Statement of Economic Interest in accordance with California Code of Regulations, title 2, section 18730, to disclose reportable investments, interests in real property, business positions, and income required to be reported under the categories assigned to the specific position. The Conflict of Interest Code requires the individual in the CFO position to disclose all assigned categories, regardless of whether that individual is paid by RVC or by a vendor, such as EdTec.

RVC's violation of and lack of knowledge of conflict of interest laws is alarming, and is consistent with the misconduct **demonstrated in connection with Mr. Hickey's efforts to** secure a PPP loan from his former employer, Westamerica Bank, as described above.

7. Board Stability Concerns

After the fiscal and transparency improprieties relating to RVC's PPP loan came to light and after the issuance of the September 3rd NOAV, according to the September 24th RVC Board meeting minutes RVC Board Member Kristi Kimball retired from the Board, despite the fact that she has almost two (2) years remaining on her term through June 30, 2022. (Attached hereto as Exhibit U is a true and correct copy of the RVC Board Meeting Minutes, dated September 24, 2020.) This resignation also came despite her designation in the renewal Petition as a board member for the proposed new term of the RVC Charter, 2021-2026 as required by Education Code section 47605(h). Past governance concerns are also of concern

including Conn Hickey's daughter serving on the RVC board despite being a resident of Nevada.

As an Executive Director, advisor, and program officer of numerous education foundations and nonprofits, with service with the U.S. Department of Education, the Education Policy Research Center at the Urban Institute, and in the Education Office of the U.S. Senate Health, Education, Labor and Pensions Committee, Ms. Kimball was one (1) of only (3) three RVC Board members with experience in public education. Notably, Ms. Kimball serves as a board member of the California Charter Schools Association. The untimely departure of a **Board member with Ms. Kimball's level of experience leaves more Board members with** experience in private-sector finance and accounting (or other non-education related backgrounds) than in public education itself on the RVC Board. This is particularly concerning as the renewal **Petition relied upon Ms. Kimball's involvement as a board** member and there is no information regarding a replacement. (See, Ed. Code, § 47605(h).) It also reflects the **instability of RVC's governance under current circumstances and undermines confidence in RVC's** governance.

The above described facts demonstrate:

- Repeated violations of the Brown Act and the rights of the public
- Board misrepresentations to the public regarding the history and actions take related to the PPP loan
- Failure of the Board to lead the Charter School and make the requisite decisions particularly with regard to its finances as evidenced by improper delegation and creation of a position that is not authorized by the charter and for the apparent purposes of avoiding compliance with conflict of interest laws
- Ongoing failure to comply with the directive of the oversight agency to ensure an accessible school site compliant with fire life and safety requirements
- Failure to provide a school site accessible to all students and to those students who require personal learning in accordance with the rulings of the OAH and CDPH Cohorting Guidance
- Failure of the RVC governance and management to understand and adhere to the **conflict of interest laws and RVC's Conflict of Interest Policy and apparent purposeful** efforts to avoid the application of same
- Concerns with RVC board governance in light of sudden departure of board member in the wake of allegations regarding governance and in the midst of the renewal process wherein this board member was represented to be a board member for the proposed new term undermining compliance with Education Code section 47605(h)

The Charter School Has Failed to Meet the District's Corrective Action or Propose Any Corrective Action Resulting in Failure to Successfully Remedy the Violations

As a preliminary matter, in its October 5, 2020 written response **to the District's September 3, 2020 Notice of Alleged Violations and Reasonable Opportunity to Cure**, RVC claims that the District does not have legal authority to invoke Education Code section 47607(e) to deny the Petition because the SBE is its chartering authority. As made clear in the NOAV, while the District does not believe it is required to issue a notice of violation and provide RVC with a reasonable opportunity to cure the violations, in order to find that RVC is not demonstrably likely to successfully implement the program, the District nevertheless issued the NOAV **to afford RVC 30 days' notice and opportunity to correct the alleged violations** before any action is taken on the Petition. (Attached hereto as Exhibit V is a true and correct copy of **the District's** Notice of Alleged Violations and Reasonable Opportunity to

Cure, dated September 3, 2020²³; Exhibit W is a true and correct copy of RVC's Written Response to the Notice of Alleged Violation, dated October 5, 2020.)

Because recent changes to the law – namely, Education Code section 47605.9(b) – require RVC to submit its renewal Petition to the District (despite the fact that the District is not currently RVC's authorizer), **the District** is to apply the standards for renewal as the chartering authority, especially given that, if the Petition is approved, the District would **serve as the chartering authority.** (Ed. Code, § 47607(e)(2) ["A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e)."].)

RVC's contention that the District cannot apply the process under Education Code section 47607(e) based on the statute's use of the verbiage, "the chartering authority," as opposed to "a chartering authority," ignores the fact that Education Code section 47607(c)(1) and 47607.2(a) and (b) also use the term "the chartering authority." (Ex. W, Response, dated October 5, 2020, pp. 2-3.) **If RVC's reasoning were accurate, then the** academic performance provisions of the renewal process would not apply to the renewal process before the District, which RVC does not contend. RVC also cites to Education Code section 47607(c)(7), indicating that it "sets forth a process for 'the' chartering authority to determine accountability metrics for a Dashboard Alternative Status School" and that "[t]his recognizes the fact that such a charter school would seek renewal from its authorizer." However, again, by the terms of Education Code section 47605.9, the renewal is before the District, not SBE **and therefore the District is referred to as "the chartering authority."**

RVC also claims that FCMAT dismissed the District's claim of financial wrongdoing as purported support for its position that RVC did not engage in fiscal mismanagement or fraud as alleged in the NOAV. (Ex. W, Response, dated October 5, 2020, p. 1.) However, contrary to what RVC suggests, FCMAT did not make an affirmative finding that RVC did not engage in wrongdoing – instead, FCMAT only concluded that it was recommending that Marin County decline to conduct an extraordinary audit under Education Code section 1241.5(c). In fact, FCMAT acknowledged "legitimate concerns" about RVC's governance process and its compliance with PPP application and assurances requirements, and **recommended referral of these issues to the Marin County District Attorney's office and the Office of the Inspector General of the U.S. Small Business Administration** in lieu of the extraordinary audit as the proper agencies, instead of MCOE, to address the serious issues identified. The District notes that RVC has made the same misrepresentations to the public and the press which is consistent with the conduct identified in both the letter to MCOE and the NOAV. Of course, the District has a separate legal obligation to conduct a charter petition review under the Charter Schools Act that is independent of the decision of FCMAT's recommendation to decline an extraordinary audit.

Separate and apart from RVC's assertion that it disputes the District's authority to invoke the procedures set forth under Education Code section 47607(e), the issues identified in the District's NOAV also demonstrate that Petitioner is demonstrably unlikely to successfully

²³ The exhibits are not attached to the Notice but are attached to the staff report.

implement the program set forth in the Petition. Accordingly, those issues – and RVC's responses to them – are appropriately considered in this Petition review.

1. Failure to Correct Deficiencies Identified in the NOAV

On September 3, 2020, the District issued RVC with a NOAV, which identified the deficiencies detailed above and provided the Charter School with an opportunity to cure the alleged violations by taking the following corrective actions by October 5, 2020: (1) return all PPP loan monies received to date and close out the loan; (2) remove Conn Hickey from his position as RVC Business Official; (3) remove Luke Duchene as Executive Director; (4) take all steps needed to replace the current RVC Board of Directors and provide new RVC Directors with mandatory Brown Act training; (5) complete all required renovations to satisfy ADA facility access requirements for the RVC school site located at 102 Marinda Drive, Fairfax, California including ADA compliance and fire and life safety compliance; (6) complete all other renovations/improvements in compliance with applicable state and local building enforcement agencies with jurisdiction in the area where RVC is located, that are necessary for RVC to be authorized to serve students in person at the RVC school site; and (7) establish a plan for compensatory education for disabled students deprived of in-person instruction.

On October 5, 2020, RVC provided the District with a written response which failed to identify any corrective action. Specifically, RVC affirmatively declined to take any action in **response to the District's NOAV and specifically declined to take actions (1) through (4) identified by the District as appropriate corrective actions, with the exception that "all current Board members, the School Director and Secretary to the Board all completed annual Brown Act training and Conflict of Interest training on September 16, 2020."** (Ex. W, Response, dated October 5, 2020, p. 10.) Notably, this training did not include any CFO, Treasurer, "volunteer" Business Official, or other financial advisor.

In connection with RVC's failure to comply with the ADA, and related failure to serve all students who wish to attend the Charter School in violation of charter and law, RVC still has not demonstrated that it has completed the renovation project, despite the 2020-21 school year being underway. RVC suggests that the current incompleteness of the renovation project is effectively moot because RVC is currently operating its program through virtual learning. However, this does not address – and RVC ignores – the fact that disabled students (and other high-need student populations) need access to in-person instruction to be provided free and appropriate public education, as contemplated by CDPH's Cohorting Guidance and the OAH. **This further ignores RVC's failure and/or refusal to abide by its authorizer's directive to ensure the facility was corrected.** RVC blames the delay on the COVID-19 pandemic, but the project was delayed well before the outbreak. RVC insists without any evidence that all ADA renovations will be timely completed and stated at the public hearing that the renovations were complete. Yet at the time this report is posted no evidence of completion and compliance has been provided as required by the NOAV.

Similarly, in connection with RVC's failure to comply with fire and life safety requirements, the Charter School again insists that it will upgrade its fire and fire system by winter break, at which point nearly half of the 2020-21 school year would have concluded, without any evidence or supporting documentation that the Charter School will in fact meet this deadline. In fact, RVC received notice of the need to correct in *May 2019* yet still has not done so. Moreover, RVC fails to acknowledge that it does not have \$100,000 to perform the necessary upgrade, as confirmed by CDE, or provide any evidence that it has the funds to complete the upgrade. However, as noted in the fiscal analysis, RVC has taken out significant debt and has deficit spent in each year of operation. As stated above, without the

necessary upgrade, RVC cannot operate its program and has not demonstrated completion of all renovations and improvements in compliance with applicable state and local building enforcement agencies that are necessary for RVC to be authorized to serve students in person at the RVC school site. Again, RVC may assert it has completed this work, however, no documentation has been provided as required by the NOAV.

Lastly, RVC wholly fails to address the issue of whether it will establish a plan for compensatory education for disabled students deprived of in-person instruction. Specifically, RVC summarily states that it has not begun on campus in-person instruction for any students and therefore no disabled student has been excluded from in-person instruction. RVC misunderstands its obligation to serve students with disabilities, who have unique needs that cannot be met through solely virtual or distance learning. RVC does not provide a plan to identify those students as contemplated by CDPH's **Guidance Related to Cohorts**, dated August 25, 2020.

The fact that RVC is treating its students with disabilities the same as "the thousands of other students across the country who are waiting for their public schools to reopen their campuses" raises significant concerns regarding RVC's knowledge of the rights of students with disabilities and its ability to meet its obligations to these students. It is noted that the information provided by RVC shows that it does not serve any students with intellectual disability and primarily serves students with speech and language needs. Of the thirteen categories of disability, RVC serves four categories whereas, by example, the District serves students in nine categories of disability including intellectual disability. The data does show RVC enrolled one student in 2018-19 with an intellectual disability but that student was no longer enrolled in the 2019-20 school year. The lack of an accessible space does not support enrollment for all students who wish to attend.

2. Responses to Allegations

RVC refused to take corrective action – **whether by complying with the District's directives** as stated in the NOAV or by **proposing its own corrective actions to address the District's concerns** – based upon an interpretation of events that do not otherwise address the fiscal mismanagement and governance concerns raised by the District.

Notably, in its October 5th response, **RVC states that "[it] does not dispute the dates cited by the District" in connection with RVC's efforts to secure a PPP loan.** Yet, RVC seeks to excuse its conduct by focusing on a **"lack of clarity from the federal government [that] resulted in chaos"** to explain its own mishandling of the PPP loan process. However, the **"unmitigated chaos" that RVC describes is not only inaccurate but, even if true, is all the more reason why RVC's actions and intent pertaining to the PPP loan should have been thoughtful, clear, and discussed by the RVC Board after full compliance with its obligations to notice the public per the Brown Act.** Notably, the Brown Act has been in place for over 50 years and compliance with its requirements cannot be explained away by purported chaos. **Additionally, RVC's board president, Sharon Sagar, heralds her extensive 14 years of board experience serving on the Ross Valley School District Board of Trustees, yet the lack of compliance is extensive.** The same is true for the volunteer Business Official, Conn Hickey, who also served on the Ross Valley School District Board of Trustees for a reported seven years.

Instead, RVC offers explanations of its efforts to obtain the PPP loan that were not properly agendized or recorded in the minutes, keeping the public uninformed, ill-informed or misinformed **about its actions.** For example, **RVC states that "[w]hat the [April 2nd] minutes (which document only a brief summary of the meeting) may not clearly show for**

those not in attendance is that the Board very much wanted to apply for the PPP loan at Westamerica," - an admission that the April 2nd agenda and minutes do not discuss any items related to the PPP, nor any Board authorization for Mr. Hickey to enter into contract or agreement, or to seek a PPP loan. There is no dispute this violates the Brown Act.

Again, RVC concedes that the April 23rd agenda and minutes were not specific on the issue of the Board authorizing Mr. Hickey to execute the PPP loan. To explain why, RVC states **that RVC did not agendize the PPP loan because "it did not believe it would be awarded any PPP funds."** RVC's rationale obscures the truth - on April 19, 2020, *before RVC's agenda* posting deadline, Westamerica informed Mr. Hickey that RVC qualified for \$270,000 in PPP funding. While RVC contends Mr. Hickey did not see the email until April 23rd because it **was erroneously routed to his "promotions" email folder**, this **strains credulity given RVC's** stated heightened concern and desire for PPP funding. However, even if Mr. Hickey first **read Westamerica's email with the \$270,000 counterproposal** on April 23rd, the RVC Board had no authority to take action with regard to the loan on the 23rd. It could have held a special meeting if time was of the essence. But stated urgency is no excuse for ongoing failure to comply with the rights of the public as delineated in the Brown Act.

In fact, the April 23rd meeting minutes were not publicly posted until nearly a month later on May 14, 2020, just hours before the May 14th Board meeting where the RVC Board approved the Resolution regarding the loan. There is no reasoning for this and it effectively deprived the public of any notice or **opportunity to comment on RVC's intent and efforts to** secure the loan until it was already secured. And of course, even the Resolution was not noticed on the RVC agenda - again obscuring the fact that RVC was seeking PPP funding. These repeated failures to comply with the Brown Act and active failure to inform the public reflect that that keeping the PPP loan undisclosed was by design.

RVC also contends that the anticipated cash deferrals compelled RVC to seek the PPP loan; otherwise, it would not have made payroll on July 31, 2020. **RVC's October 5th response**, ignores and offers no **response to the fact that Governor Newsom's March 13, 2020** Executive Order N26-20 expressly stated that charter schools will continue to receive state funding *in order to continue to pay its employees*; RVC was assured of its ongoing Average Daily Attendance revenue during the timeframe of the loan; RVC was given a \$20,000 COVID grant from the Walton Foundation; and RVC had other opportunities to pursue lines of credit or sources of funding. And, per PPP loan requirements, the Charter School was required to certify that a current economic uncertainty made the loan necessary to support its ongoing operations. RVC does not identify any uncertainty that was current at the time it entered into the PPP loan; instead, RVC acquired the PPP loan to increase its reserves in anticipation of future need, not to mitigate past or current economic hardship or meet its payroll.

While RVC summarily claims it could not pursue loans because it was a "new school" and that banks are "unlikely" to issue lines of credit to RVC, however, there is no evidence that RVC ever applied and was denied such lines of credit. In fact, the fiscal review demonstrates that RVC has incurred extensive debt. It is clear that cash deferrals were an *ad hoc* justification for the PPP loan - RVC states that it tasked Mr. Hickey to obtain a loan as early as April 2nd, yet this is *after the Governor's Executive Order ensuring funding*, well *before* serious discussions about cash deferrals were taking place and well *before* the release of the **Governor's May 15, 2020 May Revise Budget** which proposed cash deferrals. Thus, **certifications signed by RVC's "agents" that "current" economic uncertainty** based upon cash

deferrals makes PPP loan funds necessary to support RVC's ongoing operations could not have been made in good faith.

RVC's October 5th response further claims that the District has alleged that "the School Director was not authorized to accept the PPP loan and execute the loan documents." RVC does not correctly identify the issue – as stated above, RVC did not provide authorization for the volunteer Business Official to accept the PPP loan, nor did he have any delegated authority to act on behalf of RVC in pursuing the loan. The fact that the April 23rd minutes reflect that the Board authorized the Board Chair or School Director to execute a PPP loan does not change the fact that the School Director would be entering into a loan that was already negotiated and accepted by Mr. Hickey – as a volunteer Business Official – without any express authority to do so. And again, this purported action to authorize the acceptance of the loan and execution of loan documents was taken without an agenda item.

RVC's October 5th response is inadequate and fails to demonstrate that any corrective actions were successful. In fact, the response repeatedly asserts matters verified by documentary evidence are false and suggests that there is no fraud because there was "no intent." However, the evidence demonstrates the requisite intent by the repeated failure to comply with law and the creation and "approval" of a Resolution that misrepresents the facts. That said, RVC's conduct need not amount to fraud to be serious fiscal and governance mismanagement.

As the facts show, RVC has neither taken the issues set forth in the NOAV seriously nor been willing to take responsibility for its actions/inactions. RVC has failed to correct in accordance with the District's requirements nor offered any of its own corrective measures and the NOAV stands.

B. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition Due to Fiscal Deficiencies

Part of the renewal process is to review the fiscal status of the charter school, including its likelihood of success in light of its fiscal status and future projections, budget and budget narrative. The Petition presents significant fiscal deficiencies rendering the educational program unlikely to be successfully implemented. An independent analysis of RVC's budget, narrative assumptions, and cash flow was conducted by an expert in charter school finance including budget development and analysis. Attached hereto as Exhibit X is a true and correct copy of the analysis and findings which are incorporated herein by reference. A summary of the findings is also provided below and supplement the findings regarding fiscal mismanagement set forth above.

1. Excessive Debt

RVC has significant existing and potential debt burden and its revenues from student enrollment of approximately 200 – 220 students is not sufficient to sustain the amount of debt burden when minor decreases in student enrollment and average daily attendance will have a major impact on the fiscal stability of the Charter School. It is noted that that RVC's debt reflects that it has been deficit spending in each year of operation and is entirely reliant on debts as well as unsecured grants and donations to balance its books. RVC's long term debt of \$921,947 is excessive and unsustainable.

It is a best practice in many state and local governments for the governing board to adopt a comprehensive debt management policy that creates guidelines for issuing and managing debt. This is particularly true when school districts and charter schools are entering an era

of fiscal uncertainty and economic downturn. It is recommended by the Government Finance Officers Association that all forms of government adopt a comprehensive debt policy. This helps ensure that underwriters and financial advisers provide the district with adequate information to analyze future debt, enabling the charter school to make sound business decisions.

Best practices is to provide guidelines for debt burden ratios and factors combined with debt affordability criteria in the debt management policy. A reasonable debt burden factor of 1 - 2% of the unrestricted general fund revenues is reasonable. A debt burden ratio indicates the LEA's **ability to support annual debt payments, including principal and interest, from current unrestricted revenue sources.**

Applying this methodology to the current debt obligation for RVC reveals that debt service payment obligations clearly exceed these recommended levels, an amount that cannot be **feasibly sustained by the charter's unrestricted general fund** in the long-term. RVC has significant existing debt burden, including but not limited to state revolving loans, PPP loan²⁴, construction loan, and also projects loan(s) for cash deferrals. This excludes debt for the repayment of personal loans. This is an extraordinarily high level of significant existing and potential debt burden without a secure repayment stream. Revenues from student enrollment of approximately 200 or even 220 students is not sufficient to sustain the amount of long-term debt.

The budget documents submitted by RVC do not accurately reflect its debt. For example, the state revolving loan is not represented in the expenditure budget or cash flow document. This is a startup loan in the amount of \$250,000 for five years with payments of \$62,500 each year. It is expected to be paid in full during the 2019-20 school year but is not represented in the cash flow. **Additionally, RVC's construction loan includes a balloon payment of \$123,080 that is due in June 2024 according to the budget narrative, however, the cash flow does not show this payment as a reduction in cash. Including this payment causes negative cash flows for that month.**

While depreciation expense appears normal, RVC does not project the repayment of loan obligations. Unless the state revolving loan was paid in full prior to 2020, which is not indicated, payments of \$62,500 in each of five years needs to be budgeted in this category. While the loan payment may be deducted from the Principal Apportionment (LCFF), the financial statements do not show this amount recorded in either the LCFF revenue section as a separate line item deduction, or the Other Outflows as expected.

RVC has entered into an agreement for a new loan to make required ADA renovations to the **existing school site facility. According to the narrative, \$350,000 "has been budgeted as a loan to pay for this work"; however, the loan repayment is not represented in the expenditure projection.**

The projected loan payment for the PPP is not a guaranteed loan. Based upon the significant issues regarding how RVC obtained the loan, the loan may not be forgiven, in which case the amount due would be the entire amount of \$270,563, instead of 50% as is represented in the narrative document. This would cause RVC to establish repayment to the federal government plus interest, which would create an unsustainable burden on the

²⁴ The PPP loan forgiveness is dependent on compliance with the PPP loan program. As stated, the RVC PPP loan does not comport with the stated purposes of the PPP loan program as public school payroll was funded by the State of California.

General Fund. EdTec's Income Statement from April 2020 shows that, without the PPP loan, RVC would have negative equity of \$50,863.77.

Cash deferrals scheduled for February through June 2021 are projected by RVC to be a total of \$643,128. While loans to charter schools from the California School Finance Authority and in the private marketplace, and revenue anticipation notes, may be available, they are not guaranteed as these opportunities include repayment documents to be approved by the lenders and agencies and consideration of debt burden is evaluated.

RVC forecasts "a 12% minimum reserve throughout the [next] 6 years." (Budget MYP, p.1) RVC states that the Charter School "plans to maintain at least 10% undesignated budget reserve for economic uncertainties. It has grown its reserve over its first three years to 11% and plans to eventually have a 40% reserve." (RVC Budget Narrative, p. 10.) The high reserve amount reflects RVC's intent to store cash and not expend such valuable resources on its educational programming and for its students. While a reasonable reserve is an important component of a healthy budget, RVC's intent to maintain a 40% reserve is unreasonably high and is something of a fiction in light of its extensive debt.

2. Cash Flow/Deferrals

The Governor's Budget Act for fiscal year 2020-21 includes five consecutive deferrals beginning in February 2021. For fiscal year 2020-21 starting in February 2021, deferrals will be deducted and repaid in the next fiscal year. During times of cash deferrals, the function of cash management becomes imperative. RVC relies heavily upon fundraising and donations to balance its budget. Pressure from existing and proposed cash borrowing is unsustainable over time. Should the PPP loan require full repayment, RVC will need to factor (sell) its receivables at high interest rates or negotiate a credit line to ensure that payroll and other obligations are met. Given the low enrollment and current economic uncertainties, coupled with existing debt burden, it calls into question whether RVC is a going concern.

In the RVC monthly cash forecast, deferrals are projected to start in March 2021, but should begin in February 2021. Errors in forecasting can substantially alter the need for cash to pay obligations. It is unusual to use the cash flow model to project loan payments that are not represented in the budget as loan repayments. RVC should ensure that except for temporary loans, long-term loan payments should be included in object codes 7438 – Principal and 7439 – Interest for full disclosure and for true evaluation of its debts and obligations. In addition, temporary loan inflows and outflows are to be represented on **separate lines and totaled in the "Forecast" columns. These totals should agree with prior year accruals for both accounts receivable and accounts payable. Currently, these amounts are not totaled and do not agree with prior year accruals. For example, total "Revenues – Prior Year Accruals listed in 2022-23 of \$785,798 do not agree with "Remaining Balance" in 2020-21 of \$717,908 – a difference of \$67,890.**

3. Enrollment/ADA

The number of students projected of 204 in the current year projecting to 222 in the subsequent year (2021-22) may be unattainable. However, because the number of students enrolled by RVC is low, a drop in enrollment, even negligible, creates a large variance in projected LCFF revenues and additional pressure for cash management. For example, a decrease of 5 students in grades 4-6 will cause revenue to decrease by \$44,152 in 2021-22, which demonstrates the volatility of enrollment and resulting ADA projections particularly for a school with a history of using debt to balance its budget.

4. Fundraising and Grants

Fundraising and local grants are not guaranteed income sources. During times of fiscal instability and/or downturn in the economy, these types of revenue sources decrease in amount. Best practice is to budget these revenues when award letters are obtained. While RVC has reduced estimates by 40% in the current budget, overall, the projection still represents 5.7% of total projected revenues, or \$130,670 in 2020-21. In 2021-22, donations increase to \$208,240, or 8.3% of revenues, which is not reasonable.

5. Salaries and Benefits

While salaries and benefits are the single largest expenditures in a public school employer's budget, normally representing 80% to 85% of **operating expenditures**, RVC's salaries and benefits in fiscal year 2021-22 total \$1,593,329, or 65.8%; and in fiscal year 2022-23, salaries and benefits total \$1,619,355, or 67.8%, which are far below normal levels. It is noted that RVC relies upon contract services far more than employees for its educational program.

6. Insurance

Included in the narrative documents is a statement that "property, liability and workers compensation insurance are budgeted at 2020-21 contracted prices." During this unprecedented time of COVID, it is expected and employers are informed that Workers' Compensation insurance will increase as well as property insurance. Property, liability and workers' compensation insurance amounts are likely to increase as a result of the COVID pandemic and wildfires throughout California. SB 1159 effective immediately codifies Workers Compensation and expands covered benefits including "full hospital, surgical, medical treatment, disability, indemnity, and death benefits" related to COVID-19. In addition, AB 685 effective January 1, 2021, establishes statewide occupational safety standards, and provides the California Division of Occupational Safety and Health expanded authority to enforce the new requirements, including civil penalties for non-compliance. The impact of these two legislative enhancements to workers who contract COVID-19 will have an impact on Worker Compensation rates; therefore, budgeting these expenditures for Workers Compensation without increases is an unreasonable assumption. Budgeting these expenditures without increases is unreasonable.

7. Books and Supplies

Classroom supplies and the additional need for Personal Protective Equipment ("PPE") as students and staff return to hybrid learning or in-person learning is not sufficiently represented in the budget forecast model for at least the 2021-22 school year. In fiscal year 2021-22, RVC projects a nominal amount of \$76,768, or 0.03%, of the operating budget; and in fiscal year 2022-23, an amount of \$37,260, or 0.02%. Budgeting these expenditures at this low cost is unreasonable.

8. Operating Expenditures and Services

Services and other operating expenditures represent a significant and unusual portion of the overall operating budget demonstrating the need to rely upon outside services for several aspects of the business operations. For fiscal year 2021-22, RVC projects total expenditures totaling \$687,877, or 28.4% of the operating budget; and in fiscal year 2022-23, \$672,543, or 28.1%, almost ten (10) times the amount spent on books and supplies.

9. Reserves

RVC touts a large reserve of 12 percent, however, reserves as a percentage can be misleading particularly for a small school. A best practice is to have sufficient fund balance to cover two or more months of salary and benefits. A review of RVC cash flow document for February 2021, shows salary and benefits total \$145,091. Without paying any other obligations for the month, the fund balance of \$106,012 would be insufficient to cover one month of payroll.

According to the June 30, 2020 Financial Report – Alternative Form, the total reserve is \$269,518.72 representing 12.7% of expenditures. While this is above the required percentage levels, this amount represents cash and noncash items and does not set aside the required Reserve for Economic Uncertainty.

Of this amount, \$106,012, or 5%, must be set aside for the Reserve for Economic Uncertainty and cannot be spent. This leaves \$163,507 available for any adjustments, additional expenditures, or reductions in revenues.

10. Americans with Disabilities Act Compliance

RVC has been informed that its facility must comply with Americans with Disabilities Act ("ADA"). Specifically, RVC is required to correct specific access and fire, life, and safety concerns, as directed, and has entered into a loan agreement totaling \$360,000 for the necessary renovations. RVC is prohibited to have students on campus until the work is complete.

According to the RVC Budget Narrative, dated September 23, 2020, the RVC Board has approved a new loan in the amount of \$355,000. The cash flow projections, the loan proceeds of \$350,000 and expenses of \$337,500 are represented in September 2020; however, the "balloon" payment of \$123,080 that should be included in the June 2024 cash outflows is not represented as described in the RVC Budget Narrative discussion.

11. Volunteer Business Official

According to the narrative statement, the volunteer Business Official states that he has the requisite experience to manage RVC. While the evidence indicates that he has private sector financial management experience, California school finance is uniquely different. Even with a strong background in private sector accounting by the volunteer Business Official, RVC contracts out all the critical functions of the Business Office. Contracting for business services continues throughout the projection period for bookkeeping, accounts payable, accounting, payroll, and student accounting reporting services leaving the charter organization vulnerable to timing and processing delays where critical decisions need to be made. It is further noted that the costs of these services have significantly increased over the last year, nearly doubling.

12. Conflict of Interest

The conflicts of interest, as described above, demonstrate that RVC is demonstrably unlikely to successfully implement its program. As detailed above, the conflicts of interest relate directly to the operation agreements with EdTec, a company that RVC relies heavily upon to perform important operational functions. Furthermore, with an unstable governing board, the conflicts represent a serious deficiency indicating a lack of understanding and execution

of important duties related to public integrity and transparency, breaches of which would constitute violations of law and charter.

C. The Petition Does Not Contain Reasonably Comprehensive Descriptions Of The Required Charter Elements

1. Element 1 – Educational Program

In light of the COVID-19 pandemic, it is expected that RVC develop and describe a comprehensive plan that makes necessary adjustments to its educational program to apply to the health and safety regulations implemented by local and state officials, including plans for distance, hybrid, and/or in-person pupil learning. However, the Petition only contains several brief and broadly-worded paragraphs regarding the COVID-19 pandemic and distance learning, and the description of how the educational program has been changed is not specific. (Petition, p. 115-116.) For example, there is no detailed description of the school day, staffing adjustments, staff duties and expectations, technological issues, or any other important logistical or legal issues (such as, for example, the Charter School's compliance with special education FAPE requirements under a distance learning model) resulting from social distancing mandates that indicates that the Charter School will be able to deliver instruction in an effective manner. Furthermore, no separate plan is attached and made part of the Petition such as a Learning Continuity Plan or like document. Absent this information, there is no ability for the District, Board or the public to understand the educational program for the 2020-21 school year or beyond. Nor does this reflect the requisite planning needed to ensure appropriate education for all students, including those with disabilities.²⁵

2. Elements 2/3 – Measurable Student Outcomes/Methods of Measurement

According to the California School Dashboard, in 2019, RVC's chronic absenteeism and suspension rates (yellow) were higher than those of the District (green). Given RVC's lagging absenteeism and suspension rates, it would be expected that the Petition provide specific information detailing how RVC plans to improve in these areas.

However, RVC's description of the measurable pupil outcomes and methods of assessment for addressing and improving student absenteeism is both vague and inadequate. (Petition, p. 146-147.) First, the Petition commits RVC to achieving an absenteeism rate in relation to the State average but makes no mention of whether it will achieve absenteeism rates comparable to those of the District, which is significant because RVC serves families residing in the District's community. Second, the Petition's actions to achieve the goal are vague – RVC will "incorporate a social-emotional curriculum" by "review of yearly, unit, and daily lesson plans." RVC vaguely states that it will "conduct regular community building events and activities," without identifying the activities, and does not otherwise explain how community-building events will improve student attendance. Nor are any of these aspirational statements measurable.

The Petition also wholly fails to provide any description of the measurable pupil outcomes and methods of assessment for addressing and improving student suspension. While the Petition provides a description, albeit vaguely, of addressing pupil expulsion rates, a

²⁵ The District did request information regarding RVC's plan for ensuring compensatory education and would expect to see the LCP if not a more specific document setting forth the Charter School's plan.

discussion on the Charter School's plan to address suspension rates is omitted. (Petition, p. 148.) With recent changes in the law regarding student discipline and since the charter document governs, this area is expected to be detailed and measurable.

3. Element 5 – Employee Qualifications

According to the Petition, the position of School Director – which is the equivalent of a school principal – is not required to hold any credential. (Petition, p. 178.) It is unclear how an un-credentialed employee effectively evaluates credentialed staff and/or the effectiveness of the educational program. In fact, "relevant experience with school and organizational leadership and educational innovation" is merely a "preferred" requirement, not a mandatory one.

4. Element 6 – Health and Safety Procedures

The Petition does not provide a copy of RVC's school safety plan as expressly required by Education Code section 47605(c)(5)(F): "The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282."

The need for a school safety plan is critically important but particularly where, as here, the school is located at the site where it shared the space and apparently also utilizes the public library located across the street as part of its educational program. (Petition, p. 188.) The site safety plan is an essential component of the Petition.

5. Element 10 – Suspension and Expulsion Procedures

The Petition does not provide or describe any rights or procedures to appeal a suspension, which is problematic given that its suspension rates are higher than those of the District as described above. (Petition, p. 211.) As stated in section 2, with recent changes in the law regarding student discipline, this area is expected to be detailed and ensure both appropriate discipline and due process.

D. Academic Performance

As a preliminary matter, it must be noted that RVC's failure to timely open the charter school in 2016 has directly led to a lack of complete and adequate academic assessment data. Although SBE approved RVC on January 14, 2016, for a five-year term to begin operations in the 2016-17 school year, four (4) months later, RVC submitted a request to SBE for a material revision to its charter requesting to open in the 2017-18 school year. SBE approved the delay on July 14, 2016.

RVC's self-imposed delay has led to inadequate student assessment information – namely, RVC has only provided two (2) years of CAASPP results to demonstrate their year-over-year growth. This serves to provide only one year of potential growth data over a five year term, in 3rd through 5th grade only, and grade-by-grade level data for a single subgroup category of student –students whose ethnicity is identified as "White." For the Hispanic/Latino subgroup, only cumulative student data is available (i.e., no grade-by-grade level data was provided).

Additionally, CAASPP does not test all grade levels but rather tests, in the relevant RVC grade levels, grades 3-5. So the only data provided, relates to 3rd, 4th, and 5th grade students only, showing a single year of growth. RVC has not provided any results or

"verified data" from any other formative or summative assessments or metrics to demonstrate growth for all students and student subgroups served. While SBE has not yet **established criteria for determining "verified data," RVC could** – but did not – submit any information using any number of commonly-utilized and respected subject matter competency assessments demonstrating the requisite academic growth for each year of operation and for *all* students and grades served.

With that said, **the District has considered RVC's 3rd through 5th grade performance and performance of any subgroups of pupils served by the Charter School on the state and local indicators included in the evaluation rubrics adopted pursuant to Education Code section 52064.5. (Ed. Code, § 47607.2(b)(1).)** Upon review of the Petition and the results from **RVC's Dashboard indicators** for 2019, RVC earned Blue ratings for ELA and math. However, again, these scores are limited to the single statistically significant demographic of white students and does not reflect any subgroups of students. And while **RVC's chronic absenteeism and suspension rates (Yellow)** may be comparable with the state (Yellow), they lag behind those of the District, which are rated Green. Academic performance questions are also raised where there is significant absenteeism and suspension rates.

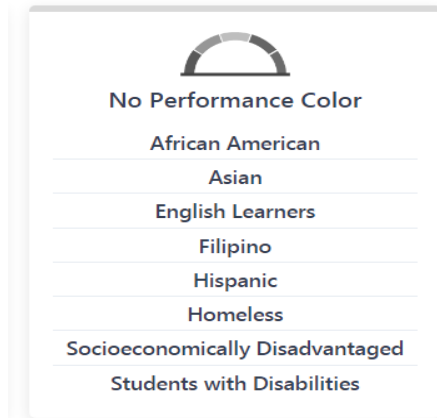
In the absence of any assessment data, **the District evaluated RVC's 3rd through 5th grade CAASPP scores for 2017-18, and 2018-19. Analysis of RVC's CAASPP scores is conducted using a combination of queries from the CDE's CAASPP website and the study of raw data pulled from the CDE's CAASPP research files for 2017-18 and 2018-19.²⁶** In sum, **RVC's 3rd through 5th grade year-over-year growth on CAASPP (namely, pupils who have met or exceeded standards) for the single year of comparative data provided is generally greater than that of Marin County and the State as a whole, based on ELA and math scores.**

However, there are significant considerations regarding the data that limits its validity, reliability, and utility in evaluating potential schoolwide increases in academic achievement. For example, the late opening of the Charter School and the 2019-20 CAASPP cancellation due to COVID-19 leaves no information to reliably demonstrate trends given the overall limitations of the data set. Moreover, due to low enrollment size, **RVC's** sample size is relatively small, thereby subjecting its overall CAASPP scores (as well as scores for subgroups) to potentially dramatic year-over-year fluctuation. For example, the data indicates there were 10 more students taking the ELA and mathematics assessments in 2018-19 than in 2017-18. This reflects an 11.9% increase in the number of students taking the CAASPP from 2017-18 (84 students in total) to 2018-19 (94 students in total).

Additionally, CDE does not report data in cases where ten or fewer students took a particular test. In the case of a small school such as RVC, this limitation makes it impossible to analyze grade-level data for various subgroups **such as (in RVC's case) students whose**

²⁶ While the CDE's CAASPP website (<https://caaspp-elpac.cde.ca.gov/caaspp/>) does contain a relatively robust search engine for extracting various CAASPP data, the search filters are limited and some of them do not function properly. For example, the "Test Results at a Glance" page features a "School Type" dropdown that allows users to filter for all schools, charter schools and non-charter schools. This filter for "charter schools" seems to work for the 2018-19 data set, but not for 2017-18. Even if this particular filter worked properly for each school year, it should be noted that the data labeling within the data sets, is inconsistent. For example, in 2017-18 RVC is listed as a "locally funded charter school" (i.e. a dependent charter). In 2018-19, RVC is listed as a "direct funded charter school" (i.e. an independent charter). This discrepancy was found through analysis of the very large and unwieldy raw data sets (e.g. research files) located on the CDE website.

ethnicity is other than "white" and students with disabilities. While these students may be tested, grade-level and/or the subgroups scores are not reported.²⁷



As a result, only cumulative data is available. Moreover, the CDE's CAASPP website does not allow for in-depth analysis and the raw data research files are inconsistent. (See FN.25.)

A single year of growth for three of seven grade levels served by charter school that has been authorized to operate for five years is inadequate to demonstrate year over year growth with any degree of reliability or validity as required to meet the accountability standards of the Charter Schools Act. As stated by the court in *Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1125, 1129, citing the Little Hoover Report, "Simple in theory, complex in practice, charter schools promise academic results in return for freedom from bureaucracy." (See also, Ed. Code, §47601.) The District has not been provided evidence of year over year growth for all students and all subgroups to be able to confirm that RVC has met the academic performance requirements of Education Code sections 47607 and 47607.2 for its five year term.

CONCLUSION

While the above limited academic indicators were taken into consideration, as explained, the information is incomplete/inadequate to support a valid and reliable finding that RVC has demonstrated year over year growth for all of its students or subgroups of students over its five year term. **Even to accept RVC as a "middle performing" charter**, Education Code section 47607(e) provides that a charter petition may be denied renewal upon a finding that the school is demonstrably unlikely to successfully implement its program due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, notwithstanding Education Code section 47607.2. The facts demonstrate the findings of substantial fiscal and governance factors, as detailed herein, together with the Charter School failure to serve all pupils who wish to attend by virtue of its limited accessibility and demonstrated by its disaggregated data, support **the District's recommendation** to deny the Petition as demonstrably unlikely to successfully implement the program. Furthermore, serious fiscal, governance, and pupils issues are of such fundamental and significant concern that they show RVC to be demonstrably unlikely to successfully implement the program and further **undermine and place at risk RVC's overall operations** such that future academic

²⁷See, e.g., <https://www.caschooldashboard.org/reports/21770650135350/2019/academic-performance#english-language-arts>

achievement is unlikely. These substantial issues outweigh any academic performance offered by the Charter School.

For the reasons stated above, the facts and findings support the conclusions that: RVC is demonstrably unlikely to successfully implement the program set forth in the Petition due to substantial fiscal and governance factors; RVC is not equipped to and has not served all students who wish to attend; the Charter School did not propose or comply with corrective action and therefore did not successfully respond to the NOAV; Petitioners are further demonstrably unlikely to successfully implement the program set forth in the Petition as the Petition is not supported by a reasonable fiscal plan and does not reflect the requisite understanding of relevant law to successfully administer the program; and, the Petition does not contain reasonably comprehensive descriptions of the required charter elements. (Ed. Code, § 47605(c)(2) and (5).) Accordingly, it is recommended that the Petition be **denied**. Should the Board take action to deny the Petition, it is recommended that the Board adopt this staff report as the written factual findings in support of the denial of the Petition.

EXHIBIT “A”



**SPECIAL MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

April 2, 2020 7 p.m.

**Ross Valley Charter School 102 Marinda Drive, Fairfax, CA
For Agenda and Supplemental Materials to go:**

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2020-04-02-special-meeting>

Board Members:

Sharon Sagar, Chair

Amy Gramajo

Kristi Kimball

John Kirk

Cheryl Flick

Sonya Stanley

**INSTRUCTIONS FOR PRESENTATIONS TO
THE BOARD BY PARENTS AND CITIZENS**

The Ross Valley Charter School ("School") welcomes your participation at the School's Board meetings. The purpose of a public meeting of the Board of Trustees ("Board") is to conduct the affairs of the School in public. Your participation assures us of continuing community interest in our School.

A few agendas are available at the door to the meeting. Supplementary materials will not be available in paper form.

When addressing the Board, speakers are requested to state their name and city, adhere to the time limits set forth and respect the Meeting Norms and Procedural Guidelines outlined below in the Section on Communications.

As a result of Statewide directives regarding "shelter in place" in relation to the COVID-19 pandemic, this meeting will be conducted virtually (all Board Members and Staff will connect remotely.) Public comments addressing items on the agenda may be forwarded via email to sharon.sagar@rossvalleycharter.org in advance of the scheduled meeting start time. As this is a special meeting, public comments are limited to items on the agenda.

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present(Remotely)	Absent
Kristi Kimball	_____	_____
John Kirk	_____	_____
Cheryl Flick	_____	_____
Amy Gramajo	_____	_____
Sharon Sagar, Chair	_____	_____
Sonya Stanley	_____	_____

**C. APPROVAL OF AGENDA OF SPECIAL BOARD MEETING OF APRIL 2, 2020.
 VOTE**

II. COMMUNICATION

A. REVIEW of MEETING NORMS

1. Speak respectfully, avoiding blame and inflammatory language and raised voices.
2. Listen respectfully without interrupting.
3. Listen actively and try to understand others' views.
4. Don't roll your eyes, make faces or audibly react while someone is speaking.
5. Be concise when it is your turn to speak.
6. Assume others' good intentions.
7. Keep on the topic under discussion.
8. Politely enforce ground rules.
9. Remember to mute cell phones.

B. REVIEW PROCEDURAL GUIDELINES for Public Discussion on Agendized Items

1. Presentation by Staff, Officers or Guest Presenters
2. Board discussion, questions, clarifications
3. All Public Comment taken at once. Individuals will be limited to three minutes per speaker unless Board Chair determines that the number of speakers warrants a reduction to a lesser amount of time. The board or Officers will not respond during public comment time. Questions will be noted and answered as outlined in next bullet.
4. Board or officers attempt to answer questions regarding agendized items. Questions that seek information or clarifications will attempt to be answered. Questions that are deemed to violate meeting norms above or to be argumentative in nature will not be responded to.
5. Any remaining Board discussion, questions, clarifications, deliberation and motion

and vote if appropriate.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

As this is a Special Meeting, all comments should only be related to items on the agenda. We request that comments be sent by email prior to the meeting in order for us to incorporate addressing them during the meeting.

D. For Information: School Director

This is a presentation of information and activities that have occurred since the previous Board meeting. These topics are informational only and no action will be taken by the board.

E. For Information: Board/Staff Information Updates

Board and staff present information updates since the previous Board meeting.

III. GENERAL ITEMS

A. ENROLLMENT REPORT AND 2020/21 CLASS CONFIGURATION UPDATE

Staff will present the March enrollment report followed by a 2020/21 class number and size discussion.

DISCUSSION

B. LCAP UPDATE

We will discuss any recommended modification to our LCAP plan cycle given the conditions imposed by stay-in-place orders.

DISCUSSION

C. REVIEW OF POTENTIAL COVID-19 RELATED IMPACTS ON BUDGET

The operational and related financial impacts of COVID-19 require that we review how this has changed our current year budget assumptions.

DISCUSSION/VOTE

D. APPOINT CONN HICKEY AS BUSINESS OFFICIAL and AS AN AUTHORIZED SIGNER ON THREE WESTAMERICA ACCOUNTS

We recommend appointing Conn Hickey as our Business Official, in which capacity he will code debits and credits in the GL system as appropriate, provide back up on these transactions to EdTec for control purposes, and oversee the management of our balances in our three bank accounts by transferring funds between them. The three accounts are our normal business checking account, our bank account that is used for our debit card which the School Director and Office Manager have, and our money market account that collects some interest. He will prepare financial reports for review by the board and school director.

He will also coordinate the collection of In-Lieu of Property Taxes from basic aid districts. All external checks will continue to require two signatures and this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.

DISCUSSION/VOTE

E. ELECTION OF A NEW TREASURER

Cheryl Flick has resigned as Treasurer and our by-laws require the corporation to have a treasurer. Board Member Kirk has volunteered to fill this role and staff recommends his election by the board.

DISCUSSION/VOTE

IV. CONSENT AGENDA ITEMS

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion in the form listed below. Unless specifically requested by a Board member for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board votes on them. The School Director recommends approval of all consent agenda items.

None

V. FUTURE MEETING NEEDS AND TOPICS – trustee requests of topics for future meetings

VI. MEETING REVIEW AND EVALUATION

- A. Quick Evaluation of Meeting to improve process for future meetings

VII. ADJOURNMENT



**MINUTES OF THE SPECIAL MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

**Ross Valley Charter School 102 Marinda Drive, Fairfax CA
For Agenda and Supplemental Materials go to:**

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2020-04-02-special-meeting>

April 2, 2020 7:04 P.M. via Zoom video conference

Board Members:

**Sharon Sagar, Chair
Amy Gramajo
Kristi Kimball
John Kirk
Cheryl Flick
Sonya Stanley**

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present	Absent
Kristi Kimball	<u>X</u>	_____
Amy Gramajo	<u>X</u>	_____
John Kirk	<u>X</u>	_____
Cheryl Flick	<u>X</u>	_____
Sharon Sagar, Chair	<u>X</u>	_____
Sonya Stanley	<u>X</u>	_____

C. APPROVAL OF AGENDA OF REGULAR BOARD MEETING OF April 2, 2020.

Approval of the Agenda was duly moved, seconded and approved 4-0-2 (Ms. Kimball and Ms. Gramajo not yet present)

II. COMMUNICATION

C. No public comment on items not on the agenda.

D. For Information: School Director

- Two months of distance learning ahead.
- Surveyed families, 65 responses spanning broad range of needs.
- Torri and Marilyn reaching out to families needing support. Community Council working to connect families.
- Streamlining communications; families are overwhelmed.
- Sarah Foley rewrote all IEPs, adjusting service minutes and connecting with teachers.
- Jen Wolf providing lunches to FRPL eligible families daily.
- Teachers putting in a lot of hours and navigating resources.
- Got Chromebooks out to families. 10% have connectivity issues. Exploring free wifi: Google, Xfinity, Sonic; may buy household hotspots.
- Hiring two new teachers, posted on EdJoin. Video chats next week.

III. GENERAL ITEMS

A. ENROLLMENT REPORT AND 2020/21 CLASS CONFIGURATION – see chart

- 212 projection based on 77% confirmed enrollment.
- 9 standard classrooms; 3 full TK/K/1s and under-enrolled 4/5s.
- Non-standard arrangement distributes class sizes more evenly.
- Offering admission to 15 second enrollment period applicants.

No public comment.

B. LCAP UPDATE

- RVC's LCAP is tied to our charter petition.
- Extended and waiting to get feedback

No public comment

C. REVIEW OF POTENTIAL COVID-19 RELATED IMPACTS ON BUDGET – see reports

- Review current year budget assumptions
- Changes in after school program: less revenue.
- Change in substitute teacher needs.
- Budgeting less for Torri Chappell, learning specialist.
- No Walker Creek
- Lower mental health costs
- \$51K surplus this year.
- State and Federal rescue funds
 - Federal money coming for Title 1
 - CARES Act: Small business admin and not for profits. Applying for 2.5 months of payroll expenses. Bank is a SPA approved lender.
 - 75% of money must be in personnel retention.
 - Loan with first 8 weeks forgiven.
- 3-year budget: 1.5 million is compensation.

- Donations to date assuming nothing further than half of projected auction revenue.
- Does not include \$10K SBA money.
- Edtec recommends preparing for 7% decline in ADA.

- Increased health care costs.
- State is in free fall. No decisions to be made tonight. Will know more in 6 weeks.
- Bank \$55K reserve for whatever comes next year.
- No decision on raises.
- Need to keep doing what we're doing; supporting teachers, planting seeds, budget cuts where possible.
- Economic downturn is hitting the service economy and our families hard.

No public comment

D. APPOINT CONN HICKEY AS BUSINESS OFFICIAL and AS AN AUTHORIZED SIGNER ON THREE WESTAMERICA ACCOUNTS

- Coding debits and credits in the GL.
- Oversee bank accounts and prepare financial reports.
- Coordinate collection of In-Lieu property taxes from basic aid districts.
- This is a volunteer position.

No public comment

Approval of Conn Hickey's appointment as RVC Business Official and authorized bank signer was duly moved, seconded and approved 6-0-0.

E. ELECTION OF A NEW TREASURER

- Cheryl Flick has resigned as Treasurer.
- Board member Kirk has volunteered to fill this role. Staff recommends his election by the board.

Approval of John Kirk's appointment as RVC Treasurer was duly moved, seconded and approved 6-0-0

IV. CONSENT AGENDA ITEMS

None

VI. FUTURE MEETING NEEDS AND TOPICS

- Enrollment and ADA update

Meeting adjourned 9:02 P.M.

EXHIBIT “B”

PPP Application

Reference #	12494090
Status	Complete
I have read and understand the purpose of this form. Loan is subject to funding availability by the Small Business Administration CARES Act.	Yes, I understand

Westamerica Business Checking Account Number	
Business Type	501(c)(3) nonprofit
Business Legal Name	Ross Valley Charter School
Business TIN (EIN, SSN)	471755679
Business Address	25 Deer Park Lane
City	Fairfax
State	California
Zip Code	94930
Primary Contact Email Address	conn.hickey@rossvalleycharter.org
By providing your email address, you are agreeing to receive all correspondence, communications and loan documentation via email.	I Agree
Primary Contact First Name	Conn

Primary Contact Last Name	Hickey
Primary Contact Phone	
Average Monthly Payroll	116994
x 2.5 + EIDL, Net of Advance (if Applicable) Equals Loan Request	292485.23
Number of Employees	24
Purpose of Loan (may select more than one)	<ul style="list-style-type: none"> • Payroll • Lease/Mortgage Interest • Utilities
If other, explain:	<p>This is just a note to let you know that our school is located at 102 Marinda Dr., Fairfax, CA. This was previously used for St. Rita's school. The Deer Park lane address is what is listed in both state incorporation and the IRS lists. We do get mail there but either address works for us. Thank you. Conn Hickey</p>
Controlling Person First Name	Luke
Controlling Person Last Name	Duchene
Controlling Person Title	School Director, President
Controlling Person Email Address	luke.duchene@rossvalleycharter.org
Controlling Person Street Address (no P.O. box)	102 Marinda Drive., Fairfax, CA
Controlling Person Address Line 2	He is a signatory on the
Controlling Person City	Fairfax
Controlling Person State	California
Controlling Person Zip Code	94930
Controlling Person TIN (EIN, SSN)	
ID Type	Driver's License
ID Number	

Issue Date

Expiration Date

Upload Photo ID

Owner First Name

501(c)(3)Not for profit - no owner

Owner Last Name

Other account signatories are on file at WAB

1. Is the Applicant or any owner of the Applicant presently suspended, debarred, proposed for debarment, declared ineligible, voluntarily excluded from participation in this transaction by any Federal department or agency, or presently involved in any bankruptcy?

No

2. Has the Applicant, any owner of the Applicant, or any business owned or controlled by any of them, ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is currently delinquent or has defaulted in the last 7 years and caused a loss to the government?

No

3. Is the Applicant or any owner of the Applicant an owner of any other business, or have common management with, any other business? If yes, list all such businesses and describe the relationship below.

No

4. Has the Applicant received an SBA Economic Injury Disaster Loan between January 31, 2020 and April 3, 2020? If yes, provide details below.

No

5. Is the Applicant (if an individual) or any individual owning 20% or more of the equity of the Applicant subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction, or presently incarcerated, or on probation or parole?

No

Initial here to confirm your response

CBH

6. Within the last 5 years, for any felony, has the Applicant (if an individual) or any owner of the Applicant 1) been convicted; 2) pleaded guilty; 3) pleaded nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment)?

No

Initial here to confirm your response

CBH

7. Is the United States the principal place of residence for all employees of the Applicant included in the Applicant's payroll calculation above?

Yes

8. Is the Applicant a franchise that is listed in the SBA's Franchise Directory?

No

Initial

CBH

Initial

CBH

Initial

CBH

Initial

CBH

Initial

CBH

Initial

CBH

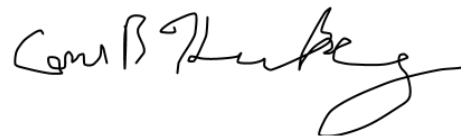
Initial

CBH

Initial

CBH

Signature of Authorized Representative of
Applicant



Type Name	Conn B. Hickey, School Business Official
Last Update	2020-04-09 10:48:41
Start Time	2020-04-09 10:14:24
Finish Time	2020-04-09 10:48:40
IP	Anonymous
Browser	Other
OS	Other
Referrer	N/A

EXHIBIT “C”

From: [Westamerica Bank](#)
To: conn.hickey@rossvalleycharter.org
Subject: Paycheck Protection Program - Application Received
Date: Thursday, April 9, 2020 4:24:07 PM



Paycheck Protection Program Application

We are writing to confirm receipt of your application for the SBA CARES Paycheck Protection Program. We are processing applications in the order they were received. Due to the high volume of applications, please allow three business days for a status update. You will be contacted by the bank via email if we need additional information to process your application.

Important Information about the Paycheck Protection Program:

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, **not every qualified applicant will receive loan proceeds under the program.**

Thank you for your patience as we work to provide the best service to all of our customers.



PO Box 1200
Suisun City, CA 94585

You are receiving this message because you completed a form request on www.westamerica.com.
Want to change how you receive these emails? You can [update your preferences](#) or [unsubscribe from this list](#).

Please do not reply to this message. This account is used for notifications only and it is not monitored. If you would like to contact Westamerica, please call 1-800-848-1088.

Westamerica respects your privacy. For a complete description of our privacy policy, go to www.westamerica.com.

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Westamerica Bank · 4550 Mangels Boulevard · A2H · Fairfield, CA 94534 · USA

EXHIBIT “D”

From: [Westamerica Bank](#)
To: conn.hickey@rossvalleycharter.org
Subject: Paycheck Protection Program
Date: Thursday, April 16, 2020 12:29:26 PM



Paycheck Protection Program - Loan Application

We are writing about your loan application for the SBA CARES Act Paycheck Protection Program. We received notification from the Small Business Administration that the program funding limits were reached on Thursday, April 16, 2020 and the SBA is no longer accepting applications.

Westamerica will continue processing and preparing submitted applications. In the event the program receives additional funding and program rules and guidance allow us to do so, we will resume submission to the SBA for loan guaranty and approval.

Thank you for your patience as we work to provide the best service to our customers.

Sincerely,

Westamerica Bank
1 (800) 848-1088

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, not every qualified applicant will receive loan proceeds under the program.



PO Box 1200
Suisun City, CA 94585

You are receiving this message because you completed a loan application on www.westamerica.com.
Want to change how you receive these emails? You can [update your preferences](#) or [unsubscribe from this list](#).

Please do not reply to this message. This account is used for notifications only and it is not monitored. If you would like to contact Westamerica, please call 1-800-848-1088.

Westamerica respects your privacy. For a complete description of our privacy policy, go to www.westamerica.com.

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EXHIBIT “E”

4/29/2020

Ross Valley Charter Mail - Paycheck Protection Program Loan Application – Information Request #12494090



Conn Hickey <conn.hickey@rossvalleycharter.org>

Paycheck Protection Program Loan Application – Information Request #12494090

1 message

SBA Lending <SBA.Lending@westamerica.com>

Sun, Apr 19, 2020 at 9:52 AM

To: "conn.hickey@rossvalleycharter.org" <conn.hickey@rossvalleycharter.org>

We received notification from the Small Business Administration that the SBA CARES Act Paycheck Protection Loan program funding limits were reached on Thursday, April 16, 2020 and they are no longer accepting applications.

Westamerica will continue processing and preparing submitted applications.

In the event the program receives additional funding and program rules and guidance allow us to do so, we will resume submission to the SBA for loan guaranty and approval.

We have received your application for processing and data verification. Your business appears to meet the criteria for a PPP loan, however we need additional information from your business to complete our processing:

Documentation submitted with your application supports a maximum loan amount of: \$270,653.00.

-

You may accept this loan amount or you may complete the attached Payroll Calculation Worksheet and return to us with corresponding documentation of 2019 payroll.

- If this loan amount is acceptable to you, please respond to this message stating the reduced loan amount is acceptable. We will proceed with our processing.
- You may complete and submit the attached Payroll Calculation Worksheet which shows your calculations of your original loan request. Respond directly to this message requesting an additional review with the completed worksheet and corresponding documentation of 2019 payroll.

If you would like to submit documents containing non-public information via a secure document portal, please notify us by replying to this email and we will send you a link.

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount as designated by the federal government. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, not every qualified applicant will receive loan proceeds under the program.

Sincerely,

Westamerica Bank

Ross Valley Elementary School District Findings accs-feb21item03
Evidencing Denial of the Ross Valley Charter Petition Attachment 5
and Petitioner's Response Page 62 of 481

4/29/2020

Ross Valley Charter Mail - Paycheck Protection Program Loan Application – Information Request #12494090

1 (800)848-1088

The Federal Equal Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of age (provided the applicant has the capacity to enter into a binding contract); color, religion, national origin, sex, marital status; because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning Westamerica Bank is: Federal Reserve Consumer Help Center, PO Box 1200, Minneapolis, MN 55840.



Loan Availability Guideline Fill In.pdf

199K

EXHIBIT “F”



April 20, 2020 Budget Draft Key Assumptions:

What follows is a four year budget with the following assumptions.

1. 2019-20 revenues remain as budgeted. This budget includes some state and federal aid for COVID 19. \$3K state money for uses related to COVID19 and \$8,000 from CARES Act. ADA is actual P2.
2. 2020-21 state LCFF cola is reduced by 5%, and cola for the next four years is zero. This is the current EdTec recommendation. Eric Premack of CSDC is recommending budgeting between zero and minus 10-20%. At minus 10%, many large school districts will likely fail, unless legislature suspends requirement to provide pink slips to tenured teachers by March 15.
3. 2020-25 salaries have no increase.
4. Non-Compensation expense rise at 1.5% per year, except health insurance costs to RVC which go up 4% per year.
5. Assumes enrollment of 215 next year and 222 the year after in 9 classrooms. ADA% is 95%, This year we closed at 94.88%, up from 94.14 in 18-19.
6. Assumes two new teachers starting next year, each earning \$68K per year with health benefits
7. No Spanish teachers (saves around \$12K per year) but art and music continue as is. There is \$51 budgeted for classroom aids, which is two classroom special education aids and two math aids, which is what we have now.
8. It includes a new expense line called Director's Contingency (Account # 5826) of \$10k, \$40, \$40K, \$30K, and \$30K in the 5 out years to fund surprises like further cola reductions. 2% additional cola reduction is around \$35K
9. The budget assumes a \$300,000 PCSD loan to fund a \$300,000 ADA project, depreciated over 8 years. There is also a 4%, 3 year amortizing \$100K loan assumed at the end of 2023-24 to pay off the PCSD loan and keep our cash flow positive in 2024-25. The elements of the project have now been estimated and \$300K seems to be a reasonable cap.
10. The resulting forecast retains a 12% minimum reserve throughout the 6 years.

The various rate assumptions are on page 9 below and the cash flow starts on page 11.

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

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Ross Valley Charter School
Multi-year Projection
As of Mar FY2020

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
SUMMARY						
Revenue						
LCFF Entitlement	1,614,981	1,711,514	1,755,252	1,750,352	1,748,366	1,745,882
Federal Revenue	45,000	41,125	43,875	44,750	44,750	44,750
Other State Revenues	144,236	163,546	169,219	169,442	169,550	169,550
Local Revenues	148,489	209,193	209,193	209,193	209,193	209,193
Fundraising and Grants	180,525	203,800	210,240	210,240	210,240	210,240
Total Revenue	2,133,231	2,329,178	2,387,779	2,383,977	2,382,099	2,379,615
Expenses						
Compensation and Benefits	1,518,231	1,619,341	1,620,226	1,624,468	1,628,879	1,623,731
Books and Supplies	21,390	30,943	29,715	30,100	30,492	30,889
Services and Other Operating Expenditures	526,638	614,964	656,706	669,056	671,800	684,916
Depreciation	5,015	41,738	44,863	44,863	41,576	38,280
Other Outflows	-	14,220	4,976	4,257	3,856	3,311
Total Expenses	2,071,274	2,321,205	2,356,485	2,372,743	2,376,602	2,381,127
Operating Income	61,957	7,973	31,293	11,234	5,496	(1,513)
Fund Balance						
Beginning Balance (Unaudited)	204,167	266,124	274,097	305,390	316,624	322,120
Audit Adjustment						
Beginning Balance (Audited)	204,167	266,124	274,097	305,390	316,624	322,120
Operating Income	61,957	7,973	31,293	11,234	5,496	(1,513)
Ending Fund Balance	266,124	274,097	305,390	316,624	322,120	320,608
Total Revenue Per ADA	11,615	11,404	11,322	11,304	11,295	11,283
Total Expenses Per ADA	11,278	11,365	11,173	11,251	11,269	11,290
Operating Income Per ADA	337	39	148	53	26	(7)
Fund Balance as a % of Expenses	13%	12%	13%	13%	14%	13%

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
Key Assumptions						
Enrollment Breakdown						
TK	10	13	-	6	6	6
K	27	36	36	30	30	30
1	31	32	36	36	36	36
2	35	34	36	36	36	36
3	29	41	36	36	36	36
4	29	32	39	39	39	39
5	34	28	39	39	39	39
Total Enrolled	195	215	222	222	222	222
ADA %						
K-3	93.7%	95.0%	95.0%	95.0%	95.0%	95.0%
4-6	95.3%	95.0%	95.0%	95.0%	95.0%	95.0%
Average ADA %	94.2%	95.0%	95.0%	95.0%	95.0%	95.0%
ADA						
K-3	124	147	137	137	137	137
4-6	60	57	74	74	74	74
Total ADA	184	204	211	211	211	211
Demographic Information						
CALPADS Enrollment (for unduplicated % calc)	193	215	222	222	222	222
# Unduplicated (CALPADS)	63	62	65	62	60	60
# Free & Reduced Lunch (CALPADS)	55	61	63	63	63	63
# ELL (CALPADS)	33	37	38	38	38	38
New Students	35	22	7	-	-	-
School Information						
FTE's	18.7	19.6	19.5	19.5	19.5	19.5
Teachers	10	11	11	11	11	11
Certificated Pay Increases		0%	0%	0%	0%	0%
Classified Pay Increases		0%	0%	0%	0%	0%
# of school days	179	179	179	179	179	179
Default Expense Inflation Rate		2%	2%	2%	2%	2%

Ross Valley Elementary School District Findings
 Evidencing Denial of the Ross Valley Charter Petition
 and Petitioner's Response

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Ross Valley Charter School
Multi-year Projection
As of Mar FY2020

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
8804 Fundraising - Fund Development	-	-	-	-	-	-
8811 Net Readathon Revenue	37,050	40,850	42,180	42,180	42,180	42,180
8812 Net Auction Revenue	4,875	10,750	11,100	11,100	11,100	11,100
SUBTOTAL - Fundraising and Grants	180,525	203,800	210,240	210,240	210,240	210,240
TOTAL REVENUE	2,133,231	2,329,178	2,387,779	2,383,977	2,382,099	2,379,615

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
EXPENSES						
Compensation & Benefits						
Certificated Salaries						
1100 Teachers Salaries	660,748	714,630	714,630	714,630	714,630	714,630
1103 Teacher - Substitute Pay	6,591	8,250	8,250	8,250	8,250	8,250
1148 Teacher - Special Ed	109,980	109,980	109,980	109,980	109,980	109,980
1200 Certificated Pupil Support Salaries	35,419	34,632	34,632	34,632	34,632	34,632
1300 Certificated Supervisor & Administrator Salaries	112,200	112,200	112,200	112,200	112,200	112,200
SUBTOTAL - Certificated Salaries	924,938	979,692	979,692	979,692	979,692	979,692
Classified Salaries						
2101 Classified - Electives	69,100	63,770	61,995	61,995	61,995	61,995
2103 Classified - Classroom Aides	64,415	51,737	51,737	51,737	51,737	51,737
2300 Classified Supervisor & Administrator Salaries	54,863	59,850	59,850	59,850	59,850	59,850
2400 Classified Clerical & Office Salaries	43,000	44,000	44,000	44,000	44,000	44,000
2905 Other Classified - After School	36,495	51,810	51,810	51,810	51,810	51,810
2930 Custodian	24,600	24,600	24,600	24,600	24,600	24,600
SUBTOTAL - Classified Salaries	292,472	295,767	293,992	293,992	293,992	293,992
Employee Benefits						
3100 STRS	157,935	180,263	177,324	177,324	177,324	177,324
3300 OASDI-Medicare-Alternative	35,869	36,832	36,696	36,696	36,696	36,696
3400 Health & Welfare Benefits	80,359	100,260	106,038	110,279	114,690	119,278
3500 Unemployment Insurance	12,050	11,222	11,201	11,201	11,201	1,466
3600 Workers Comp Insurance	14,609	15,306	15,284	15,284	15,284	15,284
SUBTOTAL - Employee Benefits	300,822	343,882	346,543	350,784	355,195	350,048
Books & Supplies						
4100 Approved Textbooks & Core Curricula Materials	1,370	1,075	1,127	1,144	1,161	1,178
4200 Books & Other Reference Materials	-	1,505	1,577	1,601	1,625	1,649
4320 Educational Software	500	1,000	1,015	1,030	1,046	1,061
4325 Instructional Materials & Supplies	2,000	4,300	4,507	4,574	4,643	4,712
4326 Art & Music Supplies	1,000	1,500	1,523	1,545	1,569	1,592

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
4330 Office Supplies	1,500	2,000	1,200	1,218	1,236	1,255
4335 PE Supplies	-	360	365	371	376	382
4346 Teacher Supplies	3,200	4,000	4,000	4,000	4,000	4,000
4410 Classroom Furniture, Equipment & Supplies	120	2,000	1,000	1,015	1,030	1,046
4420 Computers: individual items less than \$5k	-	1,500	1,523	1,545	1,569	1,592
4430 Non Classroom Related Furniture, Equipment & Supplies	1,000	1,000	1,015	1,030	1,046	1,061
4710 Student Food Services	10,500	10,500	10,658	10,817	10,980	11,144
4720 Other Food	200	203	206	209	212	215
SUBTOTAL - Books and Supplies	21,390	30,943	29,715	30,100	30,492	30,889
Services & Other Operating Expenses						
5200 Travel & Conferences	250	1,000	1,015	1,030	1,046	1,061
5300 Dues & Memberships	1,800	1,827	1,854	1,882	1,910	1,939
5450 Insurance - Other	21,000	21,315	22,168	23,054	23,976	24,936
5515 Janitorial, Gardening Services & Supplies	2,500	2,538	2,576	2,614	2,653	2,693
5525 Utilities - Waste	4,400	4,466	4,533	4,601	4,670	4,740
5535 Utilities - PGE & Sewer	12,000	15,500	15,733	15,968	16,208	16,451
5605 Equipment Leases	4,500	4,568	4,636	4,706	4,776	4,848
5610 Rent	168,980	187,625	193,254	199,051	205,023	211,174
5615 Repairs and Maintenance - Building	3,000	5,125	5,202	5,280	5,359	5,439
5803 Accounting Fees	12,600	13,600	13,804	14,011	14,221	14,435
5805 SELPA and other administrative Fees	3,780	4,267	4,472	4,539	4,607	4,676
5812 Business Services	65,025	67,626	70,331	73,144	76,070	79,113
5824 CDE Oversight Fees	16,150	17,115	17,553	17,504	17,484	17,459
5826 Directors Contingency	-	10,000	40,000	40,000	30,000	30,000
5828 Aftercare Expenses	7,400	1,025	1,040	1,056	1,072	1,088
5829 After school Enrichment Program	82,000	120,000	120,000	120,000	120,000	120,000
5830 Field Trips Expenses	800	15,595	15,829	16,066	16,307	16,552
5836 Fingerprinting	-	200	203	206	209	212
5843 Interest - Loans	1,000	900	-	-	-	-
5845 Legal Fees	5,000	5,075	5,151	5,228	5,307	5,386
5851 Marketing and Student Recruiting	15,500	15,733	15,968	16,208	16,451	16,698
5854 Counselling Contracting	5,890	14,700	14,921	15,144	15,371	15,602
5855 MH SPED Contractors	5,000	5,075	5,151	5,228	5,307	5,386
5857 Payroll Fees	3,240	3,289	3,338	3,388	3,439	3,490
5861 Prior Yr Exp (not accrued)	13,259	5,000	5,075	5,151	5,228	5,307
5863 Professional Development	9,000	15,000	15,225	15,453	15,685	15,920

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

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**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
5869 Special Education Contract Instructors	43,000	35,255	35,784	36,321	36,865	37,418
5875 Staff Recruiting	1,300	700	711	721	732	743
5880 Student Health Services	1,200	1,218	1,236	1,255	1,274	1,293
5881 Student Information System	3,664	3,719	3,775	3,831	3,889	3,947
5887 Technology Services	2,000	4,100	4,162	4,224	4,287	4,352
5910 Communications - Internet / Website Fees	5,000	5,075	5,151	5,228	5,307	5,386
5915 Postage and Delivery	400	645	676	686	696	707
5920 Communications - Telephone & Fax	6,000	6,090	6,181	6,274	6,368	6,464
SUBTOTAL - Services & Other Operating Exp.	526,638	614,964	656,706	669,056	671,800	684,916
Depreciation Expense						
6900 Depreciation	5,015	41,738	44,863	44,863	41,576	38,280
SUBTOTAL - Depreciation Expense	5,015	41,738	44,863	44,863	41,576	38,280
Other Outflows						
7438 Long term debt - Interest	-	14,220	4,976	4,257	3,856	3,311
SUBTOTAL - Other Outflows	-	14,220	4,976	4,257	3,856	3,311
TOTAL EXPENSES	2,071,274	2,321,205	2,356,485	2,372,743	2,376,602	2,381,127

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

Ross Valley Charter School
2019-20
As of Mar FY2020

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25	Driver/ Rate Type
Revenues and related expenses							
Statewide LCFF Assumptions							
LCFF COLA	3.26%	-5.00%	0.00%	0.00%	0.00%	0.00%	
TK-3 LCFF Base	7,702	7,317	7,317	7,317	7,317	7,317	
4-6 LCFF Base	7,818	7,427	7,427	7,427	7,427	7,427	
TK-3 Gr Span Adj	801	761	761	761	761	761	
School LCFF Assumptions							
LCFF per ADA	8,793	8,380	8,323	8,299	8,290	8,278	
ILPT per ADA	900	800	800	800	800	800	
Unduplicated Pupil % (3 year avg)	31.04%	30.63%	30.16%	28.68%	28.08%	27.33%	
District UPP	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	
Other Federal and State Revenues							
EDCOE SELPA Federal Rate	125.00	125.00	125.00	125.00	125.00	125.00	Prior Year Enrollment
EDCOE SELPA State Rate	538.00	552.00	552.00	552.00	552.00	552.00	ADA
Mandated Cost Reimbursements: K-8	16.86	17.25	17.72	18.22	18.73	18.73	Prior Year Enrollment
Mandated Cost Reimbursements: 9-12	46.87	47.94	49.24	50.63	52.06	52.06	Prior Year Enrollment
State Lottery Unrestricted	153.00	153.00	153.00	153.00	153.00	153.00	ADA
State Lottery Restricted	54.00	54.00	54.00	54.00	54.00	54.00	ADA
Fees							
Authorizer Fees	1.00%	1.00%	1.00%				% of LCFF
Special Education Encroachment Fees		0.00	0.00				
Payroll							
Annual Pay Increase							
Certificated		0.00%	0.00%	0.00%	0.00%	0.00%	
Classified		0.00%	0.00%	0.00%	0.00%	0.00%	
Benefits							
STRS	17.10%	18.40%	18.10%	18.10%	18.10%	18.10%	% of eligible payroll
Social Security	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	% of eligible payroll
Medicare	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	% of total payroll
H&W average annual increase		4.00%	4.00%	4.00%	4.00%	4.00%	

Ross Valley Elementary School District Findings
 Evidencing Denial of the Ross Valley Charter Petition
 and Petitioner's Response

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FUTA %	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	% of eligible payroll
FUTA Tax Base	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	
SUTA %	4.69%	4.66%	4.65%	4.65%	4.65%		% of eligible payroll
SUTA Tax Base	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	
ETT (part of SUTA)	\$7	\$7	\$7	\$7	\$7	\$7	Annual rate per employee
Workers Comp	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	% of total payroll

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2019-20												Forecast	Remaining Balance
	Actuals & Forecast													
	Jul Actuals	Aug Actuals	Sep Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	Apr Forecast	May Forecast	Jun Forecast		
Beginning Cash	311,734	330,622	284,859	203,981	237,662	215,668	179,614	131,952	132,868	136,233	138,722	250,817		
REVENUE														
LCFF Entitlement	-	65,657	65,612	125,803	118,101	118,101	118,101	129,627	-	285,845	262,727	138,757	1,614,981	186,650
Federal Revenue	-	-	-	-	-	-	-	-	-	25,167	4,917	667	45,000	14,250
Other State Revenue	4,000	4,000	7,201	7,201	7,201	9,798	7,201	8,180	20,332	5,685	20,314	11,076	144,236	32,047
Other Local Revenue	816	26,906	8,411	37,139	10,354	19,525	25,599	17,500	164,217	(168,247)	11,406	(5,135)	148,489	-
Fundraising & Grants	1,289	166	14,401	46,123	38,814	22,836	5,822	49	45,783	3,635	10,801	6,408	180,525	(15,600)
TOTAL REVENUE	6,105	96,729	95,626	216,266	174,470	170,260	156,722	155,356	230,332	152,084	310,165	151,772	2,133,231	217,347
EXPENSES														
Certificated Salaries	66,530	73,568	78,505	79,400	80,890	77,110	77,544	81,272	42,128	105,955	82,020	80,017	924,938	-
Classified Salaries	519	6,691	32,344	35,316	27,116	24,418	24,824	27,923	13,290	34,852	34,429	28,835	292,472	1,917
Employee Benefits	34,218	21,612	23,433	15,054	25,534	24,035	38,292	27,142	7,418	30,379	30,527	23,032	300,822	147
Books & Supplies	50	578	2,826	460	153	4,548	2,305	3,016	486	2,400	908	3,661	21,390	-
Services & Other Operating Expenses	31,594	28,241	35,677	38,452	42,769	62,242	48,023	41,247	45,057	32,076	43,804	51,391	526,638	26,066
Capital Outlay & Depreciation	-	-	-	-	-	864	144	144	144	418	418	2,883	5,015	-
Other Outflows	-	-	-	-	-	-	-	1,682	22,058	(23,740)	-	-	-	-
TOTAL EXPENSES	132,910	130,689	172,785	168,682	176,461	193,216	191,132	182,426	130,580	182,339	192,106	189,818	2,071,274	28,129
Operating Cash Inflow (Outflow)	(126,806)	(33,961)	(77,159)	47,584	(1,991)	(22,956)	(34,410)	(27,070)	99,752	(30,256)	118,058	(38,047)	61,957	189,218
Revenues - Prior Year Accruals	167,083	356	-	-	7,735	-	-	646	-	25,355	-	-	-	-
Other Assets	19,506	-	-	-	-	(625)	-	-	-	-	-	-	-	-
Fixed Assets	-	-	-	(566)	(14,401)	864	84	144	(3,856)	(3,093)	418	2,883	-	-
Expenses - Prior Year Accruals	-	(3,850)	-	-	-	-	-	2,469	-	(34,475)	-	-	-	-
Accounts Payable - Current Year	(36,341)	(1,848)	(797)	-	-	-	-	38,064	(89,404)	51,340	-	-	-	-
Summerholdback for Teachers	(4,555)	206	412	412	412	412	413	413	207	424	424	424	424	424
Loans Payable (Current)	-	(6,667)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)
Loans Payable (Long Term)	-	-	-	(10,416)	(10,416)	(10,416)	(10,416)	(10,416)	-	(3,472)	(3,472)	(3,472)	-	-
Ending Cash	330,622	284,859	203,981	237,662	215,668	179,614	131,952	132,868	136,233	138,722	250,817	209,272		

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2020-21												Forecast	Remaining Balance
	Actuals & Forecast													
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast		
Beginning Cash	209,272	440,606	246,238	155,703	137,542	103,671	48,045	107,463	88,220	113,383	216,843	311,493		
REVENUE														
LCFF Entitlement	-	67,766	67,766	131,162	121,979	121,979	212,862	121,979	185,048	197,319	225,898	185,048	1,711,514	72,710
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	12,063	4,250	-	41,125	16,313
Other State Revenue	289	5,230	5,230	9,182	9,182	12,350	9,182	19,109	11,970	11,970	21,897	11,970	163,546	35,986
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693
Fundraising & Grants	12,183	12,183	12,183	12,850	12,850	16,616	12,850	12,850	53,523	9,261	21,966	14,484	203,800	-
TOTAL REVENUE	13,559	121,891	97,291	202,147	161,747	177,189	269,773	182,199	254,230	221,841	289,597	204,012	2,329,178	133,701
EXPENSES														
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-
Classified Salaries	4,988	11,042	29,697	30,777	25,350	26,430	25,350	30,777	29,697	26,430	29,697	23,531	295,767	2,000
Employee Benefits	32,906	27,145	32,818	29,534	28,347	28,429	32,836	29,534	29,452	26,995	27,456	18,277	343,882	153
Books & Supplies	1,704	1,704	2,347	1,704	1,704	5,447	1,704	4,687	1,704	2,080	1,704	4,457	30,943	-
Services & Other Operating Expenses	36,532	35,033	40,195	60,857	43,846	76,137	54,095	39,009	70,763	(23,080)	49,071	95,777	614,964	36,728
Capital Outlay & Depreciation	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	41,738	-
Other Outflows	500	495	490	486	481	476	471	466	461	456	452	8,985	14,220	-
TOTAL EXPENSES	137,676	159,246	193,806	211,616	186,921	224,114	201,649	192,732	220,335	120,076	196,637	237,514	2,321,205	38,881
Operating Cash Inflow (Outflow)	(124,117)	(37,355)	(96,514)	(9,469)	(25,175)	(46,925)	68,124	(10,533)	33,895	101,764	92,960	(33,502)	7,973	94,820
Revenues - Prior Year Accruals	205,695	7,402	4,250	-	-	-	-	-	-	-	-	-	-	-
Other Assets	15,805	-	-	-	-	-	-	-	-	-	-	-	-	-
Fixed Assets	(146,522)	(146,522)	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	-
Expenses - Prior Year Accruals	(11,980)	(16,150)	-	-	-	-	-	-	-	-	-	-	-	-
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Summerholdback for Teachers	(4,664)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	-
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Loans Payable (Long Term)	297,116	(2,889)	(2,894)	(13,315)	(13,320)	(13,324)	(13,329)	(13,334)	(13,355)	(2,928)	(2,933)	(106,438)	-	-
Ending Cash	440,606	246,238	155,703	137,542	103,671	48,045	107,463	88,220	113,383	216,843	311,493	176,177		

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2021-22													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast			
Beginning Cash	176,177	125,112	101,212	18,124	25,700	15,810	(15,391)	71,600	77,431	106,417	202,314	291,704			
REVENUE															
LCFF Entitlement	-	74,783	74,783	144,822	134,609	134,609	229,182	134,609	178,092	189,302	220,272	178,092	1,755,252	62,097	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,438	4,250	-	43,875	17,688	
Other State Revenue	299	5,936	5,936	10,446	10,446	14,065	10,446	21,486	11,180	11,180	22,220	11,180	169,219	34,399	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-	
TOTAL REVENUE	13,965	130,011	105,411	217,467	176,037	192,054	287,753	197,603	248,206	214,689	284,988	196,717	2,387,779	122,877	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000	
Employee Benefits	33,350	27,212	32,850	29,573	28,393	28,476	32,874	29,573	29,490	27,043	27,497	18,019	346,543	2,192	
Books & Supplies	1,588	1,588	2,241	1,588	1,588	5,388	1,588	4,616	1,588	1,971	1,588	4,383	29,715	-	
Services & Other Operating Expenses	37,633	35,970	41,148	61,139	44,797	77,162	55,151	39,993	71,631	(22,450)	50,002	97,221	656,706	67,310	
Capital Outlay & Depreciation	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	44,863	-	
Other Outflows	442	437	432	427	422	417	412	407	402	397	392	387	4,976	-	
TOTAL EXPENSES	139,308	160,338	194,681	211,817	187,849	225,171	202,673	193,679	221,122	120,689	197,490	230,165	2,356,485	71,502	
Operating Cash Inflow (Outflow)	(125,343)	(30,327)	(89,270)	5,650	(11,812)	(33,118)	85,080	3,924	27,085	94,000	87,498	(33,448)	31,293	51,374	
Revenues - Prior Year Accruals	107,846	21,606	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	
Expenses - Prior Year Accruals	(21,766)	(17,115)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	(2,942)	(2,947)	(2,952)	(2,957)	(2,962)	(2,967)	(2,972)	(2,977)	(2,982)	(2,987)	(2,992)	(2,997)			
Ending Cash	125,112	101,212	18,124	25,700	15,810	(15,391)	71,600	77,431	106,417	202,314	291,704	260,143			

Ross Valley Elementary School District Findings
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2022-23													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast			
Beginning Cash	260,143	164,473	138,760	54,502	80,357	71,114	40,669	136,870	143,654	157,913	239,069	314,026			
REVENUE															
LCFF Entitlement	-	76,973	76,973	166,177	138,551	138,551	241,766	138,551	167,216	177,761	209,396	167,216	1,750,352	51,221	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,875	4,250	-	44,750	18,125	
Other State Revenue	299	6,120	6,120	10,776	10,776	14,619	10,776	22,176	10,776	10,776	22,176	10,776	169,442	33,276	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-	
TOTAL REVENUE	13,965	132,384	107,784	239,153	180,309	196,549	300,668	202,234	236,926	203,182	274,068	185,437	2,383,977	111,315	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000	
Employee Benefits	33,697	27,386	33,024	29,746	28,567	28,649	33,047	29,746	29,663	27,216	27,670	18,019	350,784	4,354	
Books & Supplies	1,607	1,607	2,269	1,607	1,607	5,464	1,607	4,680	1,607	1,995	1,607	4,444	30,100	-	
Services & Other Operating Expenses	38,768	36,935	42,125	61,991	45,866	78,288	56,299	41,070	72,522	(21,778)	50,959	98,603	669,056	67,407	
Capital Outlay & Depreciation	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	44,863	-	
Other Outflows	382	377	372	367	362	357	352	347	342	337	332	327	4,257	-	
TOTAL EXPENSES	140,750	161,435	195,801	212,801	189,051	226,487	203,954	194,933	222,145	121,499	198,579	231,547	2,372,743	73,761	
Operating Cash Inflow (Outflow)	(126,784)	(29,051)	(88,017)	26,352	(8,741)	(29,938)	96,713	7,301	14,782	81,683	75,489	(46,110)	11,234	37,554	
Revenues - Prior Year Accruals	97,249	21,378	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	
Expenses - Prior Year Accruals	(51,911)	(17,553)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	(5,366)	(5,371)	(5,376)	(5,381)	(5,386)	(5,391)	(5,396)	(5,401)	(5,406)	(5,411)	(5,416)	(5,421)	(5,421)	(5,421)	
Ending Cash	164,473	138,760	54,502	80,357	71,114	40,669	136,870	143,654	157,913	239,069	314,026	267,379			

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2023-24													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast	Forecast		
Beginning Cash	267,379	158,815	131,504	45,934	53,456	42,736	10,808	97,144	102,397	120,442	205,598	284,275			
REVENUE															
LCFF Entitlement	-	76,873	76,873	148,917	138,372	138,372	233,277	138,372	172,116	182,661	214,296	172,116	1,748,366	56,121	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,875	4,250	-	44,750	18,125	
Other State Revenue	299	6,120	6,120	10,776	10,776	14,726	10,776	22,176	10,776	10,776	22,176	10,776	169,550	33,276	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-	
TOTAL REVENUE	13,965	132,285	107,685	221,893	180,131	196,478	292,179	202,056	241,826	208,082	278,968	190,337	2,382,099	116,215	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000	
Employee Benefits	34,051	27,563	33,200	29,923	28,743	28,826	33,224	29,923	29,840	27,393	27,847	18,019	355,195	6,643	
Books & Supplies	1,626	1,626	2,298	1,626	1,626	5,541	1,626	4,745	1,626	2,020	1,626	4,505	30,492	-	
Services & Other Operating Expenses	39,941	37,929	43,131	62,868	46,968	79,447	57,480	42,180	73,440	(21,081)	51,943	100,019	671,800	57,536	
Capital Outlay & Depreciation	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	41,576	-	
Other Outflows	322	317	312	306	301	296	291	286	281	276	270	599	3,856	-	
TOTAL EXPENSES	141,961	162,290	196,678	213,540	190,014	227,564	204,996	195,950	222,923	122,063	199,423	233,022	2,376,602	66,179	
Operating Cash Inflow (Outflow)	(127,995)	(30,005)	(88,993)	8,353	(9,883)	(31,086)	87,183	6,105	18,903	86,019	79,545	(42,685)	5,496	50,036	
Revenues - Prior Year Accruals	86,047	21,018	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	3,465	
Expenses - Prior Year Accruals	(52,057)	(17,504)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	(5,426)	(5,431)	(5,436)	(5,442)	(5,447)	(5,452)	(5,457)	(5,462)	(5,467)	(5,472)	(5,478)	(7,364)	-	-	
Ending Cash	158,815	131,504	45,934	53,456	42,736	10,808	97,144	102,397	120,442	205,598	284,275	238,836			

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2024-25													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast			
Beginning Cash	238,836	146,714	121,356	40,622	50,099	40,615	9,809	101,198	108,119	128,079	214,877	294,914			
REVENUE															
LCFF Entitlement	-	76,749	76,749	148,693	138,148	138,148	233,053	138,148	171,892	182,437	214,072	171,892	1,745,882	55,897	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,875	4,250	-	44,750	18,125	
Other State Revenue	299	6,120	6,120	10,776	10,776	14,726	10,776	22,176	10,776	10,776	22,176	10,776	169,550	33,276	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-	
TOTAL REVENUE	13,965	132,161	107,561	221,669	179,907	196,254	291,955	201,832	241,602	207,858	278,744	190,113	2,379,615	115,992	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000	
Employee Benefits	33,925	27,256	29,973	29,616	28,924	29,006	29,510	29,616	29,534	27,574	28,028	18,019	350,048	9,067	
Books & Supplies	1,645	1,645	2,328	1,645	1,645	5,619	1,645	4,811	1,645	2,045	1,645	4,568	30,889	-	
Services & Other Operating Expenses	41,152	38,953	44,165	63,772	48,104	80,638	58,694	43,324	74,385	(20,357)	52,955	101,469	684,916	57,662	
Capital Outlay & Depreciation	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	38,280	-	
Other Outflows	325	316	307	298	289	281	272	263	254	245	236	227	3,311	-	
TOTAL EXPENSES	142,794	162,752	194,235	213,874	191,063	228,724	202,221	196,556	223,279	122,687	200,326	233,888	2,381,127	68,729	
Operating Cash Inflow (Outflow)	(128,828)	(30,591)	(86,674)	7,796	(11,156)	(32,469)	89,734	5,276	18,323	85,171	78,418	(43,775)	(1,513)	47,263	
Revenues - Prior Year Accruals	90,947	21,018	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	3,190	-	
Expenses - Prior Year Accruals	(42,205)	(17,484)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	-	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	(2,628)	(2,637)	(2,645)	(2,654)	(2,663)	(2,672)	(2,681)	(2,690)	(2,699)	(2,708)	(2,717)	(2,726)	-	-	
Ending Cash	146,714	121,356	40,622	50,099	40,615	9,809	101,198	108,119	128,079	214,877	294,914	252,749			

EXHIBIT “G”

From: [Conn Hickey](#)
To: [SBA Lending](#)
Subject: Re: Paycheck Protection Program Loan Application – Information Request #12494090
Date: Thursday, April 23, 2020 10:27:22 AM

Dear Westamerica

We accept your counter offer.

Conn Hickey
Business Official
Ross Valley Charter

On Sun, Apr 19, 2020 at 9:52 AM SBA Lending <SBA.Lending@westamerica.com> wrote:

We received notification from the Small Business Administration that the SBA CARES Act Paycheck Protection Loan program funding limits were reached on Thursday, April 16, 2020 and they are no longer accepting applications.

Westamerica will continue processing and preparing submitted applications.

In the event the program receives additional funding and program rules and guidance allow us to do so, we will resume submission to the SBA for loan guaranty and approval.

We have received your application for processing and data verification. Your business appears to meet the criteria for a PPP loan, however we need additional information from your business to complete our processing:

Documentation submitted with your application supports a maximum loan amount of:
\$270,653.00.

You may accept this loan amount or you may complete the attached Payroll Calculation Worksheet and return to us with corresponding documentation of 2019 payroll.

- If this loan amount is acceptable to you, please respond to this message stating the reduced loan amount is acceptable. We will proceed with our processing.
- You may complete and submit the attached Payroll Calculation Worksheet which shows your calculations of your original loan request. Respond directly to this message requesting an additional review with the completed worksheet and corresponding documentation of 2019 payroll.

If you would like to submit documents containing non-public information via a secure document portal, please notify us by replying to this email and we will send you a link.

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount as designated by the federal government. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, not every qualified applicant will receive loan proceeds under the program.

Sincerely,

Westamerica Bank

1 (800)848-1088

The Federal Equal Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of age (provided the applicant has the capacity to enter into a binding contract); color, religion, national origin, sex, marital status; because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning Westamerica Bank is: Federal Reserve Consumer Help Center, PO Box 1200, Minneapolis, MN 55840.

EXHIBIT “H”



**REGULAR MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

April 23, 2020 7 p.m.

Ross Valley Charter School 102 Marinda Drive, Fairfax, CA

For Agenda and Supplemental Materials to go:

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2020-04-23-regular-meeting>

Access to Board Materials: A copy of the written materials which will be submitted to the School Board may be reviewed by any interested persons on The Ross Valley Charter School website listed above, along with this agenda, following the posting of the agenda at least 72 hours in advance of this meeting. Supplemental materials and written reports shall be posted as they become available.

Disability Access: Requests for disability-related modifications or accommodations to participate in this public meeting should be made 24 hours prior to the meeting by calling (415) 534-6970. All efforts will be made for reasonable accommodations. The agenda and public documents can be modified upon request as required by Section 202 of the Americans with Disabilities Act.

Board Members:

Sharon Sagar, Chair

Amy Gramajo

Kristi Kimball

John Kirk

Cheryl Flick

Sonya Stanley

**INSTRUCTIONS FOR PRESENTATIONS TO
THE BOARD BY PARENTS AND CITIZENS**

The Ross Valley Charter School ("School") welcomes your participation at the School's Board meetings. The purpose of a public meeting of the Board of Trustees ("Board") is to conduct the affairs of the School in public. Your participation assures us of continuing community interest in our School.

A few agendas are available at the meeting (when we return to in-person meetings.) Supplementary materials will not be available in paper form.

When addressing the Board, speakers are requested to state their name and city (however this is not required), adhere to the time limits set forth and respect the Meeting Norms and Procedural Guidelines outlined below in the Section on Communications.

This meeting will be by teleconference pursuant to Executive Orders N-25-20 and N-29-20.

The Board and employees of Ross Valley Charter School shall meet via the Zoom meeting platform. Members of the public who wish to access this Board meeting may do so at <https://us02web.zoom.us/j/9814265913>. You may also call in using the Zoom phone number:

1 669 900 9128 (meeting ID# 981 426 5913).

Members of the public who wish to comment during the Board meeting may use the “raise hand” tool on the Zoom platform. Members of the public calling in will be given the opportunity to address the Board during the meeting. Individual comments will be limited to three (3) minutes. If an interpreter is needed for comments, they will be translated to English and the time limit shall be six (6) minutes. The Board may limit the total time for public comment to a reasonable time. The Board reserves the right to mute or remove a participant from the meeting if the participant unreasonably disrupts the Board meeting.

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present(Remotely)	Absent
Kristi Kimball	_____	_____
John Kirk	_____	_____
Cheryl Flick	_____	_____
Amy Gramajo	_____	_____
Sharon Sagar, Chair	_____	_____
Sonya Stanley	_____	_____

**C. APPROVAL OF AGENDA OF SPECIAL BOARD MEETING OF APRIL 23, 2020.
 ROLL CALL VOTE**

II. COMMUNICATION

A. REVIEW of MEETING NORMS

1. Speak respectfully, avoiding blame and inflammatory language and raised voices.
2. Listen respectfully without interrupting.
3. Listen actively and try to understand others’ views.
4. Don’t roll your eyes, make faces or audibly react while someone is speaking.
5. Be concise when it is your turn to speak.
6. Assume others’ good intentions.
7. Keep on the topic under discussion.

8. Politely enforce ground rules.
9. Remember to mute cell phones.

B. REVIEW PROCEDURAL GUIDELINES for Public Discussion on Agendized Items

1. Presentation by Staff, Officers or Guest Presenters
2. Board discussion, questions, clarifications
3. All Public Comment taken at once. Individuals will be limited to three minutes per speaker unless Board Chair determines that the number of speakers warrants a reduction to a lesser amount of time. The board or Officers will not respond during public comment time. Questions will be noted and answered as outlined in next bullet.
4. Board or officers attempt to answer questions regarding agendized items. Questions that seek information or clarifications will attempt to be answered. Questions that are deemed to violate meeting norms above or to be argumentative in nature will not be responded to.
5. Any remaining Board discussion, questions, clarifications, deliberation and motion and vote if appropriate.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

No individual comment shall be for more than three (3) minutes (with the exception of translated comments) and the total time for this purpose shall not exceed (15) minutes. The Board may decide to continue this item to the end of the meeting in order to facilitate the scheduled items on the agenda. Ordinarily, Board members will not respond to comments and no action can be taken. However, staff may respond, and the Board may give direction to staff.

D. For Information: School Director

This is a presentation of information and activities that have occurred since the previous Board meeting. These topics are informational only and no action will be taken by the board.

E. For Information: Board/Staff Information Updates

Board and staff present information updates since the previous Board meeting.

III. GENERAL ITEMS

A. ENROLLMENT REPORT AND 2020/21 STAFFING UPDATE

We will review our enrollment numbers and predictions for the upcoming school year, as well as related staffing recommendations.

DISCUSSION/ROLL CALL VOTE

B. LCAP UPDATE

We will discuss any recommended modification to our LCAP plan cycle given the conditions imposed by stay-in-place orders.

DISCUSSION

C. SCHOOL LUNCH PROGRAM

We will discuss potential needed changes to our school lunch program given realities of COVID-19 on costs and lunch service model.

DISCUSSION/ROLL CALL VOTE

D. BUDGET/FUNDRAISING UPDATES

We will be discussing guidance on our 2020-2021 Budget given the expected economic fallout from COVID-19.

DISCUSSION/ROLL CALL VOTE

IV. CONSENT AGENDA ITEMS

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion in the form listed below. Unless specifically requested by a Board member for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board votes on them. The School Director recommends approval of all consent agenda items.

- A. Minutes of March 9 Regular and Special meetings
- B. Minutes of April 2 Special Meeting
- C. Personnel Update

ROLL CALL VOTE INDIVIDUALLY OR COLLECTIVELY

V. FUTURE MEETING NEEDS AND TOPICS – trustee requests of topics for future meetings

VI. MEETING REVIEW AND EVALUATION

A. Quick Evaluation of Meeting to improve process for future meetings

VII. ADJOURNMENT
ROLL CALL VOTE



**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

**Ross Valley Charter School 102 Marinda Drive, Fairfax CA
For Agenda and Supplemental Materials go to:**

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2020-04-23-regular-meeting>

April 23, 2020 7:06 P.M. via Zoom video conference

Board Members:

**Sharon Sagar, Chair
Amy Gramajo
Kristi Kimball
John Kirk
Cheryl Flick
Sonya Stanley**

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present	Absent
Kristi Kimball	-	X
Amy Gramajo	X	
John Kirk	X	
Cheryl Flick	X	
Sharon Sagar, Chair	X	
Sonya Stanley	X	

C. APPROVAL OF AGENDA OF REGULAR BOARD MEETING OF April 23, 2020.

Approval of the Agenda was duly moved, seconded and approved by roll call vote 5-0-1.

II. COMMUNICATION

C. No public comment on items not on the agenda.

D. School Director Update

- Shared distance learning K/1 survey with teachers. Broad range of family needs.
- Finished interviews for K/1 and 2/3 teachers. Offered positions to two candidates.
- Looking at LCAP data for next board meeting.

- Many holes in county/state/federal support for struggling families. Focusing on food and housing security and tech access.
- Sharing FSACC fundraiser. Children's Center served 144 meals yesterday. Working with Marilyn, Jen and Torri.

E. Board/Staff Update

- Teachers are finding a better rhythm with distance learning. More face-to-face interacting.
- Not hearing from some kids. Teachers, Torri and Marilyn following up with these families by phone, online meetings, mailings, and school work deliveries as needed.
- Parents working on 5th grade graduation ceremony.
- Working on ways to get work out to families.
- Ms. Sagar call with superintendents today re kids dropping off in current climate.
- ADA construction project: may need to look for another funder. Continuing with plans and permits while waiting.

III. **GENERAL ITEMS**

A. ENROLLMENT REPORT AND 2020/21 STAFFING UPDATE– see chart

- 192 currently enrolled.
- 69 newly enrolled for next year.
- Projecting 212 students.
- Class loading scenarios for 2020/21: Nine non-standard class configuration (see tables).
- Based on 94% enrollment assumption.
- Nine non-standard keeps TK/K/1 classes smaller. All teachers roll up after one year.
- Using assistants and rearranging student numbers to more effectively teach math.

No public comment.

B. LCAP UPDATE

- LCAP plan: normally finalizing in June. Splitting into two-week process. New template due July 1st and actual LCAP due in December.
- Will look at data and results in May meeting.

No public comment

C. SCHOOL LUNCH PROGRAM

- Due to pandemic climate, not sensible to continue a la carte serving. Looking into sealed meals.
- National school lunch program is not a great subsidy.
- ~~We'll likely have more families eligible for FRPL and need to address cost.~~

- Working with Good Earth. Jen Wolf is looking into other vendors.
- We cut food costs in half this year.
- Option: volunteers pre-pack lunches?

No public comment

D. BUDGET/FUNDRAISING UPDATES (see budget draft and assumptions)

- 2020/21 budget guidance given expected economic fallout from COVID-19
- See four-year budget assumptions.
- Finance committee met yesterday
- Edtec recommends assuming state LCFF COLA reduction by 5%.
- Possible extension of ADA project timeline.
- CARES Act money comes in next year.
- \$50K surplus
- \$270 PPP loan/grant with reserve helps balance for three years.
- Focus on petition/renewal process
- Fundraising numbers reflect what we've collected, assuming not much more.
- Fundraising committee meeting April 30th.
- Auction is going well. Sharon sharing with alumni.
- Shifting family giving asks to community support and thank you messaging.
- Adjusting family giving ask to \$850/child next year.

No public comment

Authorization of the Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000, as soon as available, was duly moved, seconded and approved by roll call vote, 5-0-1.

IV. CONSENT AGENDA ITEMS

- A. Minutes of March 9 Regular and Special (embedded) meetings
- B. Minutes of April 2 Special Meeting
- C. Personnel Update: None

Approval of March 9th Regular and Special Meeting minutes was duly moved, seconded and approved by roll call vote 4-0-2 (Ms. Kimball and Ms. Gramajo absent from 3/9/20 meeting)

Approval of April 2nd Special Meeting minutes was duly moved, seconded and approved by roll call vote 5-0-1 (Ms. Kimball absent portion of 4/2/20 meeting)

V. FUTURE MEETING NEEDS AND TOPICS

- Next year's plan and precautions
- LCAP data
- Charter renewal

VI. MEETING REVIEW AND EVALUATION

- Good to “see” everyone, and kids.
- Mr. Hickey purchased Zoom license for school account. Free during health crisis only.
- Include board meeting link in school newsletter going forward.

Meeting adjourned 8:29 P.M.

EXHIBIT “I”

From: [Luke Duchene](#)
To: [Sharon Sagar](#); [Conn Hickey](#)
Subject: Fwd: Westamerica Bank has sent you the document "12494090" to sign
Date: Friday, May 8, 2020 8:49:41 AM

Luke Duchene
Director
Ross Valley Charter

mobile: 760-487-8618
office: 415-534-6970
(sent via mobile device)

CONFIDENTIAL INFORMATION:

This email is for the sole use of the designated recipient(s) with a legitimate interest and may contain legally confidential information protected by the Family Education Act (FERPA) 20 USC 1232g. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply mail and destroy all copies of the original message. This email cannot be produced for a records request.

----- Forwarded message -----

From: Westamerica Bank <documents@rightsignature.com>
Date: Fri, May 8, 2020, 8:46 AM
Subject: Westamerica Bank has sent you the document '12494090' to sign
To: <luke.duchene@rossvalleycharter.org>

Thank you for applying for the SBA CARES Act Paycheck Protection Program. Your loan documents are now prepared and must be electronically signed by all principals within the company.

Once documents have been signed and returned electronically, loan funding generally occurs within one business day. The loan proceeds will be deposited directly into your Westamerica Bank business checking account.

Please do not respond to this message. This account is used for notifications only and it is not monitored. Send all correspondence to sba.lending@westamerica.com.



12494090 (12494090.pdf)
Reference #: 05adc2bf-94bc-4859-83df-dfa0a0b36c38
Status: Pending
Expires: 05/13/2020 11:46
Sender: Westamerica Bank

To review the document and sign with an electronic signature, follow this link:

WAB Loan #7415009229
 GP Loan #6170517201

U.S. Small Business Administration
PAYCHECK PROTECTION PROGRAM
NOTE

Borrower's Tax ID # (EIN/SSN)	471755679
Loan Date	May 07, 2020
Loan Amount	\$270,653.00
Interest Rate	1.00%
Borrower (Name/Address/City/ST/ZIP)	ROSS VALLEY CHARTER SCHOOL 25 DEER PARK LANE FAIRFAX, CALIFORNIA 94930

Words or phrases preceded by a checkbox () will apply only if the checkbox is marked ().

1. PROMISE TO PAY:

In return for the Loan, Borrower promises to pay to the order of Lender the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars interest on the unpaid principal balance, and all other amounts required by this Note.

2. DEFINITIONS:

"Loan" means the loan evidenced by this Note.
 "Loan Documents" means the documents related to this Loan signed by Borrower.
 "SBA" means the Small Business Administration, an Agency of the United States of America.
 "CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

3. PAYMENT TERMS:

- Borrower must make all payments at the place Lender designates. The payment terms for this Note are:
- A. The term of this Loan shall be two (2) years from the Loan Date. This Loan shall mature on May 07, 2022("Maturity Date").
 - B. The Loan shall be payable monthly. The first six monthly payments are deferred.
 - C. Interest will accrue from the date of Loan (including during the deferral period) at the Interest Rate set forth above.
 - D. Payments will be required beginning December 07, 2020.
 - Your monthly payments will be an amount equal to all accrued but unpaid interest on that portion of the then-outstanding principal balance of the Loan (i.e., any portion of the Loan that has not been forgiven as described in Section 10), with the entire outstanding principal balance and all accrued but unpaid interest due and payable on the Maturity Date.
 - Your monthly payments will be an amount equal to the amount necessary to fully amortize the then-outstanding principal balance of the Loan (i.e., any portion of the Loan Amount that has not been forgiven as described in Section 10) at the Interest Rate specified above by the Maturity Date, with the entire outstanding principal balance and all accrued but unpaid interest due and payable on the Maturity Date.
 - E. There are no prepayment penalties for the Loan. Borrower may repay all or a portion of this Loan at any time without penalty.
 - F. The proceeds of the Loan shall be used for the following purposes only:
 - (i) payroll costs (as defined in the CARES Act, and in Section 2.f of the SBA *Interim Final Rule* dated April 2, 2020);
 - (ii) costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;
 - (iii) mortgage interest payments (but not mortgage prepayments or principal payments);
 - (iv) rent payments;
 - (v) utility payments;
 - (vi) interest payments on any other debt obligations that were incurred before February 15, 2020; and/or
 - (vii) refinancing an SBA Economic Injury Disaster Loan (EIDL) made between January 31, 2020 and April 3, 2020, under the conditions as specified in Section 2.r.vii of the SBA *Interim Final Rule* dated April 2, 2020.

4. DEFAULT:

Borrower is in default under this Note if Borrower does not make a payment when due under this Note, or if Borrower:

- A. Fails to do anything required by this Note and other Loan Documents;
- B. Defaults on any other loan with Lender;
- C. Does not disclose, or anyone acting on their behalf does not disclose, any material fact to Lender or SBA;
- D. Makes, or anyone acting on their behalf makes, a materially false or misleading representation to Lender or SBA;
- E. Fails to pay any taxes when due;
- F. Becomes the subject of a proceeding under any bankruptcy or insolvency law;
- G. Has a receiver or liquidator appointed for any part of their business or property;
- H. Makes an assignment for the benefit of creditors;
- I. Has any adverse change in financial condition or business operation that Lender believes may materially affect Borrower's ability to pay this Note;
- J. Reorganizes, merges, consolidates, or otherwise changes ownership or business structure without Lender's prior written consent; or
- K. Becomes the subject of a civil or criminal action that Lender believes may materially affect Borrower's ability to pay this Note.

5. LENDER'S RIGHTS IF THERE IS A DEFAULT:

Without notice or demand and without giving up any of its rights, Lender may:

- A. Require immediate payment of all amounts owing under this Note;
- B. Collect all amounts owing from any Borrower; or
- C. File suit and obtain judgment.

6. LENDER'S GENERAL POWERS:

Without notice and without Borrower's consent, Lender may:

- A. Incur expenses to collect amounts due under this Note or enforce the terms of this Note or any other Loan Document, including reasonable attorneys' fees and costs. If Lender incurs such expenses, it may demand immediate payment from Borrower or add the expenses to the principal balance; and
- B. Release anyone obligated to pay this Note.

7. WHEN FEDERAL LAW APPLIES:

When SBA is the holder, this Note will be interpreted and enforced under federal law, including SBA regulations. Lender or SBA may use state or local procedures for filing papers, recording documents, giving notice, and other purposes. By using such procedures, SBA does not waive any federal immunity from state or local control, penalty, tax, or liability. As to this Note, Borrower may not claim or assert against SBA any local or state law or deny any obligation, defeat any claim of SBA, or preempt federal law.

8. SUCCESSORS AND ASSIGNS:

Under this Note, Borrower includes its successors, and Lender includes its successors and assigns.

9. GENERAL PROVISIONS:

- A. All individuals and entities signing this Note are jointly and severally liable.
- B. Borrower waives all suretyship defenses.
- C. Borrower must sign all documents necessary at any time to comply with the Loan Documents.
- D. Lender may exercise any of its rights separately or together, as many times and in any order it chooses. Lender may delay or forgo enforcing any of its rights without giving up any of them.
- E. Borrower may not use an oral statement of Lender or SBA to contradict or alter the written terms of this Note.
- F. If any part of this Note is unenforceable, all other parts remain in effect.
- G. To the extent allowed by law, Borrower waives all demands and notices in connection with this Note, including presentment, demand, protest, and notice of dishonor.

10. LOAN FORGIVENESS:

Pursuant to Section 1106 of the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), the following provisions shall apply to the Loan:

- A. The Loan is subject to the limited loan forgiveness provisions of Section 1106 of the CARES Act, and the SBA Interim Final Rule dated April 2, 2020.

- B. The amount of loan forgiveness is determined by and is subject to the sole approval of the SBA
- C. Limited loan forgiveness is provided for amounts spent on payroll costs, rent and utilities payments, and interest payments on mortgages for Borrowers that apply. No more than 25.0% of the amount forgiven may be for costs other than payroll costs.
- D. The amount of loan forgiveness will be reduced if Borrower reduces the number of their employees (layoffs).
- E. Borrower is eligible for debt forgiveness on a covered loan in an amount equal to the following payments made during the 8-week period beginning on the Loan Date ("covered period"):
 - (i) payroll costs;
 - (ii) interest payments on mortgage obligations (excluding principal and prepaid principal);
 - (iii) rent; and
 - (iv) utility payments.
- F. The amount of forgiveness cannot exceed the principal balance of the Loan.
- G. Cancelled indebtedness will not be included in the Borrower's taxable income.
- H. To receive loan forgiveness, Borrower must apply for Debt Forgiveness through Lender. The Borrower must submit to the Lender servicing the loan an application, which must include documents verifying the number of full-time employees and the pay rates for the period described, including payroll tax filings to the IRS and State, income, payroll, and unemployment insurance filings, cancelled checks, payment receipts, transcript of accounts, or other documents verifying payments on covered mortgage loan obligations, lease obligations and utility payments, plus any other documentation the SBA deems necessary.
- I. ***There will be no loan forgiveness without Borrower's submission of the proper application and documentation to Lender.***

11. BORROWER'S NAME(S) AND SIGNATURE(S):

By signing below, each individual or entity becomes obligated under this Note as Borrower.

Borrower: ROSS VALLEY CHARTER SCHOOL

By X Luke Duchene
Luke Duchene

By X _____

By X _____

By X _____

By X _____

By X _____

**PAYCHECK PROTECTION PROGRAM
CORPORATE RESOLUTION TO BORROW**

Borrower: ROSS VALLEY CHARTER SCHOOL
25 DEER PARK LANE

FAIRFAX, CALIFORNIA 94930

Lender: Westamerica Bank
Fairfield Credit Administration
4550 Mangels Boulevard
PO Box 1200 MAC A-1B
Suisun, CA 94585

THE UNDERSIGNED, CERTIFY THAT:

The complete and correct name of the Corporation is ROSS VALLEY CHARTER SCHOOL ("Corporation"). The Corporation is at all times shall be, duly organized, validly existing, and in good standing under and by virtue of the laws of the State of California. The Corporation is duly authorized to transact business in all other states in which the Corporation is doing business, having obtained all necessary filings, governmental licenses and approvals for each state in which the Corporation is doing business. Specifically, the Corporation is, and at all times shall be, duly qualified as a foreign corporation in all states in which the failure to so qualify would have a material adverse effect on its business or financial condition. The Corporation has the full power and authority to own its properties and to transact the business in which it is presently engaged or presently proposes to engage. The Corporation maintains an office at 25 DEER PARK LANE FAIRFAX, CALIFORNIA 94930. Unless the Corporation has designated otherwise in writing, the principal office is the office at which the Corporation keeps its books and records. The Corporation will notify Lender prior to any change in the location of the Corporation's state of organization or any change in the Corporation's name. The Corporation shall do all things necessary to preserve and to keep in full force and effect its existence, rights and privileges, and shall comply with all regulations, rules, ordinances, statutes, orders and decrees of any governmental or quasi-governmental authority or court applicable to the Corporation and the Corporation's business activities.

At a meeting of the Directors of the Corporation, or if the Corporation is a close corporation having no Board of Directors then at a meeting of the Corporation's shareholders, duly called and held on 04-23-2020, at which a quorum was present and voting, or by other duly authorized action in lieu of a meeting, the resolution set forth in this Resolution were adopted.

The authorized person(s) listed below may enter into the Paycheck Protection Program Agreement and the agreement will bind the Corporation. Specifically, but without limitation, such authorized person(s) are authorized, empowered and directed to do the following for and on behalf of the Corporation:

Borrow Money. To borrow, from Lender on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars(\$270,653.00).

Execute Note. To execute and deliver to Lender the Paycheck Protection Program note.

The officers named below are duly elected, appointed, or employed by or for the Corporation, as the case may be, and occupy the positions set opposite their respective names. This Resolution now stands of record on the books of the Corporation, is in full force and effect, and has not been modified or revoked in any manner whatsoever.

The Corporation has no corporate seal, and therefore, no seal is affixed to this Resolution.

Any and all acts authorized pursuant to this Resolution and performed prior to the passage of this Resolution are hereby ratified and approved. This Resolution shall remain in full force and effect and Lender may rely on it until written notice of its revocation shall have been delivered to and received by Lender at Lender's address shown above (or such addresses as Lender may designate from time to time). Any such notice shall not affect any of the Corporation's agreements or commitments in effect at the time notice is given.

**PAYCHECK PROTECTION PROGRAM
 CORPORATE RESOLUTION TO BORROW
 (Continued)**

The following named persons are authorized officers of ROSS VALLEY CHARTER SCHOOL:

<u>NAMES</u>	<u>TITLES</u>	<u>ACTUAL SIGNATURES</u>
<u>Luke Duchene</u>	<u>School Director, President</u>	X <u><i>Luke Duchene</i></u>
_____	_____	X _____
_____	_____	X _____
_____	_____	X _____
_____	_____	X _____
_____	_____	X _____

We attest that the signatures set opposite the names listed above are their genuine signatures.

We each personally and on behalf of the Corporation certify that all statements and representations made in this Resolution are true and correct.

This Corporate Resolution to Borrow is dated 04-23-2020.

CERTIFIED TO AND ATTESTED BY AUTHORIZED OFFICERS:

X <u><i>Luke Duchene</i></u> Luke Duchene	Title: <u>School Director, President</u>
X _____	Title: _____
X _____	Title: _____
X _____	Title: _____
X _____	Title: _____

DISBURSEMENT REQUEST AND AUTHORIZATION

Borrower: ROSS VALLEY CHARTER SCHOOL

Lender: Westamerica Bank
Fairfield Credit Administration
4550 Mangels Boulevard
PO Box 1200 MAC A-1B
Suisun, CA 94585

LOAN TYPE: This is a Fixed Rate (1.000%) Paycheck Protection Program Loan for \$270,653.00 due on demand and, if no demand, on May 07, 2022.

PRIMARY PURPOSE OF LOAN: The primary purpose of this loan is for:

- (i) payroll costs (as defined in the CARES Act, and in Section 2.f of the SBA *Interim Final Rule* dated April 2, 2020);
- (ii) costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;
- (iii) mortgage interest payments (but not mortgage prepayments or principal payments);
- (iv) rent payments;
- (v) utility payments;
- (vi) interest payments on any other debt obligations that were incurred before February 15, 2020; and/or
- (vii) refinancing an SBA Economic Injury Disaster Loan (EIDL) made between January 31, 2020 and April 3, 2020, under the conditions as specified in Section 2.r.vii of the SBA *Interim Final Rule* dated April 2, 2020.

DISBURSEMENT INSTRUCTIONS: Borrower understands that no loan proceeds will be disbursed until all of Lender's conditions for making the loan have been satisfied. Please disburse the loan proceeds as follows:

Amount paid to Borrower directly:	\$270,653.00
Westamerica Bank Business Checking Account #	-----
Note Principal:	\$270,653.00

BY SIGNING THIS AUTHORIZATION, BORROWER REPRESENTS AND WARRANTS TO LENDER THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT. THIS AUTHORIZATION IS DATED MAY 07, 2020.

BORROWER: ROSS VALLEY CHARTER SCHOOL

By X Luke Duchene
Luke Duchene

By X _____

By X _____

By X _____


By X _____

By X _____



TRANSACTION DETAILS	DOCUMENT DETAILS
Reference Number 05ADC2BF-94BC-4859-83DF-DFA0A0B36C38 Transaction Type Signature Request Sent At 05/08/2020 11:46 EDT Executed At 05/08/2020 13:47 EDT Identity Method email Distribution Method email Signed Checksum e a e8 b ace0 5bebbaa e 9 00 d b eaa b acb a 85ed Signer Sequencing Descending Document Passcode Descending	Document Name 12494090 Filename 12494090.pdf Pages 13 pages Content Type application/pdf File Size 606 KB Original Checksum 5 e e5dd80eea 50 5 d e5ea a5 8 b0 5 d 5 8 0d 5e 8

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
Name Luke Duchene Email luke.duchene@rossvaeycharter.org Components 20	Status signed Multi-factor Digital Fingerprint Checksum 58b 8 8 d bb 50a d 0d80a a d c5 50 b e eedc e0 de a0 IP Address 76.253.15.214 Device Safari on a Mac Typed Signature  Signature Reference ID 2FA67879	Viewed At 05/08/2020 13:28 EDT Identity Authenticated At 05/08/2020 13:47 EDT Signed At 05/08/2020 13:47 EDT

AUDITS

TIMESTAMP	AUDIT
05/08/2020 13:47 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) signed the document on Safari on a Mac from 76.253.15.214
05/08/2020 13:47 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) authenticated via email on Safari on a Mac from 76.253.15.214
05/08/2020 13:28 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) viewed the document on Safari on a Mac from 76.253.15.214
05/08/2020 13:26 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) viewed the document on Chrome Mobile on a Android from 209.107.188.68
05/08/2020 12:49 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) viewed the document on Microsoft Edge on a Windows from 108.88.230.29
05/08/2020 12:06 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) viewed the document on Chrome Mobile on a Android from 209.107.188.68
05/08/2020 11:46 EDT	Luke Duchene (luke.duchene@rossvaeycharter.org) was emailed a link to sign
05/08/2020 11:46 EDT	Westamerica Bank (sba.endng2@westamerica.com) created document 12494090.pdf on Chrome on a Windows from 64.168.94.26

EXHIBIT “J”

From: [Westamerica Bank](#)
To: conn.hickey@rossvalleycharter.org
Subject: Paycheck Protection Program Loan Forgiveness Information
Date: Wednesday, May 13, 2020 11:11:25 AM



Paycheck Protection Program

Loan Forgiveness Information

Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business. Many customers have questions about loan forgiveness, so here are several critical points you should consider now that your loan has been disbursed.

Paycheck Protection Program loan amounts may be forgiven if in the eight weeks following the loan disbursement date you use the proceeds for eligible business expenses, including:

- Payroll Costs, including benefits;
- Interest on mortgage obligations, incurred before February 15, 2020;
- Rent, under lease agreements in force before February 15, 2020; and
- Utilities, for which service began before February 15, 2020.

Loan forgiveness is not automatic. You must submit a request to Westamerica Bank with documentation to verify loan proceeds were used for payroll and mortgage/rent and utilities during the eight week period after your loan funding.

When it's time to apply for loan forgiveness, you will need documentation to verify you spent your loan proceeds on the eligible categories. Make sure you are prepared to provide the following for certification:

- Documents verifying the number of full-time equivalent employees and pay rates.
- Documents showing payments of eligible mortgage interest, rent, and utilities.

We will be providing additional information about how to request loan forgiveness as SBA guidance is issued, so please be sure to check your email for messages sent from

SBA.Lending@westamerica.com. For detailed information on the Paycheck Protection Program, visit www.sba.gov.

Sincerely,

Westamerica Bank
1 (800) 848-1088





Our mailing address is:

Westamerica Bank
PO Box 1200
Suisun City, CA 94585

You are receiving this message because you completed a loan application on www.westamerica.com.
Want to change how you receive these emails? You can [update your preferences](#) or [unsubscribe from this list](#).

Please do not reply to this message. This account is used for notifications only and it is not monitored. If you would like to contact Westamerica, please call 1-800-848-1088.

Westamerica respects your privacy. For a complete description of our privacy policy, go to www.westamerica.com.

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This email was sent to conn.hickey@rossvalleycharter.org
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)
Westamerica Bank · 4550 Mangels Boulevard · A2H · Fairfield, CA 94534 · USA

EXHIBIT “K”



**RESOLUTION OF THE BOARD OF TRUSTEES
Ross Valley Charter School
A California Public Benefit Corporation**

Board Resolution #2020-05-14

ACCEPTANCE OF PAYCHECK PROTECTION PROGRAM LOAN

WHEREAS, Ross Valley Charter School ("RVC") is a 501(c)(3) non-profit organization with fewer than 500 employees; and

WHEREAS, RVC received on May 8, 2020 a loan from the Small Business Administration ("SBA") Paycheck Protection Program ("PPP loan") in the amount of \$280,563 through Westamerica Bank; and

WHEREAS, applicants for PPP loans must certify to the following statements:

- *The Applicant was in operation on February 15, 2020 and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC.*
- *Current economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant.*
- *The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments, as specified under the Paycheck Protection Program Rule; I understand that if the funds are knowingly used for unauthorized purposes, the federal government may hold me legally liable, such as for charges of fraud.*
- *The Applicant will provide to the Lender documentation verifying the number of full-time equivalent employees on the Applicant's payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight-week period following this loan.*
- *I understand that loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight-week period following this loan.*
- *I understand that loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities, and not more than 25% of the forgiven amount may be for non-payroll costs.*
- *During the period beginning on February 15, 2020 and ending on December 31, 2020, the Applicant has not and will not receive another loan under the Paycheck Protection Program.*
- *I further certify that the information provided in this application and the information provided in all supporting documents and forms is true and accurate in all material respects. I understand that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under 18 USC 1001*

and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 USC 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a federally insured institution, under 18 USC 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000.

- *I acknowledge that the lender will confirm the eligible loan amount using required documents submitted. I understand, acknowledge and agree that the Lender can share any tax information that I have provided with SBA's authorized representatives, including authorized representatives of the SBA Office of Inspector General, for the purpose of compliance with SBA Loan Program Requirements and all SBA reviews; and*

WHEREAS, on April 23, 2020 the SBA provided, and has subsequently amended, a document titled "Paycheck Protection Program Loans Frequently Asked Questions (FAQs)" (the "Guidance") regarding whether "businesses owned by large companies with adequate sources of liquidity to support the business's ongoing operations qualify for a PPP loan;" and

WHEREAS, the Guidance advises that "all borrowers must assess their economic need for a PPP loan under the standard established by the CARES Act and the PPP regulations at the time of the loan application" and "[a]lthough the CARES Act suspends the ordinary requirement that borrowers must be unable to obtain credit elsewhere (as defined in section 3(h) of the Small Business Act), borrowers still must certify in good faith that their PPP loan request is necessary"; and

WHEREAS, the Guidance advises that applicants pay particular attention to the certification in the PPP loan application regarding "current economic uncertainty" as follows:

- *Specifically, before submitting a PPP application, all borrowers should review carefully the required certification that "[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant." Borrowers must make this certification in good faith, taking into account their current business activity and their ability to access other sources of liquidity sufficient to support their ongoing operations in a manner that is not significantly detrimental to the business.*

WHEREAS, the SBA Guidance also states that there is a safe-harbor available if an applicant repays the loan funds before May 7, as follows:

- *Any borrower that applied for a PPP loan prior to the issuance of this guidance and repays the loan in full by May 7, 2020 will be deemed by SBA to have made the required certification in good faith; and*

WHEREAS, SBA has amended the Guidance to extend this safe harbor period to May 14, as follows:

- *SBA is extending the repayment date for this safe harbor to May 14, 2020. Borrowers do not need to apply for this extension; and*

WHEREAS, SBA has amended the Guidance on May 13, 2020 to clarify the good-faith certification, as follows:

- *SBA, in consultation with the Department of the Treasury, has determined that the following safe harbor will apply to SBA's review of PPP loans with respect to this issue: Any borrower that, together with its affiliates, received PPP loans with an original principal amount of less than \$2 million will be deemed to have made the required certification concerning the necessity of the loan request in good faith, and*

WHEREAS, notwithstanding the updated guidance from the SBA indicating that the "current economic uncertainty" certification is deemed to be made in good faith for all loans below \$2M, RVC meets the requirement that "[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant" because it faces substantial financial risk due to COVID-19, including but not limited to:

- Preparation for cash deferrals in state funding: The Fiscal Crisis and Management Assistance Team ("FCMAT") is projecting that, due the COVID-19 pandemic, the State is likely, starting in June 2020 and potentially in May 2020, to implement cash deferrals as it did in the last recession.¹ In the event that the State were to defer May and June payments, RVC would need to cover \$347,000 of cash outlays, which would deplete the organization's cash reserves which as of May 13, 2020 were \$125.215;
- Unlike school districts, RVC does not have access to county treasurer Tax Revenue Anticipation Notes, at very low interest rates, or the authorization to propose a parcel tax to increase revenue.
- Ross Valley Charter (RVC) has no current lines of credit. This school year, 2019-2020, is its first year of self-sustaining operations, and therefore given the increasing likelihood of a severe, multi-year deep recession or depression forecasted by FCMAT, with uncertain future state funding and enrollment, it is *highly unlikely* that any commercial bank is going to provide loans in a timely fashion that are of sufficient size to support ongoing operations.
- RVC's only other option for working capital would be receivables sale ("factoring loans"). During the last recession, factoring loans made available to charter schools, but they were at fees that were large enough, sometimes 100% annualized, to be significantly detrimental to their borrowers' businesses. As the recession deepens, and lending risks increase, these very high rates are likely to increase. If such a situation were to occur RVC would need to keep buying new factored loans on future state revenue as current state revenue is used to pay off previous factored loans, driving RVC deeper and deeper into the red to pay the fees that apply to each loan. This inevitably has a significantly detrimental effect on the RVC's educational operations. In addition, these institutions could go bankrupt themselves which would like result in a permanent loss of access to RVS's own receivables that were the collateral for these loans.
- Unlike district schools in Marin, RVC has no access to parcel taxes. For example, RVC is located in the Ross Valley Elementary School District, which has a parcel tax that brings in an excess of \$2,000 per student. If RVC had the same per-student

¹ FCMAT Fiscal Alert, April 2020, "Effective Cash Management During Uncertain Times"

additional parcel tax revenue, that would mean more than \$400,000 in additional revenue every year. Most Marin district schools have similar or larger per pupil parcel tax revenues.

- RVC has no access to facilities bond revenues which districts in Marin use to fund their facilities.
- If district schools face bankruptcy, they are supported by state and county resources. If charter schools face insolvency, they are closed. This is an important factor in RVC not having access to private lending facilities during a severe recession when state revenues are falling.

WHEREAS, RVC has worked tirelessly with its back-office provider over the COVID-19 crisis to conduct a detailed cash flow projection for the next several months and into the 2020-21 school year that validates the assertions made above and specifically the borrowing need given the rapid decline in non-state revenues in 2019-20; and

WHEREAS, RVC was in operation on February 15, 2020 and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC; and

WHEREAS, the Board of Trustees has determined in good faith that the current economic uncertainty makes the federal Paycheck Protection Program loan necessary to support the ongoing operations of RVC; and

WHEREAS, the funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments as specified under the Paycheck Protection Program Rule; and

WHEREAS, other revenue received during the months of May, June and July will be used for other purposes and to replenish RVC reserves; and

WHEREAS, RVC will provide to Westamerica Bank documentation verifying the number of full-time equivalent employees on the RVC's payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight-week period following this loan; and

WHEREAS, RVC understands that loan forgiveness is expected to be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities, and not more than 25% of the forgiven amount may be for non-payroll costs; and

WHEREAS, RVC understands that during the period beginning on February 15, 2020 and ending on December 31, 2020, it has not and will not receive another loan under the Paycheck Protection Program; and

WHEREAS, RVC staff has certified that the information provided in its application and the information provided in all supporting documents and forms is true and accurate in all material respects; and

WHEREAS, RVC has taken into account its current business activity and its ability to access other sources of liquidity sufficient to support our ongoing operations in a manner that is not significantly detrimental to the business; now, therefore, be it

Resolved by the Board of Trustees of Ross Valley Charter School, That Ross Valley Charter School meets all requirements of the PPP certifications; and be it further

Resolved by the Board of Trustees of Ross Valley Charter School, That Ross Valley Charter School has been properly awarded \$270,653 in the PPP loan; and be it further

Resolved by the Board of Trustees of Ross Valley Charter School, that RVC shall not return the funds awarded through the PPP loan prior to May 14, 2020; and be it further

Resolved by the Board of Trustees of Ross Valley Charter School, That the funds awarded through the PPP loan are hereby authorized to be used in a manner consistent with the terms of the Paycheck Protection Program Rules;

And be it further resolved that Luke Duchene, School Director, was authorized at the April 23, 2020 board meeting to enter into the Paycheck Protection Program Agreement and the agreement will bind the Corporation. Specifically, but without limitation, such authorized person(s) are authorized, empowered and directed to do the following for and on behalf of the Corporation:

- **Borrow Money.** To borrow, from Westamerica Bank (Lender) on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars(\$270,653.00).
- **Execute Note.** To execute and deliver to Lender the Paycheck Protection Program note.

Luke Duchene, School Director and President, is duly elected, appointed, or employed by or for the Corporation. This Resolution now stands of record on the books of the Corporation, is in full force and effect, and has not been modified or revoked in any manner whatsoever.

The Corporation has no corporate seal, and therefore, no seal is affixed to this Resolution.

Any and all acts authorized pursuant to this Resolution and performed prior to the passage of this Resolution are hereby ratified and approved. This Resolution shall remain in full force and effect and Lender may rely on it until written notice of its revocation shall have been delivered to and received by Lender at Lender's address shown above (or such addresses as Lender may designate from time to time). Any such notice shall not affect any of the Corporation's agreements or commitments in effect at the time notice is given.

Further resolved by the Board of Trustees of Ross Valley Charter School, that the School Director of Ross Valley Charter School is hereby instructed to further review guidance relating to the PPP as it is released by the SBA and is hereby authorized to take appropriate steps, including the return of the funds, if changes to the Guidelines cause Ross Valley Charter School to no longer meet the program requirements.

* * *

IN WITNESS WHEREOF, the Board of Trustees has adopted the above resolution by the following vote at a regular Board meeting this 14th day of May 2020.

AYES:

NOS:

ABSTENTIONS:

By: _____
_____, Secretary
Ross Valley Charter School

EXHIBIT “L”

May 20 email to RVC Families

Further Explanation of RVC's Acceptance of the PPP Loan

RVC Families,

I informed our school community on Sunday that we qualified for and accepted a PPP loan (which was part of the CARES Act stimulus bill). Our acceptance of this loan was not a decision we took lightly. I want to walk you through our process that led us to taking this loan.

Our board chose to pursue a PPP loan as we saw how dire this situation was for our school if we did not have access to funding to deal with the impact of this economic crisis. In the first round of funding we did not get a loan offer (the funding ran out), but in the second round we did. Before committing to signing the loan documents we consulted with our bank, outside lenders, and our lawyers about this loan and how it applies to our school specifically. I shared the news with our State Oversight in the California Department of Education, and they took no issue with us accepting the loan.

But, some have taken issue with our school's decision to accept this loan. Further, there is an organized group who used to post negative comments about our school on social media (in past years), which all but disappeared over the last year. This group seems to have reconstituted and started posting on Facebook and Next Door two days ago stating that we should not have taken this loan.

Many of the posts seem to compare our situation to that of other local districts. They are not the same, for reasons outlined below.

What did we consider as part of our decision to accept this loan?

- Three weeks ago, our state financial regulator directed all public schools to create additional, emergency cash reserves, to protect against state deferrals of our revenue, which the Governor just announced will start next month, and which in the last recession grew in length to 5 full months of deferrals.
- Charter schools are public schools which operate as non-profit organizations, and are therefore qualified to apply and receive funding through the PPP.
- If charter schools run out of money, they close. If school districts run out of money, they still remain open.
- Charter schools have expenses that district schools don't have, like paying monthly rent (for us this amounts to almost \$200,000 per year).
- Parcel taxes in our community do not include our school (they could have, but we were not written into the parcel tax), so we don't receive those funds (even though our families pay the tax). In RVSD, that amounts to approximately \$2,040 per student annually. If RVC received that amount per local student, it would amount to \$270,000 every year, the exact amount of our one-time loan.
- RVC, like many non-profit organizations, applied for and received the PPP. We have continued to pay all our employees, including aides, enrichment teachers, and aftercare workers, through the end of the school year.
- Our government funding already doesn't cover all of our bills. That is why we fundraise. Our fundraising effectively stopped on March 15 when the shelter-in-place order went into effect, which leads to a loss of about \$30,000 in funding.
- RVC is in its third school year, and we have been working to build our reserves to be prepared for challenging financial times. Before this crisis hit we were doing fine with about 45 days of cash on hand.
- The next several years are going to be painful for all public schools. One of the typical things that the state does to weather situations like this is to defer its monthly payments to schools. The Governor has already announced that payments normally made in June will not be paid in July and this is just the beginning. We need to ensure that our school is well-positioned, with healthy

reserves, to weather these deferrals, which in the last recession grew in length to five full months of deferrals. Without a loan, we will not be able to make payroll when the deferrals exceed 45 days.

- These deferrals for other local public Marin Schools (non-charter) are managed by getting low interest TRAN loans from the County Treasurer. Unfortunately, charter schools may not access these low interest loans. If we could, then we would not have to be as concerned about these deferrals that are coming.
- We are a small, not-for-profit business, and we are exactly the kind of operation that these loans were meant to help keep in business and pay their employees in times of cash shortages. There is still money available for those who are applying for these loans. We wish for all businesses, and not-for-profits, that need these funds to get them. I know many local businesses did in fact get this loan, as well as non-profits (like St. Rita's Church).

Regarding what is happening on social media, I myself have a policy of not posting or responding on social media to any of the claims 'stand' has made about our school in the past (I don't have a Facebook, Next Door, or Instagram account which helps). I did go against this policy (using Lauren's account, but making it clear that it was me posting) to stick up for our school (especially when they attacked our diversity and made up false claims about how we serve kids, including incorrect data about our test scores). I then stepped out of the conversation, but I have heard that they are continuing, and trying to expand their reach. My advice is to not engage in commenting on this online. It only makes them post more. If you do post, please take the high road and model civil discourse (even when others aren't). As a note, no one from this organization has reached out to our school to understand our circumstance for taking the loan, which they could have easily done.

I know this is already a stressful time, and we had hoped that taking this loan would allow us to have less stress about our immediate and nearterm survivability. But, I do acknowledge that some of you have valid questions about our decision and I hope that there is some deeper understanding of our circumstances and why we chose to accept this loan.

Please, if you have questions, comments, or concerns, reach out to me, or our board chair, Sharon Sagar (sharon.sagar@rossvalleycharter.org).

In Community,

Luke

EXHIBIT “M”

May 17 email to Parents
Our Finances - Weathering the Storm

As a public school, we are funded mainly by the State of California, with some additional money coming from the Federal Government and our Family Giving Campaign (and other smaller fundraisers).

Our first two years (as is the case for most startups) were tight financially. As we entered into this third year we were on solid ground with a decent (and growing) financial reserve.

As is the case for nearly every person, family, and institution, our financial picture changed with the realities of COVID-19, and has brought great uncertainty about the present and future.

With memories of the Great Recession with deep budget cuts and delayed funding to schools (school funding had officially "recovered" from the cuts of 11 years ago this past year), our board, business official (Conn Hickey), and I sprang into action to shore up our finances and plan for the future.

Our first step was to revise our budget to expect drastic spending cuts. Not only are funding cuts looming in the future, we have lost out on about \$30,000 in Family Giving (that normally comes in at the end of the school year). As a Charter School we, unfortunately, do not have access to financial tools available to districts that allow them to keep paying bills even when they have not received funding from the State. This is also a very difficult time to secure any loans. Our reserves were no longer enough to weather the storm. We were looking at the possibility of immediate cuts to deal with this reality.

With deeper need realized, our board authorized us to look into approval for a Payroll Protection (PPP) Loan (authorized by the CARES Act). We were pleased to find that (as a non-profit) we qualified for this program, and two weeks ago we were approved for a loan. Last week we accepted the loan.

This has been a big relief. While we still have anxiety about the future (as we all do), we have less stress about the present and can better prepare for what's to come.

In Community

Luke

EXHIBIT “N”

From: [SBEOVERSIGHT](#)
To: [Matthew Huddleston](#)
Cc: [Carrie Lopes](#)
Subject: FW: [EXTERNAL] Re: Paycheck Protection Program Loans
Date: Tuesday, June 16, 2020 2:42:15 PM
Attachments: [Board Approved 042320 Board Mtg Minutes.pdf](#)

From: Luke Duchene <luke.duchene@rossvalleycharter.org>
Sent: Tuesday, June 16, 2020 1:42 PM
To: SBEOVERSIGHT <SBEOVERSIGHT@cde.ca.gov>
Cc: Matthew Huddleston <MHuddleston@cde.ca.gov>
Subject: [EXTERNAL] Re: Paycheck Protection Program Loans

SBE Oversight,

Ross Valley Charter received a Payroll Protection Program loan in the amount of \$270,653.00. Attached are the meeting minutes from our 4/23 board meeting which authorized the receipt of this loan.

Please let me know if you have any questions.

Warmly,

Luke

Luke Duchene (he/him/his)
School Director

Mobile:

[REDACTED]

Office: 41
5-534-6970



I'd love to connect. [Here's my calendar link](#) to make finding time easy.

CONFIDENTIAL INFORMATION:

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On Tue, Jun 16, 2020 at 1:18 PM Matthew Huddleston <MHuddleston@cde.ca.gov> wrote:

Charter Team,

The California Department of Education is asking all State Board of Education-authorized charter schools to report the amount of any Paycheck Protection Program loans received. Please send the loan amount, and the minutes of the governing board meeting which approved the receipt of the loan, to sbeoversight@cde.ca.gov by close of business on **July 1**.

If your charter did not apply for the Federal PPP loan, please respond as such.

Matt Huddleston

Education Programs Specialist

SBE Oversight Unit

CA Dept. of Education

916-323-5833

EXHIBIT “O”



April 20, 2020 Budget Draft Key Assumptions:

What follows is a four year budget with the following assumptions.

1. 2019-20 revenues remain as budgeted. This budget includes some state and federal aid for COVID 19. \$3K state money for uses related to COVID19 and \$8,000 from CARES Act. ADA is actual P2.
2. 2020-21 state LCFF cola is reduced by 5%, and cola for the next four years is zero. This is the current EdTec recommendation. Eric Premack of CSDC is recommending budgeting between zero and minus 10-20%. At minus 10%, many large school districts will likely fail, unless legislature suspends requirement to provide pink slips to tenured teachers by March 15.
3. 2020-25 salaries have no increase.
4. Non-Compensation expense rise at 1.5% per year, except health insurance costs to RVC which go up 4% per year.
5. Assumes enrollment of 215 next year and 222 the year after in 9 classrooms. ADA% is 95%, This year we closed at 94.88%, up from 94.14 in 18-19.
6. Assumes two new teachers starting next year, each earning \$68K per year with health benefits
7. No Spanish teachers (saves around \$12K per year) but art and music continue as is. There is \$51 budgeted for classroom aids, which is two classroom special education aids and two math aids, which is what we have now.
8. It includes a new expense line called Director's Contingency (Account # 5826) of \$10k, \$40, \$40K, \$30K, and \$30K in the 5 out years to fund surprises like further cola reductions. 2% additional cola reduction is around \$35K
9. The budget assumes a \$300,000 PCSD loan to fund a \$300,000 ADA project, depreciated over 8 years. There is also a 4%, 3 year amortizing \$100K loan assumed at the end of 2023-24 to pay off the PCSD loan and keep our cash flow positive in 2024-25. The elements of the project have now been estimated and \$300K seems to be a reasonable cap.
10. The resulting forecast retains a 12% minimum reserve throughout the 6 years.

The various rate assumptions are on page 9 below and the cash flow starts on page 11.

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Multi-year Projection
As of Mar FY2020

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
SUMMARY						
Revenue						
LCFF Entitlement	1,614,981	1,711,514	1,755,252	1,750,352	1,748,366	1,745,882
Federal Revenue	45,000	41,125	43,875	44,750	44,750	44,750
Other State Revenues	144,236	163,546	169,219	169,442	169,550	169,550
Local Revenues	148,489	209,193	209,193	209,193	209,193	209,193
Fundraising and Grants	180,525	203,800	210,240	210,240	210,240	210,240
Total Revenue	2,133,231	2,329,178	2,387,779	2,383,977	2,382,099	2,379,615
Expenses						
Compensation and Benefits	1,518,231	1,619,341	1,620,226	1,624,468	1,628,879	1,623,731
Books and Supplies	21,390	30,943	29,715	30,100	30,492	30,889
Services and Other Operating Expenditures	526,638	614,964	656,706	669,056	671,800	684,916
Depreciation	5,015	41,738	44,863	44,863	41,576	38,280
Other Outflows	-	14,220	4,976	4,257	3,856	3,311
Total Expenses	2,071,274	2,321,205	2,356,485	2,372,743	2,376,602	2,381,127
Operating Income	61,957	7,973	31,293	11,234	5,496	(1,513)
Fund Balance						
Beginning Balance (Unaudited)	204,167	266,124	274,097	305,390	316,624	322,120
Audit Adjustment						
Beginning Balance (Audited)	204,167	266,124	274,097	305,390	316,624	322,120
Operating Income	61,957	7,973	31,293	11,234	5,496	(1,513)
Ending Fund Balance	266,124	274,097	305,390	316,624	322,120	320,608
Total Revenue Per ADA	11,615	11,404	11,322	11,304	11,295	11,283
Total Expenses Per ADA	11,278	11,365	11,173	11,251	11,269	11,290
Operating Income Per ADA	337	39	148	53	26	(7)
Fund Balance as a % of Expenses	13%	12%	13%	13%	14%	13%

Ross Valley Elementary School District Findings
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Ross Valley Charter School
Multi-year Projection
As of Mar FY2020

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
Key Assumptions						
Enrollment Breakdown						
TK	10	13	-	6	6	6
K	27	36	36	30	30	30
1	31	32	36	36	36	36
2	35	34	36	36	36	36
3	29	41	36	36	36	36
4	29	32	39	39	39	39
5	34	28	39	39	39	39
Total Enrolled	195	215	222	222	222	222
ADA %						
K-3	93.7%	95.0%	95.0%	95.0%	95.0%	95.0%
4-6	95.3%	95.0%	95.0%	95.0%	95.0%	95.0%
Average ADA %	94.2%	95.0%	95.0%	95.0%	95.0%	95.0%
ADA						
K-3	124	147	137	137	137	137
4-6	60	57	74	74	74	74
Total ADA	184	204	211	211	211	211
Demographic Information						
CALPADS Enrollment (for unduplicated % calc)	193	215	222	222	222	222
# Unduplicated (CALPADS)	63	62	65	62	60	60
# Free & Reduced Lunch (CALPADS)	55	61	63	63	63	63
# ELL (CALPADS)	33	37	38	38	38	38
New Students	35	22	7	-	-	-
School Information						
FTE's	18.7	19.6	19.5	19.5	19.5	19.5
Teachers	10	11	11	11	11	11
Certificated Pay Increases		0%	0%	0%	0%	0%
Classified Pay Increases		0%	0%	0%	0%	0%
# of school days	179	179	179	179	179	179
Default Expense Inflation Rate		2%	2%	2%	2%	2%

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
Multi-year Projection
As of Mar FY2020

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
8804 Fundraising - Fund Development	-	-	-	-	-	-
8811 Net Readathon Revenue	37,050	40,850	42,180	42,180	42,180	42,180
8812 Net Auction Revenue	4,875	10,750	11,100	11,100	11,100	11,100
SUBTOTAL - Fundraising and Grants	180,525	203,800	210,240	210,240	210,240	210,240
TOTAL REVENUE	2,133,231	2,329,178	2,387,779	2,383,977	2,382,099	2,379,615

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
EXPENSES						
Compensation & Benefits						
Certificated Salaries						
1100 Teachers Salaries	660,748	714,630	714,630	714,630	714,630	714,630
1103 Teacher - Substitute Pay	6,591	8,250	8,250	8,250	8,250	8,250
1148 Teacher - Special Ed	109,980	109,980	109,980	109,980	109,980	109,980
1200 Certificated Pupil Support Salaries	35,419	34,632	34,632	34,632	34,632	34,632
1300 Certificated Supervisor & Administrator Salaries	112,200	112,200	112,200	112,200	112,200	112,200
SUBTOTAL - Certificated Salaries	924,938	979,692	979,692	979,692	979,692	979,692
Classified Salaries						
2101 Classified - Electives	69,100	63,770	61,995	61,995	61,995	61,995
2103 Classified - Classroom Aides	64,415	51,737	51,737	51,737	51,737	51,737
2300 Classified Supervisor & Administrator Salaries	54,863	59,850	59,850	59,850	59,850	59,850
2400 Classified Clerical & Office Salaries	43,000	44,000	44,000	44,000	44,000	44,000
2905 Other Classified - After School	36,495	51,810	51,810	51,810	51,810	51,810
2930 Custodian	24,600	24,600	24,600	24,600	24,600	24,600
SUBTOTAL - Classified Salaries	292,472	295,767	293,992	293,992	293,992	293,992
Employee Benefits						
3100 STRS	157,935	180,263	177,324	177,324	177,324	177,324
3300 OASDI-Medicare-Alternative	35,869	36,832	36,696	36,696	36,696	36,696
3400 Health & Welfare Benefits	80,359	100,260	106,038	110,279	114,690	119,278
3500 Unemployment Insurance	12,050	11,222	11,201	11,201	11,201	1,466
3600 Workers Comp Insurance	14,609	15,306	15,284	15,284	15,284	15,284
SUBTOTAL - Employee Benefits	300,822	343,882	346,543	350,784	355,195	350,048
Books & Supplies						
4100 Approved Textbooks & Core Curricula Materials	1,370	1,075	1,127	1,144	1,161	1,178
4200 Books & Other Reference Materials	-	1,505	1,577	1,601	1,625	1,649
4320 Educational Software	500	1,000	1,015	1,030	1,046	1,061
4325 Instructional Materials & Supplies	2,000	4,300	4,507	4,574	4,643	4,712
4326 Art & Music Supplies	1,000	1,500	1,523	1,545	1,569	1,592

Ross Valley Elementary School District Findings
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**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
4330 Office Supplies	1,500	2,000	1,200	1,218	1,236	1,255
4335 PE Supplies	-	360	365	371	376	382
4346 Teacher Supplies	3,200	4,000	4,000	4,000	4,000	4,000
4410 Classroom Furniture, Equipment & Supplies	120	2,000	1,000	1,015	1,030	1,046
4420 Computers: individual items less than \$5k	-	1,500	1,523	1,545	1,569	1,592
4430 Non Classroom Related Furniture, Equipment & Supplies	1,000	1,000	1,015	1,030	1,046	1,061
4710 Student Food Services	10,500	10,500	10,658	10,817	10,980	11,144
4720 Other Food	200	203	206	209	212	215
SUBTOTAL - Books and Supplies	21,390	30,943	29,715	30,100	30,492	30,889

Services & Other Operating Expenses

5200 Travel & Conferences	250	1,000	1,015	1,030	1,046	1,061
5300 Dues & Memberships	1,800	1,827	1,854	1,882	1,910	1,939
5450 Insurance - Other	21,000	21,315	22,168	23,054	23,976	24,936
5515 Janitorial, Gardening Services & Supplies	2,500	2,538	2,576	2,614	2,653	2,693
5525 Utilities - Waste	4,400	4,466	4,533	4,601	4,670	4,740
5535 Utilities - PGE & Sewer	12,000	15,500	15,733	15,968	16,208	16,451
5605 Equipment Leases	4,500	4,568	4,636	4,706	4,776	4,848
5610 Rent	168,980	187,625	193,254	199,051	205,023	211,174
5615 Repairs and Maintenance - Building	3,000	5,125	5,202	5,280	5,359	5,439
5803 Accounting Fees	12,600	13,600	13,804	14,011	14,221	14,435
5805 SELPA and other administrative Fees	3,780	4,267	4,472	4,539	4,607	4,676
5812 Business Services	65,025	67,626	70,331	73,144	76,070	79,113
5824 CDE Oversight Fees	16,150	17,115	17,553	17,504	17,484	17,459
5826 Directors Contingency	-	10,000	40,000	40,000	30,000	30,000
5828 Aftercare Expenses	7,400	1,025	1,040	1,056	1,072	1,088
5829 After school Enrichment Program	82,000	120,000	120,000	120,000	120,000	120,000
5830 Field Trips Expenses	800	15,595	15,829	16,066	16,307	16,552
5836 Fingerprinting	-	200	203	206	209	212
5843 Interest - Loans	1,000	900	-	-	-	-
5845 Legal Fees	5,000	5,075	5,151	5,228	5,307	5,386
5851 Marketing and Student Recruiting	15,500	15,733	15,968	16,208	16,451	16,698
5854 Counselling Contracting	5,890	14,700	14,921	15,144	15,371	15,602
5855 MH SPED Contractors	5,000	5,075	5,151	5,228	5,307	5,386
5857 Payroll Fees	3,240	3,289	3,338	3,388	3,439	3,490
5861 Prior Yr Exp (not accrued)	13,259	5,000	5,075	5,151	5,228	5,307
5863 Professional Development	9,000	15,000	15,225	15,453	15,685	15,920

Ross Valley Elementary School District Findings
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**Ross Valley Charter School
Multi-year Projection
As of Mar FY2020**

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25
5869 Special Education Contract Instructors	43,000	35,255	35,784	36,321	36,865	37,418
5875 Staff Recruiting	1,300	700	711	721	732	743
5880 Student Health Services	1,200	1,218	1,236	1,255	1,274	1,293
5881 Student Information System	3,664	3,719	3,775	3,831	3,889	3,947
5887 Technology Services	2,000	4,100	4,162	4,224	4,287	4,352
5910 Communications - Internet / Website Fees	5,000	5,075	5,151	5,228	5,307	5,386
5915 Postage and Delivery	400	645	676	686	696	707
5920 Communications - Telephone & Fax	6,000	6,090	6,181	6,274	6,368	6,464
SUBTOTAL - Services & Other Operating Exp.	526,638	614,964	656,706	669,056	671,800	684,916
Depreciation Expense						
6900 Depreciation	5,015	41,738	44,863	44,863	41,576	38,280
SUBTOTAL - Depreciation Expense	5,015	41,738	44,863	44,863	41,576	38,280
Other Outflows						
7438 Long term debt - Interest	-	14,220	4,976	4,257	3,856	3,311
SUBTOTAL - Other Outflows	-	14,220	4,976	4,257	3,856	3,311
TOTAL EXPENSES	2,071,274	2,321,205	2,356,485	2,372,743	2,376,602	2,381,127

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
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Ross Valley Charter School
2019-20
As of Mar FY2020

	Year 1 2019-20	Year 2 2020-21	Year 3 2021-22	Year 4 2022-23	Year 5 2023-24	Year 6 2024-25	Driver/ Rate Type
Revenues and related expenses							
Statewide LCFF Assumptions							
LCFF COLA	3.26%	-5.00%	0.00%	0.00%	0.00%	0.00%	
TK-3 LCFF Base	7,702	7,317	7,317	7,317	7,317	7,317	
4-6 LCFF Base	7,818	7,427	7,427	7,427	7,427	7,427	
TK-3 Gr Span Adj	801	761	761	761	761	761	
School LCFF Assumptions							
LCFF per ADA	8,793	8,380	8,323	8,299	8,290	8,278	
ILPT per ADA	900	800	800	800	800	800	
Unduplicated Pupil % (3 year avg)	31.04%	30.63%	30.16%	28.68%	28.08%	27.33%	
District UPP	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	
Other Federal and State Revenues							
EDCOE SELPA Federal Rate	125.00	125.00	125.00	125.00	125.00	125.00	Prior Year Enrollment
EDCOE SELPA State Rate	538.00	552.00	552.00	552.00	552.00	552.00	ADA
Mandated Cost Reimbursements: K-8	16.86	17.25	17.72	18.22	18.73	18.73	Prior Year Enrollment
Mandated Cost Reimbursements: 9-12	46.87	47.94	49.24	50.63	52.06	52.06	Prior Year Enrollment
State Lottery Unrestricted	153.00	153.00	153.00	153.00	153.00	153.00	ADA
State Lottery Restricted	54.00	54.00	54.00	54.00	54.00	54.00	ADA
Fees							
Authorizer Fees	1.00%	1.00%	1.00%				% of LCFF
Special Education Encroachment Fees		0.00	0.00				
Payroll							
Annual Pay Increase							
Certificated		0.00%	0.00%	0.00%	0.00%	0.00%	
Classified		0.00%	0.00%	0.00%	0.00%	0.00%	
Benefits							
STRS	17.10%	18.40%	18.10%	18.10%	18.10%	18.10%	% of eligible payroll
Social Security	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	% of eligible payroll
Medicare	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	% of total payroll
H&W average annual increase		4.00%	4.00%	4.00%	4.00%	4.00%	

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FUTA %	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	% of eligible payroll
FUTA Tax Base	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	
SUTA %	4.69%	4.66%	4.65%	4.65%	4.65%		% of eligible payroll
SUTA Tax Base	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000	
ETT (part of SUTA)	\$7	\$7	\$7	\$7	\$7	\$7	Annual rate per employee
Workers Comp	1.20%	1.20%	1.20%	1.20%	1.20%	1.20%	% of total payroll

Ross Valley Elementary School District Findings
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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2019-20													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Actuals	Aug Actuals	Sep Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	Apr Forecast	May Forecast	Jun Forecast			
Beginning Cash	311,734	330,622	284,859	203,981	237,662	215,668	179,614	131,952	132,868	136,233	138,722	250,817			
REVENUE															
LCFF Entitlement	-	65,657	65,612	125,803	118,101	118,101	118,101	129,627	-	285,845	262,727	138,757	1,614,981	186,650	
Federal Revenue	-	-	-	-	-	-	-	-	-	25,167	4,917	667	45,000	14,250	
Other State Revenue	4,000	4,000	7,201	7,201	7,201	9,798	7,201	8,180	20,332	5,685	20,314	11,076	144,236	32,047	
Other Local Revenue	816	26,906	8,411	37,139	10,354	19,525	25,599	17,500	164,217	(168,247)	11,406	(5,135)	148,489	-	
Fundraising & Grants	1,289	166	14,401	46,123	38,814	22,836	5,822	49	45,783	3,635	10,801	6,408	180,525	(15,600)	
TOTAL REVENUE	6,105	96,729	95,626	216,266	174,470	170,260	156,722	155,356	230,332	152,084	310,165	151,772	2,133,231	217,347	
EXPENSES															
Certificated Salaries	66,530	73,568	78,505	79,400	80,890	77,110	77,544	81,272	42,128	105,955	82,020	80,017	924,938	-	
Classified Salaries	519	6,691	32,344	35,316	27,116	24,418	24,824	27,923	13,290	34,852	34,429	28,835	292,472	1,917	
Employee Benefits	34,218	21,612	23,433	15,054	25,534	24,035	38,292	27,142	7,418	30,379	30,527	23,032	300,822	147	
Books & Supplies	50	578	2,826	460	153	4,548	2,305	3,016	486	2,400	908	3,661	21,390	-	
Services & Other Operating Expenses	31,594	28,241	35,677	38,452	42,769	62,242	48,023	41,247	45,057	32,076	43,804	51,391	526,638	26,066	
Capital Outlay & Depreciation	-	-	-	-	-	864	144	144	144	418	418	2,883	5,015	-	
Other Outflows	-	-	-	-	-	-	-	1,682	22,058	(23,740)	-	-	-	-	
TOTAL EXPENSES	132,910	130,689	172,785	168,682	176,461	193,216	191,132	182,426	130,580	182,339	192,106	189,818	2,071,274	28,129	
Operating Cash Inflow (Outflow)	(126,806)	(33,961)	(77,159)	47,584	(1,991)	(22,956)	(34,410)	(27,070)	99,752	(30,256)	118,058	(38,047)	61,957	189,218	
Revenues - Prior Year Accruals	167,083	356	-	-	7,735	-	-	646	-	25,355	-	-	-	-	
Other Assets	19,506	-	-	-	-	(625)	-	-	-	-	-	-	-	-	
Fixed Assets	-	-	-	(566)	(14,401)	864	84	144	(3,856)	(3,093)	418	2,883	-	-	
Expenses - Prior Year Accruals	-	(3,850)	-	-	-	-	-	2,469	-	(34,475)	-	-	-	-	
Accounts Payable - Current Year	(36,341)	(1,848)	(797)	-	-	-	-	38,064	(89,404)	51,340	-	-	-	-	
Summerholdback for Teachers	(4,555)	206	412	412	412	412	413	413	207	424	424	424	424	424	
Loans Payable (Current)	-	(6,667)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	(3,333)	
Loans Payable (Long Term)	-	-	-	(10,416)	(10,416)	(10,416)	(10,416)	(10,416)	-	(3,472)	(3,472)	(3,472)	-	-	
Ending Cash	330,622	284,859	203,981	237,662	215,668	179,614	131,952	132,868	136,233	138,722	250,817	209,272			

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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2020-21													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast			
Beginning Cash	209,272	440,606	246,238	155,703	137,542	103,671	48,045	107,463	88,220	113,383	216,843	311,493			
REVENUE															
LCFF Entitlement	-	67,766	67,766	131,162	121,979	121,979	212,862	121,979	185,048	197,319	225,898	185,048	1,711,514	72,710	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	12,063	4,250	-	41,125	16,313	
Other State Revenue	289	5,230	5,230	9,182	9,182	12,350	9,182	19,109	11,970	11,970	21,897	11,970	163,546	35,986	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,183	12,183	12,183	12,850	12,850	16,616	12,850	12,850	53,523	9,261	21,966	14,484	203,800	-	
TOTAL REVENUE	13,559	121,891	97,291	202,147	161,747	177,189	269,773	182,199	254,230	221,841	289,597	204,012	2,329,178	133,701	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,697	30,777	25,350	26,430	25,350	30,777	29,697	26,430	29,697	23,531	295,767	2,000	
Employee Benefits	32,906	27,145	32,818	29,534	28,347	28,429	32,836	29,534	29,452	26,995	27,456	18,277	343,882	153	
Books & Supplies	1,704	1,704	2,347	1,704	1,704	5,447	1,704	4,687	1,704	2,080	1,704	4,457	30,943	-	
Services & Other Operating Expenses	36,532	35,033	40,195	60,857	43,846	76,137	54,095	39,009	70,763	(23,080)	49,071	95,777	614,964	36,728	
Capital Outlay & Depreciation	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	41,738	-	
Other Outflows	500	495	490	486	481	476	471	466	461	456	452	8,985	14,220	-	
TOTAL EXPENSES	137,676	159,246	193,806	211,616	186,921	224,114	201,649	192,732	220,335	120,076	196,637	237,514	2,321,205	38,881	
Operating Cash Inflow (Outflow)	(124,117)	(37,355)	(96,514)	(9,469)	(25,175)	(46,925)	68,124	(10,533)	33,895	101,764	92,960	(33,502)	7,973	94,820	
Revenues - Prior Year Accruals	205,695	7,402	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	15,805	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	(146,522)	(146,522)	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	3,478	
Expenses - Prior Year Accruals	(11,980)	(16,150)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(4,664)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	297,116	(2,889)	(2,894)	(13,315)	(13,320)	(13,324)	(13,329)	(13,334)	(13,355)	(2,928)	(2,933)	(106,438)	-	-	
Ending Cash	440,606	246,238	155,703	137,542	103,671	48,045	107,463	88,220	113,383	216,843	311,493	176,177			

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2021-22												Forecast	Remaining Balance
	Actuals & Forecast													
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast		
Beginning Cash	176,177	125,112	101,212	18,124	25,700	15,810	(15,391)	71,600	77,431	106,417	202,314	291,704		
REVENUE														
LCFF Entitlement	-	74,783	74,783	144,822	134,609	134,609	229,182	134,609	178,092	189,302	220,272	178,092	1,755,252	62,097
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,438	4,250	-	43,875	17,688
Other State Revenue	299	5,936	5,936	10,446	10,446	14,065	10,446	21,486	11,180	11,180	22,220	11,180	169,219	34,399
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-
TOTAL REVENUE	13,965	130,011	105,411	217,467	176,037	192,054	287,753	197,603	248,206	214,689	284,988	196,717	2,387,779	122,877
EXPENSES														
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000
Employee Benefits	33,350	27,212	32,850	29,573	28,393	28,476	32,874	29,573	29,490	27,043	27,497	18,019	346,543	2,192
Books & Supplies	1,588	1,588	2,241	1,588	1,588	5,388	1,588	4,616	1,588	1,971	1,588	4,383	29,715	-
Services & Other Operating Expenses	37,633	35,970	41,148	61,139	44,797	77,162	55,151	39,993	71,631	(22,450)	50,002	97,221	656,706	67,310
Capital Outlay & Depreciation	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	44,863	-
Other Outflows	442	437	432	427	422	417	412	407	402	397	392	387	4,976	-
TOTAL EXPENSES	139,308	160,338	194,681	211,817	187,849	225,171	202,673	193,679	221,122	120,689	197,490	230,165	2,356,485	71,502
Operating Cash Inflow (Outflow)	(125,343)	(30,327)	(89,270)	5,650	(11,812)	(33,118)	85,080	3,924	27,085	94,000	87,498	(33,448)	31,293	51,374
Revenues - Prior Year Accruals	107,846	21,606	4,250	-	-	-	-	-	-	-	-	-	-	-
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fixed Assets	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739
Expenses - Prior Year Accruals	(21,766)	(17,115)	-	-	-	-	-	-	-	-	-	-	-	-
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Loans Payable (Long Term)	(2,942)	(2,947)	(2,952)	(2,957)	(2,962)	(2,967)	(2,972)	(2,977)	(2,982)	(2,987)	(2,992)	(2,997)		
Ending Cash	125,112	101,212	18,124	25,700	15,810	(15,391)	71,600	77,431	106,417	202,314	291,704	260,143		

Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response

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Ross Valley Charter School
Monthly Cash Forecast
As of Mar FY2020

	2022-23													Forecast	Remaining Balance
	Actuals & Forecast														
	Jul Forecast	Aug Forecast	Sep Forecast	Oct Forecast	Nov Forecast	Dec Forecast	Jan Forecast	Feb Forecast	Mar Forecast	Apr Forecast	May Forecast	Jun Forecast	Forecast		
Beginning Cash	260,143	164,473	138,760	54,502	80,357	71,114	40,669	136,870	143,654	157,913	239,069	314,026			
REVENUE															
LCFF Entitlement	-	76,973	76,973	166,177	138,551	138,551	241,766	138,551	167,216	177,761	209,396	167,216	1,750,352	51,221	
Federal Revenue	-	-	-	-	4,250	-	-	4,250	-	13,875	4,250	-	44,750	18,125	
Other State Revenue	299	6,120	6,120	10,776	10,776	14,619	10,776	22,176	10,776	10,776	22,176	10,776	169,442	33,276	
Other Local Revenue	1,087	36,712	12,112	48,953	13,486	26,245	34,879	24,011	3,690	(8,772)	15,586	(7,489)	209,193	8,693	
Fundraising & Grants	12,580	12,580	12,580	13,247	13,247	17,135	13,247	13,247	55,244	9,541	22,660	14,934	210,240	-	
TOTAL REVENUE	13,965	132,384	107,784	239,153	180,309	196,549	300,668	202,234	236,926	203,182	274,068	185,437	2,383,977	111,315	
EXPENSES															
Certificated Salaries	57,569	80,349	84,780	84,780	83,717	83,717	83,717	84,780	84,780	83,717	84,780	83,008	979,692	-	
Classified Salaries	4,988	11,042	29,492	30,572	25,194	26,274	25,194	30,572	29,492	26,274	29,492	23,408	293,992	2,000	
Employee Benefits	33,697	27,386	33,024	29,746	28,567	28,649	33,047	29,746	29,663	27,216	27,670	18,019	350,784	4,354	
Books & Supplies	1,607	1,607	2,269	1,607	1,607	5,464	1,607	4,680	1,607	1,995	1,607	4,444	30,100	-	
Services & Other Operating Expenses	38,768	36,935	42,125	61,991	45,866	78,288	56,299	41,070	72,522	(21,778)	50,959	98,603	669,056	67,407	
Capital Outlay & Depreciation	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	44,863	-	
Other Outflows	382	377	372	367	362	357	352	347	342	337	332	327	4,257	-	
TOTAL EXPENSES	140,750	161,435	195,801	212,801	189,051	226,487	203,954	194,933	222,145	121,499	198,579	231,547	2,372,743	73,761	
Operating Cash Inflow (Outflow)	(126,784)	(29,051)	(88,017)	26,352	(8,741)	(29,938)	96,713	7,301	14,782	81,683	75,489	(46,110)	11,234	37,554	
Revenues - Prior Year Accruals	97,249	21,378	4,250	-	-	-	-	-	-	-	-	-	-	-	
Other Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fixed Assets	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	3,739	
Expenses - Prior Year Accruals	(51,911)	(17,553)	-	-	-	-	-	-	-	-	-	-	-	-	
Accounts Payable - Current Year	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Summerholdback for Teachers	(12,597)	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	1,145	
Loans Payable (Current)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Loans Payable (Long Term)	(5,366)	(5,371)	(5,376)	(5,381)	(5,386)	(5,391)	(5,396)	(5,401)	(5,406)	(5,411)	(5,416)	(5,421)	(5,421)	(5,421)	
Ending Cash	164,473	138,760	54,502	80,357	71,114	40,669	136,870	143,654	157,913	239,069	314,026	267,379			

EXHIBIT “P”



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

August 24, 2020

Sharon Sagar, Board Chair
Luke Duchene, Director
Ross Valley Charter School
97 Glen Drive
Fairfax, CA 94930

Dear Ms. Sagar and Director Duchene:

Subject: Ross Valley Charter Facility

On May 17, 2019 and October 18, 2019 Ross Valley Charter (RVC) was informed that the facility located on 102 Marinda Drive, Fairfax, CA 94930 was conditionally authorized to open and operate for the 2019–20 academic with the intent to complete the following renovation projects by August 19, 2020.

- Storage space to secure computers and other expensive electronic devices
- Installation of signage for drop off/pickup areas
- Americans with Disability Act (ADA) facility requirements
- Minor painting required throughout the facility

During a phone call on August 19, 2020, RVC stated that the following projects had been completed:

- Storage space to secure computers and other expensive electron devices
- Installation of signage for drop off/pickup areas

CDE is requesting evidence of the above completed projects to be submitted to CDE by August 28, 2020.

We understand that work was delayed due to COVID-19 and that RVC has provided an updated timeline for the completion of the outstanding ADA work to the CDE. RVC has committed to completing the work and anticipates completion by November 30, 2020. Please be advised that RVC is not allowed to serve students at the site until the CDE has conducted a site inspection and has provided the necessary authorization, as set

Sharon Sagar, Board Chair
Luke Duchene, Director
August 24, 2020
Page 2

forth by the California State Board of Education pertaining to the opening and operation of a new, expanded, and/or remodeled school.

RVC shall provide weekly updates of the progress of the ADA renovations, which will be submitted to SBEOVERSIGHT@cde.ca.gov by the last day of each month, beginning with August 28, 2020.

If you have any questions regarding this letter, please contact Carrie Lopes, Education Administrator, Charter Schools Division, by email at clopes@cde.ca.gov.

Sincerely,

Stephanie Farland, Director
Charter Schools Division

SF:cl

cc: Karen Stapf Walters, Executive Director, California State Board of Education

Sent via First Class Mail and Email to:
sharon.sagar@rossvalleycharter.org
luke.duchene@rossvalleycharter.org

EXHIBIT “Q”

From: [Carrie Lopes](#)
To: [Matthew Huddleston](#)
Subject: RE: Ross Valley Construction to meet ADA conditions
Date: Thursday, May 7, 2020 1:27:51 PM

Have they started construction at all?

Carrie Lopes
Charter Schools Division
916-323-2694

From: Matthew Huddleston
Sent: Thursday, May 7, 2020 10:39 AM
To: Carrie Lopes <CLopes@cde.ca.gov>
Subject: Ross Valley Construction to meet ADA conditions

Carrie,

Just got off the phone with Luke at Ross Valley, and they have hit a snag in their construction.

They were waiting for the inspection team to okay the work (making doorways wider with lips that are ADA accessible), and the fire inspector assigned to them said they have to include a new updated fire safety system with any construction. Luke says the estimate for that system is \$100k.

Clearly, they don't have that kind of money, and will not be able to move forward with the ADA conditions. Luke is working with the city to see if they can get a second opinion or stay (apparently this specific Fire inspector is a lot more stringent than others.)

Meanwhile, I was wondering if there is a Grant or some kind of Safety funds he could apply for?

Thanks,

Matt

EXHIBIT “R”



**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

**Ross Valley Charter School 102 Marinda Drive, Fairfax, CA
For Agenda and Supplemental Materials go to:**

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2019-11-18-regular-meeting>

November 18, 2019

No Closed Session

Open Session 7:30 P.M.

Board Members:

Sharon Sagar, Chair

Amy Gramajo

Kristi Kimball

John Kirk

Cheryl Flick

Sonya Stanley

Board Member Kimball participating via TELECONFERENCE from 38 Winding Way San Carlos, CA 94070

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present	Absent
Kristi Kimball	<u>X</u>	_____
Amy Gramajo	<u>X</u>	_____
John Kirk	<u>X</u>	_____
Cheryl Flick	<u>X</u>	_____
Sharon Sagar, Chair	<u>X</u>	_____
Sonya Stanley	<u>X</u>	_____

C. APPROVAL OF AGENDA OF REGULAR BOARD MEETING OF NOVEMBER 18, 2019.

Approval of the Agenda was duly moved and seconded and approved 6-0.

II. COMMUNICATION

C. No public comment on items not on the agenda.

D. For Information: School Director – Mr. Duchene not in attendance.

E. For Information: Board/Staff Updates

- Monthly school tours a success; focus on curriculum, culture and educational approaches.
- Fall Gathering
- Need Events committee.
- Gratitude Feast, K/1 plays, (Scrooge, Nutcracker) and Inquiry Arc Expos coming up.
- Family Giving update: exceeded \$33K matching gift challenge.
- Conferences and report cards
- Music concert Dec. 12th, 1pm.
- White Hill students helping at school.
- Teachers attended Natalie Wexler presentation, The Commonwealth Club.
 - Examining how we teach reading, knowledge and comprehension.
 - Affirms RVC's approach and being knowledge-rich.
 - Addressing exposure gap.

III. GENERAL ITEMS

A. REPORT FROM COMMUNITY COUNCIL BUDGET COMMITTEE

- Committee includes Ms. Flick, Mr. Duchene, teachers and parents.
- Looking at budgets, resources and additional needs including classroom aides.
- Exploring salary increases, more students and increased costs.
- Current budget has a 9% reserve.
- Pursuing additional revenue, grants and funding sources. What if we exceed our fundraising goal?
- October financials in December.

B. ENROLLMENT REPORT – see November chart

- 195 enrolled students as of 11/1/19. Full capacity.
- Goal to add another 2/3 class next year.
- 24% of students are FRPL eligible.
- 22% of students are English Learners.
- 47% of students are non-white.
- Need to decide on new enrollment, current year.
- Need to address absenteeism and demonstrate growth.
- March 31st cutoff for new enrollment/ADA.

No public comment

C. UPDATE ON ELA CURRICULUM TRANSITION

- Ms. Chappell is working with K/1 teachers.
- Add to December agenda

D. ELECTION OF A NEW TREASURER

Mr. Hickey has resigned as Treasurer and our by-laws require the corporation to have a treasurer. Board Member Flick has volunteered to fill this role and staff recommends her election by the board.

- Ms. Flick is taking on new role as treasurer and is on our audit committee.
- Mr. Hickey: This school is giving the MAP concept a new form through new people and an evolving culture; a testament to Julie Quater's enduring vision and those who wrote charter petition.

Approval and appointment of board member Cheryl Flick as RVC's new treasurer was duly moved, seconded and approved 6-0.

E. BOARD RESOLUTION TO ADD A THIRD SIGNATORY TO ALL THREE RVC CHECKING ACCOUNTS.

Staff recommends the board pass the following resolution:

The Ross Valley Charter School Board of Trustees approves the removal of Conn Hickey as an approved signer on its three checking accounts at Westamerica Bank and adding Cheryl Flick in his place.

Approval of Cheryl Flick as Westamerica banking accounts signer in place of Conn Hickey was duly moved and seconded and approved 6-0.

F. 2020-21 CALENDAR PLANNING

- Mr. Duchene and teachers will bring back to the board with proposal based on MCOE's calendar.
- Minimum of 172 instructional days
- Ms. Flick recommends pulse survey to parents.

G. WELLNESS POLICY

- Teachers proposing revisions.
- Needs to be better communicated; ie birthday "treats".
- More education, communication and consistency.
- Address in newsletter
- Invite nutritionist for Parent Ed.

IV. CONSENT AGENDA ITEMS

A. Minutes of Oct. 14th Board Meeting

Minutes for the October 14th board meeting were approved as presented by a motion duly moved and seconded and passed 5-0. Elizabeth Ellis will upload to website.

V. FUTURE MEETING NEEDS AND TOPICS

- Interim Financial Report
- ELA Curriculum transition update
- 2020/21 Calendar start/end date adoption
- Renewal process
- Enrollment timeline
- Attendance data

VI. Meeting adjourned at 9:27 p.m.

EXHIBIT “S”



STATEMENT OF ECONOMIC INTERESTS

RECEIVED
 Date: Initial Filing Received
 Official Use Only

COVER PAGE

A PUBLIC DOCUMENT

DEC 30 2019
 MARIN COUNTY ELECTIONS

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) B
 Hickey Conn

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
 Ross Valley Charter School
 Division, Board, Department, District, if applicable Your Position
 NA Treasurer

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)

- State
- Multi-County _____
- City of _____
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of _____
- Other Public Not-for-Profit Charter School

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2018, through December 31, 2018.
- or- The period covered is ____/____/____, through December 31, 2018.
- Assuming Office: Date assumed ____/____/____
- Candidate: Date of Election _____ and office sought, if different than Part 1: _____
- Leaving Office: Date Left 11 / 12 / 19
 (Check one circle.)
- The period covered is January 1, 2018, through the date of leaving office.
- or- The period covered is 1 / 1 / 2019, through the date of leaving office.

4. Schedule Summary (must complete) ► Total number of pages including this cover page: _____

Schedules attached

- Schedule A-1 - Investments – schedule attached
- Schedule A-2 - Investments – schedule attached
- Schedule B - Real Property – schedule attached
- Schedule C - Income, Loans, & Business Positions – schedule attached
- Schedule D - Income – Gifts – schedule attached
- Schedule E - Income – Gifts – Travel Payments – schedule attached

-or- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
 (Business or Agency Address Recommended - Public Document)
 _____ Fairfax CA 94930
 EMAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the

Date Signed 12-21-19
 (month, day, year)

Signature _____

**SCHEDULE A-1
 Investments**

Stocks, Bonds, and Other Interests
 (Ownership Interest is Less Than 10%)

*Investments must be itemized.
 Do not attach brokerage or financial statements.*

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name
 Conn Hickey

▶ NAME OF BUSINESS ENTITY
CVS

GENERAL DESCRIPTION OF THIS BUSINESS
Drug Store Chain with local store

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Microsoft

GENERAL DESCRIPTION OF THIS BUSINESS
Computer related products and services

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Wells Fargo

GENERAL DESCRIPTION OF THIS BUSINESS
Commercial Baqnk

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Google

GENERAL DESCRIPTION OF THIS BUSINESS
Computer Services Company

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Apple

GENERAL DESCRIPTION OF THIS BUSINESS
Computer Hardware Supplies

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY
Intel

GENERAL DESCRIPTION OF THIS BUSINESS
Computer Chip Manufacturer

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____/_____/18 _____/_____/18
 ACQUIRED DISPOSED

Comments: _____

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name
 Conn Hickey

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
 EdTec - 7-22-19 thru 11-12-19

ADDRESS (Business Address Acceptable)
 1410-A 62nd Street, Emeryville, CA 94608

BUSINESS ACTIVITY, IF ANY, OF SOURCE
 Charter School Back Officer Services

YOUR BUSINESS POSITION
 Associate Client Manager

GROSS INCOME RECEIVED No Income - Business Position Only
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 (For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use
 Schedule A-2.)

Sale of _____
 (Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

 (Describe)

Other _____
 (Describe)

NAME OF SOURCE OF INCOME

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED No Income - Business Position Only
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 (For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use
 Schedule A-2.)

Sale of _____
 (Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

 (Describe)

Other _____
 (Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*	INTEREST RATE	TERM (Months/Years)
_____	_____ % <input type="checkbox"/> None	_____
ADDRESS (Business Address Acceptable)		

BUSINESS ACTIVITY, IF ANY, OF LENDER	SECURITY FOR LOAN	
_____	<input type="checkbox"/> None <input type="checkbox"/> Personal residence	
	<input type="checkbox"/> Real Property _____	Street address

		City
HIGHEST BALANCE DURING REPORTING PERIOD	<input type="checkbox"/> Guarantor _____	
<input type="checkbox"/> \$500 - \$1,000		
<input type="checkbox"/> \$1,001 - \$10,000	<input type="checkbox"/> Other _____	(Describe)
<input type="checkbox"/> \$10,001 - \$100,000		
<input type="checkbox"/> OVER \$100,000		

Comments: _____

EXHIBIT “T”



STATEMENT OF WORK #4
 by and between
 EdTec Inc. and Ross Valley Charter School

Reference:	Master Services Agreement dated February 15, 2017, by and between EdTec Inc. ("EdTec") and Ross Valley Charter School ("Client").
Term:	July 1, 2019 through June 30, 2020 (the "Initial Term"). This Statement of Work shall automatically renew for consecutive additional one (1) year terms unless either party provides written notice of non-renewal to the other at least one hundred twenty (120) days prior to the expiration of the then-current term (each, a "Renewal Term"). The Initial Term and any Renewal Term(s) are referred to as the Term.
Scope of Services:	<p>The philosophy of our Back-Office Services is that we provide a fully-outsourced solution so your school can focus on its educational mission. Moreover, you receive the benefit of our extensive experience with California Charter Schools.</p> <p>1. FINANCE and ACCOUNTING</p> <p>Accounting:</p> <ul style="list-style-type: none"> ▪ Setup of school's chart of accounts and general ledger – EdTec sets up and maintains the school's chart of accounts, based on EdTec's standard structure which is designed to be compliant with SACS. ▪ Customized account codes – EdTec maintains limited customized account codes for unique features of the school program. These must be established at the beginning of the fiscal year to avoid re-coding of historic transactions. ▪ Fund accounting – EdTec can track revenue and expenditures by fund, e.g. implementation grant funds and expenses or Title I expenditures. ▪ Training – EdTec trains appropriate personnel on accounting procedures and practices designed to ensure accurate record keeping. ▪ Transaction recording – EdTec records in detail all transactions in a computerized accounting system. ▪ Journal entries and account maintenance – EdTec prepares and records journal entries and maintains the general ledger according to accepted accounting standards. ▪ Bank reconciliation – EdTec reconciles primary bank and investment accounts to general ledger monthly or upon receipt of statements. Revolving and petty cash accounts are reconciled quarterly or as required. ▪ Account for capital outlay expenses – EdTec records capitalized assets as provided by the school. On an annual basis, EdTec records related depreciation and amortization in the general ledger and reconciles expenditures to fixed asset listing. ▪ Generate financial reports as requested – EdTec can generate the following reports upon request: detailed account activity; bank register activity; summary of budget; expenditures by account; cash balances; payroll register (for periods when payroll is processed by EdTec); revenues; general ledger account balances.

	<p>Accounts Payable & Receivable:</p> <ul style="list-style-type: none">▪ Revenue verification – EdTec verifies that the school is receiving the correct amount of funds from State and Federal sources.▪ Revenue collection – If the funds from the State or the county/district are not correct, EdTec tracks down the appropriate officials and alerts them of the problem. EdTec will use reasonable efforts to negotiate on behalf of the school in disputes with funding agencies over improperly calculated payments.▪ Accounts payable – EdTec processes all invoices and, pending approval from the school leader or surrogate, pays the bills and codes them, based on school input, in the financial software, typically on a two-week schedule with limited rush payments as needed. EdTec checks to make sure there are no double payments or double billings on multiple invoices. EdTec troubleshoots vendor payment issues with the school. EdTec also verifies that funds are available to pay the bill.▪ Form 1099 processing – EdTec prepares and sends 1099 Forms to vendors and government, provided that this SOW remains in effect at the end of the applicable calendar year and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of services under this SOW. <p>Audit:</p> <ul style="list-style-type: none">▪ Audit support – EdTec prepares financial documents for the auditors and works side-by-side with the auditors to help ensure a smooth and timely audit process. For clarification, the school is responsible to pay auditor fees. The school shall also provide all non-financial records required by the audit – e.g. attendance records, employee records, teacher certifications.▪ Audit compliance training – EdTec helps the school leader and audit staff develop financial policies designed to meet requirements and help protect the school from financial mismanagement.▪ Single Audit Act of 1984 – EdTec provides support in school compliance with accounting related audit requirements, including the Single Audit Act of 1984.▪ IRS Form 990 support (and the corresponding State form, if applicable) – EdTec supports the school and auditor in preparing Form 990 tax-exempt organization annual filing. (For clarification, fees for audit and 990 are paid by school and it is the school's and auditor's sole responsibility to ensure these forms are filed).▪ Annual auditor selection form – EdTec sends auditor information to the county in the spring.▪ The school is responsible for attendance and audit of employee work. <p>2. PAYROLL and HUMAN RESOURCES</p> <p>Payroll:</p> <p>EdTec uses an external payroll processor to accomplish the following tasks. EdTec interfaces between the school and payroll processor, and</p>
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Statement of Work #4 by and between EdTec Inc.
and Ross Valley Charter School
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	<p>performs quality checking so that the school does not need to interact with the payroll processor. The school pays payroll processing fees.</p> <ul style="list-style-type: none">▪ Payroll processing – EdTec calculates and processes payroll and payroll-related payments/deductions for salaried and hourly employees based on information submitted by authorized Client representatives (excluding benefit accrual tracking such as vacation and sick time). EdTec works with the payroll processor to generate checks for signature by authorized Client representatives (or through electronic signature) or facilitates Direct Deposit at the Client's request. The fees set forth below include monthly or semi-monthly payroll processing; for a higher frequency payroll an additional fee will apply.▪ Payroll reporting – EdTec works with the payroll processor to prepare and file all required payroll reports for submission to Federal and State agencies and submits electronic payroll, payroll tax reports and payroll tax deposits to the appropriate authorities for a single EDD/tax ID number. For multiple reporting numbers, an additional fee will apply.▪ Payroll record maintenance – EdTec keeps track of payroll information. Client is responsible for maintaining all employee files, including forms based on EdTec-provided template files.▪ W-2 processing – EdTec prepares and sends Form W-2 to the school and files Forms W-2 and W-3 with the Social Security Administration, provided that this SOW remains in effect at the end of the applicable calendar year, and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of Services under this SOW.▪ IRS, SDI, WC support – EdTec assists in resolving payroll tax issues before the IRS and other Federal and State reporting agencies. EdTec also assists school with any State Disability, Workers Comp, or Unemployment Insurance claims by providing supporting payroll reports.▪ STRS/PERS and other retirement plan administration – EdTec will help the school set up STRS/PERS accounts, and makes appropriate deductions and payments to the county for STRS and/or PERS based on information provided by the school. Note that in some cases it can take approximately 12 months to set up such contributions because of district/county delays. Also, some counties charge separately for this mandated service. The school is responsible for STRS/PERS account setup, administration and enrollments and any fees from outside parties including late fees and interest levied by STRS/PERS. <p>Human Resources, Benefits and Insurance:</p> <ul style="list-style-type: none">▪ Employee file setup – EdTec provides clients with template employee files and procedures to help ensure compliance with State and Federal requirements regarding Live Scan procedures, TB Test information, and/or credential verification information.▪ Contracts and handbook development support – EdTec provides schools with non-legal, business advice on employment contracts and employee handbooks and their business implications.
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Statement of Work #4 by and between EdTec Inc.
and Ross Valley Charter School
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	<ul style="list-style-type: none">▪ Health benefits administration – EdTec assists in guiding the school in the health benefits procurement process, and assists with re-quotes of insurance on an annual basis. Client is responsible for all benefit reporting under the Affordable Care Act, including without limitation the Forms 1094-C and 1095-C.▪ Teacher credentialing – EdTec provides information and assistance to school leaders to help them evaluate teacher credentials and “highly qualified” requirements.▪ Insurance procurement – EdTec provides financial information necessary for the liability insurance quote process. <p>3. COMPLIANCE and ACCOUNTABILITY</p> <ul style="list-style-type: none">▪ Note that compliance and accountability are the responsibility of the school. EdTec will provide advice on some matters, but this information is not comprehensive. In addition, since rules, regulations and interpretations regularly change, schools should seek independent verification from their attorneys or other sources.▪ Mid-year internal review – From time to time, EdTec may perform an internal review with client designed to help the school comply with many school regulations, or in preparation for a potential authorizer site visit. Using an EdTec-developed checklist, we assist the school staff in testing compliance in key areas, such as: Board resolutions and policies; risk management; food service; restricted funding; student and personnel files; and attendance reporting and student data.▪ Employee files – As noted above, EdTec provides schools with templates for employee files, forms, and procedures to help ensure compliance with employment laws. (Note: the school should have an attorney review all legal issues.)▪ ESSA compliance support – EdTec will track the financial reporting and can help provide related backup necessary for the Every Student Succeeds Act (ESSA) compliance. On an hourly billable basis, EdTec can provide assistance on Local Control Accountability Plan (LCAP) development and related school and student performance analysis.▪ SPED compliance – EdTec provides partial checklists and general information to help schools understand their responsibilities related to Special Education. EdTec assistance does not include educational program compliance and we recommend getting specialized assistance in this area to ensure complete compliance. EdTec assists the school in completing the following reports: Maintenance of Effort (MOE), Mental Health expenditure reporting, Excess Cost Report, and year-end reporting. <p>4. ATTENDANCE and DATA REPORTING</p> <ul style="list-style-type: none">▪ Local attendance reporting – EdTec will provide support with monthly attendance reports based on school-provided data as outlined in the addendum to this Statement of Work.▪ State attendance reporting – Using school-provided data, and at the school's request, EdTec will provide support on government attendance reports, including the 20-day report, P-1, P-2, and
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Statement of Work #4 by and between EdTec Inc.
 and Ross Valley Charter School
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	<p>Annual Attendance Report. For specific support level, please refer to the Roles and Responsibilities in Attachment 1.</p> <ul style="list-style-type: none"> ▪ Non-attendance reporting – EdTec will support school on CALPADS and CBEDS reporting. For specific support level, please refer to the Roles and Responsibilities in Attachment 1. ▪ Attendance procedures assistance – EdTec will provide assistance reviewing schools' attendance accounting procedures and advising on areas for improvement, although the school is ultimately responsible for keeping accurate attendance and ADA compliance. ▪ Quarterly ADA analysis – EdTec reviews ADA data to ensure the school is on track with projections, if EdTec is provided access by the school to their Student Information System. ▪ Start of year setup and support – EdTec will provide start of year systems setup and support to the school. If the school has not chosen a Student Information System ("SIS"), EdTec will assist the school leader in evaluating the school's need for an SIS. If the school has already sourced an SIS, the school may use the designated hours for general SIS support for an EdTec-supported SIS or other data service supported by EdTec. If the school asks EdTec to access, use or troubleshoot an SIS not supported by EdTec, hourly charges will apply for EdTec to learn and use the SIS. (Note: The school is responsible for taking accurate attendance, on a system provided by the school, at the school's expense.) ▪ School requests for EdTec assistance on items not listed in this section shall be billed hourly.
<p>Excluded Services:</p>	<p>Other than the services outlined above, EdTec is not responsible for any other activities, unless mutually agreed to in writing. Examples of Excluded Services include, but are not limited to, outside legal costs, computer installation and support, purchasing of small items or of curriculum materials, printing and graphic arts, grant writing or fundraising, hiring and associated legal requirements (e.g., background checks, credential reviews) and recordkeeping, meetings with outside parties (e.g., the Board or District) beyond those meetings required to accomplish the included services, Special Ed administration, testing, assessment, compliance with ESSA, compliance with government grant requirements, audits, attendance accounting, and other outside professional services costs.</p>
<p>Compensation:</p>	<ul style="list-style-type: none"> ▪ Back Office Services: EdTec will provide these services at a fixed fee per school fiscal year as follows: <ul style="list-style-type: none"> ○ \$58,925 for the 2019-20 school fiscal year <p>These fixed fees <u>include</u> all normal postage, telephone, copying, faxing, etc., <u>except</u> for bank and payroll fees that will be passed through. The annual fees are payable monthly commencing on July 1, 2019.</p> <ul style="list-style-type: none"> ○ The fees above are for the scope of services contained herein solely for those school(s) for which Client holds a granted charter or that have been in operation prior to the date of this SOW. ○ In addition to the fees calculated as provided above, there will be an incremental fee for the following, if applicable: <ul style="list-style-type: none"> • Benefit accrual tracking such as vacation and sick time. • Use by school personnel of debit cards.

Statement of Work #4 by and between EdTec Inc.
 and Ross Valley Charter School
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	<ul style="list-style-type: none"> • For the CALPADS services described in Annex A, there will be an additional fee of \$5,500 per school fiscal year. ▪ Consulting: Should you desire additional services not in the above scope, and for any services provided prior to July 1, 2019 (other than the preparation of the budgets for submission to the State by July 1 as described above, for which there would be no additional hourly charge), we would be pleased to provide these, subject to staff availability, at the then-current discounted hourly fee schedule for back-office clients (travel time is billed at ½ of the applicable hourly rate). Typical additional services that are not in the above scope are charter petition writing and the implementation of computer systems or computerized Student Information Systems. Again, this rate includes normal phone, copying and incidental costs. Additional costs would include mileage reimbursement for travel, overnight delivery charges, and pre-approved out-of-pocket expenses. ▪ Fee Increases: EdTec reserves the right to increase the fees payable under this Statement of Work by up to 5% upon the conclusion of the Initial Term and each Renewal Term. EdTec will provide written notice of a fee increase at least thirty (30) days prior to the expiration of the Initial Term or then-current Renewal Term, as applicable. ▪ Payment Terms: All fees payable to EdTec must be received by EdTec within thirty (30) days of the date of invoice. EdTec reserves the right to suspend the provision of Services in the event an invoice is thirty days past due.
<p>School Obligations</p>	<p>EdTec's services will assist with the operations of Client's back-office operations, but do not include auditing Client's provided information and operations for completeness and compliance. It is Client's responsibility to adopt and adhere to reasonable policies and procedures, and to ensure the school remains in compliance with all applicable rules and regulations and maintains sound fiscal operations. In order to fulfill the scope of services described herein, EdTec relies on Client to provide timely, accurate and complete information, and to cooperate reasonably with EdTec. Furthermore, Client must immediately inform EdTec of any material change that could affect EdTec's ability to complete its responsibilities and to assist Client in complying with all applicable laws and regulations.</p> <p>Client will comply with the attached Roles and Responsibilities document (Attachment 1).</p>
<p>Termination</p>	<p>Either party may, upon giving thirty (30) days' written notice identifying specifically the basis for such notice, terminate this Statement of Work for breach of a material term or condition of this Statement of Work, unless the party receiving the notice cures such breach within the thirty (30) day period. In addition, EdTec may terminate this Statement of Work immediately upon written notification and without liability, (a) if Client, in EdTec's reasonable judgment, violates any of the "School Obligations" above, (b) if Client does not open by September 30, 2019, or (c) upon any revocation of Client's charter. Upon any early termination under this section, Client shall pay EdTec for all services rendered by EdTec prior to the effective date of termination. In addition, if EdTec terminates this Statement of Work under this section, Client shall also pay EdTec for any demobilization or other costs resulting from such early termination.</p>

Ross Valley Elementary School District Findings accs-feb21item03
Evidencing Denial of the Ross Valley Charter Petition Attachment 5
and Petitioner's Response Page 160 of 481

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Statement of Work #4 by and between EdTec Inc.
and Ross Valley Charter School
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EDTEC INC. DocuSigned by: By: <u>Steve Campo</u> 7A50CD0252334E8... Name: Steve Campo Title: President & CEO Date: 6/25/2019 1410A 62nd Street Emeryville, CA 94608 Fax: 510.663.3503	ROSS VALLEY CHARTER SCHOOL DocuSigned by: Signature: <u>Conn Hickey</u> E7CFD4701A1C4FA... Name: Conn Hickey Title: CFO-Treasurer Date: 6/25/2019 Address: 102 Marinda Drive Fairfax Email: conn.hickey@rossvalleycharter.org Phone: 4152505879 Fax:
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Statement of Work #4 by and between EdTec Inc.
 and Ross Valley Charter School
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ATTACHMENT 1

Roles and Responsibilities

Clarity on roles and responsibilities between EdTec and Ross Valley Charter School ("Client") will help ensure high quality, timely business services. Table 1 below outlines the roles and responsibilities of both parties:

Table 1: Roles & Responsibilities

	EdTec	Client
Payroll	<ul style="list-style-type: none"> ▪ Accurate, complete payroll on a monthly/semi-monthly basis (additional fees apply for higher frequency payroll) ▪ Published calendar of payroll deadlines ▪ Reminders for payroll deadlines ▪ Final payroll information sent to client for approval prior to client's payroll approval deadline ▪ Advice on setting up STRS/PERS ▪ Primer on health insurance terminations, COBRA, and employee vs. contractor classifications 	<ul style="list-style-type: none"> ▪ Timecards and changes: Submission to EdTec of the timesheet summary, payroll client change summary, and other payroll changes and backup forms by the payroll calendar deadlines and using EdTec forms/processes ▪ Payroll approval: Approval (email or fax) to EdTec by payroll calendar deadlines ▪ New hires: Timely submission to EdTec of new hire paperwork on EdTec new hire forms by payroll calendar deadline ▪ Enrolling (or working with a broker to enroll) staff in any STRS, PERS, 403b, health plans, and other insurance/retirement/contribution/deduction programs ▪ Terminating staff from health plans, other insurance, and other applicable contribution/deduction programs.
Accounts Payable	<ul style="list-style-type: none"> ▪ Timely and accurate check payments ▪ Payment of invoices according to client's approval policies ▪ Recordkeeping/processes adhering to generally accepted accounting standards for accuracy and security and approved by independent auditors ▪ Payment systems linked to financial statements and analyses for informed managerial decision-making ▪ Bank account reconciliations ▪ Invoice/payment research ▪ Advising clients on outstanding checks to ensure adequate cash availability 	<ul style="list-style-type: none"> ▪ Submission of payment and deposit information; provision to EdTec of view-only access to bank account <ul style="list-style-type: none"> ○ Weekly submission to EdTec of invoices, reimbursement requests, deposits, and other expenditures using EdTec forms and processes ○ Coding all expenses and non-State funding deposits using EdTec forms and processes and codes from the most recent budget. ▪ Banking: Monitoring and maintaining adequate bank account balances to meet expense obligations; securing

Statement of Work #4 by and between EdTec Inc.
 and Ross Valley Charter School
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		view-only access to school bank account(s) for use by EdTec.
Attendance and Data Reporting	<ul style="list-style-type: none"> ▪ Start of year setup and support: EdTec will provide SIS evaluation, initial setup and support (up to 3 hours in first year of Initial Term). Support beyond the initial 3 hours is available on an hourly billable or project billable basis. ▪ Monthly attendance reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ 20-Day and P-Reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ CALPADS: See Annex A. ▪ CBEDS: EdTec will provide up to 2 hours to train Client on CBEDS procedures and report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis. ▪ Training: Conduct Attendance Primer training before the start of the school year to educate Client staff on basic attendance processes and procedures. 	<ul style="list-style-type: none"> ▪ Accurate and complete collection of attendance data in compliance with State rules. ▪ Monthly reports: Preparation and submission of data to EdTec at least 3 business days before the deadline ▪ 20-Day and P-Reports: Submission of data to EdTec at least 5 business days before the deadline ▪ Clients without student information system software will submit student and attendance data to EdTec using EdTec forms ▪ Clients using a non-EdTec-supported SIS will provide student and attendance data to EdTec in an EdTec-approved format ▪ Training: Key Client staff to attend start of year Attendance Primer training; EdTec will not be able to complete the Attendance / Data deliverables until the training is completed

The payroll, accounts payable, and attendance deadlines / calendars referenced above shall be provided separately.

1. LATE FEES and PROCESSING CHARGES

Payroll:

- **Timecards and payroll changes:** A late fee of \$100 will be imposed for each business day timecards for hourly staff and payroll changes are submitted late to EdTec based on the published Payroll Calendar. The latest Timecards and Changes can be accepted is one business day prior to Payroll Approval deadlines.
- **Manual checks:** EdTec will generate and distribute manual checks, as needed and without charge, for employee terminations and payroll corrections due to EdTec error. For manual checks for employee terminations, EdTec will bill the overnight delivery charges to the school if overnight delivery is requested. For all other manual check requests processed by EdTec, EdTec will charge a fee of \$35 plus overnight delivery charges (if overnight delivery is requested), and for all manual check requests processed by the

Statement of Work #4 by and between EdTec Inc.
and Ross Valley Charter School
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payroll processor, school will pay the additional fee charged by the payroll processor plus overnight delivery charges (if overnight delivery is requested). An additional payroll cycle outside of the normal payroll processing schedule is possible with adequate advance notice and subject to EdTec staff availability at the time the request is made; an additional payroll cycle will incur an added EdTec processing fee that will be quoted at that time for Client pre-approval.

Accounts Payable:

- **Weekly submittal:** Client must submit a weekly package conforming to EdTec forms and processes. The submittal shall contain invoices with appropriate coding, reimbursement requests, deposits, and/or other payment documents to EdTec using EdTec forms. If Client fails to submit this weekly package or fails to submit all necessary invoices and receipts to process payment, Client will be charged an additional processing fee of \$35.
- As a courtesy, EdTec may waive the first two occurrences (i.e. up to \$70) of the Weekly Submittal processing fee.

Attendance and Data Reporting:

- **Start of year setup and support:** EdTec fees include up to 3 hours in first year of Initial Term to assist Client with the evaluation of SIS systems, initial setup, and support.
- **Monthly, 20-Day and P-Reports:** EdTec fees include 1.5 hours of quality assurance and troubleshooting when processing and generating each report. Any EdTec work beyond this hour (including data correction and reconciliation with other periods) will be charged at the then-current discounted data service rate.
- **Expedite fee:** If Client misses an EdTec deadline for providing data and subsequently requests assistance in generating reports on an expedited basis, a \$100 expedite fee per occurrence may apply.
- **CBEDS reports:** EdTec fees include up to two hours for training and guidance on report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis.
- EdTec can provide additional assistance for reports at the then-current discounted data service rate.
- If Client requires EdTec assistance for work with external deadlines (e.g. P-Reports), EdTec may set a deadline for receiving the request, data, and/or other materials from the Client to ensure timely and accurate processing. EdTec may charge an expedite fee for requests, data, and/or other materials not received from the client by the EdTec deadline.
- If Client does not have a student information software system, Client will use EdTec forms when submitting information to EdTec. Failure to use EdTec forms will result in a processing fee of \$100.
- As a courtesy, EdTec may waive the first occurrence of the forms processing fee.

**Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response**

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Ross Valley Charter School
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ANNEX A: CALPADS Services		
The services described below will be performed for the fixed annual fee set forth in this Statement of Work, provided that Client uses an EdTec-preferred Student Information System (SIS). In the event that Client uses a non-preferred SIS, EdTec will provide up to 30 hours per school per school fiscal year of the service under the fixed annual fee; additional support hours shall be billed at the then-current discounted data service rate.		
Task Description	EdTec Responsibilities	School Responsibilities
A. Fall 1 Submission (October - January)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review Fall 1 required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 1 setup in School's SIS (race/ethnicity, exit code mappings) -Train staff how to review Fall 1 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 1 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 1 snapshot reports and make corrections, as needed
Student Enrollment Submission	<ul style="list-style-type: none"> -Mass request SSIDs and update student enrollments through an SENR submission -Generate and troubleshoot SENR extracts -Train school how to manually generate single SSIDs in CALPADS for new students enrolling throughout the school year 	<ul style="list-style-type: none"> -Enter required student demographic information into School's SIS -Follow up with other districts/schools to resolve CCE and MID anomalies
Student Information Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SINF extracts -Generate, upload and troubleshoot SELA extracts 	<ul style="list-style-type: none"> -Ensure English Language Learner Information in School's SIS is up-to-date and accurate
Student Programs Submission	<ul style="list-style-type: none"> -Review student program records in School's SIS for completeness. Add student program records, if necessary -Generate, upload and troubleshoot SPRG extracts 	<ul style="list-style-type: none"> -Enter lunch eligible (free and reduced), foster youth and special education records into School's SIS
B. Fall 2 Submission (October - March)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 2 setup in School's SIS -Train staff how to review Fall 2 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 2 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 2 snapshot reports and make corrections, as needed
Staff Demographics Submission	<ul style="list-style-type: none"> -Generate reports that identify missing or inaccurate staff demographic data -Provide guidance on data requirements for staff demographic records -Provide guidance on obtaining SEID numbers for credentialed staff 	<ul style="list-style-type: none"> -Request Statewide Educator ID (SEID) numbers for certificated staff -Enter staff demographic data and fix any error identified by EdTec
Staff Assignments Submission	<ul style="list-style-type: none"> -Update school-provided Staff Assignment data into School's SIS, as needed -Provide guidance on data requirements for staff assignment records -Generate, upload and troubleshoot SASS extract(s) 	<ul style="list-style-type: none"> -Enter staff assignments records in the staff assignments into School's SIS
Course Sections Submission	<ul style="list-style-type: none"> -Update school-provided Course/Section data into School's SIS -Generate, upload and troubleshoot CRSE extract(s) 	<ul style="list-style-type: none"> -Enter required course and section information in School's SIS
Student Course Sections Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SCSE extracts 	<ul style="list-style-type: none"> -Ensure student schedules are up-to-date and accurate through Census Day
C. End-of-Year Submission (May - August)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS EOY setup in School's SIS (discipline codes, program codes) -Train staff how to review EOY certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all EOY required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify End-of-Year certification snapshot reports and make corrections, as needed
Student Enrollment Update Submission	<ul style="list-style-type: none"> -Generate and submit SENR and SINF extracts for all changes since the Fall 1 Submission 	<ul style="list-style-type: none"> -Populate School's SIS with required student demographic information for students since the last enrollment update -Verify completers and graduates along with all associated data elements
End-of-Year Program Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year program submission (SPRG) -Provide guidance on data requirements for additional program records 	<ul style="list-style-type: none"> -Enter student End-of-Year student program records into School's SIS
End-of-Year Discipline and Attendance Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Discipline submission (SDIS) -Submit and troubleshoot the End-of-Year Attendance submission (STAS) -Provide guidance on data requirements and process for adding discipline records in School's SIS 	<ul style="list-style-type: none"> -Enter student discipline information into School's SIS -Enter all absences for the reporting year into School's SIS
End-of-Year Course Completion Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Course Completion submission (CRSC and SCSC) 	<ul style="list-style-type: none"> -Confirm all term grades have been entered into School's SIS for Grades 7-12
D. Anomaly Resolution (Year-long, as needed)		
Anomaly Resolution Support	<ul style="list-style-type: none"> -Assist school with identifying and fixing CCE, MID and ERD anomalies in CALPADS and School's SIS -Provide schools with CALPADS contact info for other LEAs 	<ul style="list-style-type: none"> -Follow up with other LEAs to resolve anomalies

*This proposal does not include data remediation services. If it is determined that the initial data quality and set up requires significant intervention by EdTec, a separate scope of work for data remediation services may be required.

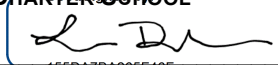


STATEMENT OF WORK #5
 by and between
 EdTec Inc. and Ross Valley Charter School

Reference:	Master Services Agreement dated February 15, 2017, by and between EdTec Inc. ("EdTec") and Ross Valley Charter School ("Client").
Term:	September 23, 2019 through June 30, 2020.
Scope of Services:	<p><u>CAASPP Test Analysis:</u></p> <p>The CAASPP Test Analysis is provided by EdTec to Client in a Microsoft Excel workbook that includes the following, per chartering agent / charter school:</p> <ul style="list-style-type: none"> ▪ Graphs/tables comparing CAASPP scores and Distance from Level 3, schoolwide and by cohort, including expanded subgroup filters. ▪ Growth graphs/tables for students tested in more than one year (applicable only for elementary/middle schools). ▪ Detail graphs/tables for SBAC ELA and for SBAC Math comparing test scores by grade level and claim area. All include filters for subgroups. ▪ EdEquity graphs to easily compare and analyze performance by race/ethnicity, EL and economic status <p>In order for EdTec to provide this service, <u>Client must provide the following:</u></p> <ul style="list-style-type: none"> ▪ Client's <u>CAASPP Student Results Report - Student Score Data Extract</u> in electronic format (.zip file with .dat and .csv files) for the 2016-17, 2017-18, and 2018-19 school years (if all three years are available). <ul style="list-style-type: none"> ○ The required CAASPP data can be downloaded from the Test Operations Management System (TOMS) by Client and sent electronically to EdTec or can be downloaded by EdTec. ○ If Client would like EdTec to download the required data, Client to provide EdTec with its TOMS LEA testing coordinator login information. <p><u>Note:</u> The longitudinal analyses to be provided under this service are based on Client's students that have complete data for the 2016-17, 2017-18, and 2018-19 school years and that were tested at Client's school in at least two consecutive years. Students who were not enrolled at Client's school at the time of testing are excluded from the analyses.</p>
Excluded Services:	Other than the services outlined above, EdTec is not responsible for any other activities, unless mutually agreed to in writing.
Compensation:	<ul style="list-style-type: none"> ▪ <u>CAASPP Test Analysis:</u> <ul style="list-style-type: none"> ○ \$950 flat fee per chartering agent / charter school. ○ Flat fee is subject to Client's compliance with the School Obligations set forth below. ○ The estimated delivery timeline for this service is within two weeks of EdTec's receipt of all required Client data. ▪ <u>Consulting:</u>

Statement of Work #5 by and between EdTec Inc. and
 Ross Valley Charter School
 Page 2 of 2, September 23, 2019

	<ul style="list-style-type: none"> ○ Should Client desire additional services not in the above Scope of Services, EdTec would be pleased to provide these, subject to staff availability, on a time and materials basis at the hourly rate of \$150. ○ Upon discussing Client's requirements for additional consulting or analyses, EdTec may provide a time and cost estimate for Client approval, in advance of performing any additional consulting work. ▪ Travel: If travel by EdTec staff is required in the provision of services, actual travel costs and out of pocket expenses will be billed to Client and travel time will be billed to Client at \$75/hour (half the hourly fee). ▪ Payment Terms: All fees payable to EdTec must be received by EdTec within thirty (30) days of the date of invoice.
School Obligations	In order to fulfill the scope of services described herein, EdTec relies on Client to provide timely, accurate and complete information, to cooperate reasonably with EdTec, and to timely complete all tasks assigned to Client.
Termination	This Statement of Work may only be terminated for material breach, with cause, after written notice, with full payment of work completed and a 30 day opportunity to cure. EdTec may also terminate this Statement of Work at any time without liability in the event Client violates any of the School Obligations above.

<p>EdTEC INC DocuSigned by: By: <u>Steve Campo</u> <small>7A50CD0252334E8...</small></p> <p>Name: Steve Campo</p> <p>Title: President & CEO</p> <p>Date: <u>9/26/2019</u></p> <p>1410A 62nd Street Emeryville, CA 94608</p> <p>Fax: 510.663.3503</p>	<p>ROSS VALLEY CHARTER SCHOOL</p> <p>Signature: <u></u> <small>155DA7BA265F40F...</small></p> <p>Name: <u>Luke Duchene</u></p> <p>Title: <u>Director</u></p> <p>Date: <u>9/26/2019</u></p> <p>Address: <u>102 Marinda Dr.</u> <u>Fairfax, CA 94930</u></p> <p>Email: <u>luke.duchene@rossvalleycharter.org</u></p> <p>Phone: <u>415-534-6970</u></p> <p>Fax: _____</p>
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STATEMENT OF WORK #6
 by and between
 EdTec Inc. and Ross Valley Charter School

Reference:	Master Services Agreement dated February 15, 2017, by and between EdTec Inc. ("EdTec") and Ross Valley Charter School ("Client").
Term:	July 1, 2020 through June 30, 2021 (the "Term"). This Statement of Work shall automatically renew for consecutive additional one (1) year terms unless either party provides written notice of non-renewal to the other at least one hundred twenty (120) days prior to the expiration of the then-current term (each, a "Renewal Term"). The Term and any Renewal Term(s) are referred to as the Term.
Scope of Services:	<p>The philosophy of our Back-Office Services is that we provide outsourced solutions so your school can focus on its educational mission. Moreover, you receive the benefit of our extensive experience with California Charter Schools.</p> <p>1. FINANCE and ACCOUNTING</p> <p>Accounting:</p> <ul style="list-style-type: none"> ▪ Setup of school's chart of accounts and general ledger – EdTec sets up and maintains the school's chart of accounts, based on EdTec's standard structure which is designed to be compliant with SACS. ▪ Customized account codes – EdTec maintains limited customized account codes for unique features of the school program. These must be established at the beginning of the fiscal year to avoid re-coding of historic transactions. ▪ Fund accounting – EdTec can track revenue and expenditures by fund, e.g. implementation grant funds and expenses or Title I expenditures. ▪ Training – EdTec trains appropriate personnel on accounting procedures and practices designed to ensure accurate record keeping. ▪ Transaction recording – EdTec records in detail all transactions in a computerized accounting system. ▪ Journal entries and account maintenance – EdTec prepares and records journal entries and maintains the general ledger according to accepted accounting standards. ▪ Bank reconciliation – EdTec reconciles primary bank and investment accounts to general ledger monthly or upon receipt of statements. Revolving and petty cash accounts are reconciled quarterly or as required. ▪ Account for capital outlay expenses – EdTec records capitalized assets as provided by the school. On an annual basis, EdTec records related depreciation and amortization in the general ledger and reconciles expenditures to fixed asset listing. ▪ Generate financial reports as requested – EdTec can generate the following reports upon request: detailed account activity; bank register activity; summary of budget; expenditures by account; cash

Statement of Work #6 by and between EdTec Inc.
and Ross Valley Charter School
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balances; payroll register (for periods when payroll is processed by EdTec); revenues; general ledger account balances.

Accounts Payable & Receivable:

- **Revenue verification** – EdTec verifies that the school is receiving the correct amount of funds from State and Federal sources.
- **Revenue collection** – If the funds from the State or the county/district are not correct, EdTec tracks down the appropriate officials and alerts them of the problem. EdTec will use reasonable efforts to negotiate on behalf of the school in disputes with funding agencies over improperly calculated payments.
- **Accounts payable** – EdTec processes all invoices and, pending approval from the school leader or surrogate, pays the bills and codes them, based on school input, in the financial software, typically on a two-week schedule with limited rush payments as needed. EdTec checks to make sure there are no double payments or double billings on multiple invoices. EdTec troubleshoots vendor payment issues with the school. EdTec also verifies that funds are available to pay the bill.
- **Form 1099 processing** – EdTec prepares and sends 1099 Forms to vendors and government, provided that this SOW remains in effect at the end of the applicable calendar year and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of services under this SOW.

Audit:

- **Audit support** – EdTec prepares financial documents for the auditors and works side-by-side with the auditors to help ensure a smooth and timely audit process. For clarification, the school is responsible to pay auditor fees. The school shall also provide all non-financial records required by the audit – e.g. attendance records, employee records, teacher certifications.
- **Audit compliance training** – EdTec helps the school leader and audit staff develop financial policies designed to meet requirements and help protect the school from financial mismanagement.
- **Single Audit Act of 1984** – EdTec provides support in school compliance with accounting related audit requirements, including the Single Audit Act of 1984.
- **IRS Form 990 support** (and the corresponding State form, if applicable) – EdTec supports the school and auditor in preparing Form 990 tax-exempt organization annual filing. (For clarification, fees for audit and 990 are paid by school and it is the school's and auditor's sole responsibility to ensure these forms are filed).
- **Annual auditor selection form** – EdTec sends auditor information to the county in the spring.
- The school is responsible for attendance and audit of employee work.

2. PAYROLL and HUMAN RESOURCES

Payroll:

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and Ross Valley Charter School
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	<p>EdTec uses an external payroll processor to accomplish the following tasks. EdTec interfaces between the school and payroll processor, and performs quality checking so that the school does not need to interact with the payroll processor. The school pays payroll processing fees.</p> <ul style="list-style-type: none">▪ Payroll processing – EdTec calculates and processes payroll and payroll-related payments/deductions for salaried and hourly employees based on information submitted by authorized Client representatives (excluding benefit accrual tracking such as vacation and sick time). EdTec works with the payroll processor to generate checks for signature by authorized Client representatives (or through electronic signature) or facilitates Direct Deposit at the Client's request. The fees set forth below include monthly or semi-monthly payroll processing; for a higher frequency payroll an additional fee will apply.▪ Payroll reporting – EdTec works with the payroll processor to prepare and file all required payroll reports for submission to Federal and State agencies and submits electronic payroll, payroll tax reports and payroll tax deposits to the appropriate authorities for a single EDD/tax ID number. For multiple reporting numbers, an additional fee will apply.▪ Payroll record maintenance – EdTec keeps track of payroll information. Client is responsible for maintaining all employee files, including forms based on EdTec-provided template files.▪ W-2 processing – EdTec prepares and sends Form W-2 to the school and files Forms W-2 and W-3 with the Social Security Administration, provided that this SOW remains in effect at the end of the applicable calendar year, and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of Services under this SOW.▪ IRS, SDI, WC support – EdTec assists in resolving payroll tax issues before the IRS and other Federal and State reporting agencies. EdTec also assists school with any State Disability, Workers Comp, or Unemployment Insurance claims by providing supporting payroll reports.▪ STRS/PERS and other retirement plan administration – EdTec will help the school set up STRS/PERS accounts, and makes appropriate deductions and payments to the county for STRS and/or PERS based on information provided by the school. Note that in some cases it can take approximately 12 months to set up such contributions because of district/county delays. Also, some counties charge separately for this mandated service. The school is responsible for STRS/PERS account setup, administration and enrollments and any fees from outside parties including late fees and interest levied by STRS/PERS. <p>Human Resources, Benefits and Insurance:</p> <ul style="list-style-type: none">▪ Employee file setup – EdTec provides clients with template employee files and procedures to help ensure compliance with State and Federal requirements regarding Live Scan procedures, TB Test information, and/or credential verification information.
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and Ross Valley Charter School
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	<ul style="list-style-type: none">▪ Contracts and handbook development support – EdTec provides schools with non-legal, business advice on employment contracts and employee handbooks and their business implications.▪ Health benefits administration – EdTec assists in guiding the school in the health benefits procurement process, and assists with re-quotes of insurance on an annual basis. Client is responsible for all benefit reporting under the Affordable Care Act, including without limitation the Forms 1094-C and 1095-C.▪ Teacher credentialing – EdTec provides information and assistance to school leaders to help them evaluate teacher credentials and “highly qualified” requirements.▪ Insurance procurement – EdTec provides financial information necessary for the liability insurance quote process. <p>3. COMPLIANCE and ACCOUNTABILITY</p> <ul style="list-style-type: none">▪ Note that compliance and accountability are the responsibility of the school. EdTec will provide advice on some matters, but this information is not comprehensive. In addition, since rules, regulations and interpretations regularly change, schools should seek independent verification from their attorneys or other sources.▪ Mid-year internal review – From time to time, EdTec may perform an internal review with client designed to help the school comply with many school regulations, or in preparation for a potential authorizer site visit. Using an EdTec-developed checklist, we assist the school staff in testing compliance in key areas, such as: Board resolutions and policies; risk management; food service; restricted funding; student and personnel files; and attendance reporting and student data.▪ Employee files – As noted above, EdTec provides schools with templates for employee files, forms, and procedures to help ensure compliance with employment laws. (Note: the school should have an attorney review all legal issues.)▪ ESSA compliance support – EdTec will track the financial reporting and can help provide related backup necessary for the Every Student Succeeds Act (ESSA) compliance. On an hourly billable basis, EdTec can provide assistance on Local Control Accountability Plan (LCAP) development and related school and student performance analysis.▪ SPED compliance – EdTec provides partial checklists and general information to help schools understand their responsibilities related to Special Education. EdTec assistance does not include educational program compliance and we recommend getting specialized assistance in this area to ensure complete compliance. EdTec assists the school in completing the following reports: Maintenance of Effort (MOE), Mental Health expenditure reporting, Excess Cost Report, and year-end reporting. <p>4. ATTENDANCE and DATA REPORTING</p> <ul style="list-style-type: none">▪ Local attendance reporting – EdTec will provide support with monthly attendance reports based on school-provided data as outlined in the addendum to this Statement of Work.
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 and Ross Valley Charter School
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	<ul style="list-style-type: none"> ▪ State attendance reporting – Using school-provided data, and at the school's request, EdTec will provide support on government attendance reports, including the 20-day report, P-1, P-2, and Annual Attendance Report. For specific support level, please refer to the Roles and Responsibilities in Attachment 1. ▪ Non-attendance reporting – EdTec will support school on CALPADS and CBEDS reporting. For specific support level, please refer to the Roles and Responsibilities in Attachment 1. ▪ Attendance procedures assistance – EdTec will provide assistance reviewing schools' attendance accounting procedures and advising on areas for improvement, although the school is ultimately responsible for keeping accurate attendance and ADA compliance. ▪ Quarterly ADA analysis – EdTec reviews ADA data to ensure the school is on track with projections, if EdTec is provided access by the school to their Student Information System. ▪ School requests for EdTec assistance on items not listed in this section shall be billed hourly.
<p>Excluded Services:</p>	<p>Other than the services outlined above, EdTec is not responsible for any other activities, unless mutually agreed to in writing. Examples of Excluded Services include, but are not limited to, outside legal costs, computer installation and support, purchasing of small items or of curriculum materials, printing and graphic arts, grant writing or fundraising, hiring and associated legal requirements (e.g., background checks, credential reviews) and recordkeeping, meetings with outside parties (e.g., the Board or District) beyond those meetings required to accomplish the included services, Special Ed administration, testing, assessment, compliance with ESSA, compliance with government grant requirements, audits, attendance accounting, and other outside professional services costs.</p>
<p>Compensation:</p>	<ul style="list-style-type: none"> ▪ Back Office Services: EdTec will provide these services at a fixed fee per school fiscal year as follows: <ul style="list-style-type: none"> ○ \$58,925 for the 2020-21 school fiscal year <p>These fixed fees <u>include</u> all normal postage, telephone, copying, faxing, etc., <u>except</u> for bank and payroll fees that will be passed through. The annual fees are payable monthly commencing on July 1, 2020.</p> <ul style="list-style-type: none"> ○ The fees above are for the scope of services contained herein solely for those school(s) for which Client holds a granted charter or that have been in operation prior to the date of this SOW. ○ In addition to the fees calculated as provided above, there will be an incremental fee for the following, if applicable: <ul style="list-style-type: none"> • Benefit accrual tracking such as vacation and sick time. • Use by school personnel of debit cards. • For the CALPADS services described in Annex A, there will be an additional fee of \$7,500 per school fiscal year. ▪ Consulting: Should you desire additional services not in the above scope, we would be pleased to provide these, subject to staff availability, at the then-current discounted hourly fee schedule for back-office clients (travel time is billed at ½ of the applicable hourly rate). Typical additional services that are not in the above scope are charter petition writing and the implementation of computer systems or computerized Student Information

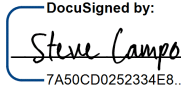
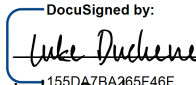
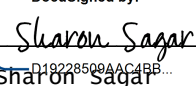
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	<p>Systems. Again, this rate includes normal phone, copying and incidental costs. Additional costs would include mileage reimbursement for travel, overnight delivery charges, and pre-approved out-of-pocket expenses.</p> <ul style="list-style-type: none"> ▪ Fee Increases: EdTec reserves the right to increase the fees payable under this Statement of Work by up to 5% upon the conclusion of the Term and each Renewal Term. EdTec will provide written notice of a fee increase at least thirty (30) days prior to the expiration of the Term or then-current Renewal Term, as applicable. ▪ Payment Terms: All fees payable to EdTec must be received by EdTec within thirty (30) days of the date of invoice. EdTec reserves the right to suspend the provision of Services in the event an invoice is thirty days past due.
School Obligations	<p>EdTec's services will assist with the operations of Client's back-office operations, but do not include auditing Client's provided information and operations for completeness and compliance. It is Client's responsibility to adopt and adhere to reasonable policies and procedures, and to ensure the school remains in compliance with all applicable rules and regulations and maintains sound fiscal operations. In order to fulfill the scope of services described herein, EdTec relies on Client to provide timely, accurate and complete information, and to cooperate reasonably with EdTec. Furthermore, Client must immediately inform EdTec of any material change that could affect EdTec's ability to complete its responsibilities and to assist Client in complying with all applicable laws and regulations.</p> <p>Client will comply with the attached Roles and Responsibilities document (Attachment 1).</p>
Termination	<p>Either party may, upon giving thirty (30) days' written notice identifying specifically the basis for such notice, terminate this Statement of Work for breach of a material term or condition of this Statement of Work, unless the party receiving the notice cures such breach within the thirty (30) day period. In addition, EdTec may terminate this Statement of Work immediately upon written notification and without liability, (a) if Client, in EdTec's reasonable judgment, violates any of the "School Obligations" above, (b) if Client does not open by September 30, 2020, or (c) upon any revocation of Client's charter. Upon any early termination under this section, Client shall pay EdTec for all services rendered by EdTec prior to the effective date of termination. In addition, if EdTec terminates this Statement of Work under this section, Client shall also pay EdTec for any demobilization or other costs resulting from such early termination.</p>

Ross Valley Elementary School District Findings accs-feb21item03
 Evidencing Denial of the Ross Valley Charter Petition Attachment 5
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 and Ross Valley Charter School
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<p>EDTEC INC.</p> <p>DocuSigned by:  7A50CD0252334E8...</p> <p>By: _____</p> <p>Name: <u>Steve Campo</u></p> <p>Title: <u>President & CEO</u></p> <p>Date: <u>8/20/2020</u></p> <p>1410A 62nd Street Emeryville, CA 94608</p> <p>Fax: 510.663.3503</p>	<p>ROSS VALLEY CHARTER SCHOOL</p> <p>DocuSigned by:  155DA7BA265FA65...</p> <p>Signature: _____</p> <p>Name: <u>Luke Duchene</u></p> <p>Title: <u>Director</u></p> <p>Date: <u>8/18/2020</u></p> <p>Address: <u>102 Marinda Dr.</u> <u>Fairfax, CA 94930</u></p> <p>Email: <u>Luke.duchene@rossvalleycharter.org</u></p> <p>Phone: <u>415-534-6970</u></p> <p>Fax: _____</p>
	<p>The undersigned officer of Ross Valley Charter School, a California public charter school (the "School"), hereby certifies that this Agreement has been duly approved by the governing body of the School, at a publicly noticed meeting held on July 13, 2020.</p> <p>ROSS VALLEY CHARTER SCHOOL</p> <p>DocuSigned by:  D19228509AAC4BB...</p> <p>Signature: _____</p> <p>Name: <u>Sharon Sagar</u></p> <p>Title: <u>Board Chair</u></p>

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 and Ross Valley Charter School
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ATTACHMENT 1

Roles and Responsibilities

Clarity on roles and responsibilities between EdTec and Ross Valley Charter School ("Client") will help ensure high quality, timely business services. Table 1 below outlines the roles and responsibilities of both parties:

Table 1: Roles & Responsibilities

	EdTec	Client
Payroll	<ul style="list-style-type: none"> ▪ Accurate, complete payroll on a monthly/semi-monthly basis (additional fees apply for higher frequency payroll) ▪ Published calendar of payroll deadlines ▪ Reminders for payroll deadlines ▪ Final payroll information sent to client for approval prior to client's payroll approval deadline ▪ Advice on setting up STRS/PERS ▪ Primer on health insurance terminations, COBRA, and employee vs. contractor classifications 	<ul style="list-style-type: none"> ▪ Timecards and changes: Submission to EdTec of the timesheet summary, payroll client change summary, and other payroll changes and backup forms by the payroll calendar deadlines and using EdTec forms/processes ▪ Payroll approval: Approval (email or fax) to EdTec by payroll calendar deadlines ▪ New hires: Timely submission to EdTec of new hire paperwork on EdTec new hire forms by payroll calendar deadline ▪ Enrolling (or working with a broker to enroll) staff in any STRS, PERS, 403b, health plans, and other insurance/retirement/contribution/deduction programs ▪ Terminating staff from health plans, other insurance, and other applicable contribution/deduction programs.
Accounts Payable	<ul style="list-style-type: none"> ▪ Timely and accurate check payments ▪ Payment of invoices according to client's approval policies ▪ Recordkeeping/processes adhering to generally accepted accounting standards for accuracy and security and approved by independent auditors ▪ Payment systems linked to financial statements and analyses for informed managerial decision-making ▪ Bank account reconciliations ▪ Invoice/payment research ▪ Advising clients on outstanding checks to ensure adequate cash availability 	<ul style="list-style-type: none"> ▪ Submission of payment and deposit information; provision to EdTec of view-only access to bank account <ul style="list-style-type: none"> ○ Weekly submission to EdTec of invoices, reimbursement requests, deposits, and other expenditures using EdTec forms and processes ○ Coding all expenses and non-State funding deposits using EdTec forms and processes and codes from the most recent budget. ▪ Banking: Monitoring and maintaining adequate bank account balances to meet expense obligations; securing

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		view-only access to school bank account(s) for use by EdTec.
Attendance and Data Reporting	<ul style="list-style-type: none"> ▪ Monthly attendance reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ 20-Day and P-Reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ CALPADS: See Annex A. ▪ CBEDS: EdTec will provide up to 2 hours to train Client on CBEDS procedures and report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis. 	<ul style="list-style-type: none"> ▪ Accurate and complete collection of attendance data in compliance with State rules. ▪ Monthly reports: Preparation and submission of data to EdTec at least 3 business days before the deadline ▪ 20-Day and P-Reports: Submission of data to EdTec at least 5 business days before the deadline ▪ Clients without student information system software will submit student and attendance data to EdTec using EdTec forms ▪ Clients using a non-EdTec-supported SIS will provide student and attendance data to EdTec in an EdTec-approved format

The payroll, accounts payable, and attendance deadlines / calendars referenced above shall be provided separately.

1. LATE FEES and PROCESSING CHARGES

Payroll:

- **Timecards and payroll changes:** A late fee of \$100 will be imposed for each business day timecards for hourly staff and payroll changes are submitted late to EdTec based on the published Payroll Calendar. The latest Timecards and Changes can be accepted is one business day prior to Payroll Approval deadlines.
- **Manual checks:** EdTec will generate and distribute manual checks, as needed and without charge, for employee terminations and payroll corrections due to EdTec error. For manual checks for employee terminations, EdTec will bill the overnight delivery charges to the school if overnight delivery is requested. For all other manual check requests processed by EdTec, EdTec will charge a fee of \$35 plus overnight delivery charges (if overnight delivery is requested), and for all manual check requests processed by the payroll processor, school will pay the additional fee charged by the payroll processor plus overnight delivery charges (if overnight delivery is requested). An additional payroll cycle outside of the normal payroll processing schedule is possible with adequate advance notice and subject to EdTec staff availability at the time the request is made; an additional payroll cycle will incur an added EdTec processing fee that will be quoted at that time for Client pre-approval.

Accounts Payable:

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- **Weekly submittal:** Client must submit a weekly package conforming to EdTec forms and processes. The submittal shall contain invoices with appropriate coding, reimbursement requests, deposits, and/or other payment documents to EdTec using EdTec forms. If Client fails to submit this weekly package or fails to submit all necessary invoices and receipts to process payment, Client will be charged an additional processing fee of \$35.
- As a courtesy, EdTec may waive the first two occurrences (i.e. up to \$70) of the Weekly Submittal processing fee.

Attendance and Data Reporting:

- **Monthly, 20-Day and P-Reports:** EdTec fees include 1.5 hours of quality assurance and troubleshooting when processing and generating each report. Any EdTec work beyond this hour (including data correction and reconciliation with other periods) will be charged at the then-current discounted data service rate.
- **Expedite fee:** If Client misses an EdTec deadline for providing data and subsequently requests assistance in generating reports on an expedited basis, a \$100 expedite fee per occurrence may apply.
- **CBEDS reports:** EdTec fees include up to two hours for training and guidance on report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis.
- EdTec can provide additional assistance for reports at the then-current discounted data service rate.
- If Client requires EdTec assistance for work with external deadlines (e.g. P-Reports), EdTec may set a deadline for receiving the request, data, and/or other materials from the Client to ensure timely and accurate processing. EdTec may charge an expedite fee for requests, data, and/or other materials not received from the client by the EdTec deadline.
- If Client does not have a student information software system, Client will use EdTec forms when submitting information to EdTec. Failure to use EdTec forms will result in a processing fee of \$100.
- As a courtesy, EdTec may waive the first occurrence of the forms processing fee.

**Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response**

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ANNEX A: CALPADS Services		
The services described below will be performed for the fixed annual fee set forth in this Statement of Work, provided that Client uses an EdTec-preferred Student Information System (SIS). In the event that Client uses a non-preferred SIS, EdTec will provide up to 30 hours per school per school fiscal year of the service under the fixed annual fee; additional support hours shall be billed at the then-current discounted data service rate.		
Task Description	EdTec Responsibilities	School Responsibilities
A. Fall 1 Submission (October - January)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review Fall 1 required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 1 setup in School's SIS (race/ethnicity, exit code mappings) -Train staff how to review Fall 1 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 1 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 1 snapshot reports and make corrections, as needed
Student Enrollment Submission	<ul style="list-style-type: none"> -Mass request SSIDs and update student enrollments through an SENR submission -Generate and troubleshoot SENR extracts -Train school how to manually generate single SSIDs in CALPADS for new students enrolling throughout the school year 	<ul style="list-style-type: none"> -Enter required student demographic information into School's SIS -Follow up with other districts/schools to resolve CCE and MID anomalies
Student Information Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SINP extracts -Generate, upload and troubleshoot SELA extracts 	<ul style="list-style-type: none"> -Ensure English Language Learner Information in School's SIS is up-to-date and accurate
Student Programs Submission	<ul style="list-style-type: none"> -Review student program records in School's SIS for completeness. Add student program records, if necessary -Generate, upload and troubleshoot SPRG extracts 	<ul style="list-style-type: none"> -Enter lunch eligible (free and reduced), foster youth and special education records into School's SIS
B. Fall 2 Submission (October - March)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 2 setup in School's SIS -Train staff how to review Fall 2 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 2 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 2 snapshot reports and make corrections, as needed
Staff Demographics Submission	<ul style="list-style-type: none"> -Generate reports that identify missing or inaccurate staff demographic data -Provide guidance on data requirements for staff demographic records -Provide guidance on obtaining SEID numbers for credentialed staff 	<ul style="list-style-type: none"> -Request Statewide Educator ID (SEID) numbers for certificated staff -Enter staff demographic data and fix any error identified by EdTec
Staff Assignments Submission	<ul style="list-style-type: none"> -Update school-provided Staff Assignment data into School's SIS, as needed -Provide guidance on data requirements for staff assignment records -Generate, upload and troubleshoot SASS extract(s) 	<ul style="list-style-type: none"> -Enter staff assignments records in the staff assignments into School's SIS
Course Sections Submission	<ul style="list-style-type: none"> -Update school-provided Course/Section data into School's SIS -Generate, upload and troubleshoot CRSE extract(s) 	<ul style="list-style-type: none"> -Enter required course and section information in School's SIS
Student Course Sections Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SCSE extracts 	<ul style="list-style-type: none"> -Ensure student schedules are up-to-date and accurate through Census Day
C. End-of-Year Submission (May - August)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS EOY setup in School's SIS (discipline codes, program codes) -Train staff how to review EOY certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all EOY required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify End-of-Year certification snapshot reports and make corrections, as needed
Student Enrollment Update Submission	<ul style="list-style-type: none"> -Generate and submit SENR and SINP extracts for all changes since the Fall 1 Submission 	<ul style="list-style-type: none"> -Populate School's SIS with required student demographic information for students since the last enrollment update -Verify completers and graduates along with all associated data elements
End-of-Year Program Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year program submission (SPRG) -Provide guidance on data requirements for additional program records 	<ul style="list-style-type: none"> -Enter student End-of-Year student program records into School's SIS
End-of-Year Discipline and Attendance Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Discipline submission (SDIS) -Submit and troubleshoot the End-of-Year Attendance submission (STAS) -Provide guidance on data requirements and process for adding discipline records in School's SIS 	<ul style="list-style-type: none"> -Enter student discipline information into School's SIS -Enter all absences for the reporting year into School's SIS
End-of-Year Course Completion Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Course Completion submission (CRSC and SCSC) 	<ul style="list-style-type: none"> -Confirm all term grades have been entered into School's SIS for Grades 7-12
D. Anomaly Resolution (Year-long, as needed)		
Anomaly Resolution Support	<ul style="list-style-type: none"> -Assist school with identifying and fixing CCE, MID and ERD anomalies in CALPADS and School's SIS -Provide schools with CALPADS contact info for other LEAs 	<ul style="list-style-type: none"> -Follow up with other LEAs to resolve anomalies

*This proposal does not include data remediation services. If it is determined that the initial data quality and set up requires significant intervention by EdTec, a separate scope of work for data remediation services may be required.



STATEMENT OF WORK #7
 by and between
 EdTec Inc. and Ross Valley Charter School

Reference:	Master Services Agreement dated February 15, 2007, by and between EdTec Inc. ("EdTec") and Ross Valley Charter School ("Client").
Term:	July 1, 2021 through June 30, 2023 (the "Term"). This Statement of Work shall automatically renew for consecutive additional one (1) year terms unless either party provides written notice of non-renewal to the other at least one hundred twenty (120) days prior to the expiration of the then-current term (each, a "Renewal Term"). The Term and any Renewal Term(s) are referred to as the Term.
Scope of Services:	<p>The philosophy of our Back-Office Services is that we provide outsourced solutions so your school can focus on its educational mission. Moreover, you receive the benefit of our extensive experience with California Charter Schools.</p> <p>1. FINANCE and ACCOUNTING</p> <p>Budgeting:</p> <ul style="list-style-type: none"> ▪ Annual and multi-year budgets including cash flows – For existing clients, EdTec works with the school leader to create annual and multi-year budgets in time for submission to the State by July 1, and for new clients entering their first year of operations, in the spring or when services begin, EdTec will review the school's budget in time for submission to the State by July 1. EdTec strives to ensure that the annual budgets are strategic documents that capture the operations and direction of the school. ▪ Budget revisions (as needed, on demand) – EdTec revises budgets as needed to reflect changing circumstances at the school or in State funding. ▪ Updated monthly budget forecasts – EdTec tracks budget to actuals and updates the budget forecast on a monthly basis (if forecasts move materially off budget, we recommend a budget revision). <p>Financial Statements:</p> <ul style="list-style-type: none"> ▪ Monthly year-to-date financial statements – EdTec prepares YTD financials compared to budget in time for the regularly scheduled board or committee meeting. EdTec makes the financials and presentation electronically available as part of the board package ahead of the meeting. For schools with board or committee meetings on or before the 15th of the month, EdTec will furnish the financials and presentation in time for (but not in advance of) the meeting. For schools with board or committee meetings on or before the 10th of the month, EdTec will furnish the financials and presentation (for the month prior to the previous month) ahead of the meeting. ▪ Monthly cash flow projections – EdTec monitors the school's cash position and tries to anticipate any cash shortfalls in future months so the school can adjust spending accordingly or attempt to secure cash flow loans.

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	<ul style="list-style-type: none">▪ Financial statement analysis (monthly) – In addition to financial statements, EdTec provides a succinct PowerPoint summary and analysis of the financial statements so Board and staff can quickly focus on the salient financial issues facing the school.▪ Customized financial analysis – EdTec performs reasonable financial analysis that the staff or board requests, e.g. providing a comparative analysis of the school's budget relative to industry norms, scenario modeling (within reason), or fulfilling a request from the authorizing entity. EdTec will also provide customized reports (within reason) for grant proposals.▪ Support in resolving financial issues – EdTec helps the school leader find solutions to financial issues by recommending budget changes and/or identifying sources of potential funding. <p>Accounting:</p> <ul style="list-style-type: none">▪ Setup of school's chart of accounts and general ledger – EdTec sets up and maintains the school's chart of accounts, based on EdTec's standard structure which is designed to be compliant with SACS.▪ Customized account codes – EdTec maintains limited customized account codes for unique features of the school program. These must be established at the beginning of the fiscal year to avoid re-coding of historic transactions.▪ Fund accounting – EdTec can track revenue and expenditures by fund, e.g. implementation grant funds and expenses or Title I expenditures.▪ Training – EdTec trains appropriate personnel on accounting procedures and practices designed to ensure accurate record keeping.▪ Transaction recording – EdTec records in detail all transactions in a computerized accounting system.▪ Journal entries and account maintenance – EdTec prepares and records journal entries and maintains the general ledger according to accepted accounting standards.▪ Bank reconciliation – EdTec reconciles primary bank and investment accounts to general ledger monthly or upon receipt of statements. Revolving and petty cash accounts are reconciled quarterly or as required.▪ Account for capital outlay expenses – EdTec records capitalized assets as provided by the school. On an annual basis, EdTec records related depreciation and amortization in the general ledger and reconciles expenditures to fixed asset listing.▪ Generate financial reports as requested – EdTec can generate the following reports upon request: detailed account activity; bank register activity; summary of budget; expenditures by account; cash balances; payroll register (for periods when payroll is processed by EdTec); revenues; general ledger account balances. <p>Accounts Payable & Receivable:</p> <ul style="list-style-type: none">▪ Revenue verification – EdTec verifies that the school is receiving the correct amount of funds from State and Federal sources.▪ Revenue collection – If the funds from the State or the county/district are not correct, EdTec tracks down the appropriate officials and alerts them of the problem. EdTec will use reasonable
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	<p>efforts to negotiate on behalf of the school in disputes with funding agencies over improperly calculated payments.</p> <ul style="list-style-type: none">▪ Accounts payable – EdTec processes all invoices and, pending approval from the school leader or surrogate, pays the bills and codes them, based on school input, in the financial software, typically on a two-week schedule with limited rush payments as needed. EdTec checks to make sure there are no double payments or double billings on multiple invoices. EdTec troubleshoots vendor payment issues with the school. EdTec also verifies that funds are available to pay the bill.▪ Form 1099 processing – EdTec prepares and sends 1099 Forms to vendors and government, provided that this SOW remains in effect at the end of the applicable calendar year and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of services under this SOW. <p>Purchasing:</p> <ul style="list-style-type: none">▪ Vendor selection – EdTec provides guidance on vendors based on its experience with vendors around the State and country.▪ Purchasing assistance on big-ticket items – EdTec can assist the school in its purchase or leasing of big ticket items such as portables. <p>Government Financial Reporting: Subject to timely receipt of information and/or materials from Client, EdTec provides the following:</p> <ul style="list-style-type: none">▪ Preliminary and final budget reports – EdTec prepares and files the preliminary budget report by July 1st based on the board adopted budget and a final budget as required.▪ Interim financial reports – EdTec prepares and files the two interim financial reports to the district or county by the December 15 and March 15 deadlines.▪ Audited financial reports – Subject to timely receipt of information and/or materials from the auditor, EdTec prepares and files the unaudited financial report by September 15. EdTec supports the Client and the auditor in the preparation (by the auditor) of the final audited report by December 15. <p>Audit:</p> <ul style="list-style-type: none">▪ Audit support – EdTec prepares financial documents for the auditors and works side-by-side with the auditors to help ensure a smooth and timely audit process. For clarification, the school is responsible to pay auditor fees. The school shall also provide all non-financial records required by the audit – e.g. attendance records, employee records, teacher certifications.▪ Audit compliance training – EdTec helps the school leader and audit staff develop financial policies designed to meet requirements and help protect the school from financial mismanagement.▪ Single Audit Act of 1984 – EdTec provides support in school compliance with accounting related audit requirements, including the Single Audit Act of 1984.
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	<ul style="list-style-type: none">▪ IRS Form 990 support (and the corresponding State form, if applicable) – EdTec supports the school and auditor in preparing Form 990 tax-exempt organization annual filing. (For clarification, fees for audit and 990 are paid by school and it is the school's and auditor's sole responsibility to ensure these forms are filed).▪ Annual auditor selection form – EdTec sends auditor information to the county in the spring.▪ The school is responsible for attendance and audit of employee work. <p>2. PAYROLL, BENEFITS and INSURANCE</p> <p>Payroll: EdTec uses an external payroll processor to accomplish the following tasks. EdTec interfaces between the school and payroll processor, and performs quality checking so that the school does not need to interact with the payroll processor. The school pays payroll processing fees.</p> <ul style="list-style-type: none">▪ Payroll processing – EdTec calculates and processes payroll and payroll-related payments/deductions for salaried and hourly employees based on information submitted by authorized Client representatives (excluding benefit accrual tracking such as vacation and sick time). EdTec works with the payroll processor to generate checks for signature by authorized Client representatives (or through electronic signature) or facilitates Direct Deposit at the Client's request. The fees set forth below include monthly or semi-monthly payroll processing; for a higher frequency payroll an additional fee will apply.▪ Payroll reporting – EdTec works with the payroll processor to prepare and file all required payroll reports for submission to Federal and State agencies and submits electronic payroll, payroll tax reports and payroll tax deposits to the appropriate authorities for a single EDD/tax ID number. For multiple reporting numbers, an additional fee will apply.▪ Payroll record maintenance – EdTec keeps track of payroll information. Client is responsible for maintaining all employee files, including forms based on EdTec-provided template files.▪ W-2 processing – EdTec prepares and sends Form W-2 to the school and files Forms W-2 and W-3 with the Social Security Administration, provided that this SOW remains in effect at the end of the applicable calendar year, and subject to the timely receipt of accurate and complete information and data from Client, in accordance with EdTec policies, throughout the Term and including for any portion of the applicable calendar year that preceded the provision of Services under this SOW.▪ IRS, SDI, WC support – EdTec assists in resolving payroll tax issues before the IRS and other Federal and State reporting agencies. EdTec also assists school with any State Disability, Workers Comp, or Unemployment Insurance claims by providing supporting payroll reports.▪ STRS/PERS and other retirement plan administration – EdTec will help the school set up STRS/PERS accounts, and makes appropriate deductions and payments to the county for STRS and/or PERS based on information provided by the school. Note that in some cases it can take approximately 12 months to set up such
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contributions because of district/county delays. Also, some counties charge separately for this mandated service. The school is responsible for STRS/PERS account setup, administration and enrollments and any fees from outside parties including late fees and interest levied by STRS/PERS.

Benefits and Insurance:

- **Health benefits administration** – EdTec assists in guiding the school in the health benefits procurement process, and assists with re-quotes of insurance on an annual basis. Client is responsible for all benefit reporting under the Affordable Care Act, including without limitation the Forms 1094-C and 1095-C.
- **Insurance procurement** – EdTec provides financial information necessary for the liability insurance quote process.

3. BUSINESS CONSULTING

EdTec is a strategic thought partner to its Clients and provides high-value support and guidance in the following areas:

- **Negotiations** – EdTec supports the school director and board with non-legal, business advice in negotiations related to issues such as MOUs, facilities, and SPED with districts, landlords, vendors, and others, including developing presentations and analyses to buttress the school's position.
- **Strategic budget development** – EdTec can assist the school director and board with strategic financial planning and budget scenario development.
- **Financing support** – EdTec assists clients in preparing loan packages and connecting the school with non-traditional/specialized funding sources such as bonds, New Market Tax Credits, Community Development Financial Institution (CDFI) resources, and philanthropic funds.
- **Legal services optimization** – EdTec can help clients think through and frame issues in preparation for engaging legal counsel, thereby assisting in a more efficient use of legal services costs.
- **Special projects** – EdTec performs business-related special projects within reason, such as modeling growth, compensation and facilities scenarios, and providing an understanding of and analyzing food service and transportation options. (Note: due to State regulations, EdTec cannot complete the School Food Authority (SFA) application. However, EdTec provides assistance in understanding the process.) EdTec can also assist the school leader, within reason, in the analysis and understanding of best practices regarding a structurally sound pay scale.

4. BOARD MEETING SUPPORT

- **Board materials (electronic)** – EdTec collects, organizes, and collates materials for each meeting (up to two board meetings per month) and makes the materials electronically available to Client in advance of the meeting. Client prints board meeting materials to have on hand for attendees.
- **Board meeting attendance** – EdTec attends regularly scheduled board and finance committee meetings in person or by

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	<p>teleconference (at most a total of one meeting per month and at least two meetings per three months), and presents its financial analysis presentation. EdTec can assist the board in staying in compliance with the Brown Act.</p> <ul style="list-style-type: none">▪ Board meeting minutes - Client takes board meeting minutes and provides to EdTec for incorporation into board meeting materials. EdTec reviews and edits minutes, incorporating Client feedback, as needed. <p>5. FACILITIES</p> <ul style="list-style-type: none">▪ Facility needs assessment and planning – EdTec works with clients to help them refine their thinking about key facilities-related considerations and identify important facility requirements based on the school program and industry standards. EdTec helps clients think creatively about their facility needs and come up with workable solutions.▪ Prop 39 – EdTec helps the school prepare Prop 39 requests, including analyzing student data, and helps to manage timelines related to the Prop 39 process.▪ District negotiations – EdTec will help the school negotiate deals with the district regarding facilities.▪ SB 740 – As State funding is available, EdTec prepares and submits SB 740 facilities reimbursements on the school's behalf.▪ Financial reporting to lender - EdTec provides financial data to lenders for loan covenants.▪ Facilities funding support – EdTec provides financial data for compliance-related reporting on State facility funding programs such as Prop 1D.▪ Facility acquisition/lease negotiation – <i>On a separate fee basis and subject to staff availability, EdTec can assist clients with business, non-legal advice in negotiating purchase and/or lease terms. The school's attorney should review these.</i> <p>6. COMPLIANCE and ACCOUNTABILITY</p> <ul style="list-style-type: none">▪ Note that compliance and accountability are the responsibility of the school. EdTec will provide advice on some matters, but this information is not comprehensive. In addition, since rules, regulations and interpretations regularly change, schools should seek independent verification from their attorneys or other sources.▪ Mid-year internal review – From time to time, EdTec may perform an internal review with client designed to help the school comply with many school regulations, or in preparation for a potential authorizer site visit. Using an EdTec-developed checklist, we assist the school staff in testing compliance in key areas, such as: Board resolutions and policies; risk management; food service; restricted funding; student and personnel files; and attendance reporting and student data.▪ Employee files – As noted above, EdTec provides schools with templates for employee files, forms, and procedures to help ensure compliance with employment laws. (Note: the school should have an attorney review all legal issues.)
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	<ul style="list-style-type: none">▪ ESSA compliance support – EdTec will track the financial reporting and can help provide related backup necessary for the Every Student Succeeds Act (ESSA) compliance. On an hourly billable basis, EdTec can provide assistance on Local Control Accountability Plan (LCAP) development and related school and student performance analysis.▪ SPED compliance – EdTec provides partial checklists and general information to help schools understand their responsibilities related to Special Education. EdTec assistance does not include educational program compliance and we recommend getting specialized assistance in this area to ensure complete compliance. EdTec assists the school in completing the following reports: Maintenance of Effort (MOE), Mental Health expenditure reporting, Excess Cost Report, and year-end reporting.▪ Funding compliance – EdTec makes compliance recommendations regarding funding requirements, such as Federal PCSGP implementation grant funding and other restricted funds. Note that, as more information becomes available, ESSA compliance may be especially complex with many school obligations.▪ District and State regulation compliance – EdTec can help the school identify areas where it may not be in compliance with district or State regulations. <p>7. ATTENDANCE and DATA REPORTING</p> <ul style="list-style-type: none">▪ Local attendance reporting – EdTec will provide support with monthly attendance reports based on school-provided data as outlined in the addendum to this Statement of Work.▪ State attendance reporting – Using school-provided data, and at the school's request, EdTec will provide support on government attendance reports, including the 20-day report, P-1, P-2, and Annual Attendance Report. For specific support level, please refer to the Roles and Responsibilities in Attachment 1.▪ Non-attendance reporting – EdTec will support school on CALPADS and CBEDS reporting. For specific support level, please refer to the Roles and Responsibilities in Attachment 1.▪ Attendance procedures assistance – EdTec will provide assistance reviewing schools' attendance accounting procedures and advising on areas for improvement, although the school is ultimately responsible for keeping accurate attendance and ADA compliance.▪ Quarterly ADA analysis – EdTec reviews ADA data to ensure the school is on track with projections, if EdTec is provided access by the school to their Student Information System.▪ School requests for EdTec assistance on items not listed in this section shall be billed hourly. <p>8. CHARTER DEVELOPMENT and GRANTS ADMINISTRATION</p> <ul style="list-style-type: none">▪ Financial reports – EdTec prepares customized financial reports for grant purposes, within reason.▪ Fund accounting – EdTec sets up fund accounting to track direct and allocated costs to grants.
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	<ul style="list-style-type: none"> ▪ Consolidated Application (ConApp) – EdTec prepares the Consolidated Application parts 1 and 2 for eligible schools and files in the Consolidated Application Reporting System (CARS). ▪ After School Education and Safety Program (ASES) – EdTec submits annual budget and quarterly expenditure reports. ▪ School-Based Medi-Cal Administrative Activities (SMAA) – EdTec completes quarterly reports. ▪ Charter School Facilities Incentive Grant (CSFIG) – EdTec completes semi-annual disbursement requests. ▪ Deferral Exemption Application – EdTec completes the application for the school. ▪ Charter renewal – <i>On a separate fee basis, EdTec can assist in preparing and advocating a charter petition for school renewal.</i>
<p>Excluded Services:</p>	<p>Other than the services outlined above, EdTec is not responsible for any other activities, unless mutually agreed to in writing. Examples of Excluded Services include, but are not limited to, outside legal costs, computer installation and support, purchasing of small items or of curriculum materials, printing and graphic arts, grant writing or fundraising, hiring and associated legal requirements (e.g., background checks, credential reviews) and recordkeeping, meetings with outside parties (e.g., the Board or District) beyond those meetings required to accomplish the included services, Special Ed administration, testing, assessment, compliance with ESSA, compliance with government grant requirements, audits, attendance accounting, and other outside professional services costs.</p>
<p>Compensation:</p>	<ul style="list-style-type: none"> ▪ Back Office Services: EdTec will provide these services at a fixed fee per school fiscal year as follows: <ul style="list-style-type: none"> ○ \$90,000 for the 2021-22 school fiscal year ○ \$92,250 for the 2022-23 school fiscal year <p>These fixed fees <u>include</u> all normal postage, telephone, copying, faxing, etc., <u>except</u> for bank and payroll fees that will be passed through. The annual fees are payable monthly commencing on July 1, 2021.</p> <ul style="list-style-type: none"> ○ The fees above are for the scope of services contained herein solely for those school(s) for which Client holds a granted charter or that have been in operation prior to the date of this SOW. ○ In addition to the fees calculated as provided above, there will be an incremental fee for the following, if applicable: <ul style="list-style-type: none"> • Benefit accrual tracking such as vacation and sick time. • Use by school personnel of debit cards. • For the CALPADS services described in Annex A, there will be an additional fee of \$7,775 for the 2021-22 school fiscal year and \$8,000 for the 2022-23 school fiscal year. ▪ Consulting: Should you desire additional services not in the above scope, we would be pleased to provide these, subject to staff availability, at the then-current discounted hourly fee schedule for back-office clients (travel time is billed at ½ of the applicable hourly rate). Typical additional services that are not in the above scope are charter petition writing and the implementation of computer systems or computerized Student Information Systems. Again, this rate includes normal phone, copying and incidental costs. Additional costs would include mileage reimbursement for travel, overnight delivery charges, and pre-approved out-of-pocket expenses.

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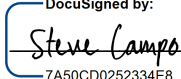
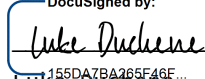
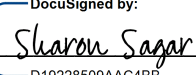
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Statement of Work #7 by and between EdTec Inc.
 and Ross Valley Charter School
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	<ul style="list-style-type: none"> ▪ Fee Increases: EdTec reserves the right to increase the fees payable under this Statement of Work by up to 5% upon the conclusion of the Term and each Renewal Term. EdTec will provide written notice of a fee increase at least thirty (30) days prior to the expiration of the Term or then-current Renewal Term, as applicable. ▪ Payment Terms: All fees payable to EdTec must be received by EdTec within thirty (30) days of the date of invoice. EdTec reserves the right to suspend the provision of Services in the event an invoice is thirty days past due.
School Obligations	<p>EdTec's services will assist with the operations of Client's back-office operations, but do not include auditing Client's provided information and operations for completeness and compliance. It is Client's responsibility to adopt and adhere to reasonable policies and procedures, and to ensure the school remains in compliance with all applicable rules and regulations and maintains sound fiscal operations. In order to fulfill the scope of services described herein, EdTec relies on Client to provide timely, accurate and complete information, and to cooperate reasonably with EdTec. Furthermore, Client must immediately inform EdTec of any material change that could affect EdTec's ability to complete its responsibilities and to assist Client in complying with all applicable laws and regulations.</p> <p>Client will comply with the attached Roles and Responsibilities document (Attachment 1).</p>
Termination	<p>Either party may, upon giving thirty (30) days' written notice identifying specifically the basis for such notice, terminate this Statement of Work for breach of a material term or condition of this Statement of Work, unless the party receiving the notice cures such breach within the thirty (30) day period. In addition, EdTec may terminate this Statement of Work immediately upon written notification and without liability, (a) if Client, in EdTec's reasonable judgment, violates any of the "School Obligations" above, (b) if Client does not open by September 30, 2021, or (c) upon any revocation of Client's charter. Upon any early termination under this section, Client shall pay EdTec for all services rendered by EdTec prior to the effective date of termination. In addition, if EdTec terminates this Statement of Work under this section, Client shall also pay EdTec for any demobilization or other costs resulting from such early termination.</p>

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Statement of Work #7 by and between EdTec Inc.
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<p>EDTEC INC.</p> <p>DocuSigned by:  By: _____ <small>7A50CD0252334E8...</small></p> <p>Name: Steve Campo</p> <p>Title: President & CEO</p> <p>Date: 8/20/2020</p> <p>1410A 62nd Street Emeryville, CA 94608</p> <p>Fax: 510.663.3503</p>	<p>ROSS VALLEY CHARTER SCHOOL</p> <p>DocuSigned by:  Signature: _____ <small>D5DA79A265F46E...</small></p> <p>Name: Luke Duchene</p> <p>Title: Director</p> <p>Date: 8/18/2020</p> <p>Address: 102 Marinda Dr. Fairfax, CA 94930</p> <p>Email: luke.duchene@rossvalleycharter.org</p> <p>Phone: 415-534-6970</p> <p>Fax: _____</p>
	<p>The undersigned officer of Ross Valley Charter School, a California public charter school (the "School"), hereby certifies that this Agreement has been duly approved by the governing body of the School, at a publicly noticed meeting held on July 13, 2020.</p> <p>ROSS VALLEY CHARTER SCHOOL</p> <p>DocuSigned by:  Signature: _____ <small>D19228509AAC4BB...</small></p> <p>Name: Sharon Sagar</p> <p>Title: Board Chair</p>

Statement of Work #7 by and between EdTec Inc.
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ATTACHMENT 1

Roles and Responsibilities

Clarity on roles and responsibilities between EdTec and Ross Valley Charter School ("Client") will help ensure high quality, timely business services. Table 1 below outlines the roles and responsibilities of both parties:

Table 1: Roles & Responsibilities

	EdTec	Client
Payroll	<ul style="list-style-type: none"> ▪ Accurate, complete payroll on a monthly/semi-monthly basis (additional fees apply for higher frequency payroll) ▪ Published calendar of payroll deadlines ▪ Reminders for payroll deadlines ▪ Final payroll information sent to client for approval prior to client's payroll approval deadline ▪ Advice on setting up STRS/PERS ▪ Primer on health insurance terminations, COBRA, and employee vs. contractor classifications 	<ul style="list-style-type: none"> ▪ Timecards and changes: Submission to EdTec of the timesheet summary, payroll client change summary, and other payroll changes and backup forms by the payroll calendar deadlines and using EdTec forms/processes ▪ Payroll approval: Approval (email or fax) to EdTec by payroll calendar deadlines ▪ New hires: Timely submission to EdTec of new hire paperwork on EdTec new hire forms by payroll calendar deadline ▪ Enrolling (or working with a broker to enroll) staff in any STRS, PERS, 403b, health plans, and other insurance/retirement/contribution/deduction programs ▪ Terminating staff from health plans, other insurance, and other applicable contribution/deduction programs.
Accounts Payable	<ul style="list-style-type: none"> ▪ Timely and accurate check payments ▪ Payment of invoices according to client's approval policies ▪ Recordkeeping/processes adhering to generally accepted accounting standards for accuracy and security and approved by independent auditors ▪ Payment systems linked to financial statements and analyses for informed managerial decision-making ▪ Bank account reconciliations ▪ Invoice/payment research ▪ Advising clients on outstanding checks to ensure adequate cash availability 	<ul style="list-style-type: none"> ▪ Submission of payment and deposit information; provision to EdTec of view-only access to bank account <ul style="list-style-type: none"> ○ Weekly submission to EdTec of invoices, reimbursement requests, deposits, and other expenditures using EdTec forms and processes ○ Coding all expenses and non-State funding deposits using EdTec forms and processes and codes from the most recent budget. ▪ Banking: Monitoring and maintaining adequate bank account balances to meet expense obligations; securing

Statement of Work #7 by and between EdTec Inc.
 and Ross Valley Charter School
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		view-only access to school bank account(s) for use by EdTec.
Attendance and Data Reporting	<ul style="list-style-type: none"> ▪ Monthly attendance reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ 20-Day and P-Reports: Generation of complete, accurate attendance reports (based on school provided data) by the deadline (up to 1.5 hours per report). Resolution of data discrepancies and attendance revisions will be charged at the hourly rate. ▪ CALPADS: See Annex A. ▪ CBEDS: EdTec will provide up to 2 hours to train Client on CBEDS procedures and report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis. 	<ul style="list-style-type: none"> ▪ Accurate and complete collection of attendance data in compliance with State rules. ▪ Monthly reports: Preparation and submission of data to EdTec at least 3 business days before the deadline ▪ 20-Day and P-Reports: Submission of data to EdTec at least 5 business days before the deadline ▪ Clients without student information system software will submit student and attendance data to EdTec using EdTec forms ▪ Clients using a non-EdTec-supported SIS will provide student and attendance data to EdTec in an EdTec-approved format

The payroll, accounts payable, and attendance deadlines / calendars referenced above shall be provided separately.

1. LATE FEES and PROCESSING CHARGES

Payroll:

- **Timecards and payroll changes:** A late fee of \$100 will be imposed for each business day timecards for hourly staff and payroll changes are submitted late to EdTec based on the published Payroll Calendar. The latest Timecards and Changes can be accepted is one business day prior to Payroll Approval deadlines.
- **Manual checks:** EdTec will generate and distribute manual checks, as needed and without charge, for employee terminations and payroll corrections due to EdTec error. For manual checks for employee terminations, EdTec will bill the overnight delivery charges to the school if overnight delivery is requested. For all other manual check requests processed by EdTec, EdTec will charge a fee of \$35 plus overnight delivery charges (if overnight delivery is requested), and for all manual check requests processed by the payroll processor, school will pay the additional fee charged by the payroll processor plus overnight delivery charges (if overnight delivery is requested). An additional payroll cycle outside of the normal payroll processing schedule is possible with adequate advance notice and subject to EdTec staff availability at the time the request is made; an additional payroll cycle will incur an added EdTec processing fee that will be quoted at that time for Client pre-approval.

Statement of Work #7 by and between EdTec Inc.
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Accounts Payable:

- **Weekly submittal:** Client must submit a weekly package conforming to EdTec forms and processes. The submittal shall contain invoices with appropriate coding, reimbursement requests, deposits, and/or other payment documents to EdTec using EdTec forms. If Client fails to submit this weekly package or fails to submit all necessary invoices and receipts to process payment, Client will be charged an additional processing fee of \$35.
- As a courtesy, EdTec may waive the first two occurrences (i.e. up to \$70) of the Weekly Submittal processing fee.

Attendance and Data Reporting:

- **Monthly, 20-Day and P-Reports:** EdTec fees include 1.5 hours of quality assurance and troubleshooting when processing and generating each report. Any EdTec work beyond this hour (including data correction and reconciliation with other periods) will be charged at the then-current discounted data service rate.
- **Expedite fee:** If Client misses an EdTec deadline for providing data and subsequently requests assistance in generating reports on an expedited basis, a \$100 expedite fee per occurrence may apply.
- **CBEDS reports:** EdTec fees include up to two hours for training and guidance on report generation. CBEDS support beyond the initial 2 hours is available on an hourly billable or project billable basis.
- EdTec can provide additional assistance for reports at the then-current discounted data service rate.
- If Client requires EdTec assistance for work with external deadlines (e.g. P-Reports), EdTec may set a deadline for receiving the request, data, and/or other materials from the Client to ensure timely and accurate processing. EdTec may charge an expedite fee for requests, data, and/or other materials not received from the client by the EdTec deadline.
- If Client does not have a student information software system, Client will use EdTec forms when submitting information to EdTec. Failure to use EdTec forms will result in a processing fee of \$100.
- As a courtesy, EdTec may waive the first occurrence of the forms processing fee.

**Ross Valley Elementary School District Findings
Evidencing Denial of the Ross Valley Charter Petition
and Petitioner's Response**

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Statement of Work #7 by and between EdTec Inc. and
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ANNEX A: CALPADS Services		
The services described below will be performed for the fixed annual fee set forth in this Statement of Work, provided that Client uses an EdTec-preferred Student Information System (SIS). In the event that Client uses a non-preferred SIS, EdTec will provide up to 30 hours per school per school fiscal year of the service under the fixed annual fee; additional support hours shall be billed at the then-current discounted data service rate.		
Task Description	EdTec Responsibilities	School Responsibilities
A. Fall 1 Submission (October - January)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review Fall 1 required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 1 setup in School's SIS (race/ethnicity, exit code mappings) -Train staff how to review Fall 1 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 1 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 1 snapshot reports and make corrections, as needed
Student Enrollment Submission	<ul style="list-style-type: none"> -Mass request SSIDs and update student enrollments through an SENR submission -Generate and troubleshoot SENR extracts -Train school how to manually generate single SSIDs in CALPADS for new students enrolling throughout the school year 	<ul style="list-style-type: none"> -Enter required student demographic information into School's SIS -Follow up with other districts/schools to resolve CCE and MID anomalies
Student Information Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SINF extracts -Generate, upload and troubleshoot SELA extracts 	<ul style="list-style-type: none"> -Ensure English Language Learner Information in School's SIS is up-to-date and accurate
Student Programs Submission	<ul style="list-style-type: none"> -Review student program records in School's SIS for completeness. Add student program records, if necessary -Generate, upload and troubleshoot SPRG extracts 	<ul style="list-style-type: none"> -Enter lunch eligible (free and reduced), foster youth and special education records into School's SIS
B. Fall 2 Submission (October - March)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS Fall 2 setup in School's SIS -Train staff how to review Fall 2 certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all Fall 2 required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify Fall 2 snapshot reports and make corrections, as needed
Staff Demographics Submission	<ul style="list-style-type: none"> -Generate reports that identify missing or inaccurate staff demographic data -Provide guidance on data requirements for staff demographic records -Provide guidance on obtaining SEID numbers for credentialed staff 	<ul style="list-style-type: none"> -Request Statewide Educator ID (SEID) numbers for certificated staff -Enter staff demographic data and fix any error identified by EdTec
Staff Assignments Submission	<ul style="list-style-type: none"> -Update school-provided Staff Assignment data into School's SIS, as needed -Provide guidance on data requirements for staff assignment records -Generate, upload and troubleshoot SASS extract(s) 	<ul style="list-style-type: none"> -Enter staff assignments records in the staff assignments into School's SIS
Course Sections Submission	<ul style="list-style-type: none"> -Update school-provided Course/Section data into School's SIS -Generate, upload and troubleshoot CRSE extract(s) 	<ul style="list-style-type: none"> -Enter required course and section information in School's SIS
Student Course Sections Submission	<ul style="list-style-type: none"> -Generate, upload and troubleshoot SCSE extracts 	<ul style="list-style-type: none"> -Ensure student schedules are up-to-date and accurate through Census Day
C. End-of-Year Submission (May - August)		
Data Review and Reconciliation	<ul style="list-style-type: none"> -Provide schools with list of required data and project calendar -Manage submission deadlines for each school site and provide regular reminders -Review State required data in School's SIS and identify missing/inaccurate data -Review of CALPADS EOY setup in School's SIS (discipline codes, program codes) -Train staff how to review EOY certification reports and resolve fatal errors 	<ul style="list-style-type: none"> -Populate School's SIS with all EOY required data per EdTec's guidance -Adhere to project calendar deadlines as set forth by EdTec -Review and certify End-of-Year certification snapshot reports and make corrections, as needed
Student Enrollment Update Submission	<ul style="list-style-type: none"> -Generate and submit SENR and SINF extracts for all changes since the Fall 1 Submission 	<ul style="list-style-type: none"> -Populate School's SIS with required student demographic information for students since the last enrollment update -Verify completers and graduates along with all associated data elements
End-of-Year Program Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year program submission (SPRG) -Provide guidance on data requirements for additional program records 	<ul style="list-style-type: none"> -Enter student End-of-Year student program records into School's SIS
End-of-Year Discipline and Attendance Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Discipline submission (SDIS) -Submit and troubleshoot the End-of-Year Attendance submission (STAS) -Provide guidance on data requirements and process for adding discipline records in School's SIS 	<ul style="list-style-type: none"> -Enter student discipline information into School's SIS -Enter all absences for the reporting year into School's SIS
End-of-Year Course Completion Submission	<ul style="list-style-type: none"> -Submit and troubleshoot the End-of-Year Course Completion submission (CRSC and SCSC) 	<ul style="list-style-type: none"> -Confirm all term grades have been entered into School's SIS for Grades 7-12
D. Anomaly Resolution (Year-long, as needed)		
Anomaly Resolution Support	<ul style="list-style-type: none"> -Assist school with identifying and fixing CCE, MID and ERD anomalies in CALPADS and School's SIS -Provide schools with CALPADS contact info for other LEAs 	<ul style="list-style-type: none"> -Follow up with other LEAs to resolve anomalies

*This proposal does not include data remediation services. If it is determined that the initial data quality and set up requires significant intervention by EdTec, a separate scope of work for data remediation services may be required.



STATEMENT OF WORK #8
 by and between
EdTec Inc. and Ross Valley Charter School

Reference:	Master Services Agreement dated February 15, 2017, by and between EdTec Inc. ("EdTec") and Ross Valley Charter School ("Client").
Term:	August 11, 2020 through January 31, 2021.
Scope of Services:	Services to be performed <ul style="list-style-type: none"> ▪ Learning Continuity Plan Support ▪ Single Plan for Student Achievement Support
Excluded Services:	Other than the services outlined above, EdTec is not responsible for any other activities, unless mutually agreed to in writing.
Compensation:	<ul style="list-style-type: none"> ▪ Discounted hourly rate of \$150 on a time and materials basis. ▪ The estimated work effort is 24-36 hours at an estimated cost of \$3,600 - \$5,400, excluding travel and incidental expenses (if necessary). ▪ Actual travel costs and out of pocket expenses will be billed to Client and travel time, if necessary, will be billed at \$75/hour (half the hourly fee). ▪ Any work requested by Client beyond the scope of this Statement of Work is billable at \$150/hour. ▪ All fee estimates are subject to Client compliance with the School Obligations set forth below. <p>Payment Terms: Payment terms are net 30 days from receipt of EdTec's invoices, which shall be issued monthly and upon completion of the services. EdTec reserves the right to suspend the provision of Services in the event an invoice is thirty days past due.</p>
School Obligations:	In order to fulfill the scope of services described herein, EdTec relies on Client to provide timely, accurate and complete information, to cooperate reasonably with EdTec, and to timely complete all tasks reasonably requested of Client in connection with the project.
Termination:	Either party may, upon giving thirty (30) days' written notice identifying specifically the basis for such notice, terminate this Statement of Work for breach of a material term or condition of this Statement of Work, unless the party receiving the notice cures such breach within the thirty (30) day period. In addition, EdTec may terminate this Statement of Work immediately upon written notification and without liability, (a) if Client, in EdTec's reasonable judgment, violates any of the "School Obligations" above, or (b) upon any revocation of Client's charter. Upon any early termination under this section, Client shall pay EdTec for all services rendered by EdTec prior to the effective date of termination.

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Statement of Work #8 by and between EdTec Inc. and
Ross Valley Charter School
Page 2 of 2, August 11, 2020

EDTEC INC. DocuSigned by: By: <u>Steve Campo</u> 7A50CD0252334E8... Name: Steve Campo Title: President & CEO Date: 9/20/2020 1410A 62 nd Street Emeryville, CA 94608 Fax: 510.663.3503	ROSS VALLEY CHARTER SCHOOL Signature: <u>Luke Duchene</u> 155DA7DA265F46F... Name: Luke Duchene Title: Director Date: 9/19/2020 Address: 102 Marinda Dr. Fairfax, CA 94930 Email: luke.duchene@rossvalleycharter.org Phone: 4155346970 Fax:
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EXHIBIT “U”



**MINUTES OF THE SPECIAL MEETING
BOARD OF TRUSTEES
ROSS VALLEY CHARTER SCHOOL**

Ross Valley Charter School 102 Marinda Drive, Fairfax CA

<https://sites.google.com/a/rossvalleycharter.org/rvc-board-docs/2020-09-24-special-meeting>

September 24, 2020 7:33 P.M. via Zoom video conference

Board Members:

**Sharon Sagar, Chair
Amy Gramajo
Kristi Kimball
John Kirk
Cheryl Flick
Sonya Stanley**

I. PRELIMINARY

A. CALL TO ORDER

B. TRUSTEE ROLL CALL

	Present (Remotely)	Absent
Kristi Kimball	<u>X</u>	_____
Amy Gramajo	<u>X</u>	_____
John Kirk	<u>X</u>	_____
Cheryl Flick	<u>X</u>	_____
Sharon Sagar, Chair	<u>X</u>	_____
Sonya Stanley	<u>X</u>	_____

C. APPROVAL OF AGENDA OF SPECIAL BOARD MEETING OF SEPTEMBER 24, 2020.

Approval of the special board meeting agenda of September 24, 2020 was duly Moved: Kirk. Seconded: Flick. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar. Noes: None. Absent: Stanley, Abstain: None. Approved by roll call vote 5-1-0.

II. COMMUNICATION

C. No public comment on items not on the agenda.

D. School Director Update

- Construction is moving along and should be done second week in October.
- Working on reopening plans in staff meetings.

- High attendance (96%) and participation. Looking closer at engagement and tracking work weekly.

E. Board/Staff Information Updates

- Ms. Kimball retiring from the board. Board members shared stories of appreciation. Thank you, Kristi!
- MCOE's response to RVSD's letter to County with allegations based on documents they did not secure from us.
- FCMAT reviewed 120-page document and determined insufficient information for an audit.
- District never reached out.

No public comment.

III. GENERAL ITEMS

A. LEARNING CONTINUITY AND ATTENDANCE PLAN (LECAP)

- Mr. Duchene updating minor changes.
- Clarifying outdoor classroom meetings.
- Parent/teacher voice in learning model selection.

No public comment.

Approval of LECAP with noted clarifications was duly Moved: Flick. Seconded: Kirk. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

B. FINANCIAL BUDGET UPDATE

- Includes updates approved by the Governor in budget trailer bill with increased enrollment funding.
- Can apply for additional revenue based on October 7th enrollment.
- Six-year budget narrative.
- Expenses changes: \$4K to teachers for summer work and \$9K for Ms. Chappell's summer student outreach.
- Subsidized health premium increases for staff.
- \$20K for computers, LLM and safety (learning loss mitigation).
- Added fire insurance and bookkeeper.
- Raised contingency now at \$67K. Need \$94K to avoid cash problems during deferrals.
- See multi-year projection narrative.
- Budget only includes half of PPP loan forgiveness.
- Will revisit salary increases when we're in a more confident financial situation.
- Conservative approach in uncertain times.
- Our deferrals, \$581K and Special Ed, start in March.
- All school districts are going through the same thing with deferrals management. Fewer options for charter schools, which is why \$270K PPP loan was critical.
- Previous budgets had built-in raises; will bring back to December budget discussions.
- Mr. Hickey will forward updated budget to the district and state oversight.

No public comment.

Approval of the updated financial budget was duly Moved: Kimball. Seconded: Kirk. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

C. AUTHORIZATION TO EXECUTE PCSD LOAN DOCUMENTS AND PROJECT MANAGEMENT AGREEMENT

- LOI looks good. Interest rate 2%.
- RVC contributing \$10K from school's budget.

No public comment.

Approval of PCSD loan and Project Management Agreement, executed by Mr. Duchene and Ms. Sagar, was duly Moved: Kirk. Seconded: Gramajo. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

D. AUTHORIZE ADDITIONAL INSURANCE AND OTHER AGREEMENTS RELATED TO CONSTRUCTION PROJECT

- Four agreements:
 - Updated property insurance with builder's insurance
 - Kinderblast shared Fire/Life/Safety Monitoring agreement
 - Kinderblast shared 25% cost of Fire/Life/Safety Master Panel agreement
 - St. Rita's Lease
- Fire Marshall required Kinderblast to install expensive fire system; we now need to make upgrades.
- Tying RVC's system into Kinderblast's initial installation.
- \$750/month monitoring fee. Kinderblast will continue paying \$350/month portion.

No public comment.

Approval of the four above agreements related to Kinderblast, insurance, and St. Rita's was duly Moved: Kirk. Seconded: Gramajo. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

E. AUTHORIZATION TO APPLY FOR LOANS FOR STATE APPORTIONMENT DEFERRALS

- State deferred apportionment payments impact public charter schools even more as we're not able to borrow low-interest rate funds directly from the County, as other local schools can.
- Recommend authorization to apply for loans from Westamerica Bank, California School Finance Authority (CSFA), and Stifel & Charter Asset Management (CAM).
- Recommend authorization to apply for any apportionment deferral exemption programs (TRANS, RAND, LOC) offered by the State of California for public schools.

No public comment

Approval to authorize Mr. Duchene and Ms. Sagar to apply for three loans and State exemption program, if deemed appropriate, was duly Moved: Flick. Seconded: Kirk. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

F. MOU AGREEMENT AMENDMENT WITH OUR AUGHORIZER RELATED TO NEW SB 126 COMPLIANCE ITEMS

- Doing many already and improving upon.
- Thank you, Merrell Maschino, for getting items onto RVC's website.

No public comment

Approval of MOU Agreement related to new SB 126 compliance was duly Moved: Kirk. Seconded: Flick. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

G. REOPENING PLAN UPDATES AND DECISIONS

- Marin schools allowed to reopen September 29th without a waiver.
- Scheduling inspection with CA Dept. of Ed and RV fire approval following completion of construction, then allowed to have students return to campus.
- Teachers returning for in-person learning.
- Reaching out to families again about intent to return to school or continue distance learning.
- Broadcasting A/B small cohort schedule next week.
- SSPP adjustment: starting with required masks for all students.
- Building outdoor, flexible classrooms. Thank you, parent volunteers: Merrell, Laura and Matt!
- Keeping community updated. Need both flexibility and stability.
- COVID 19 testing is part of plan for staff.

No public comment. No action taken.

H. CONSTRUCTION UPDATES AND CHANGE ORDERS

- Gate, concrete repair, drainage, and conduit work with fire system.
- Considering asphalt resurfacing; better to do now.
- Can include gate and front playground resurfacing within budget.
- Overall project covered by loan and our \$10K, totaling \$365K.
- Loan is approved but not yet done.

No public comment.

Authorization for Mr. Duchene and Ms. Sagar to move forward with additional projects in consultation with PCSD was duly Moved: Kirk. Seconded: Gramajo. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

IV. CONSENT AGENDA ITEMS

- A. Minutes of September 10, 2020 Regular Meeting
- B. Bay Alarm Contract and Addendum

No public comment

Approval of September 10th Board Meeting Minutes was duly Moved: Kirk. Seconded: Gramajo. Ayes: Flick, Gramajo, Kirk, Sagar,. Noes: None. Absent: None, Abstain: Kimball, Stanley (not in attendance). Approved by roll call vote 4-0-2.

Approval of Bay Alarm Contract and Addendum was duly Moved: Kirk. Seconded: Flick. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

V. FUTURE MEETING NEEDS AND TOPICS

- Reopening update
- Construction wrap up
- Student engagement
- Board meeting format

VI. ADJOURNMENT

Approval to adjourn September 24th board meeting at 9:49PM was duly Moved: Kirk. Seconded: Kimball. Ayes: Flick, Kimball, Gramajo, Kirk, Sagar, Stanley. Noes: None. Absent: None, Abstain: None. Approved by roll call vote 6-0-0.

EXHIBIT “V”



110 Shaw Drive, San Anselmo, CA 94960 | Phone: 415.454.2162 | Fax: 415.454.6840 | www.rossvalleyschools.org

Superintendent: Marci Trahan | Board of Trustees: Annelise Bauer • Anne Capron • Ryan O'Neil • Wesley Pratt • Mark Reagan

September 3, 2020

Via Email and Overnight Delivery

Ross Valley Charter School Board of Directors
Sharon Sagar, Board Chair
Luke Duchene, School Director
Ross Valley Charter School
102 Marinda Dr.
Fairfax, CA 94930-1105
Email: sharon.sagar@rossvalleycharter.org
Email: luke.duchene@rossvalleycharter.org

Re: Notice of Alleged Violations and Reasonable Opportunity to Cure

Dear Ms. Sagar and Mr. Duchene:

This letter shall serve as the Ross Valley School District's ("District") Notice of Violation issued to the Ross Valley Charter School ("RVC" or "Charter School"), pursuant to Education Code section 47607.

BACKGROUND AND LEGAL BASIS FOR NOTICE

RVC was authorized by the State Board of Education ("SBE") in 2016 and is currently operating under the authorization of the SBE. Pursuant to Education Code section 47605.9, subdivision (b):

A charter school operating under a charter approved by the state board pursuant to Section 47605, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located.

Since RVC's current term expires June 30, 2021, the Charter School submitted its petition for renewal to the District on August 10, 2020. Pursuant to Education Code section 47607, subdivision (e):

Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.

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Although the District does not believe it is required to issue a notice of violation and provide RVC with a reasonable opportunity to cure the violations pursuant to Section 47607 before **it may take action to deny RVC's renewal petition** since it is not the chartering authority, the District is nevertheless **issuing this Notice of Violation and hereby affording RVC 30 days'** notice and opportunity to correct the alleged violations before any action is taken on the renewal petition.

VIOLATIONS UPON WHICH THIS NOTICE IS BASED

A. Fiscal Mismanagement

The following, but not limited to, facts demonstrate substantial fiscal mismanagement concerns regarding the operation of RVC:

1. Timeline of Paycheck Protection Program Loan Process

On April 2, 2020, during a special meeting of the RVC Board, the Board appointed Conn Hickey to serve as RVC's Business Official on a "volunteer" basis. The April 2nd agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.*" (Emphasis added.) This is not a position authorized by the RVC charter.

According to its charter and consistent with law, the Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVCS in accordance with RVCS laws and the receipt of grants and donations consistent with the Mission of RVCS." (Charter, p. 140.) While the April 2nd meeting minutes reflect that the Board ultimately approved Mr. Hickey's authority to sign checks, the Board did not approve authority to enter into contracts and agreements, nor do the minutes include any discussion or notes related to this issue. Notably, the April 2nd agenda did not identify any item related to the PPP, though the Board discussed COVID-19 related financial impacts during the meeting. (Attached hereto as Exhibit A are true and correct copies of the RVC Board Meeting Agenda and Minutes, dated April 2, 2020.) The April 2 minutes were approved and posted on May 7, 2020.

Nonetheless, without Board authorization or any other authority to submit an application for federal PPP funding, or to enter into agreements to bind RVC, on April 9, 2020, Mr. Hickey applied online to Westamerica Bank for a \$292,485 PPP loan as RVC's "Authorized Representative or Applicant." Mr. Hickey is expressly *not* RVC's authorized representative or applicant. On April 9, 2020, in applying for the loan, Mr. Hickey also misrepresented that Board analysis of the requirements to obtain the loan were met – this was untrue as there was no RVC Board discussion or authorization of a PPP loan. Later that same day, at or about 4:24 p.m., Westamerica confirmed receipt of the loan application (Reference #12494090). (Attached hereto as Exhibit B is a true and correct copy of PPP Application, Reference #12494090, dated April 9, 2020; Exhibit C is an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program – Application Received," dated April 9, 2020.) Notably, Westamerica Bank is Mr. Hickey's former employer.

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On April 16, 2020, Westamerica notified Mr. Hickey that Small Business Administration ("**SBA**") **funding limits were reached but that it would continue to process applications** should additional funds become available. (Attached hereto as Exhibit D is a true and correct copy of an email from Westamerica to Mr. Hickey re: "**Paycheck Protection Program,**" dated April 16, 2020.)

Three (3) days later, on April 19, 2020, Westamerica informed Mr. Hickey that RVC was eligible for less than the \$292,485 requested – specifically, RVC was eligible for \$270,653. Westamerica asked if the lower amount was acceptable. (Attached hereto as Exhibit E is a **true and correct copy of an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Application – Information Request #12494090," dated April 19, 2020.**)

The following day, on April 20, 2020, RVC uploaded the Board agenda for its upcoming April 23rd meeting. Even though Mr. Hickey had submitted the loan application and received confirmation from Westamerica that RVC was eligible for \$270,000 in PPP funding, the April 23rd agenda did not identify any item for discussion or action regarding the PPP loan. Furthermore, while budget documents submitted for the April 23rd meeting reflected assumptions for the receipt of a \$300,000 facility loan and other smaller CARES Act funding, they do not show PPP loan assumptions or impacts on revenue. (Attached hereto as Exhibit **F is a true and correct copy of RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions.**) The April 23 minutes were approved and posted on March 14, 2020.

On April 23, 2020, at 10:27 a.m., Mr. Hickey responded to Westamerica to "accept your counter offer" of \$270,000 in PPP funding. This again occurred without Board approval and well before the Board's meeting later that evening at 7:00 p.m.; though again, this item was not agendaized for the April 23 meeting. (Attached hereto as Exhibit G is a true and correct copy of an email from Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request **#12494090," dated April 23, 2020; see also, Exhibit H, true and correct copies of the RVC Board Meeting Agenda and Minutes, dated April 23, 2020.**)

During the April 23rd Board meeting at 7:00 p.m., minutes reflect that the Board discussed and/or took action on the PPP loan, which was not noticed in the April 23rd meeting agenda as required by the Brown Act.¹ (Gov. Code, §§ 54950 et seq.) Specifically, the April 23rd meeting minutes² indicate that: "**\$270 PPP loan/grant with reserve helps balance for three years" and "Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000."** This direction did not authorize Mr. Hickey as RVC's Business Official to participate in any loan process and, importantly, was made *after* Mr. Hickey already applied for and accepted Westamerica's PPP loan of \$270,000. (Exhibit H, RVC Board Meeting Agenda and Minutes,

¹ The fact that no discussion or action regarding the PPP loan is noticed on the April 23rd agenda is also a violation of the Brown Act. (Gov. Code, §§ 54954.2, 54954.3(a) ["no action shall be taken on any item not appearing on the agenda"].)

² The April 23rd meeting minutes were not publicly posted until nearly a month later on May 14, 2020, just hours before the May 14th Board meeting and the April 23 minutes were not approved June 12, 2020.

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dated April 23, 2020.) The minutes reflect RVC Board action "5-0-1" though no action was agendized, let alone action on a PPP loan. (*Ibid.*)

Mr. Hickey applied for the PPP loan as RVC's "Authorized Representative or Applicant" on April 9th, *without authorization to engage, apply for, or obtain a PPP loan on RVC's behalf.* Not only is the conduct without authorization, it is contrary to the charter and state and federal law governing transparency. Additionally, the misrepresentations to obtain the loan violate the duty to be honest in seeking state or federal loans and therefore constitute fraud.³

Four (4) days after the April 23rd meeting, on April 27, 2020, RVC's PPP loan was awarded.⁴ On April 29, 2020, Westamerica informed Mr. Hickey that the bank's processing of the loan was complete and would be submitted to the SBA for the loan documents.

On May 8, 2020, at 8:46 a.m., Westamerica emailed the loan documents to Luke Duchene, Director, which must be signed by "principals within the company." At 8:49 a.m., Mr. Duchene forwarded the email to Sharon Sagar, Board Chair, and Mr. Hickey. Then, at 10:45 a.m., Mr. Duchene electronically signed the loan agreement. (Attached hereto as Exhibit I is a true and correct copy of an email from Mr. Duchene to Ms. Sagar and Mr. Hickey, re: "Fwd: Westamerica Bank has sent you the document "12494090" to sign," dated May 8, 2020, including attachments.) This action made RVC and Mr. Duchene complicit in the misrepresentations made to obtain the loan.

On May 13, 2020, Westamerica emailed Mr. Hickey confirming that the bank was "[p]leased to have funded an SBA loan for your business" and outlined loan forgiveness requirements. Still, by this point, the RVC Board had not documented any action related to this loan. Furthermore, the Board had taken no action to even evaluate the need for the loan or make any public representation in seeking the loan. (Attached hereto as Exhibit J is a true and correct copy of an email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Forgiveness Information," dated May 13, 2020.)

The following day, on May 14, 2020, the Board approved Resolution No. 2020-5-14, *after* the loan was actually funded. Again, the May 14th Board meeting agenda does not mention the PPP loan or the Resolution – another violation of the Brown Act.⁵ Nowhere in the Resolution does the Board even acknowledge Mr. Hickey's April 9th loan application or his unauthorized acceptance of the Westamerica loan. In fact, the Resolution falsely states that the loan was received on May 8th and that Mr. Duchene "was authorized at the April 23, 2020 board meeting to enter into the [PPP] Agreement." As evidenced above, the loan had already been applied for and accepted by Mr. Hickey. (Attached hereto as Exhibit K is a true and correct copy of Resolution No. 2020-5-14, "Acceptance of Paycheck Protection

³ It is a violation of federal law to knowingly present a false or fraudulent claim for payment to the United States government.

⁴ <https://projects.propublica.org/coronavirus/bailouts/search?q=Ross+Valley+Charter>

⁵ Both the Resolution and the April 23rd meeting minutes were uploaded to Board Docs at 12:30 p.m. on May 14th, the day of the meeting. The May 14th meeting minutes, which document the Board's approval of the Resolution, were not approved until the Board's June 11, 2020 meeting.

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Program Loan.”) Any purported action to authorize Mr. Duchene was invalid for failure to agendize and give the public notice of any action related to the PPP loan.

The May 14th Resolution falsely claims that, on April 23, 2020, the Board authorized Mr. Duchene to:

Borrow Money. To borrow, from Westamerica Bank (Lender) on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars (\$270,653.00).

Execute Note. To execute and deliver to Lender the Paycheck Protection Program note.

Any discussion of the loan, its terms nor any indication that the Board was informed of Mr. Hickey's application or subsequent emails with Westamerica were agendized or reflected in the approved minutes. (Ex. H.) The only notation regarding this issue is the inclusion of a single sentence authorization for the "Chair or School Director to execute a PPP loan up to \$290,000 as soon as available." This is not the authorization that was stated in the May 7th loan authorization document or the Resolution. And again, it was invalid as it was not an agendized action item. (Ex. H.)

Contrary to the various statements in the Resolution, the facts show the Resolution was approved by the Board after the loan was already applied for by Mr. Hickey on April 9; accepted by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on May 8th; and was funded on May 13th ("Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business."). Yet none of these facts are included in the Resolution.

2. Approval of Resolution Misrepresenting Facts Related to the Paycheck Protection Program Loan Process

On May 14, 2020, the RVC Board approved Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan" ("Resolution"). The Resolution adopted by the RVC Board was RVC's *post hoc* effort to document purported compliance with the Paycheck Protection Program ("PPP") loan requirements. As the Resolution states, RVC must certify that "[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant."

On or about May 19, 2020, Sharon Sagar, RVC Board President, said RVC "needs the money for operations in case state cash payments to schools are deferred as predicted."⁶ In an email from Mr. Duchene to RVC families, Mr. Duchene also stated, "[t]hree weeks ago, our state financial regulator directed all public schools to create additional, emergency cash reserves, to protect against state deferrals of our revenue, which the Governor just announced will start next month, and which in the last recession grew in length to 5 full months of deferrals." (Attached hereto as Exhibit L is a true and correct copy of an email

⁶ *Ross Valley Charter Gets \$270K Small Business Relief Loan*, Marin Independent Journal, published May 19, 2020, available at <https://www.marinij.com/2020/05/19/ross-valley-charter-gets-270k-small-business-relief-loan/>.

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from Mr. Duchene to RVC families, re: Further Explanation of **RVC's Acceptance of the PPP Loan**, dated May 20, 2020.)

However, the Resolution makes repeated references to unsubstantiated future and possible financial issues (e.g., potential cash deferrals, possible multi-year recession and difficulty in obtaining bank loans), not current problems as required for the loan. It is clear that RVC acquired the PPP loan to increase its reserves in anticipation of future need, not to mitigate past or current economic hardship – **the "current" nature of the "economic need" to which applicants must attest is for short-term cash-flow hardships created by current, and not future anticipated, COVID-19 related impacts.**

In seeking the loan, RVC also failed to acknowledge the fact that state education funding was not impacted by COVID-19 expressly to ensure funding to pay teachers and staff in the **2019-20 school year (during the term of the loan). Governor Newsom's March 13, 2020 Executive Order N26-20 expressly states that county offices of education, school districts and charter schools will continue to receive state funding in order to, among other things, "[c]ontinue to pay its employees." (See, Governor Newsom's March 13, 2020 Executive Order N26-20.⁷)**

RVC was also assured of its ongoing Average Daily Attendance revenue during the timeframe of the loan. (California State Budget 2020-21 Summary, p. 36 ["the Budget includes: A hold-harmless for the purpose of calculating apportionment in the 2020-21 fiscal year; average daily attendance shall be based on the 2019-20 year, except for new charter schools commencing instruction in 2020-21."].)

RVC's claims of current need for funding for the intended purposes of the PPP loan are false. Nor was *any* need or basis for the loan discussed or referenced at any time prior to applying for and obtaining the PPP loan. As reflected in the calculations for a PPP loan, it is based upon 2.5 times the average monthly *payroll*. The PPP loan is a short term payroll loan, not a loan for speculative future need. From inception, the PPP loan program was primarily for payroll with the following requirement in place at the time RVC applied:

At least 75 percent of the PPP loan proceeds shall be used for payroll costs. For purposes of determining the percentage of use of proceeds for payroll costs (but not for forgiveness purposes), the amount of any refinanced EIDL will be included. The rationale for this 75 percent floor is contained in the First PPP Interim Final Rule.

In addition to payroll, certain rent and utility payments were for over the initial eight-week period following the date of loan disbursement. These are the requirements in place April 2, 2020, at the time of the loan was requested and certified. (See Interim Final Rule.⁸)

Mr. Duchene also stated in an email that RVC had "lost out on about \$30,000 in Family Giving" and justified the loan as having been applied for because of State budget cuts and

⁷ <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.13.20-EO-N-26-20-Schools.pdf>

⁸ <https://www.federalregister.gov/documents/2020/04/20/2020-08257/business-loan-program-temporary-changes-paycheck-protection-program-additional-eligibility-criteria>

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deferrals. (Attached hereto as Exhibit M is a true and correct copy of an email from Mr. Duchene to RVC families, re: Our Finances – Weathering the Storm, dated May 17, 2020.) **However, RVC's budget documents and Board meeting minutes show that it was given a \$20,000 COVID grant from the Walton Foundation, and that expenses were lower than revenue – which made up for the family giving shortfalls. Furthermore, there is no documented proof that the family giving shortfall was experienced after COVID and not before. The budget did not show a negative fund balance and did not incorporate the PPP loan funds.**

The intent of the CARES Act was to mitigate immediate COVID-19 hardship so that businesses would not have imminent closures. In response to the Marin Independent Journal article relating to RVC's PPP loan, **Congressman Jared Huffman, on Facebook, expressed, "I never imagined that public charter schools which had experienced no revenue loss would seek - much less receive - this funding."** Again, payroll was expressly covered by the funds **provided to charter schools under Governor Newsom's March 13, 2020 Executive Order N26-20.** (See FN7.)

RVC also claims in the Resolution that it needs the PPP loan because RVC does not have access to revenue sources available to traditional public school districts. Specifically, the **Resolution falsely states that "RVC's only other option for working capital would be receivables sale ("factoring loans")."** However, RVC fails to acknowledge the unique revenue sources that it does have access to that traditional public districts do not.

In fact, all non-profit corporations like RVC are, if qualified, eligible to access a line of credit with a bank. While some banks may have limited their lending activity, there are still banks making loans and extending lines of credit. Merely because RVC does not *currently* have a line of credit does not mean it could not acquire one. Nowhere in the Resolution is it reflected that RVC even tried to acquire a line of credit, increase its current credit limit, or renegotiate the terms.

Unlike traditional public school districts, charter schools, such as RVC, have access to many sources of funding and financing available only to charters schools, many of which RVC has availed itself of in the past and is currently in the process of acquiring, including but not limited to the following:

- *Charter only grants:* RVC has received hundreds of thousands of dollars in charter-specific grants and has access to many more. RVC received a \$300,000 grant from the Walton Foundation in or about the 2018-19 school year. In fact, while RVC was applying for PPP funds, RVC received a COVID-19 Walton Foundation grant for \$20,000.
- *Charter-only loans:* RVC received hundreds of thousands of dollars in a charter-only start-up loan from the CDE during its first year of operation. While claiming in its PPP application that it had no other sources of capital, RVC was already in the process of applying for a \$300,000 capital facility improvement loan from Charter Schools Development Corporation (and at least \$50,000 of that loan application has since been approved). There are many charter lending organizations such as the PNC Financial Services Group, Inc., **which represents itself to be "[a] leader in charter school financing,"** and Charter School Capital, among many others.

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- *Private Personal Loans and Donations:* Unlike traditional public schools, nonprofit corporation operated charter schools can directly accept private loans from individuals, as well as any amount of private donations. RVC has many outstanding loans from private individuals associated with the charter school. Additionally, the National Charter School Resource Center provides information on varying types of charter-specific funding resources.

Besides the unique charter-specific funds noted above, RVC, at the time of its PPP loan application, was also anticipating receipt of its State allocation of funds to cover its state entitlement and fund its employees. Yet, RVC represented the need for a PPP loan to fund those same payroll costs - essentially double dipping. The application for and receipt of the PPP loan was improper and fiscal mismanagement.

3. False Statements to the Federal Government in the PPP Loan Process

Mr. Hickey made numerous false statements in connection with his application for and receipt of PPP loan funding. RVC participated and adopted those false statements in accepting the loan that was obtained based on the misrepresentations.

U.S. Small Business Association ("SBA") PPP FAQ #31 states that, before submitting a PPP application, all borrowers should review carefully the required certification that "[c]urrent economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant" and that "all borrowers must assess their economic need for a PPP loan." FAQ #31 was always applicable to small businesses and FAQ #37 served to clarify this point. But notably, RVC appeared to understand this requirement as it was included in the May 14, 2020 Resolution.⁹ In fact, from inception, the PPP loan has required the assessment of economic need. (See, FN 8.) However, RVC represented it had complied when in fact it had not. And, regardless of requirements for forgiveness, this certification is a standing requirement for all PPP applications.

Certifications supporting the PPP loan application should be documented, reviewed and approved by the Board. Such written record should demonstrate that a bona fide, good faith effort was undertaken to support the certifications truthfully. If a defensible written record cannot be produced, then the loan proceeds should be returned, ideally before elapse of the grace period for doing so. This is a matter of public concern properly sunshined for public input and properly discussed and analyzed by the governing board as a matter of fiscal responsibility.

As discussed above, the Board appointed Conn Hickey to serve as RVC's Business Official on a "volunteer" basis. The April 2, 2020, Board meeting agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school. This will be a volunteer position.*" (Emphasis added.) This is not a position authorized by the RVC charter. Additionally, the Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVCS in accordance with RVC Board Bylaws and the receipt of grants and donations

⁹ SBE FAQ #37 was published April 28, 2020, clarifying the application of FAQ #31, before the Resolution was adopted by the RVC Board.

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consistent with the Mission of RVC.” (Charter, p. 142.) At no time did the Board grant Mr. Hickey authority to act as an “authorized representative” to enter into contracts and agreements generally or to pursue a PPP loan. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.)

Nonetheless, Mr. Hickey applied for the loan on April 9 and committed to the loan on April 16, 2020 – all without Board authorization. The Board did not undertake any assessment of a COVID-19 related economic need for a PPP loan before or at the time the loan application was submitted as was required by the SBA PPP FAQ #31 or Interim Final Rule (FN 8). Nor did it do so at any time prior to receipt of the loan despite representations to the contrary – representations made both to the federal government and the public. There was no **assessment related to the PPP loan at the April 23, 2020 meeting despite Mr. Duchene’s** representation to SBE Oversight on June 16, 2020 when RVC first notified its authorizer of more than a quarter million dollar loan. (Attached hereto as Exhibit N is a true and correct copy of an email from Mr. Duchene to SBEOVERIGHT re: Paycheck Protection Program Loans, dated June 16, 2020.) Again, there was no agenda item related to PPP loan on the April 23 board meeting agenda. (See Exhibit H, RVC Board Meeting Agenda and Minutes, dated April 23, 2020.)

Both Mr. Hickey and Mr. Duchene certified by their initials on their respective loan **applications that “knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law.”**¹⁰ Indeed, SBA PPP FAQ #11 warns borrowers that, as the Borrower Application Form indicates, only an authorized representative of the business seeking a loan may sign on behalf of the business.

An individual’s signature as an “Authorized Representative of Applicant” is a representation to the lender and to the U.S. government that the signer is authorized to make the certifications, including with respect to the applicant and each owner of 20% or more of the applicant’s equity, contained in the Borrower Application Form.

In applying for the PPP loan, Mr. Hickey was required to represent in good faith that current economic uncertainty makes the loan request necessary to support the ongoing operations of the Applicant. However, such evaluation never occurred prior to April 9th when Mr. Hickey actually applied for the loan making such representation by his certification on the application.

Mr. Hickey applied for the PPP loan as RVC’s “Authorized Representative or Applicant” on April 9th, though he had no authority either by his position or from the governing board to do so. Mr. Hickey’s only role at RVC was as “volunteer business official” and he was expressly not given the authority to contract or bind RVC. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.) By the express terms of the charter, only the board is authorized to bind the Charter School. (Charter p. 142.) Not only was his conduct without authorization, it is contrary to state and federal law governing

¹⁰ Contrary to representations made, Mr. Duchene did not apply for the loan. The application which was submitted and resulted in the loan was submitted by Conn Hickey. The **application with Mr. Duchene’s certification was not the actual loan application though it was presented to the public as if it were.**

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transparency. Additionally, the misrepresentations made to the federal government to obtain the loan violated the duty to be honest in seeking state or federal loans and therefore constitute fraud. It is a violation of federal law to knowingly present a false or fraudulent claim for payment to the United States government. (31 U.S. Code § 3729.)

RVC's actions including, acceptance of the PPP loan and efforts taken to cover up the improper process that was undertaken to obtain the loan, including adoption of the Resolution rife with false statements, demonstrate that RVC administration and Board were complicit with the deceitful actions of Mr. Hickey in applying for and obtaining the PPP loan.

B. Governance Mismanagement, Violation of Charter, Violation of Law

The above-described facts demonstrating RVC's fiscal mismanagement also demonstrate substantial mismanagement in governance of RVC by its Board and administration. The following, but not limited to, facts further demonstrate RVC's governance mismanagement, violation of the RVC Charter, and violation of law:

1. Board Misrepresentation to the Public regarding Paycheck Protection Program Loan Application and Funding

In RVC Board Resolution No. 2020-5-14, RVC misrepresented to the public the series of events and justifications for its application for and receipt of a PPP loan.

On April 9, 2020, Mr. Hickey submitted the application for the PPP loan to Westamerica, his former employer. On April 16, Mr. Hickey was informed that RVC qualified for a lesser amount of **approximately \$270,000 and Mr. Hickey "accepted" the "counter offer."** (See Exhibit G, email from Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request #12494090," dated April 23, 2020.) On April 29, 2020, Westamerica informed Mr. Hickey that the bank's processing of the loan was complete and would be submitted to the SBA for the loan documents.

On May 8, 2020, at 8:46 a.m., Westamerica emailed the loan documents to RVC Director, Luke Duchene, which was required **to be signed by "principals within the company."** At 8:49 a.m., Mr. Duchene forwarded the email to Sharon Sagar, Board Chair, and Mr. Hickey. Then, at 10:45 a.m., Mr. Duchene electronically signed the loan agreement. (See Exhibit I, email from Mr. Duchene to Ms. Sagar and Mr. Hickey, re: "Fwd: Westamerica Bank has sent you the document "12494090" to sign," dated May 8, 2020, including attachments.) This action demonstrates that RVC and Mr. Duchene were complicit in the misrepresentations made to obtain the loan.

On May 13, 2020, Westamerica **emailed Mr. Hickey confirming that the bank was "[p]leased to have funded an SBA loan for your business" and outlined loan forgiveness requirements.** Still, by this point, the RVC Board had not documented any action related to this loan. Furthermore, the Board had taken no action to even evaluate the need for the loan or make any public representation in seeking the loan. (See Exhibit J, email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Forgiveness Information," dated May 13, 2020.) Nor did it notify its oversight agency of any intention to obtain a nearly \$300,000 federal PPP loan.

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The following day, on May 14, 2020, the RVC Board approved Resolution No. 2020-5-14, after the loan was actually funded. Again, the May 14, 2020, Board meeting agenda does not mention the PPP loan or the Resolution.¹¹ Nowhere in the Resolution does the Board **even acknowledge Mr. Hickey's April 9th loan application or his unauthorized acceptance of the Westamerica loan.** In fact, the Resolution falsely states that the loan was received on **May 8th and that Mr. Duchene "was authorized at the April 23, 2020 board meeting to enter into the [PPP] Agreement."** As evidenced above, the loan had already been applied for and accepted by Mr. Hickey. (Attached hereto as Exhibit K is a true and correct copy of Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan.")

The May 14th Resolution falsely claims that, on April 23, 2020, the Board authorized Mr. Duchene to:

Borrow Money. To borrow, from Westamerica Bank (Lender) on such terms of the Paycheck Protection Program Note between the Corporation and Lender, such sum of money borrowed; not to exceed the amount of two hundred seventy thousand six hundred fifty-three 00/100 dollars (\$270,653.00).
Execute Note. To execute and deliver to Lender the Paycheck Protection Program note.

No such discussion or action on the PPP loan was agendized on April 23, 2020. The only **agenda item was "DISCUSSION/BUDGET UPDATE" which is not an action item and makes no mention of a PPP loan, the criteria for a PPP loan, or a needs assessment for a PPP.** In fact, the April 23rd minutes do not include any documented discussion of the loan, its terms **or indication that the Board was informed of Mr. Hickey's application** or subsequent emails with Westamerica. The only notation regarding this issue is the inclusion of a single **sentence authorization for the "Chair or School Director to execute a PPP loan up to \$290,000 as soon as available."** This is not the authorization that was stated in the May 7th loan authorization document or the Resolution.

Contrary to the various statements in the Resolution, the facts show the Resolution was approved by the Board after the loan was already applied for without authority by Mr. Hickey on April 9; accepted without authority by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on **May 8th; and was funded on May 13th ("Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business.")**. Yet none of these facts are included in the Resolution. And, contrary to the representations in the Resolution, at no time was an evaluation done as required by the PPP loan and as misrepresented in seeking and obtaining the loan.

¹¹ This may also constitute a violation of the Brown Act in addition to those identified below.

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2. Improper Delegation of Authority

On April 2, 2020, during a special meeting of the RVC Board, the Board appointed Conn Hickey to serve as RVC's Business Official on a "volunteer" basis. The April 2, 2020, Board meeting agenda included the express limitation that, "[a]ll external checks will continue to require two signatures and *this position will not include check signing authority or authority to sign contracts and other agreements committing the school.* This will be a volunteer position." (Emphasis added.) This is not a position authorized by the RVC charter.

Furthermore, the Board itself is solely responsible to "[a]ct as a fiscal agent. This includes the receipt of funds for the operation of RVC in accordance with RVC Board Bylaws and the receipt of grants and donations consistent with the Mission of RVC." (Charter, p. 142.) While the April 2, 2020, Board meeting minutes reflect that the Board ultimately approved Mr. Hickey's authority to sign checks, the Board did *not* approve authority to enter into contracts and agreements generally, nor do the minutes include any discussion or notes related to this issue. Notably, the April 2nd agenda did not identify any item related to the PPP, though the Board discussed COVID-19 related financial impacts during the meeting. (See Exhibit A, RVC Board Meeting Agenda and Minutes, dated April 2, 2020.)

3. Repeated Failure to Comply with the Brown Act

The existing RVC Charter includes an assurance that the Charter School shall comply with the Ralph M. Brown Act ("Brown Act"), and the Board will meet regularly "in full compliance with the Brown Act." (Charter, pp. 12, 141.)¹² This is further a requirement of law as recognized by the Attorney General in its 2018 opinion (OAG Opinion No. 11-201) and SB 126 (Ed. Code, § 47604.1), in effect at the time of the events discussed here. Among other requirements, the Brown Act requires RVC to "post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session"; and "[n]o action or discussion shall be undertaken on any item not appearing on the posted agenda . . ." (Gov. Code, § 54954.2.) Yet, there is a systemic failure to comply with the letter or spirit of the Brown Act.

On April 20, 2020, RVC uploaded the Board agenda for its upcoming April 23, 2020, meeting. Even though Mr. Hickey had submitted the PPP loan application and received confirmation from Westamerica that RVC was eligible for \$270,000 in PPP funding, and accepted that "counter offer," the April 23rd agenda did not identify any item for discussion regarding the PPP loan. Furthermore, while budget documents submitted for the April 23rd meeting reflected assumptions for the receipt of a \$300,000 facility loan and other smaller CARES Act funding, they do not show PPP loan assumptions or impacts on revenue. (Attached hereto as Exhibit O is a true and correct copy of RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions.)

On April 23, 2020, at 10:27 a.m., Mr. Hickey responded to Westamerica to "accept your counter offer" of \$270,000 in PPP funding. This again occurred without Board approval and well before the Board's meeting later that evening at 7:00 p.m. (See Exhibit G, email from

¹² Similar assurances regarding compliance with the Brown Act are included in the Renewal Petition.

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Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request #12494090," dated April 23, 2020.)

The minutes from the April 23, 2020, RVC Board meeting reflect that the Board discussed and/or took action on the PPP loan, which was not noticed in the April 23rd meeting agenda as required by the Brown Act. Specifically, the April 23rd meeting minutes indicate that: **"\$270 PPP loan/grant with reserve helps balance for three years" and "Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000."** This direction did not authorize Mr. Hickey as RVC's Business Official to participate in any loan process and, importantly, was made *after* Mr. Hickey already applied for and accepted Westamerica's PPP loan of \$270,000. (See Exhibit H, RVC Board Meeting Agenda and Minutes, dated April 23, 2020.)

A fundamental purpose of the Brown Act is to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public. (See Gov. Code, § 54954.3(a).) The fact that Board discussion relating to the PPP loan was not noticed/agendized in the April 23rd meeting agenda deprived the public of the opportunity to address the Board regarding that decision constituting multiple violations of the Brown Act. The overall lack of transparency and the false and misleading information presented to the public as well as the government is directly contrary to the purposes of the Brown Act.

4. Failure to Comply with Americans with Disabilities Act

RVC is required to admit all students who wish to attend the Charter School and shall not discriminate against any pupil on the basis of any of the characteristics listed in Education Code section 220, which includes students with disabilities. (Ed. Code, §§ 47605(e); 220.) **Furthermore, in its existing Charter RVC assures: "All facilities of the Charter School shall be accessible for all students with disabilities in accordance with the ADA."** (Charter, p. 97)

However, the Charter School was notified by the California Department of Education ("CDE") on May 17, 2019, and again on October 18, 2019, that its facility located at 102 Marinda Drive, Fairfax, California, was conditionally authorized by CDE to open and operate for the 2019-20 school year, based on RVC's completion of several renovation projects by August 19, 2020, including those necessary to satisfy the Americans with Disabilities Act ("ADA") facility requirements. (Attached hereto as Exhibit P is a true and correct copy of a letter from CDE Charter Schools Division to Ms. Sagar re: RVC renovation projects, dated August 24, 2020.)

By the start of the school year on August 19, 2020, the renovations necessary to come into compliance with the ADA had not been completed. As a result, by correspondence dated **August 24, 2020, the CDE informed RVC that it "shall provide weekly updates of the progress of the ADA renovations"** to CDE by the last day of each month starting August 28, 2020 – meaning the ADA renovations had still not been completed. According to the August 24, 2020, correspondence from CDE, RVC anticipates completion of the outstanding ADA work by November 30, 2020, over three months *after* its school start date.¹³

¹³ The failure to RVC to make necessary renovations, including for ADA compliance, also **demonstrates RVC's fiscal and governance mismanagement** as well as a failure to adhere to SBE's oversight directives.

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RVC is now approaching the start of its second year in the site yet it remains out of compliance with the ADA. Because the site is out-of-compliance with the ADA and therefore inaccessible to students with disabilities, RVC is not serving or able to serve all students who wish to attend the Charter School in violation of its Charter and the law.

RVC is currently not authorized to serve any students at the school site, as RVC is currently operating a distance learning model due to circumstances resulting from the COVID-19 pandemic and California Department of Public Health ("CDPH") and Marin County Department of Public Health guidelines. However, it is fundamental to RVC's operation that it have an accessible site for delivery of its education program regardless of whether distance learning is the current learning model.

Additionally, on August 25, 2020, the CDPH issued Guidance Related to Cohorts ("Cohorting Guidance") regarding permissible use of small-group in-person services.¹⁴ The Cohorting Guidance provides guidance for necessary in-person limited instruction, targeted support services, and facilitation of distance learning in small group environments for a specified subset of children and youth. The Cohorting Guidance applies to schools that cannot reopen **for in person instruction pursuant to the CDPH's July 17, 2020, reopening framework**, including elementary schools that have not received an elementary school waiver through their local county public health office.

Pursuant to the Cohorting Guidance, a school that is otherwise unable to reopen under the CPDH framework, will be able to provide supervision and care for students, including, specialized services for students with disabilities and English learners, access to the Internet and devices for distance learning, and in-person support for at-risk and high-need students, if specified conditions are met.

Per the Targeted, Specialized Support and Services at School Frequently Asked Questions **accompanying the Cohorting Guidance: "Students with disabilities should be prioritized by the LEA and school for receiving targeted supports and services. In addition, English learners, students at higher risk of further learning loss or not participating in distance learning, students at risk of abuse or neglect, foster youth and students experiencing homelessness may also be prioritized."**¹⁵ In fact, the Office of Administrative Hearings has recently reinforced that absent in-person instruction and provision of services, disabled students are denied free and appropriate public education.

Since RVC is prohibited from having any students physically on its campus, not only is RVC prohibited from seeking a waiver from the Marin County Department of Health that would allow it to conduct in-person instruction, but the lack of a facility for the provision of in-person education services, inhibits the ability of RVC to serve the needs of special needs students, potentially preventing those students from receiving necessary services. The ability of RVC to meet the needs of English learners and other at-risk and high-need students may also be impacted.

¹⁴<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>

¹⁵ <https://files.covid19.ca.gov/pdf/guidance-schools-cohort-FAQ.pdf>

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5. Failure to Comply with Fire and Life Safety Requirements

"Every public, private, or parochial school building having an occupancy of 50 or more pupils or students or more than one classroom shall be provided with a dependable and operative fire alarm system." (Ed. Code, § 32001.)

In addition to the need for ADA compliance, RVC was informed by the fire inspector that the Charter School must have an updated fire and life safety system. According to SBE communications, RVC estimated the cost to be \$100,000. "Clearly, they don't have that kind of money, and will not be able to move forward with the ADA conditions." (Attached hereto as Exhibit Q is a true and correct copy of an email from Matthew Huddleston to Carrie Lopes re: Ross Valley Construction to meet ADA condition, dated May 7, 2020.)

Absent compliance with ADA and fire and life safety requirements, students, including those with special needs, may not access the school site.¹⁶ Access to the school site is a fundamental requirement for provision of education and services for all students, including students with special needs.

REQUIRED CORRECTIVE ACTIONS AND OPPORTUNITY TO CURE

As a result of the foregoing, the District issues this Notice of Violation. Accordingly, the District provides the Charter School with an opportunity to cure the alleged violations for a period thirty (30) calendar days from the date of this Notice ending **Monday, October 5, 2020**.

Due to the serious nature of the fiscal and governance mismanagement concerns, and its failure to serve all students who wish to attend, as identified herein, the District requires that RVC's corrective actions in response to this Notice of Violation include the following:

1. Return all Paycheck Protection Program loan monies received to date and close out the loan.
2. Remove Conn Hickey from his position as RVC Business Official.
3. Remove Luke Duchene as Executive Director.
4. Take all steps needed to replace the current Board of Directors and provide new Directors with mandatory Brown Act training.
5. Complete all required renovations to satisfy ADA facility access requirements for the RVC school site located at 102 Marinda Drive, Fairfax, California including ADA compliance and fire and life safety compliance.
6. Complete all other renovations/improvements in compliance with applicable state and local building enforcement agencies with jurisdiction in the area where RVC is

¹⁶ The failure to RVC to make necessary renovations, including for fire and life safety compliance, also demonstrates RVC's fiscal and governance mismanagement.

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located, that are necessary for RVC to be authorized to serve students in person at the RVC school site.

7. Establish a plan for compensatory education for disabled students deprived of in-person instruction.

The District will require documented confirmation of each corrective action.

It is noted that the State Board of Education/California Department of Education has not provided **all documents requested regarding RVC which hinders the District's ability to** evaluate potential additional grounds. The District issues this Notice without waiver of any rights to identify and include additional grounds that may be reflected in the documents the State has failed to timely provide.

Please take notice that the District reserves the right to pursue non-renewal based upon a finding under Education Code section 47605(c)(2) if (1) the corrective action has been unsuccessful; or (2) the violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Sincerely,



Marci Trahan
Superintendent
Ross Valley School District

cc: Ross Valley School District Board of Trustees
Stephanie Farland, California Department of Education
Karen Stampf Walters, Executive Director, State Board of Education

Exhibits:

Exhibit A: RVC Board Meeting Agenda and Minutes, dated April 2, 2020

Exhibit B: PPP Application, Reference #12494090, dated April 9, 2020

Exhibit C: Email from Westamerica to Mr. Hickey re: "Paycheck Protection Program – Application Received," dated April 9, 2020

Exhibit D: Email from Westamerica to Mr. Hickey re: "Paycheck Protection Program," dated April 16, 2020

Exhibit E: Email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Application – Information Request #12494090," dated April 19, 2020

Exhibit F: RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions

Exhibit G: Email from Mr. Hickey to Westamerica re: Paycheck Protection Program Loan Application – Information Request #12494090," dated April 23, 2020

Exhibit H: RVC Board Meeting Agenda and Minutes, dated April 23, 2020

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Exhibit I: Email from Mr. Duchene to Ms. Sagar and Mr. Hickey, re: "Fwd: Westamerica Bank has sent you the document "12494090" to sign," dated May 8, 2020, including attachments

Exhibit J: Email from Westamerica to Mr. Hickey re: "Paycheck Protection Program Loan Forgiveness Information," dated May 13, 2020

Exhibit K: Resolution No. 2020-5-14, "Acceptance of Paycheck Protection Program Loan."

Exhibit L: Email from Mr. Duchene to RVC families, re: Further Explanation of RVC's Acceptance of the PPP Loan, dated May 20, 2020

Exhibit M: Email from Mr. Duchene to RVC families, re: Our Finances – Weathering the Storm, dated May 17, 2020

Exhibit N: Email from Mr. Duchene to SBEOVERIGHT re: Paycheck Protection Program Loans, dated June 16, 2020

Exhibit O: RVC's 6-Year Budget Draft and April 20, 2020 Budget Draft Key Assumptions

Exhibit P: Letter from CDE Charter Schools Division to Ms. Sagar re: RVC renovation projects, dated August 24, 2020

Exhibit Q: Email from Matthew Huddleston to Carrie Lopes re: Ross Valley Construction to meet ADA condition, dated May 7, 2020

EXHIBIT “W”



102 Marinda Dr., Fairfax, CA 94930 / 415-534-6970 / RossValleyCharter.org

October 5, 2020

Via Email
mtrahan@rossvalleyschools.org

Marci Trahan, Superintendent
Ross Valley School District
110 Shaw Drive
San Anselmo, CA 94960

RE: Response to Purported “Notice of Violation”

Dear Superintendent Trahan:

Ross Valley Charter School (“RVC” or the “Charter School”) is in receipt of your letter, dated September 3, 2020, sent on behalf of Ross Valley School District (“RVSD” or the “District”), which styles itself as a “notice of violation” as that term is used in Education Code Section 47607(e). This letter serves as RVC’s response; however, as the District does not have any legal authority to issue a “notice of violation,” the Charter School is not obligated to respond, or to revise or conform any of its operations with RVSD’s alleged violations. We respond, instead, in the spirit of transparency and our respect for the local community.

FCMAT SUMMARILY DISMISSED RVSD’S CLAIMS OF FINANCIAL WRONGDOING

Not sufficiently sated with the invocation of an extra-legal process to drum up negativity about RVC, the District also sent its concerns about RVC to the Marin County Office of Education (“MCOE” or the “County”), demanding that MCOE exercise its legal authority to investigate, audit, or call for an audit of the Charter School’s Paycheck Protection Program (“PPP”) loan. MCOE determined it was necessary to send RVSD’s concerns to the Fiscal Crisis and Management Assistance Team (“FCMAT”), for FCMAT’s determination as to whether an investigation was called for.

The County’s counsel sent RVSD’s August 28, 2020 letter and exhibits (totaling 101 pages); an initial response from RVC (totaling 4 pages); and a September 4, 2020 letter and exhibits from RVSD (totaling 25 pages) to FCMAT, seeking guidance from FCMAT as to whether MCOE should invoke its legal authority to commence an extraordinary audit.

In under three weeks, FCMAT responded to MCOE with a two-page letter summarily dismissing RVSD’s concerns about the Charter School engaging in any fiscal improprieties around the PPP loan. FCMAT recommended that MCOE not exercise any of its investigative authorities to further review the Charter School’s PPP loan. (Attached as Appendix A.) The County’s counsel

communicated to RVSD and RVC that it would follow FCMAT's guidance. MCOE is not going to investigate RVC as relates to the PPP. (Attached as Appendix D.)

FCMAT's rapid and unhesitating opinion clearly shows the weakness of RVSD's allegations. We urge the RVSD Board to similarly cease this effort.

RVSD DOES NOT HAVE LEGAL AUTHORITY TO INVOKE EDUCATION CODE SECTION 47607(e)

Education Code Section 47607(e) is a new provision of law, which became effective on July 1, 2020. Section 47607(e) permits "the chartering authority" to deny a charter school's charter renewal petition "upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend." (Education Code Section 47607(e).) It is undisputed that the State Board of Education ("SBE") is "the chartering authority" of RVC. RVSD is not "the chartering authority" of RVC. Accordingly, the SBE alone has the legal authority to invoke the rights and obligations set forth in Education Code Section 47607(e).

The District's September 3rd letter expressly states: "...the District does not believe it is required to issue a notice of violation and provide RVC with a reasonable opportunity to cure the violations pursuant to Section 47607 before it may take action to deny RVC's renewal petition since it is not the chartering authority..." (Emphasis added.) Quite simply, the Charter School fails to see why RVSD would drag the parties through a process it knows the District does not have the legal authority to pursue.

The Legislature's choice to specify a definite article, "the" in Education Code Section 47607(e) is a significant one. It means that, unlike many of the other instances of the phrase "chartering authority" in Section 47607, the use in subdivision (e) necessarily limits the reach of that subdivision only to the entity currently authorizing a charter school seeking renewal of its charter petition. Such a limit makes sense with the purpose and scope of the subdivision, for two key reasons. First, only the current chartering authority would be able to authentically document whether a charter school committed "substantial fiscal or governance factors, or is not serving all pupils who wish to attend." Indeed, RVSD complained that it was limited in alleging this violation because it did not have access to all California Department of Education oversight documents. And second, with no formal relationship between "a" chartering authority and a charter school, there is no mechanism to hold a charter school accountable to any cures of alleged violations.

Education Code Section 47607 contains multiple mentions of "chartering authority," some with the definite article ("the"), some with the indefinite article ("a"). The weight and significance of the Legislature's choice of a definite article in subdivision (e) is illustrated with a few examples. In subdivision (a)(2), "a" chartering authority may grant one or more charter renewals. This recognizes the fact that charter renewals may be granted by one of several different entities (e.g., on appeal or by the original denying district of an SBE-authorized charter school). Subdivision (a)(3) states that material revisions may only be approved by "the" chartering authority. This recognizes the fact that material revisions may not be appealed like a new or renewal charter. Subdivision (a)(5) allows "the" chartering authority to inspect or observe the charter school. This recognizes the fact that only the current chartering authority may inspect or observe the charter school. Subdivision

(c)(7) sets forth a process for “the” chartering authority to determine accountability metrics for a Dashboard Alternative Status School. This recognizes the fact that such a charter school would seek renewal from its authorizer. And subdivisions (f)-(h) set forth the process for revocation by “the” chartering authority. This recognizes the fact that only the current chartering authority can revoke a charter.

RVC could continue on with this list, including distinguishing counter-examples. The maxim of statutory construction, however, does not change. The Legislature limited the scope and reach of subdivision (e) to “the” chartering authority, which, here, means only the SBE. Therefore, RVSD has no legal authority to invoke this procedure and its letter of September 3, 2020 has no legal import.

THE CHARTER SCHOOL’S RESPONSES TO ALLEGED VIOLATIONS

RVC provides the following responses to violations that the District alleges the Charter School committed. The Charter School provides these responses not from legal obligation, but rather so that the community can assess for itself how RVC has operated within applicable legal requirements. This response excerpts the District’s findings (in italicized text), followed by the Charter School’s response (in plain text).

A. Fiscal Mismanagement

The following, but not limited to, facts demonstrate substantial fiscal mismanagement concerns regarding the operation of RVC:

1. Timeline of Paycheck Protection Program Loan Process

Contrary to the various statements in the Resolution, the facts show the Resolution was approved by the Board after the loan was already applied for by Mr. Hickey on April 9; accepted by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on May 8th; and was funded on May 13th (“Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business.”). Yet none of these facts are included in the Resolution.

This alleged violation consists of a re-telling of the facts that led to RVC’s application for, and award of, a PPP loan. RVC does not dispute the dates cited by the District. What RVSD fundamentally misunderstands, though, is the crucial difference between applying for a PPP loan, and actually entering into a PPP loan. A loan application does not in any way commit RVC to agree to receive a loan.

Given the unexpected length of stay-home orders, and the extent to which life has been upended by COVID-19, it may be difficult to recall the particular landscape of unmitigated chaos that we all lived through in March and April. News, guidance, and state and local orders were changing multiple times per day. There was substantial confusion whether people would be safe leaving their homes. And the federal government was trying to stand up a massive financial relief program, the PPP loans, with very little notice and very few plans for implementation. The lack of clarity from the federal government resulted in chaos at the local and national banks across the country that were

thrust into the position of accepting applications for PPP loans. The scene was no different in the Bay Area.

RVC's Board authorized its business official, Conn Hickey, to apply for a PPP loan. The Board made this authorization with the knowledge that applying for a loan, alone, would not commit the Charter School to anything related to the PPP program. There was no contract, no financial commitment, no repayment terms, and no certainty whatsoever that RVC would be awarded a loan. Compounding the confusion was pressure to apply quickly, before PPP funds dried up.

On April 3rd, the day after the RVC Board authorized Mr. Hickey to apply for the loan, Mr. Hickey called Westamerica branch personnel. Westamerica took down the Business Official's information and said he would be added to a list to contact when the bank was ready to accept applications. On April 6th, Mr. Hickey contacted the bank again by phone and learned how the PPP application process was going to work, which consisted of an online application being "periodically available during the day." (Attached as Appendix C is phone call log.) On April 8th, all day, Mr. Hickey refreshed a browser window for the application every 15 minutes and did not get into the application. He again called the bank that day to express his frustration at not being able to get into the application and was told the bank customer service person was similarly frustrated. Finally, on April 9th, Mr. Hickey tried every 6 minutes, starting from the early morning and finally was able to access the online application shortly after 10:00 am. He called the bank personnel he had been working with to tell them he had been able to get into the application portal and submit the application.

In practical terms, the School Director or Board Chair could not have successfully navigated this process, or completed the application, because of the vigilance and focused attention needed to refresh a browser every six minutes. During those early days of school closures, the School Director and Board Chair were, instead, intently focused on ensuring that all students and employees had the resources they needed to engage in distance learning.

Contrary to RVSD's September 3rd letter, the RVC Board did have a lengthy discussion about the PPP loan, culminating in asking its Business Official to apply for it. The minutes of the April 2nd RVC special Board meeting clearly indicate that there was a long discussion of the economic uncertainty caused by COVID-19 that created the need for a PPP loan. The minutes also include a discussion of the loan and its attributes. What the minutes (which document only a brief summary of the meeting) may not clearly show for those not in attendance is that the Board very much wanted to apply for the PPP loan at Westamerica, was worried it might not be able to get the loan before the money ran out, and wanted its Business Official to focus on submitting the application.

As to the April 23rd RVC Board meeting, the District is correct that RVC posted the agenda for that meeting on April 20th, in compliance with the Brown Act. There were two reasons the agenda was not more specific about authorizing the School Director to execute the PPP loan.

First, national and local news made clear that on April 16th, funding had run out for the PPP. Thus, the Charter School lost hope at that time that it would be awarded the loan. As RVC was preparing its meeting agenda between April 16th and 20th, it was with the expectation that there would not be any funds available for a loan. RVC did not agendize the loan by name because it did not believe it would be awarded any PPP funds. Nevertheless, because there was so much turmoil and

speculation about a possible second round of PPP funding, RVC made the budget item on the agenda an action item. Indeed, April 23rd was also the day that the U.S. House of Representatives voted to approve a COVID-19 financial relief bill that infused more funding into the PPP program.

Second, the Westamerica email on April 19th was sent from a generic email account at the bank and was not from a bank employee. (Attached as Appendix D.) For this reason, the email was routed to the RVC Business Official's "promotions" email folder. Mr. Hickey had no knowledge of the existence of the email. He called the bank customer service personnel on April 21st to ask if the loan had been approved and was told they thought there was or was about to be a counteroffer made. (See attached Appendix C log of phone calls with Westamerica.) On April 23rd Mr. Hickey started looking for the email in his junk and promotional email folders and discovered the email from Westamerica that morning. Given the general concern that this loan might not be available, it is not reasonable to believe that Mr. Hickey would have seen this email the day it was sent on April 19th and done nothing for four days.

After discovering the counteroffer email on April 23rd, Mr. Hickey immediately contacted the School Director and Board Chair to discuss accepting the bank's calculation of the amount of PPP funds RVC qualified for and was authorized to accept the lower amount. The action of accepting the lower loan amount was not accepting receipt of the loan, as alleged by RVSD, but rather agreeing to change the application for the lower amount. The School Director and the Board Chair directed Mr. Hickey to agree to the bank's calculation of the amount of PPP funds RVC qualified for. Moreover, prior to the time of Mr. Hickey's April 23rd email to Westamerica on the morning of the RVC Board meeting, the only formal notice RVC had received was an email from Westamerica that PPP funds had run out on April 16th. Since there were no funds for the PPP loan, as far as RVC knew, Mr. Hickey could not have accepted or entered into a loan on April 23rd.

RVSD alleges that no "action item" regarding the budget was included in RVC's April 23rd meeting agenda. To the contrary, the agenda states "roll call vote" for the budget item, which clearly indicates that action will be taken. As the District may know, the Brown Act mandates that all votes during a teleconference meeting must be taken with a roll call vote.

RVSD also alleges that the School Director was not authorized to accept the PPP loan and execute the loan documents. To the contrary, the RVC Board meeting minutes from the April 23rd meeting state, "Authorization of the Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000, as soon as available, was duly moved, seconded and approved by roll call vote, 5-0-1."

We believe that these facts contributed to FCMAT recommending against MCOE using its investigation authority to look into improprieties around RVC's securing of a PPP loan.

2. Approval of Resolution Misrepresenting Facts Related to the Paycheck Protection Program Loan Process

However, the Resolution makes repeated references to unsubstantiated future and possible financial issues (e.g., potential cash deferrals, possible multi-year recession and difficulty in obtaining bank loans), not current problems as required for the loan. It is clear that RVC acquired the PPP loan to

increase its reserves in anticipation of future need, not to mitigate past or current economic hardship – the “current” nature of the “economic need” to which applicants must attest is for short-term cash-flow hardships created by current, and not future anticipated, COVID-19 related impacts.

RVC's claims of current need for funding for the intended purposes of the PPP loan are false. Nor was any need or basis for the loan discussed or referenced at any time prior to applying for and obtaining the PPP loan. As reflected in the calculations for a PPP loan, it is based upon 2.5 times the average monthly payroll. The PPP loan is a short term payroll loan, not a loan for speculative future need.

In its May 14th PPP Resolution, the RVC Board did comply with regulations from the Small Business Administration (“SBA”), which came in the form of published Frequently Asked Questions (“FAQ”). RVC's Board Resolution addressed the requirements of FAQ #31 and #37 in five pages of great detail. The primary need for the loan was the likelihood that the State would provide its cash apportionments from one to five months late. The State budget that was adopted in June, within RVC's eight-week PPP period, which started on May 8th, delayed RVC's June apportionment payment of \$153,434 to the month of July. RVC's state payments are always delayed into the next month because it takes MCOE more than two weeks after state distribution to process these funds and transfer them to RVC's bank account. As result, RVC received the deferred June state aid payment in August and not in July, causing the RVC cash balance to fall to \$211,847 on July 31. Without the \$270,536 loan received on May 8, RVC would not have been able to make its July 31 payroll.

In addition, the state budget that was passed within RVC's eight-week PPP loan window is going to defer \$696,588 of RVC's apportionment funds between February and June of 2021. School districts have ready access to low interest, short term cash funding through loans from the County Treasury, which public charter schools do not have access to. The MCOE business office, along with other county education business offices in the Bay Area, supported charter schools applying for PPP loans to obtain financing at similarly affordable rates for these cash deferrals.

Since RVC is only in its third year of operation, with only 12% reserves and since MCOE delivers state revenue to RVC in the month following when it receives it from the state, RVC is perpetually low on cash. Cash flow shortages are one of the primary reasons why the Charter School Finance Authority (“CSFA”) makes a \$250,000 startup loan available to new charter schools. That CSFA loan is now in its fourth year of being paid back and will be completely repaid by May of 2021. Furthermore, because RVC is a new school with a relatively short credit history, commercial banks are not likely to originate a line of credit in these extremely uncertain economic times to RVC, which has only 45 days of expenses in its reserves. During the last recession in 2008-2012, charter schools paid twenty percent or more for factored receivable loans to cover cash flow due to State apportionment deferrals that spanned up to five months. Twenty percent interest for eight months of borrowing the \$696,588 of state revenue deferrals is close to \$100,000. The standard in SBA FAQ#31 for considering other financing is whether the business's “ability to access other sources of liquidity sufficient to support their ongoing operations in a manner that is not significantly detrimental to the business.” Adding \$100,000 a year for interest expense for the foreseeable future clearly will be detrimental to RVC's educational mission. At the time these attestations of economic uncertainty were made, interest rates of 20% or higher using factoring of receivables appeared to be the only available option.

The SBA regulations were amended on May 13th with FAQ #46, the day before RVC's May 14th Board meeting approving the Resolution. The new regulations stated that any borrower that received less than \$2 million in loans will be provided a "safe harbor" and will be "deemed to have made the required certification concerning the necessity of the loan request in good faith." This regulatory change removed the legal uncertainty in not adequately documenting such necessity and completely undermines all the references throughout the complaint about violating federal law. Although FAQ #46 offers legal protection for the Charter School, RVC fully complied with FAQ #31 on May 14 in laying out its evaluation of current economic uncertainty. In this FCMAT concurred.

3. False Statements to the Federal Government in the PPP Loan Process

RVC's actions including, acceptance of the PPP loan and efforts taken to cover up the improper process that was undertaken to obtain the loan, including adoption of the Resolution rife with false statements, demonstrate that RVC administration and Board were complicit with the deceitful actions of Mr. Hickey in applying for and obtaining the PPP loan.

This finding recycles the previous two findings (that Mr. Hickey was not authorized to apply for a loan, and that RVC did not have current need for the PPP loan), both of which have been demonstrated, in the pages above, to be inaccurate. Mr. Hickey completed the loan application but did not authorize or execute the loan. He agreed only to lowering the amount requested, to match the amount the bank suggested, after consulting with those authorized to execute the loan. The Charter School's Board determined the likely need for a PPP loan on April 2nd. RVC faced immediate economic uncertainty, to the point where it would not have made payroll without the loan during the eight-week period covered by the loan. (It was eight weeks at the time; subsequent changes to legislation and regulation have extended this to 24 weeks). Here, though, RVSD adds in a claim of fraud by RVC.

The District's claims of fraud have no grounding in law or fact and are not made true simply because they are asserted and repeated. The crime of fraud requires intentionality to defraud, which never existed, and which RVSD has been unable to provide any evidence for. There was no falsehood, there was no cover up, and there was no unlawful action in the Charter School's PPP loan application process. It bears repeating that FCMAT, which is expert in fraud investigations, advised MCOE not to pursue an investigation into RVC over the PPP.

B. Governance Mismanagement, Violation of Charter, Violation of Law

The above-described facts demonstrating RVC's fiscal mismanagement also demonstrate substantial mismanagement in governance of RVC by its Board and administration. The following, but not limited to, facts further demonstrate RVC's governance mismanagement, violation of the RVC Charter, and violation of law:

1. Board Misrepresentation to the Public regarding Paycheck Protection Program Loan Application and Funding

In RVC Board Resolution No. 2020-5-14, RVC misrepresented to the public the series of events and justifications for its application for and receipt of a PPP loan.

RVSD's claim here, recycling the allegations addressed above, is that the Resolution falsely stated that on April 23rd, the School Director was authorized to borrow funds through the PPP program. As stated above, RVSD alleges that no "action item" regarding the budget was included in RVC's April 23rd meeting agenda. To the contrary, the agenda states "roll call vote" for the budget item, which clearly indicates that action will be taken. There were four agenda items in the "General Information" section of the agenda. Three of the four included the designation "discussion/roll call vote." One the four, the Local Control and Accountability Plan, was only agendized for "discussion." The Brown Act does not require the word "action" to appear on an agenda in order for an entity to communicate to the public that the Board will vote on an item. Given that the April 23rd meeting was a teleconference meeting, it is clear that the "roll call vote" designation indicates the Board was going to take action.

RVSD also alleges that the School Director was not authorized to accept the PPP loan and execute the loan documents. To the contrary, the RVC Board meeting minutes from the April 23rd meeting state, "Authorization of the Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000, as soon as available, was duly moved, seconded and approved by roll call vote, 5-0-1." The RVC Board properly agendized action on its April 23rd agenda, and then it did properly take action during that meeting to authorize the Board Chair or School Director to execute a PPP loan, as documented in the meeting minutes.

The District also attempts to quarrel with the content of the Charter School's PPP loan Resolution. As there is no government-required or even -approved resolution template, RVSD can cite no legal authority for its position. Indeed, even FCMAT acknowledged the efficacy of RVC's PPP Resolution, stating: "[h]owever, the school's five-page, comprehensive Board Resolution 2020-5-14, although it may be imperfect, establishes the intent of the board and its explanations of the charter school's qualifications to receive PPP funds." The District's claims have been undermined and do not rise to the level of substantial mismanagement, as alleged.

2. Improper Delegation of Authority

While the April 2, 2020, Board meeting minutes reflect that the Board ultimately approved Mr. Hickey's authority to sign checks, the Board did not approve authority to enter into contracts and agreements generally, nor do the minutes include any discussion or notes related to this issue.

As explained repeatedly above, Mr. Hickey simply applied for the PPP loan on behalf of RVC but did not enter into the PPP loan for the Charter School. He served as the contact person, but not the corporation's principal.

3. Repeated Failure to Comply with the Brown Act

Yet, there is a systemic failure to comply with the letter or spirit of the Brown Act.

This allegation recycles (again) allegations responded to in detail above and summarized here:

- RVC did not learn of the loan eligibility email until the day of the April 23rd Board meeting, so could not have agendized it in advance.
- Budget documents did not account for PPP funds because the Charter School was operating from information that all funding under the program had run out.
- The Business Official was not entering into the PPP loan, but simply moving forward with the application process.
- The Board properly voted to authorize the Board Chair or School Director to execute a PPP loan with Westamerica, and the meeting agenda permitted such a vote.

4. Failure to Comply with Americans with Disabilities Act

RVC is now approaching the start of its second year in the site yet it remains out of compliance with the ADA. Because the site is out-of-compliance with the ADA and therefore inaccessible to students with disabilities, RVC is not serving or able to serve all students who wish to attend the Charter School in violation of its Charter and the law.

It is not correct that RVC is out of compliance with the Americans with Disabilities Act (“ADA”). The site was constructed before the ADA came into existence and has been used continuously as a private school for several decades to serve students. When RVC took possession of the facility, when Cascade Canyon ceased operation in June of 2020, it agreed with its chartering authority that it should undertake a barrier removal project to insure that any handicapped student or parent had fully access to the school’s educational offerings. It has spent the past year working on this project.

Furthermore, RVC has been operating school entirely through distance learning, just as RVSD is. Accordingly, no students are accessing the school site. And yet, like RVSD, the Charter School is open and serving all students who wish to attend.

Although our voluntary ADA barrier removal project was delayed by COVID-19, closing down work and permitting for many weeks, we are in the process of completing our work and plan for the site to be ready to receive students when safety permits. RVC expects that it will have completed all ADA renovations per our agreement with our chartering authority by October 15th.

5. Failure to Comply with Fire and Life Safety Requirements

In addition to the need for ADA compliance, RVC was informed by the fire inspector that the Charter School must have an updated fire and life safety system.

RVC was approved to occupy the site with the existing Fire/Life/Safety system in place at the time of initial occupancy. It was the voluntary ADA barrier removal construction that generated the request for an upgrade in the system. The existing system remains in place. Infrastructure work has begun to facilitate this installation. The master panel is installed onsite, a contract for work is signed, and we expect the upgraded system to be installed by Winter Break.

Required Corrective Actions and Opportunity to Cure

The Charter School declines the District's invitation to take actions #1 through 4 in RVSD's list, and notes that all current Board Members, the School Director and Secretary to the Board all completed annual Brown Act training and Conflict of Interest training on September 16, 2020.

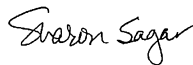
As mentioned above, RVC expects that it will have completed all ADA renovations per our agreement with our chartering authority by October 15th.

RVC has worked diligently to implement distance learning instruction for all of our students, including those with individualized education programs and other plans. We have not yet begun on campus in-person instruction for any students as of the date of this letter, so no 'disabled' student has been excluded from in-person instruction any more than all of the thousands of other students across the county who are waiting for their public schools to reopen their campuses to in-person instruction.

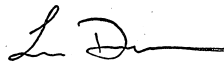
* * *

RVC has fully, and in good-faith, responded to all of the District's allegations through this extra-legal procedural vehicle. Given FCMAT and MCOE's lack of interest in this subject matter, we fervently hope that RVSD, too, will move on from the topic and focus instead on the student academic achievement and operational matters described in RVC's charter renewal petition.

Sincerely,



Sharon Sagar, Board Chair



Luke Duchene, School Director

Cc: Ross Valley School Board
Mary Jane Burke

Appendices Attached

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

APPENDIX A

September 18, 2020

Mary Jane Burke
County Superintendent of Schools
Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael, California 94903

VIA: Robert Henry, Attorney at Law, rhenryedlaw@gmail.com

Dear County Superintendent Burke:

On September 1, 2020, you sought the assistance of the Fiscal Crisis and Management Assistance Team (FCMAT) in reviewing the available information regarding an August 28, 2020 request by Dannis Woliver Kelley, legal counsel for the Ross Valley School District. This request asked you to order an extraordinary audit of the Ross Valley Charter School based on allegations of potential fraud, misappropriation of funds or other illegal fiscal practices under the exclusive authority granted to county superintendents in California Education Code Section 1241.5(c).

Background

Ross Valley Charter School is authorized by the State Board of Education and is seeking a charter petition renewal before the Ross Valley School District in Marin County. The district's due diligence in reviewing the school's charter petition and other information resulted in concerns expressed in the above-mentioned request. The concerns center on the charter school's governing actions in procuring funds from the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) Paycheck Protection Program (PPP) as administered by the federal Small Business Administration (SBA). The district's legal counsel submitted the original request supported by multiple exhibits detailing the district's concerns, and submitted additional analysis and exhibits on September 4, 2020 at the invitation of your office. On August 31, 2020, the charter school submitted information in rebuttal.

Process

FCMAT reviewed the following submitted documentation:

- The initial August 28, 2020 request, 101 page report and exhibits,
- The charter school's August 31, 2020, four page response to the initial report, and
- The district's 25 page report and exhibits response dated September 4, 2020.

Furthermore, FCMAT had telephone conversations with personnel from your office, the California Department of Education and district's counsel.

FCMAT's review examined the reports and information submitted to you, PPP requirements and guidelines, and SBA Frequently Asked Questions applicability to obtaining PPP loans.

Observations

FCMAT's observations are summarized as follows:

- There may be concerns regarding the charter school's application for PPP funding, including PPP regulations and assurances. However, the SBA application process to qualify for the loan continues to evolve, may be considered subjective, and leaves much of the determination to qualify for PPP to the applicant and its evaluation process.
- There may be violations of the California open meeting law (Ralph M. Brown Act, California Government Code Section 54950 et seq.) in properly notifying the public, agendaing, and taking action regarding the charter school's intent and process in obtaining PPP funds. However, the school's five-page, comprehensive Board Resolution 2020-5-14, although it may be imperfect, establishes the intent of the board and its explanation of the charter school's qualifications to receive PPP funds.

Conclusion

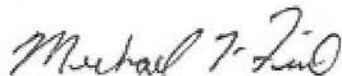
FCMAT concludes that the concerns and allegations raised by the Ross Valley School District are insufficient to rise to the level of justifying an extraordinary audit under Education Code Section 1241.5(c). Therefore, FCMAT does not recommend that the Marin County Superintendent of Schools pursue an extraordinary audit of this matter.

Based on the documentation provided, there may be legitimate concerns about the governance process used by Ross Valley Charter School, and the initial compliance with the SBA's PPP application and assurances requirements, and those concerns are more appropriately addressed by one or more of the following agencies:

- California open-meeting (Brown Act) concerns: Marin County District Attorney
- Paycheck Protection Program (eligibility, assurances): U.S. Small Business Administration, Office of Inspector General

FCMAT appreciates the opportunity to serve the Marin County Superintendent of Schools and extends thanks to you and your staff for their assistance.

Sincerely,



Michael F. Fine
Chief Executive Officer

APPENDIX B

----- Forwarded message -----

From: **Robert Henry** <rhenryedlaw@gmail.com>

Date: Sat, Sep 19, 2020 at 4:18 PM

Subject: FCMAT Report

To: Sue Ann Evans <sevens@dwkesq.com>, <sharon.sagar@rossvalleycharter.org>

Cc: Mary Jane Burke <mjburke@marinschools.org>, Michael Fine <mfine@fcmat.org>, Marci Trahan <mtrahan@rossvalleyschools.org>, Terena Mares <tmares@marinschools.org>, <sbe@cde.ca.gov>, <jcias@cde.ca.gov>, <sfarland@cde.ca.gov>, Brooks Allen <ballen@marinschools.org>

Dear Parties:

By letter dated August 28, 2020 the Ross Valley School District (District) requested the Marin County Office of Education (MCOE) to conduct an Education Code section 1241.5 audit of the Ross Valley Charter School (Charter School). The letter set forth several bases for requesting that MCOE conduct the audit.

After an initial review of the request MCOE referred the District's request to the Fiscal Crisis and Management Assistance Team (FCMAT).

You will find attached a copy of the FCMAT determination with respect to the District's request.

I have reviewed the FCMAT determination and I have discussed the matter with the chief executive officer of FCMAT . Based on my review of the FCMAT determination and my own review of the underlying issues I have concluded that MCOE should accept the FCMAT determination. I have also determined that in light of the FCMAT analysis and conclusion the MCOE should not invoke its discretionary authority under Educations Code sections 1240(a) (to superintend schools in the county), 47604.3 (COE right to request information from charter schools operating in the county), and 47604.4 (right of COE to "investigate and monitor" charter schools operating in the county).

After discussing the matters set forth above with the Marin County Superintendent of Schools and with the Deputy County Superintendent of Schools I have been authorized to advise you that the MCOE will not invoke its discretionary authority under any of the Education Code sections noted above.

Robert J Henry

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[Redacted signature area]

Our school mailing address is 102 Marinda Drive Fairfax, CA 94930 Phone (415)534-6970

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Our school mailing address is 102 Marinda Drive Fairfax, CA 94930 Phone (415)534-6970



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APPENDIX C

Conn Hickey Cell Phone Logs Regards Phone calls with Westamerica Bank Customer Service Personal in April and May 2020

- 4-3 13 min I called to start the application process by phone and provided my contact info to be informed when applications would be open
- 4-6 21 min Bank personnel explained in detail how the application process was going to work and that the web site would have the application available at any moment
- 4-8 3 min I called to express frustration that could not get in despite trying every 15 minutes
- 4-9 1 min I called to report success in applying
- 4-14 1 min I called inquiring on status of application as money was starting to run out according to national news
- 4-21 4 min I called again to ask if the loan had been approved. Evidence that I had not seen the 4-19 counteroffer email until 4-23
- 4-24 7 min I called to ask whether the bank would participate in what looked like a new possible funding round.
- 4-28 3 min Bank called letting me know RVC had a loan number and that I should look for an email confirming that.
- 5-1 3 min I called the bank to confirm having received the 4-29 email announcing the granting of the loan.

APPENDIX D

From: [Conn Hickey](#)
To: [SBA Lending](#)
Subject: Re: Paycheck Protection Program Loan Application – Information Request #12494090
Date: Thursday, April 23, 2020 10:27:22 AM

Dear Westamerica

We accept your counter offer.

Conn Hickey
Business Official
Ross Valley Charter

On Sun, Apr 19, 2020 at 9:52 AM SBA Lending <SBA.Lending@westamerica.com> wrote:

We received notification from the Small Business Administration that the SBA CARES Act Paycheck Protection Loan program funding limits were reached on Thursday, April 16, 2020 and they are no longer accepting applications.

Westamerica will continue processing and preparing submitted applications.

In the event the program receives additional funding and program rules and guidance allow us to do so, we will resume submission to the SBA for loan guaranty and approval.

We have received your application for processing and data verification. Your business appears to meet the criteria for a PPP loan, however we need additional information from your business to complete our processing:

Documentation submitted with your application supports a maximum loan amount of:
\$270,653.00.

You may accept this loan amount or you may complete the attached Payroll Calculation Worksheet and return to us with corresponding documentation of 2019 payroll.

If this loan amount is acceptable to you, please respond to this message stating the reduced loan amount is acceptable. We will proceed with our processing.

You may complete and submit the attached Payroll Calculation Worksheet which shows your calculations of your original loan request. Respond directly to this message requesting an additional review with the completed worksheet and corresponding documentation of 2019 payroll.

If you would like to submit documents containing non-public information via a secure document portal, please notify us by replying to this email and we will send you a link.

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount as designated by the federal government. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, not every qualified applicant will receive loan proceeds under the program.

Sincerely,

Westamerica Bank

1 (800)848-1088

The Federal Equal Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of age (provided the applicant has the capacity to enter into a binding contract); color, religion, national origin, sex, marital status; because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning Westamerica Bank is: Federal Reserve Consumer Help Center, PO Box 1200, Minneapolis, MN 55840.



TITLE	Oct 5 Letter for Signing - Revised
FILE NAME	RVC LTR M. Trahan... of Violation.pdf
DOCUMENT ID	3c34e10fadd2cde33c7f1b8251d16a3898bbe006
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History



SENT

10 / 05 / 2020
20:18:09 UTC

Sent for signature to Sharon Sagar
(sharon.sagar@rossvalleycharter.org) from
luke.duchene@rossvalleycharter.org
IP: 76.253.15.214



VIEWED

10 / 05 / 2020
20:19:34 UTC

Viewed by Sharon Sagar (sharon.sagar@rossvalleycharter.org)
IP: 73.92.11.159



SIGNED

10 / 05 / 2020
20:19:56 UTC

Signed by Sharon Sagar (sharon.sagar@rossvalleycharter.org)
IP: 73.92.11.159



COMPLETED

10 / 05 / 2020
20:19:56 UTC

The document has been completed.

EXHIBIT “X”

October 24, 2020

ROSS VALLEY CHARTER SCHOOL

Analysis of Petition Review – Ross Valley Charter School

Ross Valley Elementary School District

The Ross Valley Elementary School District (District) is nestled in the heart of beautiful Marin County and approximately twenty miles north of the Golden Gate Bridge.

The District serves the communities of San Anselmo and Fairfax serving 2,100 students from transitional kindergarten (TK) through eighth grade at four elementary and one middle school campus.

BACKGROUND

The District had a specialized program – Multi-Age Program (MAP). A group of community members that included parents and teachers presented the Ross Valley Charter School (RVCS) charter petition to the District for approval to operate the MAP program as a separate charter school.

The District had concerns including the lack of fiscal viability and denied the charter petition which was presented to and subsequently denied by the Marin County Office of Education but ultimately approved by the State Board of Education to begin operation in 2016. The charter school later received a material revision and did not begin instruction until the 2017-18 school year.

The charter board president at the time was previously a District board member and is now the “volunteer business official” and has signed emails as the CFO/Treasurer. It is reported that he currently works for EdTec as a “Client Manager.” EdTec is the charter school’s back office service provider which may create a conflict of interest.

Current Petition

On August 10, 2020, the charter submitted a renewal petition to the District to commence a new charter term beginning July 1, 2021. Both the District and RVCS have agreed to dates for the petition renewal process.

Upon initial review, it was revealed through documents provided by the California Department of Education (CDE), California Public Records Act, and verified by RVCS that there is a [Paycheck Protection Program](#) (PPP) loan. There are potential issues with the how the loan was obtained and if there was proper governing board approval to enter into a loan.

ADA Compliance Corrective Action/Loan

The California Department of Education, which currently provides oversight to the charter school, has noticed RVCS of an Americans with Disabilities Act compliance issue and informed the charter school that it may not serve students at the site until it has come into compliance and CDE has visited to confirm compliance.

RVCS is required to correct specific fire, life, safety concerns as directed and has entered into a loan agreement totaling \$360,000 for the necessary renovations. Accordingly, RVCS is prohibited from having students on campus until the work is complete and approved by CDE. Due to the COVID pandemic, all students are participating in distance learning instruction.

According to the RVCS Budget Narrative dated September 23, 2020, the RVCS governing board has approved a new loan in the amount of \$355,000 and construction has started. According to the cash flow projections, the loan proceeds of \$350,000 and expenses of \$337,500 are represented in September 2020, however, the "balloon" payment of \$123,080 that should be included in the June 2024 cash outflows is not represented as described in the RVCS Budget Narrative (narrative) discussion (see Cash Flow page 8.)

REVIEW DOCUMENTS

- 2018 Independent Audit Report
 - State board authorized in 2016, expires June 3, 2021
 - Non-public benefit corporation 501(c)(3)
 - Started September 2017
 - Revolving Loan \$250,000; Principal payments of \$62,500 annually plus interest; 5 years
 - STRS and PERS
 - Five member board; school district is Luke Duchene, M.ED.
 - Minutes: In compliance
 - ADA P2
 - No material weaknesses
 - No findings
- Attorney Letter: Dated September 5, 2020 – Personal Loans
 - Personal loans total \$145,514 dated July 1, 2017 all except one is due June 30, 2019 the last one for \$16,514 is due December 1, 2019.
- Letter dated September 3, 2020 – Notice of Alleged Violations & Reasonable Opportunity to Cure from Ross Valley School District.
 - Renewal was sent to the District on August 10, 2020 under section 47607(e)
 - Letter cites: Fiscal Mismanagement regarding Paycheck Protection Program loan proceeds.

- Claim that on April 2, 2020, Conn Hickey, a board authorized volunteer business official applied for a PPP loan. Specifically, the board stated that he was unauthorized to sign or entered into agreements.
- On April 19th, Westamerica Bank, Hickey's former employer, notified Hickey that the RVCS was eligible for \$270,653 which was \$21,832 lower than the original amount requested.
- On April 23rd, following the final loan approval, the governing board took action to approve after the fact.
- EdTec Network – April 2020 Income Statement
 - Shows negative Equity of \$50,863.77.
- EdTec Network – End of June 2020 - Income Statement and Balance Sheet; Unaudited Actuals 2019-20 – Alternative Form June 30, 2020
 - Cash balance of \$334,633 includes the loan proceeds within the savings of \$297,238. Excluding the loan proceeds that may potentially need to be returned leaves \$63,980 cash availability.
 - As noted in the 2018 audit report, the Revolving Loan has a principal payment of \$62,500 annually. While the interest payment of \$1,038 is represented in the financial statements, the principal payment of \$62,500 is not.
 - Net Income is stated to be \$52,659, however, this amount should be reduced by \$62,500 for the principal loan payment.
 - Analyzing the components of major object codes as represented on the EdTec financial statement: Note that *Services and Other Operating* represents 25% of the operating budget. The following categories should be analyzed further, and some categories questioned:
 - Accounting Fees, Administrative Fees, Business Services, \$84,481
 - Service 10, \$12,197
 - Enrichment Program, \$80,226
 - Marketing and Student Recruiting, \$10,906
 - Consultants – Other 1, \$2,835
 - Consultants – Other 2, \$7,178
 - Special Education Contract Instructors, \$47,686
 - The Unaudited Actuals – June 30, 2020 show a fund balance of \$269,519. Any adjustments as mentioned above will reduce the fund balance accordingly.
 - Long-Term Liabilities are stated at \$436,665 which includes the potential liability of the PPP loan repayment should the loan not be forgiven, or if the application was obtained without proper authority and misrepresentation.
 - RVC Budget Narrative and Monthly Cash Forecast dated September 23, 2020.

- RVCS Board Minutes September 10, 2020
- Lease agreement
- Alarm System Monitoring Agreement
- Pacific Charter School Development – Construction Loan terms and conditions
- Complete CDE file – Request for Public Documents
- Letter in response to notice of violation by RVC Board Chair and School Director with attachments Appendix A – D.

REVENUES, ENROLLMENT & AVERAGE DAILY ATTENDANCE (ADA)

Analysis of Enrollment/ADA/LCFF Calculation

The Local Control Funding Formula (LCFF) provides the largest revenue source for school districts and charter schools in California. Funding is calculated based on Average Daily Attendance (ADA), and enrolled students that qualify for free/reduced priced meals, foster youth, or English Learners as of Information Day. Rates for grade spans are applied to these factors to calculate total revenue.

RVCS's LCFF calculation is within reasonable ranges based on student growth of 18 students for the 2021-22 school year. The Fiscal Crisis & Management Assistance (FCMAT) Calculator shows only minor revenue adjustments when compared with RVCS's calculations. The FCMAT calculator below shows the charter enrollment, ADA, unduplicated percentages, and local property taxes according to RVCS:

LCFF Calculator Universal Assumptions				
Ross Valley Charter (135350)				
Summary of Funding				
	2019-20	2020-21	2021-22	2022-23
Target Components:				
COLA & Augmentation	3.26%	0.00%	0.00%	0.00%
Base Grant Proration Factor	-	0.00%	0.00%	0.00%
Add-on, ERT & MSA Proration Factor	-	0.00%	0.00%	0.00%
Base Grant	1,421,513	1,501,496	1,633,706	1,633,706
Grade Span Adjustment	99,028	104,931	109,737	109,737
Supplemental Grant	94,395	104,996	115,486	115,137
Concentration Grant	-	-	-	-
Add-ons	-	-	-	-
Total Target	1,614,936	1,711,423	1,858,929	1,858,580
Transition Components:				
Target	\$ 1,614,936	\$ 1,711,423	\$ 1,858,929	\$ 1,858,580
Funded Based on Target Formula (PY P-2)	TRUE	TRUE	TRUE	TRUE
Floor	1,585,059	1,674,298	1,821,014	1,821,014
<i>Remaining Need after Gap (informational only)</i>				
Gap %	100%	100%	100%	100%
Current Year Gap Funding	-	-	-	-
Miscellaneous Adjustments	-	-	-	-
Economic Recovery Target	-	-	-	-
Additional State Aid	-	-	-	-
Total LCFF Entitlement	\$ 1,614,936	\$ 1,711,423	\$ 1,858,929	\$ 1,858,580
Components of LCFF By Object Code				
	2019-20	2020-21	2021-22	2022-23
8011 - State Aid	\$ 1,429,636	\$ 1,515,852	\$ 1,646,126	\$ 1,645,777
8011 - Fair Share	-	-	-	-
8311 & 8590 - Categoricals	-	-	-	-
EPA (for LCFF Calculation purposes)	36,732	38,800	42,200	42,200
<i>Local Revenue Sources:</i>				
8021 to 8089 - Property Taxes	-	-	-	-
8096 - In-Lieu of Property Taxes	148,568	156,771	170,603	170,603
Property Taxes net of in-lieu	-	-	-	-
TOTAL FUNDING	\$ 1,614,936	\$ 1,711,423	\$ 1,858,929	\$ 1,858,580

Should enrollment of 18 students not materialize, RVCS should be prepared to make immediate adjustments for the loss in funding. For example, a decrease of 5 students in grades 4-5 will cause revenue to decrease by \$44,152 in 2021-22 (\$1,711,423 - \$1,667,271) as shown below. This demonstrates the volatility in funding from minor changes in enrollment/ADA especially for a small charter school.

LCFF Calculator Universal Assumptions				
Ross Valley Charter (135350)				
Summary of Funding				
	2019-20	2020-21	2021-22	2022-23
Target Components:				
COLA & Augmentation	3.26%	0.00%	0.00%	0.00%
Base Grant Proration Factor	-	0.00%	0.00%	0.00%
Add-on, ERT & MSA Proration Factor	-	0.00%	0.00%	0.00%
Base Grant	1,421,513	1,462,406	1,594,616	1,633,706
Grade Span Adjustment	99,028	104,931	109,737	109,737
Supplemental Grant	94,395	99,934	110,272	112,592
Concentration Grant	-	-	-	-
Add-ons	-	-	-	-
Total Target	1,614,936	1,667,271	1,814,625	1,856,035
Transition Components:				
Target	\$ 1,614,936	\$ 1,667,271	\$ 1,814,625	\$ 1,856,035
Funded Based on Target Formula (PY P-2)	TRUE	TRUE	TRUE	TRUE
Floor	1,585,059	1,631,146	1,777,862	1,821,014
Remaining Need after Gap (informational only)	-	-	-	-
Gap %	100%	100%	100%	100%
Current Year Gap Funding	-	-	-	-
Miscellaneous Adjustments	-	-	-	-
Economic Recovery Target	-	-	-	-
Additional State Aid	-	-	-	-
Total LCFF Entitlement	\$ 1,614,936	\$ 1,667,271	\$ 1,814,625	\$ 1,856,035

Fundraising and Grants

While it is typical for charter schools to aggressively seek donations and local grants, these funds are not guaranteed in the form of a grant or entitlement. Due to the downturn in the economy, donations and local grants are expected to be significantly lower.

RVCS has reduced estimates by 40% in the current budget yet overall, the projection represents 5.7% of total projected revenues, or \$130,670 in 2020-21. In 2021-22, donations increase to \$208,240, or 8.3% of revenues which is not reasonable.

Proposed Adjustments to Revenue 2021-22:

Revenue Source	Fiscal Year 2021-22
Fundraising and Grants	208,240
Proposed Decrease in Revenue	(\$280,240)

A recommended best practice is to budget for donations and local grants when letters granting the donation, or letter of entitlement is received especially during times of economic uncertainty.

EXPENDITURES

Salary & Benefits

Salary and benefits are the single largest expenditures in the budget normally representing 80%-85% of the operating expenditures.

For RVCS in fiscal year 2021-22 salary and benefits total \$1,593,329, or 65.8%; and in fiscal year 2022-23, \$1,619,355, or 67.8% far below normal levels. The primary reason is that RVCS contracts out for professional services and special education specialists such as occupational therapy, testing and mental health services.

Books & Supplies

This category includes textbooks and other reference materials; educational software; other instructional materials for the classrooms; art and music supplies; student meals and more.

For fiscal year 2021-22, RVCS appropriates a nominal amount of \$76,768, or 0.03%, of the operating budget to student books and supplies; and in fiscal year 2022-23 an amount of \$37,260, or 0.02%.

Classroom supplies and the additional need for Personal Protective Equipment as students and staff return to hybrid learning or in-person learning is not sufficiently represented in the budget forecast model for the 2021-22 school year and beyond.

Services & Operating

This category includes rent; utilities; repairs and maintenance; accounting and business services; contract services; marketing services; contract instructors; technology and communications; and insurance.

For fiscal year 2021-22, RVCS projects total expenditures totaling \$687,877, or 28.4% of the operating budget; and in fiscal year 2022-23 \$672,543, or 28.1% almost ten (10) times the amount spent on student books and supplies.

Services and other operating expenditures represent a significant portion of the overall expenditure budget. This demonstrates the need for RVCS to rely upon outside services for several functions of the business operations through an external back office provider and other consultants.

Included in the narrative document is a statement that "property, liability and workers compensation insurance are budgeted at 2020-21 contracted prices." During this unprecedented time of COVID-19, it indications are that Workers' Compensation insurance will increase as well as property insurance especially due to increased vandalism at school site and wildfires throughout California during this past year.

In addition, SB 1159 signed into law on September 17, 2020 effective immediately codifies Workers Compensation and expands covered benefits including “full hospital, surgical, medical treatment, disability, indemnity, and death benefits” related to COVID-19. In addition, AB 685 effective January 1, 2021, establishes statewide occupational safety standards, and provides the California Division of Occupational Safety and Health expanded authority to enforce the new requirements, including civil penalties for non-compliance. The impact of these two legislative enhancements to workers who contract COVID-19 will have an impact on Worker Compensation rates; therefore, budgeting these expenditures for Workers Compensation without increases is an unreasonable assumption.

Capital Outlay, Depreciation and Other Outflows (Principal and Interest)

State Charter School Revolving Loan: While depreciation expense appears normal, RVCS does not project the repayment of loan obligations for the Charter School Revolving Loan Program in the amount of \$62,500 in each of five years would need to be budgeted in this category. (Assuming the loan started in 2018-19.) While the loan payment may be intercepted from the Principal Apportionment (LCFF), the budget projection does not show this amount recorded in either the LCFF revenue section as a separate line item deduction, or the Other Outflows as would normally be the case. Additionally, the recalculation of the LCFF aligns with RVCS calculations of enrollment, ADA and Unduplicated without a loan intercept.

The following Balance Sheet from April 2020 shows the “CDE Loan Payment” as a liability in account number 9670, however, the Income Statement does not include the principal payment as a line item expense.

Federal Paycheck Protection Program: The projected loan payment for the Paycheck Protection Program (PPP) is not a guaranteed loan. The fact that there are substantial questions about how RVCS obtained the loan and what percentage, if any, may be forgiven is a questionable assumption. If the loan is not forgiven, the amount due would be the entire amount of \$270,563 instead of 50% as is represented in the narrative documents (the narrative says the loan is \$370,563, however, other documents show the lower amount of \$270,563.) Should this happen, it would cause RVCS to establish a repayment to the Federal government plus interest - a burden on the General Fund that would be unsustainable.

It is clear and confirmed by the following Balance Sheet from April 2020 prepared by EdTec, that without the PPP loan RVCS would show negative equity of \$50,863.77.

ASSETS	
Current Assets	
Bank	
9120-RVCS - Cash in Bank - RVCS	
9121-7682 - Cash in Bank - RVCS : Westamerica Bank Checking (main)	\$57,870.56
9122-9597 - Cash in Bank - RVCS : Westamerica Bank PCSGP	\$2,019.70
9123-7674 - Cash in Bank - RVCS : Westamerica Bank Savings	\$49,509.06
Total - 9120-RVCS - Cash in Bank - RVCS	\$109,399.32
Total Bank	\$109,399.32
Accounts Receivable	
9200 - Accounts Receivable	
9232 - AR - Property Taxes	\$17,720.00
9251 - AR - Gen Purpose prior yr adjustment (Due from District)	\$21.00
9252 - AR - Gen Purpose/Categ/SHI PY Adj (Due from Co)	\$1,669.40
9260 - AR - Misc	\$4,822.15
Total - 9200 - Accounts Receivable	\$24,232.55
Total Accounts Receivable	\$24,232.55
Other Current Asset	
9330 - Prepaid Expenditures (Expenses)	\$625.00
Total Other Current Asset	\$625.00
Total Current Assets	\$134,256.87
Fixed Assets	
9451 - Construction in Progress project 1	\$22,778.05
9452 - Construction in Progress project 2	\$4,551.25
9460 - Fixed Asset - Leasehold Improvements	\$12,094.00
9465 - Accumulated Depreciation - Leaseholds	(\$4,115.02)
Total Fixed Assets	\$35,308.28
Other Assets	
9360 - Other Asset - Deposits	\$15,180.00
Total Other Assets	\$15,180.00
Total ASSETS	\$184,745.15
LIABILITIES & EQUITY	
Current Liabilities	
Accounts Payable	
9500 - Accounts Payable	
9500 - Accounts Payable	\$24,946.82
9512 - AP - District Prior Year Prop Tax Adjustment	\$2,469.00
Total - 9500 - Accounts Payable	\$27,415.82
Total Accounts Payable	\$27,415.82
Other Current Liability	
9501 - Accrued Accounts Payable	\$19,000.00
9502 - AP - District Oversight Fee	\$13,006.41
9571 - Wages Payable (July & August)	\$3,507.39
9640 - Current Loans	\$6,666.70
Total Other Current Liability	\$42,180.50
Total Current Liabilities	\$69,596.32
Long Term Liabilities	
9660 - Long Term Liabilities	
9669 - Other General Long Term Debt	\$103,500.00
9670 - CDE Loan	\$62,512.00
Total - 9660 - Long Term Liabilities	\$166,012.00
Total Long Term Liabilities	\$166,012.00
Equity	
Retained Earnings	\$216,859.53
Net Income	(\$267,722.70)
Total Equity	(\$50,863.17)
Total LIABILITIES & EQUITY	\$184,745.15

In addition to the PPP loan, RVCS subsequently entered into an agreement for a new loan to make required Americans with Disabilities Act renovations to the existing school site facility. According to the narrative, \$350,000 “has been budgeted as a loan to pay for this work,” however, the loan repayment is not represented in the expenditure projection.

Cash deferrals scheduled for February through June 2021 are projected by RVCS total \$643,128 (State Aid \$580,945 plus Special Education Entitlement \$62,183.) Loans to charter schools from the California School Finance Authority and in the private marketplace may be available to cover these shortfalls. In addition, there may be an opportunity for Revenue Anticipation Notes to be issued. Both scenarios are not a guarantee as these loan opportunities include repayment documents to be approved by the lenders and agencies. Given existing debt burden, lenders may be reluctant to offer a loan.

Debt Burden

It is a best practice in many state and local governments for the governing board to adopt a comprehensive debt management policy that creates guidelines for issuing and managing debt. This is particularly true when school districts and charter schools are entering an era of fiscal uncertainty and economic downturn.

It is recommended by the Government Finance Officers Association that all forms of government adopt a comprehensive debt policy. This helps ensure that underwriters and financial advisers provide the district with adequate information to analyze future debt, enabling the entity to make sound business decisions.

Although the issuance of debt is an appropriate method for temporary cash flow borrowing and financing capital projects and improvements, careful evaluation is required to preserve credit strength and fiscal stability of the organization.

While there is no officially established level for nonvoter approved debt, best practice is to provide guidelines that establish debt burden ratios combined with debt affordability criteria in the debt management policy.

A reasonable debt burden factor of 1 - 2% of the unrestricted general fund revenues is reasonable. Applying this methodology to the current debt obligation for RVCS reveals that debt service payment obligations clearly exceed these recommended levels, an amount that cannot be feasibly sustained by the charter's unrestricted general fund in the long-term.

A debt burden ratio indicates the organization's ability to support annual debt payments, including principal and interest, from current unrestricted revenue sources. Anytime debt that is supported by the general fund is issued, the charter school runs a risk of encountering unknown variables that can affect the ability to support the debt obligation(s) and sustain budget flexibility, especially in a climate of fiscal uncertainty.

To determine whether a charter school has too much long-term debt, the amount of the annual long-term debt payments is compared to the charter's total unrestricted general fund revenues. Debt levels above a recommended level of 1 – 2% is unsustainable in the current economic environment.

An analysis of the current total long-term indebtedness is an important indication of the charter's ability to be a going concern. Therefore, it is important to determine how much debt is serviced using the unrestricted general fund, and how much has a dedicated funding source other than the unrestricted general fund.

It is recommended that RVCS disclose all debt amortization schedules for immediate analysis and include these expenses in the financial statements and cash flows for fiscal years 2020-21 through 2022-23.

RVCS has significant existing debt burden:

- State Revolving Loan,
- PPP Loan,
- Construction Loan, and
- Anticipated loan for cash deferrals.

Using RVCS financial report and narrative document dated September 23, 2020, the following shows current long-term debt load *without additional debt to support state imposed cash deferrals (estimated at \$580,945)* in the amount of \$921,947. To put this in perspective, the total revenues for fiscal year 2020-21 are projected to be \$2,306,204

Current and Projected Long-Term Debt as Reported by RVCS		
Source	Description	Amount
Financial Report – Alternative Form dated June 30, 2020	Long-Term Debt	\$436,665
RVC Narrative dated September 23, 2020, page 7	Construction Loan	\$350,000
RVC Narrative dated September 23, 2020, page 7	PPP Loan at 50% forgiveness	\$135,282
Total Long-Term Debt		\$921,947

This is an extraordinarily high level of significant existing and anticipated debt burden without a secure revenue stream.

Revenues from student enrollment of approximately 200 – 222 students are not sufficient to sustain the current projected amount of long-term debt.

Ending Fund Balance Reserves

Fund balance reserves are calculated as a percentage of total expenditures and other outflows. Included in the components of fund balance is a combination of cash, and non-cash items such as accounts receivable. The fund balance must also retain a percentage for the required percentage of Reserve for Economic Uncertainty. While not stated in the narrative documents or in the Financial Report for June 30, 2020, the required percentage is 5% for a charter school this size.

According to the June 30, 2020 Financial Report – Alternative Form, the total reserve is \$269,518.72 representing 12.7% of expenditures. While this is clearly above the required percentage levels, this amount represents cash and noncash items and does not set aside the required Reserve for Economic Uncertainty.

Of this amount, \$106,012, or 5%, must be set aside for the Reserve for Economic Uncertainty and cannot be spent. This leaves \$163,507 available for any adjustments, additional expenditures, or reductions in revenues.

Month	Apportionment Schedule for EC § 14,041(a)(2)-(4)	Estimated Deferral Impact	Estimated Share of Annual State Aid Cash Net of Deferrals
July 2020	5%		5%
August 2020	5%		5%
September 2020	9%		9%
October 2020	9%		9%
November 2020	9%		9%
December 2020	9%		9%
January 2020	9%		9%
February 2020	9%	(4.77%)	4.23%
March 2020	9%	(7.38%)	1.62%
April 2020	9%	(7.38%)	1.62%
May 2020	9%	(7.38%)	1.62%
June 2020	Balance	(100.00%)	0.00%
New Fiscal Year			
July 2021		100%	100%
August 2021		7.38%	7.38%
September 2021		7.38%	7.38%
October 2021		7.38%	7.38%
November 2021		4.77%	4.77%

Reserves as a percentage can be misleading. A best practice is to have sufficient fund balance to cover two or more months of salary and benefits. A review of RVCS cash flow document for February 2021, shows salary and benefits total \$145,091. Without paying any other obligations for the month, the fund balance of \$106,012 would be insufficient to cover one month of payroll.

This report has documented several key areas that have potential impacts which can reduce the fund balance leaving very little ability for this small charter school to make offsetting adjustments. Any one of combination of these will render this charter school insolvent.

CASH FLOW AND CASH DEFERRALS

Attached to the narrative document is a "Monthly Cash Forecast" for fiscal year 2020-21.

The Governor's Budget Act for fiscal year 2020-21 includes five consecutive deferrals beginning in February 2021. These deferrals will cross fiscal years as follows as depicted in the School Services of California chart.

Normally school districts and charter schools received 5% of their total LCFF funding in July and 5% in August. The remaining amount of 9% each month over the remaining 10 months.

For fiscal year 2020-21 starting in February 2021, deferrals will be deducted and repaid in the next fiscal year.

In the RVCS monthly cash flow forecast, LCFF shows the same apportionment as December 2020 (\$128,867). It appears that RVCS has overstated the cash projection by not deducting the deferral. This cannot be verified because the "LCFF" line item is not broken down into the component parts: Principal apportionment, Education Protection Account, and local property taxes.

Deferrals are projected to start in February 2021, but if the RVCS projection starts deferrals in March 2021 the error could substantially alter the cash flow statement and the need for cash to pay obligations. Care should be taken to ensure the deferrals are calculated in the correct month in the forecast model for cash flow planning purposes, and broken down into the various components because only the principal apportionment is subject to the deferral.

It is unusual to use the cash flow model to project loan payments that are not represented in the budget as an expenditure. A cash flow model starts with the latest approved budget; therefore, the cash flow and budget should tie. RVCS should ensure that except for temporary loans, long-term loan payments should be included in object codes 7438 – Principal and 7439 – Interest for full disclosure.

In addition, temporary loan inflows and outflows should be represented on separate lines and totaled in the "Forecast" columns. These totals should agree with prior year accruals for both accounts receivable and accounts payable.

Currently, these amounts are not totaled and may not agree with prior year accruals. For example, total "Revenues – Prior Year Accruals listed in 2022-23 of \$785,798 do not agree with "Remaining Balance" in 2020-21 of \$717,908 – a difference of \$67,890.

RECOMMENDATION AND CONCLUDING REMARKS

The following represent significant findings that create substantial uncertainty for the approval of RVCS as a going concern.

- 1- Enrollment and Average Daily Attendance: The number of students projected of 204 in the current year projecting to 222 in the subsequent year (2021-22) may be unattainable. Because the number of students is low, a drop in enrollment, even negligible, creates a large variance in projected LCFF revenues and addition pressure for cash management.
- 2- Fundraising and Donations: Fundraising and obtaining local grants and/or donations is not a guaranteed revenue stream. During times of fiscal instability, these types of revenue sources decrease in amount. Best practice is to budget these revenues when award letters are obtained.
- 3- Books and Supplies: Classroom supplies and the additional need for Personal Protective Equipment as students and staff return to hybrid learning or in-person learning is not sufficiently represented in the budget forecast model for at least 2021-22 school year.

- 4- Services and Operations: Services and other operating expenditures represent a significant portion of the overall operating budget demonstrating the need to rely upon outside services for several aspects of the business operations.
- 5- Insurance: Property, liability, and workers' compensation insurance amounts are likely to increase because of the COVID pandemic and wildfires throughout California. Budgeting these expenditures without increases is unreasonable.
- 6- Debt Burden: RVCS has significant existing debt burden: State Revolving Loan, PPE Loan, Construction Loan, and projects additional loan(s) for cash deferrals. This is an extraordinarily high level of debt burden without a secure repayment stream. The narrative document outlines the need for additional cash borrowing that is not included in the projections.
 - a. State Revolving Loan: Is not represented in the expenditure budget or cash flow document. This is a startup loan in the amount of \$250,000 for five years with payments of \$62,500 each year. It is expected to be paid in full during the 2019-20 school year but is not represented in the cash flow.
 - b. Construction Loan: A balloon payment for \$123,080 is due in June 2024 according to the narrative, however, the cash flow does not show this payment as a reduction in cash. Including this payment would cause negative cash flows in that month.
- 7- Ending Fund Balance: While RVCS purports to have a high level of reserves as a percentage of expenditures, percentages can be misleading. A best practice is to have sufficient reserves to ensure that core operational costs such as salary and benefits are not interrupted. RVCS has not set aside the required percentage for Reserve for Economic Uncertainty and remaining balances are subject to cash availability.
- 8- Cash Flow: During times of cash deferrals, the function of cash management becomes imperative. RVCS relies heavily upon fundraising and donations to balance the budget. Pressure from existing and proposed cash borrowing is unsustainable over time. Should the PPP loan require full repayment, RVCS will need to factor (sell) its receivables at high interest rates or negotiate a credit line to ensure payroll and other obligations are met. Given the low enrollment and current economic uncertainties at the State and Federal level coupled with existing debt burden, RVCS may not be a going concern.
- 9- Other Observations:
 - a. According to the narrative statement, the volunteer Business Official has the prerequisite experience to manage RVCS. Even though there is evidence of significant private sector financial management, California school finance is uniquely different and requires extensive experience. Even with a strong background in private sector accounting by the volunteer Business Official, RVCS contracts out all the critical functions of the Business Office.
 - b. All critical functions of the Business Office are contracted out according to the narrative statement. Contracting for business services continues throughout the projection period for bookkeeping, accounts payable, accounting, payroll, and

student accounting reporting services leaving the charter organization vulnerable to timing and processing delays where critical decisions need to be made.

- c. Revenues from student enrollment of approximately 200 - 222 students are not sufficient to sustain the amount of debt burden when minor decreases in student enrollment, average daily attendance and have a major impact on the fiscal stability of the charter school. Given the low enrollment, cash deficits, and loan challenges, this level of debt burden is not a best practice.
- d. The annual audit report for June 30, 2018 was submitted, however, the audit report for June 30, 2019 was not received for review.

In conclusion, assumptions drive the budget which in turn drives the cash flow with other known variables such as deferrals. Reasonable assumptions for enrollment, ADA, unduplicated counts, donations, along with expenditures based on reasonable estimates for future increases should be supported with historical trend analysis coupled with known variables and potential future impacts that potentially can impact fiscal solvency.

It is of great concern that RVCS is heavily indebted going into a period of economic downturn with state imposed cash deferrals.

Deborah Deal, Owner
Deal Consulting, Inc.

ROSS VALLEY SCHOOL DISTRICT

ROSS VALLEY CHARTER
RENEWAL PETITION

NOTICE OF CORRECTION RE DISTRICT STAFF REPORT PUBLISHED OCTOBER 26, 2020

Please take notice that Ross Valley School District's ("District") Staff Report regarding Ross Valley Charter School ("RVC" or "Charter School") published on October 26, 2020, is corrected as follows:

- 1) On page 7, third paragraph, the last sentence, the date March 14, 2020 should be replaced with the date May 14, 2020 and should be amended to read:
"The April 23 minutes were approved and posted on May 14, 2020."
- 2) On page 10, third full paragraph, first sentence "PPO" should be replaced with "PPP" and should be amended to read:
"As stated, no need or basis for the loan was discussed or referenced at any time prior to applying for and obtaining the PPP loan, nor are RVC's claims for current need for the intended purposes of the PPP loan honest."
- 3) On page 19, second full paragraph, the following should be added to the end of the paragraph as follows:
"When Conn Hickey resigned as Treasurer, the Board appointed Board Member Cheryl Flick as the Treasurer by a 6-0 vote, which apparently included a vote by Ms. Flick. Until a board member is elected and sworn, they have no authority to cast a vote." (See RVC Bylaws, Article VII, Sections 3 and 12.)



102 Marinda Dr., Fairfax, CA 94930 / 415-534-6970 / RossValleyCharter.org

November 6, 2020

Via Email
mtrahan@rossvalleyschools.org

Marci Trahan, Superintendent
Ross Valley School District
110 Shaw Drive
San Anselmo, CA 94960

RE: Response to Findings for Denial of Charter Renewal Petition

Dear Superintendent Trahan:

We write in response to Ross Valley School District's ("RVSD" or the "District") attempted findings for denial of the Ross Valley Charter School's ("RVC" or the "Charter School") charter renewal petition, contained in the District Staff Report (the "findings"). We remain exceedingly disappointed that the District elects to take an antagonistic position against our high-performing, successful public charter school.

The majority of the findings are recycled from claims and allegations that have repeatedly failed to win traction. The District staff and counsel first peddled these ideas to the Marin County Office of Education ("MCOE"), then to the Fiscal Crisis and Management Assistance Team ("FCMAT"), then repurposed them as a "notice of violation" to RVC, and finally they appear again in the findings for denial of the renewal charter. Both MCOE and FCMAT declined to take the action that the District staff and counsel urged. After reviewing hundreds of pages of materials, both MCOE and FCMAT stated in writing that they would not be pursuing any kind of investigation or other process with the Charter School. The "notice of violation" is not a legal right that RVSD holds, as the District is not currently the chartering authority of RVC.

Quite simply, RVSD has been unable to provide evidence substantiating its allegations that anything unlawful occurred in RVC's award of a Paycheck Protection Program ("PPP") loan, related to the deep economic uncertainty resulting from the COVID-19 global pandemic. The Charter School pursued a PPP loan in order to make its payroll during the summer when apportionment funds were deferred. Going forward into the 2020-21 school year and beyond, RVC will have to carefully manage its cash flow through state deferrals, without many of the low-cost, short-term financing tools available to it that school districts can take advantage of.

Notably, the District's 251-page Staff Report makes no allegation that RVC has an unsound educational program. This is a testament to the efficacy of the high-quality educational program that the Charter School operates. Indeed, RVC students earned the "blue," or highest rating on the California School Dashboard in English Language Arts and Mathematics in 2019, the last year for which data is available. Therefore, in accordance with the will of the Legislature, as expressed in Education Code Section 47605(c), "[t]he 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 and with the interests of the community in which the school is proposing to locate." (Emphasis added.) We urge the Board to set aside the unreliable findings and instead vote to approve RVC's charter renewal petition.

Response to Findings

At the outset, we remind the District of the provisions of the Education Code that provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(c) 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(c) also provides the limited legal grounds on which a charter petition may be denied, 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 and the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. **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 (e) [of Education Code Section 47605].

- (5) The petition does not contain **reasonably comprehensive descriptions** of [the 15 required elements.]
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school . . .

(emphasis added.)

Accordingly, under the Charter Schools Act, a school district board of education is required to approve a charter petition, unless it makes specific written factual findings to support a denial based on the grounds enumerated under Section 47605 – “specific to the particular petition” before the chartering authority.

The Staff Report’s findings are not valid grounds on which approval for the Charter Petition may be denied. As demonstrated herein, the findings are based on inaccurate facts, inaccurate legal interpretation, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the Charter. Moreover, many of the findings concern matters that could have been resolved by a collaborative discussion with District staff, or through a separate memorandum of understanding with the District. We were disappointed that neither of these options were presented by the District.

In summary, given the overall strength of RVC’s renewal charter petition, the team of professionals behind the Charter School, the support of interested teachers and students, and the value of and need for the Charter School’s highly successful program within the community, the charter petition merits approval. The findings in the Staff Report do not support denial in these circumstances.

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

A. RVC Is Demonstrably Unlikely To Successfully Implement Its Program Set Due To Substantial Fiscal Or Governance Factors

RVSD does not have the legal authority to invoke Education Code Section 47607(e), as it attempts to do here. Education Code Section 47607(e) is a new provision of law, which became effective on July 1, 2020. Section 47607(e) permits “the chartering authority” to deny a charter school’s charter renewal petition “upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend.” (Education Code Section 47607(e), emphasis added.) It is undisputed that the State Board of Education (“SBE”) is “the chartering authority” of RVC. RVSD is not “the chartering authority” of RVC. Accordingly, the SBE alone has the legal authority to invoke the rights and obligations set forth in Education Code Section 47607(e).

Indeed, the District's purported notice of violation expressly states: "...the District does not believe it is required to issue a notice of violation and provide RVC with a reasonable opportunity to cure the violations pursuant to Section 47607 before it may take action to deny RVC's renewal petition since it is not the chartering authority..." (Emphasis added.) Quite simply, the Charter School fails to see why RVSD would drag the parties through a process it knows the District does not have the legal authority to pursue.

The Legislature's choice to specify a definite article, "the," in Education Code Section 47607(e) is a significant one. It means that, unlike many of the other instances of the phrase "chartering authority" in Section 47607, the use in subdivision (e) necessarily limits the reach of that subdivision only to the entity currently authorizing a charter school seeking renewal of its charter petition. Such a limit makes sense with the purpose and scope of the subdivision, for two key reasons. First, only the current chartering authority would be able to authentically document whether a charter school committed "substantial fiscal or governance factors, or is not serving all pupils who wish to attend." Indeed, RVSD complained that it was limited in alleging this violation because it did not have access to all California Department of Education oversight documents. And second, with no formal relationship between "a" chartering authority and a charter school, there is no mechanism to hold a charter school accountable to any cures of alleged violations.

Education Code Section 47607 contains multiple mentions of "chartering authority," some with the definite article ("the"), some with the indefinite article ("a"). The weight and significance of the Legislature's choice of a definite article in subdivision (e) is illustrated with a few examples. In subdivision (a)(2), "a" chartering authority may grant one or more charter renewals. This recognizes the fact that charter renewals may be granted by one of several different entities (e.g., on appeal or by the original denying district of an SBE-authorized charter school). Subdivision (a)(3) states that material revisions may only be approved by "the" chartering authority. This recognizes the fact that material revisions may not be appealed like a new or renewal charter. Subdivision (a)(5) allows "the" chartering authority to inspect or observe the charter school. This recognizes the fact that only the current chartering authority may inspect or observe the charter school. Subdivision (c)(7) sets forth a process for "the" chartering authority to determine accountability metrics for a Dashboard Alternative Status School. This recognizes the fact that such a charter school would seek renewal from its authorizer. And subdivisions (f)-(h) set forth the process for revocation by "the" chartering authority. This recognizes the fact that only the current chartering authority can revoke a charter.

RVC could continue on with this list, including distinguishing counter-examples. The maxim of statutory construction, however, does not change. The Legislature limited the scope and reach of subdivision (e) to "the" chartering authority, which, here, means only the SBE. **Therefore, RVSD has no legal authority to invoke this procedure and this entire finding has no legal import. Because this entire finding is unlawful, it cannot be used to deny the charter renewal petition. RVC has responded to these allegations in good faith, but none of these findings may lawfully be relied upon to make a decision to deny the charter renewal decision.**

Fiscal Mismanagement

District Finding: 1. Timeline of Paycheck Protection Program Loan Process

Contrary to the various statements in the Resolution, the facts show the Resolution was approved by the Board after the loan was already applied for by Mr. Hickey on April 9; accepted by Mr. Hickey on April 23rd prior to the April 23rd Board meeting; was awarded by the SBA on April 27; was signed by Mr. Duchene on May 8th; and was funded on May 13th (“Westamerica is pleased to have funded an SBA Paycheck Protection Program Loan for your business.”). Yet none of these facts are included in the Resolution.

RVC Response: This unlawful finding consists of a re-telling of the facts that led to RVC's application for, and award of, a PPP loan. RVC does not dispute the dates cited by the District, except that the loan was funded on May 8. What RVSD fundamentally misunderstands, though, is the crucial difference between applying for a PPP loan, and actually entering into a PPP loan. A loan application does not in any way commit RVC to agree to receive a loan.

Given the unexpected length of stay-home orders, and the extent to which life has been upended by COVID-19, it may be difficult to recall the particular landscape of unmitigated chaos that we all lived through in March and April of 2020. News, guidance, and state and local orders were changing multiple times per day. There was substantial confusion whether people would be safe leaving their homes or going to the grocery store. And the federal government was trying to stand up a massive financial relief program, the PPP loans, with very little notice and very few plans for implementation. The lack of clarity from the federal government resulted in chaos at the local and national banks across the country that were thrust into the position of accepting applications for PPP loans. The scene was no different in the Bay Area.

RVC's Board authorized its business official, Conn Hickey, to apply for a PPP loan. The Board made this authorization with the knowledge that applying for a loan, alone, would not commit the Charter School to anything related to the PPP program. There was no contract, no financial commitment, no repayment terms, and no certainty whatsoever that RVC would be awarded a loan. Compounding the confusion was pressure to apply quickly, before PPP funds dried up.

On April 3rd, the day after the RVC Board authorized Mr. Hickey to apply for the loan, Mr. Hickey called Westamerica branch personnel. Westamerica took down the Business Official's information and said he would be added to a list to contact when the bank was ready to accept applications. On April 6th, Mr. Hickey contacted the bank again by phone and learned how the PPP application process was going to work, which consisted of an online application being “periodically available during the day.” (Attached as Appendix A is a cell phone call log.) On April 8th, all day, Mr. Hickey refreshed a browser window for the application every 15 minutes, and did not get into the application. He again called the bank that day to express his frustration at not being able to get into the application and was told the bank customer service person was similarly frustrated. Finally, on April 9th, Mr. Hickey tried every 6 minutes, starting from the early morning and finally was able to access the online application shortly after 10:00 am. He called the bank personnel he had been working with to tell them he had got in.

In practical terms, the School Director or Board Chair could not have successfully navigated this process, or completed the application, because of the vigilance and focused attention needed to refresh a browser every six minutes. During those early days of school closures, the School

Director and Board Chair were, instead, intently focused on ensuring that all students and employees had the resources they needed to engage in distance learning.

Contrary to RVSD's allegation, the RVC Board did have a lengthy discussion about the PPP loan, culminating in asking its Business Official to apply for it. The minutes of the April 2nd RVC special Board meeting clearly indicate that there was a long discussion of the economic uncertainty caused by COVID-19 that created the need for a PPP loan. The minutes also include a discussion of the loan and its attributes. What the minutes (which document only a brief summary of the meeting) may not clearly show for those not in attendance is that the Board very much wanted to apply for the PPP loan at Westamerica, was worried it might not be able to get the loan before the money ran out, and wanted its Business Official to focus on submitting the application.

As to the April 23rd RVC Board meeting, the District is correct that RVC posted the agenda for that meeting on April 20th, in compliance with the Brown Act. There were two reasons the agenda was not more specific about authorizing the School Director to execute the PPP loan.

First, national and local news made clear that on April 16th, funding had run out for the PPP. Thus, the Charter School lost hope at that time that it would be awarded the loan. As RVC was preparing its meeting agenda between April 16th and 20th, it was with the expectation that there would not be any funds available for a loan. RVC did not agendize the loan by name because it did not believe it would be awarded any PPP funds. Nevertheless, because there was so much turmoil and speculation about a possible second round of PPP funding, RVC made the budget item on the agenda an action item. Indeed, April 23rd was also the day that the U.S. House of Representatives voted to approve a COVID-19 financial relief bill that infused more funding into the PPP program.

Second, the Westamerica email on April 19th was sent from a generic email account at the bank, and was not from a bank employee. (Attached as Appendix B.) For this reason, the email was routed to the RVC Business Official's "promotions" email folder. Mr. Hickey had no knowledge of the existence of the email. He called the bank customer service personnel on April 21st to ask if the loan had been approved and was told they thought there was or was about to be a counter offer made. (See attached Appendix A. log of phone calls with Westamerica.) On April 23rd Mr. Hickey started looking for the email in his junk and promotional email folders and discovered the email from Westamerica that morning. He immediately contacted the School Director and Board Chair to discuss accepting the bank's calculation of the amount of PPP funds RVC qualified for. This action was not accepting receipt of the loan, but rather agreeing to change the application for the lower amount. The School Director and the Board Chair directed Mr. Hickey to agree to the bank's calculation of the amount of PPP funds RVC qualified for. Again, prior to the time of Mr. Hickey's April 23rd email to Westamerica on the morning of the RVC Board meeting, the only formal notice RVC had received was an email from Westamerica that PPP funds had run out on April 16th. Since there were no funds for the PPP loan, as far as RVC knew, Mr. Hickey could not have accepted or entered into a loan on April 23rd.

RVSD alleges that no "action item" regarding the budget was included in RVC's April 23rd meeting agenda. To the contrary, the agenda states "roll call vote" for the budget item, which

clearly indicates that action will be taken. As the District may know, the Brown Act mandates that all votes during a teleconference meeting must be taken with a roll call vote.

RVSD also alleges that the School Director was not authorized to accept the PPP loan and execute the loan documents. To the contrary, the RVC Board meeting minutes from the April 23rd meeting state, "Authorization of the Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000, as soon as available, was duly moved, seconded and approved by roll call vote, 5-0-1."

We believe that these facts contributed to FCMAT recommending against MCOE using its investigation authority to look into improprieties around RVC's securing of a PPP loan.

District Finding: 2. Approval of Resolution Misrepresenting [sic.] Facts Related to the Paycheck Protection Program Loan Process

However, the Resolution makes repeated references to unsubstantiated future and possible financial issues (e.g., potential cash deferrals, possible multi-year recession and difficulty in obtaining bank loans), not current problems as required for the loan. It is clear that RVC acquired the PPP loan to increase its reserves in anticipation of future need, not to mitigate past or current economic hardship – the "current" nature of the "economic need" to which applicants must attest is for short-term cash-flow hardships created by current, and not future anticipated, COVID-19 related impacts.

RVC's claims of current need for funding for the intended purposes of the PPP loan are false. Nor was any need or basis for the loan discussed or referenced at any time prior to applying for and obtaining the PPP loan. As reflected in the calculations for a PPP loan, it is based upon 2.5 times the average monthly payroll. The PPP loan is a short term payroll loan, not a loan for speculative future need.

RVC Response: In its May 14th PPP Resolution, the RVC Board did comply with regulations from the Small Business Administration ("SBA"), which came in the form of published Frequently Asked Questions ("FAQ"). RVC's Board Resolution addressed the requirements of FAQ #31 and #37 in five pages of great detail. The primary need for the loan was the likelihood that the State would provide its cash apportionments from one to five months late. The State budget that was adopted in June, within RVC's eight-week PPP period, which started on May 8th, delayed RVC's June apportionment payment of \$153,434 to the month of July. RVC's state payments are always delayed into the next month because it takes MCOE more than two weeks after distribution to process these funds and transfer them to RVC's bank account. As result, RVC received the deferred June state aid payment in August and not in July, causing the RVC cash balance to fall to \$211,847 on July 31. Without the \$270,536 loan received on May 8, RVC would not have been able to make its July 31 payroll.

In addition, the state budget that was passed within RVC's eight-week PPP loan window is going to defer \$696,588 of RVC's apportionment funds between February and June of 2021. School districts have ready access to low interest, short term cash funding through loans from

the County Treasury, which public charter schools do not have access to. The MCOE business office, along with other county education business offices in the Bay Area, supported charter schools applying for PPP loans to obtain financing at similarly affordable rates for these cash deferrals.

Since RVC is only in its third year of operation, with only 12% reserves and since MCOE delivers state revenue to RVC in the month following when it receives it from the state, RVC is perpetually low on cash. Cash flow shortages are one of the primary reasons why the Charter School Finance Authority ("CSFA") makes a \$250,000 startup loan available to new charter schools. That CSFA loan is now in its fourth year of being paid back and will be completely repaid by May of 2021. Furthermore, because RVC is a new school with a relatively short credit history, commercial banks are not likely to originate a line of credit in these extremely uncertain economic times to RVC, which has only 45 days of expenses in its reserves. During the last recession in 2008-2012, charter schools paid twenty percent or more for factored receivable loans to cover cash flow due to State apportionment deferrals that spanned up to five months. Twenty percent interest for eight months of borrowing the \$696,588 of state revenue deferrals is close to \$100,000. The standard in SBA FAQ#31 for considering other financing is whether the business's "ability to access other sources of liquidity sufficient to support their ongoing operations in a manner that is not significantly detrimental to the business." Adding \$100,000 a year for interest expense for the foreseeable future clearly will be detrimental to RVC's educational mission. At the time these attestations of economic uncertainty were made, interest rates of 20% or higher using factoring of receivables appeared to be the only available option.

The SBA regulations were amended on May 13th with FAQ #46, the day before RVC's May 14th Board meeting approving the Resolution. The new regulations stated that any borrower that received less than \$2 million in loans will be provided a "safe harbor" and will be "deemed to have made the required certification concerning the necessity of the loan request in good faith." This regulatory change removed the legal uncertainty in not adequately documenting such necessity and completely undermines all the references throughout the complaint about violating federal law. Although FAQ #46 offers legal protection for the Charter School, RVC fully complied with FAQ #31 on May 14 in laying out its evaluation of current economic uncertainty. In this, FCMAT concurred.

District Finding: 3. False Statements to the Federal Government in the PPP Loan Process

RVC's actions including, acceptance of the PPP loan and efforts taken to cover up the improper process that was undertaken to obtain the loan, including adoption of the Resolution rife with false statements, demonstrate that RVC administration and Board were complicit with the deceitful actions of Mr. Hickey in applying for and obtaining the PPP loan.

RVC Response: This finding recycles the previous two findings (that Mr. Hickey was not authorized to apply for a loan, and that RVC did not have current need for the PPP loan), both of which have been demonstrated, in the pages above, to be inaccurate. Mr. Hickey completed the loan application, but did not authorize or execute the loan. He agreed only to lowering the amount requested, to match the amount the bank suggested, after consulting with those authorized to execute the loan. The Charter School's Board determined the likely need for a PPP

loan on April 2nd. RVC faced immediate economic uncertainty, to the point where it would not have made payroll without the loan during the eight-week period covered by the loan. (It was eight weeks at the time; subsequent changes to legislation and regulation have extended this to 24 weeks). Here, though, RVSD adds in a claim of fraud by RVC.

The District's claims of fraud have no grounding in law or fact, and are not made true simply because they are asserted and repeated. The crime of fraud requires intentionality to defraud, which never existed, and which RVSD has been unable to provide any evidence for. There was no falsehood, there was no cover up, and there was no unlawful action in the Charter School's PPP loan application process. It bears repeating that FCMAT, which is expert in fraud investigations, advised MCOE not to pursue an investigation into RVC over the PPP.

Governance Mismanagement, Violation of Charter, Violation of Law

The above-described facts demonstrating RVC's fiscal mismanagement also demonstrate substantial mismanagement in governance of RVC by its Board and administration establishing that RVC is demonstrably unlikely to successfully implement the program. The following facts further demonstrate RVC's governance mismanagement, violation of the RVC Charter, and violation of law such that RVC is unlikely to successfully implement the program.

District Finding: 1. Board Misrepresentation To The Public Regarding Paycheck Protection Program Loan Application And Funding

In RVC Board Resolution No. 2020-5-14, RVC misrepresented to the public the series of events and justifications for its application for and receipt of a PPP loan.

RVC Response: RVSD's claim here, recycling the allegations addressed above, is that the Resolution falsely stated that on April 23rd, the School Director was authorized to borrow funds through the PPP program. As stated above, RVSD alleges that no "action item" regarding the budget was included in RVC's April 23rd meeting agenda. To the contrary, the agenda states "roll call vote" for the budget item, which clearly indicates that action will be taken. There were four agenda items in the "General Information" section of the agenda. Three of the four included the designation "discussion/roll call vote." One the four, the Local Control and Accountability Plan, was only agendized for "discussion." The Brown Act does not require the word "action" to appear on an agenda in order for an entity to communicate to the public that the Board will vote on an item. Given that the April 23rd meeting was a teleconference meeting, it is clear that the "roll call vote" designation indicates the Board was going to take action.

RVSD also alleges that the School Director was not authorized to accept the PPP loan and execute the loan documents. To the contrary, the RVC Board meeting minutes from the April 23rd meeting state, "Authorization of the Board Chair or School Director to execute a Small Business Administration Payroll Protection Loan Agreement with Westamerica Bank for up to \$290,000, as soon as available, was duly moved, seconded and approved by roll call vote, 5-0-1." The RVC Board properly agendized action on its April 23rd agenda, and then it did properly take action during that meeting to authorize the Board Chair or School Director to execute a PPP loan, as documented in the meeting minutes.

The District also attempts to quarrel with the content of the Charter School's PPP loan Resolution. As there is no government-required or even -approved resolution template, RVSD can cite no legal authority for its position. Indeed, even FCMAT acknowledged the efficacy of RVC's PPP Resolution, stating: "[h]owever, the school's five-page, comprehensive Board Resolution 2020-5-14, although it may be imperfect, establishes the intent of the board and its explanations of the charter school's qualifications to receive PPP funds." The District's claims have been undermined and do not rise to the level of substantial mismanagement, as alleged.

District Finding: 2. Improper Delegation of Authority

While the April 2, 2020, Board meeting minutes reflect that the Board ultimately approved Mr. Hickey's authority to sign checks, the Board did not approve authority to enter into contracts and agreements generally, nor do the minutes include any discussion or notes related to this issue.

RVC Response: As explained repeatedly above, Mr. Hickey simply applied for the PPP loan on behalf of RVC, but did not enter into the PPP loan for the Charter School. He served as the contact person, but not the corporation's principal.

District Finding: 3. Repeated Failure to Comply with the Brown Act

However, RVC demonstrates a systemic failure to comply with the letter or spirit of the Brown Act.

RVC Response: This allegation recycles (again) allegations responded to in detail above and summarized here:

- RVC did not learn of the loan eligibility email until the day of the April 23rd Board meeting, so could not have agendized it in advance.
- Budget documents did not account for PPP funds because the Charter School was operating from information that all funding under the program had run out.
- The Business Official was not entering into the PPP loan, but simply moving forward with the application process.
- The Board properly voted to authorize the Board Chair or School Director to execute a PPP loan with Westamerica, and the meeting agenda permitted such a vote.

District Finding: 4. Failure to Comply with Americans with Disabilities Act

Even though the 2020-21 school year is well underway, the site remains out of compliance with the ADA. Because the site is out-of-compliance with the ADA and therefore inaccessible to students with disabilities, RVC is not serving or able to serve all students who wish to attend the Charter School in violation of its Charter and the law.

RVC Response: It is not correct that RVS is out of compliance with the Americans with Disabilities Act ("ADA"). The site was constructed before the ADA came into existence and had been used continuously as a private school for several decades to serve students. When RVC took possession of the facility, after Cascade Canyon School ceased operation in June of 2020, the Charter School agreed with its chartering authority that it should undertake a barrier removal project to ensure that any disabled student or parent had full access to the Charter School's educational offerings. RVC has spent the past year working on this project.

Furthermore, RVC has been operating school entirely through distance learning, just as RVSD was until just this month. Accordingly, no students have physically attended the school site until RVC was ready to return to in-person instruction. And yet, like RVSD, the Charter School has been operating and serving all enrolled students. RVC is returning to a hybrid model of in classroom learning starting November 16th. It is likely that schools will need to be flexible to move back and forth from distance learning to/from in-person instruction until the pandemic is behind us

Although our voluntary ADA barrier removal project was delayed by COVID-19, closing down work and permitting for many weeks, the project is now complete. The California Department of Education has inspected the site and approved the completed work. The Town of Fairfax Building and Planning Department performed an initial walk-through on October 21 and also approved the work. RVC is awaiting the issuance of a temporary certificate of occupancy, which will be in place until the Fire Marshal approves the pending work to upgrade the fire alarms, which is scheduled to begin the week of November 9.

District Finding: 5. *Failure to Comply with Fire and Life Safety Requirements*

In addition to the need for ADA compliance, RVC was informed by the fire inspector that the Charter School must have an updated fire and life safety system.

RVC Response: RVC was approved to occupy the site with the existing Fire/Life/Safety system in place at the time of initial occupancy. It was the voluntary ADA barrier removal construction that generated the request for an upgrade in the system. The existing system remains in place. Infrastructure work has begun to facilitate this installation. The master panel is installed onsite, a contract for work is signed, and we expect the work for the upgraded system to begin the week of November 9 with a completion date by the end of 2020..

RVC cannot acknowledge that it does not have these funds, as it indeed does. The 50% deposit for this project has been paid, and the plans for the project have been submitted. All materials for the project are available and installation will begin the week of November 9th. In the meantime, the existing system remains in place.

District Finding: 6. *Conflict of Interest*

Conflict of interest laws apply to charter schools, including RVC, and are intended to prevent conflicts between private interests and public duties, foster integrity in public service, and

promote the public's trust and confidence in that service by placing restrictions on public officers and those that advise them.

RVC Response: RVC agrees with the District's statement and does not dispute its accuracy. RVSD's characterization of Mr. Hickey's role with the organization and EdTec, however, is not accurate. The following are the relevant facts that invalidate the District's finding.

After RVC was incorporated in July 2014, at its First Board Meeting on September 21, 2014, Mr. Hickey was appointed as an initial Board member and elected as Treasurer. Immediately after the State Board of Education authorized the Charter School in January of 2016, Mr. Hickey resigned from the Board and has not served on it since. Mr. Hickey retained the unpaid corporate officer position of Treasurer. One year after Mr. Hickey's resignation from the Board, on February 13, 2017, the RVC Board (again, of which Hickey was not a member) approved a contract with EdTec for back office services. This initial contract did not include budgeting and financial report preparation, which Mr. Hickey continued doing as a volunteer for RVC, as he had since July of 2014, as RVC was not in a financial position to afford this additional service from EdTec.

On July 22, 2019, Mr. Hickey began to work part time for EdTec as an Associate Client Manager providing Budgeting and Financial Statement services (as described in EdTec RVC Statement of Work #7 which has been provided to the District) for other EdTec charter school clients. This is similar work to some of the volunteer work he had been, and is still, doing for RVC. But in his capacity as EdTec Associate Client Manager, he currently performs no paid work for RVC. Mr. Hickey's work for RVC continues to be unpaid, volunteer work, as it has been from the beginning.

On the night of the RVC Board meeting of July 15, 2019, Mr. Hickey told the three Board members in attendance about his starting to work for EdTec. Mr. Hickey then called the two members not in attendance and informed them as well.

In October 2019, Mr. Hickey and RVC determined that simultaneously being an officer of RVC (even as a volunteer), and an employee of a current RVC vendor, could easily create the appearance of a conflict of interest. Mr. Hickey thus informed the board that he was resigning as Treasurer and CFO. The two emails informing the Board of his decision to step down as an officer of the corporation are attached as Appendix C.

In response to RVSD's *errata* notice, please be aware that Cheryl Flick was sworn in as a Board Member on November 8, 2018 and was therefore qualified and eligible to vote agenda items on November 18, 2019.

Following his resignation, in December of 2019, Mr. Hickey filed a leaving office Form 700, and disclosed in that Form that he was employed by EdTec. This is public information, easily accessible from the Marin County Office of Elections website.

Because Mr. Hickey's employment with EdTec was the subject of a high percentage of RVSD's Requests for Information, RVC consulted with charter school legal counsel as to whether Mr.

Hickey should still be filling out a Form 700, given that he does not hold any of the designated filer positions listed in the Charter School's Conflict of Interest Code. It was advised that even as an unpaid volunteer, since he was providing financial advice, Mr. Hickey could be deemed a Consultant, as that term is used in RVC's Conflict of Interest Code. Accordingly, Mr. Hickey filed a new Form 700 in September 2020.

Beginning July 1 of 2021, EdTec will be contracted to provide Budgeting and Financial Reporting services and Mr. Hickey will no longer be doing that volunteer work for RVC. Another EdTec employee will be providing Budgeting and Financial Statement services described in the SOW#7.

To be clear, RVC regards any allegation of a conflict of interest with the utmost of concern and diligently researches the underlying facts. Here, there are simply no facts to demonstrate that Mr. Hickey was involved in the making of the contracts with EdTec, except in the capacity of an unpaid volunteer corporate officer, more than two years before he began working for EdTec. As such, there was no financial interest. Any contracts with EdTec since Mr. Hickey's part-time employment there have not involved him. Further, Mr. Hickey stands to have no financial gain from a contract with EdTec. He is a non-exempt hourly employee not an owner of the company, has no financial stake in it, and is not paid on a "commission" basis.

District Finding: 7. Board Stability Concerns

RVC Board Member Kristi Kimball retired [sic.] from the Board, despite the fact that she has almost two (2) years remaining on her term through June 30, 2022. Past governance concerns are also of concern including Conn Hickey's daughter serving on the RVC board despite being a resident of Nevada.

RVC Response: Many public schools, including charter schools, have Board members who have more private sector experience than public education experience. We continue to benefit from the expertise of Kristi Kimball and her knowledge of education, even if she is no longer a current member of the RVC Board. It is the responsibility of the Board to hire a School Director to lead the educational efforts of the organization in coordination with the teaching staff. One Board member's resignation in no way justifies a claim of Board instability. Further, no law mandates where Board members must reside during the term of their membership. This finding alleges nothing improper and appears designed only to continue to stir up innuendo. The RVC Board has been extremely stable, strong and effective, and remains so to this day.

The Charter School Has Failed to Meet the District's Corrective Action or Propose Any Corrective Action Resulting in Failure to Successfully Remedy the Violations

As explained above, because RVSD has no legal authority to invoke the procedures or rights specified in Education Code Section 47607(e), this entire finding, wherein the District evaluates RVC's response to RVSD's alleged violations, cannot serve as a lawful basis for denial of the charter renewal petition. Instead of replying to RVC through the "notice of violation" vehicle,

RVSD has elected to shoehorn a response into a Staff Report related to the charter renewal petition. **None of the items contained herein are specific facts, specific to the particular petition, setting forth findings to support any of the six reasons that the renewal charter may be denied.** Nothing in this finding makes any reference whatsoever to the RVC charter renewal petition. Therefore, it is an impermissible basis for denial of the charter, and the Charter School declines to pursue the back-and-forth with RVSD in light of the District's bad faith approach to charter renewal.

B. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition Due to Fiscal Deficiencies

District Finding: An independent analysis of RVC's budget, narrative assumptions, and cash flow was conducted by an expert in charter school finance including budget development and analysis.

RVC Response: The District findings were prepared by an individual the Staff Report characterizes as "an expert in charter school finance including budget development and analysis."

But the two most substantial items listed in the findings – 1. Excessive Debt and 2. Cash Flow/Deferrals – are unfortunately based on a lack of understanding of basic charter school accounting principals. Over and over again, the author states that RVC's financial statements are wrong because repayment of loan principal has not been included as an expense on the income statement.

This interpretation of charter school finance and accounting is simply incorrect and completely invalidates most of the claims made in sections 1 and 2. In charter school accounting, as in general business accounting (as opposed to governmental accounting), loan principal repayments must always be entered on the balance sheet, reducing the liability of the loan as well as the asset of cash.

The consultant's mistake could be understandable as the author's experience appears to not be with charter school finance, but rather with school district finances where, under California School Accounting Manual guidelines, proceeds and repayment of certain kinds of debt are booked as income and expense (897X and 7438). But other kinds of debt, such as general obligation bonds and unfunded pension obligations, are booked to the balance sheet liability accounts. By way of example, RVSD has over \$60 million in these two liability categories, which results in an overall negative equity for the District of \$17 million.

For charter schools, reserves are the same as equity, and a large negative equity, such as reflected in RVSD's balance sheet, would indeed be concerning and could result in the closure of a school by its authorizer. However this is not the case with RVC.

RVC books all its debt, proceeds and principal payment, to the balance sheet not to the income state.

This lack of understanding of the charter accounting rules clearly indicates that the report's claim that the fiscal consultant is "an expert in charter school finance" is doubtful.

Nevertheless, RVC will respond to each of the District's twelve fiscal findings, one by one.

1. Excessive Debt

District Finding: RVC has significant existing and potential debt burden and its revenues from student enrollment of approximately 200 – 220 students is not sufficient to sustain the amount of debt burden when minor decreases in student enrollment and average daily attendance will have a major impact on the fiscal stability of the Charter School.

RVC Response: The central claim made in Section B is that RVC has counted the loans it has received as income but has "not accurately reflected" the repayment of those loans in its projected budget as expense and therefore that RVC has been and is now "using debt to balance its budget."

But, to repeat, RVC books all loan receipts and principal payments to the balance sheet and they have no effect on the operating budget and income statement or operating surplus or deficiency.

District Finding: It is noted that that [sic.] RVC's debt reflects that it has been deficit spending in each year of operation.

RVC Response: Deficit spending occurs when the current year income is smaller than current year expenses on the income statement. RVC's operating income was \$157,763, \$70,377, and \$52,659 respectively in each of its first three years. The first two of these have been deemed correct by state certified auditors. This finding stems from the incorrect understanding of how loans are treated by RVC as mentioned above.

District Finding: A reasonable debt burden factor of 1-2% of the unrestricted general fund revenues is reasonable. [sic.]

RVC Response: This is an absurd finding. The District had total revenues in 2018-19 of around \$24.7 million. Using this "reasonable debt burden factor," the District should not have any more than \$494,000 of debt. But the District has around \$44 million, or 178% of its total revenue, in bond debt and another \$25 million in unfunded pension obligations, according to its 2018-19 audit.

The common ratios that lenders use are:

- Quick Ratio (cash and accounts receivable to current liabilities should be greater than 1 and RVC has 9.1),
- Current Ratio (current assets to current liabilities should be greater than 1.0 and RVC has 9.5), and
- All Debts to Net Assets (should not exceed 3.5 and RVC has 1.62).

District Finding: The budget documents submitted by RVC do not accurately reflect its debt. For example, the state revolving loan is not represented in the expenditure budget or cash flow document. This is a startup loan in the amount of \$250,000 for five years with payments of \$62,500 each year.

RVC Response: As the Charter School has already pointed out, loan payments should not be reflected on the income statement but rather on the balance sheet.

The Cash Flow forecast submitted to the District is divided into three sections. At the top are income statement revenue items. The next section contains income statement expense items. The third section lists all the balance sheet entries which affect cash, mainly prior year accounts receivable receipts, depreciation, and loan receipts/payments. The finding asserts that the loan repayments should be reflected in the expense section or by reducing the LCFF Entitlement amounts in the Revenue section. This is incorrect. They belong in the bottom section, dealing with balance sheet entries affecting cash.

This \$62,500 in question is included, as it should be, in the monthly amounts of the last line of the balance sheet section of the Cash Flow forecast, Loans Payable Long Term, in the months October through March. This represents the final payoff of this loan.

District Finding: Additionally, RVC's construction loan includes a balloon payment of \$123,080 that is due in June 2024 according to the budget narrative, however, the cash flow does not show this payment as a reduction in cash. Including this payment causes negative cash flows for that month.

RVC Response: On page 9 of the budget narrative submitted to the District along with the Cash Flow is the following: "in June of 2024, there is a forecasted \$123,080 balloon payment of the remaining balance of the PCSD \$350,000 construction loan for ADA barrier removal. In August of that year there is forecasted a loan for \$123,080, which is assumed to be a three-year amortizing loan at 6% for the amount of the remaining PCSD loan balance."

Unfortunately, the "August" was a typo left over from an earlier PCSD loan repayment schedule. It should have said June.

As noted above, the last line of the balance sheet section of the cash flow forecast is Loans Payable (Long Term) and it shows monthly loan principal receipts and payments. In May 2024, the last principal payment on the PCSD loan before the balloon due in June is listed as \$6,491. Then in June there is a \$123,080 balloon payment, a \$123,080 loan principal receipt from the new 3 year loan, and a \$3,129 principal payment. This simply displays as a net cash reduction of \$3,129 without showing all the netting out of these three cash flows. The monthly principal payments for the rest of the three-year amortizing \$123,080 6% loan appear in the next 24 months' individual columns, thereby demonstrating that the cash impact of repaying this loan is accounted for in the cash flow forecast.

District Finding: It is clear and confirmed by the following Balance Sheet from April 2020 prepared by EdTec, that without the PPP loan RVCs would show negative equity of \$50,863.77.

RVC Response: The PPP loan was booked on May 8, 2020 so using the April 2020 balance sheet as evidence of anything regarding the PPP loan is absurd.

Moreover, government funding of schools always lags a few months behind expenses. This is why cash reserves are so important and is one of the factors qualifying RVC for its PPP loan. In addition, in Marin the County Office of Education takes weeks to turn government revenue over to charter schools, adding another few weeks of delay. RVC only accrues this income once a year on June 30. So, throughout the year, RVC shows a negative income, and in April 2020 it was -\$267,722.70, as is shown on the balance sheet in the Exhibit. But on June 30, 2020, \$352,914.23 of governmental income was accrued.

The general claim of this section is that RVC cannot service its debt. But the six-year cash flow forecast tells a different story. Included in this cash flow forecast are two short term loans, repaid with LCFF intercepts, to cover the state aid deferrals that are planned for next spring as well as an assumed second set of deferrals in the spring of 2022, a conservative assumption.

The consultant only makes four specific references to the cash flow forecast supplied to the District, two of which RVC has corrected above and two which RVC will correct below. As we have repeatedly pointed out in this response to the District's findings, making false claims, and then repeating them over and over again without any evidence, does not make them true. To credibly make the claim that RVC cannot service its debt, the District needs to provide some credible evidence that the RVC forecasted cash flow is incorrect. This it has failed to do.

2. Cash Flow/Deferrals

*District Finding: It is unusual to use the cash flow model to project loan payments that are not represented **in the budget as loan repayments**. RVC should ensure that except for temporary loans, long-term loan payments should be included in object codes 7438 – Principal and 7439 – Interest for full disclosure and for true evaluation of its debts and obligations. [Emphasis added]*

RVC Response: As was discussed in the introduction to this fiscal finding response section, charter schools, like other incorporated entities, code all loan principal repayments to the balance sheet, not to the income statement or budget

District Finding: ... totals should agree with prior year accruals for both accounts receivable and accounts payable. Currently, these amounts are not totaled and do not agree with prior year accruals. For example, total "Revenues – Prior Year Accruals listed in 2022-23 of \$785,798 do not agree with "Remaining Balance" in 2020-21 of \$717,908 – a difference of \$67,890.

RVC Response: The totals do agree from one year to the next but not skipping a year. The Remaining Balance for 2021-22 is \$785,797. And Revenues – Prior Year Accruals for 2021-22 total \$717,908.

This is emblematic of the lack of care taken in the District's findings.

3. Enrollment/ADA

District Finding: However, because the number of students enrolled by RVC is low, a drop in enrollment, even negligible, creates a large variance in projected LCFE revenues and additional pressure for cash management.

RVC Response: RVC has steadily grown in enrollment every year in its four year history, from 144, to 165, to 193, to 203, a 41% increase at a time when the total enrollment of public school students in Marin County has declined by 6%. We have done this by offering a social emotionally and academically rich environment to students.

If ADA does not meet forecasted levels, RVC is prepared to make expense reductions to maintain a positive operating income so it can continue to build its reserves. Both Mr. Hickey and Board Chair Sagar were on the RVSD school board during the last recession when \$2,000,000 was cut from the District budget through a collaborative process with staff and parents.

4. Fundraising and Grants

District Finding: Fundraising and local grants are not guaranteed income sources. During times of fiscal instability and/or downturn in the economy, these types of revenue sources decrease in amount. Best practice is to budget these revenues when award letters are obtained.

RVC Response: The District budgets over \$800,000 a year over the next three years from YES revenue to pay for its tenured employees so it does not follow this so-called best practice. It is hard to make a credible finding when RVC budgets similarly to the District practice.

District Finding: In 2021-22, donations increase to \$208,240, or 8.3% of revenues which is not reasonable.

RVC Response: These donations are projected to come from family giving. RVC is projecting an ADA of 211 for 2021-22, and \$208,240 represents \$987 per ADA. In its first three years RVC has raised \$1,095, \$1,104 and \$987 per ADA. The amount budgeted is entirely reasonable.

5. Salaries and Benefits

District Finding: It is noted that RVC relies upon contract services far more than employees for its educational program.

RVC Response: This is another absurd statement, and has no basis in law or fact as a reason to deny the charter renewal petition. In 2021-22 RVC is budgeting \$1.6 million in compensation and benefits. The only contracted services for its educational program is \$54,968 for special education contractors. The \$120,000 budgeted for After School Enrichment Program contracted services is not part of the school's educational program.

6. Insurance

District Finding: Property, liability and workers' compensation insurance amounts are likely to increase as a result of the COVID pandemic and wildfires throughout California.

RVC Response: Property and liability insurance are budgeted to increase 6% per year every year through 2026. If Workers Compensation costs go up this will not have a material effect on the forecast.

7. Books and Supplies

District Finding: Classroom supplies and the additional need for Personal Protective Equipment ("PPE") as students and staff return to hybrid learning or in-person learning is not sufficiently represented in the budget forecast model for at least the 2021-22 school year. In fiscal year 2021-22, RVC projects a nominal amount of \$76,768, or 0.03%, of the operating budget; and in fiscal year 2022-23, an amount of \$37,260, or 0.02%. Budgeting these expenditures at this low cost is unreasonable.

RVC Response: RVC spent 1.7% (\$33,534) in FY19 and 1.1% (\$23,609) in FY 20 on Books and Supplies, and still outperformed the District academically. For 2020-21, RVC is budgeting an additional \$35,000 for PPE supplies in account 5100 and \$25,000 for hybrid learning supports in account 5101 to track them separately for Federal reporting and one-time expenditure tracking. The budget assumes that by August of 2021, distance learning will have ended.

8. Operating Expenditures and Services

District Finding: Services and other operating expenditures represent a significant and unusual portion of the overall operating budget demonstrating the need to rely upon outside services for several aspects of the business operations.

RVC Response: Claims in this section are duplicates and have already been responded to in items 5 and 7 above.

9. Reserves

District Finding: While this [reserve level of 12.7%] is above the required percentage levels, this amount represents cash and noncash items and does not set aside the required Reserve for Economic Uncertainty. Of this amount, \$106,012, or 5%, must be set aside for the Reserve for Economic Uncertainty and cannot be spent.

RVC Response: Again, the District's charter school financial expert reveals her unfamiliarity with charter school financial requirements. Charter schools have no requirement to set aside 5% for Economic Uncertainties as do school districts. For a three-year-old school, a 12.7% reserve is an outstanding achievement.

10. Americans with Disabilities Act Compliance

District Finding: RVC has been informed that its facility must comply with Americans with Disabilities Act ("ADA").

RVC Response: We have satisfied the request from our authorizer for ADA barrier removal upgrades on our campus.

11. Volunteer Business Official

District Finding: According to the narrative statement, the volunteer Business Official states that he has the requisite experience to manage RVC. While the evidence indicates that he has private sector financial management experience, California school finance is uniquely different.

RVC Response: As we have seen, charter school accounting in California likely has more in common with private sector accounting than with the arcane labyrinth of the California School Accounting Manual. Therefore, Mr. Hickey's private sector management and accounting experience managing an \$8 million a year IT business for 25 years is a strong asset for the Charter School. Additionally, Mr. Hickey is familiar with district school accounting from his six years of service on the Ross Valley Elementary District Board, which included graduating from the CSBA Master's in Governance program and attending several CBO trainings presented by CASBO. He also graduated from the Association of California School Administrators ("ACSA") 20-day School Business Academy in 2013 as well as the ACSA 14 day Superintendents Academy in 2014.

Contracting out back office work is a very common practice by charter schools. EdTec has more than 350 charter school clients. EdTec's 17 years of experience building efficient and strong financial control policies and procedures are reflected in the fact that in RVC's first two years, there were no exceptions, findings, or adjustments in its annual audit.

Beginning with the 2021-22 school year, EdTec will add to its responsibility budgeting and financial reporting, which is why the fees are increasing by 53%, not doubling as falsely claimed in the District report.

12. Conflict of Interest

<i>District Finding: The conflicts of interest, as described above, demonstrate that RVC is demonstrably unlikely to successfully implement its program.</i>
<u>RVC Response:</u> The Charter School responded to unproven allegations of conflicts of interest above, in detail.

C. The Petition Does Not Contain Reasonably Comprehensive Descriptions Of The Required Charter Elements

1. Element 1 – Educational Program

<i>District Finding: ... the Petition only contains several brief and broadly-worded paragraphs regarding the COVID-19 pandemic and distance learning, and the description of how the educational program has been changed is not specific.</i>
<u>RVC Response:</u> The RVC charter renewal petition seeks authorization for a term to start on July 1, 2021. With breakthroughs in a COVID-19 vaccine, there remains a reasonable likelihood that California public schools will be back to in-person instruction in 2021-22.
RVC’s COVID-19 distance learning plan documents were created after the submission of the petition in early August. Attached as Appendices D and E, please find RVC’s Learning Continuity Plan and our School Site-Specific Protection Plan as relevant documents regarding our Educational Program during these unprecedented times.

2. Elements 2/3 – Measurable Student Outcomes/Methods of Measurement

<i>District Finding: However, RVC’s description of the measurable pupil outcomes and methods of assessment for addressing and improving student absenteeism is both vague and inadequate.</i>									
<u>RVC Response:</u> RVSD staff claim that RVC’s suspension rate was “higher than those of the District.” The Dashboard does not lend itself to comparing apples to apples suspension rates. Rather it’s a metric of a change in suspension rate, so having gone from zero suspensions to two (total) is what led to this indicator The district’s claims are unfounded. They could have instead used publicly accessible data on Ed Data (https://www.ed-data.org/) before making this claim. If they had, RVSD staff would find that in the two years of available data RVC actually had a lower suspension rate (having zero suspensions) than all RVSD schools in our first year. In our second year (with two total suspensions) our rate was much lower than two RVSD schools and comparable to the rest.									
Suspension Rate Comparison Schools									
<table border="1"> <thead> <tr> <th></th> <th>2017/18</th> <th>2018/19</th> </tr> </thead> <tbody> <tr> <td>RVC</td> <td>0%</td> <td>0.6%</td> </tr> <tr> <td>Manor</td> <td>1.8%</td> <td>0.3%</td> </tr> </tbody> </table>		2017/18	2018/19	RVC	0%	0.6%	Manor	1.8%	0.3%
	2017/18	2018/19							
RVC	0%	0.6%							
Manor	1.8%	0.3%							

Hidden Valley	1.8%	0.6%
Brookside	2%	2%
Wade Thomas	4%	5%

Suspending a student from school is a decision we take seriously and we do so only when other options have been exhausted and it is necessary for a particular situation.

District Finding: ... the Petition commits RVC to achieving an absenteeism rate in relation to the State average but makes no mention of whether it will achieve absenteeism rates comparable to those of the District, which is significant because RVC serves families residing in the District's community.

RVC Response: Regarding Chronic Absenteeism, we did highlight this as an area of needed growth in our renewal petition. While RVSD would like to compare us to their schools, it's important to note key differences in our student populations. As outlined in the petition our student population more closely resembles that of Marin County than the district (San Anselmo was recently found to be the least diverse community in the entirety of the Bay Area (<https://www.sfchronicle.com/bayarea/philmatier/article/Suburbs-top-list-of-most-and-least-diverse-cities-13553426.php>)). Our parents face greater challenges that get in the way of attendance, namely:

- Home proximity to school. While virtually all RVSD students live within a couple of miles of their schools, we have families who commute from the larger county and communities further afield. This leads to increased absences due to travel related events.
- High rate of families who are housing insecure. With many small districts in Marin, and most who have highly restrictive residency requirements, we attract families that move frequently. At RVC, they can reside anywhere in the State and not lose their child's spot in our school. There is a strong correlation between children who lack secure housing and attendance.
- High rate of families who previously enrolled in a program, Heartwood/WISE, with loose attendance requirements. As families have transitioned from that program to RVC, we have found that for some regular attendance was not a priority.
- Related attendance challenges to our significantly higher percentage of low-income families.

Addressing chronic absenteeism is a complex problem as there are unique circumstances for each family. We regularly review student attendance and make direct contact with each family to address the challenges they face. The solutions are not as simple as the district is implying. Our solutions are as varied as the circumstances, but some examples are providing counseling, sending regular attendance reminders, helping to find resources for secure housing, connecting with transportation alternatives (we recently secured a grant to provide free busing to our low-

income families; we also had a car donated to a family), and creating a school culture that promotes consistent attendance.

In our holistic approach we know and see the importance of addressing both the issues of student discipline and attendance to better support the needs of our students.

3. Element 5 – Employee Qualifications

District Finding: According to the Petition, the position of School Director – which is the equivalent of a school principal – is not required to hold any credential.

RVC Response: As the District is well aware, there are no legal requirements that mandate a charter school leader to hold a particular credential. Accordingly, this is an impermissible basis to deny the charter renewal petition. That being said, our current director does hold an Administrative Credential in the State of California.

4. Element 6 – Health and Safety Procedures

District Finding: The Petition does not provide a copy of RVC's school safety plan as expressly required by Education Code section 47605(c)(5)(F)

RVC Response: The District plainly misinterprets the clear language of the statute. A charter petition must contain a reasonably comprehensive description of the contents of its School Safety Plan. RVC has done this. Accordingly, this is an impermissible basis to deny the charter renewal petition.

Attached as Appendix F, please find the Charter School's School Safety Plan. RVC would have been glad to provide it to RVSD, had the District simply asked, either individually or among its numerous records requests.

5. Element 10 – Suspension and Expulsion Procedures

District Finding: The Petition does not provide or describe any rights or procedures to appeal a suspension, which is problematic given that its suspension rates are higher than those of the District as described above.

RVC Response: There is no legal requirement for a charter school to maintain a suspension appeal process. Accordingly, this is an impermissible basis to deny the charter renewal petition.

D. Academic Performance

District Finding: As a preliminary matter, it must be noted that RVC's failure to timely open the charter school in 2016 has directly led to a lack of complete and adequate academic assessment data.

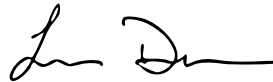
RVC Response: RVC was forced to delay operation for one year only because the District refused to rent a vacant property, as the Charter School pursued and preferred not to use the Prop. 39 process to secure a facility.

We have provided verifiable, relevant, and widely accepted data, in the form of California Assessment of Performance and Progress (“CAASPP”) and California School Dashboard data, that can be compared to local schools to show year over year growth in our renewal petition. The changes to renewal criteria brought by AB 1505 came so late, particularly as exacerbated by school closures due to COVID-19, that RVC could not have turned back the clock to go back in time and implement another verified data assessment system. If RVSD cannot accept the State’s own data, we are at a loss as to which data the District would find acceptable.

* * *

Ross Valley Charter School looks forward to any additional questions from the District or its Board of Education, and collaboration with your office regarding its charter renewal petition. Should you wish to discuss our responses to any of the above findings or require additional information, please do not hesitate to contact me at luke.duchene@rossvalleycharter.org or 415-534-6970 anytime.

Sincerely,



Luke Duchene
Director & Lead Petitioner

APPENDIX A

Conn Hickey Cell Phone Logs Regards Phone calls with Westamerica Bank Customer Service Personal in April and May 2020

- 4-3 13 min I called to start the application process by phone and provided my contact info to be informed when applications would be open
- 4-6 21 min Bank personnel explained in detail how the application process was going to work and that the web site would have the application available at any moment
- 4-8 3 min I called to express frustration that could not get in despite trying every 15 minutes
- 4-9 1 min I called to report success in applying
- 4-14 1 min I called inquiring on status of application as money was starting to run out according to national news
- 4-21 4 min I called again to ask if the loan had been approved. Evidence that I had not seen the 4-19 counteroffer email until 4-23
- 4-24 7 min I called to ask whether the bank would participate in what looked like a new possible funding round.
- 4-28 3 min Bank called letting me know RVC had a loan number and that I should look for an email confirming that.
- 5-1 3 min I called the bank to confirm having received the 4-29 email announcing the granting of the loan.

APPENDIX B

From: [Conn Hickey](#)
To: [SBA Lending](#)
Subject: Re: Paycheck Protection Program Loan Application – Information Request #12494090
Date: Thursday, April 23, 2020 10:27:22 AM

Dear Westamerica

We accept your counter offer.

Conn Hickey
Business Official
Ross Valley Charter

On Sun, Apr 19, 2020 at 9:52 AM SBA Lending <SBA.Lending@westamerica.com> wrote:

We received notification from the Small Business Administration that the SBA CARES Act Paycheck Protection Loan program funding limits were reached on Thursday, April 16, 2020 and they are no longer accepting applications.

Westamerica will continue processing and preparing submitted applications.

In the event the program receives additional funding and program rules and guidance allow us to do so, we will resume submission to the SBA for loan guaranty and approval.

We have received your application for processing and data verification. Your business appears to meet the criteria for a PPP loan, however we need additional information from your business to complete our processing:

Documentation submitted with your application supports a maximum loan amount of:
\$270,653.00.

You may accept this loan amount or you may complete the attached Payroll Calculation Worksheet and return to us with corresponding documentation of 2019 payroll.

- If this loan amount is acceptable to you, please respond to this message stating the reduced loan amount is acceptable. We will proceed with our processing.
- You may complete and submit the attached Payroll Calculation Worksheet which shows your calculations of your original loan request. Respond directly to this message requesting an additional review with the completed worksheet and corresponding documentation of 2019 payroll.

If you would like to submit documents containing non-public information via a secure document portal, please notify us by replying to this email and we will send you a link.

The Paycheck Protection Program is administered by the SBA and is limited to an authorized funding amount as designated by the federal government. The SBA has indicated that loans under the Paycheck Protection Program will be made available on a first come, first served basis. Given the limitations on SBA authorized funding and the significant volume of applications already submitted to Westamerica Bank and other lenders, not every qualified applicant will receive loan proceeds under the program.

Sincerely,

Westamerica Bank

1 (800)848-1088

The Federal Equal Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of age (provided the applicant has the capacity to enter into a binding contract); color, religion, national origin, sex, marital status; because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning Westamerica Bank is: Federal Reserve Consumer Help Center, PO Box 1200, Minneapolis, MN 55840.

APPENDIX C

Stepping down as Treasurer

email: "conn.hickey@rossvalleycharter.org Conn Hickey"
Bcc: email: "RVBoard@rossvalleycharter.org RVC Board google list"

Monday, October 14, 2019 at 12:39:15 PM Pacific Daylight Time

To avoid the appearance of a conflict of interest due to my now being a half-time EdTrec employee, I will soon be resigning as treasurer/CFO and check signer.

I will continue to code and provide backup for invoices and deposits as a volunteer, but Luke will replace me as an approver for payment.

I will continue to prepare forecast revisions but this meeting tonight will likely be my last as presenter and sitter on the dais.

I will continue to attend as an audience member.

Call me if you have any questions about this or the forecast.

Conn Hickey
Treasurer and CFO
Ross Valley Charter

My resignation as Treasurer of RVC.

email: "conn.hickey@rossvalleycharter.org Conn Hickey"
To: email: "RVBoard@rossvalleycharter.org RVC Board google list"

Tuesday, November 12, 2019 at 1:56:00 PM Pacific Standard Time

Dear Board

I have been privileged to hold the position of Treasurer of Ross Valley Charter as a volunteer for over five years.

It is now time for me to resign from that position and this is my official letter of resignation which is effective immediately.

I will no longer be authorized to enter Ross Valley Charter into contracts and I will no longer be signing checks.

I will continue my role as volunteer accountant and financial forecaster. As a volunteer accountant I will continue to code accounts payable transactions and revenue transactions. I will also continue to review payroll for coding accuracy and to be a third pair of eyes for accuracy. I will continue doing the financial forecasting work and in that capacity will continue to work with outside entities interested in our budget like the CDE and Pacific Charter School Development Corporation. I will be an audience member at board meetings rather than sitting at the board/officer table at board meetings.

Luke and Sharon will approve invoices and check requests for payment by EdTec and will sign any manual checks.

Whenever the next board meeting is held, you will need to elect a new treasurer and authorize that person to be a third check signer.

It has been my pleasure to serve as an officer of this exceptional organization.

Conn Hickey
Accountant
Ross Valley Charter

California Department of Education, July 2020

APPENDIX D

Learning Continuity and Attendance Plan Template (2020–21)

The instructions for completing the Learning Continuity and Attendance Plan is available at <https://www.cde.ca.gov/re/c/documents/lrngcntntvathndrcpln-instructions.docx>.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Ross Valley Charter	Luke Duchene School Director	(415) 484-0816 luke.duchene@rossvalleycharter.org

General Information

[A description of the impact the COVID-19 pandemic has had on the LEA and its community.]

The 19-20 Spring closure required school staff to reconfigure the program—operations, instruction, systems of support—for unprecedented societal challenges and remote format and with attention to the unique needs of this time. We are a multi-age, inquiry-based learning school and it was important for us to maintain those elements of our program in distance learning. We designed a program with those elements in synchronous and asynchronous learning. We utilized paper packets for TK-1 and online programming for grades 2-5. The circumstances and rapidity of the closure made it important for us to continually seek feedback and refine the program to ensure that we met the needs of our students for flexibility, engagement, clarity, and individualized supports. Through one-on-one communication, community meetings (online), and surveys we found that the Shelter-In-Place order had a significant impact on all of our families. Each family, however, was impacted in their own unique way. Common impacts were: limited time available to provide support for students in their classroom; reduced incomes leading to stresses at home including missed rent/mortgage payments, and increased food insecurity; and increased social emotional needs of children. We began addressing the needs of our families immediately upon closure by providing Chromebooks and Wi-Fi hotspots as needed, providing school lunches for families, providing daily teacher office hours to parents and students and targeted one-on-one supports, and connecting students to community resources. We are proud of the speed with which we were able to mobilize and continue serving our students and families, but we have all felt the impact and constraints and long to return to in-person programs and an end to the pandemic. We worked through the summer to reflect on our experience in the spring, monitor conditions and guidance, and develop flexible plans to implement our school programs effectively whether in-person, hybrid, or remotely and to attend to the unique needs of our school community in the pandemic.

Stakeholder Engagement

[A description of the efforts made to solicit stakeholder feedback.]

Parents

We sought input from parents through surveys and meetings. We surveyed parents in early June and again in early July on preferred options for reopening. We sent out a Family Educational Model Choice Form in late July to decide between in-person Hybrid Learning and Distance Learning. We held separate Outdoor Classroom Meetings to develop options to learn outside for maximum airflow. We held weekly parent meetings virtually through June and the first three weeks of July.

Students

We received student feedback through teachers and parents throughout Spring and Summer.

Teachers and other staff

We received input from teachers and other staff through weekly meetings and surveys.

[A description of the options provided for remote participation in public meetings and public hearings.]

We conducted public meetings and public hearings through Zoom video-conferences with phone call-in options. We promoted participation through our bi-weekly newsletters in addition to our agenda posting procedures. We provided live translation as needed at the meetings and translated our written communications in Spanish and English.

[A summary of the feedback provided by specific stakeholder groups.]

Parents

Parents expressed the need for both structure and flexibility—they felt their children need structure in order to learn, but as parents they need flexibility in order to work. In surveying regarding preference for reopening models, 70% said they prefer in-person and 30% preferred distance learning. For in-person planning, we did a poll on preferences for full cohorts for a full week (up to 24 students) or half cohorts at a time. 60% preferred half-sized. In terms of the distance learning program, we learned that our parents were overwhelmed by multiple platforms and that they don't want their students on screens all day long.

Students

We learned from our students that our English learners need more support. In general, students prefer less screen time and more paper/pencil work. Students shared that they need all their resources in one place to learn. Students relayed that they are missing their connections with peers and want more opportunities for collaboration.

Teachers and other staff

Teachers and other staff expressed concerns about how best to support our English Learners and those students who were not engaging. They shared that they felt overwhelmed and over-extended, and that the amount of time and effort they were putting into the work was not sustainable. They expressed the need for more structure in the program. They also needed more planning and time to contact families/students.

[A description of the aspects of the Learning Continuity and Attendance Plan that were influenced by specific stakeholder input.]

We considered all stakeholder feedback in creating our plans for reopening. We selected the Hybrid Model for our in-person instructional option, with a commitment to adapting the model over time, and the goal of adding students and more days if and when it is safe to do so. This model aligns with overall parent preferences. The distance learning model will be offered to all that need it. In our distance learning model for 20-21, we are limiting the number of separate online accounts for different programs so as not to overwhelm students/families. We also aim to minimize screen time by providing more asynchronous time in the schedule. Our plans were created based upon feedback and science. We listened to our families, we listened to our teachers, and we listened to our Public Health Officers. Our model is the result of balancing all of these factors. No model was ideal for our families and staff. What we did find though is that most want us to open, and most want us to do so cautiously. We are committed to continuing to solicit and respond to stakeholder input.

Continuity of Learning

In-Person Instructional Offerings

[A description of the actions the LEA will take to offer classroom-based instruction whenever possible, particularly for students who have experienced significant learning loss due to school closures in the 2019–2020 school year or are at a greater risk of experiencing learning loss due to future school closures.]

Ross Valley Charter's Initial In-Person Model

Based on public health guidance, we are opening our school in a distance learning model. We have developed a detailed plan well informed by stakeholder input for our initial in-person instruction to be implemented based on public health guidance.

Schedule

The initial in-person model features half-sized cohorts attending two days in-person and three days of distance learning each week. We will offer a comprehensive program. Each class will be divided into two cohorts (about 12 students each) and they will attend on different days.

For example:

Cohort A: In-Person (at school) Monday and Tuesday; Distance Learning Wed-Friday

Cohort B: Distance Learning Monday-Wednesday; In-Person (at school) Thursday and Friday

We will do our best to place students in classes based upon the choices parents made on the survey. We are committed to adapting this model over time. We will review the model and make adjustments over time. For example, if we find that we can with relative safety increase the cohort size and/or increase the amount of in-person instruction we will. Once we start with in-person instruction, we will review on an ongoing basis to see what changes we need to make.

Health and Safety

We have created outdoor classroom spaces so our students can learn outside as much as possible. We created an Outdoor Classroom Committee that worked throughout the summer to create comfortable spaces for students to learn, with shades, trees, and vegetation.

- We will follow all health and safety guidelines established for Marin County. We created a COVID-19 School Site-Specific Protection Plan based on County guidance. We created a task force to develop the plan and then to meet regularly to monitor implementation and adjust the plan as needed based on stakeholder input. We conducted a walk-through assessment of the campus to inform the plan. Plan components:
- signs posted at entrances listing conditions for entry (no symptoms, maintaining 6-foot distance, face coverings as appropriate, etc.)
 - procedures and routines for handwashing, appropriate face coverings, access to personal protective equipment (PPE)
 - training for staff, students and parents on health and safety practices and protocols
 - designated staff point people to serve as liaison for health and safety plan and concerns.
 - intensified cleaning and disinfecting
 - health screening procedures
 - expectations for staying home when sick and isolation area for students beginning to show symptoms to stay until pick up
 - limiting access for non-essential visitors
 - testing strategy in coordination with Public Health
 - plans for communications around test results, exposure, or symptoms
 - physical distancing guidelines, classroom arrangements, and routes for movement, entry and exit to campus.
 - cohort groupings
 - coordinated schedules for arrivals and breaks
 - maximized and coordinated use of outdoor space
 - maximized air flow indoors
 - maximizing physical activities that require less contact with surfaces, and cleaning of shared equipment in between uses
 - meals served outdoors when possible
 - limited sharing of supplies and materials for learning and recreating and individually labeled spaces for storing student-specific supplies

Distance Learning Option

We will offer distance learning for all that need it, no matter what. We are dedicated to having a distance learning model that is as robust as our resources will allow. Depending upon the number of students who are in full-time distance learning, some of our classroom teachers will focus solely on distance learning, while the others will focus on their in-person/distance learning cohorts. Families who choose to start with distance learning will stay with distance learning for the first 6 weeks. If there are families who want to move to in-person learning after that time this will be allowed depending upon space availability in the classrooms.

Actions Related to In-Person Instructional Offerings [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Purchase supplies to ensure school meets health and safety guidelines (face shields or masks, handwashing stations, cleaning supplies, thermometers, etc.)	\$25,000	N
Shades, trees, vegetation, and landscaping work to create welcoming outdoor spaces to learn	\$15,000	N
Port-o-potties	\$10,000	N

Distance Learning Program

Continuity of Instruction

[A description of how the LEA will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery, including the LEA's plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.]

Beginning the School Year

Based on public health guidance we have opened in a distance learning model and will monitor guidance to see when we may be able to begin offering in-person instruction. When and if we transition to an in-person model, we will continue offering a distance learning option.

Continuity of Instruction

Whether in distance learning or in-person, we will utilize the same curriculum and schedule, providing continuity of learning for students and bringing clarity and coherence of program for all stakeholders. The program includes Social Emotional Learning through morning meetings, enrichments, and choice activities.

Intervention and Learning Loss

Teachers are building in individual and small group intervention times in order to address learning loss and support students with unique needs. Our reading intervention teacher is supporting English learners and students with learning loss. We have coordinated with a local daycare - Fairfax San Anselmo Children's Center- to arrange for support with distance learning for students in need of child care.

Schedules

Below are two typical schedules. The first is for our younger students and the second is for our students in the first/second grade class and above. We have created a Distance Learning website where parents and students can access weekly schedules and links to Zoom.

TK/K + K/1 Typical Class Schedules

Typical Monday - Friday Schedule					
	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 - 9:30	Morning Meeting on ZOOM				
9:30 - 10:30	Whole Class Readers' Workshop With small group instruction and independent offline work				
10:30 - 11:00	Snack Break Get moving and eat something healthy				
11:00 - 12:00	Live Math Class (25-30 minutes) Independent work with teacher available	Live Math Class (25-30 minutes) Independent work with teacher available	Enrichment Class	Enrichment Class	MATH Games
	Lunch Break Get moving and off the screen				
12:00 - 12:45	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity
12:45 - 1:30	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity	Choice Offline Activity
1:30 - 2:00	Closing Meeting / Read Aloud on ZOOM	Closing Meeting / Read Aloud on ZOOM	Enrichment Class	Closing Meeting / Read Aloud on ZOOM	Closing Meeting / Read Aloud on ZOOM
	Independent Reading Task	Independent Reading Task		Independent Reading Task	Independent Reading Task
2:00 - 2:15	Independent Reading Task	Independent Reading Task		Independent Reading Task	Independent Reading Task

1/2 + 2/3 + 3/4 + 4/5 Typical Class Schedules

Typical Monday - Friday Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 - 9:30		Morning Meeting on ZOOM			
9:30 - 10:30		Readers' Workshop ZOOM With breakout rooms			INQUIRY CHOICE
10:30 - 11:00		Snack Break Get moving and eat something healthy			
11:00 - 12:00	Live Math Class ZOOM	Independent MATH Missions	Live Math Class ZOOM	Independent MATH Missions	MATH GAME CHOICE
12:00 - 12:45	Lunch Break Get moving and eat the scope				
12:45 - 1:30	Learning Missions	Learning Missions	Art ZOOM	Learning Missions	PE ZOOM
1:30 - 2:00	Closing Meeting / Read About on ZOOM				MUSIC ZOOM
2:00 - 2:15	Independent Reading Task				

Notes:

- TK/K students have the same starting and ending times as the rest of the students, but their workload will be reduced to a level that is appropriate for those ages.
- Schedules will be adapted as needed, and parents are encouraged to work with the teachers to address any unique needs.
- We will have Art, Music, and PE starting after the first few weeks. These classes will be scheduled times with these teachers.

Curriculum and Resources

Core Curriculum:

- SFUSD Math
- Lucy Caulkins Readers & Workshop -ELA
- Engineering is Elementary
- Mystery Science
- Teacher-created materials for Social Studies
- Google Suite for Education

Reading A to Z (online leveled readers)

Seesaw

EPIC

Access to Devices and Connectivity

[A description of how the LEA will ensure access to devices and connectivity for all pupils to support distance learning.]

We conducted a survey to determine technology needs of our students. We provided Chromebooks to all students as needed. For those families without connectivity, we are helping them apply or find connectivity (for instance, Marin library hotspot program). We will ensure that 100% of our families have devices and connectivity.

Pupil Participation and Progress

[A description of how the LEA will assess pupil progress through live contacts and synchronous instructional minutes, and a description of how the LEA will measure participation and time value of pupil work.]

Our schedules have approximately 2-3 hours of daily synchronous class time. Teachers will take attendance through our SIS system for daily synchronous instruction. Credentialed teachers will determine the time/weight value of assignments designated for the asynchronous learning. We will maintain weekly engagement records.

Distance Learning Professional Development

[A description of the professional development and resources that will be provided to staff to support the distance learning program, including technological support.]

We have conducted extensive professional development in order to prepare our teachers to teach effectively in the distance learning format. We engaged in regular professional development during the spring physical school closures as we worked to quickly transition to distance learning and then to refine our program in response to stakeholder input. We added two days to our usual summer professional development to devote additional time to preparing for the distance learning program. We are continuing with weekly staff meetings where support and collaboration for distance learning will continue.

Distance Learning P.D. Topics:

-Zoom

-Seesaw

- Google Classroom
 - Peardeck
 - Nearpod
 - Trauma-informed instruction
 - Social Emotional Learning
- Instructional coaching continues in the distance learning format, with the school director observing classes daily to provide a strong feedback loop for teachers. Teachers will receive an observation once a week during a synchronous time period and have the opportunity to reflect and plan during instructional coaching meetings.

Staff Roles and Responsibilities

[A description of the new roles and responsibilities of affected staff as a result of COVID-19.]

We have trained our office staff to provide technology support to families and students.
Our teachers in PE, Music, Art have adapted roles to include regular check-ins with students around their subjects and for added connection & academic support for our students.

Supports for Pupils with Unique Needs

[A description of the additional supports the LEA will provide during distance learning to assist pupils with unique needs, including English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness.]

Special Education

We aim to mirror the in-person environment as much as possible for our students with IEP or 504 plans. We are providing services via Zoom, providing resources for families, and bringing students in for assessments as needed. Our classroom aides continue to support with one-on-one services.

English Learners

English learners continue to receive Integrated and Designated ELD. Teachers embed Integrated ELD strategies into their class instruction, and Designated ELD occurs during independent student work time. We are also providing resources for families. We are exploring ways to provide in-person instruction and collaborating with staff at Children's Center to support our students, including English learners, who are attending this local community childcare provider.

Students in Foster Care and Students Experiencing Homelessness

Our Counselor & Family Outreach Coordinator are the primary staff members who monitor the progress and coordinate supports for our students in foster care and any students experiencing homelessness. As needed, we utilize a Student Support Team (SST) process that brings together a team to create a plan for intensive supports.

Actions Related to the Distance Learning Program [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Provide individual classroom supply kit for each student to reduce cross contamination and support individualized learning needs	\$8000	N
Purchase additional technology so every student has a device and connectivity (Chromebooks & management licenses, hotspots)	\$20,000	N
Online learning platforms to support distance learning management: Zoom, Seesaw, Google Classroom, Peardeck, Nearpod	\$1000	N
Family Outreach Coordinator	\$16,000	Y

Pupil Learning Loss

[A description of how the LEA will address pupil learning loss that results from COVID-19 during the 2019–2020 and 2020–21 school years, including how the LEA will assess pupils to measure learning status, particularly in the areas of English language arts, English language development, and mathematics.]

We will identify learning status and monitor progress through a system of curriculum-based assessments. All students will be assessed at the beginning of the year (via Zoom or on-campus). We continue with the assessments for a total of 4 times across the year – prior to every reporting period. Content areas assessed include Math, ELA, and ELD. Results are used to inform individualized learning plans for students.

Pupil Learning Loss Strategies

[A description of the actions and strategies the LEA will use to address learning loss and accelerate learning progress for pupils, as needed, including how these strategies differ for pupils who are English learners, low-income, foster youth, pupils with exceptional needs, and pupils experiencing homelessness.]

A critical part of our strategy in addressing learning loss is considering students' basic needs, like food and shelter, and providing support to families when needed to address those needs. In terms of academic strategies, we implement an assessment review cycle where teachers and leaders analyze assessment results after each administration and refine the individualized learning plan for each student. Supports to address learning loss include 1:1 or group support, providing resources/materials to families, counseling referrals or connections to community partnerships. The practice of creating individualized learning plans for all students allows for supports to be differentiated

according to every student's unique needs, including specific components of a student's IEP, or support for English Language Development, in addition to supports to address social-emotional well-being, mental health, and other basic needs.

Effectiveness of Implemented Pupil Learning Loss Strategies

[A description of how the effectiveness of the services or supports provided to address learning loss will be measured.]

We will measure the effectiveness of our strategies for addressing and preventing learning loss by reviewing the progress of students on assessments and based on feedback from teachers, parents, and students.

Actions to Address Pupil Learning Loss [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing Interventionist
	\$28,000	N

Mental Health and Social and Emotional Well-Being

[A description of how the LEA will monitor and support mental health and social and emotional well-being of pupils and staff during the school year, including the professional development and resources that will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.]

Social Emotional Well-being

We have Morning Meeting daily to provide students with relational and fun activities. We utilize the Mind Up Social Emotional Learning (SEL) curriculum with all grades. In distance learning, it is part of our asynchronous instruction. We also utilize our enrichment classes as a means of promoting connection in addition to learning the content of the subjects for PE, Music, and Art.

Mental Health

Our School Counselor communicates with staff, parents and students in order to identify needs for one-on-one social emotional support. Full-time staff can access mental health supports through their health insurance.

Pupil and Family Engagement and Outreach

[A description of pupil engagement and outreach, including the procedures for tiered reengagement strategies for pupils who are absent from distance learning and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English,

when pupils are not meeting compulsory education requirements, or if the LEA determines the pupil is not is not engaging in instruction and is at risk of learning loss.]

We have some practices in place to support engagement of our students. We hold parent-teacher conferences at the start of the school year to form positive relationships and determine the best ways to support each child. We conduct surveys the find out about the experience, preferences, and needs of our families. We utilize a parent engagement application called ParentSquare to communicate easily with families in the mode and language of choice, with two-way communication functionality. Our Family Outreach Coordinator works with our Spanish-speaking families to make sure they have everything they need. We will hold a Back-to-School Night and a regular meetings in the afternoon/evenings for parents to meet with teachers. In addition to the foundation of practices in place to support strong engagement, we have established procedures for reengaging students who are not engaging in the distance learning program. Outreach is conducted in Spanish as needed.

Tiered re-engagement process:

- Phone call the day student is absent
- 3 absences – meeting with administrator to determine what help a family needs
- 6 absences – home visit or SST meeting in which a plan of support is created and monitored ongoing

School Nutrition

[A description of how the LEA will provide nutritionally adequate meals for all pupils, including those students who are eligible for free or reduced-price meals, when pupils are participating in both in-person instruction and distance learning, as applicable.]

We will provide school lunches through a weekly meal distribution during distance learning. When in-person, lunches will be served either indoors or outdoors by class.

Additional Actions to Implement the Learning Continuity Plan [additional rows and actions may be added as necessary]

Section	Description	Total Funds Represented	Contributing
Pupil and Family Outreach and Engagement	Counselor & Family Outreach Coordinator to provide support and outreach to students/families	under Distance Learning	Y

Pupil and Family Engagement and Outreach	ParentSquare to maintain communication with families, including translating communication into the family's home language	\$1,500	Y
School Nutrition	Weekly meal distribution	\$7,200	Y
Pupil and Family Engagement and Outreach	Staff dedicated to conducting family outreach and reengagement	\$22,000	N

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

Percentage to Increase or Improve Services	Increased Apportionment Based on the Enrollment of Foster Youth, English Learners, and Low-Income students
6%	\$94,517

Required Descriptions

[For the actions being provided to an entire school, or across the entire school district or county office of education (COE), an explanation of (1) how the needs of foster youth, English learners, and low-income students were considered first, and (2) how these actions are effective in meeting the needs of these students.]

The Ross Valley student population consists of about 20% English learners and 30% of students eligible for Free or Reduced Lunch. When determining the actions and services to implement under the increased/improved services requirement, we first considered the needs of our lower income students, English learners and foster youth. Within the Learning Continuity Plan, the actions/services marked as contributing to the Increased/Improved Services requirement are:

- Family Outreach Coordinator (75% of salary and benefits-- \$16,000)
- ParentSquare communication application (\$1,500)
- School Nutrition (\$7,200)

We employ a Spanish-speaking Family Outreach Coordinator who will work with Spanish-speaking families, whose students are at least 75% Unduplicated, to assist them in achieving the full benefits of a Ross Valley Charter education. The additional outreach she provides, and in Spanish as needed, increases parents' connection to the school and their understanding of the program and the resources available to them. We also utilize a parent engagement application, ParentSquare, which allows for frequent and two-way communication in a language of and method of choice between school and parents. The provision of school meals is a crucial service addressing the basic needs of our lower income students and removes a critical barrier to learning.

In addition to the actions and services being provided through the Learning Continuity and Attendance Plan, Ross Valley provides the following actions/services toward increasing/improving services for its low-income students, English learners, and foster youth:

- 1) We are providing additional support for RTI and EL learners and 75% of this is devoted to unduplicated pupils totaling \$24,000
 - 2) Our certificated staff (excluding staff described in item #1 above) spends 10% more of their time on unduplicated pupils compared to all students. 10% of certificated salaries and benefits = \$95,895
 - 3) Our school director spends 10% more of their time on unduplicated pupils compared to all students. 10% of certificated salaries and benefits = \$14,538
- These all total \$159,133, or \$64,616 more than RVC receives in Supplemental Grant funding.

Consider items in LCAP

[A description of how services for foster youth, English learners, and low-income students are being increased or improved by the percentage required.]

By providing additional support in Family Outreach, and in Spanish as needed, we are increasing access to the full benefit of our program to our Unduplicated pupils and strengthening the partnership between families and the school in support of student success. The provision of school nutrition addresses a basic need in order to increase students' ability to focus and engage in learning. Our parent communication application provides an additional avenue for communication and increases the options for communication to include phone, text, and email, two-way and in translation as needed. Additional support provided by support staff and administration ensures that our unduplicated pupils receive additional progress monitoring, communication, and support in order to ensure that they are thriving as students.

APPENDIX E

Ross Valley Charter

UPDATED 9/15/2020

COVID-19 School Site-Specific Protection Plan Guidance & Template

Guidance for Developing Your School's COVID-19 School Site-Specific Protection Plan (SSSPP)

1. Establish a multi-disciplinary Task Force (ie, teachers, custodians, school secretaries, para-educators, parents, students, and administrators) to develop and support this School Site-Specific Protection Plan who will meet regularly to monitor Public Health Information and adjust the plan based on input from all stakeholders as needed.
2. Perform a school site walkthrough with the Task Force of your campus, classrooms, multi-use rooms, and office spaces and use the protocols, guidance and best practices detailed in the Public Health Guided Return to Site-Based Classroom Instruction as a guide for conducting your assessment.
3. Develop and finalize your SSSPP and train staff before site-based classroom instruction begins.
4. Use the template below to create your own SSSPP by filling in the required details, based on your individual school site/school or district office, to mitigate the transmission of COVID-19, under the guidance of the Public Health Officer.
5. Finalize your SSSPP to distribute to staff and families and post on your school website. You may also post a copy at your school or office at a visible location, at or near the main entrance where students, staff and visitors can easily review it without touching the document, or post a Certificate of Completion (included below) with information on how to review the plan in its entirety online.
6. Post signs at each of the primary staff and student entrances to inform all students, staff and visitors that they should:
 - If you have COVID-19 symptoms, do not enter the facility;
 - Maintain a minimum six-foot distance from one another;
 - Sneeze and cough into a cloth or tissue or, if not available, into one's elbow;
 - Wear face coverings, as appropriate; and
 - Do not shake hands or engage in any unnecessary physical contact.

Templates for signs can be downloaded for use from the [Marin Recovers website](#).

Tools for Developing Your School Site-Specific Protection Plan

1. COVID-19 School Site-Specific Protection Plan (SSSPP) Template

The Marin County Office of Education is providing this template that can be used by any school or district in Marin to create their own School Site-Specific Protection Plan (SSSPP). It contains all of the standard content already written for you to re-open your school or school office and prompts you to "fill in the blank" where unique information is required in order to complete your SSSPP. The template has been reviewed and supported by Marin County's Public Health Officer.

2. School Specific Best Practices

The MCOE Rethinking Schools Task Force is monitoring updated guidance from the Center for Disease Control, the California Department of Public Health, the California Department of Education, and Marin County Public Health to support and promote emerging best practices to share with the school community in Marin. These best practices are based on alignment with local, state and federal guidelines in coordination with the county's Public Health Officer.

School or District Site Name	
Ross Valley Charter	
School Type (select one)	
<input type="checkbox"/> Traditional/Alternative Public School <input checked="" type="checkbox"/> Charter School <input type="checkbox"/> Private, Independent or Parochial	
School Task Force Members and Positions (ie teachers, custodians, secretaries, paras, parents, students, administration)	
Luke Duchene, School Director Sharon Sagar, Board Chair Jen Wolf, Receptionist and Lunch/Recess Aide Juana Cruz, Custodian Elizabeth Ellis, Office Manager All Classroom Teachers Merrell Maschino, Community Council Parent Laura Mans, Parent	
Public Health Liaisons and Contact Information (Primary and Secondary: Name, Email and Phone)	
Elizabeth Ellis, Office Manager, elizabeth.ellis@rossvalleycharter.org, (415) 534-6970 school Luke Duchene, School Director, luke.duchene@rossvalleycharter.org, (415)534-6970 school, (415) 484-0816 cell	
This COVID-19 School Site-Specific Protection Plan (SSSPP) was most recently updated on:	
9/5/2020	
Principal or Administrator	
Name: Luke Duchene	Title: School Director
Email: luke.duchene@rossvalleycharter.org	Phone Number: (415) 534-6970 school, (415) 484-0816 cell

I, Luke Duchene, certify that all staff and parents have been provided a copy of this SSSPP, which is posted on our school/district website, and that staff have received training as described in this SSSPP.

Signature: 

Date: 9/15/2020

Specific Control Measures and Screenings

Please provide as much detail as possible for how you intend to implement each guideline. If you need additional space, please provide an attachment.

- 1. All activities are consistent with and will adjust to changing applicable state and local Public Health Orders. A multi-disciplinary Task Force has been established to develop and support this School Site-Specific Protection Plan, who meet regularly to monitor and adjust the plan based on input from all stakeholders.

A multi-disciplinary Task Force of administration, teachers, staff, and parents was established to develop and support this SSSPP. Meetings began at the beginning of the summer and were conducted weekly. Further meetings are held regularly to monitor and adjust this plan based upon input from all stakeholders.

- 2. Health and safety practices and protocols are in place, including hand washing, appropriate face coverings, and access to essential protective equipment, and up to date student and staff attendance tracking.

Ross Valley Charter is supplied with standard Health and Safety Stations that include EPE and cleaning/disinfecting supplies. Health and Safety Stations will be replenished on a regular basis, either weekly and/or as needed. Stations include extra disposable face coverings for staff or students who may need them, gloves, face shields, disposable gloves, hand sanitizer, thermometers, cleaning and disinfecting spray bottles with paper towels. Isolation kits have also been provided which include EPE necessary to safely monitor a student who may develop potential COVID-19 symptoms during the school day while waiting to be picked up from school. Staff have been provided guidance on the use of protective equipment.

- 3. Training is provided to all staff, students and families reinforcing the importance of health and safety practices and protocols.

Training to reinforce the health and safety practices and protocols will be provided to all staff prior to the start of in-person instruction. Staff will receive training throughout the year when new/updated guidance from Public Health is released. Instructional materials outlining health and safety practices and protocols are provided and reviewed with staff and families.

Age and developmentally appropriate training for students, such as teaching children to avoid contact with one's eyes, nose and mouth, and use of a tissue to wipe their nose and to cough/sneeze inside their elbow, will occur as part of classroom self-help skills instruction. Staff will model and practice handwashing before and after eating, after coughing or sneezing, after playing outside, and after using the restroom.

- 4. A primary and secondary point of contact are established, identified, and trained at each school site to direct questions or concerns around practices, protocols, or potential exposure. These points of contact will also serve as a liaison to Public Health and contact information is identified in the School Site-Specific Protection Plan. (Points of Contact listed above).

Luke Duchene, Director, and Elizabeth Ellis, Office Manager, will serve as the primary and secondary points of contact respectively and serve as the Liaisons to Public Health. Any questions or concerns around practices, protocols, or potential exposure should be sent to the primary contact: Luke Duchene, School Director, luke.duchene@rossvalleycharter.org, 415-484-0816; or secondary contact: Elizabeth Ellis, Office Manager, elizabeth.ellis@rossvalleycharter.org, 415-534-6970.

- 5. Plans are implemented for intensified cleaning and disinfecting, including training for staff and access to cleaning supplies and essential protective equipment, and regular disinfecting of frequently touched surfaces.

Cleaning, sanitizing, and disinfecting schedules and protocols for Ross Valley Charter are based on CDC and CDHP guidelines have been designed. All staff will implement regular cleaning and sanitizing procedures throughout the day. Cleaning schedules are based on the age and needs of students served and instructional materials used. Staff will be trained on how to properly clean, sanitize, and disinfect classroom spaces, high touch areas, and surfaces in accordance with Public Health and CDC recommendations. Custodial staff will disinfect high touch areas in the breezeways, multiuse rooms, bathrooms and classrooms on a nightly basis. Playground equipment, tops of desks and tables, countertops and restrooms will all be disinfecting.

- 6. Health screening for students and staff are conducted as advised and updated by Public Health. On July 23, 2020 the Centers for Disease Control and Prevention provided updated guidance on screening K-12 students emphasizing that parents and caregivers must monitor their children for signs of infectious illness every day at home, and universal symptom screening for K-12 students is not required.

All staff will be required to respond to the following questionnaire before entering the classroom. This survey has health screening questions and you will be asked what school/classroom you are in for the day.

1. I affirm that I have been without fever for 24 hours without the use of fever-reducing medications and that I have not had symptoms of respiratory illness (cough, shortness of breath, or runny nose) in the past 24 hours. 2. I affirm that anyone that I live with or anyone that I have been in close contact with has been without fever (100.4 or above) for 24 hours, without the use of fever-reducing medication, and that they have not had symptoms of respiratory illness (cough, shortness of breath, or runny nose) in the past 24 hours. Staff are not required to have their temperature taken but are strongly encouraged to take it at home before leaving for work.

While a Daily Health Screening for students is not mandatory, in an abundance of caution and for the health and safety of all of our students and staff, it is vital that all parents/guardians keep children at home if they show symptoms of COVID-19 and/or if they have a fever. The child should not return to school until the fever has been gone for at least 24 hours without the use of medicine. Should the student arrive and exhibit any symptoms, they will be isolated in a predetermined isolation area. If the student is absent from school due to symptoms, the parent/guardian is requested to contact the school to report the absence reason, contact their healthcare provider, and monitor their child's symptoms.

- 7. Staff and students who are sick are expected to stay home and an isolation area is identified for students who begin to exhibit symptoms during the school day, until they can be picked up.

Describe placement of designated Isolation Area:

Should a student exhibit any symptoms during the school day, s/he will be isolated in the 'Living Room' isolation area. Parents/guardians are required to and must agree to pick up their child without delay if they are exhibiting symptoms of illness. If a parent is not able to be reached or is unable to immediately pick their child up, emergency contacts will be contacted to pick up the child. Each classroom has a specific isolation plan for their classroom which may include the isolation area, a safe area outside of the classroom, or having the symptomatic student remain in the classroom and all other students taken to another space on campus. Depending on the individual student and other students in the classroom, the staff will determine the most appropriate isolation location for the symptomatic student, preferably outside of the classroom.

Should a student, classroom, or school be required to quarantine, remote learning will take the place of site-based classroom instruction. Any necessary technology or equipment for students to access learning will be provided.

- 8. Schools and districts will cooperate with Public Health to support testing strategies to mitigate transmission of COVID-19, including testing for staff at the beginning of the school year, and then no less than once every two months. This may include testing of students with appropriate parental permissions obtained in advance. (Identify testing vendors, if applicable)

Staff have been provided information on how to register for testing. Staff will be notified of future testing windows and encouraged to obtain a test. Administration will work with staff that may require release time in order to be tested

9. Protocols, actions and template communications are in place for the following COVID-19 related scenarios (link: [Marin County Public Health Protocols & Communication Templates](#) for each scenario):
- A student or staff member either exhibits COVID-19 symptoms or has a temperature of 100.4 or above.
 - A family member or someone in close contact with a student or staff member tests positive for COVID-19.
 - A student or staff member tests positive for COVID-19.
 - A student or staff member tests negative for COVID-19 after symptoms or confirmed close contact.

The following Exposure Protocols for all staff and students will be implemented. Marin County Public Health Protocols on the onset of symptoms, potential exposure, to and/or close contact with an individual testing positive for COVID-19 in a school/classroom setting are broken into 4 scenarios:

1: A student or staff member either exhibits COVID-19 symptoms or has a temperature of 100.4 or above. Action for Scenario One:

- Report information to administrator, send home
- Contact Healthcare provider/Public Health for testing (recommend testing)
- If positive, see Scenario #3; If negative, see Scenario #4

• School/Classroom are OPEN

2: A family member or someone in close contact with a student or staff member tests positive for COVID-19. Action for Scenario Two:

- Report information to administrator, send home, quarantine for 14 days
- Contact Healthcare provider/Public Health for testing (recommend testing)

• School/Classroom are OPEN

3: A student or staff member tests positive for COVID-19. Action for Scenario Three:

- Report information to administrator, send home, isolate as per Public Health
- Families of Students and Staff: quarantine and contact Healthcare provider/ Public Health for testing

• Classroom CLOSED for 14 days from last exposure

• School Remains OPEN

4: A student or staff member tests negative for COVID-19 after symptoms or confirmed close contact. Action for Scenario Four:

- May return to school 24 hours after symptoms resolve
- 14 day quarantine required for close contact with COVID-19 positive case

• School/Classroom are OPEN

- 10. Where practicable, physical distancing of six feet is maintained between adults and students; four feet distance is permissible between students within a classroom or instructional area where requirements herein are in practice.

Staff will implement spacing strategies and instruction in both indoor and outdoor spaces that are developmentally appropriate and easy for students to understand (e.g. markings on the floor, yoga mats to define space). Staff training is provided to maintain physical distancing when practicable and still meet the medical, personal, and support needs of students.

- 11. For elementary schools, stable classroom cohorts (up to standard class size at each respective grade level) are maintained throughout each school day, and through each quarter or semester, with an assigned primary cohort teacher, and systems are in place to prevent the mixing of classroom cohorts.

Student will be in half-class sized cohorts that do not mix with other cohorts. Times where potential mixing could occur are kept at a minimum, and when times coincide the cohorts will be assigned different paths of travel and areas to congregate.

- 12. For middle and high schools, larger cohorts made up of students from more than one classroom may be arranged as long as accurate attendance data for students and adults is maintained on a daily basis while avoiding schoolwide mixing of students and staff.

Not applicable.

- 13. Where practicable, desks are arranged facing forward to minimize face to face proximity between students.

Student desks, worktables, and floor activity will be arranged so that students face in the same direction to the extent practicable.

- 14. School staff are permitted to visit and instruct more than one classroom cohort, following physical distancing and face covering protocols, and must document/record visits to classrooms that are not identified as their primary classroom cohort.

Related services providers (Speech Pathologists, Occupational Therapists, etc.), School Psychologist, and administrator may visit and/or instruct in more than one classroom and will follow Public Health guidance.

All entry and exits by staff are logged daily including rooms visited and cohorts visited. This will be documented through a QR Code scan with their cell phone. Administrative staff will also monitor movements to ensure compliance with procedures and protocols.

- 15. Routes for entry and exit to the campus will be designated for each classroom cohort, using as many entrances/exits as feasible.

Students should enter and exit the campus from the front of the school through the gate. Parent and bus drop off will be outside the music room. Students will have different paths of travel depending upon the location of their classroom.

- 16. Schedules for arrivals, recess and lunch will be strategically coordinated to prevent mixing of classroom cohorts.

Arrival and departure of students will be coordinated by the classroom staff, school site administration, and transportation providers in order to prevent the mixing of students from different classrooms. Classroom staff will walk with students to the classroom from the parent dropoff location and to assist with staggering and prevention of student cohorts mixing. Students will eat snacks and lunches in their classrooms or weather permitting outside using physical distancing. Recess times for each classroom on the playground will be staggered.

- 17. Congregate movement through hallways will be minimized as much as practicable.

Students will enter and exit through the exterior classroom doors, rather than into the shared interior hallway to minimize congregate movement.

- 18. Large gatherings (i.e., school assemblies) are currently prohibited.

No gatherings of multiple classroom cohorts, such as assemblies, holiday events or special performance, will be permitted. To the extent possible, meetings such as parent conferences, Individual Education Program (IEP) meetings, and staff meetings will be conducted virtually.

- 19. The use of outdoor space for instructional purposes is maximized, shared, and coordinated to ensure students remain in their cohort. Efforts should also be made to maximize fresh air flow in classrooms through existing ventilation systems and opening of windows and doors as much as possible.

Use of outdoor areas will be utilized to the extent practicable for instruction. Classroom staff and School Director will collaborate to ensure access to outdoor space on campus. Community-Based Instruction, such as campus and community walks may be considered.

High quality air filters have been installed in classrooms. The classrooms have an external door and windows which can be opened to maximize fresh airflow.

- 20. Use of shared playground equipment will be limited in favor of physical activities that require less contact with surfaces, and shared equipment will be cleaned between uses.

The School Director and Classroom Teachers will coordinate regarding access and schedule. Activities that require less contact with surfaces and shared equipment will be provided. All outdoor play equipment is cleaned and disinfected between use by different groups of children and cleaned in between use individual children to the extent possible. Physical activity such as community walks may be considered as part of the Community Based Instruction planning.

- 21. Use of non-classroom space for instruction such as gymnasiums and multi-use rooms should be considered to support physical distancing with cleaning between uses.

Classroom staff and School Director will collaborate to ensure access to spaces on campus, as appropriate. Outdoor Classroom space use will be maximized to support physical distancing.

- 22. Meals will be served classrooms or outside or in classrooms instead of cafeterias or dining rooms with individually plated or bagged meals as much as practicable.

Meals will be served in the classroom or weather permitting in designated outdoor area. Families are instructed to provide appropriate snacks/lunches for their students, packed in clearly marked containers. Parents should provide detailed information to classroom teacher regarding any special dietary needs. Children will be instructed not to share food or touch each other's food. Eligible students will be provided free and reduced lunch as "grab and go" meals. All meals are served using disposable food items, such as utensils and dishes, and is prepackaged for each individual.

- 23. Routines and schedules will be developed to enable students and staff to regularly wash their hands at staggered intervals.

Ross Valley Charter is equipped with sinks for each classroom. Students and staff will wash hands or use 60% ethyl hand sanitizer often: upon entrance into the classroom, after blowing nose, coughing, or sneezing, after using the restroom, before eating or preparing food, before and after touching of face, after playing outside, before and after providing routing care, before putting on and after removing gloves, after touching frequently touched areas (e.g., door knobs, handrails).

- 24. All staff as well as all students in grades 3 - 12 are required to wear face coverings while in the classroom and on campus unless there is a medical or behavioral contraindication. Students from grades TK - 2 are strongly encouraged to wear face coverings and should be supported and taught how to wear them properly.

All staff will wear a face covering. Instructional staff have been provided with a mask and a Humanity Shield (faceshield with cloth drape). This is a multi-grade classrooms. Students in third through fifth grade will wear a face covering, unless behaviorally or medically contraindicative. Face coverings are strongly encouraged for young children in grades transitional kindergarten through second grade, if they can be worn properly. Students will be taught how to wear a face cover in an age and developmentally appropriate manner and encouraged to do so, if they are able.

- 25. Training will be provided for staff and students on proper use of face coverings which will include instruction to minimize touching of face coverings.

Staff training on proper use of face coverings has been provided. Age and developmentally appropriate instruction on the use of face coverings will be part of the self-help skills instruction in classrooms.

- 26. Sharing of supplies, manipulatives, toys, sports equipment, and other learning and recreational materials will be limited and each student will have separate individually labeled boxes or cubbies.

Students have been provided boxes with frequently used items to be kept at their desk. Classrooms are set up with multiple learning manipulatives and activities for students that are easy to clean and disinfect throughout the day and individually labeled bins with, learning activities, books, manipulatives and belongings for each child. Manipulatives that may be put in a student's mouth will be cleaned and sanitized. The use of a "dirty" bin will be implemented for items that need to be cleaned and disinfected before being used again. Materials that are difficult to clean (e.g. soft toys) are either removed from the classroom or carefully monitored for use by individual children only.

- 27. Sharing of electronic devices, clothing, books and other games or learning aids will be avoided as much as practicable.

Individually labeled bins and/or cubbies with learning activities, books, toys and belongings for each child will be used to reduce sharing. All personal items should be labeled and kept in a separate bag to ensure personal items are separate from others.

- 28. Use of privacy boards or clear screens will be considered as much as practicable.

Movable student desk barriers are available for use in each classroom when physical distancing between students may be challenging, when providing certain physical health care services for a student, or at other times when deemed appropriate by staff.

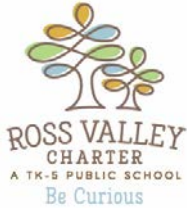
- 29. Non-essential visitors, including parent volunteers will be limited and essential workers will be required to adhere to all health and safety guidelines.

Non-essential visitors will be limited. Student drop-off and pick-up will be at the designated area and parents will not be permitted beyond the designated drop-off area for their child's classroom. All campus visitors will be required to sign-in using the site check-in survey or at the office and respond to the health screening. When possible, essential workers will be scheduled after student hours. To the extent possible, Individual Education Program (IEP) meetings will be scheduled virtually. Electronic submission of required documentation (e.g., proof of residency, registration forms) will be utilized. Parents should contact the special education office or classroom teacher if there is a need to drop off a lunch/snack, medication, specialized equipment, or other necessary documentation that cannot be completed electronically so that arrangements can be made for safe drop-off.

- 30. A [School Site-Specific Protection Plan](#) outlining the above measures is completed, posted and shared with all stakeholders and updated as state and local Public Health guidance dictates.

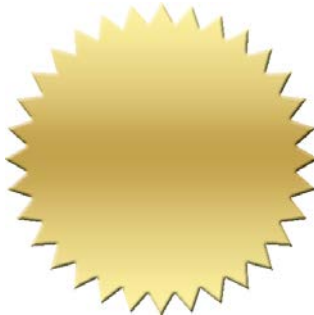
Parents and Staff are provided a copy of this SSSPP and it is available on the MCOE website.

****Attach any supporting documents or additional information for each Guideline to the back of the SSSPP.**



School Site-Specific Protection Plan

Certificate of Completion



Ross Valley Charter

has completed the School Site-Specific Protection Plan with current information related to COVID-19 Protocols and Procedures. The full SSSPP is available for viewing or download here:

www.rossvalleycharter.org

This certificate should be displayed in the site's main office and the full SSSPP should be available online at the above web address.

A P P E N D I X F



Ross Valley Charter

EMERGENCY MANAGEMENT PLAN

Mitigation • Preparedness • Response • Recovery



Adapted from:
MARIN COUNTY OFFICE OF EDUCATION

By

Luke Duchene
Director

2020-21



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Ross Valley Charter Emergency Contact

In case of emergency school cancelation before 7:30am, the school will utilize our online communications system (ex. ParentSquare) to inform all staff and families of the closure via phone, text and email. The emergency message will be sent by the Director or a designee.

EMERGENCY PHONE NUMBERS

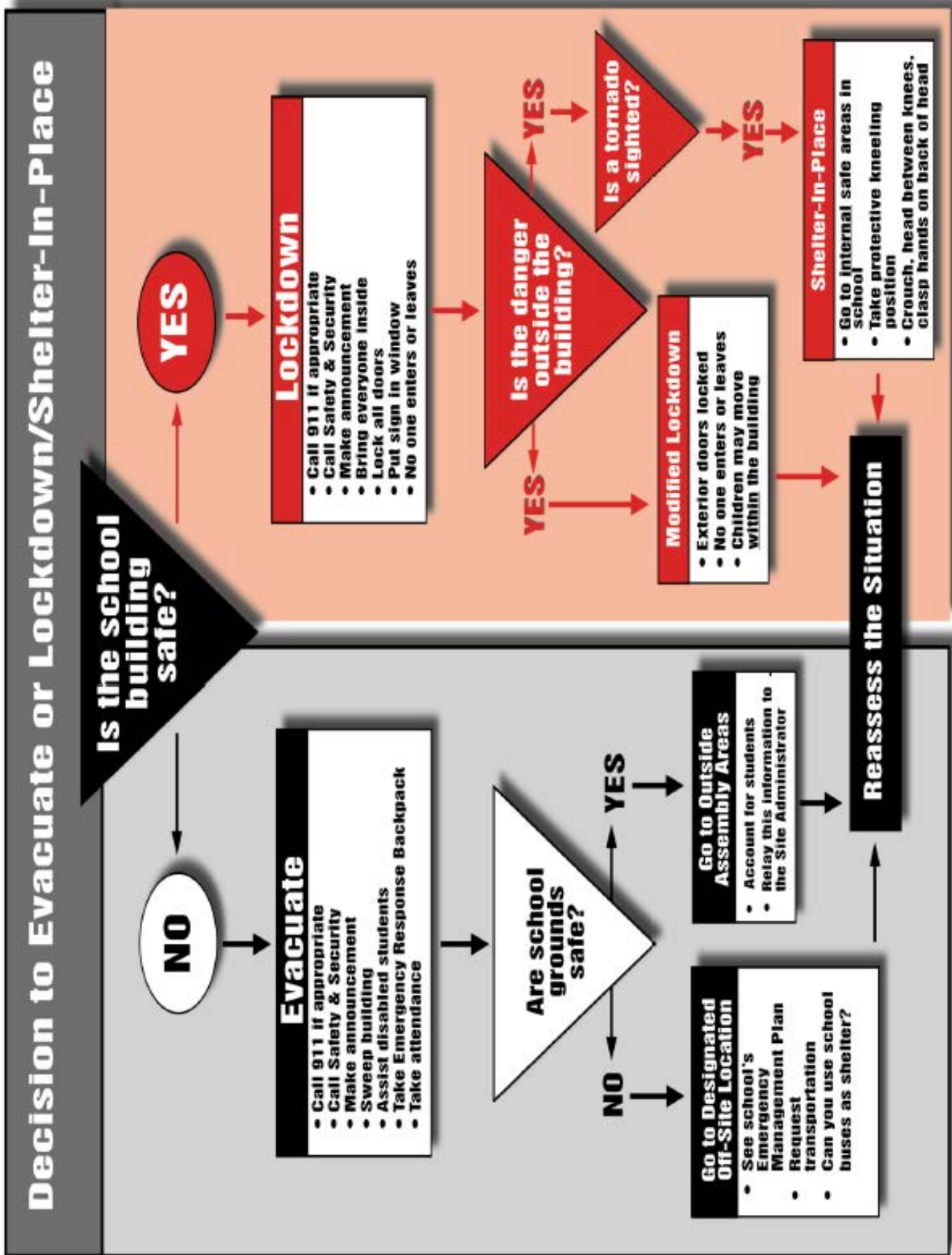
LUKE DUCHENE- DIRECTOR	760-487-8618
EMERGENCY: Fire, Medical Aid	911
SCHOOL OFFICE	415-534-6970
LOCAL FIRE DEPARTMENT	415-258-4621
LOCAL POLICE DEPARTMENT	415-453-5330
SHERIFF'S OFFICE	415-479-2311
MARIN COUNTY OFFICE OF EDUCATION	415-472-4110
MARIN COUNTY OFFICE OF EMERGENCY SERVICES	415-499-6584
KAISER HOSPITAL	415-444-2000
MARIN GENERAL HOSPITAL	415-925-7000
NOVATO COMMUNITY HOSPITAL	415-209-1300
AMERICAN RED CROSS, MARIN CHAPTER	415-721-2365
P.G.& E. Service Interruption Information	800-743-5000
CALIFORNIA HIGHWAY PATROL	415-924-1100

LOCKDOWN

Intruder on Campus Procedure

1. Staff will designate a lockdown situation by an all call that says, "We have a lock down situation". Listen for a bell signal. If, for some reason, no intercom is available, administrators or other personnel will act as runners to notify staff of lock down. When a decision has been made to lock down the school, **administration will notify law enforcement using 911**, rather than the regular police numbers.
2. All staff and students will follow the lock down procedure:
 - All students stay in place with an adult (including counselor, special education staff, speech, student activities, etc.)
 - Door is locked
 - Shades are pulled closed (Please have a piece of paper to cover your door window ready at all times next to the window)
 - Staff and students lie flat on the floor with head under table or desk
 - Lights out
 - Silence
 - Students who are not in a classroom or office should do their best to secure themselves and hide themselves from the threat.
 - Office staff will lock down in the office and move out of sight
3. All staff and students will stay in lock down position until released by an all call, or when the School Director releases each space on all clear.
4. **During a drill**, a staff member will unlock the door and check for lock down procedures in every classroom.
5. It is important for staff and students to remain silent during this procedure to be able to hear further instructions.
6. **If a lock down is necessary when students are between classes, on break, or lunch:**
 - Students will move quietly and quickly without running or pushing to areas where they feel they can hide themselves. If you can get to a building or classroom quickly, then do so. But the goal of locking down and securing campus is to make you invisible to the potential danger on campus.
 - Teachers and school staff will help to direct you, but the directive is for classroom teachers to secure their students and not to unlock the door for anyone.
 - If there is a threat or a danger on campus, leave campus.
 - If there is a threat on the black top or playground, run the other way.
 - All buildings should be locked, students lay down silently on the floor, all shades/blinds closed and windows covered

I



Fire Drill Procedure
Fire Drill
Evacuate to Upper Black Top

1. When the fire alarm rings, students stop work and exit the classroom. The last person to exit will close the door. This helps to contain the spread of a fire, and the fire department has made it clear that the **doors must be closed**. Doors remain **unlocked**.
2. **Students will take the emergency bag(s) to the black top.**
Teachers will take the red emergency folder with the classroom number on the back and rosters and red/green cards inside.
3. All students evacuate their classrooms to the black top in a **single file line** with absolutely **no talking** at any time.
4. As classes arrive on the black top, students will line up behind their teacher in designated spots.
5. Have your students line up in alphabetical order, silently as soon as they arrive. **Do not** have them arrange themselves inside of the classroom or while evacuating the building.
6. All students remain silent and standing while the teacher takes roll using class lists. Teachers, please update your folders by replacing last year's class lists with updated lists.
7. Hold up a **green** laminated card if all of your students are present or accounted for (or you know that they are absent or left for an appointment). Hold up a **red** card if you are missing a student for any reason.
8. Report all missing students to the administrators or staff on the black top.
9. Students who are with an adult other than their classroom teacher should be walked to the black top with that adult (i.e.; special education teacher, counselor, art teacher, etc.) and should line up as usual. The classroom teacher will meet the class as quickly as possible (with the class emergency folder) and begin taking attendance.
10. On the "all clear" signal, students return to classrooms in a single file, orderly line.

Duck and Cover Procedure Earthquake Drill

1. We will signal a duck and cover procedure with an "all call" announcing an earthquake.
2. Students will **silently** drop below their desks with their heads underneath and their legs out (only if they don't fit completely underneath).
3. It is important to protect the head and eyes from windows or falling debris. Students can cover their heads with their hands and arms, shielding their eyes. Students can also hold the leg of the desk with one hand and cover their eyes with the other.
4. Please stress the importance of silence during the entire drill until the "all clear" bell rings.
5. Students will then follow the procedure for evacuating to the black top.

Evacuation to Black Top at Break or Lunch

If there is an evacuation necessary during break, lunch, or before school, all students will walk silently to the black top and line up with your classroom teacher. Teachers will need to leave their classrooms or break area and go directly to the black top with their emergency folder. Teachers will hold up their name and room number for students to find them.

11. Once students have found their classroom teacher, they will remain silent and standing while the teacher takes roll using class lists. Teachers, please update your folders by replacing last year's class lists with updated lists.
12. Hold up a **green** laminated card if all of your students are present or accounted for (or you know that they are absent or left for an appointment). Hold up a **red** card if you are missing a student for any reason.
13. Report all missing students to the administrators or staff on the black top.
14. On the "all clear" signal, students wait for further instructions in a silent, single file line.

Student Release Drill Information

These directions are for disasters including a longer procedure called "student release."

1. Students will remain in their class lines, silently, until given direction to sit down in their places.
2. Students will then sit down in their lines until further notice.
3. Students may chat softly with others in line near them, but **need to remain in their classroom lines sitting**, as adults will be looking for specific students may need to find them to be released to their parents.
4. Students may read, play cards, or chat until given further instructions.

INCIDENT COMMAND SYSTEM

The Incident Command System provides a flexible management system that is adaptable to incidents involving multi-jurisdictional response. The ICS is the combination of personnel, facilities, equipment, procedures and communications operating within a common organizational framework to manage the resources required to effectively accomplish objectives related to the emergency or incident.

The main concepts behind the ICS structure are: a) every emergency requires the execution of certain tasks or functions; b) every incident needs a person in charge; c) no one should direct more than seven people; and d) no one should report to more than one person.

Components of the ICS include:

- Common terms established for organizational functions, resources and facilities;
- Unified command structure with a common set of objectives and strategies;
- Modular organization which expands or contracts as the incident progresses;
- Manageable span of control by one person;
- Integrated communications;

The ICS is organized into five functional areas for on-scene management of all major incidents: Management, Operations, Planning, Logistics, Finance/Administration.

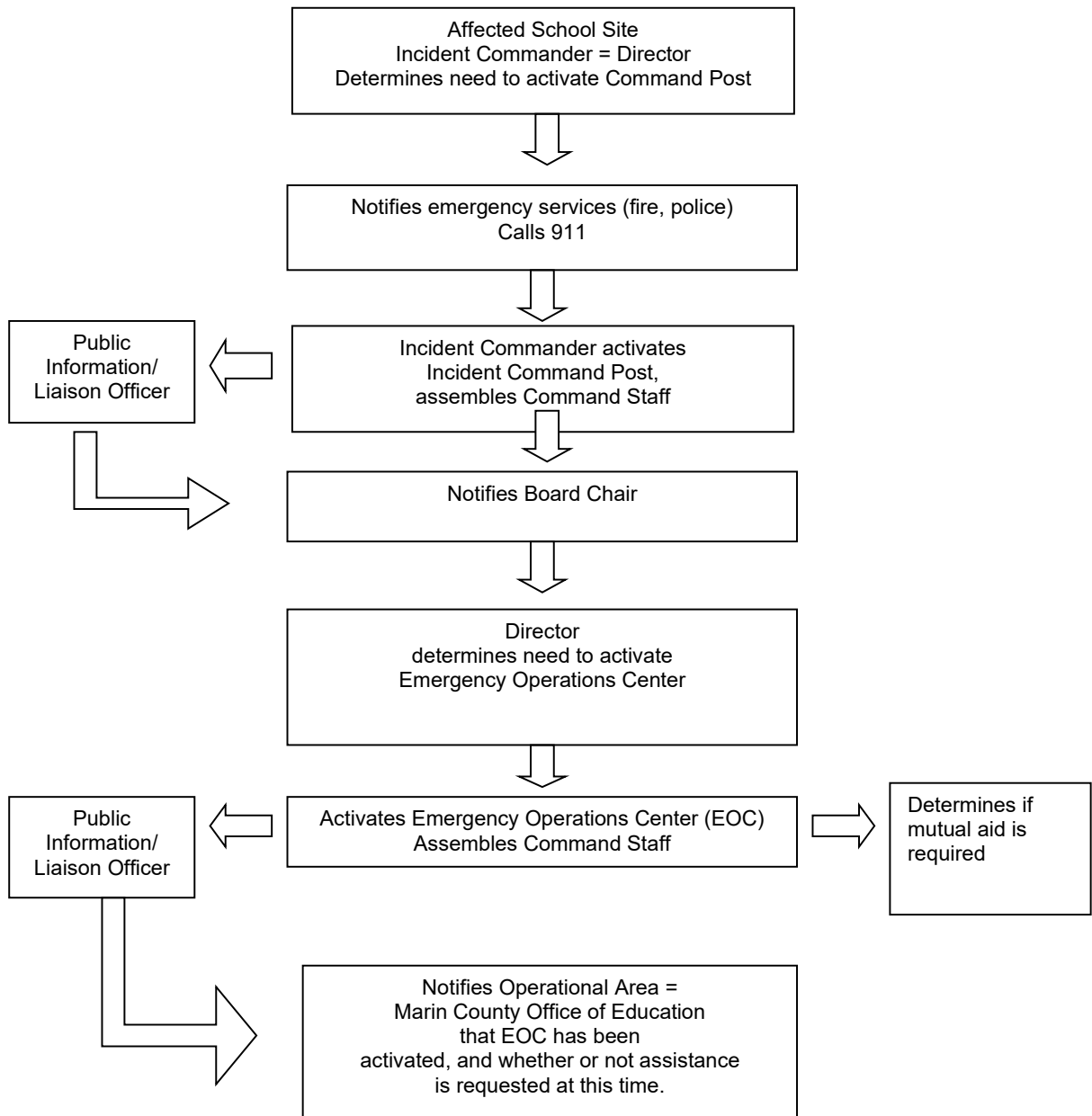
- Management:** Provides overall emergency policy and coordination. This function is directed by the Incident Commander (IC) who is typically the School Director. The IC is assisted in carrying out this function by an Incident Command Team which includes a Public Information Officer, Safety Officer, and Agency Liaison.
- Operations:** Directs all tactical operations of an incident including implementation of response activities according to established emergency procedures and protocols, care of students, first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students to parents.
- Planning:** Collects, evaluates and disseminates information needed to measure the size, scope and seriousness of an incident and to plan an appropriate response.
- Logistics:** Supports emergency operations by securing and providing needed personnel, equipment, facilities, resources and services required for incident resolution; coordinating personnel; assembling and deploying volunteer teams; and facilitating communications among emergency responders. This function may take on a major role in extended emergency situations.
- Finance/
Administration:** Oversees all financial activities including purchasing of necessary materials, tracking incident costs, arranging contracts for services, timekeeping for emergency responders, submitting documentation to FEMA for reimbursement and recovering school records following an emergency.

Figure 4 presents the Incident Command Post (ICP) Organizational Chart based on NIMS/SEMS. Responsibilities and operational duties are detailed on the following pages.

At the school level, the school director or designee assumes management responsibility as the Incident Commander and activates others as needed. School personnel transition from their daily jobs to assigned emergency functions. The ICS is flexible in size and scope, depending upon the magnitude of the emergency. For a small incident, the school director may perform all roles of the ICS structure. The Incident Commander is responsible for any section that is not assigned. Each section chief is responsible for any unit that is not assigned.

Title	Role, Responsibility
Management: Incident Commander	Responsible for development of school's plan and overall management of emergency situation; establishes/manages Command Post; activates ICS; determine strategies to implement protocols and adapt as needed.
Safety/Security	Monitors safety conditions of an emergency situation and develops measures for ensuring the safety of building occupants (students, staff, volunteers, responders).
Public Information Media Liaison	Spokesperson for the incident; prepares media releases; establishes "media center" near Command Post; coordinates information with Incident Commander for parent community.
Liaison to Outside Agencies	Develops working knowledge of local/regional agencies; serves as the on-scene contact for outside agencies assigned to an incident; assists in accessing services when the need arises.
Operations: Search and Rescue	Searches facility for injured and missing students and staff; conducts initial damage assessment; provides light fire suppression.
Security/Traffic	Coordinates security needs; establishes traffic and crowd control; restores utilities; secures perimeter and isolates fire/HazMat.
First Aid	Provides triage and medical care with staff trained in first aid and CPR; oversees care given to the injured; distributes medical supplies (latex gloves, bandages, etc.); establishes morgue, if needed.
Evacuation/ Shelter and Care	Provides accounting and long-term care for all students until reunited with parents/caretakers; manages food and sanitation needs of students.
Student Release	Provides for systematic and efficient reunification of students with parents/caretakers; maintains records of student release.
Crisis Intervention	Provides onsite counseling and intervention; determines need for outside mental health support; accesses local/regional providers for ongoing crisis counseling for students, staff, parents, as needed.
Planning: Situation Analysis Documentation Resources Demobilization	Evaluates incident information and maintains ICS status boards; collects and archives all incident documents; tracks equipment and personnel assigned to the incident; checks in all resources (incoming equipment, personnel and volunteers; coordinates safe and orderly release of assigned resources and deactivation of incident response at the school site.
Logistics: Food/Supplies/Staffing/ Transportation	Coordinates access to and distribution of food, water and supplies; provides personnel as requested, including volunteers; arranges transportation for staff, students and equipment.
Facilities Communications/IT	Coordinates site repairs and use of school facilities; arranges for debris removal; maintains all communication equipment, including radios; provides services to support Information Technology functions.
Finance/Administration: Procurement, Cost Accounting Timekeeping, Claims and Compensation	Maintains incident time logs for all personnel; tracks and maintains records of site expenditures and purchases for incident; manages vendor contracts. Processes compensation/injury claims related to incident.

SCHOOL INCIDENT RESPONSE FLOW CHART



INCIDENT COMMAND SYSTEM: INCIDENT COMMANDER

The Incident Commander directs on-scene operations and is responsible for overall management of the incident. It is his/her responsibility to prepare the strategic objectives that, in turn, will be the foundation upon which subsequent incident action planning will be based. Incident Objectives should be broad, measurable and follow an ordered sequence of events.

The Incident Commander at the school leads the Incident Management Team: the Public Information Officer, the Safety Coordinator and the Agency Liaison for the school.

Responsibilities: The Incident Commander (IC) is responsible for on-scene emergency/disaster operations and remains at or near the Incident Command Post (ICP) office to observe and direct all operations.

- Assess the scene
- Ensure the safety of students, staff and others on campus
- Activate and manage the ICP
- Develop strategies for appropriate response
- Coordinate response efforts
- Monitor action plan and organizational effectiveness
- Lead by example: the behavior sets tone for staff and students

Start-Up Actions

- Assess type and scope of emergency
- Determine threat to human life and structures
- Activate the appropriate emergency action
- If evacuation is necessary, verify that the route and assembly area are safe:
 - Direct the opening of the emergency cache
 - Set up the ICP
 - Obtain personal safety equipment
- Establish appropriate level of organization
- Activate organizational functions as needed
- Contact the RVC Board Chair
- Develop an Incident Action Plan with objectives and a time frame

Operational Actions

- Determine the need for and request inter-agency assistance
- Monitor and assess the total site situation
 - View site map periodically for response team progress
 - Check with section chiefs for periodic updates
- Revise Incident Action Plan, as needed
- Update status to Board Chair as appropriate
- Reassign personnel as needed
- Begin student release, if appropriate, after student accounting is complete.
- Refer media inquiries to Board Chair or PIO.
- If transfer of command is necessary, e.g., when public safety officials arrive, provide a face-to-face briefing with the following minimum essential information:
 - situation status
 - objectives and priorities
 - current organization and personnel assignments
 - resources en route and/or ordered

- facilities established
- communications plan
- prognosis, concerns, related issues
- Release teachers as appropriate guidelines.
- Remain in charge of campus until redirected or released by the Board Chair or local authorities.
- Be prepared for requests by the American Red Cross to use facility as a shelter.

Deactivation

- Receive briefing from public safety agency to obtain "All Clear".
- Contact the Board Chair to obtain authorization for deactivation.
- Authorize deactivation of response teams as they are no longer required.
- Check with section chiefs to ensure that any open actions will be taken care of before demobilization
 - Logistics: Ensure the return of all equipment and reusable supplies
 - Planning: Close out all logs. Complete other relevant documents and provide to the Documentation Unit for archive
- Provide input to the After-Action Report
- Proclaim termination of the emergency.
- Proceed with recovery operations, if necessary

Command Post Equipment/ Supplies

- AM/FM radio (battery)
- Bullhorn
- Disaster response forms
- Emergency/disaster plan
- Job description clipboards
- Master keys
- School Profile or School Accountability Report Card (SARC)
- Forms:
 - A1: Staffing List
 - B1: Section Tasks
 - C1: Management Situation Report
 - D1: Section Activity Log
 - D2: Resource Request
 - D3: Check-In/Check Out
 - E1: Situation Status Report – Initial Assessment
 - F1: Situation Status Report Update
- Office supplies
- School site map
- Staff and student rosters
- Tables & chairs (if CP is outdoors)
- Two-way radios
- Vests, safety gear, ID badges

INCIDENT COMMAND SYSTEM: PUBLIC INFORMATION

News media can play a key role assisting the school in getting emergency or disaster-related information to the public *as soon as it is available*. The Public Information Officer is a member of the Incident Command Staff. For all incidents, media queries should be referred to the School PIO. **If an EOC has been activated, refer media inquiries to the PIO, who will take over the responsibilities and operational duties described below.** Only one Public Information Officer will be assigned for each incident.

Responsibilities: The Public Information Officer (PIO) acts as the official spokesperson for the school in an emergency situation and ensures that information support is provided on request; that media releases are consistent, accurate, and timely; and that appropriate information is being provided to all required agencies.

Start-Up Actions

- ❑ Determine a possible “news center” site as a media reception area (located away from the Command Post and students). Get approval from the Incident Commander.
- ❑ Identify yourself as the “PIO” (vest, visor, sign, etc.).
- ❑ Assess situation and obtain statement from Incident Commander.
- ❑ Advise arriving media that the site is preparing a press release and approximate time of its issue.
- ❑ Open and maintain a position log of your actions and all communications. If possible, tape media briefings. Keep all documentation to support the history of the event.

Operational Duties

- ❑ Keep up-to-date on the situation.
- ❑ Issue/read statements approved by the Incident Commander that reflect:
 - Reassurance — “Everything is going to be OK”;
 - Incident cause and time of origin; size and scope of the incident; Current situation — condition of school site, evacuation progress, care being given, injuries, student release location, etc. Do not release any names.
- Resources in use;
- Best routes to school, if known and appropriate;
- Any information school wishes to be released to the public.
- ❑ Be complete and truthful, always considering confidentiality and emotional impact. Avoid speculation, bluffing, lying, talking “off the record,” arguing, etc. Avoid use of the phrase “no comment.”
- ❑ Remind school site/staff volunteers to refer all questions from media or waiting parents to the PIO.
- ❑ Update information periodically with Incident Commander.
- ❑ Ensure key announcements are translated into other languages as needed.
- ❑ Monitor news broadcasts about incident. Correct any misinformation heard.

Closing Down

- ❑ At the Incident Commander's direction, release PIO staff no longer needed.
- ❑ Direct staff members to sign out through Timekeeping.
- ❑ Return equipment and reusable supplies to Logistics.
- ❑ Provide logs and other relevant incident documents to the Documentation Unit.

GUIDELINES FOR SPEAKING TO THE MEDIA

When speaking to the press about school emergencies, it is extremely important to adhere to the following guidelines:

- **READ** all press statements.
- **BE AVAILABLE** for press inquiry.
- **RE-STATE** the nature of the incident; its cause and time of origin.
- **DESCRIBE** the size and scope of the incident.
- **REPORT ON** the *current* situation.
- **SPEAK ABOUT** the resources being utilized in response activities.
- **REASSURE** the public that everything possible is being done.
- **DO NOT RELEASE** students' names.
- **BE TRUTHFUL**, but consider the emotional impact the information could have upon listeners.
- **AVOID** speculation; do not talk "off the record".
- **DO NOT USE** the phrase "no comment".
- **SET UP** press times for updates.
- **CONTROL** media location.

Equipment/Supplies

- ID Vest
- Battery operated AM/FM radio
- Scotch tape/masking tape
- School Staff Directory
- Laminated school site map poster board size for display
- School site map(s) and area maps as 8x11" handouts
- Sample Public Information Releases
- School Profile or School Accountability Report Card (SARC)
- Forms:
 - D1: Section Activity Log
 - D2: Resource Request
- Hard hat
- Paper/pencils/marketing pens
- Scissors

INCIDENT COMMAND SYSTEM: AGENCY LIAISON

The Agency Liaison is a member of the Incident Command Staff. Only one agency liaison is assigned for each incident, including incidents that are multi-jurisdictional.

Responsibilities: The Agency Liaison serves as the point of contact for representatives from assisting organizations and assists in coordinating the efforts of these outside agencies by ensuring the proper flow of information.

Start Up Actions

- Check in with Incident Commander for situation briefing.
- Determine personal operating location and set up as necessary.
- Obtain necessary equipment and supplies from Logistics.
- Put on position identifier, e.g. vest or ID tag.
- Open and maintain a position log. Maintain all required records and documentation to support the history of the emergency or disaster.

Operational Duties

- Maintain a list of assisting and cooperating agencies.
- Keep agencies supporting incident aware of incident status and priorities.
- Monitor incident operations to identify current or potential inter-organizational problems.
- Ensure coordination of efforts by keeping IC informed of agencies' action plans.
- Participate in planning meetings, providing current resource status, including limitations and capabilities of assisting agency resources.

Closing Down

- At the Incident Commander's direction, deactivate the Agency Liaison position and release staff no longer needed. Direct staff members to sign out through Timekeeping.
- Return equipment and reusable supplies to Logistics.
- Close out all logs. Provide logs and other relevant documents to the Documentation Unit in Planning.

Equipment/ Supplies

- ID Vest
- Two-way radio, if available
- School Staff Directory
- Copies of vendor contracts
- List of local emergency contacts and resources
- Forms:
 - D1: Section Activity Log
 - D2: Resource Request
- Hard hat
- Clipboard, paper, pens

INCIDENT COMMAND SYSTEM: SAFETY OFFICER

Responsibilities: The Safety Officer develops and recommends measures for assuring personnel safety and assesses/anticipates hazardous and unsafe conditions. The Safety Officer is a member of the Incident Command Staff. Operating under the Incident Commander, the Safety Officer can exercise emergency authority to stop or prevent unsafe acts.

Start Up Actions

- ❑ Check in with Incident Commander for situation briefing.
- ❑ Put on personal safety equipment; i.e., hard hat, vest)
- ❑ Obtain necessary equipment and supplies from Logistics.
- ❑ Open and maintain a position log. Maintain all required records and documentation to support the history of the emergency or disaster. Document:
 - Messages received
 - Action taken
 - Decision justification and documentation
 - Requests filled

Operational Duties

- ❑ Monitor drills, exercises, and emergency response activities for safety.
- ❑ Identify hazardous situations associated with the incident.
- ❑ Initiate appropriate mitigation measures.
- ❑ Stop or modify all unsafe operations.
- ❑ Ensure that responders use appropriate safety equipment.
- ❑ Investigate accidents that have occurred within the incident area.
- ❑ Anticipate situation changes, such as severe aftershocks, in all planning.
- ❑ Keep the Incident Commander advised of your status and activity and on any problem areas that now need or will require solutions.

Closing Down

- ❑ When authorized by IC, deactivate the unit and close out all logs. Provide logs and other relevant documents to the Documentation Unit in Planning
- ❑ Return equipment and reusable supplies to Logistics.

Equipment/ Supplies

- Vest
- Clipboard, paper, pens
- SERT Manual
- Forms:
 - D1: Section Activity Log
 - D2: Resource Request
- Hard hat
- Two-way radio

INCIDENT COMMAND SYSTEM: OPERATIONS

Responsibilities: Operations manages the on-scene, immediate response to the disaster, which can include the following:

- Site Facility Check/Damage Assessment
- Security and Utilities
- Search and Rescue
- Student Supervision and Release
- Light Fire Suppression
- First Aid and Crisis Intervention

Start-up Actions

- ❑ Check in with Incident Commander or Command Post for situation briefing.
- ❑ Put on personal safety equipment, e.g. hard hat and vest, walkie-talkie.
- ❑ Obtain necessary equipment and supplies from Logistics.
- ❑ Identify an assistant, as needed.
- ❑ Be proactive. Anticipate needs.

Operational Duties

- ❑ Assume the duties of all operations positions until staff is available and assigned.
- ❑ Brief assigned staff on the situation and supervise their activities, utilizing the position checklists.
- ❑ Check with IC to assure Emergency Plan is implemented.
- ❑ Initiate and coordinate Search and Rescue and First Aid operations, if needed.
- ❑ Notify Logistics If additional supplies or personnel are needed for the Operations Section, As additional staff arrive, brief them on the situation, and assign them as needed.
- ❑ As information is received from Operations staff, pass it on to the Incident Commander, providing description of tasks and priorities.
- ❑ Student Release requires heavy staffing, so begin preparations early for well-separated and well-marked Parent Request and Student Release gates.
- ❑ Monitor operational activities, ensuring that Operations staff follows standard procedures, utilizes appropriate safety gear, and documents their activities.
- ❑ Schedule breaks and reassign Operations staff within the section as needed.

Closing Down

- ❑ At the Incident Commander's direction, release Operations staff no longer needed. Direct staff members to sign out through Timekeeping.
- ❑ Return equipment and reusable supplies to Logistics.
- ❑ When authorized by IC, deactivate the section and close out all logs.
- ❑ Provide logs and other relevant documents to the Documentation Unit in Planning.

Equipment/Supplies

- Vest
- Clipboard, paper, pens, tape
- First Aid supplies for First Aid teams
- Search and Rescue equipment for SAR teams
- Forms:
 - A1: Staffing List
 - D1: Section Activity Log
 - D2: Resource Request
 - D3: Check-In/Check Out
 - E1: Situation Status Report – Initial
 - F1: Situation Status Report Update
- Hard hat, gloves, if needed
- Two-way radio
- Campus map

INCIDENT COMMAND SYSTEM: PLANNING

The RVC Incident Commander will be responsible for specific tasks listed here.

Responsibilities: Planning is responsible for the collection, evaluation, documentation and use of information about the development of and response to the incident, the status of resources, and recovery planning.

- ❑ Maintain accurate records and site map.
- ❑ Provide ongoing analysis of situation and resource status.

Start Up Actions

- ❑ Check in with Incident Commander for situation briefing.
- ❑ Obtain necessary equipment and supplies from Logistics.
- ❑ Put on position identifier, such as vest, if available.

Operational Duties

- ❑ Assume the duties of all Planning positions until staff is available and assigned.
- ❑ As (or if) staff is assigned, brief them on the situation and supervise their activities, utilizing the position checklists.
- ❑ Assist Incident Commander in writing Incident Action Plans.

Closing Down

- ❑ At the Incident Commander's direction, deactivate the section and close out all logs.
- ❑ Archive all incident records.
- ❑ Verify that closing tasks of all Planning positions have been accomplished.
- ❑ Return equipment and reusable supplies to Logistics.

Equipment/ Supplies

- Vest
- Clipboard, paper, pens, dry erase pens
- File box(es) and folders
- Large site map of campus, laminated
- Forms:
 - A1: Staffing List
 - B1: Section Tasks
 - D1: Section Activity Log
 - D2: Resource Request
 - D3: Check-In/Check Out
 - E1: Situation Status Report – Initial Assessment
 - F1: Situation Status Report Update
- Hard hat
- Two-way radio
- Clipboard

INCIDENT COMMAND SYSTEM: LOGISTICS

Responsibilities: Logistics is responsible for providing facilities, services, personnel, equipment, and materials in support of the incident.

Start-up Actions

- ❑ Check in with Incident Commander for situation briefing.
- ❑ Open supplies container or other storage facility.
- ❑ Put on position identifier, such as vest.
- ❑ Begin distribution of supplies and equipment as needed.
- ❑ Ensure that the Incident Command Post and other facilities are set up as needed in safe locations.

Operational Duties

- ❑ Assume the duties of all Logistics positions until staff is available and assigned.
- ❑ As (or if) staff is assigned, brief them on the situation and supervise their activities, utilizing the position checklists.
- ❑ Coordinate supplies, equipment, and personnel needs with the Operations Section Chief.
- ❑ Maintain security of cargo container, supplies and equipment.

Closing Down

- ❑ At the Incident Commander's direction, deactivate the section and close out all logs.
- ❑ Verify that closing tasks of all Logistics positions have been accomplished. Secure all equipment and supplies.

Equipment/Supplies

- Vest and ID
- Clipboards with volunteer sign-in sheets
- File folders
- Storage facility and all emergency supplies stored on campus
- Inventory of equipment on campus
- Forms:
 - A1: Staffing List
 - B1: Section Tasks
 - D1: Section Activity Log
 - D2: Resource Request
 - D3: Check-In/Check Out
- Hard hat
- Pens, marking pens

INCIDENT COMMAND SYSTEM: FINANCE/ADMINISTRATION

Responsibilities: Finance/Administration is responsible for financial tracking, procurement, and cost analysis related to the disaster or emergency.

- Maintain financial records
- Track and record staff hours.

Start-Up Actions

- ❑ Check in with Incident Commander for situation briefing.
- ❑ Put on position identifier, such as vest.
- ❑ Locate and set up work space.
- ❑ Check in with the Documentation Clerk to collect records and information which relate to personnel time keeping and/or purchasing.

Operational Duties

- ❑ Assume the duties of all Finance/Administration positions until staff is available and assigned.
- ❑ As (or if) staff is assigned, brief them on the situation and supervise their activities, utilizing the position checklists.

Closing Down

- ❑ At the Incident Commander's direction, deactivate the section and close out all logs.
- ❑ Verify that closing tasks of all Finance/Administration positions have been accomplished. Secure all documents and records.

Equipment/ Supplies

- Vest
- Paper, pens
- Calculator
- Forms:
 - A1: Staffing List
 - B1: Section Tasks
 - D1: Section Activity Log
 - D2: Resource Request
 - D3: Check-In/Check Out
- Clipboard
- File folders

ICS SECTION UNITS: SCHOOL EMERGENCY TEAMS

Staff: Per California Government Code §3100, during a disaster, public employees become "Disaster Service Workers". As Disaster Service Workers, school staff may be required to remain at school to assist in an emergency situation.

Staff members may be assigned as teams to assist section leaders in units of the ICS. Assigned teams shall receive training appropriate to their ICS role and shall participate in emergency readiness drills and activities before an actual disaster occurs. Any school employee, as a disaster services worker, may be asked to assist an ICS team whenever necessary.

TEACHERS: Teachers shall be responsible for the supervision of students and shall remain with students unless directed otherwise. They shall:

- Supervise students under their charge.
- Take steps to ensure the safety of students, staff, and other individuals in the implementation of emergency protocols.
- Direct students in their charge to inside or outside assembly areas, in accordance with signals, warning, written notification, or intercom orders according to established emergency procedures.
- Give appropriate action command during an emergency.
- Take attendance when class relocates to an outside or inside assembly area or evacuates to another location.
- Report missing students to Planning.
- Assume designated ICS role.
- Send students in need of medical attention to the First Aid Station.
- Render first aid, if necessary. **School staff should be trained and certified in First Aid and CPR.**

INSTRUCTIONAL AIDES/ASSISTANTS:

- Assist teacher, as directed.

COUNSELORS, SOCIAL WORKERS, PSYCHOLOGISTS: Counselors, social workers, psychologists provide assistance with the overall direction of the emergency procedures at the site. Assume designated ICS role.

Responsibilities may include:

- Take steps to ensure the safety of students, staff, and other individuals in the implementation of emergency protocols.
- Direct students in their charge according to established emergency protocols.
- Render crisis intervention, if necessary.
- Assist in the evacuation/transfer of students, staff and other individuals when their safety is threatened by a disaster.
- Maintain a line of communication with Operations.
- Assist as directed by Operations.

SCHOOL NURSES/HEALTH ASSISTANTS:

- Assume designated ICS role, preferably in the First Aid Station. Administer first aid or emergency treatment, as needed.
- Supervise administration of first aid by those trained to provide it.
- Organize first aid and medical supplies.

CUSTODIANS/MAINTENANCE PERSONNEL:

- Assume designated ICS role.
- Survey and report building damage to Operations.
- Control main shut-off valves for gas, water, and electricity and assure that no hazard results from broken or downed lines.
- Provide damage control as needed.
- Assist in the conservation, use, and disbursement of supplies and equipment.
- Keep Operations Chief informed of condition of school.

SCHOOL SECRETARY/OFFICE STAFF:

- Assume designated ICS role.

FOOD SERVICE WORKERS:

- Use, prepare, and serve food and water on a rationed basis whenever the feeding of students and staff becomes necessary during an emergency.
- Restrict access to foodservice operations to authorized personnel.
- Assist as directed by Operations.

OTHER STAFF:

- Report to Director (i.e. Incident Commander) for directions.

OPERATIONS: SEARCH AND RESCUE

Objectives: Sweep quickly through the RVC classrooms to identify location of trapped or injured students and staff. Rescue those who are trapped and injured. Coordinate with First Aid team for treatment of the injured.

Safety Rules: Buddy system: 2-3 persons per team; team leader identified. Take no action that might endanger you. Do not work beyond expertise. Use appropriate safety gear. Size up the situation first. Follow all operational and standard safety procedures. Team members should be certified in First Aid and trained in SAR techniques.

Start-Up Actions

- ❑ Put on personal safety gear.
- ❑ Obtain all necessary equipment from container (see below).
- ❑ Check at Command Post (ICP) for assignment.
- ❑ Put batteries in flashlight.

Operational Duties

- ❑ Before entering a building, walk around and inspect complete exterior of building. Report structural damage to team leader. Use yellow caution tape to barricade hazardous areas. Do not enter severely damaged buildings.
- ❑ If building is safe to enter, search assigned area (following map) using orderly pattern. Check rooms first that are marked for injured person left behind (e.g., red ribbon on door handle). Systematically check all rooms.

STANDARD SEARCH ASSESSMENT MARKING

A separate and distinct marking system is necessary to conspicuously describe information relating to the location of victims in the areas searched. This will be constructed in two operations, when entering and leaving a room. It is important that the markings are specific to each area of entry (e.g., room) or separate part of the building. Use chalk, painters' tape, or grease pencil for the markings indicated below.







ENTERING A ROOM: Draw a forward slash to indicate that search operations are currently in progress.

- ❑ When injured victim is located, transmit location, number, and condition of injured to Command Post. Do not use names of students or staff. Administer only life-saving disaster first aid. Transport injured to First Aid Station.



EXITING A ROOM: Draw a back slash across the original one, creating an "X" on the door when the primary search is completed.

- ❑ Fill in the four quadrants of the "X" using the standard marking system, which will help professional rescue teams who follow. Working clockwise from the left quadrant, mark information as described on the following page.

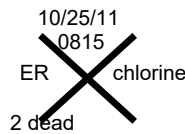
Search Team		LEFT QUADRANT: Write the SEARCH TEAM INITIALS or identifier.
		TOP QUADRANT: Write the DATE and TIME that the search team left the room or structure
		RIGHT QUADRANT: Write any HAZARDS found, e.g., rats, toxic chemicals, broken staircase
		BOTTOM QUADRANT: Write number of LIVE and DECEASED victims still inside the structure. 0 = no victims

Date/
Time

Hazards

injured
dead

EXAMPLE:



- Report by radio to Incident Command Post when room or area has cleared (example: "Room A-123 is clear"). To diminish radio clutter, consider reporting room clusters as clear.
- Follow directions from Operations/Incident Command Post
- Report gas leaks, fires, or structural damage to Operations Chief immediately upon discovery.
- Record exact location of damage and triage on map and report information to Operations Chief.
- Keep radio communication brief and simple. Use common language, no codes.

Closing Down

- Return equipment to Logistics. Provide maps and logs to the Documentation Unit.

Equipment/Supplies

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ ID Vest ▪ Work and latex gloves ▪ First aid backpack ▪ Clipboard with job description and map ▪ Fire extinguisher ▪ Backpack with goggles, flashlight, face masks, pry bar, duct tape, grease pencil and painter's tape to mark doors. | <ul style="list-style-type: none"> • Hard hat • Whistle with master keys on lanyard • Campus 2-way radio • Caution tape |
|---|---|

OPERATIONS: FIRST AID

Objectives: Establish the First Aid treatment area, triage, emergency medical response and counseling. Ensure that appropriate actions are taken in the event of deaths. Coordinate with the Search and Rescue Team and inform the Operations Chief when the situation requires health or medical services that staff cannot provide.

Personnel: First-aid trained staff and volunteers

Start-Up Actions

- ❑ Set up First Aid Station if directed by Operations Chief.
- ❑ Obtain and put on personal safety equipment including vests and non-latex or nitrile gloves.
- ❑ Check with Medical Team Leader for assignment.

Operational Duties

- ❑ Admit injured students/staff to First Aid Station, listing name on master log.
- ❑ Administer appropriate first aid.
- ❑ Keep accurate records of care given.
- ❑ Continue to assess victims at regular intervals.
- ❑ Report deaths immediately to First Aid Team Leader. Relocate to morgue area
- ❑ If and when transport is available, do final assessment and document on triage tag. Keep and file records for reference—do not send with victim.
- ❑ A copy of the Student's Emergency Card must accompany student removed from campus to receive advanced medical attention. Send emergency out-of-area phone number if available.

First Aid Stations

Triage - Locate triage at the entry of the First Aid Station. This area is for the injured to be quickly evaluated for severity of injury and directed to the appropriate treatment area.

- **Immediate Care** - For people with life and limb threatening injuries that require immediate attention, such as difficulty breathing, severe bleeding, major burns and shock. Locate immediate care in an area out of sight of most students and staff but accessible to emergency vehicles.
- **Delayed Care** - For injured individuals who do not require attention within the first hour. Such people may have lacerations, broken bones or need medication. Locate near the immediate care area, but shield from the sight of the injured in immediate care area.
- **Minor Care** - Avoids overloading first aid station for those needing immediate care. Some can be treated in class lines.

Crisis Counseling - Mild to moderate anxiety is best handled by teachers in class groups.

Severe anxiety warrants special attention in a secluded area away from other First Aid areas, since the sight of injured people may worsen the hysteria. This area should be away from the student population because hysteria can rapidly get out of control.

Closing Down

- ❑ Return equipment and unused supplies to Logistics.
- ❑ Clean up first aid area. Dispose of hazardous waste safely.
- ❑ Complete all paperwork and turn into the Documentation Unit.

Equipment/ First Aid Supplies:

See Emergency Supplies Inventory in **APPENDIX G**.

OPERATIONS and FIRST AID: MORGUE

Personnel: To be assigned by the Operations Chief.

Start-Up Actions

- Check with Operations Chief for direction.
- If directed, set up morgue area. Verify:
 - Tile, concrete, or other cool floor surface
 - Accessible to Coroner's vehicle
 - Remote from assembly area; keep unauthorized persons out of morgue.
 - Maintain respectful attitude.

Operational Duties - After pronouncement or determination of death:

- Confirm that the person is actually dead.
- Do not move the body until directed by Command Post.
- Do not remove any personal effects from the body. Personal effects must remain with the body at all times.
- As soon as possible, notify Operations Chief, who will notify the Incident Commander, who will notify 911 of the location and, if known, the identity of the body. The 911 Dispatcher will notify the Coroner.
- Keep accurate records and make available to law enforcement and/or the Coroner when requested.
- Write the following information on two tags.
 - Date and time found.
 - Exact location where found.
 - Name of decedent if known.
 - If identified—how, when, by whom.
 - Name of person filling out tag.
- Attach one tag to body.
- If the Coroner's Office will not be able to pick up the body soon, place body in plastic bag(s) and tape securely to prevent unwrapping. Securely attach the second tag to the outside of the bag. Move body to morgue.
- Place any additional personal belongings found in a separate container and label as above. Do not attach to the body—store separately near the body.

Closing Down

- After all bodies have been picked up, close down the Morgue.
- Return equipment and unused supplies to Logistics.
- Clean up area. Dispose of hazardous waste safely.
- Complete all paperwork and turn into the Documentation Unit of Planning.

Equipment/ Supplies

- | | |
|-----------------|----------------------|
| ▪ ID Vest | • Tags |
| ▪ Vicks VapoRub | • Pens/Pencils |
| ▪ Plastic tarps | • Plastic trash bags |
| ▪ Stapler | • Duct tape |
| ▪ 2" cloth tape | |

OPERATIONS: SHELTER AND CARE

Objectives: Ensure the care and safety of all students on campus except those who are in the First Aid Station.

Personnel: Classroom teachers, substitute teachers, and staff as assigned.

Start Up Actions

- ❑ Identify team leader
- ❑ Put on safety vest or position identifier
- ❑ Assess situation. Remain calm.
- ❑ Take job description clipboard and radio.
- ❑ Check in with Operations Chief for situation briefing.
- ❑ Assign personnel to assignments as needed.
- ❑ If school is evacuating:
 - Verify that the assembly area and routes to it are safe.
 - Count students or observe the classrooms as they exit, to make sure that all classes evacuate.
 - Initiate the set-up of portable toilet facilities and hand-washing stations.

Operational Duties

- ❑ Monitor the safety and well-being of the students and staff in the Assembly Area.
- ❑ Administer minor first aid as needed or refer to First Aid Station
- ❑ Support the Student Release process by releasing students with appropriate paperwork.
- ❑ When necessary, provide water and food to students and staff.
- ❑ Make arrangements for portable toilets if necessary, ensuring that students and staff wash their hands thoroughly to prevent disease.
- ❑ Arrange activities and keep students reassured.
- ❑ Update records of the number of students and staff in the assembly area (or in the buildings).
- ❑ Direct all requests for information to the Public Information Officer or Command Post.
- ❑ Make arrangements to provide shelter for students and staff.

Closing Down

- ❑ Return equipment and reusable supplies to Logistics.
- ❑ When authorized by the Incident Commander, close out all logs.
- ❑ Provide logs and other relevant documents to the Documentation Unit.

Equipment/ Supplies

- ID Vest
- Clipboard with job description
- First aid kit, water, food, sanitation supplies
- Student activities: books, games, coloring books, etc.
- Forms:
 - Student Accounting
 - Student Injury Forms
- School 2-way radio
- Ground cover, tarps

OPERATIONS: STUDENT RELEASE

Objective: Assist teachers and staff in the release of students from the campus to parents and designated adults.

Personnel: Office Manager, available staff and disaster volunteers. Use buddy system. Student Release process is supported by student runners.

Start-Up Actions:

- Identify team leader.
- Put on safety vest or position identifier.
- Check with Operations Chief for assignment to Request Table or Release Table.
- Obtain necessary equipment and forms from Logistics or emergency container.
- Secure area against unauthorized access. Mark gates with signs.
- Set up Request Table at the main student access area. Use alphabetical grouping signs to organize parent requests.
- Have Student Release Forms available for parents outside at Request Table. Assign volunteers to assist.
- Set up Release Table at some distance from Request Table.

Operational Duties

- Follow procedures outlined below to ensure the safe reunification of students with their parents or guardians.
- Refer all requests for information to the ICS or EOC Public Information Officer. Do not spread rumors!

Procedures

- Requesting adult fills out Student Release Form, gives it to staff member, and shows photo identification.
- Staff verifies identification, pulls Emergency Card from file, and verifies that the requester is authorized on the card.
- Staff instructs the requester to proceed to the Release Table and files the Emergency Card in the out box.
- Runner takes the Student Release Form to Student Assembly Area, walks the requested student to the Student Release Table.
- Staff matches student to requester, asks parent/requester to sign student Release Form, and requests both to leave the campus area to reduce congestion.
- Mark student with sticker or "X" on hand in colored marking pen so security personnel can check that student is authorized to leave campus.

Note: If a parent is hostile or refuses to wait in line, don't argue. Step aside with the agitated parent so that Request Table can continue processing other parent requests. Document.

If student is with class in the Assembly Area:

- Runner shows Student Release Form to the teacher
- Teacher marks box, "Sent with Runner."
- Runner walks student to Release Table
- Runner hands paperwork to release personnel.
- Release staff match student to requester, verify proof of identification

If student is not with the class:

- ❑ Teacher makes appropriate notation on Student Log.
- ❑ "Absent" if student was not in school that day.
- ❑ "First Aid" if student is at First Aid Station.
- ❑ "Missing" if student was in school but now cannot be located.
- ❑ Runner takes Student Log to Planning/ICP.
- ❑ Planning verifies student location if known and directs runner accordingly.
- ❑ Parent should be notified of missing student status and escorted to Crisis Counselor.
- ❑ If student is in First Aid, parent should be escorted to Medical Treatment Area.
- ❑ If student was marked absent, parent will be notified by a staff member.

Closing Down

- ❑ At the direction of the Operations Chief, return equipment and unused supplies to Logistics.
- ❑ Complete all paperwork and turn into the Documentation Unit.

Equipment/Supplies - See Emergency Supplies (Student Release File Box inventory) in **APPENDIX G.**

- ID Vest
- Small clipboards for Parent Request forms
- Student Emergency Contact Cards
- Model Marin Schools Student Release Guide
- Signs marked Request Table and Release Table
- Signs for alphabetical grouping to organize request lines
- Post-it tabs to indicate absent students, missing students, those in First Aid.
- Map with location of Student Release Table and parent parking area
- Forms:
 - Student Release Form (copies for every student)
- Clipboards for staff
- Pens, stapler
- File boxes to serve as out-boxes

PLANNING: SITUATION

Objectives: Collect, evaluate, document and use information about the development of the incident and the status of resources.

- Maintain accurate site map.
- Provide ongoing student/staff and facilities status data, analysis of situation and resource status.

Start-up Actions

- ❑ Check in with Planning Chief for situation briefing.
- ❑ Obtain necessary equipment and supplies from Logistics.
- ❑ Put on safety vest or position identifier.

Operational Duties

Situation Status (Map)

- ❑ Establish, coordinate and direct verbal and written communications with section chiefs.
- ❑ Collect, organize and analyze incident information.
- ❑ Update situation status boards as new information is received.
- ❑ Use area-wide map to record information on major incidents, road closures, utility outages, etc.
- ❑ Mark site map appropriately as related reports are received. This includes Search and Rescue reports and damage updates, giving a concise picture status of campus.
- ❑ Preserve map as legal document until photographed.
- ❑ Direct media or public inquiries to the ICS or EOC Public Information Officer.

Situation Analysis

- ❑ Provide current situation assessments based on analysis of information received.
- ❑ Develop situation reports for the Incident Commander to support the action planning process.
- ❑ Think ahead and anticipate situations and problems before they occur
- ❑ Report only to Incident Commander. Refer all other requests to Public Information Officer.

Closing Down

- ❑ Close out all logs and turn all documents into Documentation.
- ❑ Return equipment and reusable supplies to Logistics.

Equipment/ Supplies

- ID Vest
- 2-way radio
- Large site map of campus, laminated
- Map of county and local area
- Forms:
 - D1: Section Activity Log
 - E1: Situation Status Report – Initial Assessment
 - F1: Situation Status Report Update
- Clipboards
- Paper, pens, dry-erase pens, tissues
- File box(es)

PLANNING: DOCUMENTATION

Objectives: Collection, evaluation, documentation and use of information about the development of the incident and the status of resources.

Start-Up Actions

- Check in with Planning Chief for situation briefing.
- Obtain necessary equipment and supplies from Logistics.
- Put on safety vest or position identifier..
- Determine whether there will be a Finance/Administration Section. If there is none, the Documentation Clerk will be responsible for maintaining all records of any expenditures as well as all personnel time keeping records.

Operational Duties

Records

- Maintain time log of the Incident, noting all actions and reports. (See sample log in **APPENDIX D.**)
- Record content of all radio communication with Emergency Operations Center.
- Record verbal communication for basic content.
- Log in all written reports.
- File all reports for reference (file box).

Important: A permanent log may be typed or rewritten at a later time for clarity and better understanding. Keep all original notes and records—they are legal documents.

Student and Staff Accounting

- Receive, record, and analyze Student Accounting forms.
- Check off staff roster. Compute number of students, staff, and others on campus for Situation Analysis. Update periodically.
- Report missing persons and site damage to Incident Commander.
- Report first aid needs to Medical Team Leader.
- File forms for reference.

Closing Down

- Collect and file all paperwork and documentation from deactivating sections.
- Securely package and store these documents for future use.
- Return equipment and reusable supplies to Logistics.

Equipment/ Supplies

- ID Vest
- 2-way radio paper, pens
- Forms:
 - Emergency Time/Situation Report
 - Sample log
 - Student Accounting Form
- Clipboards
- File box(es)

LOGISTICS: STAFFING

Objective: Coordinate the assignment of personnel (staff, students, disaster volunteers) in support of the incident response.

Start-Up Actions

- ❑ Check in with Incident Commander for situation briefing.
- ❑ Put on safety vest or position identifier.
- ❑ Open three logs to list staff, volunteers, and student runners who are awaiting assignment.

Operational Duties

- ❑ Deploy personnel as requested by the Incident Commander.
- ❑ Sign in volunteers, making sure that they wear I.D. badges and are on the site disaster volunteer list.
- ❑ Unregistered volunteers should be sent to the community volunteer site, if there is one. If needed on site, verify identity, register volunteer, and consider simple assignments such as parking and crowd control, distribution of Student Request forms to parents.

Closing Down

- ❑ Ask volunteers to sign out.
- ❑ At the Logistic Chief's direction, close out all logs and turn them in to Documentation Unit.
- ❑ Return all equipment and supplies.

Equipment/Supplies

- ID Vest
- Clipboards with Volunteer Sign-in sheets
- Cargo container or other storage facility and all emergency supplies stored on campus
- Forms:
 - Inventory of emergency supplies on campus
 - List of registered disaster volunteers
- 2-way radio
- Paper, Pens

LOGISTICS: SUPPLIES/FACILITIES

Objectives: Provide facilities, equipment, supplies, and materials in support of the incident response. Facilitate and coordinate food supplies, meal preparation, meal distribution, water distribution, sanitation set-up and debris removal.

Start-Up Actions

- Check in with Incident Commander for situation briefing.
- Open supplies container or other storage facility if necessary.
- Put on safety vest or position identifier.
- Begin distribution of supplies and equipment as needed.
- Set up the Incident Command Post.

Operational Duties

- Maintain security of cargo container, supplies and equipment.
- Distribute supplies and equipment as needed.
- Assist team members in locating supplies and equipment.
- Set up feeding area, sanitation area and other facilities as needed.
- Arrange for debris removal.
- Coordinate site repairs and use of school facilities.

Closing Down:

- At the Logistic Chief's direction, receive all equipment and unused supplies as they are returned.
- Secure all equipment and supplies.

Equipment/Supplies

- ID Vest
- Clipboard
- Cargo container or other storage facility and all emergency Supplies stored on campus
- Forms:
 - Inventory of emergency supplies on campus
 - 2-way radio
 - Paper, pens

FINANCE/ADMINISTRATION: TIMEKEEPING

Objective: Maintenance of accurate and complete records of staff hours.

Start-Up Actions:

- ❑ Check in with Finance/Administration Chief for situation briefing. (Note: Depending on the severity of the situation, these tasks will likely be completed by the Finance Chief)
- ❑ Put on position identifier, such as vest, if available.
- ❑ Locate and set up work space.
- ❑ Check in with the Documentation Clerk to collect records and data that relate to personnel time keeping.

Operational Duties

- ❑ Meet with Finance/Administration Chief to determine process for tracking regular and overtime of staff.
- ❑ Ensure that accurate records are kept of all staff members, indicating hours worked.
- ❑ If school personnel not normally assigned to the site are working, be sure that records of their hours are kept.

Closing Down

- ❑ Close out all logs.
- ❑ Secure all documents and records.

Equipment/ Supplies

- ID Vest
 - Paper, pens
 - Forms:
 - Staff Duty Log
- Clipboards

FINANCE/ADMINISTRATION: PROCUREMENT

Objective: Maintain accurate and complete records of purchases.

Start-Up Action

- Check in with Finance/Administration Chief for situation briefing.
- Put on position identifier, such as vest.
- Locate and set up work space.
- Check in with the Documentation Clerk to collect records and information which relate to purchasing.

Operational Duties

- Meet with Finance/Administration Chief to determine process for tracking purchases.
- Support Logistics in making any purchases that have been approved by the Incident Commander.
- Maintain vendor contracts and agreements.

Closing Down

- Close out all logs.
- Secure all documents and records.

Equipment/Supplies

- | | |
|---|---|
| <ul style="list-style-type: none">▪ ID Vest▪ Paper, Pens▪ Stapler▪ Forms | <ul style="list-style-type: none">• Clipboard• Post-Its• Calculator |
|---|---|

RESPONSE

One of the true tests of leadership is the ability to recognize a problem before it becomes an emergency.

-- Arnold H. Glasow

Response is the process of implementing appropriate actions while an emergency situation is unfolding. In this phase, schools mobilize resources needed to address the emergency at hand. In any emergency situation, get help right away. Alert someone immediately—a school administrator, school nurse, the 911 Dispatcher, local fire department or police department, as appropriate.

CALLING 911

911 is a telephone number dedicated to calls for emergency assistance, such as a traffic accident, fires, paramedic service, crime in progress, bodily injury, imminent threat to life, or major property damage or loss.

The 911 Dispatcher is a trained dispatcher who will prompt what additional information is needed, based on the type of emergency (e.g., what the scene looks like, number of injuries or deaths). In order to complete an assessment on the telephone, the 911 Dispatcher may have many questions to ask depending upon the nature of the problem. It is very important for the dispatcher to obtain as much information as possible, in the interests of responder safety and to dispatch the correct level of medical response.

WHEN CALLING 911

- ❖ Remain calm.
- ❖ ***Speak slowly and clearly.***
- ❖ Clearly state name and location of incident and your calling phone #.
- ❖ State your emergency
- ❖ Listen to all instructions. Allow 911 Dispatcher to direct conversation.
- ❖ Answer all questions completely.
- ❖ Remain on the line as long as Dispatcher instructs you to do so.

The 911 Dispatcher may ask you to stay on the line until responders arrive. This will assist the dispatcher in keeping the fire, police or rescue squad updated as the situation being reported unfolds.

WHEN REPORTING AN EMERGENCY

- Remain calm and speak slowly and clearly while explaining the type of emergency you are reporting.
- Provide your name, location of the incident and your location, if different from the scene of the emergency.

Though the technology exists which presents address and phone number data immediately to the 911 Dispatcher it is not available in all locations. The 911 Operator is trained to confirm and verify the phone number and address for EVERY call received. The dispatcher will ask questions concerning the type of emergency being reported. The answers you provide will be relayed to the responding emergency personnel.

- Answer all questions asked by the 911 Dispatcher, even those that seem repetitious.

- Stay on the line while the 911 Dispatcher processes the call. You may need to provide additional information or to receive instructions from the 911 Dispatcher. Do not hang up until the Dispatcher says to do so.
- No matter what the situation, try to remain calm. Be sure to speak slowly and clearly.

CALLING 911 FROM A CELL PHONE

911 calls from cellular phones are answered by California Highway Patrol (CHP) personnel and routed to the proper agency. 911 personnel do not know the location from where you are calling. It is important to know your cell phone number, and be aware of your surroundings so you can tell the dispatcher where you are. Ideally, street names and addresses should be provided. Since many cell phone calls are made from moving vehicles, callers should inform the dispatcher when they change locations.

Time is of the essence. Every 911 Operator knows that. It hampers response when a 911 operator has to ask the caller for information several times over because he/she couldn't comprehend what was being said. Try to be as calm as possible and speak slowly and clearly. This ensures the 911 operator has the correct information the first time he/she asks for it.

ACTIVATING THE EMERGENCY OPERATIONS CENTER

The decision to activate the Emergency Operations Center or Incident Command Post rests with the Incident Commander. The decision should be based on whether or not there is a need to coordinate a response to an emergency situation.

If there are few or no decisions to make, there may be no need to activate the Emergency Operations Center (EOC). However, consider activating the Incident Command structure whenever assistance making decisions or carrying out actions to respond to a crisis or emergency would be helpful. This is not limited to physical disasters. Situations involving a heightened emotional state of students or staff may benefit from the use of the Incident Command System (ICS) to manage the crisis. The ICS can also be used as a management tool to handle planning of unusual or large events.

Examples of situations that could benefit from activation of the ICS include:

- Fire
- Explosion
- Earthquake
- Flood
- Death of a student or staff member (especially suicide, and especially if on-campus)
- Violence or threat of violence
- Bus accident involving student injuries
- Large event hosted on campus (graduation, large concert, large sporting event, etc.)

The ICS is flexible in scope and size. The Incident Commander may want to activate only portions of the team from the outset, and expand or contract it as the event progresses.

SCHOOL PERSONNEL EMERGENCY CHECKLISTS

In addition to the Emergency Team assignments, every staff member has general responsibilities during an emergency.

DIRECTOR

- Assume overall direction of all emergency responses based on actions outlined in this Plan. Good judgment, based upon the facts available, is of paramount importance.
- Identify the type of crisis. Obtain as much information about it as possible, and determine the appropriate response.
- Identify key staff who should be involved in planning the response.
- Activate the Incident Command System and, if appropriate, the Incident Command Post.
- Establish contact with the Emergency Operations Center (EOC).
- Ascertain what action needs to be implemented. Secure the school building, if necessary.
- Maintain communication among all relevant staff at officially designated locations.
- Establish what information needs to be communicated to staff, students, families, and the community. How will they be informed? Who will do what?
- Ascertain medical needs. Monitor how emergency first aid is being administered to the injured.
- Decide if more equipment and supplies are needed.
- Identify what community resources need to be involved. Who needs to be contacted for additional assistance/support?
- Identify provisions required for special needs population.
- Determine whether special transportation arrangements are needed.
- Prepare informational letter for parents/guardians to squelch rumors.
- Arrange for post-disaster trauma counseling for students and staff.
- Identify follow-up activities that will be used to evaluate response.

OFFICE MANAGER

-Provide assistance to Director, as needed.
-Handle telephones.
-Monitor radio emergency broadcasts and communications.
-Assist with health emergencies, as needed.
-Set up Student Release tables, if needed.
-Serve as messengers.

TEACHERS

- Supervise students in their charge.
- Direct evacuation of students to inside or outside assembly areas, in accordance with signals, warning, written notification or PA orders.
- Take attendance when class relocates to another assembly area.
- Report missing students to School Director.
- Send students in need of first aid to school nurse or person trained in first aid. Acquire assistance for those who are injured and need to be moved.

INSTRUCTIONAL ASSISTANTS/AIDES

- Assist teacher, as needed.
- Maintain order in classroom and during evacuation.

CUSTODIANS/MAINTENANCE PERSONNEL

- Shut off gas and/or water if required by the emergency.
- Seal off doors, shut down HVAC system if required by the emergency.
- Examine buildings for damage; provide damage control.
- Keep school director/site administrator informed of condition of school.
- Assist as directed by the Director.

NURSES/HEALTH ASSISTANTS

-Administer First Aid.
-Supervise administration of First Aid by those trained in it.
-Organize First Aid and medical supplies.
-Set up First Aid station, if needed.

OTHER SCHOOL EMPLOYEES

-Report to Director for directions.

EMERGENCY ACTIONS = ALERT LEVEL PROCEDURES

Emergency Actions are a set of simple directives and alert level procedures that may be implemented across a number of emergency situations. When an emergency occurs, it is critical that staff members take immediate steps to protect themselves and others. With Emergency Actions in place, staff can follow specific directions without having to learn extensive protocols for each of several dozen different emergency situations. The Incident Commander will decide which Emergency Actions to implement, based on the situation.

The most common immediate emergency actions below are listed below, followed by specialized emergency actions. Specific steps to take for each of these are detailed in the following pages. Staff members must become familiar with each emergency action and be prepared to perform assigned responsibilities. All students must be taught what to do when any of the common emergency actions are implemented.

COMMON EMERGENCY ACTIONS	
<p>ALL CLEAR</p> <p>Used to conclude other immediate emergency actions and to notify staff and students that normal school operations can resume.</p>	<p>DROP/DUCK/COVER AND HOLD ON</p> <p>The action taken during an earthquake to protect students and staff from flying and falling debris.</p>
<p>EVACUATION</p> <p>The orderly movement of students and staff from school buildings to another area when conditions outside are safer than inside.</p>	<p>LOCKDOWN</p> <p>Initiated when there is an immediate or imminent threat to occupants of a school building and movement within will put students and staff in jeopardy. Lockdown involves a "no one in, no one out" scenario.</p>
<p>SHELTER IN PLACE</p> <p>Implemented to isolate students and staff from the outdoor environment and provide greater protection from external airborne contaminants.</p>	<p>STAND BY</p> <p>Notifies students and staff that further instructions will follow shortly.</p>
SPECIALIZED EMERGENCY ACTIONS	
<p>CONVERT SCHOOL</p> <p>Initiated when a requirement exists during a disaster for community medical facilities or community shelters (run by the Marin County Department of Health and Human Services or American Red Cross)</p>	<p>DIRECTED TRANSPORTATION</p> <p>Implemented when students and staff are loaded into school buses, cars and any other available means of transportation and moved from an area of danger to an area of lesser danger.</p>
<p>OFF-SITE EVACUATION</p> <p>Implemented when it is unsafe to remain on the campus, and evacuation to an off-site assembly area is required.</p>	<p>REVERSE EVACUATION</p> <p>Initiated if an incident occurs while students are outside and conditions are safer inside the building.</p>
<p>STUDENT RELEASE</p> <p>Instructs staff to prepare for releasing students from school during the academic day.</p>	<p>TAKE COVER</p> <p>Instructs staff and students to move to and take refuge in the best-shielded areas within the school buildings.</p>

EMERGENCY ACTION: ALL CLEAR

ALL CLEAR is used to conclude other immediate actions taken upon an emergency to notify staff and students that normal school operations can resume. **ALL CLEAR** signifies that the emergency is over. This is the final ACTION used to conclude the following actions:

- **DUCK, COVER and HOLD ON**
- **EVACUATION and REVERSE EVACUATION**
- **LOCKDOWN**
- **SHELTER IN PLACE**
- **STANDBY**
- **TAKE COVER**

ANNOUNCEMENT:

1. Make the following announcement in person directly or over the public address system:

Example: "Your attention please. (Pause) **ALL CLEAR**. (Pause) **ALL CLEAR**. (Pause) **ALL CLEAR**. (Pause) **ALL CLEAR**. (Pause). **It is now OK to resume normal school activities. Thank you all for your cooperation.**"

2. Use messengers with oral or written word as an alternate means of staff notification.
3. Use electronic communications system to inform parents, if appropriate.

DIRECTOR ACTIONS:

- ❑ Determine that the emergency is over and it is safe to resume classes. It may be necessary to talk to first responders to make this determination.
- ❑ Make the **ALL CLEAR** announcement.
- ❑ Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- ❑ As soon as the **ALL CLEAR** announcement has been made, return to the classroom or to desks and chairs, unlock doors and windows, and immediately begin discussions and activities in classrooms to assist students in addressing fear, anxiety and other concerns.
- ❑ Use electronic communications system to inform parents, if appropriate.

EMERGENCY ACTION: DUCK, COVER AND HOLD ON

DUCK, COVER AND HOLD ON is the action taken during an earthquake to protect students and staff from flying and falling debris. It is appropriate action for:

- Earthquake
- Explosion

ANNOUNCEMENT:

The following announcement will be made over the public address system and by teachers in classrooms:

Example: **“Attention please. We are experiencing seismic activity. For your protection, follow DUCK, COVER AND HOLD ON procedures. Get under a table or desk, away from windows and anything that could fall and hurt you. Hold that position until the shaking stops or until you receive further instructions.”**

STAFF AND STUDENT ACTIONS:

Inside

- ❑ Arrange desks so that they do not face windows.
- ❑ Instruct students to move away from windows.
- ❑ Immediately drop to the floor under desks, chairs or tables. With back to windows, place head between knees, hold on to a table leg with one hand and cover the back of the neck with the other arm.
- ❑ Remain in place until shaking stops or for at least 20 seconds. When quake is over, leave building. Do not run. Avoid routes with architectural overhangs. Do not re-enter building until declared safe by competent authority.

Outside

- ❑ Instruct students to move away from buildings, trees, overhanging wires and **DUCK, COVER and HOLD ON.**
- ❑ Upon the command **DUCK, COVER AND HOLD ON**, immediately move away from objects which might topple over, drop to the ground or get under a table close by, place head between knees, and cover back of neck with arms and hands.
- ❑ Remain in place until shaking stops or for at least 20 seconds.

EMERGENCY ACTION: EVACUATION

EVACUATION is implemented when conditions make it unsafe to remain in the building. This **ACTION** provides for the orderly movement of students and staff along prescribed routes from inside school buildings to a designated outside area of safety. **EVACUATION** is considered appropriate for, but is not limited to, the following types of emergencies:

- Fire
- Bomb threat
- Chemical accident
- Explosion or threat of explosion
- Post earthquake

See next page for how to assist those with disabilities during an evacuation.

See also: **OFF-SITE EVACUATION**, which is implemented when it is not safe to remain on the school campus and **REVERSE EVACUATION**, when it is unsafe to remain outside.

ANNOUNCEMENT:

1. Fire alarm (bell or horn signal).
2. Provided time is available, make an announcement over the public address system:

Example: "Attention please. We need to institute an **EVACUATION** of all buildings. Teachers are to take their students to their designated Assembly Area. Students please remain with your teacher."

3. Implement Special Needs Evacuation Plan (see **Section II – Preparedness**).
4. Use messengers with oral or written word to deliver additional instructions to teachers in hold areas.

DIRECTOR:

- ❑ The Assembly Area should be a safe location on the school campus away from the building and emergency response equipment that may arrive at the school. If unsafe for the current emergency, designate an alternate Assembly Area.
- ❑ When clearance to return to the buildings is determined or received from appropriate agencies, announce **ALL CLEAR** to return to classrooms and resume school activities.
- ❑ Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- ❑ Instruct students to leave the building in an orderly manner using the designated evacuation routes and reassemble in the assigned Assembly Area.
- ❑ Take the emergency backpack and student roster when leaving the building and take attendance when the class is reassembled in a safe location. Report attendance to the Incident Commander/designee.
- ❑ Remain in the Assembly Area until further instructions are given.

- ❑ Wait for another ACTION or the **ALL CLEAR** instruction to return to school buildings and normal class routine.

HOW TO ASSIST THOSE WITH DISABILITIES DURING AN EVACUATION

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

To alert visually-impaired individuals

- ❑ Announce the type of emergency.
- ❑ Offer your arm for guidance.
- ❑ Tell person where you are going, obstacles you encounter.
- ❑ When you reach safety, ask if further help is needed.

To alert individuals with hearing limitations

- ❑ Turn lights on/off to gain person's attention -OR-
- ❑ Indicate directions with gestures -OR-
- ❑ Write a note with evacuation directions.

To evacuate individuals using crutches, canes or walkers

- ❑ Evacuate these individuals as injured persons.
- ❑ Assist and accompany to evacuation site, if possible -OR-
- ❑ Use a sturdy chair (or one with wheels) to move person -OR-
- ❑ Help carry individual to safety.

To evacuate individuals using wheelchairs

- ❑ Give priority assistance to wheelchair users with electrical respirators
- ❑ Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.
- ❑ Reunite person with the wheelchair as soon as it is safe to do so.

EMERGENCY ACTION: LOCKDOWN

LOCKDOWN is initiated to isolate students and school staff from danger when there is a crisis inside the building and movement within the school might put students and staff in jeopardy. **LOCKDOWN** is used to prevent intruders from entering occupied areas of the building. The concept of **LOCKDOWN** is no one in, no one out. All exterior doors are locked, and students and staff must remain in the classrooms or designated locations at all times. Teachers and other school staff are responsible for accounting for students and ensuring that no one leaves the safe area. **LOCKDOWN** is not normally preceded with an announcement. This ACTION is considered appropriate for, but is not limited to, the following types of emergencies:

- Gunfire
- Rabid animal at large
- Extreme violence outside the classroom

LOCKDOWN differs from **SHELTER-IN-PLACE** because it does not involve shutting down the HVAC systems and does not allow for the free movement within the building.

ANNOUNCEMENT:

1. Make an announcement in person directly or over the public address system:

Example: "Attention please. We have an emergency situation and must implement **LOCKDOWN** procedures. Students go immediately to the nearest classroom. Teachers lock classroom doors and keep all students inside the classroom until further notice. Do not open the door until notified by an administrator or law enforcement."

DIRECTOR ACTIONS:

- ❑ Make the announcement. Instruct teachers and staff to immediately lock doors and remain in the classroom or secured area until further instructions are provided.
- ❑ Call 911. Provide location, status of campus, all available details of situation.
- ❑ When clearance is received from appropriate agencies, give the **ALL CLEAR** instruction to indicate that it is safe to unlock the doors and return to the normal class routine.
- ❑ Send home with students a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- ❑ If it is safe to clear the hallways, bathrooms and open areas, direct students to the closest safe classroom.
- ❑ Immediately lock doors and instruct students to lie down on the floor.
- ❑ Close any shades and/or blinds if it appears safe to do so.
- ❑ Remain quiet and calm in the classroom or secured area until further instructions are provided by the school director or law enforcement.

STUDENT ACTIONS:

- ❑ Move quickly and quietly to the closest safe classroom.
- ❑ If rooms are locked, immediately hide in the closest safe zone: bathroom, janitorial closet, office area, library. Lock the door or move furniture or trash can to bar access to the room. Remain quiet until further instructions are provided by the school director or police.

EMERGENCY ACTION: SHELTER IN PLACE

SHELTER IN PLACE is a short-term measure implemented when there is a need to isolate students and staff from the outdoor environment to prevent exposure to airborne contaminants. The procedures include closing and sealing doors, windows and vents; shutting down the classroom/building heating, ventilation and air conditioning systems to prevent exposure to the outside air; and turning off pilot lights.

SHELTER IN PLACE allows for the free movement of staff and students within the building, although one should not leave the room until further instructions are received. Those in buildings with exterior passageways must remain in the classroom while **SHELTER IN PLACE** is instituted. It is appropriate for, but not limited to, gas leaks, external chemical release, dirty bombs and hazardous material spills.

ANNOUNCEMENT:

1. Make an announcement in person directly or over the public address system:

Example: "Attention please. We have a hazard in the community and are instituting **SHELTER IN PLACE** procedures. Students and staff should remain inside with windows and doors securely closed and air conditioning units turned off. Those who are outside should immediately move to the protection of an inside room. Do not go outdoors until you receive further instructions."

DIRECTOR ACTIONS:

- ❑ Make an announcement on the public address system. Give clear instructions, remain calm and convey reassurance that the situation is under control.
- ❑ When clearance is received from appropriate agencies, give the **ALL CLEAR** instruction to indicate that the normal school routine can resume.
- ❑ Make arrangements for central HVAC shutdown, as necessary.

TEACHER and STAFF ACTIONS:

- ❑ Immediately clear students from the halls. Stay away from all doors and windows.
- ❑ Keep all students in the classroom until further instructions are received. Assist those needing special assistance.
- ❑ Secure individual classrooms: a) close and lock doors and windows; b) shut down the classroom HVAC system; c) turn off local fans in the area; d) seal gaps under doors and windows with wet towels or duct tape; e) seal vents with aluminum foil or plastic wrap; and f) turn off sources of ignition, such as pilot lights.
- ❑ Take attendance and call report in to school secretary. Wait for further instructions.

STUDENT ACTIONS:

- ❑ Proceed to the classroom, if it is safe to do so. If not, follow teacher or staff directions to nearby classrooms or other rooms (e.g., auditorium, library, cafeteria, multi-purpose room). If these are unsafe, follow instructions to proceed to an alternative indoor location.

EMERGENCY ACTION: STAND-BY

STAND BY is appropriate for all disasters or emergencies, except those that occur without warning. **STAND BY** must be followed by another ACTION or the **ALL CLEAR** instruction to return to normal school activities.

ANNOUNCEMENT:

1. Make an announcement in person directly or over the public address system:

Example: **"Attention please. (Pause) STAND BY. (Pause) STAND BY.
(Pause) STAND BY. (Pause) Additional information will follow."**

2. Use messengers with oral or written word as an alternate means of faculty notification.
3. Use Parent Telephone Alert System, if appropriate.

STAFF ACTIONS:

- If outside, teachers are to return students to their classrooms.
- If inside, teachers will hold students in classrooms pending receipt of further instructions.
- STAND BY** must be followed by another ACTION or **ALL CLEAR** instruction to return to normal school activities.

EMERGENCY ACTION: CONVERT SCHOOL

CONVERT SCHOOL is implemented during a disaster when a requirement exists for community medical facilities or shelters. **CONVERT SCHOOL** will be initiated only by the School Director and/or upon the request of officials from the Department of Health and Human Services or the American Red Cross as arranged by a prior written Memorandum of Understanding between the school and the public agency. This action is normally preceded by another ACTION such as **EVACUATION**. If the Red Cross chooses a school as a community shelter, it will arrange shelter set-up. After an earthquake, potential shelter locations are checked by a local building inspector approved by local government authorities before a determination is made to use the school site as a shelter.

ANNOUNCEMENT:

During School Hours

1. Make the following announcement in person directly or over the public address system:

Example: "Attention please. (Pause) **CONVERT SCHOOL.** (Pause)
CONVERT SCHOOL. (Pause) **Thank you.**"

Other than School Hours

2. Use the electronic communication system to notify all school employees.

DIRECTOR ACTIONS:

During School Hours

- Dismiss all classes or, if the situation dictates, hold students at school for temporary care.
- Coordinate with staff to convert the school into an Emergency Hospital, First Aid Station or community shelter for congregate care. (Community shelter is operated by the Department of Health and Human Services or the American Red Cross.)
- When converting the school to an Emergency Hospital or First Aid Station, follow the guidance and directions of the medical personnel upon their arrival.

Other than School Hours

- Alert school employees through the electronic communications system.
- Suspend scheduled classes. Use electronic communications system to notify parents.
- When converting the school to an Emergency Hospital or First Aid Station, follow the guidance and directions of the medical personnel upon their arrival.

EMERGENCY ACTION: DIRECTED TRANSPORTATION

DIRECTED TRANSPORTATION is implemented when students and staff are loaded into school buses, cars and any other available means of transportation and moved from a dangerous area to an area of lesser danger. This ACTION will normally be preceded by **STAND-BY, EVACUATION** or another ACTION. **DIRECTED TRANSPORTATION** is considered appropriate for, but is not limited to, the following types of emergencies:

- Chemical accident
- Fire
- Flood

ANNOUNCEMENT:

1. Make the following announcement in person directly or over the public address system:

Example: "Attention please. (Pause) **DIRECTED TRANSPORTATION when dismissal bell rings.** (Pause) **DIRECTED TRANSPORTATION when dismissal bell rings.** (Pause) Thank you."

2. Use messengers with oral or written word as an alternate means of staff notification.
3. Use electronic notification system, if time permits.

DIRECTOR ACTIONS:

Prior to implementing **DIRECTED TRANSPORTATION**, determine the following:

- Who is assigned to each loading area? _____
- Where are loading areas? _____
- What, if any, change in vehicle traffic patterns are necessary? _____

- What staff supervises this ACTION, and where? _____
- How can sufficient transportation be arranged to accommodate the entire student population and staff? _____

TEACHER ACTIONS:

- Take attendance before leaving the campus.
- Upon arrival at the safe site, take attendance again after students exit the bus.
- Report attendance to the School Director/designee.
- Keep students together. Remain calm.

BUS DRIVER ACTIONS:

- ❑ Take the safest route to the pre-identified evacuation sites.
- ❑ Avoid dangers such as driving through flooded roads, crossing over swollen creeks, etc.

STUDENT ACTIONS:

- ❑ Remain quiet and seated while on the bus.
- ❑ Keep head, hands, backpacks, *etc.* away from the open windows.
- ❑ Stay together at the alternate site. Remain calm.
- ❑ Report any injuries or problems to teachers or staff members.

To evacuate by other vehicles

If buses are unable to get to the campus quickly or not enough are available, consider other modes of transportation. A list should be developed of school owned vehicles, staff vehicles and parent vehicles that are available. **This method of evacuation should only be used in extreme emergency since there is a great potential to lose track of the students.**

- ❑ Drivers should take the safest route to the pre-identified evacuation sites.
- ❑ Account for all students before transportation occurs and after arrival at the safe site.

EMERGENCY ACTION: OFF-SITE EVACUATION

OFF-SITE EVACUATION is implemented when it is unsafe to remain on the school campus, and evacuation to an off-site assembly area is required. This ACTION provides for the orderly movement of students and staff along prescribed routes from inside school buildings to a designated area of safety. **OFF-SITE EVACUATION** is considered appropriate for, but is not limited to, the following types of emergencies:

- Fire
- Bomb threat
- Chemical accident
- Explosion or threat of explosion
- Post earthquake

OFF-SITE EVACUATION may require **DIRECTED TRANSPORTATION**.

See also **EVACUATION** and **REVERSE EVACUATION**, implemented when it is unsafe to remain outside.

ANNOUNCEMENT:

1. Fire alarm (bell or horn signal).
2. Make an announcement over the public address system:

Example: **"Attention please. We need to institute an OFF-SITE EVACUATION. Teachers are to take their students to the designated offsite assembly area. Students are to remain with their teacher."**

DIRECTOR ACTIONS:

- ❑ Determine the safest method for evacuating the campus. This may include the use of school buses or simply walking to the designated off-site location.
- ❑ Call 911. Provide school name and location of off-site evacuation, reason for evacuation, number of staff and students being evacuated.
- ❑ When clearance is received from appropriate agencies, give the **ALL CLEAR** instruction and authorize students and staff to return to the classrooms.
- ❑ Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- ❑ Take attendance before leaving campus. Instruct students to evacuate the building, following designated routes, and assemble in their assigned offsite Assembly Area. Bring along the emergency classroom backpack.
- ❑ If walking to a nearby site, keep students lined up in an orderly fashion and walk away from the danger. The procession should follow the safest route to the evacuation site.
- ❑ Take the student roster when leaving the building. Take attendance when the class is reassembled in a safe offsite location. Report attendance to School Director/designee.
- ❑ Remain in place until further instructions are given.

EMERGENCY ACTION: REVERSE EVACUATION

REVERSE EVACUATION is implemented when it is unsafe to remain outside the campus and staff and students must immediately return indoors. This ACTION is considered appropriate for, but is not limited to, the following types of emergencies:

- Chemical accident
 - Flood
- Explosion
 - Rabid animal on campus

See also **EVACUATION** and **OFF-SITE EVACUATION**, when it is unsafe to remain on campus.

ANNOUNCEMENT:

1. Make an announcement over the public address system or in person directly:

<u>Example:</u>	"Attention please. We need to institute a REVERSE EVACUATION. Staff and students should move inside as quickly and orderly as possible. Students are to return to their [current or previous] classroom."
-----------------	--

DIRECTOR:

- Determine a safe inside location on the school campus for parents, visitors and contractors on campus when the emergency occurs.
- When clearance is determined or received from appropriate agencies that it is safe to be outdoors, announce **ALL CLEAR** to resume school activities.
- Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- Instruct students to return to the building and their current classroom or the previous one they attended. Remind them to enter the building in an orderly and quiet manner.
- Take attendance when the class is reassembled in the classroom. Report attendance to the Incident Commander/designee.
- Remain in the classroom until further instructions are given.
- Wait for another ACTION or the **ALL CLEAR** instruction to return to school buildings and normal class routine.

EMERGENCY ACTION: STUDENT RELEASE

Certain situations may involve releasing students from school or relocating them at a time when parents expect their children to be at the school site. Student release will be implemented by the Director in times of extreme emergency that warrant its execution. Whenever possible, it is preferred that students remain at school during the academic day.

FOUR STEPS FOR STAFF

1. At REQUEST TABLE, verify parent ID and authorization.
2. Direct parent to RELEASE TABLE; radio or send runner for student.
3. At RELEASE TABLE, verify Student Request Form is signed
4. Release student to custody of authorized adult.

FOUR STEPS FOR PARENTS

1. Fill out Student Request Form.
2. Show photo ID at REQUEST TABLE.
3. Move to RELEASE TABLE to wait for student.
4. Leave campus immediately after student is released to your custody.

INCIDENT COMMANDER (DIRECTOR) ACTIONS:

- Set up Incident Command Post (ICP).
- Notify staff of school evacuation and communicate that this is not a drill.
- Designate the Student Assembly Area or direct teachers to a pre-designated spot. Analyze situation; re-evaluate evacuation spot to determine if students should be moved.
- Determine medical and assistance needs after population assessment. Determine search and rescue needs.
- Reassess as situation changes. Reassign emergency teams as needed.
- Keep staff informed as to status of missing students.

TEACHER and STAFF ACTIONS:

- Evacuate students to designated area, with students grouped as determined by the school site.
- Take roll by distributing pre-labeled nametags to each student.
- Report population assessment to Incident Commander by holding up green or red card. Mark undistributed nametags with student status beside name:
A = Absent
M = Medical; students taken to the First Aid station
U = Missing/Unaccounted
- Send undistributed nametags to the Student Request Table.
- Organize students. Monitor students' medical and emotional condition.
- Extra staff should partner for other assigned duties; report to Command Post.

TEAM ASSIGNMENTS

STUDENT RELEASE TEAM

- Take supplies to designated Request/Release Table locations.
- Set out tables at least 20 feet apart to reduce crowding. For large student body, establish several lines at the Request Table for speedier processing.

- Post signs and set out file boxes of Student Emergency Cards for each line. Identify volunteer runners and review where to find students.
- Wear identifying vests or hats.
- Distribute clipboards with Student Request Forms to parents in line.
- Set out white board for special instructions and parent requests.
- Pull cards of absent, injured and missing students. Note status on those cards and file at back of file box.

TRAFFIC CONTROLLER (Staff members and/or parent volunteers):

- Coordinate with staff and/or volunteers
- Set out parking area directional signs and enlarged site map with walking path designated for parents picking up students.
- Set out traffic cones to cordon off parking for emergency vehicles.
- Maintain order in parking areas; direct cars away from areas for emergency vehicles.
- Report to Incident Command Post any crowd control issues in parking lot and on school grounds.

PARENT INFORMATION REPRESENTATIVE (Staff or trained volunteer):

- Provide information about student release procedures to parents.
- Maintain white board with special information.
- Learn which students need medical attention and attempt to locate their parents.

CRISIS INTERVENTION COUNSELOR (Health practitioner)

- Maintain order at Student Request Table; calm agitated parents and students.
- Facilitate delivery of information to parents of students with special circumstances (e.g. missing, injured, deceased).
- Escort parents to First Aid Station to reunite with injured students.

RUNNERS (Staff, students and/or parent volunteers - number depends on size of campus)

- Take Student Request Form to Student Assembly Area to find requested student. Alternately, a walkie-talkie may be used to request a student from the Assembly Area.
- Retrieve student and escort him/her to Student Release Table -OR- return to Student Request Table with status information on those who are not in the Student Assembly Area.

EMERGENCY ACTION: TAKE COVER

TAKE COVER is implemented when it is necessary to move to and take refuge in the best-shielded areas within the school buildings. It is appropriate for, but not limited to, the following:

- Actual enemy attack or imminent threat of attack
- Severe windstorm with little or no warning

Enemy Attack

ANNOUNCEMENT:

1. A three (3) minute undulating siren tone will sound for schools near an Attack Warning Siren.
2. If not near an Attack Warning Siren, make the following announcement in person directly or over the school public address system:

Example: **"Attention please. (Pause) TAKE COVER (Pause) TAKE COVER. (Pause) TAKE COVER (Pause) Enemy attack imminent."**

3. Sound continuing short buzzer or bell signals.
4. Use messengers with oral or written word as an alternate means of faculty notification.

Natural Disasters

ANNOUNCEMENT:

1. Make the following announcement in person directly or over the school public address system:

Example: **"Attention please. (Pause) TAKE COVER (Pause) TAKE COVER. (Pause) TAKE COVER (Pause) Severe windstorm imminent."**

2. Sound continuing short buzzer or bell signals.
3. Use messengers with oral or written word as an alternate means of faculty notification.

DIRECTOR ACTIONS:

- Give clear instructions, remain calm and convey reassurance.
- When clearance is received from appropriate agencies, give another ACTION instruction or the **ALL CLEAR** to indicate that the normal school activities can resume.
- Either use the electronic communications system or send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

EMERGENCY RESPONSES

This section establishes procedures to be followed that will minimize or nullify the effects of the 44 emergencies listed below. The response procedures are intended primarily as a ready reference for all staff to be studied and practiced prior to the occurrence of an emergency.

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INCIDENTS OF VIOLENCE ON CAMPUS

Several of the following emergency scenarios involve an incident of violence on campus. When such an emergency occurs, it is essential that the safety and welfare of students and staff are addressed. This includes the provision of support and counseling immediately and in the longer term. The guidelines below should be followed by the Director and other key personnel.

WITHIN 24 HOURS

- Gather the facts
- Ensure appropriate intervention to minimize additional injury
- Provide first aid where necessary
- Ensure the safety and welfare of students and staff
- Set up an Emergency Operations Center, if appropriate
- Contact the Board Chair to report the critical incident, if appropriate
- Assess the need for support and counseling for those directly and indirectly involved
- Manage the media (Board Chair)
- Set up a recovery room
- Provide factual information to staff, students and the school community
- Ensure that the privacy of students and staff is maintained
- Organize assistance such as transport home

WITHIN 48-72 HOURS

- Debrief all relevant persons
- Arrange counseling as needed
- Provide opportunities for staff and students to talk about the incident
- Continue to provide updates to staff, students and the school community.
- Act to dispel rumors
- Restore normal functioning and service delivery as soon as possible
- Where necessary, make arrangements to cover classes, arrange leave and employ temporary substitute teachers
- Implement protocols for a student or staff member, if required

WITHIN THE FIRST MONTH

- Note student and staff behavioral changes such as reports that individuals cannot sleep, uncharacteristic difficulty coping with work, easily agitated. Where these occur, encourage referral to appropriate support services
- Maintain school contact with hospitalized students and staff

EMERGENCY RESPONSE: ACCIDENT AT SCHOOL

Whether an accident is unintentional and results in minor injury or is the result of aggressive behavior on campus, it is important to complete a written report of the incident. Accident Report and Behavioral Incident Report forms are available at the school office.

STAFF ACTIONS:

- Report accident to School Director and school office.
- Provide for immediate medical attention, including performing necessary life-sustaining measures (CPR, etc.), until trained Emergency Medical Services technicians arrive.
- For relatively minor events, take students to school office or school nurse for assistance.
- Complete an Accident Report or Behavioral Incident Report to document what occurred.

DIRECTOR ACTIONS:

- Provide appropriate medical attention. Call 911, if needed.
- Contact parents, guardians as appropriate to seek appropriate follow-up services, if needed.

OTHER PREVENTATIVE/SUPPORTIVE ACTIONS:

- Post general procedures in the office explaining when parents are to be notified of minor mishaps.
- Provide staff with a one-page list of emergency procedures in case of an accident or injury on the playground or in the building (e.g., First Aid Manual, Bloodborne Pathogen Program).
- Provide each teacher with information about students in his/her classroom having special medical or physical needs; such conditions might include allergies, fainting, seizures, or diabetes; include procedures that the teacher may follow in these specific emergencies.

EMERGENCY RESPONSE: AIRCRAFT CRASH

Emergency response will depend on the size of the aircraft, nature of the crash, and proximity to the school. If it is safe to remain inside the building, all students should be kept in the school under supervision. The crash may also result in an explosion, chemical spill or utility interruption.

Aircraft crashes into the school

STAFF ACTIONS:

- Notify Director.
- Move students away from immediate vicinity of the crash.
- EVACUATE** students from the building using primary and/or alternate fire routes to a safe assembly area away from the crash scene. Take class roster/nametags and emergency backpack.
- Check school site to assure that all students have evacuated.
- Take attendance at the assembly area.
- Report missing students to the School Director/designee and emergency response personnel.
- Maintain control of the students a safe distance from the crash site.
- Care for the injured, if any.
- Escort students back to the to the school site when emergency response officials have determined it is safe to return to the building.

DIRECTOR ACTIONS:

- Notify police and fire department (call 911).
- Determine immediate response procedures, which may include **EVACUATION, OFF-SITE EVACUATION** or **DIRECTED TRANSPORTATION**.
- Notify the Office of Emergency Services.
- Arrange for first aid treatment and removal of injured occupants from building.
- Secure area to prevent unauthorized access until the Fire Department arrives. Ensure that students and staff remain at a safe distance from the crash.
- Account for all building occupants and determine extent of injuries.
- Do not re-enter building until the authorities provide clearance to do so.

Aircraft crashes near school

STAFF ACTIONS:

- Notify Director.
- Move students away from immediate vicinity of the crash.
- Remain inside with students unless subsequent explosions or fire endanger the building.

DIRECTOR ACTIONS:

- Notify police and fire department (call 911).
- Initiate **SHELTER IN PLACE**, if warranted.
- Initiate **REVERSE EVACUATION** for students and staff outside or direct them to designated area until further instructions are received.
- Ensure that students and staff remain at a safe distance from the crash.
- Notify the Office of Emergency Services.
- Fire department officials will secure area to prevent unauthorized access. Do not enter affected areas until the appropriate authorities provide clearance to do

EMERGENCY RESPONSE: AIR POLLUTION ALERT

Severe air pollution may affect students and staff who are susceptible to respiratory problems.

DIRECTOR ACTIONS:

- Develop and maintain a file of students and staff who have or are susceptible to respiratory problems. The file should contain data on the location of such persons at different times during the day.
- Meet with physical education teachers and other teachers directing strenuous activity programs and determine alternate programs available during an air pollution episode.
- When notified by the news media of a smog advisory, inform all staff to stay indoors and minimize physical activity.
- Cancel all athletic competitions and practices and any other activities that require strenuous physical activity such as marching band, pep squad etc.
- Instruct employees to minimize strenuous physical activity.
- Cancel any events that require the use of vehicles.
- Urge staff and high school students to minimize use of vehicles.

STAFF ACTIONS:

- Remain indoors with students.
- Minimize physical activity.
- Keep windows and doors closed.
- Resume normal activities after the All Clear signal is given.

EMERGENCY RESPONSE: ALLERGIC REACTION

There are many types of medical conditions that may trigger an allergic reaction, among them anaphylactic shock, diabetes and sickle cell anemia. Possible symptoms of an allergic reaction include skin irritation or itching, rash, hives, nasal itching or sneezing, localized swelling, swollen tongue, restlessness, sweating, fright, shock, shortness of breath, vomiting, cough and hoarseness. School nurses have a specialized health care plan for certain conditions and should be contacted for any sign of allergic reaction.

STAFF ACTIONS:

- If imminent risk, call 911.
- Send for immediate help (First Aid, CPR, medical) and medication kit (for known allergies).
- Notify Director.
- Assist in getting "Epi" (Epinephrine) pen for individuals who carry them (usually in backpack), and prescription medications (kept by school nurse).
- If an insect sting, remove stinger immediately.
- Assess situation and help student/staff member to be comfortable.
- Move student or adult only for safety reasons.

DIRECTOR ACTIONS:

- If imminent risk, call 911 (always call 911 if using "Epi" pen).
- Notify parent or guardian.
- Administer medication, by order of a doctor, if appropriate; apply ice pack to affected area, keep victim warm or take other actions as indicated.
- Observe for respiratory difficulty.
- Attach a label to the person's clothing indicating: time & site of insect sting or food ingested, name of medicine, dosage and time administered.

OTHER PREVENTATIVE/SUPPORTIVE ACTIONS:

- Keep an "Epi" pen in the school office and notify staff as to location.
- Emergency health card should be completed by parents for each child and should be easily accessible by school personnel.

EMERGENCY RESPONSE: ANIMAL DISTURBANCE

If there is a rabid or uncontrollable animal on campus, implement this procedure when any wild animal threatens the safety of the students and staff

DIRECTOR ACTIONS:

- Isolate the students from the animal. Close doors and lock tables as a means to isolating the animal.
- If the animal is outside, keep students inside and institute a **LOCKDOWN**.
- If the animal is inside, initiate an **EVACUATION** outside to a protected area away from the animal
- Contact the Marin Humane Society for assistance in removing the animal.
- If the animal injures anyone, seek medical assistance from the school nurse.
- Notify parent/guardian and recommended health advisor.

STAFF/TEACHER ACTIONS:

- If the animal is outside, keep students inside. Lock doors and keep students away from the windows.
- If the animal is inside, **EVACUATE** students to a sheltered area away from the animal.
- Notify the Director if there are any injuries.

EMERGENCY RESPONSE: BIOLOGICAL AGENT RELEASE

This is an incident involving the discharge of a biological substance in a solid, liquid or gaseous state. Such incidents may include the release of radioactive materials. A biological agent can be introduced through:

- postal mail, via a contaminated letter or package
- a building's ventilation system
- a small explosive device to help it become airborne
- a contaminated item such as a backpack, book bag, or other parcel left unattended
- the food supply
- aerosol release (for example, with a crop duster or spray equipment)

Defense against biological release (e.g. anthrax, smallpox, plague, ricin etc.) is difficult because usually appear after some time has lapsed. Indicators that may suggest the release of a biological or chemical substance include multiple victims suffering from: watery eyes, choking or breathing difficulty, twitching or the loss of coordination. Another indicator is the presence of distressed animals or dead birds. Determine which scenario applies and implement the appropriate response procedures.

Outside the building

STAFF ACTIONS:

- Notify Director.
- Move students away from immediate vicinity of danger (if outside, implement **REVERSE EVACUATION**).
- Segregate individuals who have been topically contaminated by a liquid from unaffected individuals. Send affected individuals to a designated area medical attention.
- Follow standard student assembly, accounting and reporting procedures.

DIRECTOR ACTIONS:

- Initiate **SHELTER IN PLACE**.
- Shut off HVAC units.
- Move to central location where windows and doors can be sealed with duct tape.
- Call 911. Provide location and nature of the emergency and school actions taken.
- Notify Board Chair if appropriate
- Turn on a battery-powered commercial radio and listen for instructions.
- Complete the Biological and Chemical Release Response Checklist
- Remain inside the building until the Department of Health or Fire Department determines it is safe to leave.
- Arrange for psychological counseling for students and staff.

Inside the building

STAFF ACTIONS:

- Notify Director.
- Segregate individuals who have been topically contaminated by a liquid from unaffected individuals.
- Implement **EVACUATION** or **OFF-SITE EVACUATION**, as appropriate. Send affected individuals to a designated area for medical attention.
- Follow standard student assembly, accounting and reporting procedures.
- Prepare a list of those who are in the affected area to provide to emergency response personnel.

DIRECTOR ACTIONS:

- Initiate **EVACUATION** of building or **OFF-SITE EVACUATION** to move students away from immediate vicinity of danger.
- Move up-wind from the potential danger.
- Call 911. Provide exact location and nature of emergency.
- Designate security team to isolate and restrict access to potentially contaminated areas.
- Wait for instructions from emergency responders-- Health or Fire Department.
- Notify Board Chair if appropriate.
- Arrange for immediate psychological counseling for students and staff.
- Complete the Biological and Chemical Release Response Checklist
- Wait to return to the building until it has been declared safe by local HazMat or appropriate agency.

THOSE WHO HAVE DIRECT CONTACT WITH BIOLOGICAL AGENT:

- Wash affected areas with soap and water.
- Immediately remove and contain contaminated clothing
- Do not use bleach on potentially exposed skins.
- Remain in safe, but separate area, isolated from those who are unaffected, until emergency response personnel arrive.

EMERGENCY RESPONSE: BOMB THREAT

In the event that the school receives a bomb threat by telephone, follow the Bomb Threat Checklist on the next page to document information about the threat. Keep the caller on the telephone as long as possible and listen carefully to all information the caller provides. Make a note of any voice characteristics, accents, or background noises and complete the Bomb Threat Report as soon as possible.

PERSON RECEIVING THREAT BY TELEPHONE:

- Listen. Do not interrupt caller.
- Keep the caller on the line with statements such as *"I am sorry, I did not understand you. What did you say?"*
- Alert someone else by prearranged signal to notify the telephone company to trace the call while the caller is on the line.
- Notify site administrator immediately after completing the call.
- Complete the Bomb Threat Checklist.

Telephone Bomb Threats

- Remain calm/courteous.
- Read phone's visual display.
- Listen, don't interrupt.
- Keep caller talking. Pretend hearing difficulty.
- Notice details: background noises, voice description.
- Ask: When? Where? What? How?
- Don't touch any suspicious objects.

Call 911

PERSON RECEIVING THREAT BY MAIL:

- Note the manner in which the threat was delivered, where it was found and who found it.
- Limit handling of item by immediately placing it in an envelope so that fingerprints may be detected. Written threats should be turned over to law enforcement.
- Caution students against picking up or touching any strange objects or packages.
- Notify Director.

SCHOOL DIRECTOR/SITE ADMINISTRATOR ACTIONS:

- Call 911.
- If the caller is still on the phone, contact the phone company to trace the call. Tell the telephone operator the name of school, name of caller, phone number on which the bomb threat came in. This must be done quickly since the call cannot be traced once the caller has hung up.
- Instruct staff and students to turn off any pagers, cellular phones or two-way radios. Do not use those devices during this threat since explosive devices can be triggered by radio frequencies.
- Determine whether to evacuate the threatened building and adjoining buildings. If the suspected bomb is in a corridor, modify evacuation routes to bypass the corridor.
- Use the intercom, personal notification by designated persons, or the PA system to evacuate the threatened rooms.

- If it is necessary to evacuate the entire school, use the fire alarm.
- Notify the Board Chair if appropriate.
- Direct a search team to look for suspicious packages, boxes or foreign objects.
- Do not return to the school building until it has been inspected and determined safe by proper authorities.
- Avoid publicizing the threat any more than necessary.

SEARCH TEAM ACTIONS:

- Use a systematic, rapid and thorough approach to search the building and surrounding areas.
- Check classrooms and work areas, public areas (foyers, offices, bathrooms and stairwells), unlocked closets, exterior areas (shrubbery, trash cans, debris boxes) and power sources (computer rooms, gas valves, electric panels, telephone panels).
- If suspicious item is found, make no attempt to investigate or examine object.

STAFF ACTIONS:

- Evacuate students as quickly as possible, using primary or alternate routes.
- Upon arrival at the designated safe site, take attendance. Notify the school director/site administrator of any missing students.
- Do not return to the building until emergency response officials determine it is safe.

EMERGENCY RESPONSE: BOMB THREAT CHECKLIST

To be completed by person receiving the call

CALL RECEIVED BY: _____ **DATE** _____ **TIME** _____

REMAIN CALM! Notify other staff by prearranged signal while caller is on the line. Listen.
 Do not interrupt the caller except to ask:

1. *What time is the bomb set for?* _____
2. *Where has it been placed?* _____
3. *What does it look like?* _____
4. *Why are you doing this?* _____
5. *Who are you?* _____

Words used by caller: _____

Description of caller: Male Female Adult Juvenile

Estimate age of caller: _____ **Other notes:** _____

Voice characteristics: Loud Soft Deep High Pitched
 Raspy Pleasant Intoxicated Nasal
 Other _____

Speech: Rapid Slow Disguised Normal
 Laughing Slurred Lisp Stutter
 Other _____

Manner: Calm Angry Irrational Excited
 Coherent Incoherent Deliberate Crying
 Emotional Righteous Laughing Foul

Language: Excellent Good Fair Poor
 Use of certain phrases: _____

Accent: Local Foreign Regional
 Other _____

Background Noises: Airplane Animals Industrial Machines
 Static Motors Office Machines
 Quiet Music Party Scene
 Street Traffic Trains PA System
 TV Voices Other _____

EMERGENCY RESPONSE: BUS ACCIDENT

Each school should maintain a folder for each bus serving the school. This folder should contain rosters, including an emergency telephone number for each student assigned to ride the bus. The teacher in charge of a special activity trip should prepare trip bus folders; one copy of the student emergency contact information should be placed in the trip folder and a second copy should accompany the teacher on the trip. Bus drivers may need to make spontaneous, independent decisions, based on the nature of the emergency, age of children, location of bus and other unique circumstances.

BUS DRIVER:

- Turn off power, ignition and headlights. Use safety lights, as appropriate.
- Evaluate the need for evacuation.
- Remain with the vehicle. Notify California Highway Patrol.

STAFF ACTIONS AT THE SCENE:

- Call 911, if warranted.
- Notify Director.
- Implement basic first aid until emergency medical services and/or law enforcement arrives and takes charge of the emergency.
- Move all uninjured students to a safe distance from the accident.
- Document the names of all injured students and their first aid needs.

DIRECTOR ACTIONS:

- Notify law enforcement.
- Notify parents/guardians of all students on the bus as soon as accurate information is available.
- Designate a school staff representative to proceed to any medical treatment facility to which an injured student has been taken to assist parents and provide support to students, as appropriate.
- Notify school community about the incident and status of injured students and/or staff. Prepare news release for media, if appropriate.

Earthquake during bus trip

BUS DRIVER ACTIONS:

- Issue DUCK, COVER and HOLD ON instruction.
- Stop bus away from power lines, bridges, overpasses, buildings, possible landslide conditions, overhanging trees or other dangerous situations.
- Set brake, turn off ignition and wait for shaking to stop.
- Check for injuries and provide first aid, as appropriate.
- Contact the Director and bus dispatch to report location and condition of students and the bus.

- Do not attempt to cross bridges, overpasses or tunnels that may have been damaged.
- En route to school, continue to pick up students.
- Leaving school, continue dropping off students, provided there is a responsible adult at the bus stop.
- If it is impossible to return to school, proceed to nearest designated shelter indicated on the bus route. Upon arriving at the shelter, notify the Director.
- Remain with students until further instructions are received from Director.
- Account for all students and staff throughout the emergency

Flood during bus trip

BUS DRIVER ACTIONS:

- Do not drive through flooded streets and/or roads.
- Take an alternate route or wait for public safety personnel to determine safe route.
- If the bus is disabled, stay in place until help arrives
- Contact the school administrator and bus dispatch to report location and condition of students and the bus.
- Do not attempt to cross bridges, overpasses or tunnels that may have been damaged.
- Account for all students and staff throughout the emergency.

EMERGENCY RESPONSE: CHEMICAL ACCIDENT (offsite)

Chemical accidents the magnitude of a disaster could result from a transportation accident or an industrial spill, involving large quantities of toxic material.

PERSON DISCOVERING SPILL:

- Alert others in immediate area to leave the area.
- Close doors and restrict access to affected area.
- Notify Director.
- DO NOT eat or drink anything or apply cosmetics.

DIRECTOR ACTIONS:

- Notify Fire Department and the Department of Public Health. Provide the following information:
 - School name and address, including nearest cross street(s)
 - Location of the spill and/or materials released
 - Characteristics of spill (color, smell, visible gases)
 - Name of substance, if known
 - Injuries, if any
- Notify Maintenance/Building and Grounds Manager.
- Determine whether to implement **SHELTER IN PLACE, EVACUATION** and/or student release.
- Post a notice on the school office door stating location of alternate school site.
- Notify Board Chair of school status and location of alternate school site.

STAFF ACTIONS:

- If **SHELTER-IN-PLACE**, close all doors and windows, shut off ventilation, and monitor the radio. If necessary, use tape, rags, clothing or any other available material of seal air leaks.
- If you believe that gas is entering the building, protect everyone with a wet cloth or towel over the mouth and nose. Have everyone breathe in short, quick shallow breaths.
- If **EVACUATION** is implemented, direct all students to report to nearest designated building or assembly area.
- Upon arrival at safe site, take attendance to be sure all students have been evacuated and accounted for. Notify Director of any missing students.

EMERGENCY RESPONSE: CHEMICAL ACCIDENT (onsite)

This incident could be the result of spilled cleaning chemicals within the school building, in the school lab, a material a student brings to school, or a broken gas main. Any such accidents could endanger the students and staff. Hazardous material spills may occur inside a building, such as a spill in a chemistry lab.

PERSON DISCOVERING SPILL:

- Alert others in immediate area to leave the area.
- Close windows and doors and restrict access to affected area.
- Notify Director.
- DO NOT eat or drink anything or apply cosmetics.

DIRECTOR ACTIONS:

- Notify Fire Department and the Department of Public Health. Provide the following information:
 - School name and address, including nearest cross street(s)
 - Location of the spill and/or materials released; name of substance, if known
 - Characteristics of spill (color, smell, visible gases)
 - Injuries, if any
 - Your name and telephone number
- Notify Maintenance/Building and Grounds Manager to shut off mechanical ventilating systems.
- If necessary, proceed with school **EVACUATION** using primary or alternate routes, avoiding exposure to the chemical fumes.
- Post a notice on the school office door stating location of alternate school site.
- Notify Board Chair of school status and location of alternate site.
- Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- If **EVACUATION** is implemented, direct all students to report to nearest designated building or assembly area. Take class roster and emergency backpack and student kits. Check that all students have left the building. Students are not to be left unattended at any time during evacuation process. Students are to remain quiet during evacuation.
- Upon arrival at evacuation site, take attendance. Notify school director/site administrator of any missing students.
- Upon arrival at evacuation site, take roll and report attendance to School Director immediately. Notify emergency response personnel of any missing students.
- Do not return to the building until emergency response personnel have determined it is safe.

EMERGENCY RESPONSE: CIVIL DISTURBANCE

A civil disturbance is an unauthorized assemblage on the school grounds with the potential to:

- disrupt school activities;
- cause injury to staff and students; and/or
- damage property.

Precautionary measures must be taken to keep school personnel and students from undue exposure to danger. Efforts should be made to remain calm, to avoid provoking aggression, and to keep students in their classrooms.

Inside School

STAFF ACTIONS:

- Report disruptive circumstances to Director.
- Avoid arguing with participant(s).
- Have all students and employees leave the immediate area of disturbance.
- Lock doors. Account for all students and remain in classroom unless instructed otherwise by the School Director or law enforcement.
- Stay away from windows and exterior doors.

DIRECTOR ACTIONS:

- If the students are engaging in civil disobedience, keep the students confined to one room in the school building.
- Set up a communication exchange with the students, staff and yourself. Try to restore order.
- If unable to calm students and violent or uncontrolled behavior is probable, notify police of situation and request assistance.
- Use electronic communications system or send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

Outside of School

DIRECTOR ACTIONS:

- Call 911.
- Move any students who are outside into the school building. If unable to do so, have students lie down and cover their heads.
- Once students are in the school building, lock and secure all exterior doors, including restrooms. Have custodians remove trash containers and other burnable items from public access.
- Cancel all outside activities.
- Maintain an accurate record of events, conversations and actions.
- Assign staff members to assist nurse as necessary.

STAFF ACTIONS:

- Close and lock classroom doors. Close all curtains and blinds. Keep students away from windows and take precautions to protect them from flying glass in the event windows are broken.
- Instruct students to **DUCK AND COVER**, lie on the floor and keep students calm.
- Care for the injured, if any.
- Remain with students within locked classrooms until all clear is given, regardless of bells and the school schedule.

EMERGENCY RESPONSE: CRIMINAL ACT

Criminal acts on campus may vary from theft to rape. Sexual assault and threats are covered separately, later in this section.

DIRECTOR ACTIONS:

- Notify police (dial 911).
- Identify all parties involved (if possible). Identify witnesses, if any.
- Preserve the crime scene. With the exception of rescue personnel, deny access to the immediate area until police arrive. Police officials will coordinate activities within the crime scene and release the area to the school administrator when finished.
- If an individual is armed with a weapon, USE EXTREME CAUTION. Do not attempt to remove the weapon from his/her possession. Allow police to do so.
- If the incident involves a student, notify the parents or guardians.
- Question the victim with another staff member present. Focus on the information necessary to pursue disciplinary action against the perpetrators.
- Let trained police obtain specific details about the crime, following student interview protocols.

STAFF ACTIONS:

- Care for the victim. Provide any medical attention needed.
- Preserve the crime scene. With the exception of rescue personnel, deny access to the immediate area until police arrive

EMERGENCY RESPONSE: DEATH of a STUDENT

A student's death may be the result of a suicide, homicide, car accident, illness or other causes. It may have a profound affect on the school and may be one of the most difficult situations an administrator will face. A communications strategy developed in advance of such tragedy will help the administrator know what to say to the student's family and the school community.

DIRECTOR ACTIONS:

- Call 911, the Board Chair. Verify the death and obtain as much information about it as possible.
- Contact the student's family or visit the home to offer condolence and support. Obtain information about the funeral/memorial service. Respect their wishes.
- Protect the privacy of the family; the school neither gives nor confirms information to the media or others without consent.
- If the death occurred in the evening or weekend, contact staff so that teachers and staff members are informed about the occurrence. Notify teachers prior to notification of students.
- Meet with front line staff/crisis team as soon as possible so that everyone understands the response plan.
- Determine whether additional resources are needed and make appropriate requests.
- Schedule a staff meeting as soon as possible to share the details that are known, review procedures for the day and discuss the notification of students, availability of support services and the referral process for students and staff who want or need counseling support and assistance.
- Develop a plan for notifying other students and sharing information about availability of support services. Do not use the public address system.
- Go to each of the student's classes and notify his/her classmates in person.
- Prepare a parent/guardian information letter and distribute it to students at the end of the day.
- Use the electronic communication system to contact parents of those students who are affected by the crisis to determine appropriate support needed after leaving school. Offer assistance to parents of impacted students. If necessary, designate areas for crisis team/community resource persons to meet with affected students.
- Make arrangements with the family to remove the student's personal belongings from the school.
- Meet with your staff/crisis team to evaluate the response and determine what additional resources might be needed. Thank all those who assisted.

STAFF ACTIONS:

- Allow students who wish to meet in counseling office or other appropriate place to do so. Encourage students to report any other students who might need assistance. Arrange with facilitator/counselor to individually escort each student to the counseling support site.

EMERGENCY RESPONSE: DEATH of a STAFF MEMBER

A reported death or serious illness among the school community may have a profound effect on students and staff alike.

DIRECTOR ACTIONS:

- Verify the death and obtain as much information about it as possible. Contact the Coroner's Office.
- Protect the privacy of the family; the school neither gives nor confirms information to the media or others without consent.
- If the death occurred in the evening or weekend, contact all staff so that teachers and staff members are informed about the occurrence. Notify teachers prior to notification of students.
- Contact the decedent's family to offer condolence and support. Obtain information about the funeral/memorial service. Respect the wishes of the family.
- Meet with front line staff/crisis team as soon as possible so that everyone understands the response plan.
- Determine whether additional resources are needed and make appropriate requests.
- Develop a plan for notifying students and sharing information about availability of support services. Do not use the public address system.
- Schedule a staff meeting as soon as possible to share the details that are known, review procedures for the day and discuss the notification of students, availability of support services and the referral process for staff who want or need support and assistance.
- Facilitate classroom and small group discussions for students.
- Prepare a parent/guardian information letter and distribute it to students at the end of the day.
- Determine who from the decedent's family will secure the personal belongs. Make arrangements to remove the personal belongings from the school after school hours. Do not clean out personal belongings in the presence of students or staff.
- Meet with your staff/crisis team to debrief at the end of the day and determine what additional resources might be needed.
- Thank all those who assisted.
- Continue to monitor staff and students for additional supportive needs.

EMERGENCY RESPONSE: DIRTY BOMB

A dirty bomb is a mix of explosives, such as dynamite with radioactive power or pellets, set off to scatter dust and smoke in order to produce radioactive contamination. The main danger from a dirty bomb is from the explosion, which can cause serious injuries and property damage. While the radioactive materials used in a dirty bomb are probably insufficient to create immediate serious illness, they can be dangerous to health if inhaled. Low levels of radiation exposure do not cause noticeable symptoms. Higher levels of radiation exposure may produce nausea, vomiting, diarrhea and swelling and redness of the skin.

Outside, close to the incident.

DIRECTOR ACTIONS:

- DO NOT MIX POPULATIONS. For those outside at the time of the explosion, initiate **REVERSE EVACUATION** to a separate building or location. Isolate them from those already inside. Do not risk contamination of those inside at the time of the explosion.
- Call 911. Provide location and nature of the emergency and school actions taken.
- Set up decontamination station where students and staff may shower or wash with soap and water.
- Prepare a list of those who are in the affected area to provide to emergency response personnel.
- Turn on a battery-powered commercial radio and listen for instructions.
- Notify Board Chair of the situation.
- Arrange for medical attention for those injured by the explosion.
- Arrange for psychological counseling for students and staff.

STAFF ACTIONS:

- Cover nose and mouth with a cloth to reduce the risk of breathing in radioactive dust or smoke.
- Move students quickly to the closest suitable shelter to shield them from radiation. Keep them isolated from individuals inside at the time of the explosion. Do not risk contamination of those who were not outside.
- Avoid touching any objects thrown off by the explosion—they might be radioactive.
- Follow standard student assembly, accounting and reporting procedures.
- Immediately remove outer layer of clothing and mouth cover and seal in a plastic bag, if available. Removing outer clothes may get rid of up to 90% of radioactive dust. Put plastic bag away from the population where others will not touch it until authorities provide further instructions.
- Supervise decontamination station where students and staff may shower or wash with soap and water. Do not come into contact with water runoff.

- Do not return outside after decontamination. Remain in safe area, isolated from those who are unaffected, until emergency response personnel arrive

Inside, close to the incident

DIRECTOR ACTIONS:

- DO NOT MIX POPULATIONS. For those inside at the time of the explosion, initiate **SHELTER IN PLACE** procedures. Turn off HVAC system.
- Move to central location where windows and doors can be sealed with duct tape.
- Call 911. Provide location and nature of the emergency and school actions taken.
- Turn on a battery-powered commercial radio and listen for instructions.
- Notify Board Chair of the situation.
- Remain inside the building until the Department of Health or Fire Department determines it is safe to leave.
- Arrange for psychological counseling for students and staff.

STAFF ACTIONS:

- Keep students calm. Instruct students to **DUCK and COVER**.
- Turn off fans and air conditioning systems. Seal windows and air vents with duct tape. Close all curtains and blinds.
- Do not consume water or unpackaged food that was out in the open. Wash the outside of any container before opening it.

EMERGENCY RESPONSE: EARTHQUAKE

Earthquakes strike without warning. Fire alarms or sprinkler systems may be activated by the shaking. The effect of an earthquake from one building to another will vary. Elevators and stairways will need to be inspected for damage before they can be used. The major shock is usually followed by numerous aftershocks, which may last for weeks.

The major threat of injury during an earthquake is from falling objects, glass shards and debris. Many injuries are sustained while entering or leaving buildings. Therefore, it is important to quickly move away from windows, free-standing partitions and shelves and take the best available cover under a sturdy desk or table, in a doorway or against an inside wall. All other actions must wait until the shaking stops. If persons are protected from falling objects, the rolling motion of the earth may be frightening but not necessarily dangerous.

Inside Building

DIRECTOR ACTIONS:

- Direct inspection and assessment of school buildings. Report building damage and suspected breaks in utility lines or pipes to fire department responders.
- Send search and rescue team to look for trapped students and staff.
- Post guards a safe distance away from building entrances to assure no one re-enters.
- Notify Board Chair of school and personnel status. Determine who will inform public information media as appropriate.
- Do NOT re-enter building until it is determined to be safe by appropriate facilities inspector.
- Determine whether to close school. If school must be closed, notify staff members, students and parents.

STAFF ACTIONS:

- Give **DROP, COVER and HOLD ON** command. Instruct students to move away from windows, bookshelves and heavy suspended light fixtures. Get under table or other sturdy furniture with back to windows.
- Check for injuries, and render First Aid.
- After shaking stops, **EVACUATE** building. Avoid evacuation routes with heavy architectural ornaments over the entrances. Do not return to the building. Bring attendance roster and emergency backpack.
- Check attendance at the assembly area. Report any missing students to school director/site administrator.
- Warn students to avoid touching electrical wires and keep a safe distance from any downed power lines.
- Stay alert for aftershocks
- Do NOT re-enter building until it is determined to be safe.

Outside Building

STAFF ACTIONS:

- Move students away from buildings, trees, overhead wires, and poles. Get under table or other sturdy furniture with back to windows. If not near any furniture, drop to knees, clasp both hands behind neck, bury face in arms, make body as small as possible, close eyes, and cover ears with forearms. If notebooks or jackets are handy, hold over head for added protection. Maintain position until shaking stops.
- After shaking stops, check for injuries, and render first aid.
- Check attendance. Report any missing students to school director/site administrator.
- Stay alert for aftershocks.
- Keep a safe distance from any downed power lines
- Do NOT re-enter building until it is determined to be safe.
- Follow instructions of school director/site administrator.

During non-school hours

DIRECTOR ACTIONS:

- Inspect school buildings to assess damage and determine corrective actions.
- Confer with Board Chair if damage is apparent to determine the advisability of closing the school.
- Notify fire department and utility company of suspected breaks in utility lines or pipes.
- If school must be closed, notify staff members, students and parents using the electronic communication system. Arrange for alternative learning arrangement such as portable classrooms if damage is significant and school closing will be of some duration.
- Notify Board Chair, who will inform public information media as appropriate.

EMERGENCY RESPONSE: EXPLOSION

Emergency response will depend on the type of explosion (smoke bomb, chemical lab incident, etc.) and proximity to the school. All students should be kept away from the explosion and under supervision.

DIRECTOR:

- Sound fire alarm. This will automatically implement action to **EVACUATE** the building. **EVACUATION** may be warranted in some buildings but others may be used for **SHELTER IN PLACE**.
- Notify Fire Department (call 911). Provide school name, address, exact location within the building, your name and phone number and nature of the emergency.
- Secure area to prevent unauthorized access until the Fire Department arrives.
- Advise the Board Chair of school status.
- Notify emergency response personnel of any missing students.
- Notify utility company of breaks or suspected breaks in utility lines or pipes. Provide school name, address, location within building, your name and phone.
- Direct a systematic, rapid and thorough approach to search the building and surrounding areas. Check classrooms and work areas, public areas (foyers, offices, bathrooms and stairwells), unlocked closets, exterior areas (shrubbery, trash cans, debris boxes) and power sources (computer rooms, gas valves, electric panels, telephone panels).
- Determine if Student Release should be implemented. If so, notify staff, students and parents.
- If damage requires the school to be closed, notify parents and staff of school status and alternate site for classroom instruction. Do not return to the school building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

- Initiate **DROP, COVER AND HOLD ON**.
- If explosion occurred inside the school building, **EVACUATE** to outdoor assembly area. Keep students and staff at a safe distance from the building(s) and away from fire-fighting equipment.
- Check to be sure all students have left the school site. Remain with students throughout evacuation process.
- Upon arrival at assembly area, check attendance. Report status to site administrator immediately.
- Render first aid as necessary.
- Do not return to the building until the emergency response personnel determine it is safe to do so.
- If explosion occurred in the surrounding area, initiate **SHELTER IN PLACE**. Keep students at a safe distance from site of the explosion.

EMERGENCY RESPONSE: FIRE (offsite)

A fire in an adjoining area, such as a wildland fire, can threaten the school building and endanger the students and staff. Response actions are determined by location and size of the fire, its proximity to the school and the likelihood that it may endanger the school community.

DIRECTOR ACTIONS:

- Determine if **EVACUATION** of school site is necessary.
- Contact local fire department (call 911) to determine the correct action for your school site.
- If necessary, begin evacuation of school site to previously identified safe site using school evacuation plan. If needed, contact bus dispatch for **OFF-SITE EVACUATION** and **DIRECTED TRANSPORTATION** by bus.
- Direct inspection of premises to assure that all students and personnel have left the building.
- Notify the Board Chair where the school has relocated and post a notice on the office door stating the temporary new location.
- Monitor radio station for information.
- Do not return to the building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

- If students are to be evacuated, take attendance to be sure all students are present before leaving the building site.
- Stay calm. Maintain control of the students a safe distance from the fire and fire fighting equipment.
- Take attendance at the assembly area. Report any missing students to the Director and emergency response personnel.
- Remain with students until the building has been inspected and it has been determined safe to return to.

EMERGENCY RESPONSE: FIRE (onsite)

Should any fire endanger the students or staff, it is important to act quickly and decisively to prevent injuries and contain the spread of the fire. All doors leading to the fire should be closed. Do not re-enter the area for belongings. If the area is full of smoke, students and employees should be instructed to crawl along the floor, close to walls, which will make breathing easier and provide direction. Before opening any door, place a hand an inch from the door near the top to see if it is hot. Be prepared to close the door quickly at the first sign of fire. All fires, regardless of their size, which are extinguished by school personnel, require a call to the Fire Department to indicate that the "fire is out".

Within School Building

DIRECTOR ACTIONS:

- Sound the fire alarm to implement **EVACUATION** of the building.
- Immediately **EVACUATE** the school using the primary or alternate fire routes.
- Notify the Fire Department (call 911).
- Direct search and rescue team to be sure all students and personnel have left the building.
- Ensure that access roads are kept open for emergency vehicles.
- Notify Board Chair of situation.
- Notify appropriate utility company of suspected breaks in utility lines or pipes.
- If needed, notify bus dispatch for **OFF-SITE EVACUATION** by **DIRECTED TRANSPORTATION**.
- Do not allow staff and students to return to the building until the Fire Department declares that it is safe to do so.

STAFF ACTIONS:

- EVACUATE** students from the building using primary or alternate fire routes. Take emergency backpack and student kits. Maintain control of the students a safe distance from the fire and fire fighting equipment.
- Take attendance. Report missing students to the Director and emergency response personnel.
- Maintain supervision of students until the Fire Department determines it is safe to return to the school building.

Near the School

DIRECTOR ACTIONS:

- Notify the Fire Department (call 911). The Fire Marshall will direct operations once on site.
- Determine the need to implement an **EVACUATION**. If the fire threatens the school, execute the actions above. If not, continue with school routine.

EMERGENCY RESPONSE: FLOOD

Flooding could threaten the safety of students and staff whenever storm water or other sources of water threaten to inundate school grounds or buildings. Flooding may occur if a water pipe breaks or prolonged rainfall causes urban streams to rise. Flooding may also occur as a result of damage to water distribution systems such as failure of a dam or levee. If weather-related, an alert message will be broadcast over the weather radio station.

DIRECTOR ACTIONS:

- Issue **STAND BY** instruction. Determine if evacuation is required.
- Notify local police department of intent to **EVACUATE**, the location of the safe evacuation site and the route to be taken to that site.
- Delegate a search team to assure that all students have been evacuated.
- Issue **DIRECTED TRANSPORTATION** instruction if students will be evacuated to a safer location by means of buses and cars.
- Post a notice on the office door stating where the school has relocated and inform the Board Chair.
- Monitor AM radio weather station KHB49 162.400 for flood information.
- Notify Board Chair of school status and action taken.
- Do not allow staff and students to return to the building until proper authorities have determined that it is safe to do so.

STAFF ACTIONS:

- If warranted, **EVACUATE** students using evacuation plan. Take the class roster, emergency backpack and student comfort kits. Take attendance before leaving the campus.
- Remain with students throughout the evacuation process.
- Upon arrival at the safe site, take attendance. Report any missing students to school director/site administrator and emergency response personnel.
- Do not return to school building until it has been inspected and determined safe by property authorities.

EMERGENCY RESPONSE: GAS ODOR / LEAK

All school personnel, including cafeteria managers and custodians, shall immediately report any gas odor or suspected gas leak to the school director. If an odor is detected outside the building, it may not be necessary to evacuate.

STAFF ACTIONS:

- Notify Director.
- Move students from immediate vicinity of danger.
- Do not turn on any electrical devices such as lights, computers, fans, etc.
- If odor is severe, leave the area immediately.
- If the building is evacuated, take student attendance and report any missing students to School Director/Site Administrator.

DIRECTOR ACTIONS:

- If gas leak is internal, evacuate the building immediately.
- Call 911.
- Notify utility company.
- Determine whether to move to alternate building location.
- If extended stay outdoors in inclement weather, contact transportation to provide bus to transport students to partner school or shelter students on buses.
- Do not return to the building until it has been inspected and determined safe by proper authorities.

EMERGENCY RESPONSE: HAZARDOUS MATERIALS

The nature of the material and the proximity of the incident to the school site will determine which emergency ACTION should be implemented. Police, Fire or Public Health Department may order **EVACUATION** of the school. See also **BIOLOGICAL AGENT RELEASE** and **CHEMICAL ACCIDENT**.

DIRECTOR ACTIONS:

- Call 911, if necessary.
- If there is a threat of airborne toxicity, shut-off ventilation system in affected area.
- Initiate **EVACUATION**. Any toxic cloud that can affect students in their classrooms would very likely affect them outside on the school grounds as well. If evacuating by foot, move crosswind to avoid fumes, never upwind or downwind.
- Isolate anyone suspected of being contaminated with a substance that could be transferred to others until public safety personnel carry out decontamination procedures.
- If time is available, initiate **DIRECTED TRANSPORTATION**. Move students and staff away from the path of the hazardous materials.
- Notify Board Chair.
- Wait for instructions from emergency responders-- Health or Fire Department.
- Do not allow the return of students to the school grounds or buildings until public safety officials declare the area safe.
- Upon return to school, ensure that all classrooms are adequately aired.

TEACHER ACTIONS:

- Follow standard student assembly, accounting and reporting procedures.
- Report names of missing students to office.
- Do not take unsafe actions such as returning to the building before it has been declared safe.

EMERGENCY RESPONSE: HOSTAGE SITUATION

Hostage situations may unfold rapidly in a variety of ways. Events may range from a single perpetrator with a single hostage to several perpetrators with many hostages. Specific actions by school staff will be limited pending arrival of law enforcement officers. It is their responsibility to bring the situation to a successful conclusion. When as much of the school has been evacuated as can be accomplished, school staff should focus on providing support as needed to the police department, communicating with parents, and providing counseling for students.

DIRECTOR ACTIONS

- Call 911. Provide all known essential details of the situation:
 - Number of hostage takers and description
 - Type of weapons being used
 - Number and names of hostages
 - Any demands or instructions the hostage taker has given
 - Description of the area
- Identify an assembly area for responding officers away from the hostage situation. Have school liaison wait at assembly area for police to arrive.
- Protect building occupants before help arrives by initiating a **LOCKDOWN** or **EVACUATION** (or combination of both) for all or parts of the building.
- Secure exterior doors from outside access.
- When police arrive, assist them in a quiet, orderly evacuation away from the hostage situation.
- Gather information on students and/or staff involved and provide the information to the police. If the parent of a student is involved, gather information about the child.
- Identify media staging area, if appropriate. Implement a hotline for parents using the electronic communication system.
- Account for students as they are evacuated.
- Provide recovery counseling for students and staff.

STAFF ACTIONS:

- If possible, assist in evacuating students to a safe area away from the danger. Protect students by implementing a **LOCKDOWN**.
- Alert the Director.
- Account for all students.

EMERGENCY RESPONSE: INTRUDER

All public schools are required to post signs at points of entry to their campuses or buildings from streets and parking lots. The following statement should be used on signage:

All visitors entering school grounds on school days between 7:30 a.m. and 4:30 p.m. must register at the Main Office. Failure to do so may constitute a misdemeanor.

-- California Penal Code Title 15, Chapter 1.1 § 627.2

To prevent intruders on campus, keep doors secure, use sign-in sheets for visitors and cameras and staff to monitor entryways.

DIRECTOR ACTIONS:

- Initiate **LOCKDOWN**.
- Request intruder to leave campus. Remain calm. Be courteous and confident. Keep distance from the intruder. Speak in soft, non-threatening manner. Avoid hostile-type actions, except in cases when necessary to safeguard person or property. Listen to the intruder. Give him or her an opportunity to vent. Attempt to be helpful. When talking to the intruder, use phrases such as:
 - "What can we do to make this better?"*
 - "I understand the problem, and I am concerned."*
 - "We need to work together on this problem."*
- As soon as the conversation or actions of the individual become threatening or violent, call 911 immediately. Provide description and location of intruder.
- Keep subject in view until police or law enforcement arrives.
- Take measures to keep subject away from students and building.
- Designate an administrator or staff member to coordinate with public safety at their command post; provide a site map and keys to public safety personnel.
- When scheduling a meeting with an individual known to be aggressive, arrange for another staff member or student resource officer to be present.
- Be available to deal with the media and bystanders and keep site clear of visitors.

STAFF ACTIONS:

- Notify the Director. Provide description and location of the intruder. Visually inspect the intruder for indications of a weapon.
- Keep intruder in view until police or law enforcement arrives. Stay calm. Do not indicate any threat to the intruder.
- Isolate intruder from students. Lock classroom and office doors. Close blinds and stay clear of windows and panes of glass. Remain inside rooms until the **ALL CLEAR** instruction is announced.

EMERGENCY RESPONSE: IRRATIONAL BEHAVIOR

A risk to the life and safety of students and staff may exist there is a serious display of disordered thought or behavior. Possible symptoms include: hallucinations, extreme paranoia, impaired judgment that may lead to unsafe decision-making and dangerous behavior (to self or others), incoherent or disjointed speech and self injurious behavior such as: hitting head, cutting self. Attempts should be made to use de-escalation strategies, calming techniques (e.g., deep breathing), and to implement behavior plans, crisis plans or strategies in IEP, if in place.

DIRECTOR ACTIONS:

- Keep the individual under continuous adult supervision.
- Keep the individual on campus until parent/guardian has been notified.
- Arrange appropriate support services for necessary care of individual.
- If the individual actively displays dangerous behavior or there is reason to believe the student cannot be safely transported, call agencies as appropriate to coordinate emergency mental health services (e.g., mental health facilities, juvenile court, law enforcement).
- School professional (psychologist, counselor, social worker, nurse) should recommend next steps to the school director. The next steps may include:
 - Provide parents/guardian with the names and phone numbers of mental health resources
 - Recommend that the parents make an immediate contact with a therapist.
 - Request that parents/guardian to sign release forms to allow two-way communication between the school and the treating agency.
- Make a follow-up check with the treating agency, family and student as appropriate, to ensure that appropriate care has been arranged.
- Provide follow-up collaborative support for the student and parents (as indicated) within the school
- Develop a safety plan prior to the student's return to school.
- Document actions taken on behalf of the student (referrals, phone contacts, follow-up activities, etc.)

STAFF ACTIONS:

- Take immediate action to isolate the individual and provide safety to the student body. Do not leave the irrational individual alone.
- Notify Director.
- Notify school nurse, school psychologist, counselor or social worker.
- Protect individual from injury.

EMERGENCY RESPONSE: KIDNAPPING

DIRECTOR ACTIONS:

- Verify information with the source of the abduction report.
- Contact law enforcement (call 911) for assistance.
- Provide a picture and complete information on the student: name, age, description, home address, emergency contact information, and custody information if known (Emergency Protective Order, Domestic Violence Order).
- Provide suspect information to the police, if known.
- Contact the parents/guardian of the student involved and establish a communication plan with them.
- Obtain the best possible witness information.
- Conduct a thorough search of the school/campus/bus.
- Relay current information to police, parents and essential school staff.
- Designate a staff member as a key contact and personally answer the phone line (no voice mail) to receive and provide updated status as it becomes available.
- Advise the law enforcement dispatcher of the staff member key contact's name and number.
- Provide the key contact with access to school records.
- Ask key contact to be available at school by phone beyond the close of the school day, if needed, until dismissed by the school director or law enforcement.
- When the child is found, contact all appropriate parties as soon as possible.

STAFF ACTIONS:

- Notify Director, providing essential details:
 - Name and description of the student
 - Description of the suspect
 - Vehicle information
- Move students away from the area of abduction.

EMERGENCY RESPONSE: MEDICAL EMERGENCY

Medical accidents and emergencies can occur at any time and may involve a student or staff member. Some emergencies may only need first aid care, while others may require immediate medical attention. This is not a First Aid manual. When in doubt, dial 911. Medical emergencies involving any student or employee must be reported to the School director/Site Administrator.

DIRECTOR ACTIONS:

- Assess the victim (ABC – Airway, Breathing, Circulation. Call 911, if appropriate.

Provide:

- School name, address including nearest cross street(s) and fastest way for ambulance to reach the building
- Exact location within the building
- Nature of the emergency and how it occurred
- Approximate age of injured person
- Caller's name and phone number

Do not hang up until advised to do so by dispatcher.

- Assign staff member to meet rescue service and show medical responder where the injured person is.
- Assemble emergency care and contact information of victim
- Monitor medical status of victim, even if he or she is transported to the hospital.
- Assign a staff member to remain with individual, even if he or she is transported to the hospital.
- Notify parents/guardian if the victim is a student. Describe type of illness or injury, medical care being administered, and location where student has been transported.
- Advise staff of situation (when appropriate). Follow-up with parents.

Universal Precautions when Treating a Medical Emergency

- Always use non-latex or nitrile gloves and, if necessary, mask and gown, to reduce the risk of transmission of body fluids.
- Wash hands thoroughly after providing care.

STAFF ACTIONS:

- Assess the scene to determine what assistance is needed. Direct students away from the scene of the emergency.
- Notify Director.
- Stay calm. Keep individual warm with a coat or blanket.
- Ask school nurse to begin first aid until paramedics arrive. Do not move the individual unless there is danger of further injury.
- Do not give the individual anything to eat or drink.

EMERGENCY RESPONSE: MISSING STUDENT

If a student is missing, a search of the school should be organized immediately. If at any point the child is found, inform everyone who was notified of the incident that the student is no longer missing.

DIRECTOR ACTIONS:

- Call 911 and explain the situation.
- Appoint staff to surveillance points; ask staff to note license plate numbers and look for any unusual activity.
- Conduct an immediate search of the school campus/bus, as appropriate.
- Gather information about student to provide to law enforcement authorities:
 - photo
 - home address
 - parent contact numbers
 - class schedule
 - special activities
 - bus route /walking information
- Notify parents/guardians if the student is not found promptly.
- If case involves abduction, begin gathering witness information for the police. Interview friends, last person to see student.
- Double-check circumstances:
 - Did someone pick up the student?
 - Could the student have walked home?
 - Is he or she at a medical appointment or another activity?
- Assist police with investigation. Provide a photo and complete information on the missing child: name. Assure that all parties who know the student or have participated in the search are available to speak with police when they arrive.
- Designate a staff member as a key contact and personally answer the phone line (no voice mail) to receive and provide updated status as it becomes available.
- Advise law enforcement dispatcher of the staff member key contact's name and number.
- If missing during bus transportation, provide law enforcement with child's bus stop location and nearest other bus stops.
- Have driver keep in communication with the transportation dispatcher. Have transportation dispatcher coordinate efforts and information with the law enforcement dispatcher
- Exchange phone numbers (household, cell phone, school key contact) with parents/guardian.
- When the child is found, contact all appropriate parties as soon as possible.
- Arrange for counseling of students, as needed.

STAFF ACTIONS:

- Confirm that student attended school that day. Notify Director.
- Provide description of the student, including height, weight, clothing worn that day, backpack, where last seen and when.
- Bring all students indoors. Immediately lock exterior access to the school and secure the campus. Do not let any individuals leave. Do not let unauthorized individuals come onsite.
- Take attendance in the classroom and report any other missing students to the office. Keep students in secure areas until notified to resume regular school activities.

EMERGENCY RESPONSE: MOTOR VEHICLE CRASH

A motor vehicle crash may result in a fuel or chemical spill on school property. If the crash results in a utility interruption, refer to the section on Utility Failure.

SCHOOL DIRECTOR/SITE ADMINISTRATOR ACTIONS:

- Notify police and fire department (call 911).
- Determine immediate response procedures, which may include **EVACUATION, OFF-SITE EVACUATION** or **DIRECTED TRANSPORTATION**.
- Arrange for first aid treatment and removal of injured occupants from building.
- Secure area to prevent unauthorized access until the public safety officials (police, sheriff, fire department) arrive.
- Ensure that students and staff remain at a safe distance from the crash.
- Account for all building occupants and determine extent of injuries.
- Notify Board Chair.

STAFF ACTIONS:

- Notify Director.
- Move students away from immediate vicinity of the crash.
- EVACUATE** students to a safe assembly area away from the crash scene. Take class roster/nametags and emergency backpack.
- Check school site to assure that all students have evacuated.
- Take attendance at the assembly area.
- Report missing students to the Director /designee and emergency response personnel.
- Maintain control of the students a safe distance from the crash site.
- Care for the injured, if any.
- Escort students back to the to the school site when emergency response officials have determined it is safe to return to the building.

EMERGENCY RESPONSE : PANDEMIC INFLUENZA

Influenza is a highly contagious viral disease. Pandemic influenza differs from both seasonal influenza (flu) and avian influenza in the following aspects:

- It is a rare global outbreak which can affect populations around the world.
- It is caused by a new influenza virus to which people do not have immunity.
- Depending upon the specific virus, it can cause more severe illness than regular flu and can affect young healthy people more so than older, sick people.

The Department of Health and Human Services will take the lead in mobilizing a local response to pandemic influenza. Public health alerts will be reported to schools and the community. Individual schools may be closed temporarily to contain spread of the virus.

DIRECTOR ACTIONS:

- Activate heightened surveillance of illness within school site. Gather data on symptoms of students and staff who are sick at home.
- Insure that students and staff members who are ill stay home.
- Send sick students and staff home from school immediately.
- Provide fact sheets and guidelines for school families to make them aware of symptoms and remind them of respiratory hygiene etiquette
- Monitor bulletins and alerts from the Department of Health and Human Services.
- Keep staff informed of developing issues.
- Assist the Department of Health and Human Services in monitoring outbreaks.
- Respond to media inquiries regarding school attendance status.
- Implement online education, if necessary, so that students can stay home.
- Maintain surveillance after the initial epidemic in the event a second wave passes through the community.

STAFF and STUDENT ACTIONS:

- Stay home when ill with cough or other flu-like symptoms (chills, fever, muscle aches, sore throat).
- Practice "respiratory hygiene etiquette".
- Disinfect surfaces contaminated with infected respiratory secretions with a diluted bleach solution (1 part bleach to 100 parts water).
- Implement online homework assignments so that students can stay home.

Respiratory Hygiene Etiquette

- Cover your cough and sneeze with a tissue
- Wash hands with soap and water or a waterless hand hygiene product
- Place used tissues into a sealed bag

EMERGENCY RESPONSE: POISONING/CONTAMINATION

This procedure applies if there is evidence of tampering with food packaging, observation of suspicious individuals in proximity to food or water supplies or suspicion of possible food/water contamination. Indicators of contamination may include unusual odor, color and/or taste or multiple individuals with unexplained nausea, vomiting or other illnesses.

DIRECTOR ACTIONS:

- Call 911.
- Isolate suspected contaminated food/water to prevent consumption. Restrict access to the area.
- Maintain a log of affected students and staff and their systems, the food/water suspected to be contaminated, the quantity and character of products consumed and other pertinent information.
- Provide list of potentially affected students and staff to responding authorities.
- Provide staff with information on possible poisonous materials in the building.
- Notify Board Chair of situation and number of students and staff affected.
- Confer with Department of Health and Human Services before the resumption of normal school activities.
- Prepare communication for families advising them of situation and actions taken.

STAFF ACTIONS:

- Notify Director.
- Call the Poison Center Hotline 1-800-222-1222.
- Administer first aid as directed by poison information center.
- Seek additional medical attention as needed.

PREVENTATIVE MEASURES:

- Keep poisonous materials in a locked and secure location.
- Post the Poison Control Center emergency number in the front office, school clinic and on all phones that can call outside.
- Post the names of building personnel who have special paramedic, first aid training or other special lifesaving or life-sustaining training.

EMERGENCY RESPONSE: PUBLIC DEMONSTRATION

When an advance notice of a planned protest is given, inform the staff of the planned demonstration. An information letter to parents should be developed.

DIRECTOR ACTIONS:

- Obtain information on when, why and how many people are expected. Identify the spokesperson for the group
- Contact local police department for the school's jurisdiction and advise them of the situation.
- Notify staff of the planned demonstration.
- Develop an information letter to parents.
- Assign a staff member to act as liaison with police, media and, possibly the demonstrating group.
- Designate a staff member to handle incoming calls during the demonstration.
- Establish areas where demonstrators can set up without affecting the operation of the school
- Notify transportation of demonstration and any possible impact buses may encounter arriving at or departing from the school.

STAFF ACTIONS:

- Do not allow students to be interviewed by the media or join in the demonstration

EMERGENCY RESPONSE: SEXUAL ASSAULT

Sexual assault and abuse is any type of sexual activity that a person does not agree to, including:

- inappropriate touching
- vaginal, anal, or oral penetration
- sexual intercourse that is not wanted
- rape
- attempted rape
- child molestation

Sexual assault can be verbal, visual, or anything that forces a person to join in unwanted sexual contact or attention. It can occur by a stranger in an isolated place, on a date, or in the home by someone who is a friend or acquaintance. Depending on the situation, the victim should not eat or drink, change clothes or shower while awaiting police.

SCHOOL DIRECTOR/SITE ADMINISTRATOR ACTIONS:

- Call 911 if the assault is physical.
- Close off the area to everyone.
- Assign a counselor/staff member to remain with the victim.
- Review possible need for a **LOCKDOWN** until circumstances surrounding the incident are known.
- Notify victim's family.
- If child abuse is suspected, notify law enforcement. Notify student services staff members, as appropriate.
- The police will coordinate collection of evidence and questioning of the victim and suspects. Cooperate with any law enforcement agency conducting investigations.
- Discuss with counselors how to handle emotional effects of the incident on student and staff population. Plan appropriate school events for next day.
- Coordinate statements to media, families and community. Be aware of rumors that may start from this type of incident and address those rumors directly using facts.

STAFF ACTIONS:

- Determine if immediate medical attention is needed. If so, call 911.
- Isolate the victim from activity related to the incident.
- Avoid asking any questions except to obtain a description of the perpetrator.

EMERGENCY RESPONSE: SHOOTING

Immediate response to a rapidly changing incident is critical. In most cases, initiate **LOCKDOWN** procedures to isolate students from danger or send them to a secure area. Safety must always be the foremost consideration.

DIRECTOR ACTIONS:

- Remain calm. Do not confront the shooter(s).
- Assess the situation:
 - Is the shooter in the school?
 - Has shooter been identified?
 - Has the weapon been found and/or secured?
- Depending on the situation, initiate **LOCKDOWN** or **EVACUATION**, as appropriate.
- Call 911. Provide essential details of the situation, i.e., suspect, location, weapons, number of persons involved, motive, injuries/casualties, actions taken by the school (e.g. **LOCKDOWN**).
- Identify command post for police to respond. Assist police in entering the school; provide officers with critical information.
- Ensure injured students and staff receive medical attention.
- If shooter has left, secure all exterior doors to prevent re-entry.
- If a firearm is known to exist, do not touch it. Allow a law enforcement officer to take possession of the weapon.
- Keep crime scene secure. Organize **OFF-SITE EVACUATION**, if necessary, or prepare to continue with classes.
- Isolate and separate witnesses.
- Gather information for police about the incident and everyone involved with it:
 - Name of suspect(s)
 - Location of shooting
 - Number and identification of casualties and injured
 - Current location of the shooter(s)
- Prepare written statements for telephone callers and media. Refer media inquiries to designated Public Information Officer.
- Prepare letter for students to take home to their families.
- Arrange for immediate crisis counseling for students and staff.
- Provide liaison for family members of injured students and staff members.
- Debrief staff and school police officers.
- Provide informational updates and counseling, if appropriate, to staff, students and their families during the following few days.

STAFF ACTIONS:

- If gunfire is heard inside the school, implement **LOCKDOWN** immediately. Do not wait for the **LOCKDOWN** announcement.
- Alert the Director.
- Take immediate action to prevent casualties. If it is safe to clear hallways, bathrooms and open areas, direct students to the closest classroom.
- Isolate the suspect and/or area. Move others to a safe area to protect them from danger. Implement **LOCKDOWN** or **EVACUATION**, as appropriate.
- Provide first aid for victims, if needed.
- Account for all students.
- Remain calm and quiet in the secured area away from doors and windows. No one out, no one in until further instructions are provided by the school director or law enforcement.
- Assist police officers – provide identity, location and description of individual and weapons.

STUDENT ACTIONS:

- Move quickly and quietly to the closest safe classroom.
- If rooms are locked, immediately hide in the closest safe zone: bathroom, janitorial closet, office area, library.
- Lock the door or move furniture or trash can to bar access to the room.
- Remain quiet until further instructions are provided by the school director or law enforcement.

EMERGENCY RESPONSE: STORM / SEVERE WEATHER

Severe weather can be accompanied by high winds, downed trees, and swollen creeks. An emergency response is required when this type of weather poses any risk to the staff and students. Assure that each student's method of returning home is safe and reliable.

Severe Storm

DIRECTOR ACTIONS:

- Monitor weather forecasts and weather-related communications to determine onset of storm conditions that may affect school operations.
- Report to site by 6 a.m. to check for power outages, flooding, etc.
- Determine whether school will be closed or remain open.
- Notify Board Chair of school status.
- Use electronic communication system to inform staff and families of the situation.
- Post school status on school website.
- Notify utility companies of any break or suspected break in utility lines.
- Take appropriate action to safeguard school property.
- Upon passage of the storm, return to normal routine.

Windstorm

DIRECTOR ACTIONS:

- Monitor weather forecasts to determine onset of storm conditions that may affect school operations
- Notify utility companies of any break or suspected break in utility lines.
- Keep staff and students in sheltered areas of the building until winds have subsided and it is safe to return to the classroom.
- Take appropriate action to safeguard school property.
- Upon passage of the storm, return to normal routine.

STAFF ACTIONS:

- Evacuate any classrooms bearing full force of wind. Evacuate to lower floor of school building near inside walls.
- Initiate **TAKE COVER** with students in the shielded areas within the building. Stay away from windows.
- Take attendance. Report any missing students to Director.
- Close all blinds and curtains.
- Avoid auditoriums, gymnasiums and other structures with large roof spans.
- Remain with students near an inside wall or on lower floors of the building. Make arrangements for special needs, snacks and quiet recreational activities.

EMERGENCY RESPONSE: STUDENT RIOT

A student riot is an assemblage of students whose purpose and conduct threatens the safety and security of the school community and school property. Students who participate in a riot on campus should be informed that they will be suspended or possibly arrested if they do not comply with instructions. Providing a timely opportunity for students to vent, in a safe and constructive atmosphere, should prevent the escalation of violence.

STUDENT ACTIONS:

- In a violent situation, immediately notify the first available adult.
- Do not retaliate or take unnecessary chances.
- Move away from the area of agitation.

- Hold on to belongings to the extent that it is safe to do so; do not pick up anything and do not go back for anything until receiving clearance to do so.
- Stay calm and reassure fellow students.
- Assist teachers and staff in accounting for students.
- Share all relevant information with law enforcement, teachers, and school staff.
- Follow directions from school administrator or law enforcement directions about where to go.
- Do not speculate to others or perpetuate rumors.

DIRECTOR ACTIONS:

- Initiate **LOCKDOWN**, if warranted. Alert other administrators about the incident.
- Control student ingress and egress from campus.
- Identify why the disruption is occurring. If necessary, notify police to request assistance.
- If disruption is non-violent, notify school resource officer or school education officer.
- Clearly communicate to all students (via announcement or bullhorn), in the presence of staff or adult witnesses, that students should either attend classes or move to a designated safe area. Inform students that they will be suspended or possibly arrested if they do not comply with instructions.
- Assign staff member to be responsible for media relations and for setting up a staging area for the media.
- If student disruption persists, after a second warning, take appropriate disciplinary action as outlined by the Student Responsibilities and Rights Handbook.
- Notify parents about the incident, as appropriate.
- After insuring physical safety of those involved, provide crisis intervention or counseling to meet psychological needs of students and staff.

EMERGENCY RESPONSE: SUICIDE ATTEMPT

Suicide, attempted suicide, and suicidal gestures have a significant detrimental effect, not only on the involved student, but also on others in the school community. There is no way to predict who will commit suicide, or when, but there are warning signs, including: increasing talk of death, talk about not being worth living and reckless behavior. School staff with reasonable cause to believe that a student is suicidal should begin the intervention process immediately. Parents must always be contacted. Attention should focus on the safety and best interests of the student, whose health, life or safety may be endangered

DIRECTOR ACTIONS:

- Call ambulance in event of overdose or injury requiring medical attention.
- Call 911 if immediate threat exists to the safety of the student or others.
- Calm student by talking and reassuring until police arrive. Try to have the student relinquish devices for and means of harming self. If individual is armed with any type of weapon, USE EXTREME CAUTION. Do not attempt to remove the weapon from the possession of the individual. Allow police to do so.
- Cancel all outside activities.
- Determine if the student's distress appears to be the result of parent or caretaker abuse, neglect, or exploitation. If not, contact parents/guardians and encourage them to have the child evaluated. Provide a list of referral sources and telephone numbers.
- If allegations warrant, refer student to Child Protective Services. Contact parents/guardians and inform them of actions taken.
- Arrange for medical or counseling resources that may provide assistance.

STAFF ACTIONS:

- Inform the Director of what was written, drawn, spoken and/or threatened.
- Move other students away from the immediate area, but remain with the troubled student until assistance arrives.
- Calmly talk to the student to determine whether he/she has any life-threatening devices (e.g., gun, knife, drugs, etc.) If possible, calmly remove them from the student and the immediate environment. Do NOT struggle if you meet resistance.
- Calmly move the student to a pre-arranged, non-threatening place away from other students where a Crisis Intervention Team member and a telephone will be close by.

Steps for Suicide Intervention

1. Stabilize individual
2. Assess risk
3. Determine services needed
4. Inform
5. Follow-up

EMERGENCY RESPONSE: SUSPICIOUS PACKAGE

The following list shows some types of parcels that should draw immediate concern:

- Foreign mail, air mail and special delivery
- Restrictive markings, e.g., "Personal"
- Handwritten or poorly-typed addresses
- Titles but no names
- Misspelling of common names
- Excessive weight, unevenly distributed
- No return address
- Excessive postage
- Excessive masking tape, string
- Oily stains or discoloration
- Protruding wires or tin foil
- Rigid envelope

DIRECTOR ACTIONS:

- Call 911.
- Make a list of all persons who came into contact with the package. Include work and home phone numbers for any necessary follow-up.
- Prevent others from coming into the area.
- Ask everyone who has been in contact with the package to remain until instructed to leave by Public Safety or Public Health responders.
- If powder spills out, shut the ventilation system, heating system, or air
- Public health and safety staff will determine the need for decontamination and initiation of prophylaxis treatment.
- Advise staff when the emergency is over. Go home, take a shower and wash clothes. Do not use bleach on your skin.

STAFF ACTIONS if package is unopened and not leaking:

- Do not open package. Do not pass it around to show it to other people.
- Do not bend, squeeze, shake or drop package.
- Put package in a container such as a trash can to prevent leakage. Move it a safe distance from other people.
- Leave the room promptly and prevent anyone from entering.
- Notify Director.

STAFF ACTIONS if package is leaking:

- Do not sniff, touch, taste, or look closely at the spilled contents.
- Do *not* clean up the powder.
- Put the package on a stable surface.
- Leave the room promptly and prevent anyone from entering.
- Wash hands thoroughly with soap and water.
- Notify Director.

EMERGENCY RESPONSE: TERRORIST ATTACK / WAR

Thorough crisis planning will carry the school a long way in responding to a terrorist incident during school hours. A terrorist attack may result in the following:

- Damage beyond school boundaries;
- Victims who are contaminated or seriously injured;
- Widespread fear and panic;
- A crime scene to protect.

Civil Defense Warning of Possible Enemy Attack

DIRECTOR ACTIONS:

- Move students to closest suitable shelter.
- If the above is not advisable, remain in school building as place of shelter.

STAFF ACTIONS:

- Keep students calm.
- Close all curtains and blinds.

Enemy Attack Without Warning

STAFF ACTIONS:

- Keep students calm.
- Close all curtains and blinds.
- Instruct students to DUCK AND COVER.

EMERGENCY RESPONSE: THREAT LEVEL RED

These are actions to take when the Homeland Security Advisory System risk is set at "Threat Level Red", specific to the community.

During school hours

DIRECTOR ACTIONS:

- Listen to radio and TV for current information and instructions.
- Initiate **ACTION** appropriate for the situation. Action may likely involve **DUCK, COVER and HOLD, EVACUATION, SHELTER IN PLACE** or **TAKE COVER**.
- Continue to monitor media for specific situation.

- Be alert and immediately report suspicious activity to proper authorities.
- If circumstances and time allow, move students to closest suitable shelter.

- If moving students is not advisable, remain in building as place of shelter.
- Close school if recommended to do so by appropriate authorities.

OFFICE STAFF ACTIONS:

- Require identification check for anyone entering school other than students, staff and faculty.
- Escort visitors to location in school building.

EMERGENCY RESPONSE: THREATS / ASSAULTS

Threats occur when a belligerent or armed person on the school site bullies, intimidates or coerces others, targeting an individual, particular group or the entire school community. Threats are presented as overt hostility. They may be received by written note, email communication, phone call or orally. The procedure below applies to an oral threat.

DIRECTOR ACTIONS:

- Assess the type of threat to determine the level of risk to the safety of students and staff. In categorizing the risk, attempt to determine:
 - 1) Is the individual moving towards violent action?
 - 2) Is there evidence to suggest movement from thought to action?
 - High violence potential qualifies for arrest or hospitalization.
 - Safety is endangered when there is: (a) sufficient evidence of repetitive/intentional infliction of emotional distress upon others; or (b) sufficient evidence of the unintentional infliction of emotional distress upon others.
- Notify police (dial 911), if the safety of students or staff is endangered. Provide exact location and nature of incident and school response actions.
- Isolate the threatening person from other students and staff, if it is safe to do so. Initiate appropriate response actions, which may be **LOCKDOWN** or **EVACUATION**. Cancel all outside activities.
- Respond to students who are prone to overt displays of anger in a calm, non-confrontational manner. If an immediate threat is not clearly evident, attempt to diffuse the situation.
- If an individual is armed with any type of weapon, **USE EXTREME CAUTION**. Do not attempt to remove the weapon from the possession of the individual. Allow police to do so.
- Facilitate a meeting with student(s) and family to review expectations.
- Facilitate a staff meeting to review plans for keeping school safe. Enlist the support of community service providers.

STAFF ACTIONS:

- If any students are outside, move them inside the building or away from the site of the threat/assault. If unable to do so, have students lie down and cover their heads. Keep students calm.
- Inside the classroom, institute **LOCKDOWN**. Close all curtains and blinds.
- Disconnect the school television system in classrooms so the individual cannot view news coverage and see locations of police/students/etc.
- Remain with students until **ALL CLEAR** is given.

EMERGENCY RESPONSE: TSUNAMI

Generated by earthquakes, underwater disturbance or volcanic eruption, a tsunami is a series of waves that come onshore as a rapidly rising surge of water. Tsunami waves can travel at speeds up to 600 miles per hour in the open ocean. Areas at greatest risk of inundation are less than 25 feet above sea level and within one mile of the coastline.

DIRECTOR ACTIONS:

Before

- Know the height of the school above sea level and its distance from the shoreline. Evacuation orders may be based on these numbers.
- Be familiar with tsunami warning signs. An earthquake or a sizable ground rumbling is a warning signal to people living near the coast. A noticeable rapid rise or fall in coastal waters may indicate an approaching tsunami.
- Make plans for evacuation by vehicle and/or by foot. Pick an inland location that is elevated. Identify an alternative evacuation site in case roads are blocked.

During

- Heed natural warnings. An earthquake or rapid fall in coastal waters may serve as a warning that a tsunami is coming
- Monitor the NOAA Weather Radio Service for tsunami warnings: <http://wcatwc.arh.noaa.gov/>. Authorities will issue a warning and tone alert only if they believe there is a potential threat of a tsunami.
- Quickly move students and staff to higher ground as far inland as possible. Follow instructions issued by local authorities. Planned evacuation routes may be blocked; bridges may be damaged. Every foot inland or upwards may make a difference.
- Notify Board Chair of school status.
- Remain on safe ground until local authorities advise it is safe to return.

After

- Stay tuned to the National Weather Service for the latest emergency information. The tsunami may have damaged roads, bridges, and other structures that may be unsafe.
- Expect debris.
- Stay out of damaged buildings and those surrounded by water. Tsunami water can undermine foundations and cause walls and floors to collapse.
- Determine whether school will be closed or remain open.
- Notify Board Chair of school status.
- Use electronic communication system to inform staff and families of the situation.
- Post school status on school website.

- Arrange with authorities to check for broken or leaking gas lines, flooded electrical circuits, furnaces or electrical appliances. Flammable or explosive materials may come from upstream.
- Check food supplies and test drinking water. Discard food that has come in contact with flood waters. It may be contaminated and should be thrown out. Use tap water only if local health officials advise it is safe.
- Photograph the damage, both of the building and its contents, for insurance claims.

STAFF ACTIONS:

- If there is a coastal earthquake, initiate **TAKE COVER** with students in the shielded areas within the building. Stay away from windows.
- When the shaking stops, quickly move students and staff to higher ground, at least 100 feet above sea level and two miles inland. Buildings located in low-lying coastal areas are not safe. Do NOT stay in such buildings if there is a tsunami warning. Be careful to avoid downed power lines.
- Take attendance. Report any missing students to the Director.
- Keep students and staff away from the beach. Watching a tsunami from the beach or cliffs could put them in grave danger. A second wave may be more destructive than the initial one. A tsunami can move faster than a person can escape it.
- Return to school only if authorities advise it is safe to do so.

EMERGENCY RESPONSE: UTILITY FAILURE

Failure of any of the utilities (electricity, gas, water) during school hours constitutes a condition that must be dealt with on a situational basis. Advance notice may be received from a utility company regarding loss of service. In many cases, such loss of service will be of short duration and require no special action other than notifying staff of the temporary interruption of service.

DIRECTOR:

- Notify utility company. Provide the following information:
 - Affected areas of the school site
 - Type of problem or outage
 - Expected duration of the outage, if known
- Determine length of time service will be interrupted.
- Determine desired action, which may include relocation of students and staff, notification of parents, and alternate food service.
- If disruption in service will severely hamper school operation, notify students and staff by appropriate means.
- Use messengers with oral or written word as an alternate means of faculty notification.
- Implement plan to provide services without utilities or with alternate utilities.

EMERGENCY RESPONSE: WEAPON

The brandishing of any weapons poses an immediate threat to students and staff. Response is the same whether the weapon is used, seen or suspected but not in use. Safety must always be the foremost consideration. A person wielding a weapon will usually respond best to calm, reasonable talk. In addition to calming the individual, talking allows time for law enforcement officials and other professionals to arrive.

STAFF ACTIONS:

- Remain calm. Take immediate action to prevent casualties. Isolate the suspect and/or area. Move others to a safe area to protect them from danger.
- Alert the Director.
- Make no effort to intervene. Allow a law enforcement officer to take possession of the weapon.
- Provide first aid for victims, if needed.
- Account for all students.
- Assist police officers – provide identity, location and description of individual and weapons.

DIRECTOR ACTIONS:

- Remain calm. Depending on how the situation unfolds, initiate **LOCKDOWN** or **EVACUATION**, as needed. Do not confront the suspect.
- Call 911. Provide essential details of the situation, i.e., suspect, location, weapons, number of persons involved, motive, actions taken by the school (e.g. **LOCKDOWN**).
- Identify command post for police to respond. Assist police to enter the school. Provide officers with critical information. Accompany the police officer to the student suspected of having a weapon.
- If suspect has left, secure all exterior doors to prevent re-entry.
- Isolate and separate witnesses. Instruct them to write a statement of events while waiting for police to arrive.
- Gather information about the incident for the police:
 - Name of student with weapon.
 - Location of witness when weapon was seen.
 - What did the student do with the weapon after it was displayed?
 - What is the current location of the student with the weapon?
- Reserve a private area for the student to be taken and questioned. Allow police officer to thoroughly search student with another adult witness present. Police officer should take possession of and secure any weapon located.
- Assign an administrator to remove all of the suspected student's belongings (book bag, clothing, etc.) from the classroom. Do not allow the student to pick-up or carry his own belongings.
- Search student's belongings, including--but not limited to --backpack, purse, locker, and auto, if applicable.

- Notify parents/guardians.
- Follow procedures for student disciplinary actions. Take photo of weapon to be included in the expulsion proceedings.
- Secure a detailed written statement from witnesses including staff.
- Provide post-event trauma counseling for students and staff, as needed.
- Provide informational updates to staff, students and their families during next few days to squelch rumors.

EMOTIONAL TRAUMA AND POST TRAUMATIC STRESS

Post Traumatic Stress: A disaster is a devastating, catastrophic event that can be life threatening and produce injuries and deaths. Post Traumatic Stress is an anxiety disorder that can develop in children, adolescents or adults when individuals survive disaster-related experiences. The range of human responses to a catastrophic event may include physical, cognitive and emotional symptoms such as nausea, sleep disturbance, slowed thinking, troubled memories, regressed behavior, anxiety, guilt, depression, anger and a host of other responses.

Retraumatization: Anniversary dates, media coverage, the filing of lawsuits, or similar events in other regions can “retraumatize” a community, contributing to further depression. Some people also have feelings of inadequacy about dealing with the ongoing tragedy. For some trauma victims, these adverse effects fade with emotional support and the passage of time. Others are more deeply affected and experience long-term consequences. These reactions are normal responses to an abnormal event. Although no one can predict who will experience the most severe reaction to trauma, the more direct the exposure to the event, the higher the risk for emotional harm.

Trauma is an acute stress response that an individual experiences when confronted with sudden, unexpected, unusual human experience. Here are some common signals of a stress reaction to trauma:

PHYSICAL	MENTAL	EMOTIONAL	BEHAVIORAL
Chest pain*	Confusion/blaming	Anxiety	Alcohol/drug use
Chills	Disturbed thinking	Depression	Change in speech
Difficulty breathing*	Indecision	Fear	Helplessness
Dizziness	Insomnia	Grief	Increased appetite
Fainting	Loss of time/place	Guilt	Intense startle reflex
Grinding Teeth	Nightmares	Intense anger	Isolation
Headaches	Poor concentration	Irritability	Loss of appetite
Heart races	Poor memory	Mood swings	Misbehavior
Muscle shakes	Poor problem-solving	Nervousness	Outbursts
Nausea	Poor/hyper alertness	Overwhelmed	Pacing
Prolonged staring	Strange images	Panic	Restlessness
Severe sweating	Unable to identify familiar people/things	Shock	Suspicious
Thirst		Uncertainty	Withdrawal
Twitches			
Vomiting			
Weakness			

**Needs medical evaluation--contact a physician.*

EFFECTS OF TRAUMA ON CHILDREN

Emergencies hit children hard. It is difficult for them to understand and accept that there are events in their lives that cannot be predicted or controlled. They learn that adults cannot fix a disaster and cannot keep it from happening again.

As a result of traumatic experiences some children will show a variety of symptoms of distress. The teacher must first know a child's baseline ("usual") behavior and cultural/ethnic responses before he/she can identify "unusual" or problem behavior in a child.

- Unusual complaints of illness, stomach cramps, chest pain
- Difficulty concentrating, cannot focus
- "Feisty" or hyperactive, silly, giddy
- Any emotional display; crying, "regressed" behavior (less than age appropriate)
- Lethargic, apathetic
- Easily startled, jumpy; sense of fear or worry
- Lack of emotional expression
- Cannot tolerate change; cannot move to next task
- Staying isolated from the group
- Child seems so pressured, anxious that he/she somehow dominates, has to distract others, or is otherwise "needy"
- No eye contact (Note: In some cultures, making eye contact with adults is "defiant behavior")
- Resistance to talking and opening up (however, child might just be shy, may have language or cultural barrier)

Tips for Teachers to Help Distressed Children

Usually a child's emotional response to a disaster will not last long, but some problems may be present or recur for many months afterward and require the services of professionals skilled in talking with people experiencing disaster-related problems. The following may be helpful in working with distressed children:

- ❑ COPE with personal feelings of helplessness, fear or anger. This is an essential first step to being able to effectively help the children.
- ❑ LEARN to recognize the signs and symptoms of distress and post traumatic stress reactions.
- ❑ IDENTIFY children who may need crisis intervention and referral to mental health professionals or other helpers.
- ❑ PUT the emergency or critical incident in context; provide a perspective.
- ❑ COMMUNICATE a positive not helpless attitude.
- ❑ OFFER to spend time with the child or write a note. This lets the child know that he or she is in your thoughts.
- ❑ TALK about personal feelings and listen to those of the child.

- ❑ TALK with the students about the event or the anniversary of the event, as a class activity.
- ❑ ENCOURAGE older children, adolescents in particular not to try numbing or changing their feelings with alcohol or drugs.
- ❑ Children need close physical contact during times of stress to help them reestablish a sense of identity. Games involving physical touch in a structured environment that can be helpful include *London Bridge* and *Duck, Duck Goose*.
- ❑ INVITE the children or adolescents to create a mural on the topic of the traumatic event. It is recommended that this be done in small groups followed by discussion.
- ❑ INVOLVE the children in a group discussion about disaster related experiences. It is important to share your feelings and fears. This helps to legitimize their feelings, helping them feel less isolated.
- ❑ COORDINATE information between home and school. It is important for teachers to know about discussions that take place at home, in particular with fears or concerns that the child has mentioned.
- ❑ RESPOND to the children in a direct, supportive, and consistent manner.

Classroom Activities Following A Tragic Event

The following pages provide suggested questions or themes which may be effective to use in a class after a critical incident, and specific techniques to follow. Be sure the questions are "open-ended," which means that they cannot be answered by a simple "Yes" or "No". Open-ended questions serve to facilitate verbal discussion. For some children, talking is not helpful. Drawing is another means of expression of feelings. Allow a full range of expression: some kids draw recognizable "things", others draw "abstracts". Emphasize to the children that their work will not be judged, graded or necessarily shown to others. The student is the best source for what's going on behind the drawing. Ask him or her about it.

Suggested questions to ask/themes to represent:

- Where were you when it (the disaster/event) happened?
- What were you doing?
- Where were your friends? Where was your family?
- What was your first thought when it happened?
- What did you see? What did you hear?
- What sound did it make? What did you smell?
- How did you feel?
- What did other people around you do (during, after)?
- What was the silliest thing you did?
- Were you or anyone else you know injured?
- What happened to pets or other animals around you?
- What dreams did you have after it?
- What reminds you of it? When do you think about it?
- What do you do differently since the event?
- How do you feel now? What makes you feel better?
- How have you gotten through rough times before?
- What would you do differently if it happened again?
- How did you help others? How would you help next time?

- What can you do now to help others?

Special Considerations:

- Allow for silence for some with low language skills, shyness, discomfort, etc. Encourage peer support for these children.
- The teacher should accommodate the child.
- If a child has low English skills, consider asking for a translator or a peer to help the child express in words.
- Create a chance for verbal expression in any language, but allow students who may not want to participate the "right to pass".

When to refer students for additional assistance

With caring and support from the school community and families, most students will recover from the effects of a crisis. Use the following guidelines to determine whether a student should be referred to a school counselor for further assistance:

- Students who continue to demonstrate an elevated emotional response (crying, worry, anxious) after their peers have discontinued to show these signs;
- Students who are withdrawn or appear depressed;
- Students who appear distracted and are unable to engage in classroom assignments and activities after an ample amount of time has passed;
- Students who present behavior of a threatening nature to themselves or to others or intentionally hurt themselves;
- Students who exhibit significant behavioral change from their normal behavior, i.e., poor academic performance, weight loss, poor hygiene, distrust of others, suspected drug/alcohol use, etc.

EFFECTS OF TRAUMA ON ADULTS

First Reactions May Include:

- Numbness, shock, difficulty believing what has occurred or is in the process of occurring
- Slow or confused physical and mental reactions
- Difficulty in decision making; uncertainty about things; it may be difficult to choose a course of action or to make even small judgment calls

Ongoing Reactions May Include:

- Loss of appetite, difficulty sleeping, loss of interest or pleasure in everyday activities
- Desire to get away from everyone - even family/friends
- Emotional liability; becoming irritable or upset more quickly than usual
- Feelings of fatigue, hopelessness, helplessness
- Digestive problems; headaches or backaches

- Difficulty accepting that the emergency has had an impact or difficulty accepting support from friends and the community

Tips for distressed adults:

- Take time to relax and do things that are pleasant; positive change such as getting away for a few hours with close friends can be helpful
- Get regular exercise or participate in a sport; activity soothes anxiety and helps with relaxation
- Keep days as simple as possible; avoid taking on any additional responsibilities or new projects
- Tap sources of assistance with the workload - ask students, instructional assistants, or volunteers to help grade papers, take care of copying, or help with other time-consuming tasks.

WHEN SOMEONE DIES

Children may experience a number of powerful feelings when confronted with the death of a classmate or another individual. The following describes an interactive process used to facilitate a student's expression of the feelings and reactions following a death that affects the school community. This process is most effective when the focus follows a sequence of five phases:

(1) Introductory; (2) Fact; (3) Feeling; (4) Reaction/Teaching; and (5) Closure. This process should conclude with quiet, reflective time.

1. Introductory Phase

- Introduce team members or helpers to discuss why they have been assembled and what is hoped to accomplish.
- Stress the need for confidentiality and ask for a verbal agreement to keep what is said confidential.

2. Fact Phase

- Provide all known relevant facts about the death/incident.
- Confirm the student's understanding of what happened
- Ask if anyone has or wants additional information about the death/incident
- Ask how they learned about it.
- Ask where were they when they first heard about it.
- Ask if anyone is missing from the meeting who needs to attend. Determine who are they concerned about.

3. Feeling Phase (include everyone in the discussion)

- Ask what were their first thoughts when they heard about the death/incident.
- Ask how they are feeling now.
- Ask students to tell the class about the individual(s) who died.
- Ask for some memories of him/her/them.
- Ask how do the students think he/she/they would like to be remembered.

4. Reaction/Teaching Phase

- Explore the physical, emotional and cognitive stress reactions of the group members
- Ask what are some things students usually do when they are really upset or down?

- Take this opportunity to teach a little about the grief process, if appropriate.
- Talk about effective coping techniques.
- Determine if each student has someone else to talk to.

5. Closure Phase

- Provide information about memorial service/funeral if available
- Support creative activities such as writing cards, taking a collection.
- Encourage students to support one another,
- Remind them that it may take a long time before they will feel settled and explain that is normal
- Encourage them to talk with someone in their family about their sadness

Support long-term healing by charting a course that offers support and anticipates the needs of victims and the entire community. Continued healing requires open and responsive communication lines among victims, victims' families and the school.

Support memorials and donations by creating meaningful, inclusive and healing activities and by setting parameters for media coverage to allow privacy for grieving staff and students.

Manage benchmark dates—Anticipate and prepare for anniversaries and benchmark dates and establish clear parameters for media coverage.

Handle physical reminders carefully—Any repairs and rebuilding of damage wrought by violence or natural disaster must carefully consider the input feelings of the victims and their families.

Prepare the class—The following section is designed to assist the teacher or counselor in preparing the class to help a student who has experienced a tragedy such as the death of a friend or family member prior to his/her return to the class.

- Explain what is known of the loss.
- Ask if other students have experienced the death of a friend or family member.
- Are there things people said or did that made you feel better?
- How do you think our classmate might be feeling?
- That could you say that might help him/her know you care? This is your chance to guide students responses to helpful comments as you guide them away from less helpful comments.
- What would you want someone to say to you if you experienced the death of someone close?
- Are there things you could do that may help them feel better?
- We can take our cues from the person that will guide our actions. What might some of those cues be?

Assist the student—Talk with the student before returning to class. Discuss what to share with the class and who should tell them.

- Allow the student to leave class if upset and where the student can go.
- Arrange for a person to meet with the student during the school day if he/she needs someone to talk to.

- ❑ Help the student to understand that he/she doesn't have to answer questions or discuss the death if he/she doesn't feel like it.
- ❑ Encourage journal writing for older students, provide drawing materials for younger children.
- ❑ As a teacher, be willing to negotiate homework or class expectations during the first days after returning to school.
- ❑ Avoid cliché statements (e.g., "I know how you feel" when nobody knows the unique relationship the student had with the deceased).
- ❑ Don't expect the student to snap back into the "old self".
- ❑ If a student seems unaffected by the loss, remember that everybody has his/her own way of grieving.
- ❑ Even if the student seems to be adjusting to school again, don't assume the grieving has stopped, nor the need for assurance and comfort.

Memorials. When anyone from the school community dies, people will often want to find ways to memorialize the student or staff member. Parents and loved ones especially want to know people miss the person and that there is great sadness with the loss. It is important to carefully think through the type of tribute that would be appropriate for the person who has died.

- ❑ Check with family members to see what kind of memorial they would prefer.
- ❑ Memorials should focus on the life lived, rather than on the death.
- ❑ Yearbook memorials should be a regular-sized picture with a simple statement such as "We'll miss you".
- ❑ Creating a permanent or lasting school memorial for one person sets a precedent; it would be difficult to refuse a similar memorial for another individual.
- ❑ Public sympathy may balloon into a spontaneous memorial of artwork and symbolic expressions of loss. Flowers, cards, songs, mementos and other tributes are supportive for the immediate victims and the school community. There may be a need to develop and implement a system for displaying the public generosity and grief.
- ❑ There are many other ways to support family and friends of the deceased. Examples include: cards, food, kind words, work parties for relatives, scholarship funds, contributions to a favorite charity, planting a tree and being remembered after the urgent time of the tragedy.

Suicide Response. A school's general response to a suicide does not differ markedly from a response to any death emergency. However, some issues exclusive to suicide require specific attention.

- ❑ Acknowledge the suicide as a tragic loss of life.
- ❑ Allow students to attend funeral services and to grieve the loss of a peer without glorifying the method of death. Over-emphasis on a suicide may be interpreted by vulnerable students as a glamorization of the suicidal act, which can assign legendary or idolized status to taking one's own life.
- ❑ Provide counseling support for students profoundly affected by the death.
- ❑ Celebrate the life of this student as you would any student who has died, but do not organize school assemblies to honor the deceased student.

- ❑ Be cautious about discussing suicide as the cause of death of students even if it is apparent. Police will likely conduct an investigation that may result in days or weeks of uncertainty.
- ❑ Consult with a surviving parent before disclosing sensitive details. Parents and family members may be reluctant to accept or acknowledge suicide as the cause or there may be family members who do not know the "apparent" cause of death.

A suicide in the school community can heighten the likelihood, in the subsequent weeks, of "copycat" suicide attempts and threats. Traumatic events can trigger extreme feelings of helplessness and hopelessness long after the initial trauma occurs. These feelings may also lead to thoughts of suicide or suicide attempts. Sometimes a new trauma will leave a survivor or family member with the feeling that they can't handle the tragedy as well as they think people expect them to. In order to prevent further tragedies, students considered to be especially susceptible to depression/suicide must be carefully monitored and appropriate action taken if they are identified as high risk.

PREPARED BY:		APPROVED BY:	
<i>Date:</i> _____ <i>Time:</i> _____			
E O C S T A F F I N G L I S T		A1	
FOR OPERATIONAL PERIOD:			
<i>FROM: DATE/TIME</i>		<i>TO: Date/Time</i>	
MANAGEMENT STAFF <input type="checkbox"/>		OPERATIONS <input type="checkbox"/>	
EMERGENCY OPERATIONS DIRECTOR		OPERATIONS SECTION CHIEF	
Director		Director	
Public Information Officer		Security/Safety	
Board Chair		Director	
Agency Liaison		Facilities Management	
Director		Director	
Safety Officer		Shelter and Care	
Director		Office Manager	
		Staff Services	
		Director	
		Medical	
		Director	
PLANNING <input type="checkbox"/>		LOGISTICS <input type="checkbox"/>	
PLANNING SECTION CHIEF		LOGISTICS CHIEF	
Director		Office Manager	
Documentation		Personnel/Staffing	
Director		Director	
Situation		Supplies/Equipment	
Director		Office Manager	
Forecasting/Recovery Planning		Food/Water	
Director		Director	
Resources/Incident Action Plan		Transportation	
Director		Director	
Demobilization		Communications/IT Support	
Director		Office Manager	
FINANCE and ADMINISTRATION <input type="checkbox"/>		AGENCY REPRESENTATIVES	
FINANCE/ADMIN SECTION CHIEF		American Red Cross	
CFO		Director	
Personnel Accounting		Fire	
CFO		Director	
Purchasing/Accounts Payable		Law Enforcement	
CFO		Director	
Accounting/Recordkeeping		Public Health	
CFO		Director	
Compensation and Claims		Public Works	
CFO		Director	

PREPARED BY:		APPROVED BY:	
<i>Date:</i>		<i>Time:</i>	
I C S S T A F F I N G L I S T			A2
FOR OPERATIONAL PERIOD:			
<i>FROM: DATE/TIME</i>		<i>TO: Date/Time</i>	
MANAGEMENT STAFF <input checked="" type="checkbox"/>		OPERATIONS <input checked="" type="checkbox"/>	
EMERGENCY OPERATIONS DIRECTOR		OPERATIONS SECTION CHIEF	
Director		Director	
Public Information Officer		Search and Rescue	
Board Chair		Director	
Agency Liaison		First Aid	
Director		Director	
Safety Officer		Security/Traffic	
Director		Office Manager	
		Evacuation/Shelter and Care	
		Director	
		Crisis Intervention	
		Director	
		Student Release	
		Office Manager	
PLANNING <input checked="" type="checkbox"/>		LOGISTICS <input checked="" type="checkbox"/>	
PLANNING SECTION CHIEF		LOGISTICS CHIEF	
Director		Office Manager	
Documentation		Personnel/Staffing	
Director		Director	
Situation		Supplies/Equipment	
Director		Office Manager	
Resources/Incident Action Plan		Transportation	
Director		Office Manager	
Demobilization		Facilities	
Director		Director	
		Communications/IT	
		Office Manager	
FINANCE and ADMINISTRATION <input checked="" type="checkbox"/>		AGENCY REPRESENTATIVES	
FINANCE/ADMIN SECTION CHIEF		American Red Cross	
CFO		Director	
Timekeeping		Fire	
Office Manager		Director	
Procurement		Law Enforcement	
Office Manager		Director	
Cost		Public Health	
CFO		Director	
Compensation and Claims		Public Works	
CFO		Director	

PREPARED BY:	APPROVED BY:	
<i>Date:</i>	<i>Time:</i>	
S E C T I O N T A S K S		B1
FOR OPERATIONAL PERIOD:		
<i>FROM: DATE/TIME</i>		<i>TO: Date/Time</i>
MANAGEMENT SECTION	<input checked="" type="checkbox"/>	Assigned To:
OPERATIONS	<input checked="" type="checkbox"/>	Assigned To:
PLANNING	<input checked="" type="checkbox"/>	Assigned To:
LOGISTICS	<input checked="" type="checkbox"/>	Assigned To:
FINANCE/ ADMINISTRATION	<input type="checkbox"/>	Assigned To:

PREPARED BY: (Planning Section Chief) <input style="float: right;" type="checkbox"/>	APPROVED BY: (EOC Director) <input style="float: right;" type="checkbox"/>	
Date: _____ Time: _____		
E O C A C T I O N P L A N	B2	
FOR OPERATIONAL PERIOD:		
FROM: DATE/TIME	TO: Date/Time	
SITUATION SUMMARY		
MAJOR INCIDENTS/ EVENTS IN PROGRESS		
TYPE OF INCIDENT	LOCATION	SUPPORT REQUESTED
OVERALL OBJECTIVES		
PUBLIC INFORMATION MESSAGE		
ATTACHMENTS		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

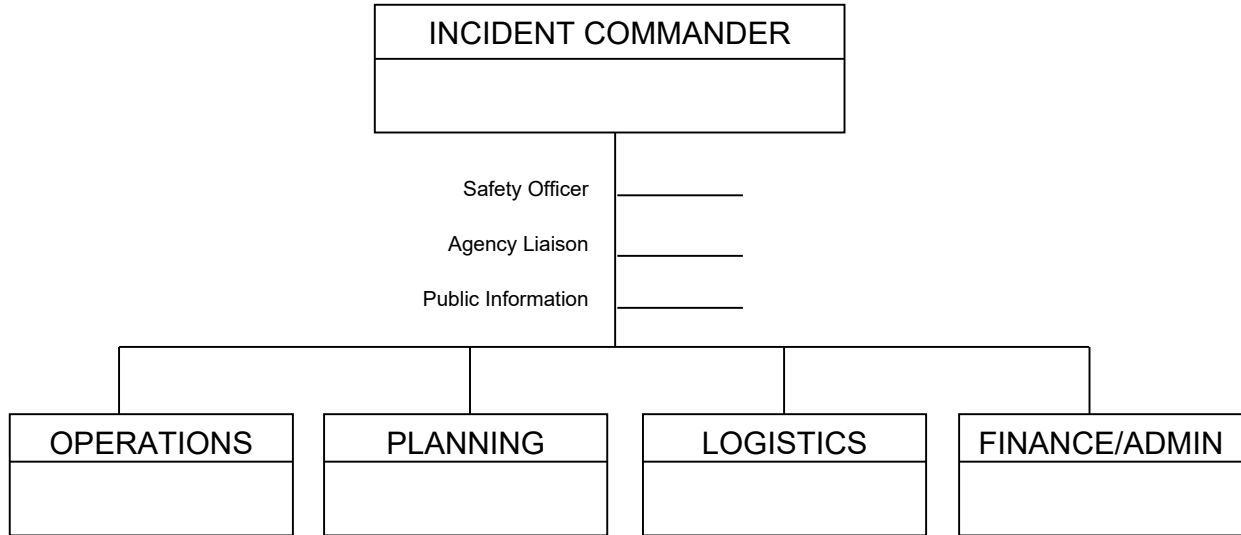
INCIDENT NAME:	PREPARED BY:	
<i>Date Prepared:</i>	<i>Time Prepared:</i>	POSITION:
I N C I D E N T B R I E F I N G		B4 Page 1 of 4
MAP SKETCH	<i>Include total area of operations, incident site/area, impacted buildings and other graphics depicting situational and response status.</i>	
CURRENT SITUATION	<i>Include type of incident, location, approximate number and age range of individuals affected.</i>	
<i>This form corresponds to ICS 201</i>		

INCIDENT NAME: <i>Date Prepared:</i> <i>Time Prepared:</i>	PREPARED BY: POSITION:
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**I N C I D E N T
B R I E F I N G**


B4
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of 4

CURRENT ORGANIZATION



INCIDENT NAME:

PREPARED BY:

PREPARED BY:		APPROVED BY:	
<i>Date:</i>		<i>Time:</i>	
RESOURCE REQUEST			D1
SECTION:		TELEPHONE:	No.
SECTION CHIEF:		OPERATIONAL PERIOD	
		<i>From:</i>	<i>To:</i>
REQUEST TO LOGISTICS			
Resource Needed:			
Type/Size of Resource:			
Number/Amount Needed:			
Special Instructions:			
NEEDED BY:	<i>Date:</i>	<i>Time:</i>	
DELIVER TO/TRANSPORTATION NEEDED:			
RESPONSE FROM LOGISTICS			
FROM:	TELEPHONE:	<i>Date/Time:</i>	

CHECK-IN / CHECK-OUT					D2
OPERATION PERIOD:		From: _____ To: _____		CHECK IN LOCATION:	PAGE _____ of _____
#	TIME		PRINT NAME	SECTION/POSITION	INITIAL
	IN	OUT			
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

If additional space is needed, ✓ box and use duplicate of this form

This form corresponds to EOC-511

TO: POSITION: LOCATION:		FROM: POSITION: TELEPHONE:		
MESSAGE FORM				D3
SUBJECT:		DATE:		TIME:
MESSAGE				
PRIORITY <input type="checkbox"/> Urgent-Life <input type="checkbox"/> Urgent-Facility <input type="checkbox"/> Routine <input type="checkbox"/> Info only				
Reply Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No REPLY				
ADDITIONAL RECIPIENT(S)				
MANAGEMENT	OPERATIONS	PLANNING	LOGISTICS	FINANCE/ADMIN
<input type="checkbox"/> Director/IC	<input type="checkbox"/> Section Chief	<input type="checkbox"/> Section Chief	<input type="checkbox"/> Section Chief	<input type="checkbox"/> Section Chief
<input type="checkbox"/> PIO	<input type="checkbox"/> Safety/Security	<input type="checkbox"/> Situation	<input type="checkbox"/> Supplies	<input type="checkbox"/> Personnel
<input type="checkbox"/> Agency Liaison	<input type="checkbox"/> Facilities Mgmt	<input type="checkbox"/> Documentation	<input type="checkbox"/> Staffing	<input type="checkbox"/> Purchasing/AP
<input type="checkbox"/> Safety Officer	<input type="checkbox"/> Shelter & Care	<input type="checkbox"/> Resources	<input type="checkbox"/> Transportation	<input type="checkbox"/> Recordkeeping
<input type="checkbox"/> Legal	<input type="checkbox"/> Medical	<input type="checkbox"/> Recovery	<input type="checkbox"/> Communications	<input type="checkbox"/> Comp/Claims
<input type="checkbox"/>	<input type="checkbox"/> Staff Services	<input type="checkbox"/> Demobilization	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SIGNATURE/POSITION:				

PREPARED BY:		APPROVED BY:			
<i>Date:</i>		<i>Time:</i>			
SITUATION STATUS REPORT INITIAL ASSESSMENT					E1 of 6
OPERATION START:	<i>Date:</i>		<i>Time:</i>		
<i>This form is to be completed and forwarded to the Emergency Operations Center by the School director or designee as soon as evacuation has been completed and the required information collected.</i>					
IMMEDIATE ASSISTANCE REQUIRED					
NONE					
MEDICAL					
FIRE					
SEARCH & RESCUE					
LAW ENFORCEMENT					
PUBLIC WORKS					
STUDENT/STAFF STATUS					
<i>Names on Form E-2 and E-3, respectively</i>					
	MISSING	TRAPPED	INJURED	DECEASED	ALL ACCOUNTED
STUDENTS					
STAFF					
OTHERS					
CONDITION OF SCHOOL BUILDING AND GROUNDS					
LOCATION <i>Building/Classroom No.</i>		STRUCTURAL DAMAGE <i>e.g., wall cracked, fallen light fixtures, shattered windows, broken water pipes, etc.</i>			
<input type="checkbox"/> If additional space is needed, ✓box and use Supplemental Form E-6					
CONDITION OF NEIGHBORHOOD					
<i>e.g., fallen power lines, debris-cluttered streets, flooding, mudslide</i>					
<input type="checkbox"/> If additional space is needed, ✓box and use Supplemental Form E-6					

STUDENT STATUS REPORT INITIAL ASSESSMENT				E2 of 6
OPERATION START:		<i>Date:</i>	<i>Time</i>	
CONDITION OF STUDENTS				
MISSING				
Possible Location	NAME			
TRAPPED				
Location	NAME			
INJURED				
Location	Type of Injury	NAME		
DECEASED				
Location	NAME			
<input type="checkbox"/> If additional space is needed, ✓box and use Supplemental Form E-4				

STAFF STATUS REPORT INITIAL ASSESSMENT		E3 of 6	
OPERATION START:	<i>Date:</i>	<i>Time:</i>	
CONDITION OF STAFF			
MISSING	Possible Location	NAME	
TRAPPED	Location	NAME	
INJURED	Location	Type of Injury	NAME
DECEASED	Location	NAME	

If additional space is needed, ✓box and use duplicate of this form.

PREPARED BY: <i>Date:</i> <i>Time:</i>		APPROVED BY:	
SITUATION STATUS REPORT UPDATE		F1 of 2	
OPERATIONAL START:	<i>Date:</i>	<i>Time:</i>	
NO. OF STUDENTS REMAINING AT SCHOOL		NO. OF STAFF REMAINING TO CARE FOR STUDENTS	
ASSISTANCE REQUIRED			
MEDICAL			
WATER			
FOOD			
BLANKETS			
ADDITIONAL PERSONNEL TO ASSIST WITH CARE			
OTHER			
<input type="checkbox"/> If additional space is needed, ✓box and use reverse side of this form			

PREPARED BY: <i>Date:</i> _____ <i>Time:</i> _____		APPROVED BY:			
SITUATION STATUS REPORT UPDATE (2)			F2 of 2		
OPERATIONAL START:	<i>Date:</i> _____	<i>Time:</i> _____			
<i>Do not enter buildings until the structural evaluation is complete, and the buildings are designated as safe.</i>					
DAMAGE ASSESSMENT					
TYPE	SEVERITY				LOCATION/ROOM NO
	None	Slight	Severe	Hazardous	
<u>UTILITIES</u>					
Electrical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural gas lines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Water heater/boiler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>HAZARDOUS MATERIALS</u>					
Custodial chemicals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lab chemicals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lead	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>PHYSICAL HAZARDS</u>					
Broken glass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Construction areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Damaged buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Walkways, bridges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NOTES: <i>(description of trouble, location, severity or hazardous materials):</i>					
FINDINGS: <input type="checkbox"/> Building or room is SAFE for reoccupancy <input type="checkbox"/> Building or room is CLOSED due to hazardous condition					
CORRECTIVE MEASURES NEEDED : <i>(to be completed prior to reoccupancy)</i>					
<input type="checkbox"/> If additional space is needed, ✓box and use reverse side of this form					

PREPARED BY: Date: _____ Time: _____		
D E M O B I L I Z A T I O N C H E C K O U T		G1
1. INCIDENT NAME:	2. DATE/TIME	3. NO.
4. UNIT/PERSONNEL RELEASED		
5. TRANSPORTATION TYPE/NO.		
6. ACTUAL RELEASE DATE/TIME	7. MANIFEST? <input type="checkbox"/> Yes <input type="checkbox"/> No NUMBER:	
8. DESTINATION	9. AGENCY/REGION NOTIFIED Name _____ Date _____	
10. Unit leader responsible for collecting performance rating		
11. <u>UNIT/PERSONNEL</u> You and your resources have been released subject to signoff from the following: (Demobilization Unit Leader check the appropriate box)		
LOGISTICS <input checked="" type="checkbox"/>		
<input type="checkbox"/> Supplies/Equipment		
<input type="checkbox"/> Communications		
<input type="checkbox"/> Facilities		
<input type="checkbox"/> Transportation		
PLANNING <input checked="" type="checkbox"/>		
<input type="checkbox"/> Documentation		
FINANCE/ADMINISTRATION <input type="checkbox"/>		
<input type="checkbox"/> Timekeeping		
OTHER		
<input type="checkbox"/>		
<input type="checkbox"/>		
12. REMARKS		

APPENDIX

FORMS

SCHOOL STAFF SKILLS SURVEY

School _____

School Year _____

As part of the development of the School Emergency Management Plan, and in accordance with school policy, please complete the following survey and return it to the school office. The information provided will be used to update our Emergency Management Plan in order to be fully prepared for an emergency situation on campus.

NAME: _____ DATE _____

HOME PHONE: _____ EMAIL _____

I. Emergency Response:

Please any of the following areas in which you have expertise or training:

- | | | |
|--|--|---|
| <input type="checkbox"/> First Aid | <input type="checkbox"/> Search and Rescue | <input type="checkbox"/> Counseling/Mental Health |
| <input type="checkbox"/> CPR | <input type="checkbox"/> Hazardous Materials | <input type="checkbox"/> Firefighting |
| <input type="checkbox"/> Emergency Medical | <input type="checkbox"/> Media Relations | <input type="checkbox"/> Incident Debriefing |

Please explain or clarify items checked _____

II. Special Considerations: Please check and list special skills or resources you feel would be an asset in an emergency situation. Explain items checked:

- Multilingual, list language(s) _____
- Experience with disabilities _____
- Ham radio or CB radio experience _____
- Knowledge of community resources _____
- Other knowledge or skills _____
- Other knowledge or skills _____
- Check if you have a cell phone that could be used in an emergency
- Check if you have a 2-way radio that could be used in an emergency

III. Disaster Service Workers

California Government Code Section 3100 specifies that public employees are declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their superiors or by law. As such, school employees are considered Disaster Service Workers, responsible for the students during and after the emergency. If a disaster occurs during school hours, you may be required to remain at school for 72 hours or longer.

SPECIAL STAFF SKILLS AND EQUIPMENT

School _____ School Year _____

EXPERIENCE/EQUIPMENT	NAME OF EMPLOYEE
Medical/First Aid Experience	
Search & Rescue Experience	
Fire Fighting Experience	
Communication Equipment (Indicate Type)	
Accessible Emergency Vehicles and Equipment	

Prepared By _____ Date Prepared _____

When to Miss School

If your child says she doesn't feel well, ask yourself, 'If she were healthy, would I want her near someone with these symptoms?' Robert Hoekelman, M.D., contributing editor of *The Merck Manual of Medical Information- Home Edition*, offers these guidelines to help you decide when to keep your child at home. If symptoms persist after 24 hours or worsen, call your pediatrician.

SYMPTOM	Keep your child home if:
FEVER	He/she has a morning temperature of 100 degrees Fahrenheit or higher, or her temperature is below 100 but she is achy, pale or tired.
STOMACH ACHE	He/she has had two or more episodes of vomiting or diarrhea, or has had one in the past 24 hours and feels tired or ill.
SNEEZING OR RUNNY NOSE	He/she is sneezing a lot, and his/her nose won't stop running.
SORE THROAT	He/she has tender, swollen glands and a fever of 100 or higher.
COUGH	He/she coughs frequently, coughs up phlegm, or the cough sounds like a bark or is accompanied by a sore throat or wheezing.
EAR ACHE	His/her pain is constant or severe—a sign of otitis media.
RASH	The rash blisters, develops pus, or is uncomfortable, which signals chicken pox or impetigo.

Sick children seldom, if ever, gain anything by attending school. They are much better off at home where they are most likely to get the necessary care for recovery and early return to school. Keeping ill children at home also protects other children, their family, and the school staff from infection.

A child must be kept home at least 24 hours after a fever and 24 hours after starting antibiotics.

For children who need take medication at school, send an authorization form signed by a parent and the health care provider with the medication.

Parent Information Letter - Student Health

Dear Parents;

We are concerned for the health and welfare of our students and we want to maintain a healthy school environment for your children.

From experience we have learned that sick children seldom, if ever, gain anything by attending school. They are much better off at home where they are most likely to get the necessary care they need to recover. Keeping ill children at home also protects other children, their family and school staff.

Your child may be contagious if you observe the following symptoms:

DIARRHEA	NAUSEA OR VOMITING
SKIN RASH	EAR INFECTIONS/EARACHES
SORE THROAT	EYE DRAINAGE/PAIN
ELEVATED TEMPERATURE	PAIN/BODY ACHES
GENERAL FATIGUE OR LISTLESSNESS	

Your child should be kept at home. If these signs persist, contact your physician.

Keep your child home at least 24 hours after a fever and 24 hours after starting antibiotics. Reminder: If your child needs to take medication at school, you are required to send an authorization form signed by you and your health care provider with the medication.

Prompt care and isolation of a sick child will minimize the total time school days lost by your child and/or other children. Regular attendance at school is necessary for your child to receive full benefit from school.

If your child is kept at home, please notify the school that your child will be absent and the reason for the absence.

Please call your school if you have questions.

Sample Parent Information Letter – Incident Update

Dear Parents,

As you may or may not be aware, our school has recently experienced (**specify event, whether death, fire, etc.**) which has deeply affected us. Let me briefly review the facts (**give brief description of incident and known facts**).

We have implemented our school's Emergency Management Plan to respond to the situation and to help our students and their families. Students and staff will react in different ways to emergencies of this nature, so it will be important to have support available to assist students in need. Counselors are available in the school setting to assist students as they express their feelings related to (the specific event). We have included a reference sheet to help you recognize possible reactions you may observe in your child. If you feel your child is in need of special assistance or is having a great deal of difficulty coping with (the loss, disaster, etc.), please do not hesitate to call.

While it is important to deal with grief, loss, anger and fear reactions, we believe it is essential to resume as normal a routine as possible regarding school activities. The following modifications in our school's regular schedule will be in effect during (specify dates), and after that time all regular schedules and routines will resume. (**Specify needed information such as memorial services, possible changes in classroom locations, alterations school operating hours, etc.**).

Thank you for your support of our school system as we work together to cope with (specify event). Please observe your child closely over the next several days and weeks to watch for signs of distress which may indicate a need for additional support and guidance. Please feel free to call if you have any concerns or questions regarding your child, or steps being taken by the school to address this (**loss, tragedy, etc.**).

Sincerely,

Director
(Phone)

Sample Parent Information Letter – Death of a Student or Staff Member

(*Date*)

Dear Parent/Guardian:

We are saddened to learn of the death of our (***teacher or student***), (***name of teacher or student***), who died on (***date***). We are concerned about the safety and well-being of all students and staff. A specially trained team of professionals is in our school to offer support and counseling to all who need or request such help.

You may notice some changes in your child's behavior as a result of this tragedy. He or she may feel shocked, sad, angry, confused, afraid, worried or numb. Any of these feelings are normal after such an incident. Your child might not feel like eating, or may eat more than usual. He or she may also sleep considerably more or less than usual and may experience unpleasant dreams or nightmares. Your child may seem pre-occupied, argumentative, less cooperative or communicative, or simply different. Headaches and/or stomach aches are other common responses to tragic incidents. Your child may also have trouble completing school assignments or preparing for exams.

We encourage you to talk with your child about what has happened. Talking with a parent/guardian and/or trusted adult is very helpful for children as they try to cope with and work through tragedies in their lives. (***Reference any handout that you may decide to enclose.***)

If you notice that your child is not feeling better within the next few weeks, or if you wish to talk with a counselor, please feel free to call us so that we can help. The [***Student Services Department***] will be glad to answer any questions or provide support and guidance as needed. Please call (***name of Counselor/Intervention Advisor***) at (***telephone number***).

(***Insert information on funeral arrangements, if known***)

Sincerely,

[School director's Name]

[Name of Counselor/Intervention Advisor]

MEMORANDUM

To: All Staff
From:
Date
Re: Special Needs Evacuation Plan

In the event of an emergency, we are committed to the safe evacuation of our entire school community. As part of our disability evacuation planning, we request that all staff provide us with information concerning special evacuation needs.

We are concerned with any problems you anticipate having in an evacuation, such as hearing or sight impairments, that would make it difficult to perceive emergency alarms. We recognize that your particular needs may require elaboration. You may be able to use the stairs, but only with difficulty, or you may be able to see, but not in low light.

Please provide specific details so that we can clearly understand and appropriately respond to your needs.

If you determine that you have any emergency evacuation issues, or if you have any questions, contact _____ at _____

ROSS VALLEY SCHOOL DISTRICT

ROSS VALLEY CHARTER RENEWAL PETITION

REPLY TO RESPONSE TO DISTRICT STAFF REPORT

INTRODUCTION

In accordance with Education Code sections 47605, 47605.9, and 47607, the District has considered the Ross Valley Charter Renewal Petition ("Renewal Petition") and diligently undertaken the responsibilities set forth in these statutes to evaluate the charter and RVC's operational, fiscal, governance and academic performance during its first term as a charter school. In further compliance with the mandates of the review process, the District published its staff report with its recommendation to the Board and its proposed findings supporting same ("Staff Report") on October 26, 2020, fifteen days prior to the November 10, 2020 board meeting wherein the Board would make its determination whether to grant or deny the Renewal Petition. The Staff Report was further provided to RVC the same day.

On Friday, November 6, 2020, after business hours, RVC submitted their "Response" to the District's Staff Report ("RVC's Response"). This Reply follows. Most of what is set forth in RVC's Response has been fully addressed in the Staff Report and supported with documentation. It is noted that what RVC calls an "antagonistic approach" is, in fact, simply the District following the process: evaluating the facts related to the charter school's past operations as reflected in the documents received from the State and RVC, and conducting appropriate due diligence in conformity with the legal procedures set forth in the above statutes and the criteria established by statute and State Board of Education regulations. The renewal process is founded upon the cornerstone of accountability – a concept RVC makes clear it does not embrace.

Nonetheless, the District review team has carefully considered the points raised by RVC. In many circumstances RVC lashes out and further makes assertions that are either mischaracterizations intended to distract or are simply incorrect. We take a brief opportunity to respond to same but will not rehash all of the factual findings and documentary support provided in the Staff Report.

REPLY TO RVC CONTENTIONS

Demonstrably Unlikely to Successfully Implement the Renewal Petition Due to Substantial Fiscal and Governance Issues

RVC contends that "[b]oth MCOE and FCMAT declined to take the action that the District staff and counsel urged":

- RVC interprets FCMAT's conclusion that it will not recommend an extraordinary audit as FCMAT's blessing that RVC's actions were proper. This is far from the truth.
- FCMAT did not make an affirmative finding that RVC did not engage in any wrongdoing – instead, FCMAT even acknowledged "legitimate concerns" about RVC's governance and its compliance with PPP requirements.

- While FCMAT did not recommend an extraordinary audit under Education Code section 1241.5, FCMAT instead suggested referral of these issues to the County District **Attorney's office and the** Office of the Inspector General of the U.S. Small Business Administration to address the serious issues identified.
- These **legitimate concerns were well within the purview of the District's review, as the** District has a separate legal obligation to conduct a charter petition review under the Charter Schools Act that is independent from the decision of **FCMAT's recommendation** to decline an extraordinary audit.

RVC contends "[t]he **'notice of violation'** is not a legal right that RVSD holds, as the District is not currently the chartering authority of RVC":

- While the District does not believe it is required to issue a notice of violation and provide RVC with a reasonable opportunity to cure the violations in order to find RVC demonstrably unlikely to successfully implement the program within the meaning of section 47605(c), the District nonetheless did so: 1) to provide RVC with the opportunity to respond and cure; and, 2) because issuing the notice of violation was a lawful course of action for the District to take as the **"chartering authority" under section 47605.9.**
- **Even though SBE is RVC's current** authorizer, section 47605.9 requires RVC to submit its renewal petition to the District. And RVC did so, recognizing the requirements of section 47605.9. It is clear then **that the District must review RVC's renewal petition** – as it does with any other petition submitted to the District – in accordance with the standards set forth under the Charter Schools Act and any applicable State Board of Education regulations or guidance. One of the new standards implemented under the recent revisions to the CSA is the **"chartering authority"** giving notice and an opportunity to respond to violations relating to fiscal and governance issues and the failure to serve all students who wish to attend. (Ed. Code, § 47607.) In accordance with 47605.9, the District is designated the chartering authority for purposes of the renewal process.
- **RVC's argument that the District cannot apply the law** – including the notice and response provisions under Education Code section 47607(e) merely because SBE is the authorizer – is unfounded. While RVC recognizes the need to submit its Renewal Petition to the District under 47605.9, RVC incongruously argues that it is may not be actually evaluated and held accountable. This is an untenable interpretation in light of the accountability mandates of the renewal process.¹
- The District has reasonably construed the law in accordance with oversight and petition review obligations set forth in statute and provided RVC an opportunity to remedy its violations. RVC has responded with what has become its standard truculent response to the District, choosing a combative approach rather than one that is even minimally cooperative or which acknowledges the terms of the Charter Schools Act or demonstrated facts.

¹ Had the District *not* followed the process set forth in section 47607, there is little doubt **that RVC would contend the District's findings are invalid for failure to comply with the notice requirement.**

Fiscal Mismanagement

The PPP Loan

- RVC's Response primarily reiterates the points RVC asserted in its October 5, 2020 response to the District's Notice of Alleged Violation. The RVC Response does nothing to change the District's findings that RVC failed to obtain its PPP loan in compliance with law and that the PPP application was presented to the federal government with knowingly false information for purposes of obtaining funding.
- The RVC Response only serves to reinforce that RVC deprived the community of the opportunity to hold it accountable of this wrongdoing by making misrepresentations to the public and failing to be transparent. In sum, there are simply too many inconsistencies and omissions for RVC to overcome to persuade the District that its pursuit of the PPP loan was legitimate and transparent.
- RVC does not dispute the timeline of when it applied for and received PPP funding. However, what it does attempt to do is to excuse and mischaracterize several important facts to downplay the significance of its omissions. For example, it portrays March and April 2020 as a landscape of unmitigated chaos. However, this is all the more reason why the RVC Board and operations should have been more – not less – transparent and thoughtful with its fiscal condition and pursuing a PPP loan. Recent reporting on PPP fraud identifies the same issues documented in the Staff Report including obtaining funds without proper certification and obtaining funds intended for payroll even where payroll was funded by the state.²
- RVC's assertion that the PPP funds were needed for summer payroll due to state "deferral" is wholly unsupported as the "deferral" referred to was a delay of less than three weeks.
- RVC relies upon a distinction without a difference, contending that Mr. Hickey only applied for a PPP loan, but did not actually enter into it. This hyper technical distinction does nothing to address the fact that Mr. Hickey did not have any authorization from the Board to engage in the PPP process in the first place – no Board action was properly noticed to delegate that authority nor was it reflected in the RVC Board minutes at the time.
- RVC admits that the April 2nd minutes do not clearly show that the Board wanted to apply for the PPP loan. This deprived the public of an opportunity to understand the **Board's intention and concedes the Brown Act violation. Nothing in** the April 2nd agenda and minutes reflects any items related to the PPP, nor any Board authorization for Mr. Hickey to enter into contract or agreement, or to seek a PPP loan.
- RVC also admits that its April 23rd agenda was not specific about authorizing the school director to execute the PPP loan, claiming that it had lost hope for PPP funding as it believed all funds had already been disbursed. This is not a reasonable excuse or rationale for failing to agendaize an item on the agenda as significant as executing or **pursuing a PPP loan. Even if Mr. Hickey first read Westamerica's** email with the \$270,000 counterproposal the morning of the April 23rd Board meeting, the RVC Board

² <https://www.wsj.com/articles/ppp-was-a-fraudster-free-for-all-investigators-say-11604832072>

had no authority to take action on the loan on April 23rd. It could have held a special meeting if time was of the essence but it had no excuse to fail to comply with the Brown Act.

- **Another example of RVC's deception is that** the April 23rd meeting minutes were not publicly posted until nearly a month later on May 14, 2020, just hours before the May 14th Board meeting where the RVC Board approved the Resolution regarding the loan. There is no reasoning for this and it effectively deprived the public of any notice or **opportunity to comment on RVC's intent and efforts to secure the loan until it was already secured.** Even the Resolution was not noticed on the RVC agenda, which obscured the fact that RVC was seeking PPP funding.
- RVC also **offers no response to the fact that Governor Newsom's March 13, 2020** Executive Order expressly stated that charter schools will continue to receive state funding in order to continue to pay its employees; RVC was assured of its ongoing Average Daily Attendance revenue during the timeframe of the loan; RVC was given a \$20,000 COVID grant from the Walton Foundation; and RVC had other opportunities to pursue lines of credit or sources of funding.
- Per PPP loan requirements, the Charter School was required to certify that a current economic uncertainty made the loan necessary to support its ongoing operations. But RVC does not identify any uncertainty that was current at the time it entered into the PPP loan; instead, RVC acquired the PPP loan to increase its reserves in anticipation of future need, not to mitigate past or current economic hardship or meet its payroll. **Certifications signed by RVC's "agents" that "current" economic uncertainty based upon cash deferrals makes PPP loan funds necessary to support RVC's ongoing operations** were therefore not made in good faith.
- **And to be clear, the District's analysis as set forth in the Staff Report does not challenge the "form" of the Resolution** – the issue is the content and the process. The Resolution **misrepresents the facts and was "approved" in violation of** the notice requirements of the Brown Act.

Budget Review and Fiscal Concerns

- As reflected on the fiscal report attached to the Staff Report as Exhibit X, **the District's** charter finance expert is Debi Deal, widely renowned for her work in charter finance. Ms. Deal developed the Charter Finance Academy curriculum for the California Charter Schools Association and conducted statewide training. She also served as an intervention specialist for FCMAT. Ms. Deal's curriculum vitae is attached hereto as Exhibit Y.
- RVC repeatedly complains that its apportionments are delayed by the Marin County Office of Education causing its fiscal distress asserting that without the \$270,536 PPP loan received on May 8, RVC would not have been able to make its July 31 payroll. However, this effort to substantiate the need for a PPP loan serves to demonstrate their tenuous fiscal position – that they would be so low on cash that they could not make one payroll is alarming. This **also conflicts with RVC's repeated assertion of a large** 12.5% reserve, but which is described in the RVC Response as sufficient to cover 45 days of expenses.

- **As RVC states in Response, "RVC ... only has 45 days of expenses in its reserves. During the last recession in 2008-2012, charter schools paid twenty percent or more for factored receivable loans to cover cash flow due to State apportionment deferrals that spanned up to five months." This is precisely the concern. RVC has deficit spent each year of operation relying upon debt to "balance" its budget. Yet, the PPP loan has express requirements and limitations - RVC may not obtain debt in violation of the criteria regardless of its purported need.**
- RVC spends considerable effort to suggest that it is situated equally to the District by citing to bond and pension debt, or perhaps the intent is to suggest that the District is equally fiscally unstable. Either way, it is simply incorrect. Bonds are paid by the taxpayers – the District does not deplete its general fund to cover bond indebtedness. And the **"pay-as-you-go" (annually) is a booking entry on the financials.**
- RVC next challenges the proposed finding that it is overburdened with debt, particularly for a school of its small size. The accounting they cite makes no difference to the bottom line. Regardless of where it is posted, it is an excessive debt burden that still must be **repaid and RVC's tenuous finances certainly creates greater liability** exposure for the school and its authorizer. And it is fundamental that fluctuations in enrollment reduce revenue to pay debt. While RVC may project a significant growth for the 2021-22 school year, its history, including census day enrollment numbers, does not support this growth.
- RVC takes issue with the finding that RVC is **"using debt to balance its budget."** Yet, for example, they state the PPO loan was necessary to make June 2020 payroll. Again, **RVC seeks to point to the District's finances, looking to compare its debt to that of the District. But again, bond debt is not funded from the District's coffers so it is not a debt** of the District that impacts its funding. While pension is a liability, it is a pay as you go obligation so is not debt comparable to RVC. That said, this is a renewal review to a charter school and not a review of the District which is governed by different laws and circumstances. It is undisputed that RVC holds debt of at least \$972,000 which the District review team finds excessive for a school of its size.

RVC contends that loan payments should not be reflected on the income statement but rather on the balance sheet. However, they are a school and required to comply with public school accounting not private business accounting.

- **RVC next states that the District's finding asserts that the loan repayments should be reflected in the expense section or by reducing the LCFF Entitlement amounts in the Revenue section. That is simply not true. The District takes issue with RVC's failure to transparently book its debt including by improperly reducing LCFF entitlement.**
- RVC contends that there is no balloon payment or that it has or will negotiate an alternative repayment. However, there is no documentation to support this and the loan documents expressly require a balloon payment which is not in the cash flow.
- RVC states that if ADA does not meet forecasted levels, RVC is prepared to make expense reductions to maintain a positive operating income so it can continue to build its reserves. Yet, they do not identify where they would make such cuts. The school is already alarming low in spending on student books and supplies.

- RVC's effort to undermine the analysis is unsuccessful. They may have found a typo in reference to a year but nothing in the RVC Response changes or refutes the finding that the school is overburdened with debt and relies upon loans which now reach nearly one million dollars – this is excessive for a small school.

Governance Mismanagement, Violation of Charter, Violation of Law

"RVSD's characterization of Mr. Hickey's role with the organization and EdTec, however, is not accurate."

- In its response, RVC does nothing to actually address the District's finding relating to Mr. Hickey's conflict of interest. In fact, RVC's response raises even more concerns as to the impropriety of Mr. Hickey's split loyalties between the Charter School and his employer, EdTec. It is of no consequence whether Mr. Hickey was paid by EdTec on a "commission" basis or otherwise. As the Fair Political Practices Commission has made clear:

Courts have long found that independent contractors that serve in advisory positions that have a potential to exert considerable influence over the contracting decisions of a public agency are subject to Section 1090. (See *Hub City Solid Waste Services, Inc. v. City of Compton* (2010) 186 Cal.App.4th 1114, 1124-1125; *Schaefer v. Berinstein* (1956) 140 Cal.App.2d 278,291 ["statutes prohibiting personal interests of public officers in public contracts are strictly enforced. [Citation.]... [if] A person merely in an advisory position to a city is affected by the conflicts of interest rule".]) This long-standing rule was recently affirmed by the California Supreme Court (*People v. Superior Court (Sahlolbei)* (2017) 3 Cal.5th 230), and it applies equally to corporate consultants. (*Davis v. Fresno Unified School District* (2015) 237 Cal.App.4th 261, 300.)³

- To the degree that RVC contends that Mr. Hickey was not involved in the making of any contract with EdTec, this is simply not supported by their own governance documents cited in the Staff Report. It is quite plain – Mr. Hickey worked for a vendor that had a financial incentive to enter into a contract with the very organization of which Mr. Hickey at the time was an officer and over which he had tremendous influence and in fact exercised that influence.
- RVC's attempt to minimize Mr. Hickey's influence by suggesting that he was merely an "unpaid corporate officer" does not change the fact that he was and is a management level employment, acted as "Treasurer" in RVC, and was subject to the conflict of interest laws in that capacity. Even the fact that RVC turned to Mr. Hickey to process the PPP loan undermines the suggestion that he is of no influence to the RVC board.
- The impropriety was so apparent that even the Charter School's legal counsel advised RVC that "even as an unpaid volunteer," Mr. Hickey should be filling out a Form 700. Yet, RVC asserts his position was not on any of the designated filer positions on RVC's Conflict of Interest Code.

³ Daniel G Sodergren - A-19-057 - May 22, 2019 – Pleasanton (emphasis added).
<http://www.fppc.ca.gov/content/dam/fppc/documents/advice-letters/1995-2015/2019/Final%20A-19-057.pdf>

- **Notably, RVC's response completely ignores the most egregious conflict stated in the Staff Report** – on September 6, 2019, RVC and EdTec entered into an agreement for Statement of Work #5, which was when Mr. Hickey was simultaneously serving as CFO-Treasurer and an Associate Client Manager for EdTec. RVC provides no response for this direct conflict.
- It is also alarming that RVC admits that, even though Mr. Hickey began working for EdTec in July 2019, and the RVC Board was informed of this fact at that time, it took nearly three (3) months (until October 2019) **for RVC to determine Mr. Hickey's** simultaneous service as an RVC officer (even as a volunteer) and an employee of an RVC vendor would create the appearance of a conflict. There is no explanation for this delay. By the time the decision to resign was made, RVC and EdTec already entered into its September 6, 2019 contract.
- This violation – in addition to the various issues arising out of the Charter School's pursuit of the PPP loan – **reflects RVC's failure to understand and adhere to the conflict of interest laws and RVC's Conflict of Interest Policy and apparent purposeful efforts to avoid them.**
- It is apparent that the creation of the position of volunteer Chief Business Official for Mr. Hickey is not only an improper delegation of authority under the terms of the current and Renewal Charter, but also intended for the purpose of evading compliance with conflict of interest laws.

"One Board member's resignation in no way justifies a claim of Board instability."

- **RVC's response fails to address the fact that Ms. Kimball was one (1) of only three (3)** RVC Board members with experience in public education and that her departure is contrary to the information required to be presented with the Renewal Petition as to who would serve as the board members in the next term of the charter.
- RVC attempts to downplay this significant departure by arguing that many traditional public school district have Board members who have more private sector experience than public education experience. However, this is a false equivalence – unlike charter school board members, board members of traditional public school districts are elected by the community in a public election and, if they do not serve their jobs well, can be elected out of office. Because RVC does not have this mechanism of public accountability, it must ensure that its Board members properly reflect the expertise needed to operate a charter school.
- **The District's concerns regarding Board stability are not to be taken lightly** – the sudden departure of Ms. Kimball in the wake of allegations regarding governance and in the midst of the renewal process wherein she was represented to be a board member for the **proposed new term undermines the purported strength of RVC's governance structure.**

"RVC is awaiting the issuance of a temporary certificate of occupancy, which will be in place until the Fire Marshal approves the pending work to upgrade the fire alarms, which is scheduled to begin the week of November 9."

- RVC still does not have a facility that is compliant and safe to occupy. Even though most children are receiving distance learning, this is particularly unacceptable to those

students who require personal and in-person learning in accordance with the rulings of the OAH and CDPH for Cohorting Guidance.

- **The Charter School is using "distance learning"** as an excuse to obviate itself of its obligation to serve students with disabilities or those who need small group cohort instruction, which cannot be done **in RVC's current facilities**.
- This also ignores its authorizer's mandate that the facility be ADA compliant that was issued now well over two years ago and RVC still has not demonstrated CDE authorized the facility after it precluded RVC from serving students at the site. Despite this, RVC states an intention to begin serving students.

Reasonably Comprehensive Description

- In response to the District's finding that RVC's absenteeism is problematic, RVC makes no mention of whether it will achieve absenteeism rates comparable to those of the District, RVC states without supporting information that its parents face greater challenges that get in the way of attendance. RVC does not commit itself to any concrete strategies of tackling this important issue, especially if the factors inhibiting regular attendance are as serious as they state. RVC vaguely states that **"our solutions are as varied as the circumstances"** and provide generalized examples that do not reflect a serious intent to address the absenteeism issue.
- RVC attempts to portray the District as unreasonable in its findings – for example, with respect to RVC's school safety plan, RVC states that **"RVC would have been glad to provide it to RVSD had the District simply asked."** Yet, RVC submitted its Renewal Petition with a certification of completeness as now required by law. What RVC attempts to characterize as District failure to communicate, is in fact their own error and contrary to the purpose of the certification of completeness. RVC also misses the point that a school safety plan is a required component of the petition to be submitted as required by Education Code section 47605(c)(5)(F).

Academic Performance

- RVC claims that it was forced to delay operations for one year only because the District refused to rent a vacant property. **RVC's attempt to blame the District for its own** failure to secure facilities to operate its own educational program is telling of its wholesale rejection of accountability. RVC is solely responsible for implementing its educational program and its failure to obtain facilities from the District through the Proposition 39 process only reflects its failure to have contemplated and implemented a plan to ensure that its school opened as originally planned.
- RVC again seeks to avoid accountability blaming AB 1505 and COVID-19 as excuses for not having in place its own data assessment system. While CAASPP and Dashboard Data are recognized as the state-sponsored academic metrics that all schools should apply and measure for some *but not all* grade levels, RVC should nevertheless have its own internal data assessment system in place that allows RVC to track the academic progress of its pupils, independent from the CAASPP assessments. While the regulations for **"verified data"** have not been developed, RVC did not make any effort to attempt to provide any internal assessment information or data for the District to at least make **some evaluation of RVC's academic progress**. This is certainly common practice among charter schools across the state.

CONCLUSION

It is disappointing that RVC has responded with vitriol rather than a factually supported response, yet it is consistent with the divisive nature of RVC. Since its inception, it has pursued its goals without regard to the community that it is intended to serve. Sifting through the RVC Response, **RVC's** effort to evade and misrepresent both the issues presented, and the facts pertaining to those issues, is clear. As accountability is the cornerstone of the Charter Schools Act, the District has taken its assigned role to review the renewal petition seriously and worked with due diligence. As set forth in the Staff Report, the District review team stands by the recommendation to deny the Renewal Petition for the reasons stated therein.

EXHIBIT “Y”

**Deborah Lee Deal, CICA, CFE
Deal Consulting, Inc.**

Retired: Fiscal Crisis and Management Assistance Team (FCMAT),
Intervention Specialist

Areas of Expertise/Special Skills

Budget Development, Analysis and Management; Leadership and Personnel Management; Teaching and Training; Multiyear Projection Software Development; Organizational Restructuring; Analysis of Complex Financial Systems; Governmental Accounting and Auditing; Charter School Law; Facilities and Construction; AB139 Extraordinary Audits; Instructor University of Southern California (USC) Rossier School of Education, CBO Mentor Program; Association of School Business Officials (ACSA) Finance Academy; CARNet – Master Level Classes for charter school authorizers.

Background/Degrees/Credentials

A graduate from California State University, Sacramento with a Bachelor of Science degree in accounting and completed graduate level course work at the University of Nevada, Reno. I have worked in private and public organizations in financial record keeping and budget development. With more than 30 years in the education field, I have served in school districts for 18 years as a manager, supervisor, trainer, mentor and Chief Business Official, more than ten years as an Intervention Specialist for FCMAT, and consulting since retirement in December 2018.

Significant Engagements/Assignments

A sampling of engagements and key assignments follows:

- FCMAT team member assigned to test and support the new Local Control Funding Formula (LCFF) model statewide and part of the entire team to revise the Fiscal Risk & Health Analysis tool.
- Performed 20 statewide AB139 Extraordinary Audits; several focused studies; and statewide presentations: Multiyear Financial Projections; Transportation; Special Education; Staffing/Organization; Associated Student Body; Management Reviews; Comprehensive Reviews – state takeover districts; CalPADS.
- Developed multiyear projection Excel model that accomplishes multiple tasks including the adopted budget, interim budgets, board presentations, budget committee sessions and negotiations.
- Review various financial operating systems and make recommendations to streamline workflow, redesign the budget development process, prepare the books for closing and train finance staff.

- Assisted programmers with complex computerized financial systems to automate the record keeping process to ensure compliance with generally accepted accounting principles.
- Performed statewide training for Cash Flow and FCMAT's Budget Explorer software.
- Instructor:
 - USC Rossier School of Education: CBO Mentor Program five years teaching Cash Flow, Budget Development and Multi-Year Financial Projections.
 - Association of California School Administrators: School Finance.
 - Community College: Lotus 1-2-3, Excel and Access "Fast Track" classes.
 - CASBO: Attendance Accounting.
 - Adult Education: General business courses and Taxation.
 - California Charter Schools Association: Developed Charter Finance Academy curriculum and conducted statewide training.
 - Charter Accountability Resource and Support Network (CARNet): Master level training for charter school authorizers.
- Instrumental in securing an \$8.2 million loan from the State Allocation Board (SAB) to assist in reconstructing a new high school involved in construction litigation.
- Served on the State Allocation Board audit subcommittee to restructure the State School Facilities Program requirements.
- Successful in resolving Office of Public School Construction audit assessments.
- Researched, reviewed and critiqued the petitions for charter schools and prepared complex calculations for charter school conversions. Assisted with the creation of the Charter Finance Academy curriculum.
- Webinar presenter/trainer for Cash Flow Management; State Budget Crisis – COVID-19 series for California Charter Authorizing Professionals, Small School District Association and Riverside County Office of Education.