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**RESOLUTION OF THE  
MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD  
DENYING PETITION TO FORM THE  
ROCKETSHIP EDUCATION MT. DIABLO CHARTER SCHOOL**

WHEREAS, on June 17, 2015, the Governing Board of the Mt. Diablo Unified School District received a Petition to form the Rocketship Education Mt. Diablo Charter School ("Charter School"); and

WHEREAS, in compliance with Education Code §47605(b), the Board held a public hearing on July 15, 2015 to determine the level of support for the Petition; and

WHEREAS, the Board of Education, under Education Code §47605(b), is obligated to take action to grant or deny the Petition within 60 days of its submission; and

WHEREAS, District staff, in the areas of Instructional Support, Student Services, Human Resources, Fiscal and Budget, Facilities and Legal evaluated the Petition according to their area of expertise; and

WHEREAS, District staff compiled a "Charter Petition Evaluation" Rubric evaluating the Petition with reference to the criteria set forth in the Education Code, which is hereby incorporated by reference; and

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code §47605(b) charges school district and governing boards and county boards of education with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(b)(5)(A)-(Q), as well as the affirmations and other requirements set forth in Education Code §47605; and

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the following under Education Code § 47605(b): “(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 [required] number of signatures; (4) The petition does not contain an affirmation of each of the conditions described in subdivision [Education Code §§47605] (d); and (5) The petition does not contain reasonably comprehensive descriptions of all of the [criteria set forth in Education Code §§47605(b)(5)(A)-(Q).]”; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Mt. Diablo Unified School District Governing Board that the Petition to form the Rocketship Education Mt. Diablo Charter School is hereby DENIED.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Mt. Diablo Unified School District Governing Board that the Board hereby adopts the following factual findings in support of its denial:

1. Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Education Code § 47605(b)(2)).
2. The Petition Contains an Unsound Educational Program and Fails to Contain a Reasonably Comprehensive Description of all 16 Required Elements set forth in Education Code section 47605(b). (Education Code § 47605(b)(5)).

The following constitute the primary findings of District Staff in its evaluation of the Petition. A complete recitation of the findings of District Staff is contained in the “Charter Petition Evaluation” Rubric, which is incorporated by reference into this Resolution.

**ELEMENT 1: EDUCATIONAL PROGRAM**

Education Code section 47605(b)(5)(i) requires a charter petition to contain a reasonably comprehensive description of “the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.”

Staff found that the Petition lacked reasonably comprehensive descriptions of the following required elements:

1. Education Program of the School
  - a. Proposed Curricular Offerings

The Charter School’s instructional schedule involves a rotational block in which students spend 85 minutes in a “Learning Lab.” While in the Learning Lab, students spend 50 minutes in a computer lab working on an online adaptive curriculum, 35 minutes in leveled reading, and 30

minutes in targeted/small group tutoring for qualifying students. (p. 54.) The Learning Lab also would be supervised not by certificated personnel, but by non-credentialed Instructional Learning Specialists (ILS's) (“[t]he final cohort of students are in the Learning Lab at a 29:1 ratio as well as with an Individualized Learning Specialist, a highly qualified tutor, that guides this class through online learning, tutoring, activating reading.” (p. 69, *see also*, p. 140).)

The Petition lacks a reasonably comprehensive description as to the soundness of having students spend 50 minutes on a computer engaging in an online adaptive curriculum, supervised by non-certificated personnel, as opposed to direct classroom instruction by certificated teaching personnel. The Petition develops the economic rationale for the Learning Lab more than it does the educational rationale. (*See, e.g.*, “Rocketship’s unique rotational model and approach to instruction, which includes students spending a portion of their day in the Learning Lab, allows for students to receive instruction in core academic subjects at student/teacher ratios of no more than 29:1” (Appendix B-0, p. 7); “It is through this ‘rotational model’ that RMSD will be able to ensure that student: teacher ratios remain at a level of 29:1” (Appendix B-0, p. 8).)

## 2. Actions to Achieve Annual Goals

The Petition fails to contain “[a] description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals.” (Emphasis Provided.) The Petition fails to identify annual goals for students in each pertinent subgroup, such as ethnicity, English Language Learners, etc. (pp. 27-32.)

## 3. Target Student Population

The Petition does not discuss the demographic profile of its anticipated student population in terms of ethnicity. Almost all of the Petition’s comparative data is referenced against schools in Santa Clara County (pp. 17-19), which is not the proposed location of the Charter School. Therefore, these comparisons are of limited utility for a proposed charter school in Contra Costa County. Moreover, the reference to selecting parent leaders who speak Vietnamese (p. 24) is not clear, unless it carried over from a charter petition previously submitted to another district. Vietnamese speakers constitute only 0.3% of the District’s enrollment (less than Farsi (.4-.5%) and Filipino (Pilipino or Tagalog) (.5-.6%).) (*See*, <http://www.ed-data.org/district/Contra-Costa/Mt.-Diablo-Unified>) Therefore, it does not appear that this section of the Petition was customized for a school to be located in Contra Costa County, and therefore does not meet the reasonably comprehensive standard in the Education Code.

## 4. Enrollment

The Petition primarily states that it will serve grades TK-5, but states on p. 34 that the Charter School “reserves the right” to add Grade 6. However, a passing reference to a charter school “reserving the right” to add a grade level essentially functions as a Trojan Horse in which the Charter School would be allowed to significantly increase its enrollment and/or curriculum

offerings without seeking what would otherwise constitute a material revision of the Charter. (Education Code section 47607(a).)

Moreover, the Petition anticipates a total enrollment of 600-700 students in TK through 5th grades. However, the Petition's budget shows the Charter School's enrollment reaching 655 only after 3 years, based upon 4 classes per grade at a 29:1 student/teacher ratio (Appendix B-0, p. 1.) Therefore, the Charter School would be on track to surpass its proposed capacity of 700 students in Year Four if it maintained the same enrollment and matriculation patterns. The Petition does not contain a reasonably comprehensive description of how it would stay within its self-described enrollment cap (*i.e.*, either by significant attrition, or deliberate disenrollment of 4<sup>th</sup> or 5<sup>th</sup> grade students in Years Four and Five.) In order to enroll the projected class of 116 in Year Four, the Charter School would have to achieve attrition of 20% after Year Three to stay under the cap.

5. Education of Specialized Student Populations

a. English Language Learners

The Petition provides a general description of the process for identifying English Language Learners and the general instructional strategies for educating them. However, there is no reference in the daily class schedule attached as Appendix 30 or elsewhere to differentiated or dedicated time allotted to English Language Development instruction. English language development is only mentioned as part of the humanities blocks or community meetings. The portion of the Petition that describes support for English Learners and the daily schedule included in the appendices does not include the state-identified number of minutes for English Language development. (See, e.g., <http://www.cde.ca.gov/ci/r1/cf/elaeldfrmwrksbeadopted.asp>, Chapter 2, p. 91 *et seq.*)

The English Language Development program set forth in the Petition is defined as an English immersion program, though under California law such programs should also include a language mainstream program. The Petition also fails to contain a reasonably comprehensive description of parental waiver rights with respect to English Learner instruction. The petition states that the charter school would provide written notification to parents informing them that "they have a right to visit the program and to withdraw their student from the program through a waiver." (p. 96.) It is not clear whether the Petition refers to the parental waiver right under Education Code section 310 to a structured English immersion program under Education Code section 305 in favor of bilingual instruction, or a waiver from English Language Development instruction entirely. Since charter schools are subject to the requirements of Education Code section 313 to offer English Language Development, the failure to specify the scope of the waiver is problematic.

The Petition also only identifies teaching strategies and training in integrated ELD (*i.e.* Guided Language Acquisition Design ("GLAD") and Specially Designed Academic Instruction in English ("SDAIE")), which are designed to facilitate English Learners accessing core subject matter content. The Petition lacks a reasonably comprehensive description of the training and teaching strategies in in the State ELD Standards or designated English Language Development,

which focuses on language acquisition skills. (See, e.g., <http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp>, Chapter 2, pp. 106-115.) Moreover, the Petition fails to identify any instructional materials specifically targeted towards language acquisition skills. The Petition mentions use of primary language as a scaffold in passing, but does not contain a reasonably comprehensive description of how this approach would be implemented.

The Petition also fails to fully integrate the new CCSS for English Language Development. For example, the Petition identifies the stages of English Language Development as Beginning, Early Intermediate, Intermediate, Early Advanced and Advanced. (p. 91.) However, under the new English Language Development framework adopted by the State Board of Education, the stages along the ELD Continuum are "Emerging," "Expanding," and "Bridging." (<http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp>, Chapter 2, p. 104-5.)

Moreover, the Petition contains some imprecise language with respect to the identification of students who are English Language Learners. The Petition makes reference to TK and Kindergarten students from another country, state, or a private school receiving CELDT testing, implying that CELDT testing is required for only new or entering students, as opposed to all students. (p. 87.) The Petition also states that "[a] student is identified as English Learner (EL) if the student's primary language is something other than English." (p. 87.) Technically, a student's result on the CELDT test will determine whether he/she is an English Learner.

The Petition lacks a reasonably comprehensive description of the specific level of academic performance that will be used for reclassification when referring to teacher input. The Petition needs further clarification on how the Charter School would reclassify students not meeting reclassification criteria due to other factors, such as deficit of motivation or academic difficulty unrelated to language proficiency. Alternative criteria for reclassification are customarily used for students who have a learning disability rather than just having difficulty with the subject matter (p. 90, Section 3.A.I.)

The Petition lacks a reasonably comprehensive description of the formative assessments that the Charter School would use to measure language acquisition. The Petition is vague on the topic of assessments to monitor language development, stating such assessments as an option rather than a requirement (e.g., "...may choose to implement an interim formative assessment, such as ADEPT...") (p. 88.)

The Petition lacks a reasonably comprehensive description of the specific legal requirements applicable to the English Learner Advisory Committee (ELAC), such as the number of parents needed to form such a committee as stated by statute.

Non-credentialed ILS's provide significant instruction to the Charter School's students, including Learning Lab time, Tier II Response to Intervention, and TK. However, under California law, instruction to English Learners must be delivered by a certificated employee with CLAD certification. The Petition lacks a reasonably comprehensive description of how the charter school would meet the CLAD authorization requirement with respect to the elements of its program that are delivered by non-certificated personnel.

b. Special Education

The "Affirmations" section of the Petition states that "[t]he Mount Diablo School District will provide special education services for students enrolled in the Charter School to the extent required by law. (p. 5.) However, the Petition states that "RMSD intends to operate as a Local Educational Agency (LEA) under the El Dorado County Charter Special Education Local Plan Area (SELPA) pursuant to Education Code section 47641(a.)" (p. 98.) Therefore, the Petition contains contradictory information with respect to which entity would be responsible for providing special education services to the charter school's students.

**ELEMENT 2: MEASURABLE PUPIL OUTCOMES**

**ELEMENT 3: METHOD OF MEASURING PUPIL OUTCOMES**

Education Code section 47607(b)(5)(B) requires that a charter petition contain measurable pupil outcomes "that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607. The pupil outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school."

The Petition fails to "address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school." The pupil outcomes contained on pp. 81-82 are stated for "all student subgroups," without differentiation among subgroups, as is required by law.

Although, on paper, the Petition appears to contain a comprehensive description of the Charter School's assessment plan, there are significant questions as to whether the Rocketship charter schools are comprehensively and successfully implementing this plan. The overall API of six of the eight schools that had an API declined from 2011-2013. (See, Exhibits A, D) The current API listed for 2014 indicates an increase of three of those schools, but it must be noted that the calculations were compiled by Rocketship and an outside consultant. (Id.) In ELA, 5 of the schools had a significant decline in their overall percent proficient while it appears that math goes up and down from year to year. (See, Exhibit B.)

**ELEMENT 4: GOVERNANCE STRUCTURE**

The Petition states that "[t]he Board of Directors will meet regularly to review and act on its responsibilities" and that "[a]ll meetings shall be held in accordance with the Brown Act, and thus be held openly and easily accessible to the public." (p. 129.) However, according to the Rocketship Education website, the Rocketship Education Board of Directors conducts all of its meetings in San Jose, while various committees meet in corporate headquarters in Redwood City or other locations in San Mateo County. Although the Board would hold a teleconference location for its Board meetings within the District, having the Charter School's governing body meet exclusively in a location so remote from Concord creates access and equity issues for the parents and students of the Charter School.

The Petition states that the Charter School would create an English Learner Advisory Committee and School Site Council to facilitate parent involvement. (p. 131-2.) An advisory board consisting of parents, community and business leaders would also be created, though it has no binding authority over areas of jurisdiction held by the Rocketship Education Governing Board. (p. 128, Appendix D-2.) The Advisory Board would not be unique to the proposed Mt. Diablo Charter School; rather, its membership would consist of a member from each School Site Council for all 11 Rocketship Charter Schools, almost all of which are located in Santa Clara County. Therefore, the Petition lacks a reasonably comprehensive description of "evidence that parental involvement is encouraged in a variety of ways" as is required under 5 C.C.R. § 11967.5.1(f)(4)(c).

Although Rocketship Education charter schools have an ongoing governance infrastructure, the District finds that the Petition lacks a reasonably comprehensive description of an adequate governance structure, in terms of access to and representation on the charter school's and parent organization's central governing boards, at the local level.

#### **ELEMENT 5: QUALIFICATIONS TO BE MET BY INDIVIDUALS EMPLOYED AT THE SCHOOL**

Education Code section 47605(l) states that "[t]eachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold .... It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses."

5 C.C.R. § 11967.5.1(f)(5)(c) requires petitioners to "identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions."

While the Petition contains teacher evaluation instruments (Appendix A-35) and teacher compensation materials addressing employee salaries (Appendix A-36), no employee handbook or similar document was found containing other terms and conditions of employment, such as sample employment contracts, leave policies, etc.

The District is also concerned by the extensive use of non-certificated personnel to perform instructional duties. For examples, ILS's supervise the Learning Lab (p. 69, *see also*, p. 140), as well as conducting Tier II Response to Intervention (p. 67) and rotational instructional duties for TK students. (p. 53.) Sound educational practice dictates that instruction be provided by experienced and properly credentialed teachers.

#### **ELEMENT 6: PROCEDURES FOR ENSURING HEALTH & SAFETY OF STUDENTS**

The Charter School's Health and Safety procedures are contained under Element F, pp. 148-150. This section describes health and safety policies in the areas of Fingerprinting/Background checks, Mandated Child Abuse Reporting, TB Testing, Immunization, Administration of Medication, Vision/Hearing/Scoliosis, Emergency Preparedness, Bloodborne Pathogens, Drug/Smoke-Free Environment and Facility Safety.

The Board makes the following findings with respect to the Health and Safety portion of the Petition:

**Fingerprinting/Background Checks:** The Rocketship Education policy in Appendix F appears to apply to all schools systemwide, including those in Tennessee. Although the policy makes passing references to California Education Code sections 44237 and 45125.1, it fails to contain a reasonably comprehensive description of the Charter School's personnel policies and practices with respect to employees who are charged or convicted of crimes. Although charter schools are exempt from many Education Code provisions with respect to certificated and classified employees, they are specifically bound by some that govern potential criminal conduct by employees. (See, e.g., Education Code section 44939.5.)

**Safe Facilities:** The Rocketship Education policy in Appendix F refers to "[t]he immediate area around the schools currently run in San Jose, CA," and does not appear to be tailored to a school proposed to be located in Concord, CA.

Rocketship's facilities policy covers California Building Code requirements and other areas, such as hazardous materials, indoor air quality, maintenance/inspection of school buildings, and campus access. It does not address land use issues, such as what steps that the Charter School would take to ensure that a potential school site complies with local zoning requirements. Rocketship Education has in the past attempted to exempt itself from local zoning requirements under Government Code section 53094, and has been advised by the Santa Clara County Counsel's Office that the zoning exemption power was limited to school districts. (See, Exhibit E.) It then requested that the Santa Clara County Board of Education exempt a Rocketship Charter School from local zoning requirements, which a local Superior Court Judge found illegal. (Santa Clara County Superior Court Case No. 113CV241695, appeal pending.) Therefore, the Petition lacks a reasonably comprehensive description of whether Rocketship Education would take legally-recognized steps to ensure that its proposed site meets local land use requirements.

**Administration of Medication:** The Petition's Medication Administration Policy is attached as Exhibit A thereto. However, the policy fails to incorporate Education Code section 49414, as amended by Senate Bill 1266 in 2015, which requires public schools and charter schools to stock auto-injector epinephrine devices, as well as to provide notice and training. Rather, the policy states that "Rocketship Education schools DO NOT stock emergency Epi-Pens (emergency epinephrine auto-injectors) for general emergency use." (Appendix D, Policy #176, p. 3.)

**Drug Testing:** The drug testing policy fails to contain a reasonably comprehensive description of the potential adverse employment actions resulting from a drug test result, as well as due process considerations for employees and chain of custody issues.

**Child Abuse Reporting:** The Petition contains a Mandated Reporter Policy in Appendix D. However, the policy does not reference the mandatory child abuse reporting training recently implemented by California law. It also only identifies child abuse reporting agencies located in Santa Clara County, which would be inapplicable to a charter school located in Contra Costa County.

### **FACILITIES**

As was noted above, the Petition lacks a reasonably comprehensive description of whether Rocketship Education would take legally recognized steps to ensure that its proposed site meets local land use requirements.

### **FISCAL/BUDGET**

The Petition contains the required budget and cash flow data for its first three years of operation. As noted above ("Educational Program,"), the Charter School's enrollment projection of 655 in Years One through Three would result in it exceeding its enrollment cap of 700 students by Year Five, unless significant attrition or disenrollment occurs. In order to enroll the projected class of 116 in Year Four, the Charter School would have to achieve attrition of 20% after Year Three to stay under the cap.

### **PETITION SIGNATURES**

The Petition projects that the Charter School would enroll 510 students in Year One. Therefore, under Education Code section 47605(a)(3), the Petition needs to be supported by 255 valid signatures. The District attempted to contact 682 signatories, and, of the 247 contacted, only 149 (60%) verified that they were meaningfully interested in enrolling their child in the Charter School.

Education Code section 47605(a)(3) requires that a petition signatory have a meaningful interest in enrolling his/her child in the Charter School. Therefore, it is not sufficient for an individual to sign the Petition only as a general show of support for the Charter School. However, at least 98 signatories contacted could not verify that they had a meaningful interest in sending their children to the school. Some individuals contacted by the District were also told by the representatives of the Petitioners that they did not need to enroll their children in the Charter School if they signed the Petition, and that they could sign the Petition for the "other children" who could attend the school.

The District therefore has significant concerns regarding the integrity of the signature process, in light of information that, contrary to the Petitioner's representation, not all of the submitted signatures were from individuals meaningfully interested in enrolling their children in the Charter School.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Mt. Diablo Unified School District Governing Board that the Board hereby denies the Petition to form the Rocketship Education Mt. Diablo Charter School under Education Code § 47605(b) on the following grounds:

- (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 [required] number of signatures; and
- (4) The petition does not contain reasonably comprehensive descriptions of all of the required criteria set forth in Education Code §§47605(b)(5)(A)-(Q).

PASSED AND ADOPTED on August 10, 2015, by Mt. Diablo Unified School District Governing Board by the following vote:

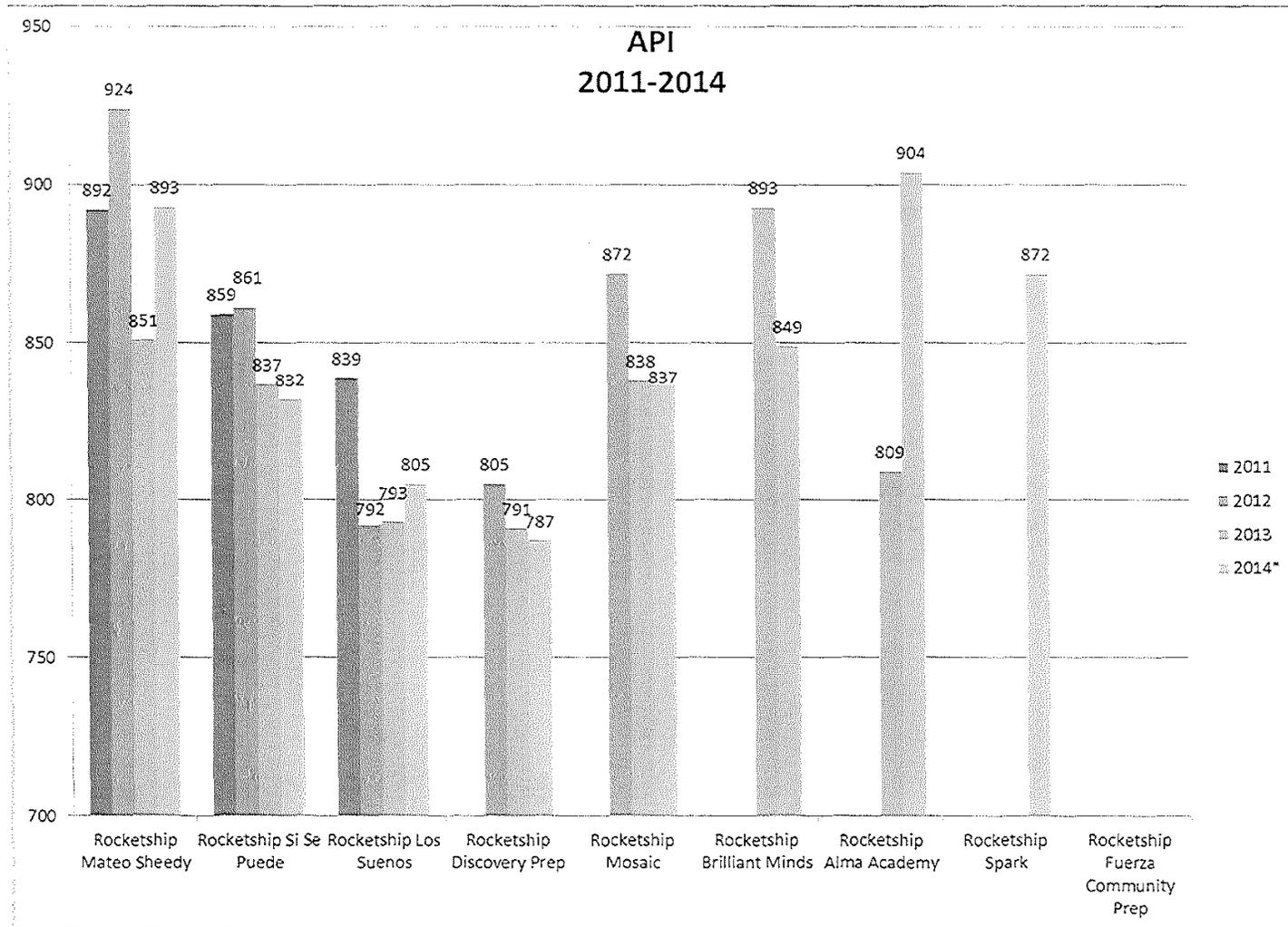
AYES:  
NOES:  
ABSTENTIONS:  
ABSENCES:

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

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Secretary of the  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
GOVERNING BOARD

EXHIBIT A: ROCKETSHIP API 2011-2014



**EXHIBIT B: ROCKETSHIP ELA PROFICIENT 2011-2014**

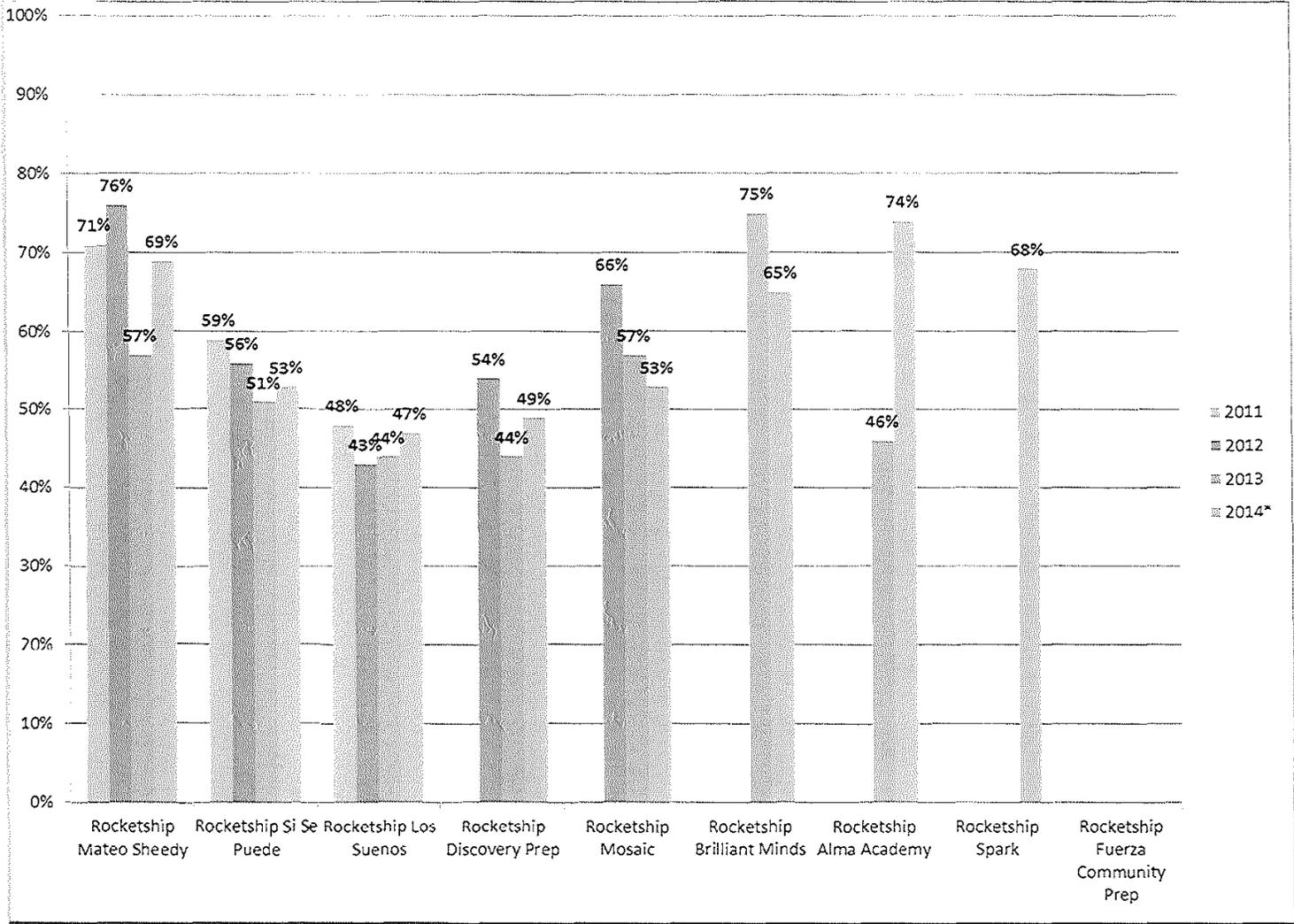
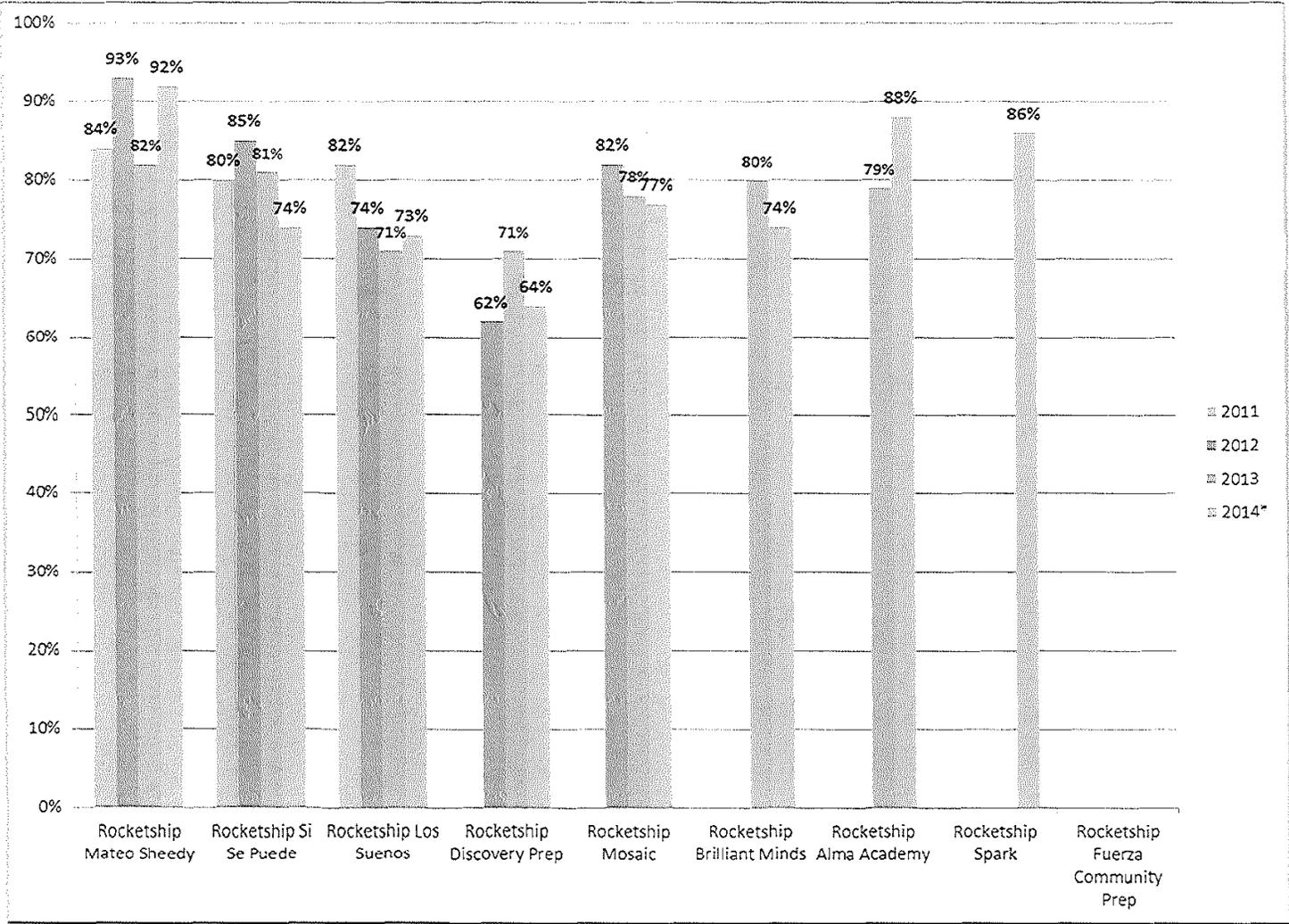


EXHIBIT C: ROCKETSHIP MATHEMATICS PROFICIENT 2011-2014



## EXHIBIT D: ROCKETSHIP RAW TEST SCORE DATA: 2011-2014

### API Scores

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	892	924	851	893
Rocketship Si Se Puede	859	861	837	832
Rocketship Los Suenos	839	792	793	805
Rocketship Discovery Prep		805	791	787
Rocketship Mosaic		872	838	837
Rocketship Brilliant Minds			893	849
Rocketship Alma Academy			809	904
Rocketship Spark				872
Rocketship Fuerza Community Prep				

### ELA % Proficient on the CSTs

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	71%	76%	57%	69%
Rocketship Si Se Puede	59%	56%	51%	53%
Rocketship Los Suenos	48%	43%	44%	47%
Rocketship Discovery Prep		54%	44%	49%
Rocketship Mosaic		66%	57%	53%
Rocketship Brilliant Minds			75%	65%
Rocketship Alma Academy			46%	74%
Rocketship Spark				68%
Rocketship Fuerza Community Prep				

### Math % Proficient on the CSTs

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	84%	93%	82%	92%
Rocketship Si Se Puede	80%	85%	81%	74%
Rocketship Los Suenos	82%	74%	71%	73%
Rocketship Discovery Prep		62%	71%	64%
Rocketship Mosaic		82%	78%	77%
Rocketship Brilliant Minds			80%	74%
Rocketship Alma Academy			79%	88%
Rocketship Spark				86%
Rocketship Fuerza Community Prep				

\*2014 As stated in the Petition, the API results for 2014 were calculated by an independent auditor.

The CSTs were used as the assessment to calculate the 2014 API.

EXHIBIT E: LETTER FROM SANTA CLARA COUNTY COUNSEL'S OFFICE

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF SANTA CLARA

70 West Hedding Street, 9<sup>th</sup> Floor  
San Jose, California 95110-1770  
(408) 299-5900  
(408) 292-7240 (FAX)



Miguel Márquez  
COUNTY COUNSEL

Winifred Botha  
Orry P. Korb  
Lori E. Pegg  
ASSISTANT COUNTY COUNSEL

December 9, 2011

**VIA E-MAIL AND U.S. MAIL**

E-mail: [linda@lezottelaw.com](mailto:linda@lezottelaw.com)

Linda J. LeZotte  
Law Offices of Linda J. LeZotte, LEED AP  
Ten Almaden Boulevard, Suite 1250  
San Jose, CA 95113

Re: *Rocketship Education and Rocketship Six Public School*

Dear Ms. LeZotte:

I am writing in response to your November 16, 2011 letter to Carolyn Walsh and Lizarme Reynolds regarding Rocketship Education's authority to exempt Rocketship Six Public School from County of Santa Clara ("County") zoning and building regulations pursuant to California Government Code Section 53094 because Rocketship Education is a school district.

The County has reviewed this matter and, for the reasons explained below, the County does not believe Rocketship Education may exempt Rocketship Six Public School from the County's zoning ordinance because Rocketship Education is not a "school district" for purposes of California Government Code Section 53094. For similar reasons, the County does not believe Rocketship Education can serve as a Lead Agency under the California Environmental Quality Act ("CEQA") for the Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of a Mitigated Negative Declaration ("Notice")

Rocketship Education may request an exemption from the County's zoning ordinance from the appropriate school district governing board. If the exemption is granted, it would only apply with respect to the County's zoning ordinance and Rocketship Education would still need to comply with any other permitting requirements by the County and any other governmental agency. Absent the exemption, Rocketship Education must comply with the County's zoning ordinance, including applying for and receiving a use permit, to develop the proposed Rocketship Six Public School site at 379 Meadow Lane, San Jose, CA.

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Letter to Linda J. LeZotte  
Re: *Rocketship Education and Rocketship Six Public School*  
Date: December 9, 2011  
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1. Government Code §§ 53090 et seq.

With regard to local zoning and building regulations, Government Code sections 53090 through 53097.5 generally govern the application of building and zoning ordinances to local agencies, including school districts. When these sections are read as a whole, it is apparent that all local agencies are required to comply with local building and zoning ordinances, but school districts are specifically authorized, under certain circumstances, to exempt themselves from the purview of a zoning ordinance by a two-thirds vote of the district's governing board. The definition of a school district in Section 53094 has not been broadly defined to include a charter school or charter management organization. Section 53094 provides in relevant part,

Notwithstanding subdivision (a), the governing board of a school district, that has complied with the requirements of Section 65352.2 of this code and Section 21151.2 of the Public Resources Code, by a vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district....If the governing board has taken such an action, the...county may commence an action in the superior court of the county whose zoning ordinance is involved..., seeking a review of the action of the governing board of the school district to determine whether it was arbitrary and capricious....If the court determines that the action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by the school district.<sup>1</sup>

Section 53097.3 provides in relevant part;

Notwithstanding any other provision of this article, no school district may render a...county ordinance inapplicable to a charter school facility pursuant to this article, unless the facility is physically located within the geographical jurisdiction of that school district.

<sup>1</sup> Government Code Section 65352.2, cited in Section 53094, also requires the school district governing board to notify and provide copies to the relevant jurisdiction's planning commission or planning department of any relevant and available information, master plan, or other long-range plan relating to the potential expansion of existing school sites or the necessity to acquire additional school sites. Public Resources Code Section 21151.2, also cited in Section 53094, requires that before acquiring title to property for a new school site, the governing board of a school district must give the planning commission having jurisdiction notice of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the school district governing board a written report of the investigation and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the planning commission has been received.

Letter to Linda J. LeZotte  
Re: *Rocketship Education and Rocketship Six Public School*  
Date: December 9, 2011  
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Therefore, under Section 53097.3 the exemption authorized under Section 53094 can only be exercised by a school district to exempt charter school facilities from county zoning ordinances when those facilities are physically located within the geographical jurisdiction of the school district.

If Rocketship Education requests and is granted an exemption from the appropriate school district, the exemption will solely be applicable to the proposed Rocketship Six Public School site and the school district must comply with all other review requirements identified in Section 53094.

**2. Education Code §§ 47600 et seq. (Charter Schools Act of 1992)**

Your letter asserts that under Education Code Section 47612(c) a charter school is deemed a "school district." Consequently, under your analysis, Rocketship Education is a "school district" for purposes of Government Code Section 53094. The County does not agree with this conclusion.

Education Code Section 47612(c) provides in relevant part,

A charter school shall be deemed to be a "school district" for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24, Section 47638, and Section 8 and 8.5 of Article XVI of the California Constitution.

The plain language of Education Code Section 47612(c) provides that a charter school is a school district for the enumerated purposes identified in Section 47612(c). Section 47612(c) does not cover the exemption from local zoning ordinances and does not deem a charter school to be a school district for purposes of Government Code Section 53094. Moreover, Government Code Section 53097.3 provides a framework for a school district to address charter school siting.

The interpretation that a charter school is only deemed a "school district" for the narrow purposes identified in Section 47612(c) is consistent with the California's Supreme Court decision in *Wells v. One2One Learning Foundation et al.* (2006) 39 Cal.4th 1164. In this case, the California Supreme Court refused to accept the argument that charter schools operated by an independent non-profit corporation are the same as a school district or any other governmental agency. Instead, the Court characterized an independent charter school as more akin to a private school, and in doing so, was unwilling to extend the public agency exemption at issue to charter schools. In reaching this holding, the Court explicitly rejected the argument that charter schools are some type of a public government entity simply because various provisions of the Charter School Act (Educ. Code §§ 47600 et seq.) describe charter schools as being part of the public school system. (*Id.* at pp. 1200-1201.)

Letter to Linda J. LeZotte  
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In conclusion, Rocketship Education cannot rely on Education Code Section 47612(c) to exempt itself from the County zoning ordinance pursuant to Government Code Section 53094. When a school district selects a school site, it is subject to rigorous public scrutiny and requirements under the Education Code, the Government Code and the California Environmental Quality Act. There is no support in the case law or statutory law to support the conclusion that the Legislature intended to give broad exemption powers to charter schools with respect to these requirements.

**3. Rocketship Education CEQA Lead Agency Status**

The County has also received Rocketship Education's "Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of a Mitigated Negative Declaration" ("Notice"). The Notice identifies Rocketship Education as the Lead Agency for purposes of CEQA.

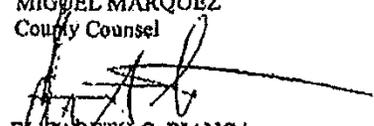
CEQA defines a "lead agency" as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Cal. Pub. Res. Code § 21067.) The CEQA Guidelines recognize a school district as a public agency and, thus, a school district can serve as a lead agency. (14 Cal. Code Regs. § 15368.)

Since a charter school is only deemed a "school district" for the narrow purposes specified in Education Code Section 47612(c), which does not include CEQA, the County finds no support for Rocketship Education's position that it is a "lead agency" under CEQA.

Please contact me if you would like to discuss this matter further.

Very truly yours,

MIGUEL MÁRQUEZ  
County Counsel



ELIZABETH G. PIANCA  
Deputy County Counsel

EGP:ae

cc: Miguel Márquez, County Counsel  
Lizanne Reynolds, Deputy County Counsel  
Carolyn Walsh, Acting Director, Department of Planning & Development  
Eric Schoennauer, The Schoennauer Company (via e-mail: es@stanfordalumni.org)  
David Feinberg, Launchpad Development Company (via e-mail: dfeinberg@launchpad-dev.org)



## Mt. Diablo Unified School District Charter Petition Evaluation

**School Name:** Rocketship Education Mt. Diablo

**Submission Date:** June 17, 2015

**Lead Petitioner/s:** David Kuizenga, Vice President, Bay Area, Rocketship Education

**Public Hearing Date:** July 15, 2015

**Committee Presentation Date:** August 10, 2015

**Decision Date:** August 10, 2015

<b>Proposed location of school</b>	No specific site identified. The Petition states that "Rocketship is currently targeting the facility to be located within the Monument Boulevard Corridor." (p. 169.)
<b>Composition of petitioner group</b>	Approximately 600-700 signatures (approximately 66 pages).
<b>Grade levels to be served in year 1</b>	TK-4. (Appendix B-0, p. 1)
<b>Anticipated enrollment in year 1</b>	520 (Appendix B-0, p. 1)
<b>Grade levels to be served at full-capacity</b>	TK -5. Petitioners "reserve" the right to open 6 <sup>th</sup> grade. (p. 35.)
<b>Anticipated enrollment at full capacity</b>	600-700.
<b>Target student population</b>	<ul style="list-style-type: none"> <li>• "Students who are or may be at risk of achieving below basic proficiency." (p. 32)</li> <li>• Students attending Program Improvement Schools.</li> <li>• Petitioners estimate this population to be approximately 50% English Language Learners; 70% Free-and-Reduced Lunch Eligible.</li> </ul>

**Brief description of the kind of school to be chartered.**

Charter school serving Grades TK-5 or 6, using "blended learning" approach with students rotating between traditional classroom learning and 85 minutes in a "Learning Lab" using "online adaptive technology." (p. 35.)

**Brief explanation of the mission of proposed charter school.**

To “eliminate the achievement gap by graduating students at or above grade level in literacy and math.” (p. 26.)

**Planning to work with a charter management organization (CMO)**

Yes X No \_\_\_ If Yes, Name of CMO: The charter school would be operated by the parent company, Rocketship Education, which operates charter schools in California as well as other states.

**Signature Verification:**

*EC 47605(a)(3) A petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.*

	Y	N	PG #
<input type="checkbox"/> Parents / Guardians			
<input type="radio"/> # aligned with proposed opening enrollment	*		
<input type="radio"/> Prominent statement			
<input type="checkbox"/> Teachers	N/A	N/A	N/A
<input type="radio"/> # aligned with proposed opening enrollment			
<input type="radio"/> Prominent statement			

\* Education Code section 47605(a)(3) requires that a petition signatory have a meaningful interest in enrolling his/her child in the Charter School. Therefore, it is not sufficient for an individual to sign the Petition only as a general show of support for the Charter School.

The Petition projects that the Charter School would enroll 510 students in Year One. Therefore, under Education Code section 47605(a)(3), the Petition needs to be supported by 255 signatures. The District attempted to contact 682 signatories, and was able to reach 247. Only 149 signatories reached verified that they were meaningfully interested in enrolling their child in the Charter School. Of the remainder:

- 35: Verified that they were **not** meaningfully interested in enrolling their child in the Charter School
- 32: Stated that they were not certain whether they were meaningfully interested in enrolling their child in the Charter School
- 6: Had no response to the question of whether they were meaningfully interested in enrolling their child in the Charter School
- 5: Hung up or had no recollection signing the Petition
- 20: Unsure whether they would enroll their children in the Charter School

Some signatories reported that they were also told by the representatives of the Petitioners that they did not need to enroll their children in the Charter School if they signed the Petition, and that they could sign the Petition for the “other children” who could attend the school.

While it is not possible to determine definitively whether the Petitioners met the 50% threshold set forth in the Education Code, the District has significant concerns that the Petitioners submitted signatures that were not eligible to be counted since not all signatories had a meaningful interest in enrolling his/her child in the charter school. Of the sample of 247 signatories that the District reached, only 60% verified that they were meaningfully interested in enrolling their child in the Charter School, and therefore were eligible. The District also learned from some signatories that the Petitioners either provided community members with false information, made disparaging comments about District schools, or pressured community members sign the Petition.

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## Mt. Diablo Unified School District Charter Petition Evaluation

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### Criteria Reference

- **Inadequate:** The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the petitioner's understanding of the issue in concept and/or ability to meet the requirement in practice.
- **Approaches:** The response addresses most of the selection criteria, but lacks some meaningful detail and requires important additional information in order to be reasonably comprehensive.
- **Meets:** The response indicates solid preparation and grasp of key issues that would be considered reasonably comprehensive. It contains many of the characteristics of a response that excels even though it may require additional specificity, support or elaboration in places.
- **Excels:** The response reflects a thorough understanding of key issues and indicates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

**STATEMENT OF ASSURANCES**

ASSURANCES	Y N	PG #
1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.	Y	4 (tu- tion only)
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with California charter laws and regulations.	Y	4
3. Will be non-secular in its curriculum, programs, admissions, policies, governance, employment practices, and all other operations.	Y	4
4. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.	Y	4
5. Will not base admission on the student's or parent's/guardian's place of residence, except that a conversion school shall give admission preference to students who reside within the former attendance area of the public school.	Y	4
6. Will offer at least the minimum amount of instructional time at each grade level as required by law.	Y	5
7. Will provide to MDUSD information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, including where the school intends to locate, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the school and authorizing board.	Y	172-3
8. Will adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.	Y	5
9. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; MGL c. 76, § 5; and MGL c. 89, 71 § (f) and (l).	Y	85
10. Will comply with all other applicable federal and state laws and regulations.	Y	6
11. Will submit an annual report and annual independent audits to MDUSD by all required deadlines.	Y	167-8

12. Will submit required enrollment data each March to MDUSD by the required deadline.	N	168
13. Will operate in compliance with generally accepted government accounting principles.	Y	166-8; App. B-0
14. Will maintain separate accountings of all funds received and disbursed by the school.	Y	166-8; App. B-0
15. Whether Charter School will participate in the California State Teachers' Retirement System and or PERS, as applicable.	Y	158
16. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health and safety within the building(s) and on school property.	N	169- 70
17. Will at all times maintain all necessary and appropriate insurance coverage.	Y	5, 168
18. Will submit to MDUSD the names, mailing addresses, and employment and educational histories of proposed new members of the Governing Board prior to their service.	N	
19. Will, in the event the Governing Board intends to procure substantially all educational services for the charter school through a contract with another person or entity, provide for approval of such contract by the Board of Education in advance of the beginning of the contract period.	N/A	168-9
20. Will provide financial statements that include a proposed first-year operational budget with start-up costs and anticipated revenues and expenditures necessary to operate the school, including special education; and cash-flow and financial projections for the first three years of operation.	Y	166-7 App. B-0
21. Will provide to MDUSD a school code of conduct, Governing Board bylaws, an enrollment policy, and an approved certificate of building occupancy for each facility in use by the school, according to the schedule set by MDUSD but in any event prior to the opening of the school.	Y	Ex- cept CBO

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**I. EDUCATIONAL PROGRAM**

**Statutory References:**

E.C. § 47605(b)(1)

E.C. § 47605(b)(5)(A)-(C)

The education program should tell you whom the school expects to serve; what the students will achieve; how they will achieve it; and how the school will evaluate performance. It should give you a clear picture of what a student who attends the school will experience in terms of educational climate, structure, materials, schedule, assessment and outcomes.

**A. TARGET POPULATION**

A description of the Target Population excels if it has the following characteristics:

- Coherent description of the students the school expects to serve based on understanding of the district population and the location in which the school expects to operate;
- Demonstrated understanding of the educational needs of the target population; and
- Explanation of how the mission and vision align with the needs of the target population.

**TARGET POPULATION**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: TARGET POPULATION**

FINDINGS	Reference
<p>The Petition's target student population is addressed on pp. 33-35. The Petition identifies the Charter School's target student as "students who are or may be at risk of achieving below basic proficiency on past and current state exams and/or district assessments." (p. 32.) The Petition states that "[w]e anticipate that our average student will be 1.5 years behind the average American student," though the derivation this metric is not developed in any further detail. The Petition anticipates that the Charter School would advance students "approximately one quartile in achievement each year in school." (p. 34.)</p> <p>The Petition does not discuss the demographic profile of its anticipated student population in terms of ethnicity. Much of the Petition's comparative data is referenced against schools in Santa Clara County (pp. 17-19), which is not the proposed location of the Charter School. Therefore, these comparisons are of limited utility for a proposed charter school in Contra Costa County. Moreover, the reference to selecting parent leaders who speak Vietnamese (p. 24) is not clear, unless it carried over from a charter petition previously submitted to another District. Vietnamese speakers constitute only 0.3% of the District's enrollment (less than Farsi (.4-.5%) and Filipino (Pilipino or Tagalog) (.5-.6%).) (See, <a href="http://www.ed-data.org/district/Contra-Costa/Mt.-Diablo-Unified.">http://www.ed-data.org/district/Contra-Costa/Mt.-Diablo-Unified.</a>) Therefore, it does not appear that this section of the Petition was customized for a school to be located in Contra Costa County, and therefore does not meet the reasonably comprehensive standard in the Education Code.</p>	

**B. PHILOSOPHY AND APPROACH TO INSTRUCTION**

A description of the Educational Philosophy and Approach to Instruction excels if it has the following characteristics:

**1. Rationale: *Is the rationale compelling?***

- A compelling rationale with a clear foundation in research-based educational practices, teaching methods and/or high standards for student learning;

**2. Mission Alignment: *Do the philosophy and approach align with the mission and vision?***

- Alignment with mission and vision; and

**3. Population Alignment: *Does sound reasoning or evidence indicate that the target population is likely to benefit?***

- Persuasive explanation of why the philosophy and approach are appropriate for and likely to result in improved educational performance for the target population, including any available performance data from use of the same educational philosophy and approach to instruction with similar populations.

**1. Rationale: *Is the rationale compelling?***

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Mission Alignment: *Do the philosophy and approach align with the mission and vision?***

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Population Alignment: *Does sound reasoning or evidence indicate that the target population is likely to benefit?***

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: EDUCATIONAL PHILOSOPHY AND APPROACH TO INSTRUCTION**

<b>FINDINGS</b>	<b>Reference</b>
<p>The Petition addresses "What it Means to be an Educated Person in the 21<sup>st</sup> Century" on pp. 35-37. The Petition lists a number of academic skills, such as critical thinking, problem solving and meta-cognition, as well as non-cognitive critical life skills, such as characteristics required of an educated person in the 21<sup>st</sup> Century.</p> <p>The Petition addresses "How Learning Best Occurs" on pp. 37-40. The Petition lists the following characteristics of a successful school: school-wide expectation of high achievement, personalized curriculum, extra time to practice, purposeful access to technology, teachers who are subject matter specialists, teachers who are highly motivated, a culture of caring, and a well-run school.</p>	

**C. CURRICULUM FRAMEWORK**  Mark this box on behalf of the curriculum that has already been selected/developed:

The description of the curriculum should provide the reviewer with a sense not only of *what* the school will teach but also of *how* and *why*. It must present research, applicant experience and/or reasoning sufficient to convince the reviewer that the applicants have already made sound educational decisions.

A description of the Curriculum Framework excels if it has the following characteristics:

**1. Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

- o A clear description of the framework and research, experience and/or sound reasoning that demonstrates alignment with the school's mission, state standards and anticipated student needs;

**2. Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

- o An implementation plan showing persuasively the resources, daily schedule, annual calendar and professional development that support effective implementation; and
- o A clear description of the manner in which the school will prioritize the implementation of those elements of the proposed educational program that will ensure likely achievement of the goals of the program;

**3. Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

- o Effective strategies for evaluating the effectiveness of implementation and responding when student performance falls short of goals.

**1. Alignment:** *Is the selection well-reasoned and aligned with the mission, state standards and student needs?*

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. Implementation:** *Does the plan demonstrate the resources, scheduling and professional support needed for effective implementation?*

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Evaluation:** *Does the school have strategies to evaluate effectiveness and respond when student performance falls short of goals?*

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: CURRICULUM FRAMEWORK**

FINDINGS	Reference

The Petition describes the curricular framework, broken down by subject matter content in the areas of reading, writing, math, science, social studies, art (art and music), and socio-emotional learning. (pp. 47-53) Social studies is embedded into literacy instruction, and science embedded into humanities and math. The charter school's curriculum is designed to be aligned with Common Core State Standards, as well as Rocketship's own "focus standards."

The Petition also defines the charter school's Response to Intervention process, which includes a 3-step process for at risk students that includes Tier 1 (small group and personalized instruction in the classroom); Tier 2 (daily intervention by non-certificated Instructional Learning Specialists (ILS's); and Tier 3 (initiation of special education assessment process.)

The Petition describes an instructional day in which the charter school's projected 116 students in each grade level would be divided into 4 groups of 29. During the first 170-minute block, the first two cohorts of students will be assigned to a humanities teacher, while the third cohort is assigned to a math/science teacher for an 85-minute block. The fourth cohort is assigned to the Learning Lab during this 85-minute block. During the second 85-minute block, the third and fourth cohort rotate between math/science and the Learning Lab. During the second half of the day, the first and second cohort rotate with the third and fourth cohort and repeat the pattern. (pp. 69-70.)

While in the Learning Lab, students spend 50 minutes in a computer lab working on an online adaptive curriculum, 35 minutes in leveled reading, and 30 minutes in targeted/small group tutoring for qualifying students. (p. 54.) However, rather than emphasize the educational rationale for having students engaged in extended computer time for 50 minutes a day, the Petition touts the economic benefits of this model. (See, e.g., "Rocketship's unique rotational model and approach to instruction, which includes students spending a portion of their day in the Learning Lab, allows for students to receive instruction in core academic subjects at student/teacher ratios of no more than 29:1" (Appendix B-0, p. 7); "It is through this 'rotational model' that RMSD will be able to ensure that student: teacher ratios remain at a level of 29:1" (Appendix B-0, p. 8).)

The Learning Lab also would be supervised not by certificated personnel, but by non-credentialed Instructional Learning Specialists (ILS's). ("The final cohort of students are in the Learning Lab at a 29:1 ratio as well as with an Individualized Learning Specialist, a highly qualified tutor, that guides this class through online learning, tutoring, activating reading." (p. 69, see also, p. 140.) Rocketship also has made a programmatic adjustment, and no longer claims time spent in the Learning Lab in its count of total daily instructional minutes. (Compare, p. 69; [http://fmsd.org/files/user/1/file/%233%20Rocketship%20Franklin%20McKinley%20Petition\\_FINAL.pdf](http://fmsd.org/files/user/1/file/%233%20Rocketship%20Franklin%20McKinley%20Petition_FINAL.pdf), p. 63 of 164.)

The Petition lacks a reasonably comprehensive description as to the soundness of having students spend 50 minutes on a computer engaging in an online adaptive curriculum, supervised by non-certificated personnel, as opposed to direct classroom instruction by certificated teaching personnel. Rocketship appears to realize that such time cannot be counted as creditable instructional minutes under the direct supervision of a certificated employee. The Petition develops the economic rationale for the Learning Lab more than it does the educational rationale.

The Petition primarily states that it will serve grades TK-5, but states on p. 34 that the Charter School “reserves the right” to add Grade 6. However, a passing reference to a charter school “reserving the right” to add a grade level essentially functions as a Trojan Horse in which the Charter School would be allowed to significantly increase its enrollment and/or curriculum offerings without seeking what would otherwise constitute a material revision of the Charter. (Education Code section 47607(a).)

Moreover, the Petition anticipates a total enrollment of 600-700 students in TK through 5th grades. However, the Petition’s budget shows the Charter School’s enrollment reaching 655 only after 3 years, based upon 4 classes per grade at a 29:1 student/teacher ratio (Appendix B-0, p. 1.) Therefore, the Charter School would be on track to surpass its proposed capacity of 700 students in Year Four if it maintained the same enrollment and matriculation patterns. The Petition does not contain a reasonably comprehensive description of how it would stay within its self-described enrollment cap (*i.e.*, either by significant attrition, or deliberate disenrollment of 4<sup>th</sup> or 5<sup>th</sup> grade students in Years Four and Five.) In order to enroll the projected class of 116 in Year Four, the Charter School would have to achieve attrition of 20% after Year Three to stay under the cap.

The Petition fails to contain “[a] description, for the charter school, of annual goals, for all pupils *and for each subgroup of pupils identified pursuant to Section 52052*, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals.” (Emphasis Provided.) The Petition fails to identify annual goals for students in each pertinent subgroup, such as ethnicity, English Language Learners, etc. (pp. 27-32.)

**D. CURRICULUM FRAMEWORK**  Mark this box on behalf of the curriculum that has yet to be developed:

**1. Plan: Is there a sound curriculum development plan?**

- o A thorough, persuasive plan for development including the research base to be considered and foundation materials;

**2. Schedule: Is there a well-defined, realistic schedule?**

- o A realistic, time-specific development schedule and clear objectives to be met; and

**3. Responsibilities: Are the development responsibilities clear and manageable?**

- o Identification of individuals responsible for development and evidence that they are well-qualified for the task.

**1. Plan: Is there a sound curriculum development plan?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Schedule: Is there a well-defined, realistic schedule?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Responsibilities: Are the development responsibilities clear and manageable?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: CURRICULUM DEVELOPMENT PLAN**

<b>FINDINGS</b>	<b>Reference</b>
<p>Rocketship currently operates 9 charter schools in Santa Clara County, with two more slated to open in the next two years, and therefore has developed a curriculum for its existing schools. Descriptions of curriculum in the core subject areas of instruction (reading, writing, math, science, social studies, art (art and music)) are contained on pp. 41-51, and additional information on curricular scope and sequence, focus standards, sample units and research-based pedagogy are attached as Appendices. Pages 70-81 set forth the professional development plan for the charter school, including a three-week summer training for teachers, in addition to professional development during the school year.</p>	

**E. SPECIAL POPULATIONS: SPECIAL EDUCATION**

Federal law requires charter schools, like all public schools, to provide a free appropriate education in the least restrictive environment to students identified with disabilities who are enrolled at the school. A plan for serving students with disabilities excels if it has the following characteristics:

- Demonstrated understanding of state and federal special education requirements including the fundamental obligation to provide a free, appropriate education to students identified with disabilities and obligations held under Section 504 of the ADA;
- A clear statement regarding what petitioners expect will be the school's anticipated LEA status for purposes of special education and the implications of that status determination ;
- A sound plan -- including lead contact, funding, service and intervention arrangements -- for identifying and meeting the needs of students identified with disabilities;
- Alignment of the special education plan with the core educational program; and
- Evidence of high expectations for students with special needs.

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: SPECIAL EDUCATION**

If Meets or Excels; Strengths	FINDINGS	Reference
	<p>The "Affirmations" section of the Petition states that "[t]he Mount Diablo School District will provide special education services for students enrolled in the Charter School to the extent required by law. Specifically, the Mt. Diablo School District will (A) serve children with disabilities in the same manner as it serves children with disabilities in its other schools; and/or (B) provide the Charter School with an equitable share of state and federal special education funding to support special education instruction or designated instructed and services to students enrolled in the charter school [Citation Omitted.]" (p. 5.)</p> <p>However, the Petition contradicts this affirmation. The Petition states that "RMSD intends to operate as a Local Educational Agency (LEA) under the El Dorado County Charter Special Education Local Plan Area (SELPA) pursuant to Education Code section 47641(a.)" (p. 98.) However, as an LEA of a SELPA, the Charter School, and not the District, would bear all responsibility for students receiving special education services in accordance with the requirements of law. Therefore, the Petition contains contradictory information with respect to which entity would be responsible for providing special education services to the charter school's students.</p> <p>The special education portion of the Petition contains a general stock description of the Charter School's basic obligations under special education law.</p>	

**F. SPECIAL POPULATIONS: ENGLISH LANGUAGE LEARNERS**

Federal law requires charter schools, like all public schools, to meet the needs of English language learners by helping them gain English proficiency and also make progress in all academic subjects. A plan for serving English language learners excels if it has the following characteristics:

- Demonstrated understanding of the likely English language learner population;
- A sound approach to identifying and meeting the needs of English language learners tailored to the anticipated population;
- A sound approach to helping English language learners fulfill expectations of the core educational program, including a lead contact and intervention process; and
- Evidence of high expectations for English language learners.

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: ENGLISH LANGUAGE LEARNERS**

FINDINGS	Reference
<p>The Petition provides a general description of the process for identifying English Language Learners and the general instructional strategies for educating them. However, there is no reference in the daily class schedule attached as Appendix 30 or elsewhere to differentiated or dedicated time allotted to English Language Development instruction. English language development is only mentioned as part of humanities blocks or community meetings. The portion of the Petition that describes support for English Learners and the daily schedule included in the appendices does not include the state-identified number of minutes for English Language development. (See, e.g., <a href="http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp">www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp</a>, Chapter 2, p. 91, <i>et seq.</i>)</p> <p>The English Language Development program set forth in the Petition is defined as an English immersion program, though under California law such programs should also include a language mainstream program. The Petition also fails to contain a reasonably comprehensive description of parental waiver rights with respect to English Learner instruction. The petition states that the charter school would provide written notification to parents informing them that “they have a right to visit the program and to withdraw their student from the program through a waiver.” (p. 96.) It is not clear whether the Petition refers to the parental waiver right under Education Code section 310 to a structured English immersion program under Education Code section 305 in favor of bilingual instruction, or a waiver from English Language Development instruction entirely. Since charter schools are subject to the requirements of Education Code section 313 to offer English Language Development, the failure to specify the scope of the waiver is problematic.</p> <p>The Petition also only identifies teaching strategies and training in integrated ELD (i.e. Guided Language Acquisition Design (“GLAD”) and Specially Designed Academic Instruction in English (“SDAIE”)), which are designed to facilitate English Learners accessing core subject matter content. The Petition lacks a reasonably comprehensive description of the training and teaching strategies in in the State ELD Standards or designated English Language Development, which focuses on language acquisition skills. (See, e.g., <a href="http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp">http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp</a>, Chapter 2, 106-115.) Moreover, the Petition fails to identify any instructional materials specifically targeted towards language acquisition skills. The Petition mentions use of primary language as a scaffold in passing, but does not contain a reasonably comprehensive description of how this approach would be implemented.</p> <p>The Petition also fails to fully integrate the new CCSS for English Language Development. For example, the Petition identifies the stages of English Language Development as Beginning, Early Intermediate, Intermediate, Early Advanced and Advanced. (p. 91.) However, under the new English Language Development framework adopted by the State Board of Education, the stages along the ELD Continuum are “Emerging,” “Expanding,” and “Bridging.” (<a href="http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp">http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp</a>, Chapter 2, p. 104-5.)</p>	

Moreover, the Petition contains some imprecise language with respect to the identification of students who are English Language Learners. The Petition makes reference to TK and Kindergarten students from another country, state, or a private school receiving CELDT testing, implying that CELDT testing is required for only new or entering students, as opposed to all students. (p. 87.) The Petition also states that "[a] student is identified as English Learner (EL) if the student's primary language is something other than English." (p. 87.) Technically, a student's result on the CELDT test will determine whether he/she is an English Learner.

The Petition lacks a reasonably comprehensive description of the specific level of academic performance that will be used for reclassification when referring to teacher input. The Petition needs further clarification on how the Charter School would reclassify students not meeting reclassification criteria due to other factors, such as deficit of motivation or academic difficulty unrelated to language proficiency. Alternative criteria for reclassification are customarily used for students who have a learning disability rather than just having difficulty with the subject matter (p. 90, Section 3.A.I.)

The Petition lacks a reasonably comprehensive description of the formative assessments that the Charter School would use to measure language acquisition. The Petition is vague on the topic of assessments to monitor language development, stating such assessments as an option rather than a requirement (*e.g.*, "...may choose to implement an interim formative assessment, such as ADEPT...") (p. 88.)

The Petition lacks a reasonably comprehensive description of the specific legal requirements applicable to the English Learner Advisory Committee (ELAC), such as the number of parents needed to form such a committee as stated by statute.

As noted elsewhere, noncertificated ILS's provide significant instruction to the Charter School's students, including Learning Lab time, Tier II Response to Intervention, and TK. However, under California law, instruction to English Learners must be delivered by a certificated employee with CLAD certification. The Petition lacks a reasonably comprehensive description of how the charter school would meet the CLAD authorization requirement with respect to the elements of its program that are delivered by non-certificated personnel.

**G. PUPIL OUTCOMES**

Pupil outcomes are central to the school's existence. They represent the school's definition of success and should drive all aspects of the program and operation. A description of Pupil Outcomes excels if it has the following characteristics:

1. **Alignment:** *Do the objectives align with the mission and vision?*
  - o Educational objectives aligned with the mission, vision and educational program;
2. **Measurement:** *Are the goals clear, specific and measurable?*
  - o Multiple performance measures applied to student learning objectives.
  - o Measures include performance goals based on absolute (e.g., proficiency levels), relative (e.g., comparison schools) and individual gains (e.g., year-to-year matched student cohort gains);
  - o Goals that are specific, measurable and time bound;
3. **Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*
  - o Performance levels that are both ambitious and realistic including rigorous promotion and graduation standards;
  - o Performance levels are considered annually and graduated as needed to sufficiently accelerate learning based on the needs of the target population;
4. **Annual Goals:** *Does the Petition include "[a] description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals?" Does the Petition "identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals?"*

1. **Alignment:** *Do the objectives align with the mission and vision?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. **Measurement:** *Are the goals clear, specific and measurable?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. **Performance Level:** *Have the petitioners demonstrated that the target performance levels are both ambitious and attainable?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. Annual Goals:** *Have the petitioners adequately described their annual goals?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: PUPIL OUTCOMES**

FINDINGS	Reference
<p>The Petition appears to contain the fundamental components of an assessment plan on paper. The Petition lists Northwest Evaluation Association (NWEA) as its benchmark assessment source and administers it three times a year to determine students' strengths and weaknesses. In addition, the Petitioners would administer bi-monthly assessments in Reading, Writing, and math to assess whether students are on track to meet their goals. To assess reading, Rocketship uses the STEP reading assessment, which is a performance-based assessment developed by the University of Chicago Urban Education Institute. In the area of writing, it uses an internal assessment scored by a rubric aligned to the 6 +1 traits of writing. The listed assessments, along with state assessments, are used in combination to determine the most appropriate instruction for students. The Petition also cites comparative performance data with public schools in Santa Clara County, which is not pertinent to a proposed charter school in Contra Costa County. (pp. 17-19.)</p> <p><u>Use and Reporting of Data:</u></p> <p>The Petition states that Rocketship is a data-driven school and that teachers and teacher leaders participate in quarterly Data Days to analyze student data. The attachment of the Data Driven Instruction Playbook suggests that data is analyzed at a deep level. The Petition suggests that the analysis of data drives the Charter School's RTI model and that professional development is ongoing to develop their expertise in the use of data. To support teachers in this process, RSMD uses Schoolzilla, which is a data warehouse and reporting system.</p> <p>Although, on paper, the Petition appears to describe a comprehensive description of the Charter School's assessment plan, there are significant questions as to whether the Rocketship charter schools are comprehensively and successfully implementing this plan. (See. Section H, <i>infra</i> ("Pupil Progress").)</p> <p><u>Annual Goals According to Pupil Subgroups:</u></p> <p>The Petition contains a Local Control Accountability Plan ("LCAP") template aligned with the eight state priorities, and listing actions and methods of assessment for each. (pp. 115-121.) However, this section of the Petition fails to contain "[a] description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals." The Petition fails to identify annual goals for students in each pertinent subgroup, such as ethnicity, English Language Learners, etc. The Petition also fails to contain measurable pupil outcomes "that address increases in pupil academic achievement both school wide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607." The only subgroup for which specific outcomes are identified are English Learners, with respect to the reclassification rate. No increases in pupil performance for pupil subgroups is identified.</p>	

**H. PUPIL PROGRESS**

Summative evaluations measure student performance for the purpose of evaluating academic program effectiveness and overall school operation. In other words, they are used to determine how much students have learned.

Formative evaluations measure student performance for the purpose of determining students' learning needs and to inform instructional strategies. In other words, they are used to determine what students still need to learn.

A plan for evaluating Pupil Progress excels if it uses both formative and summative and includes the following characteristics:

1. **Assessments:** *Does the school have valid and reliable measures of student progress?*
  - o Identification of the expected range of formative and summative assessments including but not limited to state-mandated assessments;
  - o Evidence that assessments will be valid and reliable measures of student progress toward achieving the identified Pupil Outcomes.
2. **Instruction Improvement:** *Does the school have a sound plan for using assessments to inform instruction?*
  - o A coherent strategy for using student assessment and performance data to evaluate and inform instruction on an ongoing basis.
3. **Reporting:** *Is the school committed to reporting and disseminating performance information?*
  - o A plan for sharing performance information, including standardized test results, with students, families and public agencies, as required.
  - o A clear description of the manner in which stakeholders will act upon and make use of the performance information provided.
4. **Pupil Outcomes:** *Does the petition contain measurable pupil outcomes "that address increases in pupil academic achievement both school wide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607?" Do "[t]he pupil outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school?"*

**1. Assessments:** *Does the school have valid and reliable measures of student progress?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. Instruction Improvement:** *Does the school have a sound plan for using assessments to inform instruction?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Reporting:** *Is the school committed to reporting and disseminating performance information?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. Pupil Outcomes:** *Does the description of pupil outcomes meet the requirements of law?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: PUPIL PROGRESS**

FINDINGS	Reference
<p><u>Trend Data:</u>                      Upon review of RSMD's trend API data, it suggests that although the assessment plan is sound on paper, there are significant questions as to whether all aspects of the described data assessment plan are being fully implemented. The overall API of six of the eight schools that had an API declined from 2011-2013. (See, Exhibits A, D) The current API listed for 2014 indicates an increase of three of those schools, but it must be noted that the calculations were compiled by Rocketship and an outside consultant. (Id.)</p> <p>In ELA, 5 of the schools had a significant decline in their overall percent proficient while it appears that math goes up and down from year to year. (See, Exhibit B.)</p> <p>If Rocketship's charter schools were fully implementing the data tracking and assessment plans set forth in the Petition, these drops in performance should not be happening.</p>	

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## II. PETITIONER CAPACITY

### Statutory References:

- E.C. § 47605(b)(2)
- E.C. § 47605(b)(5)(D)-(P)
- E.C. § 47605(c)(2)
- E.C. § 47605(g)

The Charter Schools Act requires the authorizer to determine whether the petitioners are “demonstrably unlikely to successfully implement the program.” Experience with new school development demonstrates that unless petitioners have sound plans and capacity for governance, management, employment and financial operation, they are unlikely to successfully implement the program. This section should provide a clear, convincing picture of the petitioners’ capacity to operate the school successfully.

### A. GOVERNANCE CAPACITY

A description of the plan for Governance excels if it has the following characteristics:

1. **Legal Structure:** *Does the school have adequate and appropriate legal structure?*
  - Documentation of proper legal structure (Articles of Incorporation stamped by the Office of the Secretary of State and corporate Bylaws);
  - Evidence of 501(c)3 Non-Profit Corporation status;
  - Adequate bylaws, policies & procedures for governing body operation (director selection & removal, decision making, powers and duties, expansion and transition plans)
2. **Charter School Governance Experience/ Expertise:** *Does the board demonstrate the capacity needed to govern effectively?*
  - Evidence of analysis that proposed founding members of the governing body possess and will contribute the wide range of knowledge and skills needed to oversee a successful charter school;
  - Evidence of the existing or emerging capacity of the proposed founding members of the governing board to work as an effective unit in the interest of the proposed charter school;
3. **Operating Plan:** *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*
  - Demonstrated understanding of the board’s responsibility for the educational and fiscal integrity of the school and for fulfilling the terms of the charter;
  - Clear, reasonable selection and removal procedures, term limits, meeting schedules, and powers and duties for members of the governing body;

- Demonstrated understanding and assurance of compliance with open meetings requirements;
- Reasonable conflict of interest policy;
- Adequate plan for insurance;
- A plan for meaningful involvement or input of parents and community members in the governance of the school;
- Clear, sensible delineation of roles and responsibilities of parent councils, advisory committees or other supporting groups; and
- Clear, sensible definition of governing body roles and responsibilities in relation to management.

**1. Legal Structure:** *Does the school have adequate and appropriate legal structure?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Governance Experience:** *Does the board demonstrate the capacity needed to govern effectively?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Operating Plan:** *Does the school have an operating plan that complies with legal obligations and incorporates sound governance practices?*

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: GOVERNANCE CAPACITY**

<b>FINDINGS</b>	<b>Reference</b>
<p>The Charter School would be operated by Rocketship Education, a California non-profit public benefit corporation. (p. 127.) The Charter School would be governed by the Rocketship Education Board of Directors, which will contain anywhere from three to 25 members. (p. 127.) The Petition includes Articles of Incorporation, Bylaws and a conflict of interest code for the corporate entity. The Governing Board serves as the Board for all 9 existing, and 2 planned, Rocketship charter schools.</p> <p>The Petition states that “[t]he Board of Directors will meet regularly to review and act on its responsibilities” and that “[a]ll meetings shall be held in accordance with the Brown Act, and thus be held openly and easily accessible to the public.” (p. 129.) However, according to the Rocketship Education website, the Rocketship Education Board of Directors conducts all of its meetings in San Jose, while various committees meet in corporate headquarters in Redwood City or other locations in San Mateo County. Although the Board would hold a teleconference location for its Board meetings within the District, having the Charter School’s governing body meet exclusively in a location so remote from Concord creates access and equity issues for the parents and students of the Charter School.</p> <p>The Petition states that the Charter School would create an English Learner Advisory Committee and School Site Council to facilitate parent involvement. (p. 131-2.) An advisory board consisting of parents, community and business leaders would also be created, though it has no binding authority over areas of jurisdiction held by the Rocketship Education Governing Board. (p. 128, Appendix D-2.) The Advisory Board would not be unique to the proposed Mt. Diablo Charter School; rather, its membership would consist of a member from each School Site Council for all 11 Rocketship Charter Schools, almost all of which are located in Santa Clara County.</p> <p>Although Rocketship Education charter schools have an ongoing governance infrastructure, the District finds that the Petition lacks a reasonably comprehensive description of an adequate governance structure, in terms of access to and representation on the charter school’s and parent organization’s central governing boards, at the local level.</p>	

## B. MANAGEMENT CAPACITY

A leadership plan excels if it has the following characteristics:

1. **Enrollment Procedures:** *Does the petition present reasonable enrollment procedures that comply with applicable law?*
  - A description of the means by which the school will seek to attain a racial and ethnic balance among its pupils that is reflective of the district including specific plans and strategies for student recruitment;
  - A clear and compelling student recruitment plan likely to attract projected enrollment, particularly in Year 1;
  - A specific plan for conducting a public random drawing or an assurance that such a drawing will be conducted subject to district approval in the event that the number of pupils who wish to attend the school exceed the capacity;
  - An assurance that the school will not impose admission requirements OR, if the school proposes to have requirements, a precise description of those requirements, a compelling statement regarding why they are essential to fulfillment of the school's mission, and a specific plan for the school will incorporate the requirements into any random drawings.
  - A clear description of the enrollment process to include any unique intake or application evaluation process to be used by the school designed to meet the needs of the target population outlined in the petition.
2. **Operating Procedures:** *Does the petition present sound operating procedures that comply with applicable law?*
  - *The procedures that the school will follow to ensure the health and safety of pupils and staff;*
  - A clearly articulated discipline policy with suspension and expulsion procedures that are fully explained consistent with the school's mission, educational philosophy and applicable law;
  - A statement regarding attendance alternatives for students residing in the district who choose not to attend the school;
  - A statement that the school intends to use the district's approved procedure for resolving disputes relating to provisions of the charter OR, in the alternative, a clear description of the procedures that the school proposes to use;
  - A description of the systems likely to be effective in addressing parent and community complaints; and
  - An assurance that the school will comply with the district's approved procedures for school closure in the event that the charter is relinquished, revoked or not renewed.
3. **Management Structure:** *How effective is the management structure likely to be?*
  - Clearly defined management roles and responsibilities for all positions within the administration of the school;
  - A clear plan for recruitment, selection, development and evaluation of staff including the school leader;
  - Verifiable internal procedures and controls to ensure conformance with the approved budget;

- An approved and public organizational chart delineating board and management roles and lines of authority;
- Clear, sensible delineation of roles and responsibilities for implementing the school program including clearly defined roles for parent councils, advisory committees and other supporting groups;
- Management job descriptions identifying key roles, responsibilities and accountability;
- An allocation of time, financial resources and personnel that is sufficient for planning and start-up prior to the school's opening; and
- The manner in which administrative services are to be provided and any potential civil liability effects on the school or the district.

**1. Enrollment Procedures: Does the petition present reasonable enrollment procedures that comply with applicable law?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Operating Procedures: Does the petition present sound operating procedures that comply with applicable law?**

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Management Structure: How effective is the management structure likely to be?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: MANAGEMENT CAPACITY**

FINDINGS	Reference
<p>Rocketship Education operates 9 charter schools in Santa Clara County, with a 10<sup>th</sup> slated to open in 2016, and an eleventh slated to open in Redwood City in the fall of 2015. <i>See</i>, Governance Capacity, above, for findings with respect to the proposed governance structure of the Charter School.</p> <p><u>HEALTH AND SAFETY</u></p> <p>The Charter School's Health and Safety procedures are contained under Element F, pp. 148-150. This section describes health and safety policies in the areas of Fingerprinting/Background checks, Mandated Child Abuse Reporting, TB Testing, Immunization, Administration of Mediation, Vision/Hearing/Scoliosis, Emergency Preparedness, Bloodborne Pathogens, Drug/Smoke-Free Environment and Facility Safety. Appendix F-1 contains sample policies in the above-named areas.</p> <p>Staff's findings with respect to the Petition's Health and Safety Procedures follow:</p> <p><u>Fingerprinting/Background Checks</u>: The Rocketship Education policy in Appendix F appears to apply to all schools systemwide, including those in Tennessee. Although the policy makes passing references to California Education Code sections 44237 and 45125.1, it fails to contain a reasonably comprehensive description of the Charter School's personnel policies and practices with respect to employees who are charged or convicted of crimes. Although charter schools are exempt from many Education Code provisions with respect to certificated and classified employees, they are specifically bound by some that govern potential criminal conduct by employees. (<i>See, e.g.</i>, Education Code section 44939.5.)</p> <p><u>Safe Facilities</u>: The Rocketship Education policy in Appendix F refers to "[t]he immediate area around the schools currently run in San Jose, CA," and does not appear to be tailored to a school proposed to be located in Concord, CA.</p> <p>Rocketship's facilities policy covers California Building Code requirements and other areas, such as hazardous materials, indoor air quality, maintenance/inspection of school buildings, and campus access. It does not address land use issues, such as what steps that the Charter School would take to ensure that a potential school site complies with local zoning requirements. Rocketship Education has in the past attempted to exempt itself from local zoning requirements under Government Code section 53094, and has</p>	

been advised by the Santa Clara County Counsel's Office that the zoning exemption power was limited to school districts. (See, Exhibit E.) It then requested that the Santa Clara County Board of Education exempt a Rocketship Charter School from local zoning requirements, which a local Superior Court Judge found illegal. (Santa Clara County Superior Court Case No. 113CV241695, appeal pending.) Therefore, the Petition lacks a reasonably comprehensive description of whether Rocketship Education would take legally-recognized steps to ensure that its proposed site meets local land use requirements.

Administration of Medication: The Petition's Medication Administration Policy is attached as Exhibit A to the Petition. However, the policy fails to incorporate Education Code section 49414, as amended by Senate Bill 1266 in 2015, which requires public schools and charter schools to stock auto-injector epinephrine devices, as well as to provide notice and training. Rather, the policy states that "Rocketship Education schools DO NOT stock emergency Epi-Pens (emergency epinephrine auto-injectors) for general emergency use." (Appendix D, Policy #176, p. 3.)

Drug Testing: The drug testing policy fails to contain a reasonably comprehensive description of the potential adverse employment actions resulting from a drug test result, as well as due process considerations for employees and chain of custody issues.

Child Abuse Reporting: The Petition contains a Mandated Reporter Policy in Appendix D. However, the policy does not reference the mandatory child abuse reporting training recently implemented by California law. It also only identifies child abuse reporting agencies located in Santa Clara County, which would be inapplicable to a charter school located in Contra Costa County.

MEANS TO ACHIEVE RACIAL AND ETHNIC BALANCE:

The Petition addresses this requirement on p. 150. However, as noted above (Section I(A): "Target Student Population"), elsewhere in the Petition, Petitioners make a reference to "selecting parent leaders who speak Vietnamese (p. 24)." Vietnamese speakers constitute only 0.3% of the District's enrollment (see, <http://www.ed-data.org/district/Contra-Costa/Mt.-Diablo-Unified>), so this reference is not clear, unless it was carried over from a petition to another district.

ADMISSIONS REQUIREMENTS:

The Charter School's admissions procedure, which calls for a random drawing in the event of oversubscription, with preferences for siblings of current students, children of charter school employees (up to 10%), District residents and

other California residents, is contained on pp. 151-152.

FINANCIAL AUDIT: The Petition addresses this requirement on p. 153, and describes a process for conducting an annual audit of its finances and resolving audit exceptions to the satisfaction of the District.

STUDENT SUSPENSION/EXPULSION: The Petition's student discipline procedure is described on pp. 154-157, and contained in Appendix J.

STRS/PERS: The Charter School would participate in STRS for certificated employees, and offer a 403(b) plan for other employees. (P. 158.)

ATTENDANCE ALTERNATIVES: The Petition states that District students electing not to enroll in the Charter School may enroll in MDUSD schools. (p. 159.)

EMPLOYEE RIGHTS: The Petition addresses employee return rights on p. 160. No District employee will be required to work at the Charter School, and those choosing to do so will not have automatic return rights to District employment.

DISPUTE RESOLUTION PROCEDURE: The Petition's dispute resolution procedure, which includes meetings between the Charter School Principal and District Superintendent; additional meetings involving two members from each parties' governing board; and referral to a neutral third-party mediator, is contained on p. 161.

CLOSURE PROCEDURE: The Petition addresses this requirement on pp. 164-165.

### C. EMPLOYMENT CAPACITY

An employment plan excels if it has the following characteristics:

1. **Qualifications and Responsibilities:** *How clear and sensible are required staff capacities and intended allocation of responsibilities?*
  - Description of the qualifications for and responsibilities of key employees of the school, including the instructional leader and other key school administration positions.
2. **Compensation Plan:** *How sound is the staff compensation plan?*
  - A compensation plan based on sound budget assumptions that reflects understanding of the prevailing market and supports the proposed educational program.
3. **Policies and Assurances:** *Does the petition contain the required assurances and a reasonable plan for policy development?*
  - Adequate personnel policies or a sound plan articulated for timely development;
  - An assurance that staff will meet applicable state and federal requirements for credentialing and "highly qualified" status;
  - An adequate description of the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
  - A statement regarding employee rights of return, if any;
  - A clear declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act; and
  - An assurance that staff will have criminal background and other required health and safety checks and manner in which these will be conducted.

**1. Qualifications and Responsibilities: How clear and sensible are required staff capacities and intended allocation of responsibilities?**

Inadequate	Approaches	Meets	Excels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. Compensation Plan: How sound is the staff compensation plan?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Policies and Assurances: Does the petition contain the required assurances and a reasonable plan for policy development?**

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: EMPLOYMENT CAPACITY**

FINDINGS	Reference
<p>The Petition identifies key positions (including Principal, Assistant Principal, Core Classroom Teachers, Integrated Special Education Teacher, Individual Learning Specialists, Paraprofessional, TK Assistant Teacher and Office Manager) and lists qualifications for each position. (pp. 134-147.) While the Petition contains teacher evaluation instruments (Appendix A-35) and teacher compensation materials addressing employee salaries (Appendix A-36), no employee handbook or similar document was found containing other terms and conditions of employment, such as sample employment contracts, leave policies, etc.</p> <p>The District is also concerned by the extensive use of non-certificated personnel to perform instructional duties. For examples, ILS's supervise the Learning Lab (p. 69, <i>see also</i>, p. 140), as well as conduct Tier II Response to Intervention (p. 67) and rotational instructional duties for TK students. (p. 53.) Sound educational practice dictates that instruction be provided by experienced and properly credentialed teachers.</p>	

#### D. FINANCIAL CAPACITY

The petition should present an understanding of how the charter operators intend to manage the school's finances and maintain the organization's financial viability. It should make a persuasive case for financial viability including sound revenue projections; expenditure requirements; and budgetary support for and alignment with the educational program.

A plan for financial capacity excels if it has the following characteristics:

1. **Financial Operation:** *How would you rate the structures and practices related to financial operation?*
  - A balanced three-year budget accurately reflecting all budget assumptions;
  - A start-up year plan with reasonable assessment of and plan for costs;
  - A clear indication that the school has a sound plan for sustainability including funding for the core program that does not have ongoing reliance on "soft" money (e.g., donations, grants, etc.);
  - Clear evidence and track record of sustainability, in the event there is an enduring reliance on "soft" money (e.g., donations, grants, etc.);
  - An adequate reserve and contingency plan targeted to the minimum enrollment needed for solvency (especially for year 1);
  - A sound plan for financial management systems;
  - An audit assurance and/or plan with adequate budget allocation; and
  - A plan for dissolution of assets should the school close.
  
2. **Revenues:** *How would you rate the accuracy and attainability of the revenue projections?*
  - A narrative explaining key revenue assumptions;
  - Realistic revenue projections showing all anticipated revenue sources -- including state, local, federal and private funds, and any fee-based programs and services;
  - Realistic cash flow projection; and
  - A fundraising plan including assumptions and report on current status.
  
3. **Expenditures:** *How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?*
  - Spending priorities that align with the school's mission, educational program, management structure, professional development needs, and growth plan;
  - A budget narrative explaining key expense assumptions;
  - Realistic expense projections addressing major operating expenses including staffing and benefits, special education, facility, materials and equipment, and contracted services;
  - Budgeting to meet minimum insurance requirements; and
  - Evidence to support key assumptions including that compensation is sufficient to attract qualified staff and that facilities budget is adequate.

**1. Financial Operation: How would you rate the structures and practices related to financial operation?**

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Revenues: How would you rate the accuracy and attainability of the revenue projections?**

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Expenditures: How would you rate the expenditure plan in terms of sound assumptions and priorities consistent with effective operation of the school?**

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: FINANCIAL CAPACITY**

<b>FINDINGS</b>	<b>Reference</b>
<p>The Petition contains the required budget and cash flow data for its first three years of operation. The Petition's budget is essentially sound, and its calculation of the Charter School's Local Control Funding Formula (LCFF) rate in accordance with accepted methodology. The District notes the following areas of concern with respect to the budget:</p> <ul style="list-style-type: none"> <li>• As noted above ("Educational Program"), the Charter School's enrollment projection of 655 in Years One through Three would result in it exceeding its enrollment cap of 700 students by Year Five, unless significant attrition or disenrollment occurs. In order to enroll the projected class of 116 in Year Four, the Charter School would have to achieve attrition of 20% after Year Three to stay under the cap.</li> <li>• The budget does not rely upon the most recent data from the State in calculating its LCFF funding rate or in lieu property tax revenue.</li> <li>• The Petition's budget also erroneously shows Lottery funds apportioned in 2016-2017, the first year of operation. Since Lottery apportionment is based on prior-year ADA, the Charter School's first year of receiving an apportionment of lottery funds would be 2017-2018. This discrepancy could result in a cash flow issue in 2016-2017.</li> <li>• The Budget is premised upon a 70% enrollment of students eligible for participation in the federal Free and Reduced Lunch program, approximately 20% higher than that of the District. The Petition does not contain sufficient information regarding the school's location to support the Charter School's projection of such a significantly higher concentration of FRL-eligible students than the District. The budget also does not explain why it assumes a significantly higher 90% student participation rate in the National School Lunch Program.</li> <li>• The Petition fails to explain the basis under which the Charter School would qualify for Title I, II and III funding, which is heavily contingent upon the demographic composition of its students.</li> <li>• The Budget makes numerous references to obtaining short-term loans, as well as cash from the Rocketship Education parent organization, but contains insufficient information regarding the financing costs of such debt, which might cause a cash flow issue from Year One to Year Two if the short-term financing does not materialize.</li> <li>• The teacher starting salaries are initially competitive, but do not increase sufficiently to remain competitive after Year 2.</li> </ul>	

Petition Section/s

**E. FACILITIES PLAN**

The Facilities Plan should demonstrate that the petitioners understand the school's facilities needs and its options for meeting those needs.

**Do the petitioners anticipate using a district facility or finding a facility independent of the district?**

- Non-district facility**       **District facility (Prop 39)**

**Select One**

**Non-district facility anticipated**

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of anticipated facilities needs;
- Estimated costs for anticipated facilities needs based on research and evidence;
- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites;
- Adequate budget for anticipated facilities costs including renovation, rent, maintenance and utilities;
- A schedule for securing a facility including the person responsible for implementation
- An assurance of legal compliance (health and safety, ADA, and applicable building codes); and
- Identified funding sources.

**District facility anticipated pursuant to Prop 39**

A description of the facilities plan where the applicants have not yet identified a specific site will include the following characteristics:

- Informed assessment and description of anticipated facilities needs;
- Adequate budget based on 3% of anticipated per pupil revenue;
- A thoughtful contingency plan in the event that a mutually agreeable district facility is unable to be procured,
- A site preference with a compelling rationale for the preference; and
- An assurance of legal compliance (health and safety, ADA, and applicable building codes).

**Facilities Plan:** *Does the facilities plan indicate a thorough understanding of the school's needs?*

<b>Inadequate</b>	<b>Approaches</b>	<b>Meets</b>	<b>Excels</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANALYSIS: FACILITIES PLAN**

<b>FINDINGS</b>	<b>Reference</b>
<p>The Petitioners have not located or identified a specific facility for the Charter School, but state that they will seek a facility within the District in the Monument Boulevard Corridor. (p. 169.)</p> <p>The Petition states that the Charter School “reserves the right to locate a single site outside the District in the unlikely event that the proposed site cannot be utilized and no other site within the District can be found so long as appropriate notice is provided pursuant to Education Code 47605.1(d).” (p. 169.) However, Education Code 47605.1(d) requires that the required notice to locate within a District other than the authorizer is required to be provided “in advance of the charter petition approval.” There is no evidence that the Petitioners have provided any such notice to another district.</p> <p>Rocketship has acquired land and facilities for its other charter schools through Launchpad Development Company, which accesses various sources of funding to finance the Rocketship charter schools facility needs.</p> <p>Rocketship has not adequately addressed how it would ensure compliance with local land use regulations in locating its proposed site. (See, p. 32 (“Health and Safety.”).)</p>	

**SIXTEEN ELEMENTS TABLE**

Statutory Reference: E.C. §§ 47605(b)(5)(A) to (P).

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of 16 elements related to a school’s operation (the “16 Elements.” To complete the following table,

1. Read the Element (column 1)
2. Use column 2 to find your earlier assessment of the item
3. Translate your assessment into a rating of “Inadequate” or “Reasonably Comprehensive” and mark the corresponding box.

Element	Evaluation Reference	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.	<i>Section I., bullet 3</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measurable pupil outcomes	<i>Section II.D.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<i>Section II.E.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<i>Section III.A.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<i>Section III.C.1.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures for ensuring health & safety of students	<i>Section III.B.2., bullet 1</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<i>Section III.B.1., bullet 1</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<i>Section III.B.1., bullet 3</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits	<i>Section III.D.1., bullet 7</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<i>Section III.B.2., bullet 2</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering STRS, PERS, or Social Security	<i>Section III.C.3., bullet 3</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district	<i>Section III.B.2., Bullet 3</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<i>Section III.C.3., bullet 4</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues	<i>Section III.B.2., Bullet 4</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<i>Section III.C.3., bullet 5</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)
Procedures for school closure	<i>Section III.B.2., Bullet 5</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)

EXHIBIT A: ROCKETSHIP API 2011-2014

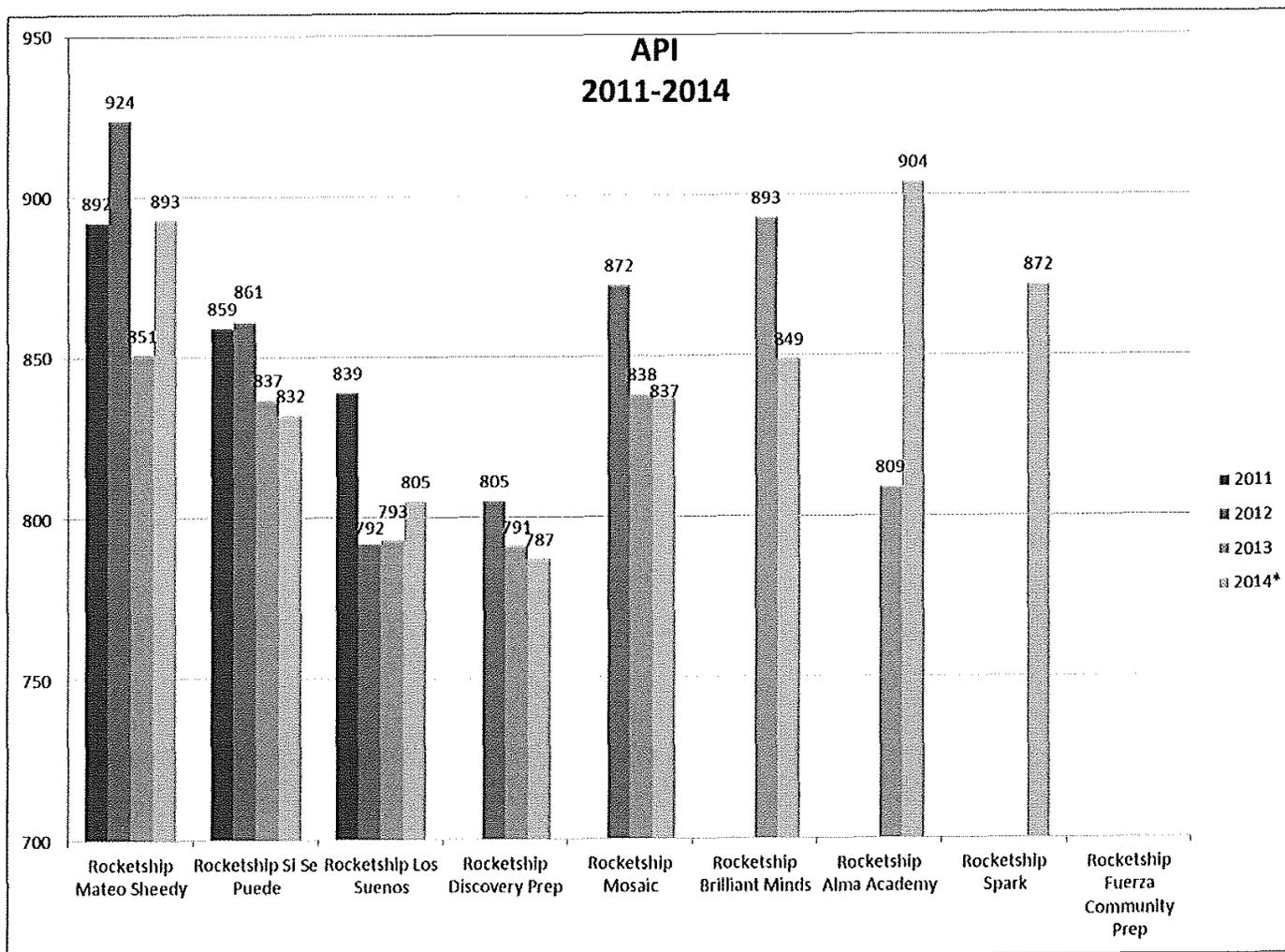


EXHIBIT B: ROCKETSHIP ELA PROFICIENT 2011-2014

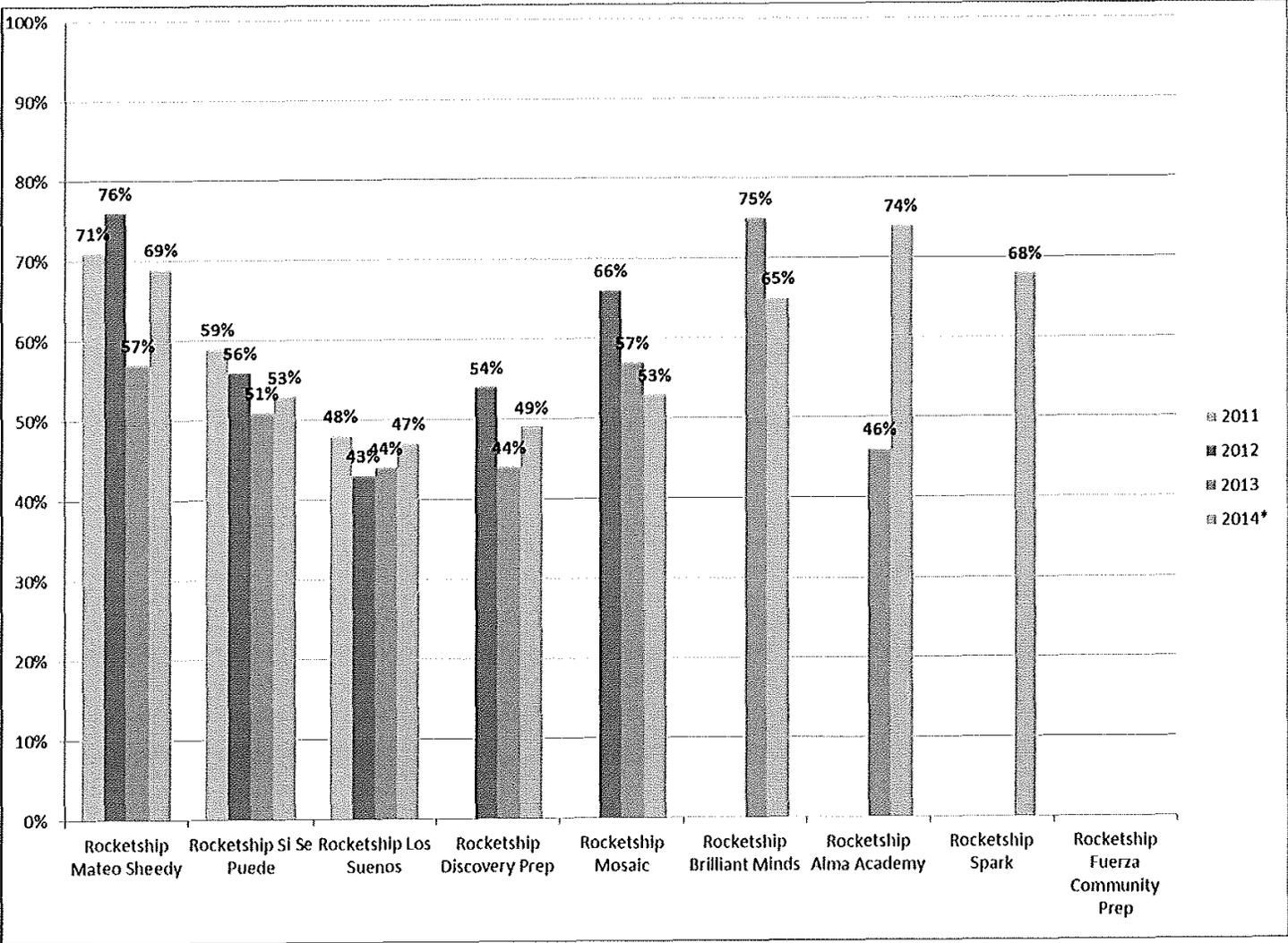
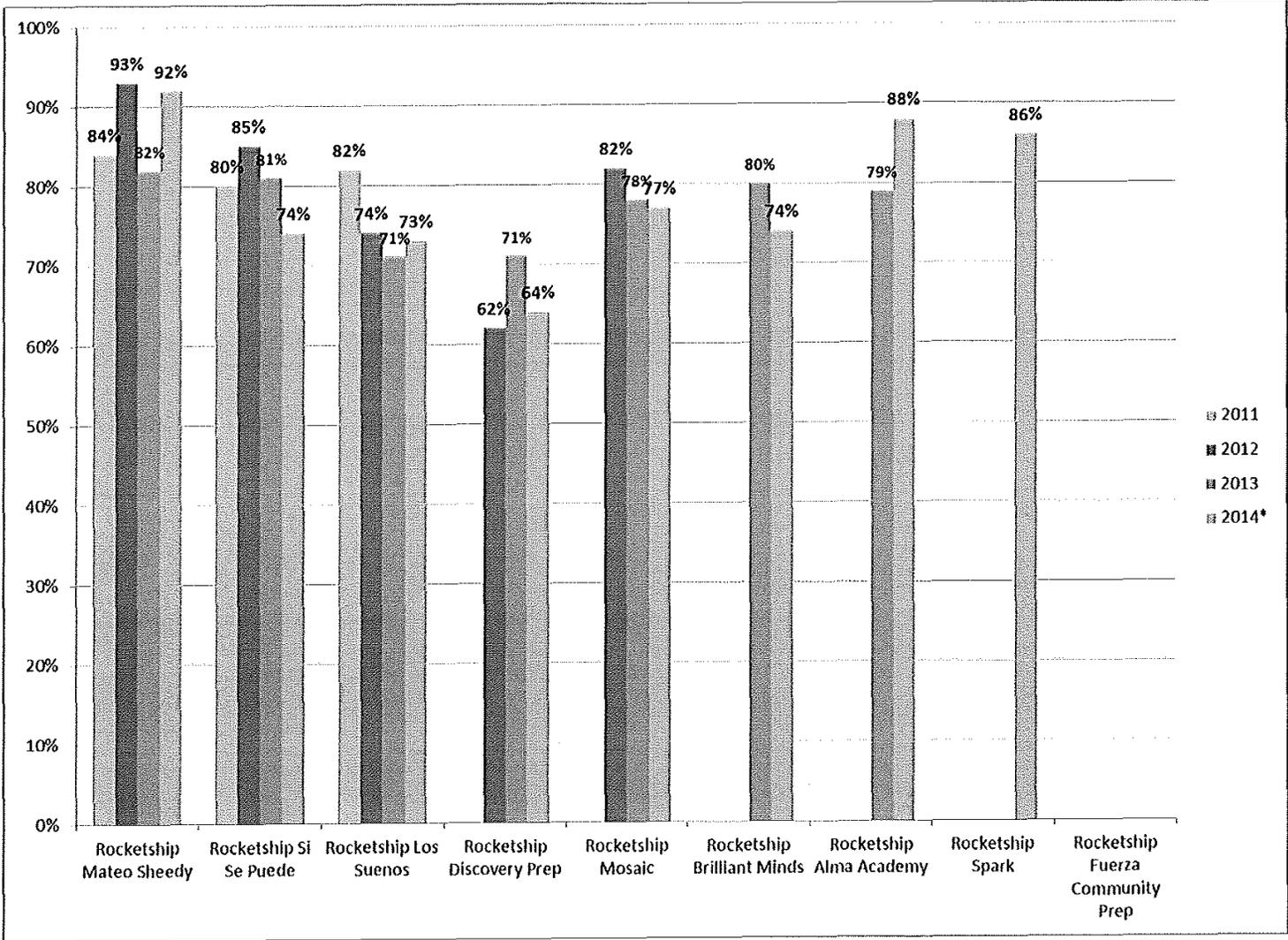


EXHIBIT C: ROCKETSHIP MATHEMATICS PROFICIENT 2011-2014



## EXHIBIT D: ROCKETSHIP RAW TEST SCORE DATA: 2011-2014

### API Scores

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	892	924	851	893
Rocketship Si Se Puede	859	861	837	832
Rocketship Los Suenos	839	792	793	805
Rocketship Discovery Prep		805	791	787
Rocketship Mosaic		872	838	837
Rocketship Brilliant Minds			893	849
Rocketship Alma Academy			809	904
Rocketship Spark				872
Rocketship Fuerza Community Prep				

\*2014 As stated in the Petition, the API results for 2014 were calculated by an independent auditor.

### ELA % Proficient on the CSTs

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	71%	76%	57%	69%
Rocketship Si Se Puede	59%	56%	51%	53%
Rocketship Los Suenos	48%	43%	44%	47%
Rocketship Discovery Prep		54%	44%	49%
Rocketship Mosaic		66%	57%	53%
Rocketship Brilliant Minds			75%	65%
Rocketship Alma Academy			46%	74%
Rocketship Spark				68%
Rocketship Fuerza Community Prep				

The CSTs were used as the assessment to calculate the 2014 API.

### Math % Proficient on the CSTs

School Name	2011	2012	2013	2014*
Rocketship Mateo Sheedy	84%	93%	82%	92%
Rocketship Si Se Puede	80%	85%	81%	74%
Rocketship Los Suenos	82%	74%	71%	73%
Rocketship Discovery Prep		62%	71%	64%
Rocketship Mosaic		82%	78%	77%
Rocketship Brilliant Minds			80%	74%
Rocketship Alma Academy			79%	88%
Rocketship Spark				86%
Rocketship Fuerza Community Prep				

**EXHIBIT E: LETTER FROM SANTA CLARA COUNTY COUNSEL'S OFFICE**

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF SANTA CLARA

70 West Hedding Street, 9<sup>th</sup> Floor  
San Jose, California 95110-1770  
(408) 299-5900  
(408) 292-7240 (FAX)



Miguel Márquez  
COUNTY COUNSEL

Winifred Botha  
Orry P. Korb  
Lori E. Pegg  
ASSISTANT COUNTY COUNSEL

December 9, 2011

VIA E-MAIL AND U.S. MAIL  
E-mail: [linda@lezottelaw.com](mailto:linda@lezottelaw.com)

Linda J. LeZotte  
Law Offices of Linda J. LeZotte, LEED AP  
Ten Almaden Boulevard, Suite 1250  
San Jose, CA 95113

Re: *Rocketship Education and Rocketship Six Public School*

Dear Ms. LeZotte:

I am writing in response to your November 16, 2011 letter to Carolyn Walsh and Lizanne Reynolds regarding Rocketship Education's authority to exempt Rocketship Six Public School from County of Santa Clara ("County") zoning and building regulations pursuant to California Government Code Section 53094 because Rocketship Education is a school district.

The County has reviewed this matter and, for the reasons explained below, the County does not believe Rocketship Education may exempt Rocketship Six Public School from the County's zoning ordinance because Rocketship Education is not a "school district" for purposes of California Government Code Section 53094. For similar reasons, the County does not believe Rocketship Education can serve as a Lead Agency under the California Environmental Quality Act ("CEQA") for the Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of a Mitigated Negative Declaration ("Notice")

Rocketship Education may request an exemption from the County's zoning ordinance from the appropriate school district governing board. If the exemption is granted, it would only apply with respect to the County's zoning ordinance and Rocketship Education would still need to comply with any other permitting requirements by the County and any other governmental agency. Absent the exemption, Rocketship Education must comply with the County's zoning ordinance, including applying for and receiving a use permit, to develop the proposed Rocketship Six Public School site at 379 Meadow Lane, San Jose, CA.

//

Letter to Linda J. LeZotte  
Re: *Rocketship Education and Rocketship Six Public School*  
Date: December 9, 2011  
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1. Government Code §§ 53090 et seq.

With regard to local zoning and building regulations, Government Code sections 53090 through 53097.5 generally govern the application of building and zoning ordinances to local agencies, including school districts. When these sections are read as a whole, it is apparent that all local agencies are required to comply with local building and zoning ordinances, but school districts are specifically authorized, under certain circumstances, to exempt themselves from the purview of a zoning ordinance by a two-thirds vote of the district's governing board. The definition of a school district in Section 53094 has not been broadly defined to include a charter school or charter management organization. Section 53094 provides in relevant part,

Notwithstanding subdivision (a), the governing board of a school district, that has complied with the requirements of Section 65352.2 of this code and Section 21151.2 of the Public Resources Code, by a vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district....If the governing board has taken such an action, the...county may commence an action in the superior court of the county whose zoning ordinance is involved..., seeking a review of the action of the governing board of the school district to determine whether it was arbitrary and capricious....If the court determines that the action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by the school district.<sup>1</sup>

Section 53097.3 provides in relevant part,

Notwithstanding any other provision of this article, no school district may render a...county ordinance inapplicable to a charter school facility pursuant to this article, unless the facility is physically located within the geographical jurisdiction of that school district.

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<sup>1</sup> Government Code Section 65352.2, cited in Section 53094, also requires the school district governing board to notify and provide copies to the relevant jurisdiction's planning commission or planning department of any relevant and available information, master plan, or other long-range plan relating to the potential expansion of existing school sites or the necessity to acquire additional school sites. Public Resources Code Section 21151.2, also cited in Section 53094, requires that before acquiring title to property for a new school site, the governing board of a school district must give the planning commission having jurisdiction notice of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the school district governing board a written report of the investigation and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the planning commission has been received.

Letter to Linda J. LeZotte  
Re: *Rocketship Education and Rocketship Six Public School*  
Date: December 9, 2011  
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Therefore, under Section 53097.3 the exemption authorized under Section 53094 can only be exercised by a school district to exempt charter school facilities from county zoning ordinances when those facilities are physically located within the geographical jurisdiction of the school district.

If Rocketship Education requests and is granted an exemption from the appropriate school district, the exemption will solely be applicable to the proposed Rocketship Six Public School site and the school district must comply with all other review requirements identified in Section 53094.

2. Education Code §§ 47600 et seq. (Charter Schools Act of 1992)

Your letter asserts that under Education Code Section 47612(c) a charter school is deemed a "school district." Consequently, under your analysis, Rocketship Education is a "school district" for purposes of Government Code Section 53094. The County does not agree with this conclusion.

Education Code Section 47612(c) provides in relevant part,

A charter school shall be deemed to be a "school district" for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24, Section 47638, and Section 8 and 8.5 of Article XVI of the California Constitution.

The plain language of Education Code Section 47612(c) provides that a charter school is a school district for the enumerated purposes identified in Section 47612(c). Section 47612(c) does not cover the exemption from local zoning ordinances and does not deem a charter school to be a school district for purposes of Government Code Section 53094. Moreover, Government Code Section 53097.3 provides a framework for a school district to address charter school siting.

The interpretation that a charter school is only deemed a "school district" for the narrow purposes identified in Section 47612(c) is consistent with the California's Supreme Court decision in *Wells v. One2One Learning Foundation et al.* (2006) 39 Cal.4th 1164. In this case, the California Supreme Court refused to accept the argument that charter schools operated by an independent non-profit corporation are the same as a school district or any other governmental agency. Instead, the Court characterized an independent charter school as more akin to a private school, and in doing so, was unwilling to extend the public agency exemption at issue to charter schools. In reaching this holding, the Court explicitly rejected the argument that charter schools are some type of a public government entity simply because various provisions of the Charter School Act (Educ. Code §§ 47600 et seq.) describe charter schools as being part of the public school system. (*Id.* at pp. 1200-1201.)

Letter to Linda J. LeZotte  
Re: *Rocketship Education and Rocketship Six Public School*  
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In conclusion, Rocketship Education cannot rely on Education Code Section 47612(c) to exempt itself from the County zoning ordinance pursuant to Government Code Section 53094. When a school district selects a school site, it is subject to rigorous public scrutiny and requirements under the Education Code, the Government Code and the California Environmental Quality Act. There is no support in the case law or statutory law to support the conclusion that the Legislature intended to give broad exemption powers to charter schools with respect to these requirements.

3. Rocketship Education CEQA Lead Agency Status

The County has also received Rocketship Education's "Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of a Mitigated Negative Declaration" ("Notice"). The Notice identifies Rocketship Education as the Lead Agency for purposes of CEQA.

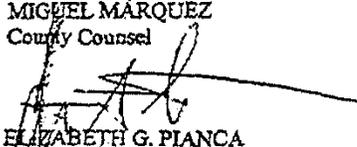
CEQA defines a "lead agency" as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Cal. Pub. Res. Code § 21067.) The CEQA Guidelines recognize a school district as a public agency and, thus, a school district can serve as a lead agency. (14 Cal. Code Regs. § 15368.)

Since a charter school is only deemed a "school district" for the narrow purposes specified in Education Code Section 47612(c), which does not include CEQA, the County finds no support for Rocketship Education's position that it is a "lead agency" under CEQA.

Please contact me if you would like to discuss this matter further.

Very truly yours,

MIGUEL MÁRQUEZ  
County Counsel



ELIZABETH G. PIANCA  
Deputy County Counsel

EGP:ae

c: Miguel Márquez, County Counsel  
Lizanne Reynolds, Deputy County Counsel  
Carolyn Walsh, Acting Director, Department of Planning & Development  
Eric Schoenauer, The Schoenauer Company (via e-mail: [es@stanfordalumni.org](mailto:es@stanfordalumni.org))  
David Feinberg, Launchpad Development Company (via e-mail: [dfeinberg@launchpad-dev.org](mailto:dfeinberg@launchpad-dev.org))



Meeting Date: 8/10/2015 - 5:30 PM

Category: Business/Action Item

Type: Action

Subject: 17.1 Rocketship Education Mt. Diablo Charter School Petition under  
Education Code section 47605(b)

Strategic Plan:

Policy:

Enclosure:

File Attachment:  080315 Resolution Containing Findings re Rocketship Education  
Petition (Posting).pdf  
 080315 RS Evaluation Instrument (Posting).pdf

On June 17, 2015, the District received a petition to form the Rocketship Education Mt. Diablo Charter School. Pursuant to E.C. §47605(b), the School Board held a public hearing on July 15, 2015, to hear community input regarding the petition.

Summary: On Friday, August 7, District Staff finalized and publically posted its evaluation of the petition with reference to the criteria and grounds stated in the Education Code. Tonight, the Board will be asked to take action to either (1) grant the petition, or (2) deny the petition, under Education Code section 47605(b).

Funding:

Fiscal Impact:

Recommendation Decision of the Board of Education.

Recommended By:

Signed By: *Signature*

Approvals: Debbie Maher - Secretary to the Superintendent

Signed By: *Signature*

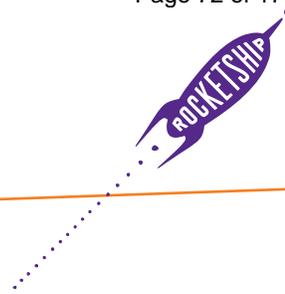
Dr. Nellie Meyer - Superintendent

New Motion

Member (Brian Lawrence) Moved, Member (Barbara Oaks) seconded to approve the New motion 'Deny the Rocketship Education Mt. Diablo Charter School under Education Code, Section 47605(b), and adopt the Resolution and inclusion of the rubric as findings.'. Upon a Roll-Call Vote being taken, the vote was: Aye: 5 Nay: 0.

Vote Results: The motion CARRIED 5 - 0

Barbara Oaks	Yes
Brian Lawrence	Yes
Cheryl Hansen	Yes
Debra Mason	Yes
Linda Mayo	Yes



## **Rocketship Mt. Diablo Responses to Staff Evaluation and Findings**

The concerns presented in the Mt. Diablo staff evaluation and Board Resolution were largely guided by misinterpretation of either the petition itself, the Education Code, or applicable regulations. Had staff taken the time to ask simple clarifying questions, Rocketship would have addressed each of these issues in detail, clearly demonstrating that issues identified in the staff evaluation were miscalculations and/or misinterpretations.

### **Education Program**

Since 2012, we have seen our academic results improve consistently, even as we have grown our impact and expanded to new regions. Our API results have improved, including those in 2014 that we had independently scored and audited despite the hiatus taken statewide on the Academic Performance Index. Similarly, we saw consistent improvement on the nationally normed NWEA MAP assessment in all grades even with the transition from the traditional state standard-aligned assessment to that of Common Core, which we adopted in the 2013-2014 academic year. Additionally, we are encouraged by our initial SBAC results that we very recently began to receive from the state. Even with these strong results, we have invested heavily over the past twenty-four months in the evolution of our instructional model to ensure that we are fully-prepared to ensure our learners continue to excel with the demands of Common Core, develop the skills and competencies that are critical for success at middle-schools and beyond, and can take advantage of technological and pedagogical innovations that will enable learning to be more personalized and expansive.

As comes through in our charter application, we believe deeply in the potential of a learning experience that is truly and pervasively personalized, and we are committed to data-driven instruction at all Rtl tiers (including Tier One), well-designed intervention models for students who enter our schools behind or require additional instruction and processing, and leveraging emerging technologies such as online learning programs that are able to adapt to each individual learner. Online learning programs (OLPs), such as ST Math, MyOn, and iReady, have the ability to adapt to each learner's rates of discovery and prior knowledge, and can adapt in real-time; remediating to more basal understandings if necessary or, on the other hand, expedite activities if learners show mastery early. In visiting our spaces where learners are actively engaged with OLPs, you will very rarely see two learners engaged in the same component of the same activity, which speaks to the level of personalization and customization these provide our learners. Though adaptive, we support our online learning through a comprehensive instructional program which focuses on technological fluency and problem-solving and pays close attention to OLP data to ensure this time is valuable for our learners. Comparing OLP data to our other measurements of student growth and success ensures that our students' learning time is truly maximized.

At the center of our online learning programming is our Individualized Learning Specialist (ILS), who chiefly focuses on managing our online learning programming in our Learning Labs and facilitates intervention through our Learning Lab-based Tier Two intervention model, which gives our bottom of quartile additional instruction on needed areas multiple times per week, at a minimum. ILSs are



required by Rocketship to be “highly qualified” under NCLB but are not required to have a valid teaching credential, though many of them in fact, do. While the Learning Lab is directly supervised by one of our Assistant Principals, whom themselves hold a valid teaching credential, we do not count the time spent in the Learning Lab as instructional minutes in any grade-level. With our extended day, we meet the instructional minutes requirements in all grades without the Learning Lab time involved.

common perception of our model is that this choice was chiefly financial in nature, as non-certificated personnel are often less expensive in many school models. This is not the case at Rocketship, as the financial impact is not substantial when our benefits program and the investment we make in our ILS’s professional development are taken into account. Every ILS receives the same support and coaching that any instructional staff receives. Each ILS is managed directly by an Assistant Principal and participates in an identical development and collaboration schedule to our classroom teachers, which includes a minimum of three weeks of summer professional development, ongoing active coaching and 1:1 development by their manager, participation in collaborative meetings with both the Learning Lab team and grade-level teams with classroom teachers, and additional professional development every Thursday afternoon. Each ILS has Professional Growth Plan (PGP) that captures their strengths and areas for development and progress towards their development goals, and is evaluated twice year according to our network-wide evaluation systems. A major motivator for our ILS program is the hope of building an internal pipeline of teachers for our model, as it can be difficult to recruit certificated teachers in each of our regions. The ILS role allows people with a long term interest in teaching to gain experience in school setting with classroom management, small group instruction, collaboration with staff, analyzing achievement data and incorporating it into individualized learning plans, and community leadership while they pursue a teaching credential. Over the past three years, we have seen a number of ILSs at multiple campuses transition into the classroom as they gained their certification, and hope to see this continue as this program evolves. By investing in their development and supporting their training within our own schools and instructional model, including by supporting them to navigate alternative and traditional credentialing and teacher preparation programs, we are hoping to build future classroom teachers that can continue to be well-prepared, diverse in their backgrounds and experience levels, and have deep connections to the communities we serve.

In our charter application, we included language around serving families with students in 6<sup>th</sup> grade, which was noted by district staff. As different districts have different models around when elementary ends and middle school begins, our school model is flexible about serving fifth- and sixth-graders depending on the custom of the local district. At the moment we have n Bay Area schools that actively serve sixth-graders. With that in mind, we will always be prepared as an organization to respond to a community’s need and would be prepared to serve sixth-graders but only with the agreement of our authorizer. Additionally, we would continue to support families as they navigate the process of choosing the right middle school for their children regardless of where our programming ends.

There were also questions from district staff about how we set school goals, and how we think about goal-setting for specific sub-groups, such as ESL learners and students with IEPs. As part of our organizational and school-level strategic planning processes, explicit data-based goals are set based on current data, organizational priorities and initiatives, and clarity on outcomes we seek for all of our



learners. Often, these are focused on internal assessments, as they allow us to monitor progress throughout the year in a way that annual assessments (such as CELDT for ESLs and SBAC for upper elementary students) do not allow us to do. Further, each school leader works with individual teachers and ILSs to set quarterly goals, called SMART Goals, as part of our data-driven instructional coaching model that typically cover an eight to ten week cycle and can inform strategic instructional choices, including how we structure the content and frequency of interventions and commit to various instructional routines. We'd be more than happy to share examples of our goal-setting routines at any level and at whatever level of detail that would be informative.

### **Target Student Population**

The Mt Diablo findings state that Rocketship's historical data is referenced against schools in Santa Clara County and that the comparisons are of "limited utility for a proposed charter school in Contra Costa County". All of Rocketship's current California Schools operate in Santa Clara and the data is provided to demonstrate our clear and consistent track record of success. The Mt. Diablo finding is, on its face, nonsensical because it suggests that one must have comparison data within the district prior to petitioning for a school.

### **Enrollment**

At Rocketship, we monitor enrollment patterns and attrition rates very closely when creating enrollment targets for our schools each year. The enrollment projections provided in our petition assume full grade capacity at 116 students across four cohorts. As we monitor enrollment and attrition patterns in the first two years of the school, Rocketship Mt. Diablo may adjust the grade capacity down to 108 to 112 students through natural attrition between grades. In addition, we often see higher attrition rates in the 5th grade, due to students moving onto middle school charters that start with 5<sup>th</sup> grade. It is not uncommon to see up to 10-15% attrition into the 5<sup>th</sup> grade due to students exercising choice with their middle school options.

Finally, depending on the attrition rates we see going into 5<sup>th</sup> grade, Rocketship Mt. Diablo could also reduce our TK grade down to one cohort of 25 students, to ensure we remain under the 700 student cap for this school.

Our financial projections show a gain in net assets starting in its second year at 605 students. Rocketship is confident that making adjustments to class-sizes to ensure we stay within the 700 student cap will also result in net asset gains for the school.

### **Special Student Populations**

#### **1. English Language Learners**

In our current academic school year, all Rocketship students receive daily, integrated ELD instruction. Though our teachers try to use multiple opportunities throughout the humanities block to embed the ELD standards, targeted instruction to our English Language Learners primarily occur during the Read Aloud, Reading Comprehension, and Guided Reading block.

In transitional kindergarten through first grade, students receive 20 minutes of Read Aloud instruction and 30 minutes of Reading Comprehension instruction across narrative and non-fiction units of study, in which teachers with English Language Learners in their classroom use the California ELD standards in tandem the CCSS ELA standards to deliver excellent literacy instruction. During the



Read Aloud block, students have the opportunity to hear the teacher read aloud to them, model fluency (reading with speed, expression, and accuracy), and students also answer questions that the teacher pre-determines in order to participate in the reading. The teacher will pre-plan multiple methods of talk, including a whole class share out, jigsaws, as well as turn and talks in order to engage all students. Furthermore, during the Reading Comprehension block, students engage in shared ownership of the text and engage in both listening and the reading of the text, while the teacher selects strategic stopping points to “think aloud”, model fluent reading, and has students respond to text-dependent questions through similar methods of talk in addition to writing in guided notes prior to a whole class review.

In second through fifth grade, our students have two types of Reading Comprehension blocks that they engage in daily – one for narrative texts, and the other with non-fiction texts. Our curricular supports include content within disciplinary contexts, such as science and social studies, and over the course of this academic year, will become more “paired” between the two Reading Comprehension blocks. In second through fifth grade, students have an opportunity to apply the reading skill or strategy independently and also regroup with the rest of their classmates to engage in whole group discussions that can look like Socratic Seminars or literature circles during their small group instruction in Guided Reading groups. Through this discourse and the gaining and refining of both core reading knowledge and skills, students are able to gain new information and also analyze the various meanings that texts hold.

In order to prepare for these blocks, our teachers engage in both short-term and long-term planning. When it comes to long-range planning, our teachers engage in structures throughout the year where they rigorously plan their reading units of study prior to launching these units in their classrooms. During these unit planning meetings, alongside their instructional coaches, teachers will identify the ELD standards that align with the Common Core standards that are evident in the unit as well as the ELD standards that can be enveloped and taught in tandem within the unit. Teachers and coaches will also spend their unit planning time referencing key GLAD strategies and integrating them throughout the arc of their reading units. Finally, particularly for our non-fiction units, are teachers work together with their grade level teams to determine how to integrate collaborative projects, research papers, or presentations of the material that students have acquired. This can also be embedded into Writing Workshop, which occurs between 3 – 4 minutes at least times a week for all of our students.

From shorter range perspective, every week, our teachers turn in lesson plans where they identify which Tier 1, Tier 2, or Tier 3 vocabulary words are found in the text that they could introduce at the beginning of the Read Aloud and Reading Comprehension blocks and reinforce with students when they encounter this word in context. Teachers also use structures like the Writing Workshop to reinforce previously learned words in either the systematic vocabulary instruction that takes place during their Language Arts block or the words acquired by reading these words in context during the Read Aloud and Reading Comprehension block so that students can utilize them in their writing. Finally, all of our schools have “Habits of Discussion” scope and sequence map, where teachers will adhere to rolling out different and core habits that students will learn in order to ultimately engage in a self-facilitated, college-like discourse. Teachers are expected to carefully think through how to



both teach and reinforce these habits throughout their various humanities structures on a week by week basis and receive the coaching and support from their instructional leaders. Throughout the course of the year, unit assessments for the Read Aloud and Reading Comprehension block are given to all students to assess key knowledge and skills that students have acquired, including but not limited to – the reading skills and strategies that were taught throughout the unit, students' vocabulary acquisition, students' understanding of text features and author's purpose, and both written and oral comprehension abilities (particularly in the upper grades). During this time, especially from a language development perspective, teachers assess students' abilities to orally retell stories and construct language to respond to literal, inferential, and critical thinking questions. Students take these unit assessments typically anywhere between 2-4 weeks, and teachers regularly collect formative assessments in their actual Read Aloud and Reading Comprehension blocks to gather more informal data to target their instruction. Finally, the same measures are assessed in our network-wide assessments, called the STEP assessment, quarterly. Students in transitional kindergarten to second grade typically take a narrative based assessment, while students in third grade and beyond take both a narrative and non-fiction assessment.

## 2. Special Education

The purpose of including the affirmation on p.5 of the petition, stating that the district will provide special education services to the extent required by law, is not meant to contract our stated intention on p.98 to operate as an LEA under the El Dorado County Charter School SELPA. Rather, we included the affirmation on p.5 because we understand that this is the default arrangement. It is our intention and preference to operate as an LEA, but at the time of submission we are unable to confirm that we will be able to make this happen. We want to make sure that we express an understanding of the default arrangement, where the district is in charge of providing special education services, while also reserving the right to become an LEA for special education purposes without having to make a material revision to our charter. We recognize that the language as written in the petition might appear to be confusing but there was a clear purpose behind including both statements and this has generally been understood by authorizers with charter experience.

At the charter petition hearing, Mt. Diablo School District also made reference to outdated language concerning Functional Analysis Assessments (FAAs) and Behavior Intervention Case Managers (BICMs) (see below). Rocketship is aware that the Hughes Bill was repealed in 2013, and as a result, BICM certification and the FAA process became obsolete. While it was an oversight to include this outdated language in the petition, the change in the law has had minimal functional impact on our actual practices regarding behavior assessment and intervention planning. We provide regular, current training on behavior assessment and intervention planning to our special education teachers, school psychologists, and school leaders. All students with behaviors that significantly impact the learning of themselves or others undergo a Functional Behavior Assessment (FBA), the results of which are used to create a Behavior Intervention Plan (BIP), which is included as a component of the student's Individualized Education Plan (IEP).

Charter petition, page 101



“Rocketship has a trained Behavior Intervention Case Manager (BICM) and conducts a functional analysis assessment (FAA) if an IEP team determines that student with disability exhibits serious behavioral problems.”

### **Governance**

The School Site Council (SSC) is composed of the school principal, teachers, classified staff, and parents from each school. The SSC is required to produce a Single Plan for Student Achievement (SPSA), which is replaced by the LEA plan for charters, which incorporates academic instructional programs and all categorical resource expenditures for their school, and monitor the implementation of and revise the plan annually. All schools with more than 21 English Learners (all existing Rocketship Schools) must have ELAC (English Language Advisory Committee) that completes required tasks related to monitoring and evaluating the EL program and directly contributes to the school's SPSA or LEA plan. Beyond compliance with Ed Code, Rocketship's School Site Councils seek to empower and inform parents in the education of their children, the allocation of school resources, and the building of community and culture at their specific school. Additionally, Rocketship's SSCs are not only an open forum for parents, but also provide opportunities for parents' professional development (through guided exposure to data and analyses, and training around budget review). Finally, each SSC in the Bay Region elects parent representative. Some of these representatives serve on Rocketship's Regional Advisory Board, providing them system-wide exposure and input.

Rocketship Board of Directors meetings are conducted in accordance with applicable open meetings law (Brown Act). Rocketship's Board of Directors adopted a public meeting location policy on August 28, 2011 that sets forth where meetings will be located vis-à-vis its multiple authorizers and geographical jurisdictions. We may hold board meetings within any of our authorizing districts and web conference meetings into all authorizing districts, including Mt. Diablo, to ensure access to stakeholders.

### **Health and Safety**

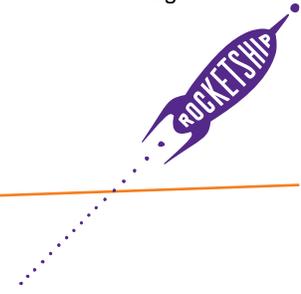
In our petition, we state that "RSMD may create additional policies and procedures as the need occurs and to stay in compliance with changes to local, state and federal laws and regulations." (p.148). We recognize that the legal framework governing many of our policies, especially those related to health and safety, is not fixed. The policies attached to the petition are meant to be samples, and we will be continually update them as needed to ensure that we are in compliance with all laws and regulations. We would be open to reaching an agreement with our authorizer in which we submit finalized versions of our policies at a date closer to the start of school.

### **Facilities**

Rocketship has significant experience constructing facilities and has a clear and consistent track record of providing excellent learning environments to students. We have been engaged in conversations with Concord City Planning staff for many months and have filed plans for a site which is controlled by Rocketship.

### **Signatures**

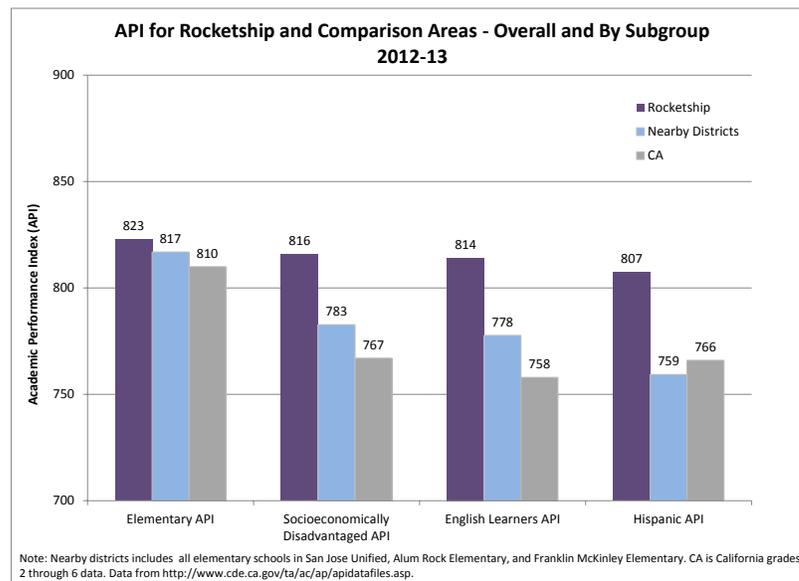
Rocketship collected petition signatures within the boundaries of the Mt. Diablo School District. All signatures were collected by a team directly managed by the Bay Area Region Policy Manager. Each



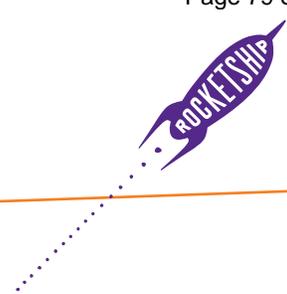
Team Member was trained to collect signatures and was provided with a copy of the full petition, signature sheets, a summary of Rocketship results and the Year in Review Report. Additionally, team members had contact information for other staff on the Bay Area Regional Team for parents who had further questions. The Bay Team conducted an internal audit to ensure that signatures were valid. It is important to note that signatures represent parents who were “meaningfully interested” when the petition was signed as is required by Ed Code. We do not believe that the failure of the district to contact a parent who signed our petition is grounds to eliminate that signature from consideration. Additionally, we were contacted by number of parents who reported feeling threatened and harassed by Mt. Diablo Staff who called to question why they signed the petition. These parents reported that they were led to believe that they could lose a slot for their child in the Mt. Diablo District if they indicated support for Rocketship.

### Results

Rocketship student performance improved overall and for subgroups from 2013 to 2014. In addition, Rocketship students overall and for subgroups outperformed nearby schools and students statewide.

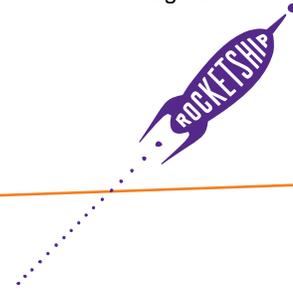


Rocketship student performance has continued to exceed average performance of state and nearby districts, as show above. In 2013-14, Rocketship students’ performance overall and for almost all subgroups (English Learner, Socioeconomically Disadvantaged, Hispanic) increased. We experienced a performance dip from 2011-12 to 2012-13 as we increased enrollment by 58% but our 2013-14 performance improved to previous levels.

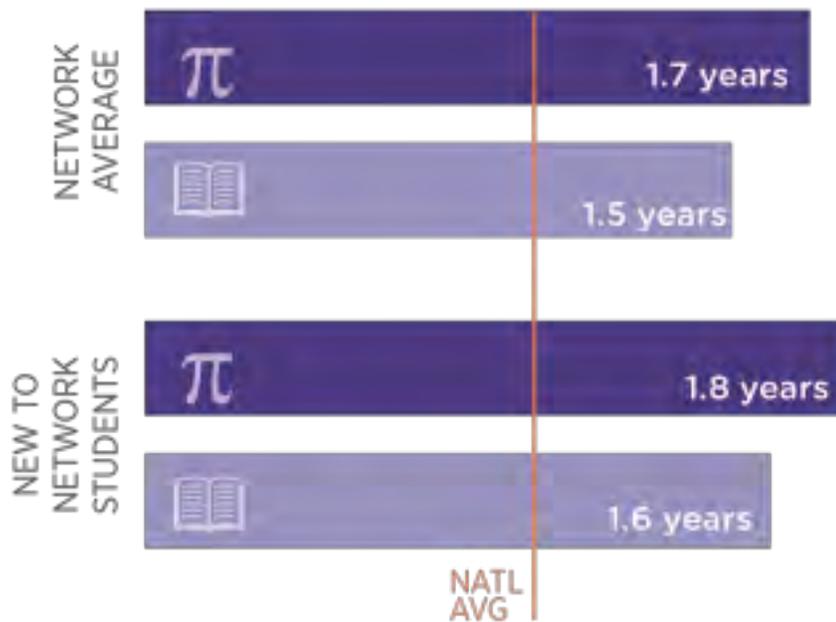


<b>Network</b>	<b>2012-13 API</b>	<b>2013-14 API</b>	<b>'13 to '14 Change</b>
Network Overall	823	841	+18
English Learner Subgroup	814	831	+17
Socioeconomically Disadvantaged Subgroup	816	833	+17
Hispanic Subgroup	807	826	+19
Asian Subgroup	954	952	-2

We are steadfast in our belief that, even with a decrease in our schools proficiency levels in 2012-2013, our schools continued to serve students and families very well, but we also identified significant opportunities for improvement in our model that were made clear by the data. Our commitment to utilizing data, both internal and external, to improve our model is at the core of our approach, and while drops like the ones illustrated in our 2012-2013 data are difficult, they have led to dramatic improvements in our model, including the following: revamping our approach to Tier II interventions for our bottom quartile to ensure both a higher frequency of intervention and more consistent quality of that programming, more consistent instructional coaching and professional development that was individualized to each teacher, and a move from the DRA to STEP as our primary developmental reading assessment, which better informs our teachers on how successfully our students are able to digest texts across all genres. The table above highlights the immediate return on those investments, which we saw continue in our internal metrics during the most recent school year.



## 2014-2015 Rocketeer Growth on NWEA MAP



It is also important to note that two independent research studies indicate that Rocketship is making strides toward fulfilling its mission to eliminate the achievement gap. The first is a study by SRI Education. We recently shared the interim results from year one of a two year, independent study that explores the trajectory of Rocketship Alumni in middle school as compared to their peers educated at non-Rocketship schools. The results are inspiring, and we are excited to share them with you.

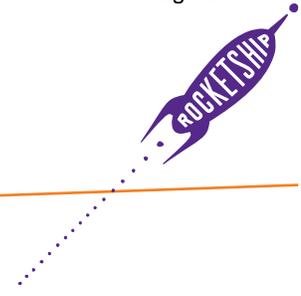
### Key findings include:

#### **Rocketship Demonstrate Stronger Academic Performance**

Overall, Rocketship alumni outperformed their peers in the first year of middle school. They scored higher than on their spring assessments, particularly in mathematics. They were READY and they THRIVED.

#### **Rocketship Alumni have Strong Social-Emotional Mindsets**

Rocketship alumni reported high levels of self-efficacy, motivation, grit and persistence. Rocketeers remained persistent as new challenges emerged.

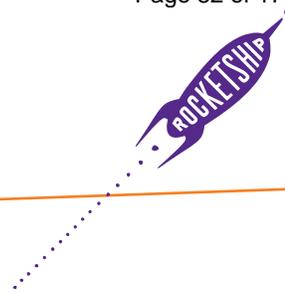


### **Rocketship Alumni are College Focused**

Rocketeers set long-term academic goals like college attainment – and put those goals to use in middle school.

The second study was released earlier this year by the Stanford University based Center for Research on Education Outcomes (CREDO). The review of data for 4 urban areas found that the San Jose area was one of only two cities where charter schools **“provide positive gains in math and reading serving a student body with achievement equal to or higher than the average student in their state,”** noting that unlike in the rest of the cities in the study, **“continuous enrollment in these charter sectors will lead students into the upper deciles of the state’s distribution of academic achievement”**.

With nine successful elementary schools, we are proud of our results and proud of the difference we are making in our communities.



August 25, 2015

Karen Sakata, County Superintendent of Schools  
Bill Clark, Associate Superintendent  
Contra Costa County Office of Education  
7 Santa Barbara Road  
Pleasant Hill, California 94523

Re: Appeal of Mt. Diablo Unified School Board Denial of Rocketship Mt. Diablo

Dear Ms. Sakata and Mr. Clark:

This letter is to inform you that Rocketship Education ("RSED") intends to appeal the denial of its charter petition for Rocketship Mt. Diablo ("RSMD") by the Mt. Diablo Unified School Board (the "Board") to the Contra Costa County Board of Education (the "CCCOE"), as provided for in Education Code Section 47605(j)(1) and Title 5, California Code of Regulations Section 11967(a).

This submission includes all of the following documents:

1. Complete copies (8 hard copies and 15 electronic copies) of the charter petition as submitted to the Mt. Diablo Unified School District, including signatures, with changes to reflect the Contra Costa County Board of Education as the chartering entity.
2. Evidence of the governing board's action to deny the petition in the form of:
  - a. copy of the agenda from the August 10, 2015 meeting at which the decision was made;
  - b. record of the Board vote to deny the RSMD Petition.
3. The Mt. Diablo School District (the "District") staff evaluation document containing staff findings and the Board Resolution, which was adopted as the findings for denial of the petition.
4. Rocketship's response to the Mt. Diablo School District Staff evaluation.

Rocketship Education is extremely disappointed in the denial of the RSMD Petition and we would like to point out that despite our repeated attempts to talk directly to District staff beginning in December of 2014, none of the emails and phone calls initiated by Rocketship staff were ever returned. Most School Board members also declined to meet with families and community members who had reached out to discuss the possibility of a Rocketship school in the Monument Corridor.

Despite a lack of responsiveness from District staff, in accordance with California Education Code, we filed the Petition on June 18<sup>th</sup> and requested meeting with staff to answer questions and address concerns in advance of hearing.

However, even after the petition was filed, District staff refused to meet with Rocketship. The District only communicated with Rocketship officials via legal staff and outside legal counsel to schedule hearings. While the August 10 decision hearing date was noticed well in advance, the first public hearing was noticed only 24 hours in advance and set for a 9am meeting time. Despite this short notice and

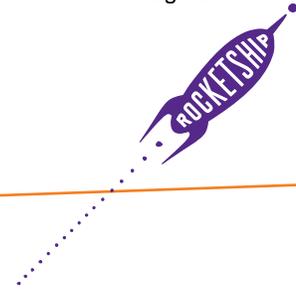


extremely inconvenient time, many parents attended the hearing and spoke to the Board about their concerns with the performance of Mt. Diablo Schools, particularly those serving children in the Monument Corridor, and their interest in a Rocketship school.

It was clear from the outset that the District's intention was to deny the Petition and to minimize contact with parents who supported the petition. In addition to the parents attending District meetings, over one thousand parents signed their names in support of Rocketship's Petition. Many of these families reside in the Monument Corridor and are seeking quality educational options for their children. We are very disappointed that the Mt. Diablo Board demonstrated a lack of concern about these voices and that three of the Mt. Diablo Board members even refused to meet with parents to hear these concerns.

The issues presented in the staff evaluation and Board Resolution were largely guided by misinterpretation of either the petition itself, the Education Code, or applicable regulations. Had staff taken the time to ask simple clarifying questions, Rocketship would have addressed each of these issues in detail, demonstrating that concerns expressed in the staff evaluation were miscalculations and/or misinterpretations that could have been easily explained. It is self-evident that there was no intention to fairly evaluate the petition in the spirit of California's Charter School laws.

We believe collaboration is key to raising student achievement and look forward to meeting with Contra Costa County Office of Education staff to partner with your office regarding this charter petition.



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By signing below, we confirm that we wish to submit this petition for appeal to the Contra Costa County Office of Education and certify that Rocketship Education, as petitioners, will comply with all laws applicable to charter schools in California.

---

David Kuizenga , on behalf of Rocketship Education

Vice President, Bay Area

[www.rsed.org](http://www.rsed.org) | [dkuizenga@rsed.org](mailto:dkuizenga@rsed.org) | 877.806.0920 x201

**MINUTES**  
**October 21, 2015**

**MEMBERS**

Pamela Mirabella, Area 1 Trustee  
Christine Deane, Area 2 Trustee  
Daniel Gomes, Area 3 Trustee  
Mike Maxwell, Area 4 Trustee  
Jeff Belle, Area 5 Trustee

**ABSENT**

None

**STAFF PRESENT**

Karen Sakata, Superintendent  
Pamela Comfort, Deputy Superintendent  
Bill Clark, Associate Superintendent, Business Services  
Katie Gaines, Assistant Superintendent, Human Resources  
Terry Koehne, Chief Communications Officer  
Mac Carey, Chief Technology Officer

**1. CALL TO ORDER**

President Mirabella called the meeting to order at 5:19 p.m.

**2. OPENING PROCEDURES**

Maxwell moved, Belle seconded, and the Board voted 5-0-0 to approve the agenda as amended. (minutes pulled from Consent Agenda by President Mirabella)

Ayes: Deane, Belle, Mirabella, Maxwell, Gomes

Noes: None

Absent: None

Abstain: None

**3. CLOSED SESSION - None**

**4. RECOGNITIONS - None**

**5. PUBLIC COMMENT**

The following shared concerns regarding an administrator: Melissa Wilson, Suzanne Heim, Bill Sorensen, Gary Wickman, Joanne Lindevald, Lynette Pitau, Jane Betty, Caty Porterfield, Neanna Mahrooq, Natalie Funke, Brandon Funke, Mercy Espinosa, Jerry Lindevald, Sandy Travagli, Greg Reichardt, Sue Fitch, and Steve Repetto.

**6. PUBLIC HEARINGS - None**

**7. CONSENT AGENDA**

Pulled from Consent Agenda

7.2 Board Meeting Minutes - October 7, 2015

Ms. Mirabella asked Board members if they had concerns regarding the amount of details included in the minutes. Hearing none she called for the vote.

Unadopted minutes  
October 21, 2015

Maxwell moved, Belle seconded, and the Board voted 4-0-1 to approve the minutes as presented.

Ayes: Deane, Belle, Maxwell, Gomes  
Noes: None  
Absent: None  
Abstain: Mirabella

Maxwell moved, Belle seconded, and the Board voted 5-0-0 to approve the remainder of the Consent Agenda as amended. (7.2 Minutes, pulled by Mirabella)

Ayes: Deane, Belle, Mirabella, Maxwell, Gomes  
Noes: None  
Absent: None  
Abstain: None

7.3 Consider Granting of a Contra Costa County High School Diploma to High School Student from the Contra Costa High School Program - Student DVHS 1-10/21/15

7.4 Consider Granting of a Contra Costa County High School Diploma to High School Student from the Contra Costa High School Program - Student DVHS 2-10/21/15

7.5 Consider Granting of a Contra Costa County High School Diploma to High School Student from the Contra Costa High School Program - Student DVHS 3-10/21/15

7.6 Consider Granting of a Contra Costa County High School Diploma to High School Student from the Contra Costa High School Program - Student DVHS 4-10/21/15

7.7 Consider Granting of a Contra Costa County High School Diploma to High School Student MMS 1-10/21/15

7.8 Consider Granting of a Contra Costa County High School Diploma to High School Student-MMS 2-10/21/15

7.9 Consider Granting of a Contra Costa County High School Diploma to Adult School Student from the Contra Costa Adult School Program - Student CCAS 1-10/21/15

## **8. SUPERINTENDENT'S UPDATE**

None

## **9. BUSINESS/ACTION ITEMS**

### 9.1 Information Regarding Petition to Establish the Rocketship Mt. Diablo (RSMD) Charter School

Ms. Mirabella stated a public hearing was held on September 16 regarding the petition to establish the Rocketship Mt. Diablo (RSMD) Charter School.

#### Petitioners Presentation

Chief Growth and Community Engagement Officer, Cheye Calvo, shared a PowerPoint presentation. He explained the mission of the school is to eliminate the achievement gap. The school focuses on serving students who are socio-economically disadvantaged.

#### Board Questions/Concerns

Mr. Belle expressed concern regarding teacher certification and English Learner progression. Ms. Mirabella shared concerns regarding racial balance and suggested using a weighted lottery. Mr. Gomes asked for clarification should one of Rocketship's schools be accused of mal, non, or misfeasance. It was explained there is an indemnification provision in the Memorandum of Understanding providing adequate protection for the County Office of Education (COE).

Unadopted minutes  
October 21, 2015

*Following a brief break, the Board reconvened at 7:40 p.m.*

Public Comment

The following spoke in support of approving Rocketship Mt. Diablo Charter School: Barret Burkett, Merle Hall, Judy Wilson, Colleen Coll, Cristina Gutierrez, Alison Blair, Andy Blair, Jaime Lopez, Silvia Barajas, Daniela Muna, Hourig Ayanyam McCray, Hilda Hilano, Danny Etcheverry, Alexandria Martinez, Lety Gomez, Marcela Martinez, Mirbel Flores, Blanca Elisea, Maricela Arias, Mayeli Rivera, Eva Heredia, Jamie Juni, Blanca Carbajal, and Teshone Jones.

The following spoke in opposition of approving Rocketship Mt. Diablo Charter School: Nellie Meyer, Mary Louise Newling, Deb Cooksey, Leyla Benson, John Yeh, Barbara Oaks, Denise Lambert, Simon Santana, Cheryl Hansen, Steve Elster, Wendy Stark, Isabel Lara, Anita Johnson, Sandra Willbanks, Ona Keller, Sara Savacool, Dan Reynolds, Lee Cyr, Guy Moore, Tammy Carr, Lenard Matthews, Nester Guadron, Brian Espinoza, Angeles Gutierrez, Blanca Colin, Dorothy Weisenberger, Oscar Reyes, Liza Rios Dinoffer, Nallely Malaspina, Beth Miller, Julieta Maldonado, and Carmen Garces.

Dannis, Woliver, Kelley (DKW) Presentation

DWK Legal Counsel, Clarissa Canady and Lauren Charneski, addressed staff's recommendation of conditional approval and explained each condition in detail. They noted if conditional approval is granted, the petition could be rescinded if all conditions are not met.

Board Questions/Concerns

President Mirabella said she thinks having fourteen conditions in the MOU is a rewrite of the petition. Mr. Gomes explained his concern that RSMD board meetings are held outside the district area. Ms. Deane stated the charter issue is a matter of philosophy and it is possible that a different system will meet the needs of some students. Mr. Maxwell remarked he is in favor of charter schools if they are done correctly.

9.2 Consider Action to Conditionally Approve the Petition to Establish the Rocketship Mt. Diablo (RSMD) Charter School and Adopt Resolution No. 5-15/16 and Related Factual Findings, or to Deny the Petition

Deane moved, Belle seconded and the Board voted 1-4-0 to conditionally approve the petition for Rocketship school. Motion failed.

Ayes: Deane  
Noes: Maxwell, Belle, Gomes, Mirabella  
Absent: None  
Abstain: None

Point of clarification by Clarissa Canady and Lauren Charneski, DWK, who explained that in order to deny the petition the Board must vote to deny the written findings which were provided to them.

Gomes moved, Deane seconded, and the Board voted 5-0 to deny the petition based upon the findings.

Ayes: Deane, Belle, Mirabella, Maxwell, Gomes  
Noes: None  
Absent: None  
Abstain: None

**10. CABINET MEMBER UPDATES**

None

**11. LEGISLATIVE UPDATE**

None

Unadopted minutes  
 October 21, 2015

**12. CORRESPONDENCE**

President Mirabella shared that Board members have received correspondence regarding the Rocketship Mt. Diablo Charter School petition.

**13. EVENTS CALENDAR**

BOARD MEETING DATES		
Board Meeting	January 14	5:00 p.m.
Board Meeting	February 4	5:00 p.m.
Board Retreat	February 18	5:00 p.m.
Board Meeting	March 4	5:00 p.m.
Board Meeting	March 18	5:00 p.m.
Board Meeting	April 15	5:00 p.m.
Board Meeting	May 6	5:00 p.m.
Budget Workshop	May 20	4:00 p.m.
Board Meeting	May 20	6:00 p.m.
Budget Workshop	June 3	4:00 p.m.
Board Meeting	June 3	6:00 p.m.
Board Meeting	June 17	5:00 p.m.
Board Meeting	July 15	5:00 p.m.
Board Meeting	August 12	5:00 p.m.
Board Meeting	September 2	5:00 p.m.
Board Meeting	September 16	5:00 p.m.
Board Meeting	October 7	5:00 p.m.
Board Meeting	October 21	5:00 p.m.
Board Meeting	November 4	5:00 p.m.
Board Meeting	December 9	5:00 p.m.

**14. BOARD REPORTS**

Mr. Belle visited Rocketship, and Ayers and Meadow Homes elementary schools. He attended two high school football games. Mr. Belle and Ms. Deane attended the Masters in Governance training. Ms. Mirabella visited Meadow Homes and Oak Grove Middle School as well as Rocketship in San Jose. On September 23 she attended the Contra Costa Community School State of the Districts address.

**15. ADJOURNMENT**

The meeting adjourned at 11:07 p.m.

THE CONTRA COSTA COUNTY BOARD OF EDUCATION

In the Matter of Approving to Establish the )  
Rocketship Mt. Diablo Charter School and ) Resolution No. 5-15/16  
Adopting Written Findings and Conditions )

**WHEREAS**, on August 10, 2015, the Governing Board of the Mount Diablo Unified School District (“District”) denied the petition to establish the Rocketship Mt. Diablo charter school (“RSMD”); and

**WHEREAS**, California Education Code Section 47605 (j) provides that if the governing board of a local school district denies a petition to establish a charter school, the petitioner may submit the petition for establishment of the charter school to the County Board of Education; and

**WHEREAS**, pursuant to California Education Code section 47605 (j), on August 25, 2015, lead petitioner David Kuizenga submitted a timely appellate petition (“Petition”) to establish the RSMD to the Contra Costa County Office of Education; and

**WHEREAS**, the County Board of Education conducted a public hearing on the provisions of the proposed charter on September 16, 2015 and assessed the level of support for the Petition from parents, the community and the District; and

**WHEREAS**, County Office of Education administrators have reviewed and analyzed the Petition and supporting documents and have identified deficiencies in the Petition, which if rectified, would warrant approval.

**THEREFORE BE IT RESOLVED**, that the Contra Costa County Board of Education conditionally grants a 5-year charter to establish the RSMD commencing with the 2016-17 school year provided that, on or before **June 1, 2016**, the Petitioners meet all the conditions listed in the Findings and Conditions attached hereto as Exhibit “A” and execute a Memorandum of Understanding acceptable to the Contra Costa County Board of Education and in substantial compliance with the MOU attached hereto as Exhibit “B”.

**BE IT FURTHER RESOLVED**, that should RSMD fail to meet and comply with any of the terms and conditions in Exhibit A to this Resolution, or fail to execute an MOU acceptable to the Contra Costa County Board of Education and in substantial compliance with the MOU attached hereto as Exhibit “B” on or before June 1, 2016, as determined in the sole discretion of the Contra Costa County Board of Education, the Board’s conditional approval of the Petition shall be rescinded effective June 1, 2016, and the Petition shall be deemed denied as of the date this Resolution was passed.

**BE IT FURTHER RESOLVED**, that the failure by RSMD to meet and comply with any of the above terms and conditions by or before June 1, 2016, as determined in the sole discretion of the Contra Costa County Board of Education, shall preclude RSMD from initiating operations under the Petition and shall constitute a material violation of the conditions, standards, or procedures set forth in its charter within the meaning of Education Code section 47607, subdivision (c).

**PASSED AND ADOPTED** by the Contra Costa County Board of Education on 21<sup>st</sup> of October, 2015, at a regular meeting of the Board by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I hereby certify that the foregoing resolution was duly introduced, passed and adopted as stated.

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Pamela Mirabella, President  
Contra Costa County Board of Education

**Contra Costa County Board of Education  
Rocketship Mt. Diablo Charter School  
Findings and Conditions – October 21, 2015**

**Background**

On August 10, 2015, the Governing Board of the Mount Diablo Unified School District denied the petition to establish the Rocketship Mt. Diablo charter school (“RSMD”). The California Education Code provides that if the governing board of a local school district denies a petition to establish a charter school, the petitioner may submit the petition for establishment of the charter school to the County Board of Education.

On August 25, 2015, lead petitioner David Kuizenga submitted a timely appellate petition (“Petition”) to establish the RSMD to the Contra Costa County Office of Education. The County Board of Education (“CBOE”) conducted a public hearing on the provisions of the proposed charter on September 16, 2015. At the hearing, the petitioner presented information on the RSMD instructional program, fiscal condition and facilities plan.

**Basis of Review**

Education Code section requires that, in reviewing petitions for the establishment of charter schools, the chartering authority 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.” With that legislative intent in mind, Education Code section 47605, subdivision (b) provides that a governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” Furthermore, governing boards 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
- (2) The petitioners are demonstrably unlikely to successfully implement the program
- (3) The petition does not contain the required number of signatures
- (4) The petition does not contain an affirmation of specified assurances
- (5) The petition does not contain reasonably comprehensive descriptions of the 16 required elements of a charter

The Contra Costa County Office Charter Review Committee (“Committee”) uses a comprehensive rubric to evaluate each charter petition for compliance with the requirements of state law. The RSMD review rubric is attached with this report of Findings and Conditions.

**Report of Findings and Conditions**

The Committee reviewed the RSMD petition using criteria established in the California Education Code and found that a number of elements required under the Charter Schools Act are satisfied, but that there are certain issues requiring revision to the Petition, or additional clarification. The Committee therefore recommends approval of the Petition subject to the conditions outlined below.

**CONDITION ONE:** The Petition shall be revised to state that RSMD will serve either TK-5<sup>th</sup> grade, or RSMD will serve TK-6<sup>th</sup> grade, without any reservation of rights to add additional grades.

If RSMD amends its Petition to state it will serve TK-6<sup>th</sup> grade, RSMD must submit information, acceptable to the CBOE, to adequately address how RSMD will address 6<sup>th</sup> grade student transition to middle school, 6<sup>th</sup> grade access to extracurricular activities and athletics, 6<sup>th</sup> grade curriculum and educational programming, and related budgetary impacts.

**CONDITION TWO:** The Petition shall be revised to incorporate the text in *bold italics*, below, as follows:

**Bell Schedule and Instructional Minutes**

RSMD school days will run from approximately 8 a.m. to 4 p.m. (varies slightly depending on grade level). The number of instructional minutes offered for all grades will meet or exceed the State's requirements in Education Code Section 47612.5(a)(1). This table delineates subject areas (including Learning Lab, but excluding lunch and recess) and approximate minutes by grade level; however, RSMD educators reserve the right to, *in accordance with all applicable laws and regulations*, adjust students' instructional minutes in each subject, and instructional method, based on their personalized needs.

**CONDITION THREE:** There are concerns regarding the adequacy of RSMD's proposed staffing plan as it relates to RSMD's immersive and full inclusion approach for EL students. Because RSMD's educational program for EL students contemplates full inclusion and immersion, RSMD shall submit information, acceptable by the CBOE, to establish that: all RSMD staff providing instruction to students have EL authorization and are trained in GLAD prior to the start of the 2016-17 school year; RSMD have sufficient staff certified for specially designed academic instruction in English (SDAIE), or primary language instruction (L1).

**CONDITION FOUR:** The Petition provides that 40 instructional minutes of each day be spent on "Launch/Community Classroom Meeting." RSMD shall submit information, acceptable to the CBOE, to adequately describe the instructional nature and components of RSMD's daily "Launch/Community Classroom Meeting."

**CONDITION FIVE:** The Petition states that RSMD shall be governed by Rocketship Education's Board of Directors. Rocketship Education's Board of Directors may have between 3 and 25 Directors, appointed at the discretion of the current Directors. There is concern that the corporate structure permitted raises stability and Director continuity issues. RSMD shall submit information, acceptable to the CBOE, to adequately address: 1) concerns that the wide variance in the number of permitted Directors and the discretionary appointment process create an unstable environment for corporate governance; 2) the qualifications and other requirements that Rocketship Education Directors are required to meet in order to serve on the Rocketship Education Board; 3) how the local needs of RSMD will be adequately addressed by Rocketship Education's Board of Directors.

**CONDITION SIX:** Materials submitted in support of the Petition indicate that the governing Board for RSMD intends to meet in San Jose and will provide a dial-in phone number for those who are not at the meetings in San Jose. There is concern that this fails to meet the Charter Schools Act's intent that stakeholders, including parents, teachers, community members, and other stakeholders, be actively involved in the governance of their local charter schools. Further, as the Petition notes, 70% of RSMD's students are anticipated to be socioeconomically disadvantaged. There is concern that a high

proportion of parents and family members will not have the time or financial resources to travel to San Jose for Board Meetings, and that telephonic participation is insufficient to fully promote the intent of the Charter Schools Act. Therefore, RSMD shall hold at least one publicly noticed, regularly scheduled Board Meeting at least quarterly at a location within Contra Costa County that is accessible to the public.

**CONDITION SEVEN:** The Petition and materials submitted in support thereof indicate that the corporate governance of RSMD shall be provided by non-local Rocketship Education, and Rocketship Education Advisory Committee, both of which govern several other charter schools. There is concern that there may not be sufficient input from local stakeholders into RSMD's governance. RSMD shall submit information, deemed acceptable to the CBOE, to adequately address what categories of local stakeholders will be involved with RSMD's governance, and how they will be substantively involved with RSMD's governance.

**CONDITION EIGHT:** The Petition and materials submitted in support thereof indicate that RSMD has budgeted a total of \$550,000 in "Federal Startup Grant (CSP)" funds. The materials submitted in support of the Petition state that the grant was obtained in 2011 and grant funds may be used through September 2016. However, the Petition and supporting materials do not provide information sufficient to determine that the grant proceeds, previously requested for other charter schools in 2011, may be used for RSMD. Additionally, cash flow statements submitted indicate that only \$450,000 will be received from federal startup grant funds. The uncertainty regarding the availability and amount of the federal grant funds is concerning. Therefore, RSMD shall submit documentation from the Department of Education, deemed acceptable to the CBOE, verifying that the CSP grant funds initially requested and granted in 2011 for other charter schools may be expended upon RSMD's startup, and identify other funds to replace this grant if necessary.

**CONDITION NINE:** The Petition and materials submitted in support thereof indicate that RSMD has budgeted incorrect amounts for authorizer oversight fees. RSMD shall submit information, deemed acceptable by the CBOE, to adequately establish that RSMD has budgeted 1% of RSMD's anticipated annual revenue for the payment of charter authorizer oversight fees.

**CONDITION TEN:** The Petition and materials submitted in support thereof indicate that RSMD's budgeted "Central Office Expense Allocation Fees" constitute a significant portion of its budget, increasing to almost one million dollars by Year 3. RSMD shall submit information, deemed acceptable by the CBOE, itemizing the expenses included under the category "Central Office Expense Allocation Fee," and shall provide adequate justification of the reasonableness of those amounts.

**CONDITION ELEVEN:** The Petition and materials in support thereof do not appear to include budgeting for a school nurse or other qualified medical professional. RSMD shall submit information, deemed acceptable to the CBOE, adequately establishing that RSMD has budgeted for a school nurse or other qualified medical professional.

**CONDITION TWELVE:** The Petition and materials in support thereof include \$1,000,000 budgeted for "Lease" expenses for each of RSMD's first three years of operation. There is concern that the amount budgeted for "Lease" is disproportionately high if only lease expenses are included, and that insufficient detail is provided regarding the "Lease" amounts. RSMD shall submit information, deemed acceptable by the CBOE, that sufficiently: explains and justifies the amount budgeted for "Lease" expenses; addresses "Lease" expenses after Year 3, including whether they will decrease and, if not, why; addresses whether the "Lease" expenses are construction related, and whether they include

any post-construction costs; addresses whether the “Lease” expenses relate to or include maintenance costs.

**CONDITION THIRTEEN:** The Petition and materials in support thereof include what the materials describe as “inter-company loans provided by Rocketship Education to RSMD to help cover cash shortages in the first few years of operation.” The “inter-company loans” total \$950,000 within the first three years of operation. There is concern that the Petition and materials in support thereof contain no details regarding interest rates, servicing fees, or financing fees for these loans. Therefore, RSMD shall submit information, deemed acceptable by the CBOE, sufficient to adequately identify any and all finance, servicing, or other expenses related to the “inter-company loans” from Rocketship Education to RSMD, and their impact on RSMD’s budget and ability to operate.

**CONDITION FOURTEEN:** RSMD shall execute the District’s MOU Regarding Oversight and Operations; the MOU shall become part of the conditions, standards, and procedures set forth in RSMD’s Charter.

## Charter Petition Review Rubric

Charter Petitions Submitted Pursuant to EC 47605, 47605.5

Proposed Charter School	Petitioner Contact Information	Petition Review Time Lines		
<b>Name of Proposed Charter School:</b> Rocketship Education	<b>Name:</b> David Kuizenga	<b><u>Petition Received:</u></b> Date: 8/25/15  <b><u>Determined to be Complete*</u></b> Date:  <small>*within 10 workdays of receipt, if possible</small>	<b>Public Hearing</b> 30 days from determination  <b>Date Due:</b> September 16, 2015  <b>Date Held:</b> September 16, 2015	<b>Board Decision</b> 60 days from determination, by agreement of both parties, may be extended by 30 days.  <b>Date Due:</b> 30 day extension to: _____ <small>(If applicable)</small> <b>Date Held:</b> October 21, 2015
<b>Location(s) of Proposed School(s):</b> 1. Monument Boulevard Corridor  2.  3.  4.	<b>Phone:</b> Cell: 877-806-0920 extension 201  <b>Email:</b> dkuizenga@rsed.org  <b>Address:</b> 350 Twin Dolphin Drive, Suite 109 Redwood City, CA 34065			
Area of Review	Item number		Reviewer/Date Submitted	
General Petition Requirements			Charter Committee	
Educational Program			Charter Committee	
English Language Learner Program			Charter Committee	
Fiscal Viability			Charter Committee	
Governance			Charter Committee	
Health and Safety			Charter Committee	
Independent Study			Charter Committee	
Personnel			Charter Committee	
Students With Disabilities			Charter Committee	
Student Discipline			Charter Committee	

**Reviewer Directions:**

1. The review rubric is color-coded according to the area of review. The items for which you are responsible have the number column shaded in the same color as your area of review in the chart above.
2. The gray shaded column in the rubric provides you with guidance in conducting your review.
3. Please make notes, either on the rubric or a separate sheet of paper to support your finding of whether or not a standard has been met.
4. If you find that a standard has **not** been met, please transfer that information to the "Summary of Findings" form, following the directions on that document.

*This rubric is also used as guidance for review of charter petition that is provided to a County Board of Education on appeal of a denial by the governing board of a school district.*  
 6/5/2014 pc

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <i>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</i>	Located on Page(s)	Evaluation Circle One Yes No
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LEGISLATIVE INTENT					
<b>EC 47601.</b> It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:					
Pupil Learning	<b>A</b>	(a) Improve pupil learning	<input type="checkbox"/> Educational program provides a description of how program will improve student learning	Page(s)	<b>Standard Met</b> See Findings & Conditions
Academically Low Achieving Students	<b>B</b>	(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.	<input type="checkbox"/> Petition language and referenced or attached documents <b>do not</b> provide for dismissal of a student based on: <ul style="list-style-type: none"> <li><input type="checkbox"/> Poor achievement or minimum grade point average</li> <li><input type="checkbox"/> Incomplete or missing assignments</li> <li><input type="checkbox"/> Poor attendance</li> <li><input type="checkbox"/> Discipline issues that do not meet criteria for expulsion</li> </ul> <input type="checkbox"/> Petition contains a statement that students will not be dismissed for the above reasons.	Page(s)	<b>Standard Met</b> See Findings & Conditions
Innovative Methods	<b>C</b>	(c) Encourage the use of different and innovative teaching methods.	<input type="checkbox"/> Petition provides a description of innovative teaching methods related to proposed to program and curriculum	Page(s)	<b>Standard Met</b> Yes
Professional opportunities for teachers	<b>D</b>	(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.	<input type="checkbox"/> Language of the charter describes a program that provides new professional opportunities for the teachers employed by the School.	Page(s)	<b>Standard Met</b> Yes
Expanded choices	<b>E</b>	(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.	<input type="checkbox"/> Petition describes a unique program that allows for expanded choices in the types of educational opportunities.	Page(s)	<b>Standard Met</b> Yes
Performance-based accountability systems	<b>F</b>	(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.	<input type="checkbox"/> See items 16-17	Page(s)	<b>Standard Met</b> Yes

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

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Competition within public school system	<b>G</b>	<b>(g)</b> Provide vigorous competition within the public school system to stimulate continual improvements in all public schools	<input type="checkbox"/> <i>Petition includes a description of how the proposed program will provide vigorous competition within the public school system to stimulate continual improvements in all public schools</i>	Page(s)	<b>Standard Met</b> Yes
<b>PRIVATE SCHOOL RESTRICTIONS</b>					
No Conversion of Private School	<b>1.</b>	<b>47602(b)</b> No charter shall be granted under this part that authorizes the conversion of any private school to a charter school.	<i>The petition does not represent a conversion of a private school to a charter school.</i>	Page(s)	<b>Standard Met</b> Yes NA
Concurrent enrollment	<b>2.</b>	<b>47602(b)</b> No charter shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition.	<i>The petition provides a statement that the school will not seek funding for any pupil who also attends a private school that charges the pupil's family tuition.</i>	Page(s)	<b>Standard Met</b> Yes NA
<b>SIGNATURE REQUIREMENTS</b>					
Parent Signatures  OR  Teacher Signatures	<b>3.</b>	<b>47605(a)(1)(A)</b> The petition is signed by a number of parents or guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.	<i>Petition meets all of the below:</i> <input type="checkbox"/> <i>Number of signatures equals or exceeds half of the number of pupils that charter school estimates will enroll in its first year of operation</i> <input type="checkbox"/> <i>Along with signature/address columns the petition contains columns indicating names/ages/grades of children to be enrolled.</i> <input type="checkbox"/> <i>Ages of students, at the proposed time of opening, will be appropriate to the ages served by the charter school.</i> <input type="checkbox"/> <i>There is a "prominent statement" indicating that each parent signing the petition (1) has read a summary of the petition that adequately and appropriately describes the education program set for the in the petition or has be has such a summary read aloud, and (2) is meaningfully interested in having his/her child attend the charter school.</i>	Page(s)	<b>Standard Met</b>  Yes
	<b>4.</b>	<b>47605(a)(1)(B)</b> The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.	<i>Petition meets all of the below:</i> <input type="checkbox"/> <i>Number of signatures equals or exceeds half of the number of teachers that charter school estimates will be employed in its first year of operation</i> <input type="checkbox"/> <i>All teacher signatories have current, active credentials to teach core subjects.</i> <input type="checkbox"/> <i>There is a "prominent statement" indicating that each teacher signing the petition (1) has read a summary of the petition that adequately and appropriately describes the education program set for the in the petition, and (2) is meaningfully interested in teaching at the charter school</i>	Page(s)	<b>Standard Met</b>  Yes N/A
Conversion of existing public school	<b>5.</b>	<b>47605(a)(2)</b> A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.	<i>Petition meets all of the below:</i> <input type="checkbox"/> <i>Petition contains signatures of not less than 50% of the permanent status teachers currently employed by the school to be converted.</i> <input type="checkbox"/> <i>Contact with district confirms that the signatures presented are those of the teachers currently employed at the school to be converted.</i>	Page(s)	<b>Standard Met</b>  Yes N/A

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

Requirement	Item	Code Reference (Required Elements)	<b>Evaluation Guidance</b> <small>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</small>	Located on Page(s)	Evaluation Circle One Yes No
Signature indicates meaningful interest	6.	<b>47605(a)(3)</b> A petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child, or ward, attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. <u>The proposed charter shall be attached to the petition.</u>	<input type="checkbox"/> Evidence that petition was attached to signature page <input type="checkbox"/> Signature requirement met (items 3-5) <input type="checkbox"/> Statement on petition that signature indicates meaningful interest in school by either teachers or parents	Page(s)	<b>Standard Met</b>  Yes
<b>GRADE LEVELS TO BE SERVED BY THE CHARTER SCHOOL</b>					
Serves all grade levels served by the district	7.	<b>47605(a)(6)</b> ...a petition to establish a charter school <b>may not</b> be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.	<input type="checkbox"/> Charter proposes to serve all grade levels served by the petitioned school district. <input type="checkbox"/> Charter provides program/curriculum to address all grade levels served by the district	Page(s)	<b>Standard Met</b>  Yes
47605(b) A governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The board 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:(47605)(b)(1) or 47605(b)(2)					
Sound Educational Program	8.	<b>47605(b)(1)</b> The charter school presents an <del>unsound</del> sound educational program for the pupils to be enrolled in the charter school.  <i>Note: While, the language of the Education Code 47605 is written in a negative voice, the petition will be reviewed in a manner that will determine whether the positive standard is evident.</i>	<b>Reviewer:</b> Consider the information in 47605(b)(5) when making this determination  A charter petition presents a <b>sound educational program</b> if it is all of the following: <input type="checkbox"/> Involves activities that do not present the likelihood of physical, educational, or psychological harm to the affected pupils. <input type="checkbox"/> Is likely to be of educational benefit to pupils who attend. For renewal: <input type="checkbox"/> Has met standards for renewal in EC 47607(b) or; <input type="checkbox"/> Has met measurable pupil outcomes described in charter	Page(s)	<b>Standard Met</b>  See Findings & Conditions
Required elements that	9.0	<b>47605(b)(2)</b> The petitioners are demonstrably <del>un</del> likely to successfully implement the program	The following factors are to be considered: <b>Petitioners:</b> <input type="checkbox"/> Have past history of involvement in charter schools or other education agencies (public or private) that is regarded as successful. <input type="checkbox"/> Are familiar with content of the petition or the requirements of law that would	Page(s)	<b>Standard Met</b>  See Findings & Conditions

## Charter Petition Review Rubric

For a Petition Submitted Pursuant to California Education Code 47605, 47605.5

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <i>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</i>	Located on Page(s)	Evaluation Circle One Yes No
indicate the School's likelihood of successful implementation			apply to proposed charter school. <input type="checkbox"/> The petitioners document they personally have the necessary background in the following areas critical to the charter school's success, and the petitioners have a plan to secure the services of individuals who have the necessary background in these areas: <input type="checkbox"/> Curriculum, instruction, and assessment <input type="checkbox"/> Finance and business management		
Required elements that indicate the School's likelihood of successful implementation (continued from previous page)	9.1	47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program	Petitioners: <input type="checkbox"/> Have presented realistic financial and operational plans for the proposed school:  <b>In the area of Administrative services</b> , charter or supporting documents adequately Describe structure for providing administrative services, including, at a minimum: <input type="checkbox"/> personnel transactions, <input type="checkbox"/> accounting and payroll that reflects an understanding of school business practices <input type="checkbox"/> expertise to carry out the necessary administrative services, or; <input type="checkbox"/> A reasonable plan and time line to develop and assemble such practices and expertise. <input type="checkbox"/> For contract services, describes criteria for selection of contractor(s). <b>In the area of financial administration</b> , include, at a minimum: <input type="checkbox"/> 1 <sup>st</sup> year operational budget, start-up costs, and cash flow, and financial projections for the 1 <sup>st</sup> 3 years. <input type="checkbox"/> Include reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location. <input type="checkbox"/> Budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels. <input type="checkbox"/> Present a budget that in its totality appears viable and over a period of no less than 2 years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school. <input type="checkbox"/> Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school data from schools or school districts of similar type, size, and location.  <b>In the area of Insurance</b> , the charter and supporting documents adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and amounts required for an enterprise of similar purpose and circumstance.  <b>In the area of facilities</b> , the charter and supporting documents adequately: <input type="checkbox"/> Describe the types and potential location of facilities needed to operate the size	Page(s)	<b>Standard Met</b>  See Findings & Conditions

## Charter Petition Review Rubric

For a Petition Submitted Pursuant to California Education Code 47605, 47605.5

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <i>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</i>	Located on Page(s)	Evaluation Circle One Yes No
			and scope of educational program proposed in the charter. <input type="checkbox"/> If a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school. <input type="checkbox"/> Reflect reasonable costs for acquisition or leasing of facilities to house the school, taking into account the facilities the charter school may be allocated under the provisions of EC 47614.		
<p><b>CCR Title 5: 11967.5.1(g) Definition of "Reasonably Comprehensive Description"</b>                      A "reasonably comprehensive" description, within the meaning of subdivision (f) of this section and <b>Education Code 47605(b)(5)</b> shall include, but not be limited to, information that:</p> <ol style="list-style-type: none"> <li>1. Is substantive and is not, for example, a listing of topics with little elaboration.</li> <li>2. For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.</li> <li>3. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.</li> <li>4. Describes, as applicable, <b>among the different elements, how the charter school will:</b> <ol style="list-style-type: none"> <li>(A) Improve pupil learning</li> <li>(B) Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.</li> <li>(C) Provide parents, guardians, and pupils with expanded educational opportunities.</li> <li>(D) Hold itself accountable for measurable performance-based pupil outcomes.</li> <li>(E) Provide vigorous competition with other public school options available to parents, guardians, and students.</li> </ol> </li> </ol>					
<p><b>47605(b)(5) REASONABLY COMPREHENSIVE DESCRIPTION of 47605(b)(5)(A-P)</b></p>					
<p><b>EDUCATIONAL PROGRAM: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b></p>					
Description of Educational Program	10.	<p><b>47605(b)(5)(A)(i)</b> A description of the educational program of the school, designed, among other things, to identify those pupils whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.</p>	<p>5 CCR 11967.5.1 (f)(1)(A-H)The description of the educational program of the school as required by Education Code:                      The description of the educational program of the school must, minimally, contain <b>all</b>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Indicates</b> the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</li> <li><input type="checkbox"/> <b>Specifies</b> a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and a goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.</li> <li><input type="checkbox"/> <b>Includes</b> a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</li> <li><input type="checkbox"/> <b>Indicates</b> the basic learning environment or environments (e.g. site-based matriculation, independent study, community-based education, technology-based education).</li> <li><input type="checkbox"/> <b>Indicates</b> the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master curriculum content standards and to achieve the objectives specified in the charter.</li> <li><input type="checkbox"/> <b>Indicates</b> how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</li> <li><input type="checkbox"/> <b>Indicates</b> how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.</li> <li><input type="checkbox"/> <b>Specifies</b> the charter school's special education plan, the process to be used to identify students who qualify for</li> </ul>	Page(s)	<p><b>Standard Met</b></p> <p>See Findings &amp; Conditions</p>

## Charter Petition Review Rubric

For a Petition Submitted Pursuant to California Education Code 47605, 47605.5

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <small>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</small>	Located on Page(s)	Evaluation Circle One Yes No
			<p><i>special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.</i></p> <p><b>Additionally:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Description of the proposed program and curriculum reflects a focus on California's adopted Common Core State Standards.</li> <li><input type="checkbox"/> Educational program describes professional development for teachers in implementing the curriculum</li> </ul>		
Transitional Kindergarten	11.	<p><b>47615.</b> (a) The Legislature finds and declares all of the following:</p> <p>(1) Charter schools are part of the Public School System, as defined in Article IX of the California Constitution.</p> <p>(2) Charter schools are under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools, as provided in this part.</p> <p><i>According to the CDE in its FAQs, beginning with the 2012-13 school year, any school offering kindergarten must also offer transitional kindergarten programs to students who will have their fifth birthday between November 2 and December 2 of the 2012-13 school year, October 2 and December 2 of the 2013-14 school year, and September 2 and December 2 of the 2014-15 school year and thereafter. The CDE expressed that all California elementary, high school and unified school districts must offer transitional kindergarten programs for children who meet the birthday cut-off criteria specified above, including charter schools. The Legislature also expressed this intent in passing transitional kindergarten legislation.</i></p>	<p><i>In accordance with the stated legislative intent of SB 837 to "make Transitional Kindergarten available to all 4-year-olds in California" the Petition includes a plan for the provision of Transitional Kindergarten as required by the Kindergarten Readiness Act that:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provides for enrolling students within age range designated in Reference column</li> <li><input type="checkbox"/> Describes an appropriate curriculum to address the needs of TK students</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Proposed school does not offer Kindergarten</li> </ul>	Page(s)	Standard Met  Need more description of TK curriculum show alignment with California preschool foundations. See Findings & Conditions
Special Education students to be provided with services as in all public schools.	12.	<p><b>56145.</b> Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs are served in other public schools.</p>	<p><i>Petition provides that:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> All eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal law and the SELPA Local Plan for Special Education.</li> <li><input type="checkbox"/> No student "otherwise eligible to enroll in the charter school" will be denied enrollment due to a disability or to the charter school's inability to provide necessary services.</li> <li><input type="checkbox"/> Staff members providing special education services are appropriately credentialed</li> <li><input type="checkbox"/> Any facility used by the school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular programs.</li> <li><input type="checkbox"/> The charter school will assume full responsibility for appropriate accommodation to address the needs of any student.</li> <li><input type="checkbox"/> The responsibility of the school to provide special education, instruction and related serves to the students enrolled in the school regardless of students' district of residence</li> </ul> <p><i>Petition includes a "Reasonably comprehensive description of":</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Specialized instruction and services available at the school.</li> <li><input type="checkbox"/> The provision of Designated Instruction and Services (DIS).</li> <li><input type="checkbox"/> Special transportation for students whose IEPs indicate that service is necessary for the provision of FAPE.</li> <li><input type="checkbox"/> The procedures for ensuring that students are referred, assessed and served in a timeline manner.</li> </ul>	Page(s)	Standard Met  Yes

## Charter Petition Review Rubric

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			<input type="checkbox"/> A description of the school's "Search and Service" procedures. <input type="checkbox"/> A description of the school's SST process as it relates to identification of students who may qualify for Special Education. <input type="checkbox"/> The dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA and LEA, regarding the provision of special education services in the charter school.		
<b>Section 504 and English Learner Services</b> Reference: U.S. Department of Education Publication: <u>APPLYING FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS</u>					
Implementation of Section 504 of the Rehabilitation Act	13.	"Under Section 504 and Title II, students with disabilities enrolled in public schools, including your charter school, are entitled to a free appropriate public education (FAPE). The Section 504 regulation includes several substantive and procedural requirements regarding the provision of FAPE. Among these requirements is that a student with a disability must receive appropriate regular or special education and related aids and services. The requirement is designed so that the individual educational needs of the disabled student are met as adequately as the needs of nondisabled students."	<i>Petition provides:</i> <input type="checkbox"/> All eligible students enrolled in the charter school will receive appropriate accommodations and modifications consistent with Section 504 of the Rehabilitation Act <input type="checkbox"/> No student "otherwise eligible to enroll in the charter school" will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. <input type="checkbox"/> ALL Staff members providing services to the student are familiar with the identified needs of the student <input type="checkbox"/> Any facility used by the school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular programs. <input type="checkbox"/> The charter school will assume full responsibility for appropriate accommodation to address the needs of any student. <input type="checkbox"/> The responsibility of the school to provide accommodations, modifications and services to the student regardless of the student's district of residence	Page(s)	<b>Standard Met</b>  Yes
English Learner Services	14.	Federal civil rights law requires that public schools provide LEP children appropriate services designed to teach English and the general curriculum.	<i>Petition provides:</i> <input type="checkbox"/> All eligible students enrolled in the charter school will receive appropriate English Learner services in accordance with applicable state and federal law. <input type="checkbox"/> Staff members providing English Learner Services are appropriately credentialed. <input type="checkbox"/> A description of the manner in which students are identified as requiring English Learner Services <input type="checkbox"/> A description of the process for reclassification of English Learners <input type="checkbox"/> An acknowledgment of the responsibility of the charter school to provide access to grade-level core curriculum for English Learners. (Check for reference to the use of California English-language Development Standards.) <input type="checkbox"/> References to curriculum and materials that will be utilized in the instruction of English Learners. <input type="checkbox"/> Petition tells how English Learners will be reclassified English Learners will be monitored	Page(s)	<b>Standard Met</b>  Yes All teachers require EL authorization – must report credential information annually
Annual Goals and Annual Actions to	15.	47605.6 (b) (5) (A)(ii) A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state	<input type="checkbox"/> Describes annual goals for all pupils and for each subgroup of pupils identified in 52052) to be achieved in the state priorities, as described in 52060 (d), that apply for the grade levels served, or the nature of program	Page(s)	<b>Standard Met</b>

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <i>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</i>	Located on Page(s)	Evaluation Circle One Yes No
Achieve Goals for Subgroups in EC 52052 (LCFF/LCAP)		priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.	<p><i>operated by the charter school.</i></p> <p><i>Provides specific annual actions to achieve these goals for each of the subgroups listed below:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Racial/Ethnic groups</i></li> <li><input type="checkbox"/> <i>Low-income students, including homeless students</i></li> <li><input type="checkbox"/> <i>English learners</i></li> <li><input type="checkbox"/> <i>Students with disabilities</i></li> <li><input type="checkbox"/> <i>Foster youth</i></li> </ul>		Yes  Need description of foster youth and homeless students
Transferability of High School Courses	16.	<b>47605(b)(5)(A)(iii)</b> If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.	<p><i>If serving high school students, describes how district/charter school informs parents of:</i></p> <ol style="list-style-type: none"> <li><i>1. Transferability of courses to other public high schools; and</i></li> <li><i>2. Eligibility of courses to meet college entrance requirements</i></li> <li><i>3. Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the UC/CSU "a-g" admissions criteria may be considered to meet college entrance requirements)</i></li> </ol>	Page(s)	<b>Standard Met</b>  Yes NA
<b>B. MEASURABLE PUPIL OUTCOMES: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Measurable Pupil Outcomes (Includes LCAP requirements EC 52060)	17.	<b>47605(b)(5)(B)</b> The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.	<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress.</i></li> <li><input type="checkbox"/> <i>It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction of individual students and for groups of students.</i></li> <li><input type="checkbox"/> <i>Include the school's API growth target, if applicable.</i></li> </ul> <p><b>Statement that pupil achievement measurements will include the elements listed below:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Alignment with state priorities 52060 (d)</i></li> <li><input type="checkbox"/> <i>(A) Statewide assessments administered pursuant to Article 4(commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.</i></li> <li><input type="checkbox"/> <i>(B) The Academic Performance Index, as described in Section 52052.</i></li> <li><input type="checkbox"/> <i>(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical educational standards and frameworks,</i></li> <li><input type="checkbox"/> <i>(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.</i></li> <li><input type="checkbox"/> <i>(E) The English learner reclassification rate.</i></li> <li><input type="checkbox"/> <i>(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.</i></li> <li><input type="checkbox"/> <i>(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program.</i></li> <li><input type="checkbox"/></li> </ul>	Page(s)	<b>Standard Met</b>  Yes

## Charter Petition Review Rubric

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<b>C. METHOD OF MEASURING PUPIL OUTCOMES: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Assessment Tools	18.	<b>47605(b)(5)(C)</b> The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable ...consistent with the way information is reported on a school accountability report card.	At a minimum: <input type="checkbox"/> A. Utilizes a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph A (in Section B above). <input type="checkbox"/> B. Include the annual assessment results from the STAR program. <input type="checkbox"/> C. Outlines a plan for collecting, analyzing, and reporting data continuously to monitor and improve the charter school's educational program.	Page(s)	Standard Met  Yes
<b>D. GOVERNANCE STRUCTURE OF THE SCHOOL: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
School Governance Including Parental Involvement	19.	<b>47605(b)(5)(D)</b> The governance structure of the school, including but, not limited to, the process to be followed by the school to ensure parental involvement.	At a minimum: <input type="checkbox"/> A. Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable. <input type="checkbox"/> B. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: <input type="checkbox"/> 1. The charter school will become and remain a viable enterprise. <input type="checkbox"/> 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). <input type="checkbox"/> 3. The educational program will be successful	Page(s)	Standard Met  See Findings & Conditions
<b>E. EMPLOYEE QUALIFICATIONS: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Employees	20.	<b>47605(b)(5)(E)</b> The qualifications to be met by individuals to be employed by the school.	At a minimum: <input type="checkbox"/> A. Identify general qualifications for the various categories of employees the school anticipates: For example: <input type="checkbox"/> Administrative <input type="checkbox"/> Instructional <input type="checkbox"/> Instructional support <input type="checkbox"/> Non-instructional support <input type="checkbox"/> B. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individual assigned to those positions. <input type="checkbox"/> C. Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Page(s)	Standard Met  See Findings & Conditions
<b>F. HEALTH AND SAFETY PROCEDURES: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Student/Staff Health and Safety	21.	<b>47605(b)(5)(F)</b> The procedures that the school will follow to ensure the health and safety of pupils and staff. These include the requirement that each employee of the school furnish the school with a criminal record summary as described in §44237.	At a minimum: <input type="checkbox"/> A. Require that each employee of the school furnish the school with a criminal record summary as described in EC 44237. <input type="checkbox"/> B. Include the examination of faculty and staff for tuberculosis <input type="checkbox"/> C. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school. <input type="checkbox"/> D. Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Page(s)	Standard Met  See Findings & Conditions

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<b>G. MEANS TO ACHIEVE RACIAL AND ETHNIC BALANCE: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Racial and ethnic balance reflective of district	22.	<b>47605(b)(5)(G)</b> The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.	<i>To the extent admission requirements are included in keeping with EC 47605(b)(5)(H), the requirements shall be in compliance with the requirements of EC 47605(d) and any other applicable provision of law. See Item 30</i>	Page(s)	<b>Standard Met</b> Yes
<b>H. ADMISSION REQUIREMENTS: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Admissions	23.	<b>47605(b)(5)(H)</b> Admission requirements, if applicable.	<i>Petition describes the policies and procedures the school will implement for the admission and enrollment of students. The requirements shall be in compliance with the requirements of EC 47605(d) and any other applicable provision of law. (See 47605(d)(2)(A)). See Item 30</i>	Page(s)	<b>Standard Met</b> Yes
<b>I. MANNER OF CONDUCTING ANNUAL AUDIT AND RESOLVING AUDIT EXCEPTIONS: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Audits	24.	<b>47605(b)(5)(I)</b> The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.	At a minimum: <input type="checkbox"/> A. Specify who is responsible for contracting and overseeing the independent audit. <input type="checkbox"/> B. Specify that the auditor will have experience in education finance. <input type="checkbox"/> C. Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the time line in which audit exceptions will typically be addressed. <input type="checkbox"/> D. Indicate the process that the school will follow to address any audit findings and/or resolve any audit exceptions.	Page(s)	<b>Standard Met</b> Yes
<b>J. STUDENT DISCIPLINE PROCEDURES: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					

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For a Petition Submitted Pursuant to California Education Code 47605, 47605.5

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Discipline procedures	25.	47605(b)(5)(J) The procedures by which pupils can be suspended or expelled.	<p><i>At a minimum:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A. Identify a preliminary list, subject to later revision pursuant to subparagraph ( E ), of the offenses for which students in the school must (where non-discretionary) and may (where discretionary) be suspended and;</li> <li><input type="checkbox"/> A<sup>2</sup>. Separately, the offenses for which students in the school must (where non-discretionary) and may (where discretionary) be expelled.</li> <li><input type="checkbox"/> B. Identify the procedures by which pupils can be suspended or expelled.</li> <li><input type="checkbox"/> C. Identify the procedures by which parents/guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.</li> <li><input type="checkbox"/> D. Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures apply to students attending non-charter public schools, and provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school's pupils and their parents/guardians.</li> <li><input type="checkbox"/> E. If not otherwise covered under (A), (B), (C), and (D):                         <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.</li> <li><input type="checkbox"/> Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension and expulsion.</li> </ul> </li> </ul>	Page(s)	Standard Met  Yes
<b>K. RETIREMENT PROGRAMS: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Retirement systems	26.	47605(b)(5)(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or Federal Social Security.	At a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	Page(s)	Standard Met  Yes
<b>L. PUBLIC SCHOOL ALTERNATIVES: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Students not choosing charter school	27.	47605(b)(5)(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.	At a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils have no right to admission in a particular school of any local educational agency (or program of any LEA) as consequence of enrollment in the charter school.	Page(s)	Standard Met  Yes
<b>M. EMPLOYEE RETURN RIGHTS: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Status of employee right of return to district	28.	47605(b)(5)(M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.	<p>At a minimum, specifies that an employee shall have the following rights:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.</li> <li><input type="checkbox"/> Any right of return to employment in an LEA after employment in the charter school as the LEA may specify.</li> <li><input type="checkbox"/> Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to charter school or to the employer from which the employee comes to the charter or to which the employee returns from the charter school.</li> </ul>	Page(s)	Standard Met  Yes NA

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<b>N. DISPUTE RESOLUTION: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Dispute Resolution procedures	29.	47605(b)(5)(N) the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.	At a minimum: <input type="checkbox"/> Describe how the costs of the dispute resolution process, if needed, would be funded. <input type="checkbox"/> Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but no limited to, revocation of the charter (47604.5), the matter will be addressed at the board's discretion in accordance with that provision of law and any regulations pertaining thereto.	Page(s)	Standard Met  Yes
<b>O. DECLARATION OF EXCLUSIVE EMPLOYER: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Employer for charter school	30.	47605(b)(5)(O) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of Chapter 7 (commencing with §3540) of Division 4 of Title 1 of the Government Code.	<input type="checkbox"/> Petition must declare whether or not the charter school shall be deemed the exclusive public employer of its employees for purposes of the Educational Employment Relations Act that recognizes the right of public school employees to join and be represented by organizations of their own choosing.	Page(s)	Standard Met  Yes
<b>P. SCHOOL CLOSURE PROCEDURE: CCR Title 5: 11967.51(g) Definition of Reasonably Comprehensive Description Required</b>					
Description of charter school closure	31.	47605(b)(5)(P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	Statements describing how charter school will comply with code. All three areas must be addressed: <input type="checkbox"/> Ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, <input type="checkbox"/> Including plans for disposing of any net assets and <input type="checkbox"/> For the maintenance and transfer of pupil records.	Page(s)	Standard Met  Yes
Student Assessment	32.	47605(c)(1) Charter Schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.	<i>Petition describes how the school will meet all statewide standards and ensure that the requirements of education of education code are addressed in the state testing and other statewide standards authorized in statute or pupil assessments applicable to students in public schools.</i>	Page(s)	Standard Met  Yes
Consultation with stakeholders	33.	47605(c)(2) Charter schools shall, on a regular basis, consult with parents, guardians and teacher regarding the schools educational programs.	<i>Petition provides a description of how the school will consult with parents and teachers, on a regular basis, regarding the school's educational programs.</i>	Page(s)	Standard Met See Findings & Conditions
47605(b)(4) <b>REQUIRED AFFIRMATIONS</b> <i>If "The petition does not contain an affirmation of each of the conditions described in subdivision (d)" this constitutes reason for denial of charter petition.</i>					

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <small>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</small>	Located on Page(s)	Evaluation Circle One Yes No
Affirmations	34.	<b>47605(d)(1)</b> Charter school: <input type="checkbox"/> Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations <input type="checkbox"/> Shall not charge tuition <input type="checkbox"/> Shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. <input type="checkbox"/> Admission shall not be determined according to the place of residence of the pupil, or of his/her parent except in case of conversion charter school.	<input type="checkbox"/> Includes a clear, unequivocal affirmation of each condition, <b>not a general statement of intention to comply.</b> <input type="checkbox"/> Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in §47605 (d).	Page(s)	<b>Standard Met</b>  Yes
<b>47605(d)(2) ADMISSIONS</b>					
Admissions	35.	<b>47605(d)(2)(A)</b> A charter school shall admit all students who wish to attend.	<i>Petition description of compliance with this section shall not allow for discrimination against any pupil on the basis of ethnicity, national origin, gender, or disability. Description shall include that charter admissions shall not discriminate against any pupil on the basis of actual or perceived gender identification, or sexual orientation.</i>	Page(s)	<b>Standard Met</b>  Yes
Public random drawing	36.	<b>47605(d)(2)(B)</b> If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.	<i>Petition includes a statement that if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing as described in (B).</i>	Page(s)	<b>Standard Met</b>  Yes
<b>47605(d)(3) NOTIFICATION TO DISTRICT FOR STUDENT LEAVING CHARTER SCHOOL</b>					
Notice to school district: Student status	37.	<b>47605(d)(3)</b> If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to 48200.	<i>Statements that if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall</i> <input type="checkbox"/> Notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, <input type="checkbox"/> Upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.	Page(s)	<b>Standard Met</b>  Yes
<b>47605(g) INFORMATION REGARDING PROPOSED OPERATION</b>					

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Proposed operation and potential effect of the school <i>(continued)</i>	<b>38.</b>	<b>47605(g)</b> The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.	<i>Petition provides information regarding the proposed operation and potential effects of the school, including, but not limited to:</i> <input type="checkbox"/> <i>The facilities to be used by the school.</i> <input type="checkbox"/> <i>The manner in which administrative services of the school are to be provided.</i> <input type="checkbox"/> <i>Potential civil liability effects, if any, upon the school and upon the district.</i> <input type="checkbox"/> <i>Description of facilities to be used by the charter.</i> <input type="checkbox"/> <i>Specify where the school intends to locate.</i> <i>The petitioner(s) shall also be required to provide financial statements that include a proposed 1st year operational budget, including:</i> <input type="checkbox"/> <i>Start-up costs.</i> <input type="checkbox"/> <i>Cash-flow and financial projections for the first 3 years of operation.</i>	Page(s)	<b>Standard Met</b>  See Findings & Conditions
Preference to be given to petitions that focus on academically low achieving students	<b>39.</b>	<b>47605(h)</b> In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the (charter schools) department under Section 54032.	<i>Petition provides a detailed description of how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</i> <input type="checkbox"/> <i>Petition contains description of students who are identified as academically low achieving.</i> <input type="checkbox"/> <i>Petition contains description of a program designed specifically to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving.</i> <input type="checkbox"/> <i>Petition and/or referenced documents do not allow for the dismissal of students who fail to reach a specified academic level or; who have poor attendance.</i>	Page(s)	<b>Standard Met</b>  Yes
Certification of charter school teachers	<b>40.</b>	<b>47605(i)</b> Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that a charter schools be given flexibility with regard to noncore, non-college preparatory courses.	<input type="checkbox"/> <i>Copies of valid credentials held by teachers assigned to core and college prep classes.</i>  <input type="checkbox"/> <i>Description of qualifications for teachers of non-core, non-college prep classes who are not credentialed.</i>	Page(s)	<b>Standard Met</b>  Provide copies of credentials for all teachers – list of all classes core and non-core. See Findings & Conditions

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<b>INDEPENDENT STUDY</b>					
Annual Audit	41.	<b>47612.5(b).</b> (b) Notwithstanding any other provision of law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder.	<i>The petition verifies that the K-12 public school guidelines of independent study will be evident in the annual audit.</i>	Page(s)	<b>Standard Met</b>  Yes
Ratio of ADA to FTE	42.	<b>51745.6.</b> (a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district. The pupils-to-certificated-employee ratio described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of 25 to one, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.	<i>The petition states that it will meet the requirement related to the ratio of ADA to FTE as described in EC 51745.6.</i>	Page(s)	<b>Standard Met</b>  Yes Most maintain pupils-to-certificated ratio of 25 to one
Written Policies to receive apportionments <i>(continued)</i>	43.	<b>51747.</b> ... shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction, that include, but are not limited to, all of the following: <input type="checkbox"/> (a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work. <input type="checkbox"/> (b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. - <i>A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.</i>  (c) A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following: <input type="checkbox"/> (1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress. <input type="checkbox"/> (2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work. <input type="checkbox"/> (3) The specific resources, including materials and personnel, that will be made available to the pupil <input type="checkbox"/> (4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between assignment and the completion of a pupil's assigned work, and the number of missed assignments	<i>The petition includes written policies required for eligibility to receive apportionments for independent study that include all of the elements delineated in 57147.</i>	Page(s)	<b>Standard Met</b>  Yes

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43. Written Policies to receive apportionments <i>(continued from previous page)</i>		allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study. <input type="checkbox"/> (5) Duration of independent study agreement, including beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study shall be valid for any period longer than one semester. <input type="checkbox"/> (6) A statement of the number of course credits or, for elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion. <input type="checkbox"/> (7) Inclusion of a statement that Independent study is an optional educational alternative in which no pupil may be required to participate. <input type="checkbox"/> (8) Each agreement shall be signed, prior to commencement of independent study, by pupil, pupil's parent/guardian/or caregiver, certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil.			
Supervised by credentialed teacher	<b>44.</b>	<b>5174. (a)</b> The independent study by each pupil or student shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the school district or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law. <b>(b)</b> School districts and county offices of education may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certificated teacher.	<i>Petition ensures all independent study shall be supervised by a credentialed teacher.</i>	Page(s)	<b>Standard Met</b>  Yes
<b>LOCAL CONTROL ACCOUNTABILITY PLAN</b>					
	<b>45.</b>	<b>47606.5.</b> (a) On or before July 1, 2015, and each year thereafter, a charter school shall update the goals and annual actions to achieve those goals identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6. <i>(Description of the Educational Program)</i> The annual update shall be developed using the template adopted pursuant to Section 52064 and shall include all of the following: <input type="checkbox"/> (1) A review of the progress toward the goals included in the charter, an assessment of the effectiveness of the specific actions described in the charter toward achieving the goals, and a description of changes to the specific actions the charter school will make as a result of the review and assessment. <input type="checkbox"/> (2) A listing and description of the expenditures for the fiscal year implementing the specific actions included in the charter as a result of the reviews and assessment required by paragraph (1). <input type="checkbox"/> (b) The expenditures identified in subdivision (a) shall be classified using the California School Accounting Manual pursuant to Section 41010. <input type="checkbox"/> (c) For purposes of the review required by subdivision (a), a governing body of a charter school may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) or paragraph (4) of subdivision (a) of Section 52052* or any other reviews. <input type="checkbox"/> (d) To the extent practicable, data reported pursuant to this section shall be reported in a manner consistent with how information is reported on a school accountability report card. <input type="checkbox"/> (e) The charter school shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the annual update.	<i>Petition contains a statement that the charter school shall update the goals and annual actions to achieve those goals identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6.</i>	Page(s)	<b>Standard Met</b>  Yes

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<p><b>Charter School Legal Obligations Under Federal Civil Rights Laws</b> (May 14, 2014 US Department of Education Office for Civil Rights – Dear Colleague Letter)  <i>These Federal civil rights laws and the specific legal obligations discussed in this letter apply to all public charter schools in the United States, regardless of whether they receive Federal funds under the Department's Charter Schools Program.</i></p>					
Equal Opportunity in Admissions	46	<p><b><u>Nondiscrimination in admissions.</u></b> Charter schools may not discriminate in admissions on the basis of race, color, national origin, or disability.</p> <p>Although public charter schools' civil rights obligations are no different from those of other public schools in this regard, the fact that students choose to attend a charter school and are not simply assigned to attend a charter school underscores the need to be mindful of the rights of children and parents in the community when publicizing the school to attract students and when evaluating their applications for admission.</p> <p>Charter schools must ensure that language-minority parents who are not proficient in English receive meaningful access to the same admissions information and other school-related information provided to English-proficient parents in a manner and form they can understand, such as by providing free interpreter and/or translation services. Also, communications with parents with disabilities must be as effective as communications with other parents. Appropriate auxiliary aids and services (such as Braille materials or a sign language interpreter) must be made available whenever they are necessary to ensure equally effective communication with parents with hearing, vision, or speech disabilities</p> <p>As a general rule, a school's eligibility criteria for admission must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. In addition, a charter school may not use admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification. Charter schools also may not categorically deny admission to students on the basis of disability.</p>	<p><i>Petition describes an admissions policy that ensures:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Language-minority parents who are not proficient in English receive meaningful access to the same admissions information and other school-related information provided to English-proficient parents in a manner and form they can understand, such as by providing free interpreter and/or translation services</li> <li><input type="checkbox"/> Communications with parents with disabilities must be as effective as communications with other parents. Appropriate auxiliary aids and services (such as Braille materials or a sign language interpreter) must be made available whenever they are necessary to ensure equally effective communication with parents with hearing, vision, or speech disabilities</li> <li><input type="checkbox"/> School's eligibility criteria for admission is nondiscriminatory on their face and will be applied in a nondiscriminatory manner</li> <li><input type="checkbox"/> Does not propose admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification.</li> <li><input type="checkbox"/> Does not categorically deny admission to students on the basis of disability.</li> </ul>	Page(s)	Standard Met  Yes

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Free Appropriate Public Education (FAPE)	47	<p><b>Free appropriate public education for students with disabilities.</b>                      Under Section 504, every student with a disability enrolled in a public school, including a public charter school, must be provided a free appropriate public education*—that is, regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities are met. Evaluation and placement procedures are among the requirements that must be followed if a student needs, or is believed to need, special education or related services due to a disability.</p> <p>Charter schools may not ask or require students or parents to waive their right to a free appropriate public education in order to attend the charter school. Additionally, charter schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate in these services and activities.</p> <p><i>*(IDEA defines FAPE as special education and related services that meet the standards of the state education agency and are provided at public expense. These include appropriate preschool, elementary school, and secondary school education. The education is to be provided in accordance with the child's IEP, as described below. FAPE, for each child, is defined by that student's IEP.)</i></p>	<p><i>Petition describes a FAPE policy that provides student with disabilities under IDEA and/or Section 504:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Regular or special education and related aids and services that are designed to meet his/her needs as adequately as the needs of nondisabled students are met.</i></li> <li><input type="checkbox"/> <i>Evaluation and placement procedures, for student with suspected disabilities, that align with Special Education and/ 504 laws.</i></li> <li><input type="checkbox"/> <i>Nonacademic and extracurricular services and activities in such a manner that students with disabilities are given equal opportunity to participate.</i></li> </ul> <p><i>Additionally,</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Petition contains a statement that the charter school will not ask or require students or parents to waive the right to a free appropriate public education in order to attend the charter school.</i></li> </ul>	Page(s)	<p><b>Standard Met</b></p> <p style="text-align: center;">Yes</p>
English Learners	48	<p><b>Affirmative steps for English-language learners.</b> Like all public schools, charter schools must take "affirmative steps" to help English-language learners overcome language barriers so that they can participate meaningfully in their schools' educational programs. A charter school must timely identify language-minority students who have limited proficiency in reading, writing, speaking, or understanding English, and must provide those students with an effective language instruction educational program that also affords meaningful access to the school's academic content. Federal civil rights laws do not, however, require any school, including a charter school, to adopt or implement any particular educational model or program of instruction for English-language learners; schools have substantial flexibility to determine how they will satisfy their legal obligations to meet these students' needs.</p>	<p><i>Petition describes a policy that ensures the school will:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Timely identify language-minority students who have limited proficiency in reading, writing, speaking, or understanding English.</i></li> <li><input type="checkbox"/> <i>Will provide those students with an effective language instruction educational program that also affords meaningful access to the school's academic content.</i></li> <li><input type="checkbox"/> <i>Describes or identifies the curriculum that will be used to satisfy the school's legal obligations to meet the needs of English Learners</i></li> </ul>	Page(s)	<p><b>Standard Met</b></p> <p>See Findings &amp; Conditions</p> <p>Expand on description of EL curriculum</p>

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Discipline	49	<p><b><u>Nondiscrimination in discipline.</u></b> Data collected by OCR have demonstrated significant disparities in the use of exclusionary discipline (such as suspensions or expulsions) against students of color and students with disabilities in many schools across the country, and that an increasing number of students are losing important instructional time due to exclusionary discipline.</p> <p>All public schools, including charter schools, are obligated to avoid and redress discrimination in the administration of school discipline on the basis of race, color, or national origin; disability; and sex. This obligation applies over the entire course of the disciplinary process, from behavior management in the classroom, to referral to an authority outside the classroom because of misconduct, to resolution of the discipline incident. The Guidance on the Nondiscriminatory Administration of School Discipline offers detailed assistance on how to identify, avoid, and remedy discriminatory discipline. The discipline guidance document focuses on racial discrimination, but much of its analytical framework also applies to discrimination on other prohibited grounds. In addition, when addressing discipline for students with disabilities, it is important that charter schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability.</p>	<p><i>U.S. Dept. of Justice (Civil Rights Div.) U.S. Dept. of Ed (OCR)</i>  <i>Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline- January 8, 2014</i>  <i>includes the guidance provided below.</i></p> <p><b>Charter describes a schoolwide discipline plan that is designed to avoid and remedy discrimination of school discipline that includes:</b></p> <p><u>Climate and Prevention:</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Safe, inclusive and positive school climates that provide students with supports such as evidence-based tiered supports and social emotional learning.</li> <li><input type="checkbox"/> Training and professional development for all school personnel.</li> <li><input type="checkbox"/> Appropriate use of law enforcement</li> <li><input type="checkbox"/> A. Establish procedures and train school personnel and school volunteers how to distinguish between disciplinary infractions best handled by school personnel vs. major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handles by the school's internal procedures, and how to contact law enforcement when warranted.</li> </ul> <p><u>Clear, Appropriate, and Consistent Expectations and Consequences:</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Nondiscriminatory, fair, and age-appropriate discipline policies</li> <li><i>Communicating with and engaging school communities</i></li> <li><input type="checkbox"/> A. Provide discipline policies and student code of conduct to students in an easily understandable, age-appropriate format that makes clear the sanctions imposed for specific offenses, and periodically advise students of what conduct <b>is</b> expected</li> <li><input type="checkbox"/> B. Put protocols in place for when parents and guardians should be notified of incidents meriting disciplinary sanctions to ensure that they are appropriately informed.</li> <li><input type="checkbox"/> C. Post all discipline-related materials on school website</li> <li><input type="checkbox"/> D. Provide parents and guardians with copies of all discipline policies, including the discipline code, student code of conduct, appeals process, process for re-enrollment, where appropriate, and other related notices; and ensure that these written material accurately reflect the key elements of the disciplinary approach, including appeals, alternative dispositions, time lines, and provisions for informal hearings. (Due Process of Law per the 14<sup>th</sup> Amendment)</li> </ul> <p><u>Positive interventions over student removal</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Schools written discipline policy emphasizes constructive interventions over tactics or disciplinary sanctions that remove student from regular instruction.</li> <li><input type="checkbox"/> Written discipline policy explicitly limits the use of out-of-school suspensions, expulsions, and alternative placement to the most sever disciplinary infractions that threaten school safety or to those circumstances mandated by Federal or State law.</li> <li><input type="checkbox"/> Written discipline policy provides for individual tailored intensive serves and supports for student reentering the classroom following a disciplinary sanction.</li> <li><input type="checkbox"/> Written policies provide for alternatives to in-school and out-of-school suspensions and other exclusionary practices</li> </ul>	Page(s)	<b>Standard Met</b>  Yes
FERPA Family Educational Rights and Privacy Act	50	The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.	<p><i>Petition includes a description of how the charter school shall comply with FERPA</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Description evidences a full understanding of FERPA law.</li> </ul>	Page(s)	<b>Standard Met</b>  Yes

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<b>Pupil Fees</b>					
Definition of terms related to Pupil Fees	<b>51</b>	<p><b>EC 49010.</b> For purposes of this article, the following terms have the following meanings:</p> <p>(a) <b>"Educational activity"</b> means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.</p> <p>(b) <b>"Pupil fee"</b> means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:</p> <p>(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.</p> <p>(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.</p> <p>(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity</p>	<p><i>Neither the petition , nor any accompanying or referenced documents provide information that would conflict with the following:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Fee for registering for school or classes, or as a condition of participation in class or any extracurricular activities</i></li> <li><input type="checkbox"/> <i>Security deposit, or other payment that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.</i></li> <li><input type="checkbox"/> <i>A purchase that is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.</i></li>   <li><input type="checkbox"/> <i>The petition contains a statement that acknowledges the above criteria.</i></li> </ul>	Page(s)	<b>Standard Met</b> Yes
Pupil enrolled in public school shall not be required to pay pupil fee for participation in educational activity <i>(continued)</i>	<b>52.</b>	<p><b>49011.</b> (a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.</p> <p>(b) All of the following requirements apply to the prohibition identified in subdivision (a):</p> <p>(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.</p> <p>(2) A fee waiver policy shall not make a pupil fee permissible.</p> <p>(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.</p> <p>(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district</p>	<p><i>Neither the petition , nor any accompanying or referenced documents provide information that would conflict with the following:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge</i></li> <li><input type="checkbox"/> <i>The school will not establish or utilize a fee waiver policy</i></li> <li><input type="checkbox"/> <i>The school will not offer a higher educational standard that pupils may obtain through payment of a fee or purchase of additional supplies that the school district does not provide.</i></li> <li><input type="checkbox"/> <i>The school will not offer course credit or privileges related to educational activities in exchange for money or donations of goods or serves from a pupil or a pupil's parents or guardians</i></li> <li><input type="checkbox"/> <i>The school will not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.</i></li> </ul>	Page(s)	<b>Standard Met</b> Yes

## Charter Petition Review Rubric

*For a Petition Submitted Pursuant to California Education Code 47605, 47605.5*

Requirement	Item	Code Reference (Required Elements)	Evaluation Guidance <small>Provided for review guidance purposes only. Based, in part, on 5 CCR 11967.5.1 describing how the State Board will review a charter application. This is NOT a checklist of required items, but a reference for review of the standard.</small>	Located on Page(s)	Evaluation Circle One Yes No
<b>52.</b> <i>(continued from previous page)</i>		or school. (c) This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (d) This article applies to all public schools, including, but not limited to, charter schools and alternative schools. (e) This article is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.	<input type="checkbox"/> <i>The petition contains a statement that acknowledges the above criteria.</i>		
Student Fee Complaint procedure and remedy	<b>53.</b>	<b>49013.</b> (a) A complaint of noncompliance with the requirements of this article may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations. (b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article. (c) A complainant not satisfied with the decision of a public school may appeal the decision to the department and shall receive a written appeal decision within 60 days of the department's receipt of the appeal. (d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board. (e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations. (f) Public schools shall establish local policies and procedures to implement the provisions of this section on or before March 1, 2013.	<input type="checkbox"/> <i>The petitions includes or references the intent to develop the policy described in 49013</i>	Page(s)	<b>Standard Met</b> Needs additional description

**MEMORANDUM OF UNDERSTANDING REGARDING CHARTER SCHOOL  
OVERSIGHT AND OPERATIONS**

by and between

**CONTRA COSTA COUNTY BOARD OF EDUCATION  
AND \_\_\_\_\_ CHARTER SCHOOL**

This Memorandum of Understanding ("Agreement") is executed between the Contra Costa County Board of Education ("CBOE") and \_\_\_\_\_ Charter School ("\_\_\_\_\_" or "Charter School"), a non-profit public benefit corporation operating \_\_\_\_\_ Charter School under the CBOE's oversight.

**I. RECITALS:**

- A. The \_\_\_\_\_ County Board of Education is a county educational agency existing under the laws of the State of California.
- B. \_\_\_\_\_ Charter School is a California non-profit public benefit corporation that operates \_\_\_\_\_ Charter School, a public charter school existing under the laws of the State of California and under the chartering authority oversight of \_\_\_\_\_ County Board of Education. The term "Charter School" as used in this Agreement shall refer to both \_\_\_\_\_ Charter School non-profit public benefit corporation and the Charter School itself. \_\_\_\_\_, the non-profit public benefit corporation, shall be responsible for, and have all rights and benefits attributable to, the Charter School as further outlined herein. Wherever this Agreement obligates the Charter School to a particular course of action or prohibits or limits the Charter School from a particular course of action, \_\_\_\_\_ Corporation shall also be required to fulfill such obligation and be subject to such prohibition or limitation.
- C. The CBOE is the authorizing agency of the Charter School. This Agreement is intended to outline the agreement of Charter School and the CBOE governing their respective fiscal and administrative responsibilities, their legal relationships and operation of Charter School.
- D. Written modifications of this Agreement may be made by mutual agreement as set forth in section II.A., below. This Agreement was approved by CBOE on \_\_\_\_\_ and by the Board of Directors of the Charter School on \_\_\_\_\_ and shall be effective upon execution until terminated in accordance with this Agreement. The executed and approved Agreement shall be provided by the Charter School to the CBOE on or before \_\_\_\_\_.
- E. The terms of this Agreement are intended by both parties to become part of the conditions, standards and procedures set forth in the Charter document ("Charter"). The parties agree that this Agreement is consistent with the approved Charter, as approved by the CBOE on \_\_\_\_\_. If the parties discover any terms of this Agreement conflict with the terms of the Charter, this Agreement shall control the handling or resolution of the particular issue in question. To the extent that this Agreement is inconsistent with any of the terms of the Charter, both parties shall meet to amend the Agreement to reach consistency, if the inconsistency is material to the terms of the Charter. If the parties do not reach agreement regarding the

consistency, the parties agree to follow the procedures for dispute resolution as stated in the Charter.

## II. AGREEMENTS

### A. Term

1. Along with the Charter, this Agreement will govern the relationship between the CBOE and the Charter School regarding the operation of the Charter School and the relationship of the CBOE and the Charter School.
2. Any modification of this Agreement must be in writing, executed by duly authorized representatives of both parties, ratified by the respective Boards, and must indicate intent to modify or amend this Agreement.
3. The duly authorized representative of the Charter School is the Executive Director, or designee.
4. The duly authorized representative of the CBOE is the County Superintendent of Schools or any designee thereof. In order to ensure consistency in communications, all communication regarding any aspect of the operation of the Charter School shall be initiated by the designated representative of the Charter School with the designated representative of the CBOE, unless the designated representative of the CBOE delegates this function to another employee of the Contra Costa County Office of Education.
5. The term of this Agreement shall be coterminous with the operation of the Charter, including the current term and any renewal terms. **This Agreement shall be effective upon Board approval of the Parties' respective governing boards and will remain in place until terminated in accordance with this Agreement.** This entire Agreement is subject to approval by the respective governing boards of the CBOE and Charter School.
6. This Agreement shall terminate automatically upon closure of the Charter School for any reason, except as may be specified otherwise herein. "Closure" means that all legally required closure processes are completed, including completion of a final audit as required by law.
7. Failure to meet and comply with the terms of the Agreement shall constitute a material violation of the conditions, standards, or procedures set forth in the Charter within the meaning of Education Code section 47607(c)(1)(A).

### B. State Funding under Local Control Funding Formula

1. The Charter School will be funded in accordance with the Local Control Funding Formula ("LCFF"). Charter School will receive base funding and may receive supplemental, and concentration grants. Charter School will be responsible for providing the State Department of

Education with all data required for funding and will comply with all laws and regulations as developed by the Legislature and State Board of Education. All information provided by Charter School shall be truthful and accurate.

2. LCFF includes accountability requirements. Charter School is required to develop, adopt, and annually update a three-year Local Control and Accountability Plan ("LCAP") using a template adopted by the State Board of Education ("SBE").
3. The Charter School shall comply with the requirements of law in developing its LCAP including but not limited to:
  - a. Consultation with teachers, school personnel, pupils, bargaining units (if applicable);
  - b. Provide notice of the opportunity to submit written communication, consider stakeholder input, and approve in public meetings brought in conformity with the Brown Act;
  - c. Adopt LCAP concurrent with the Charter School's budget, submit to both the CBOE and to the California Department of Education ("CDE"), and post on the Charter School's website.
4. The Charter School shall comply with all accountability measures including the LCAP evaluation rubrics as may be revised by SBE from time to time, as well as the following:
  - a. SBE regulations including but not limited to all requirements "to increase and improve" services for targeted students.
  - b. Obtain parent and public input in developing, revising, and updating LCAPs.
  - c. Submit the LCAP to the CBOE 30 days prior to submittal to county and/or state.
  - d. Cooperate and comply with all requirements of the State Superintendent of Public Instruction ("SPI") if and/or when Charter School fails to show improvement across multiple subgroups in three out of four consecutive years as determined by SPI.
  - e. Charter School shall ensure that all LCFF funds are spent in accordance with the requirements of the law.
5. The Charter School shall comply with any and all Common Core State Standards ("CCSA") requirements currently in effect, or which go into effect during the period of Charter School's operation.
6. The Charter School shall elect to receive funding from the State directly, pursuant to Education Code section 47651.
7. Grants written by and obtained by Charter School will come directly to Charter School and not go through the CBOE.
8. If the CBOE applies for additional sources of funding in the form of grants and/or categorical funding at the request of and for the benefit of Charter School, which it may do in its sole discretion, the CBOE will

receive a percentage of the funds to be allocated to Charter School. The CBOE will charge the maximum indirect costs as allowed under law or as specified by the specific funding source. Funds shall be allocated to Charter School on a prorated basis based on the formula that generates the funds. For example, if funds are generated on a per eligible student basis, they shall be allocated to Charter School on a per eligible student basis minus the administration fee (i.e., indirect cost fee) charged by the CBOE.

9. The Charter School shall cooperate fully with the CBOE in any applications made by the CBOE on behalf of the students of Charter School.
10. The Charter School agrees to comply with all applicable laws and regulations related to receipt and expenditures of funds.
11. The CBOE shall annually transfer to Charter School funding in lieu of property taxes pursuant to Education Code section 47635.
12. The Charter School agrees that all loans or other financial commitments by the Charter School shall be the sole responsibility of the Charter School and the CBOE shall have no obligation for repayment. The Charter School shall provide CBOE with not less than 30 days' notice of its intent to incur debt. Such notice shall set forth the amount of debt, the lender, and the general terms of the agreement. The Charter School shall ensure that all vendors, creditors, etc. are aware that the Charter School is independent of the CBOE and the CBOE has no responsibility for debts or obligations of the Charter School. (See Section II.C.2.)
13. Charter School agrees that all revenue obtained by Charter School shall only be used to provide educational services and support consistent with its Charter and shall not be used for purposes other than those set forth in the approved Charter, this Agreement or any authorized amendments. All expenditures shall be in accordance with applicable law.

C. Legal Relationship

1. The Parties recognize that the Charter School is a separate legal entity that operates under the supervisory oversight of the CBOE. The Charter School is operated as a non-profit public benefit corporation. The Charter School shall maintain its status in good standing and compliance with its Bylaws. Any failure to do so will be deemed a material violation of the Charter.
2. The Charter School Board of Directors and Executive Director shall be **wholly and independently responsible for Charter School's operations** and shall manage its operations efficiently and economically within the constraints of the **Charter School's Charter and its annual budget**. The CBOE shall not be liable for the debts or obligations of the Charter School, for claims arising from the debts or obligations of the Charter School or for claims arising from the performance of acts, errors, or

omissions by the Charter School, and the Charter School agrees to indemnify the CBOE against any such claims as set forth in the Charter and this Section without regard to the extent the CBOE has performed the oversight responsibilities described in Education Code Sections 47604.32 and 47605(m). This indemnification shall survive termination of this Agreement.

It is agreed that it is the parties' intent that the CBOE shall incur no unreimbursed cost or expenses of any type whatsoever as a result of its relationship with the Charter School. The Charter School may not enter into a contract or agreement to be managed or operated by any other non-profit benefit corporation (or any other corporation or entity) without the express written prior approval of the CBOE.

The Charter School shall not have the authority to enter into a contract that would bind the CBOE, nor to extend the credit of the CBOE to any third person or party. The Charter School shall clearly indicate to vendors and other entities and individuals outside the CBOE with which or with whom the Charter School enters into an agreement or contract that the obligations of the Charter School under such agreement or contract are solely the responsibility of Charter School and are not the responsibility of the CBOE. The Charter School shall notify the CBOE in writing before it incurs a debt or sells receivables in an amount greater than twenty-five thousand dollars (\$25,000).

Except as provided in Section II.E., the Charter School shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the CBOE, its officers, directors, employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter "CBOE" and "CBOE Personnel") from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorney's fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against CBOE and/or CBOE Personnel, that may be asserted or claimed by any person, firm or entity arising out of, or in connection with, the Charter School's performance under this Agreement or the Charter, the condition or use of its facilities, or any acts, errors, negligence, omissions or intentional acts by the Charter School, its Board of Directors, administrators, employees, agents, representatives, volunteers, successors and assigns. This indemnity and hold harmless provision shall exclude actions brought by third persons against the CBOE arising out of any intentional acts of the CBOE and/or CBOE Personnel or solely out of any acts or omissions of the CBOE and/or CBOE Personnel that are not otherwise related to or connected with the Charter School and/or its Personnel. This indemnification clause shall survive termination of this Agreement.

3. The Charter School will comply with all applicable state and federal laws, including, without limitation, the Ralph M. Brown Act (Gov. Code, § 54950 et seq.), the California Public Records Act (Gov. Code, § 6250 et seq.), and conflict of interest laws applicable to public entities

generally, including without limitation, the Political Reform Act (Gov. Code, § 87100) and Government Code section 1090 *et seq.*

The Charter School shall also comply with all applicable federal and state laws concerning the maintenance and disclosure of student records, including, without limitation, the Family Education Rights and Privacy Act of 1974 (20 U.S.C.A. §1232g), all applicable state and federal laws and regulations concerning the improvement of student achievement, including, without limitation, applicable provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C.A. § 6301, *et seq.*) and agrees to take appropriate remedial action if notified by the CBOE, State of California, and/or Office of Civil Rights or other federal or state administrative agency charged with enforcement of these laws, of a violation of any of the foregoing.

4. Any complaints or concerns (including complaints filed with OCR, CDE, EEOC, or FEHA) received by the CBOE about any aspect of the operation of the Charter School or about the Charter School shall be forwarded by the CBOE to the Charter School. The CBOE may request that Charter School inform the CBOE of how such concerns or complaints are being addressed, and the Charter School shall provide such information. The Charter School shall handle its own uniform complaints pursuant to a Uniform Complaint Procedure adopted in accordance with California Code of Regulations, Title 5, Sections 4600 *et seq.* The CBOE retains the authority to investigate any complaints received, in its sole discretion.

D. Fiscal Relationship

1. Oversight Obligations: CBOE oversight obligations include, but are not limited to, the following:
  - a. Review and revision of this Agreement and any subsequent agreements to clarify and interpret the Charter and amendments to the Charter and the relationship between the Charter School and the CBOE.
  - b. Monitoring performance and compliance with the Charter and with applicable laws, including, without limitation, by way of the following:
    - Identifying at least one staff member as a contact person for the Charter School;
    - Visiting the Charter School at least once per year;
    - Ensuring that the Charter School submits the reports and documents identified in subsection (D)(1)(g) below;
    - Monitoring the fiscal condition of the Charter School;
    - Notifying the State of California upon the occurrence of any of the events described in Education Code section 47604.32(e).

The Charter School shall promptly respond to all reasonable inquiries of the CBOE, including, but not limited to, inquiries regarding its financial records.

- c. Any process conducted in compliance with Education Code section 47607 related to the issuance of a notice to remedy or other corrective notice related to the Charter School's operations, including document requests, hearings, notices, and investigations, and monitoring efforts to remedy operational problems identified by the CBOE.
- d. The Charter School may, upon request, process Charter School STRS and PERS through the CBOE in accordance with Education Code § 47611.3. The cost for this service is \$4.95 per student annually.
- e. Data required to be submitted pursuant to this Section shall be submitted in electronic form if requested by the CBOE.
- f. The Charter School shall comply with Generally Accepted Accounting Principles (GAAP) applicable to public school finance and fiscal management. The Charter School shall maintain a minimum reserve for economic uncertainties (designated fund balance) in an amount to be determined appropriate by State law but in no case less than 3% of year end expenditures of the Charter School or as otherwise agreed upon by the Parties.
- g. For purposes of fiscal oversight and monitoring by the CBOE, the CBOE requires the Charter School to provide information and documentation related to its operations. The Charter School shall provide all information and documentation in the form and at the times specified by the CBOE. Whether included in the Report or not, the Charter School shall provide the CBOE with a copy of the following documents, data and reports, in the form and at the times specified.

(A) Student Data

The Charter School shall submit student enrollment projections to the CBOE by June 1 of the preceding school year each year. During the school year, monthly enrollment and ADA reports with respect to the Charter School shall be provided to the CBOE within three (3) business days of request by CBOE personnel.

The Charter School shall maintain contemporaneous written records of enrollment and ADA and make these records available to the CBOE for inspection and audit upon request. The Charter School shall provide copies of the P-1, P-2, and annual state attendance reports to the CBOE prior to each report's deadline submission date. Copies of amended state attendance reports, if any, shall be provided to the CBOE within 3 weeks of discovery of the need for making such an

amendment. The Charter School shall be responsible for reporting all necessary information for the California Basic Education Data System ("CBEDS") to the CDE. Such reports must be generated using the Attendance Reporting software as applicable to charter schools. The Charter School shall ensure that coding of student information conforms to CBOE student information system requirements.

The Charter School's student discipline policies shall be provided to the CBOE annually, by September 1 of each year, and as updated. The Charter School shall provide written notice to the CBOE of each CBOE resident student that leaves the Charter School at any time without completing the school year, including when the student has ceased attending the Charter School for disciplinary reasons and any other involuntary disenrollment for any reason.

The Charter School shall inform the CBOE in writing within 10 days of any student that ceases attendance at the Charter School, the date the student was disenrolled, and the reason for disenrollment.

(B) Personnel Data/Credential Data

Staffing data shall be available to the CBOE on an annual basis and prior to commencement of each school year. Teacher credentials, clearances, and permits shall be maintained on file at the Charter School and shall be subject to periodic inspection by the CBOE. The Charter School will maintain on file, and available for inspection, evidence that clear criminal records summaries based on criminal background checks were conducted and received for all employees prior to employment. The Charter School will provide to the CBOE written assurances of compliance with Education Code section 44237 at the commencement of each school year and not later than September 15.

The Charter School shall report employment status changes for credentialed employees based on allegations of misconduct to the Commission on Teacher Credentialing ("CTC") within 30 days pursuant to Education Code sections 44030.5. The CBOE shall be provided a copy of such report concurrently with its submittal to CTC. The Charter school shall also report to the CBOE any employment status changes for all other employees based upon allegations of misconduct within 30 days. The CBOE shall maintain a database of credentials and report any credential violations to the Charter School which shall take any necessary steps to ensure compliance with credential laws. The cost for this service is two thousand dollars (\$2,000) annually.

(C) Budget/Financial Data

Budget Data:

A preliminary budget shall be provided to the CBOE and the County Superintendent of Schools for review by no later than June 15 of each year. All key budget variables, including revenue, expenditure, debt, beginning and ending balance variables shall be defined, and the budget shall be accompanied by summary certificated and classified employee salary data, and health benefit plans and policies as supporting documents.

A copy of the board approved budget shall be provided to the CBOE by no later than June 30 of each year. Copies of budget revisions shall be provided to the CBOE within two weeks of revision, upon approval by the Charter School's Board of Directors.

A copy of any revisions to Charter School budget guidelines, policies, and internal controls shall be provided to the CBOE within four weeks of adoption of revisions, followed by annual updates.

Cash Flow Data/Long-term Debt:

The CBOE shall be notified in advance of any Charter School Board of Directors action to incur short term debt for cash flow purposes or long term debt beyond five years on behalf of the Charter School. Financing documents shall be made available for CBOE review.

Financial Data:

Bank account reconciliations for the Charter School will be the responsibility of the Charter School.

The Charter School shall submit reports to CBOE in accordance with Education Code Section 47604.33 using state approved SACS reporting forms as follows:

1. Preliminary budget on or before July 1
2. First interim financial report on or before December 1
3. Second interim financial report on or before March 1
4. Final unaudited report for the full prior year on or before August 30

The First Interim Financial Report shall be provided to the CBOE by December 1 and the County Superintendent of Schools by December 15 of each year, and shall reflect changes through October 31; the Second Interim Financial Report shall be provided to the CBOE by March 1 and the County Superintendent of Schools by March 15 of each year, and shall reflect changes through January 31.

The Unaudited Actuals Financial Report shall be provided to the CBOE by August 30 and the County Superintendent of Schools by September 15 of each year.

Financial Audit:

The Charter School shall provide a copy of the Charter School's Audited Financial Report to the CBOE, the County Superintendent of Schools, the State Controller, and the CDE by December 15 of each year. The Charter School's Executive Director will review any audit exceptions or deficiencies and report to the Charter School's Board with recommendations on how to resolve them. The Charter School's Representative will submit a report to the CBOE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the CBOE along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be resolved through the process described in the Charter.

The Charter School shall, upon request by the CBOE, present a report to the CBOE's Board of Trustees on its fiscal solvency. This presentation shall be made at an agenda meeting of the Board of Trustees and the report shall include review of the Charter School's ADA, revenue, expenditures, debt, audit findings, and compliance with revenue based programs and grants such as the National School Lunch Program and the Public Charter Schools Grant Program.

(D) Governance Data/Meeting Information

Copies of meeting agendas for meetings of the Charter School's Board of Directors shall be posted at the Charter School facility and on its website at the time they are distributed to the public pursuant to the Brown Act. Copies of meeting minutes shall be posted at the facility within 5 days after their approval by the governing board. The Charter School shall provide the CBOE with notice of all meetings. Copies of approved minutes will be maintained by the Charter School and shall be provided to the CBOE within two business days of receipt of written request.

The Charter School shall annually (on or before July 1 of each year) send to the CBOE a list of its directors and officers, including addresses and phone numbers. The Charter School shall notify the CBOE within 30 days of any change in the composition of these directors and officers.

(E) Personnel Policies

A copy of the Charter School personnel and payroll policies shall be provided upon commencement of the first school year and annually thereafter by September 1.

(F) Risk Management Data

The Charter School shall establish and institute risk management policies and practices to address reasonably foreseeable occurrences. Copies of all policies of insurance and memoranda of coverage shall be provided by the Charter School to the CBOE annually no later than two weeks prior to the commencement of school. The CBOE, and its officers, officials, employees, agents and volunteers, shall be named as an additional insured. The CBOE shall be named as an additional insured. Should insurance expire or lapse for any reason, the Charter School shall not operate unless and until full coverage as set forth in Section II.H. is reinstated. The CBOE reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by this Agreement at any time.

A copy of Charter School Health and Safety Plan will be maintained by the Charter School and shall be made available to the CBOE within two business days of receipt of a written request from the CBOE.

(G) Programmatic/Performance Audit

The Charter School shall prepare bi-annual performance reports and submit each report to the CBOE.

The first performance audit report, to be submitted to the CBOE by December 1, shall include all information necessary to demonstrate that the Charter School is meeting the applicable accountability standards and legal requirements as defined by the State of California, the Charter, this MOU, and the Charter LCAP, and is operating in a legally compliant and fiscally responsible manner for the then current school year. The first performance audit report shall also include, among other things: a review of budget and financial status including discussion of any debt incurred by the Charter School; a discussion of the educational program being delivered at the Charter School; an analysis of whether student performance is meeting the goals specified in the Charter using data displayed on a school-wide basis and disaggregated by major racial and ethnic categories, socio-economic status, English learner status, and/or disability; an overview of the Charter School's admissions practices during the year and data regarding the numbers of students enrolled and the number on waiting lists; student data regarding student discipline, expulsion and any disenrollment including the basis for any disenrollment; analysis of the effectiveness of the Charter School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints; as well as any updates on the Charter School's operations.

Beginning with the 2017-2018 school year, in addition, to the information set forth above, the December performance audit report shall include all information necessary to demonstrate that the Charter School met the applicable accountability standards and legal requirements as defined by the State of California, the Charter, this MOU, and the Charter LCAP, and is operating in a legally compliant and fiscally responsible manner for the prior school year. The performance audit report shall also include, among other things: a review of budget and financial status including discussion of any debt incurred by the Charter School; a discussion of the educational program delivered at the Charter School and demonstration of meeting the pupil outcomes identified in the Charter; an analysis of whether student performance is meeting the goals specified in the Charter, using data displayed on a school-wide basis and disaggregated by major racial and ethnic categories, socio-economic status, English learner status, and/or disability; an overview of the Charter School's admissions practices during the year and data regarding the numbers of students enrolled and the number on waiting lists; student data regarding student discipline, expulsion and any disenrollment including the basis for any disenrollment; analysis of the effectiveness of the Charter School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints; as well as any compliance by the Charter School in all aspects of its operations.

The second performance audit report, to be submitted to the CBOE by March 1, shall include all information necessary to demonstrate that the Charter School is meeting the applicable accountability standards and legal requirements as defined by the State of California, the Charter, this MOU, the Charter LCAP, and operating in a legally compliant and fiscally responsible manner for the then current school year. The second performance audit report shall also include, among other things: a review of budget and financial status including discussion of any debt incurred by the Charter School; a discussion of the educational program being delivered at the Charter School; an analysis of whether student performance is meeting the goals specified in the Charter using data displayed on a school-wide basis and disaggregated by major racial and ethnic categories, socio-economic status, English learner status, and/or disability; an overview of the Charter School's admissions practices during the year and data regarding the numbers of students enrolled and the number on waiting lists; student data regarding student discipline, expulsion and any disenrollment including the basis for any disenrollment; analysis of the effectiveness of the Charter School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints; as well as any updates on the Charter School's operations.

(H) Instructional Materials

A list of core instructional materials by grade and content will be maintained by the Charter School and shall be made available to the CBOE within two business days of receipt of a written request from the CBOE.

(I) Other

The Charter School shall provide such other documents, data and reports as may be reasonably requested or required by the CBOE or the County Office of Education.

2. Oversight Fees: The Charter School shall pay the CBOE three percent (3%) of Charter School revenues to cover the actual cost of oversight, unless the CBOE does not provide substantially rent free facilities, in which case the oversight fee shall not exceed one percent (1%) of the Charter School's revenue. The CBOE reserves the right to charge a pro rata share for facilities, in its discretion. "Charter School revenue" means the general purpose entitlement and categorical block grant, as defined in subdivisions (a) and (b) of Section 47632 or as modified by the Legislature.

The Charter School shall pay for separately purchased administrative or other services as defined within this MOU or as agreed upon separately. Additionally, The Charter School will reimburse the CBOE for any costs necessary to audit, investigate, or perform other work not included as part of the authorizers oversight responsibilities as defined in Education Code section 47604.32. The CBOE will invoice the Charter School for this amount at the end of each fiscal year.

3. Administrative Services: The Charter School has the obligation to provide all administrative services necessary to operate the Charter School. The Charter School may provide these services directly or may contract with a third party to provide services, including the CBOE. If Charter School purchases services from a third party other than the CBOE it shall ensure that the CBOE is able to access all information regarding the Charter School maintained by the third party service provider. Should the Charter School desire to purchase additional administrative or business services not included in this MOU from the CBOE, the Charter School shall request administrative services in writing. If the Charter School requests administrative services from the CBOE in writing, the Parties shall execute an administrative services contract delineating their agreement. Any such contract is incorporated by reference herein and shall govern the Parties' entire relationship with respect to the CBOE's provision of administrative services.

E. Special Education and Student Issues

1. At all times it is operational, the Charter School will have information posted on the Internet, and will update the posting as quickly as possible whenever the information changes, identifying the El Dorado

Special Education Local Plan Area ("SELPA") in which it is participating. The posted information shall include any documentation pertaining to that participation or membership, such as an MOU.

2. At all times it is operational, the Charter School will have the following information posted on the Internet and will update the posting as quickly as possible whenever the information changes:
  - a. Scope and sequence for all subjects to be offered by the Charter School.
  - b. The complete educational program for students to be served in the first year including, but not limited to: (1) a description of the curriculum and identification of the basic instructional materials to be used, (2) plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, (3) identification of specific assessments that will be used in addition to the results of all required state assessments in evaluation of student progress.
  - c. Annual calendar for the school year that includes the number of instructional days (must provide a minimum of 175 days), annual instructional minutes offered, and the number of professional development days.
  - d. Daily bell schedule for site-based programs.
  - e. For non-classroom-based programs, if any, sample student contracts, description of frequency of contact with teachers, pupil/teacher ratios, and description of how student work will be evaluated for time value.
3. As a member of the El Dorado SELPA, the Charter School is solely responsible for all aspects of compliance with State and Federal special education laws, including but not limited to the Individuals with Disabilities Education Act ("IDEA"), Education Code § 56000 et seq., and the respective implementing regulations, as well as all aspects of its special education program, including but not limited to child find, referral and identification of eligible students with disabilities, provision of appropriate placements and related services to eligible students, compliance with all procedural requirements and protections available to eligible students pursuant to Federal and State law, and management of special education funding and personnel. The CBOE shall not have any responsibility for special education services and/or funding for the students of the Charter School.
4. Special Education – Discipline and Documentation: The Charter School shall maintain copies in student files of all formal written correspondence, between the Charter School and parents relating to student discipline and special services, including any requests for services, inquiries, referrals, and responses. If the Charter School expels a student, or otherwise recommends a change in placement

without consulting and consent from the CBOE, it is obligated to pay any costs of that student's placement and services.

F. Student Application/Registration/Records/Withdrawal

1. The Charter School shall adopt Student Application and Registration forms that include questions about whether the student is currently receiving or has ever received any type of special services (e.g. special education, IEP, Section 504 plan, accommodation plan), or has been expelled from a school district. The Charter School shall use a Records Request form to request pupil records from the prior school of attendance for all students who indicate an intention to enroll in The Charter School.
2. Student Withdrawal from the Charter School. If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.
3. No student may be involuntarily dis-enrolled or dismissed from the Charter School without compliance with the Charter School Suspension/Expulsion policy.

G. Site Visits

The CBOE will conduct a site visit prior to the opening of a new school and at least one visit during the school year. The site visits will consist of the following:

1. Pre-opening Visit and Document Review Checklist (See Attachments A and B.)
2. Prior to the CBOE authorizing the Charter School to commence operations, the School must demonstrate that it has completed specified actions and provided required documentation. The documentation required is listed in Attachment B, the Document Review Checklist, under the column "Required Prior to School Opening."
3. On or before August 1 of the year in which the Charter School is first scheduled to begin instruction, (or, if the Charter School is scheduled to provide instruction prior to that date, by such date as required by the CBOE), the Charter School will have posted on the Internet each item required on the Checklist, or for items not completed, an agreed upon date by which the item will be completed.
4. The CBOE will visit the Charter School facility for an inspection and review prior to the time the Charter School is scheduled to open. The

pre-opening review will take place no later than 30 days prior to the anticipated school start date. The pre-opening checklist is included as Attachment A. The School may not commence operations without written authorization from the CBOE.

5. Periodic Site Visits (See Attachment C.)
6. The CBOE will conduct at least one site visit annually in order to assess the Charter School's progress in governance and organizational management, educational performance, fiscal operations, and fulfillment of the terms of the charter. The primary focus of the visits will be on teaching and learning and the Student Achievement Plan. Attachment C, the Approved Charter School Evaluation Form, and Attachment B, the Document Review Checklist, describe the evidence and documentation that will be reviewed and evaluated each year.
7. The site visit may include review of the facility, review of records maintained by the Charter School, interviews with the director of the Charter School, staff, and clients, and observation of instruction in the classroom. The evaluations for each year will constitute the basis upon which a renewal decision will be made at the end of the term of the charter. Any deficiencies will be reviewed with the Charter School administration.
8. The CBOE reserves the right to make unannounced visits to the Charter School.

#### H. Insurance and Risk Management

The Charter School will obtain its own insurance coverage to cover the operations of the Charter School and shall supply the CBOE certificates of insurance, with proof of insurance of at least the types and amounts recommended by the CBOE's insurer based upon the standard coverage for a school of similar size and location, as initially outlined below, which may change annually based on, among other factors, size and location of the Charter School subject to CBOE agreement to such change.

1. Comprehensive or commercial general liability insurance with limits not less than Three Million Dollars (\$3,000,000) each occurrence combined single limit for bodily injury and property damage.
2. Comprehensive or Business Automobile Liability Insurance with limits not less than One Million Dollars (\$1,000,000) each occurrence Combined Single Limit for Bodily Injury and Property Damage including coverage for Owned, Non-owned and Hired Vehicles, as applicable.
3. Workers' Compensation, with Employer's Liability limits (including employment practices coverage) not less than One Million Dollars (\$1,000,000) each occurrence.

4. Professional Liability (Errors and Omissions) Insurance (including employment practices coverage) with limits not less than One Million Dollars (\$1,000,000) each occurrence.
5. If any policies are written on a claims-made form, the Charter School agrees to maintain such insurance continuously in force for three years following termination or revocation of the Charter or extend the period for reporting claims for three years following the termination or revocation of the Charter to the effect that occurrences which take place during this time shall be insured.
6. The Charter School shall be responsible, at its sole expense, for separately insuring its personal property.
7. The Charter School shall add the CBOE, and its officers, officials, employees, agents and volunteers, as a named insured on all of its insurance policies.
8. The Charter School must have adopted a resolution with administrative rules and regulations in regards to risk management and safety.
9. The Charter School must adhere to established claim reporting guidelines, especially as they relate to timeliness and completeness of reporting, and providing assistance requested by Relief or its representative in the investigation and defense of a claim.
10. The Charter School must follow established guidelines in regards to obtaining appropriate certificates of insurance, additional insured endorsements and hold harmless and indemnification agreements.
11. The Charter School shall only allow its facilities to be used by the public pursuant to the same parameters as the CBOE. At a minimum, the Charter School shall require that all users provide a certificate of insurance with acceptable liability limits, depending upon the nature of the activity, and a written agreement by the user group to defend, indemnify and hold harmless the charter school and the CBOE, and its officers, officials, employees, agents and volunteers, from any and all losses which may occur, however caused, as a result of the user group's use of the facility.
12. The CBOE shall retain the ability to conduct inspections of its facilities and equipment pursuant to established risk management guidelines. Defective or dangerous conditions discovered through these inspections must be promptly corrected. The Charter School is required to complete quarterly safety inspections. These inspections must be maintained in a log book. Bi-annual inspection by a certified third party must be performed at least bi-annually. The Charter School shall keep written records of these inspections on file for at least one year after the date of the inspection.
13. The Charter School shall obtain parent or legal guardian permission for all voluntary field trips, excursions or on-campus extracurricular

activities. An Assumption of Risk Form shall be signed by all participants twelve years of age or older and their parents/legal guardians.

14. The Charter School's employees and parent volunteers must provide proof of automobile liability insurance coverage and a valid driver's license prior to driving on Charter School business or activities. Only participants in the activity shall ride in the vehicle while it is being driven on school business.
15. The Charter School shall not allow employees or the public to use the Charter School's power tools or equipment for their personal business. Any equipment which is loaned to employees or students shall have a loan form completed by the borrower and the parent/legal guardian, if appropriate, and shall only be loaned if there is a school purpose involved and only upon approval of the site administrator or designee.
16. All extracurricular athletic activities or student body groups involving off-campus activities shall require an assumption of risk form to be signed by the participant and parent/legal guardian.
17. The Charter School shall follow established guidelines applicable to charter schools and consistent with the Charter School's Charter, employment agreements, and personnel policies in regards to termination of employees, handling sexual harassment complaints and conducting business in a nondiscriminatory manner and must comply with applicable local, state and federal laws and regulations.
18. If the Charter School decides to use the services of independent contractors rather than hiring employees, the Charter School shall be responsible for properly risk managing those activities. The Charter School shall also assume all responsibility for any taxes and penalties, which may be assessed by the Internal Revenue Service.
19. The Charter School shall agree to provide appropriate safety training to students in classes involving the handling of hazardous materials. Such training shall include, at a minimum, students' understanding of a material safety data sheet and how to interpret it, and instruction on the proper handling of the hazardous materials in the classroom to avoid exposures.
20. The Charter School shall follow safety guidelines mandated in their insurance policy agreement. The Charter School shall agree to a bi-annual risk management audit, at its own expense, to verify compliance safety guidelines.
21. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment and/or other assets. Minimum amount of coverage shall be \$150,000 per occurrence, with no self-insured retention.

I. Human Resources Management

1. Except with regard to special education staffing, as provided in Section II.E., all other staff working at the Charter School are employees of the Charter School. The Charter School shall have sole responsibility for employment, management, salary, benefits, dismissal and discipline of its employees.
2. The Charter School will be considered the public school employer pursuant to the Educational Employment Relations Act.
3. The Charter School agrees to comply with applicable federal statutory and regulatory requirements for highly qualified teachers and paraprofessionals used for instructional support as set forth in federal and state law.
4. The Charter School shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements. No individual may begin employment or be in contact with students that has not received full clearance.

J. Governance

1. At all times it is operational, the Charter School will have the following information posted on the internet and will update the posting as quickly as possible whenever the information changes:
  - a. Articles of Incorporation
  - b. Bylaws approved by the governing board
  - c. Roster and biographies of current governing board members
2. Calendar: The annual calendar of governing board meetings, including a description of how parents and community members will be notified of the meetings, will be posted on the Internet.
3. Governing Board Meetings: The governing board of the Charter School shall conduct public meetings at such intervals as are necessary to ensure that the board is providing sufficient direction to the Charter School through implementation of effective policies and procedures. At least once per quarter, the Charter School's governing board meetings will be conducted at a location within Contra Costa County. All governing board meetings will be conducted in compliance with the requirements of the Ralph M. Brown Act (Govt. Code §§ 54950 – 54962). Governing board adopted policies, meeting agendas, and minutes will be posted on the Internet.
4. Brown Act Training: The Charter School will provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties. On the Web site, the Charter School will certify that Brown Act training has been provided to the specified individuals.

5. Governing Board Policies: The governing board will adopt policies and procedures to guide the operation of the Charter School, and the Charter School will post the policies and procedures on the Internet, updating the posting as quickly as possible following any change. The policies and procedures will include, but not be limited to, the following:
- a. Conflicts of Interest, including provisions related to nepotism, for itself and the Charter School's employees and contractors, to ensure that no action taken by an individual or organization covered by the policy results in actual or apparent conflicts of interest; and (2) verification that all board members and Charter School employees have participated in conflict of interest training.
  - b. Internal Fiscal Controls: The Charter School will develop and maintain internal fiscal control policies governing all financial activities. Prior to opening (or as policies are revised), a copy of the Charter School's internal control policies and procedures approved by the Charter School's governing board will be submitted to the CBOE. Such policies and procedures are subject to review during site visits to see that they are being implemented.
  - c. Campus Supervision, including, but not limited to, the supervision of students before and after school, and while on campus, student pick-up, as well as a procedure for visitors to enter and leave the campus.
  - d. Discipline Policies, including, but not limited to, lists of the offenses for which students may (and must) be suspended or expelled, the procedures for suspension or expulsion, procedures by which parents and students will be informed about reasons for suspension or expulsion, and of their due process rights in regard to either disciplinary action.
  - e. Parent/Student Handbook, including, at a minimum, detailed expectations for student attendance, behavior, and discipline, as well as policies and consequences for bullying and harassment, due process rights related to discipline (including suspension, expulsion, and special education), and a description of both informal and formal complaint procedures that parents may pursue in the event of disagreements. In addition to the Internet posting, the Charter School will provide a hardcopy of the parent/student handbook to each family at the beginning of each school year.

f. Health and Safety Plan: At all times it is operational, the Charter School will have the following information posted on the Internet and will update the posting as quickly as possible whenever the information changes:

- i) A copy of the health, safety, and emergency plan for students and employees.
- ii) Evidence that staff has been trained in health, safety, and emergency procedures.
- iii) A calendar of emergency drills for students.

The health and safety plan will address at a minimum, fire emergencies, earthquakes and other natural disasters, civil disorder, accidents, injuries, and other threats to the health and safety of students and staff. The Charter School will provide training for staff in responding to emergencies and conduct emergency response drills for its students.

6. Notice to Parents and Guardians: At all times it is operational, the Charter School will have posted on the Internet information concerning the rights of parents and guardians under federal law, including the Family Educational Rights and Privacy Acts (FERPA), and will update the posting as quickly as possible whenever the information changes. The Charter School will also provide a hardcopy of the information to each family at the beginning of each school year.

7. Criminal Records Summaries: All employees of the Charter School, volunteers who are not parents and who will be performing services that are not under the direct supervision of a Charter School employee, and onsite vendors having unsupervised contact with students will submit to background checks and fingerprinting in accordance with EC Section 45125.1. The Charter School will post on the Internet a certification that all employees, and volunteers/vendors (as applicable) have clear criminal records summaries prior to their having any unsupervised contact with students. The Charter School will maintain on file and available for inspection during site visits, evidence that the Charter School has performed criminal background checks for all employees and documentation that vendors have conducted required criminal background checks for their employees prior to any unsupervised contact with students.

K. Administration

1. Enrollment and Admissions Documentation: At all times it is operational, the Charter School will have the following information posted on the Internet and will update the posting as quickly as possible whenever the information changes:

- a. Descriptions of outreach and recruitment activities that have been conducted to reach target population.

- b. Procedures for application, the public random drawing, enrollment, and admission.
  - c. Evidence of public random drawing preferences consistent with the Charter and SBE conditions of operation.
  - d. A copy of any application and enrollment forms and information provided to prospective families.
  - e. Documentation, while pertinent, that start-up enrollment is consistent with enrollment numbers described in the charter.
2. Employee Handbook: At all times it is operational, the Charter School will have posted on the Internet (and will update the posting as quickly as possible whenever the information changes) the employee handbook that, at a minimum, includes detailed expectations for employee performance and behavior, due process rights of employees related to disciplinary actions (including termination), compensation and benefit information, and a description of both informal and formal complaint procedures that employees may pursue in the event of disagreements. If the Charter School wishes to limit public access to the handbook for any reason, it may provide the CBOE with a hardcopy of the document in lieu of posting it on the Internet.
  3. Employee Contracts: At all times it is operational, the Charter School will have posted on the Internet (and will update the posting as quickly as possible whenever the information changes) the template employee contract that, at a minimum, states that the Charter School is the exclusive employer of employees and has sole responsibility for employment, management, dismissal, and discipline of its employees. If the Charter School wishes to limit public access to the employee contract template for any reason, it may provide the CBOE with a hardcopy of the document in lieu of posting it on the Internet.
  4. Teacher Credentials: At all times it is operational, the Charter School will have posted on the Internet a certification that all teachers hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools are required to hold, except as otherwise exempted by the Charter Schools Act. In addition to meeting all applicable certification requirements, all teachers shall have an English Language authorization. The Charter School will timely provide all necessary documentation to CBOE, which the CBOE will keep on file.
  5. Management Contracts: Prior to entering into a contract (or as the contract is revised) with an education management organization (EMO), the Charter School will provide the following information:
    - a. A draft of the proposed management contract.
    - b. A recent corporate annual report and audited financial statements for the EMO.

- c. A description of the EMO's roles and responsibilities for the management of the Charter School and the internal controls that will be put in place to guide the relationship.
- d. A list of other schools managed by the EMO and the academic and operational results of such management.
- e. A list of and background on the EMO's leaders and board of directors.
- f. A letter of assurance from the EMO that it has conflict of interest policies in place and that none of the principals of either the EMO or Charter School have conflicts of interest.

The CBOE will review and must approve any school management contracts prior to the Charter School entering into the contract.

6. Business Services Contracts: The Charter School must provide the CBOE a copy of its agreement, if applicable, with the vendor that will provide business services to the Charter School, including but not limited to, payroll, accounting and budgeting, attendance accounting, fiscal reporting, contracts management, and purchasing, etc. specifying the exact services that will be provided and the cost, the term of the contract, and how the Charter School will monitor the vendor to ensure quality of service.
7. Facilities Agreement: No later than June 1 prior to initial opening, the Charter School will provide a written signed agreement (lease or other similar document) indicating the Charter School's right to use the principal school site and any ancillary facilities identified by the Charter School for at least the first year of the Charter School's operation and evidence that the facility will be adequate for the Charter School's needs. A pre-opening site visit will be conducted prior to opening of the Charter School regardless of whether the Charter School is locating in a facility provided by the district under Proposition 39 or in a privately-leased facility (see Attachment A for information on the pre-opening visit).

Once open, the Charter School may change facilities only with prior approval of the CBOE. Under ordinary circumstances, the Charter School shall provide the CBOE not less than 30 days notification of any change in facilities in order for the CBOE to conduct a site visit prior to students attending the new facilities. Under extraordinary circumstances, (e.g., a change of facilities necessitated by fire or natural disaster), the CBOE may waive the pre-opening site visit.

8. Zoning and Occupancy: At all times it is operational, the Charter School will have posted on the Internet a certification that its facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. The facility must meet all applicable health and fire code requirements and zoning laws. The Charter School shall maintain documentation on

file of all local approvals including applicable fire marshal clearances, certificates of occupancy, signed building permit inspections and approved zoning variances. The Charter School cannot exempt itself from applicable/local zoning or building code ordinances.

A CBOE site review of the Charter School's facilities will assess whether the facilities are clean, safe, American Disabilities Act (ADA) compliant, and have the necessary local approvals to operate.

If the Charter School seeks facilities from the district in which it intends to locate (or is located) under Education Code section 47614 (Proposition 39), it will follow applicable statute and regulations regarding submission of such a request to the district. The CBOE will conduct the pre-opening site review process described for approving any facilities allocated to the school by the district.

L. Transportation

All responsibility for transportation services, if offered, will be provided by the Charter School, including transportation for field trips.

M. Nutritional Services

Absent a separate written agreement to the contrary, the Charter School will be responsible for providing its own food services. The Charter School shall provide nutritious lunches and snacks to children at reasonable prices in conformity with the National School Lunch Program. The program must be open to all enrolled children. Free or reduced price meals and snacks must be provided to those children who qualify for such benefits. The Charter School shall fully comply with all state and federal laws governing free and reduced price lunch/meals.

N. Educational Program

1. Subject to CBOE oversight and compliance with its Charter and applicable state and federal law, including, without limitation, IDEA, other federal law, or state law on the education of students with disabilities, and Section 504. The Charter School is autonomous for the purposes of, among other things, deciding the Charter School's educational program with the understanding that the educational program shall comply with the Charter.
2. The Charter School's calendar and daily agenda shall be submitted annually to the CBOE for review and verification of compliance with instructional day and minutes requirements. Any calendar changes will be provided to the CBOE by May 1 prior to the beginning of a new school year.
3. It is understood that the Charter School shall pursue or meet all federal and state academic testing and student progress requirements.

O. Facilities. Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that

are compliant with the State Building Code. The facilities shall meet the requirements of the Americans with Disabilities Act and shall be approved by the local fire marshal for the use intended. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills monthly and shall maintain records of such drills. The Charter School shall not establish more than one site or facility without seeking material revision of its Charter document from the CBOE. Whenever the Charter School is utilizing a school district's facilities, the Charter School understands and acknowledges that a separate facilities use agreement is required. If the parties have a facilities use agreement in place, that shall govern over this paragraph. The CBOE will conduct two facilities review and inspections annually. The Charter School shall reimburse the CBOE \$1,200 for these administrative services.

- P. Renewal. The parties recognize that the Charter School will be required to meet at least one of the academic performance criteria set forth in Education Code section 47607(b) as a condition for renewal unless this requirement is changed by the Legislature. If the Charter School intends to apply for a renewal of its charter, it must submit its petition no later than six (6) months in advance of the end of its current term. In addition to satisfying all applicable legal criteria, the Charter School must be able to demonstrate that it is fiscally sound and has operated in full compliance with state and federal law, its Charter, and this MOU in order to be renewed.

Q. Closure Procedures.

At all times it is operational, the Charter School will have information posted on the Internet (and will update the posting as quickly as possible whenever the information changes) a description of the procedures to be used in the event the Charter School closes. Procedures must be compliant with requirements contained in California Code of Regulations, Title 5, Section 11962, and at a minimum, must include the following:

1. Identification of a responsible person(s) – e.g. Director, Financial Officer, President of the Charter School governing board to oversee and conduct the closure process. This provision shall include a process to ensure that it is updated no less than annually or when any change is made.
2. Notification of students and families of school closure.
3. Security of student and business records.
4. Processing of final employee payroll and benefits.
5. Identification of all assets and liabilities and plan for transfer as detailed in the charter.
6. Final close-out audit to be paid for by the Charter School.
7. Identification of a source of funding to be used for closeout expenses including the final audit.

8. Dissolution of the Charter School and/or nonprofit corporation.

If the Charter School is to close permanently for any reason (i.e., voluntary surrender, non-renewal, or revocation), the Charter School will serve written notice that the closure procedures have been invoked. The Charter School will immediately identify to the CBOE the specific individual who is responsible for coordinating the Charter School's close out activities. The CBOE will identify a staff person who will work with the Charter School to accomplish all close out activities.

R. Response to Requests. Pursuant to Education Code section 47604.3, the Charter School shall respond promptly to all reasonable written requests of the CBOE.

S. Designees. Any notice, documentation, and/or information required or permitted to be given under this MOU shall be deemed to have been given, served and received if given in writing and personally delivered or either deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service or facsimile transmission, addressed as follows:

If to the CBOE:            [NAME]  
                                      [TITLE]  
                                      [ENTITY]  
                                      [STREET ADDRESS]  
                                      [CITY], California [ZIP CODE]

If to the School:            [NAME]  
                                      [TITLE]  
                                      [ENTITY]  
                                      [STREET ADDRESS]  
                                      [CITY], California [ZIP CODE]

T. Legal Counsel. The Charter School shall retain the right to use its own legal counsel and will be responsible for procuring such counsel and associated costs.

U. Enrollment of Expelled Students. The Charter School shall not be obligated to accept enrollment of any student who has been expelled from the other entity during the term of the expulsion, except as may be required by federal or state law. Charter School may not involuntarily dis-enroll student without compliance with the expulsion procedures set forth in the Charter as approved by the CBOE.

V. Provision of Documents. With both parties understanding that some state, federal and county documents directed toward the Charter School may be mailed to the CBOE, the CBOE agrees to pass on such documents and forms to the Charter School in a timely manner, so it may complete its legal obligations. The Charter School has full responsibility for the forms and documents it receives directly and those which it must access on the internet on its own.

W. Material Amendments to Charter. Changes to the Charter deemed to be material amendments may not be made without the CBOE's consideration and approval. Amendments to the Charter considered to be material changes include, but are not limited to, the following:

1. Substantial changes to the educational program (including the addition or deletion of an educational program), mission, or vision.
2. Changing to (or adding) a non-classroom-based program, if originally approved as a classroom-based program.
3. Proposed changes in enrollment that differs by more than 25 percent +/- of the enrollment originally projected in the Charter, or as approved by the CBOE in a subsequently revised charter.
4. Addition or deletion of grades or grade levels to be served.
5. Location of facilities and/or new sites.
6. Admissions preferences.
7. Governance structure.

X. Non-Assignment. Neither party shall assign its rights, duties or privileges under this Agreement, nor shall either party attempt to confer any of its rights, duties or privileges under this Agreement on any third party, without the written consent of the other party. The replacement of the Charter School with any other non-profit corporation or other operating body or governance structure shall be treated as a material revision of the Charter, subject to the review and approval of the CBOE pursuant to applicable provisions of the Education Code.

Y. Severability. If any provision or any part of this Agreement is for any reason held to be invalid or unenforceable or contrary to public policy, law or statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

Z. Reimbursement of Mandated Costs. The Charter School shall seek reimbursements of its mandated costs, if any, directly from the State.

This represents the full and final agreement between the Charter School and the CBOE and shall only be modified in writing by the mutual agreement of the parties.

Dated: \_\_\_\_\_  
[NAME], [TITLE]  
[ENTITY]

Dated: \_\_\_\_\_  
\_\_\_\_\_, Executive Director  
\_\_\_\_\_ Charter School

**ATTACHMENT A: PRE-OPENING SITE INSPECTION CHECKLIST**

<b>General Considerations</b>		<b>Comments</b>
Facilities are sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has adequate space for the support services the school intends to provide to its students (i.e. nurse, counselors, tutors, after-school programs, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities include cafeteria or other suitable space for students to eat meals.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Building placement is compatible (i.e. music room is not next to library).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are generally conducive to a learning environment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site is away from freeways, railways, flight patterns, excessive noise, obnoxious odors, toxic conditions, electromagnetic fields, earthquake faults, flood zones.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has good access and dispersal roads.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has separate bus loading, parking areas, and parent drop off areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities operation permits and certificates, including evidence of inspection by a structural engineer, fire marshal and occupancy certificates, zoning variances, building permits, etc. have been secured.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has good access and dispersal roads.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are sufficient to accommodate the administrative and business functions, including the storage of student and other records, reports, and documents.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>General Considerations</b>		<b>Comments</b>
Facilities meet requirements of the Americans with Disabilities Act, including (1) accessible routes from outside the school to the entry and from the school entry to all other buildings, and (2) stairs, ramps, toilets and signage that meet accessibility standards.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site and facilities are situated to minimize student contact with adults who do not have appropriate clearances as required by <i>Education Code</i> Section 44237.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Relocatable facilities are single story and meet local seismic safety requirements.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are clean, sanitary, and free from conditions that would create a fire, or other hazard.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Indoor and/or outdoor physical education facilities are sufficient to accommodate the program envisioned in the charter.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Library or other space dedicated to research and study is suitable for the educational program being provided.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Building Exterior</b>		<b>Comments</b>
Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold and evidence of leaks.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Perimeter fences are installed as necessary and are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Graffiti or other signs of vandalism to the building are absent.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
School exterior needs minimal cosmetic repairs, painting, or additional lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b><i>Building Exterior</i></b>		<b><i>Comments</i></b>
Windows and doors are intact and in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exterior stairs or handrails are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exits to buildings are free of obstructions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Signage is adequate for traffic flow and for directions to school offices.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
School site is substantially free of litter and clutter.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b><i>Interior Entrances, Corridors, and Stairs</i></b>		<b><i>Comments</i></b>
Heating and ventilation systems are adequate for the size of the building and numbers of students.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Electrical system has no major code violations.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Fire alarm system meets applicable local life safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Restrooms are conveniently located and accessible to students; toilets are clean and operable.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Lighting, including night time lighting, is sufficient for the educational activities being conducted at the site.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Floors, walls, and ceilings are clean; ceiling tiles are all intact.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Halls and stairs are adequately lighted.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the building.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Interior Entrances, Corridors, and Stairs</b>		<b>Comments</b>
Interior is free of other hazards that could endanger student safety.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Classrooms</b>		<b>Comments</b>
Classroom size and layout are related to functions that will be performed in them (i.e. science and computer laboratories, special education, locker rooms, gyms, etc.).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Desks, tables, and chairs are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Space is provided to secure computers and other expensive electronic devices.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Gas, electrical, and water outlets and appliances are in good repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms have adequate lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Kindergarten classrooms have toilet facilities, or dedicated facilities are located within close proximity to classrooms, and are of appropriate height	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Additional Comments</b>

### ATTACHMENT B: Documentation Review Checklist

Category	Prior to Opening	Site Visit	Other Date
<b>1. Governance and Organizational Management</b>			
<b>1.1 Organization</b>			
• School contact information	✓		
• Organizational chart	✓		
<b>1.2 Governing Board Establishment</b>			
• Articles of Incorporation	✓		
• Bylaws approved by governing board	✓		
• Roster/biographies of current board members	✓		
<b>1.3 Governing Board Activities</b>			
• Calendar of governing board meetings	✓		
• Agendas, verification of public posting		✓	
• Meeting minutes		✓	
• Brown Act training verification	✓		
• Governing board policies in following areas:			
➤ Conflicts of Interest	✓		
➤ Parent/student handbook	✓		
➤ Internal fiscal controls	✓		
➤ Health and safety plan	✓		
➤ Notification to parents/guardians	✓		
➤ FERPA notices	✓		
➤ Criminal records summaries	✓		
<b>1.4 Administration</b>			
• Descriptions of enrollment and outreach	✓		
• Enrollment forms	✓		
• Targeted recruitment of students	✓		
• Enrollment preferences, if any	✓		
• Insurance coverage	✓		
• Employee handbook	✓		
• Employee contracts	✓		
• EMO contracts	✓		
• Facilities use agreement(s)			June1
• Certificate of Occupancy, building permits, evidence of appropriate zoning			Aug.1
• School Accountability Report Card (SARC)			April 30

Category	Prior to Opening	Site Visit	Other Date
<b>2. Educational Performance</b>			
<b>2.1 Education program</b>			
<ul style="list-style-type: none"> <li>• Scope and sequence for all grades</li> </ul>	✓		
<ul style="list-style-type: none"> <li>• Complete educational program, including curriculum, instructional materials, professional development plans, and identification of assessments.</li> </ul>	✓		
<ul style="list-style-type: none"> <li>• Annual school calendar</li> </ul>	✓		
<ul style="list-style-type: none"> <li>• Daily bell schedule</li> </ul>	✓		
<ul style="list-style-type: none"> <li>• Faculty and staff credentials (as applicable)</li> </ul>	✓		
<b>2.2 Student Achievement Plan</b>			
Student Achievement Plan		✓	Oct. 1 (if applicable)
<b>2.3 Annual Update</b>			
Progress report on student achievement		✓	Sept. 30
<b>2.4 Special Education</b>			
SELPA participation documentation	✓		
<b>2.5 Independent Study</b>			
<ul style="list-style-type: none"> <li>• Verification of requirements of law, including:                             <ul style="list-style-type: none"> <li>➤ Frequency of contact</li> <li>➤ Student/teacher ratios</li> <li>➤ contracts</li> <li>➤ Evaluation of student work for time value</li> </ul> </li> </ul>			
		✓	
		✓	
		✓	
		✓	

Category	Prior to Opening	Site Visit	Other Date
<b>3. Fiscal Operations</b>			
<b>3.1 Funding</b>			
<ul style="list-style-type: none"> <li>Verification of funding</li> </ul>			
<b>3.2 Fiscal Agent</b>			
Verification of county office for fiscal agent	✓		
<b>3.3 Student Attendance Accounting/Reporting</b>			
<ul style="list-style-type: none"> <li>Attendance Accounting Procedures</li> </ul>			
<ul style="list-style-type: none"> <li>First 20 days attendance/supporting documents</li> </ul>			15 days after first 20 days
<ul style="list-style-type: none"> <li>P-1 attendance/supporting documentation</li> </ul>			Jan. 5
<ul style="list-style-type: none"> <li>P-2 attendance/supporting documentation</li> </ul>			April 21
<ul style="list-style-type: none"> <li>Annual attendance/supporting documentation</li> </ul>			June 30
<b>3.4 Revenue and Expenditure Reporting</b>			
Annual budget			July 1
First interim report			Dec.15
Second interim report			March 15
Unaudited actuals report			Sept.15
<b>3.5 Annual Audit</b>			
<ul style="list-style-type: none"> <li>Annual independent financial audit</li> </ul>			Dec.15
<b>3.6 Oversight Fees</b>			
<ul style="list-style-type: none"> <li>Payment of invoice for oversight fee</li> </ul>			May 7
<b>3.7 STRS/PERS Reporting</b>			
Contract with county office for STRS/PERS reporting	✓		

Category	Prior to Opening	Site Visit	Other Date
<b>4. Fulfilling Charter Terms</b>			
<b>4.1 Material amendments</b>			
Material amendments if applicable, approved by the governing board and SBE			As needed
<b>4.2 STAR Testing</b>			
Verify participation in STAR testing			As needed
<b>4.3 Site Visits</b>			
Pre-opening documentation of conditions met	✓		
Periodic site visit verification of adherence to charter through interviews with staff, students, parents, and community		✓	
<b>4.4 Renewal</b>			
Revised charter petition reflecting most recent statutory changes			Oct.15 of 4 <sup>th</sup> year
Student Achievement Plan for next five-year term			Oct.15 of 4 <sup>th</sup> year
<b>4.5 Notice to Cure and Revocation</b>			
Documentation of corrective actions taken, if applicable		✓	As needed
		✓	
<b>4.6 Closure Procedures</b>		✓	
Procedures to be used in event of school closure	✓		
Identification of point of contact for closure activities	✓		

## **ATTACHMENT C: Approved Charter Oversight Evaluation Form**

This form is designed as a tool for evaluation of a Charter School approved by the County Board of Education ("CBOE"). The purpose of the form is to be reasonably assured that the Charter School is in compliance with the following categories:

- 1. Governance and Organizational Management** - being effectively lead and managed
- 2. Educational Performance**- providing a sound education for all of its students.
- 3. Fiscal Operations** - being operated prudently and meeting all regulatory requirements
- 4. Fulfilling Charter** - implementing the provisions of the Charter

Based upon a review of the charter petition, analysis of charter school related data, documents and records as well as observation and interviews at the site, please evaluate each of the areas, and provide findings, recommendations and comments, as needed. If findings apply to a specific school in a district, but not the district as a whole, that should be indicated on this form.

### **Quality Indicators**

A four-point scale will be used to rate each category:

- 4 - Good**
- 3 - Satisfactory**
- 2 - Unsatisfactory**
- 1 - Poor**

It is important to bear in mind that **assessing levels will always be more of a professional judgment than a technical process**; however the following general guidelines should be consistently applied.

- An evaluation of **good** applies to provision characterized, overall, by strengths. There are very few weaknesses and any that do exist do not diminish the students' experience. Whilst an evaluation of *good* represents a high standard of provision, it is a standard that should be achievable in all schools. It implies that it is fully appropriate for a school to continue its provision without significant adjustment. However, the school would always be expected to continue to take advantage of opportunities to improve.
- An evaluation of **satisfactory** applies to provision characterized by a number of strengths. There are weaknesses but, singly or collectively, these do not have a significant adverse impact on the student experience. An evaluation of *satisfactory* may be arrived at in a number of circumstances. Provision may make for a productive student experience but it may not provide consistent challenge for students. Typically provision will be characterized by strengths, but one or more weaknesses reduce the overall quality of the student experience.
- An evaluation of **unsatisfactory** applies to provision characterized by weaknesses, which require remedial action by the school. Some, if not all, staff responsible for provision evaluated inadequate require support from senior managers in planning and carrying out the necessary actions to effect improvement. There may be some strengths but these are overshadowed by the impact of the weaknesses.
- An evaluation of **poor** applies when there are major weaknesses in provision, requiring immediate remedial action on the part of the school. The student experience is at risk in significant respects. In almost all cases, staff responsible for provision evaluated *poor* will require support from senior managers in planning and carrying out the necessary actions to effect improvement. This may involve working alongside effective peers in or beyond the school.

<b>CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT</b>	1	2	3	4
<b>1.1 Organization:</b> The ACD/Charter School shall be duly constituted (e.g., as a non-profit corporation) in accord with its Charter. <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>Verify that the ACD/Charter School has been duly constituted (e.g., as a non-profit corporation) in accordance with its Charter.</li> </ul>				
<ul style="list-style-type: none"> <li>list /roster of governing board members</li> </ul>				
<ul style="list-style-type: none"> <li>charts / descriptions of board roles and responsibilities</li> </ul>				
<b>1.2 Governing Board Establishment:</b> The ACD/Charter School's governing board shall be established and maintained in accordance with law and with the Charter (to the extent the Charter does not conflict with law). <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>Verify that the ACD/Charter School's governing board has been established in accordance with law and with the Charter (to the extent the Charter does not conflict with law).</li> </ul>				
<ul style="list-style-type: none"> <li>corporate papers including articles of incorporation</li> </ul>				
<ul style="list-style-type: none"> <li>board-approved bylaws</li> </ul>				
<ul style="list-style-type: none"> <li>board norms</li> </ul>				
<b>1.3 Governing Board Activities.</b> The ACD/Charter School's governing board shall maintain active and effective control of the Charter School. The governing board shall meet regularly and its meetings shall be held in accordance with applicable provisions of law, including, but not limited to, the appropriate recording of all actions taken				
Verify that the ACD/Charter School's governing board is meeting regularly and that its meetings are held in accordance with applicable provisions of law, including, but not limited to, the appropriate recording of all actions taken. <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>the board complies with all legal responsibilities and charter mandates, provides support for the school's mission, offers sound fiduciary guidance, and initiates and/or reviews and adopts policies that contribute to the sustainability of the school.</li> </ul>				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	• 1	• 2	• 3	• 4
• governing board meeting dates	•			
• agendas, including verification of public posting	•			
• meeting minutes	•			
• Brown Act training as verified by charter counsel	•			
• board resolutions and board-adopted policies and regulations:	•			
➤ conflict of interest	•			
➤ Handbooks – Parent, Student, Employee	•			
➤ student discipline and due process	•			
➤ employee discipline and due process	•			
➤ parent complaint resolution and due process	•			
➤ internal controls policies and related forms and systems (e.g., purchase order requests, job descriptions explaining scope of financial management responsibilities and independent audit review of internal controls or comments on appropriateness of existing internal controls policies	•			
➤ bank signature authorizations, etc.	•			
➤ harassment – student, staff	•			
➤ Safety Plan (including natural disasters, crisis response, campus violence, threats, evacuation procedures, hostage situations, hazardous materials spills, and emergency preparedness policies/manuals/guides, and records of emergency preparedness training	•			
➤ immunization and tuberculosis records	•			
➤ <u>Family Educational Rights and Privacy Act</u> – policy and notices	•			
➤ Section 504 compliance	•			

<b>CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT</b>	• 1	• 2	• 3	• 4
➤ Office of Civil Rights compliance	•			
➤ evidence that the school's operations are non-sectarian, the admissions requirements are non-discriminatory, and the school does not charge tuition or its equivalent.	•			
Review the activities of the governing board since the preceding site visit and verify that the governing board has maintained active and effective control of the ACD/Charter School. <b>(Site Visit)</b>				
• are a diverse, committed, representative body whose members and actions enhance the credibility of the school				
• understand their role in determining the direction of the school and supporting the school's progress towards meeting its goals				
• assist annually in evaluating the professional performance of the school leader				
• hold themselves accountable for maintaining the health, vitality and sustainability of the school				
• provide a platform for the exchange of ideas by soliciting expression of candid opinions from all members of the school community				
• continuously help to refine and define the organization's mission, vision, and direction				
• review the school's finances on a regular basis and provide fiscal advice and guidance				
• hold the school accountable for fulfilling the terms of its charter				
<ul style="list-style-type: none"> <li>• <b>1.4 Family, Faculty and Staff Participation.</b>                      The ACD/Charter School shall have a process in place that ensures that families, faculty and staff may provide input regarding the ACD/Charter School's effectiveness in such areas as student discipline, parent (guardian) involvement, and motivating students to high academic achievement and good citizenship. <b>(Desk Audit)</b></li> </ul>				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT				
	• 1	• 2	• 3	• 4
Verify evidence of participation and/or engage in informal conversation with faculty and staff, students (as appropriate), and parents (guardians) regarding the ACD/Charter School's effectiveness in such areas as student discipline, parent (guardian) involvement, and motivating students to high academic achievement and good citizenship.				
<ul style="list-style-type: none"> <li>Evaluate the extent to which:</li> </ul>				
<ul style="list-style-type: none"> <li>parents / guardians are satisfied with what the school provides and achieves</li> </ul>				
<ul style="list-style-type: none"> <li>parents / guardians are provided with quality information about the school</li> </ul>				
<ul style="list-style-type: none"> <li>links with parents / guardians contribute effectively to students' learning at school and at home</li> </ul>				
<ul style="list-style-type: none"> <li>parents / guardians are given accessible and relevant information about their child's progress</li> </ul>				
<ul style="list-style-type: none"> <li>links with the community are developing and are used to benefit the students</li> </ul>				
<b>1.5 Administration.</b> The ACD/Charter School's governing board shall employ necessary administrative staff and vest those staff with the authority necessary to operate the school(s) in accordance with the Charter. <b>(Desk Audit)</b>				
Verify that the ACD/Charter School's governing board has employed necessary administrative staff and vested those staff with the authority necessary to operate the school(s) in accordance with the charter.				
If an ACD/Charter School has entered into a contract for administrative/management services e.g. an education management organization (EMO), there is a clear understanding and agreement regarding respective roles and responsibilities of both parties.				
<ul style="list-style-type: none"> <li>verification of parent involvement, including verification that meeting frequency provides parents with meaningful opportunities for involvement</li> </ul>				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	1	2	3	4
<ul style="list-style-type: none"> <li>verification of student/family recruitment outreach as identified in Charter Element 7 and as may be required if Public Charter School Grant funds have been received including student recruitment and marketing brochures and student application and selection process</li> </ul>				
<ul style="list-style-type: none"> <li>verification that student's attendance is being appropriately recorded, and that parents (guardians) are being efficiently and effectively informed of absences</li> </ul>				
<ul style="list-style-type: none"> <li>as proscribed by law, publication of the School Accountability Report Card (SARC) utilizing, at a minimum, the Division's recommended template</li> </ul>				
<ul style="list-style-type: none"> <li>facility use agreement(s)</li> </ul>				
<ul style="list-style-type: none"> <li>evidence of Certificate(s) of Occupancy, Building Permit(s), and appropriate zoning (including Conditional Use Permit(s) where applicable</li> </ul>				
<ul style="list-style-type: none"> <li>evidence that the school has secured adequate insurance coverage for liability and property risks and engages in prudent risk management practice; certificates of insurance (property, fire, theft, liability errors and omissions, workers compensation); documentation of payments to carriers (canceled checks, payroll contributions, etc.).</li> </ul>				
<ul style="list-style-type: none"> <li>EMO and third-party management contracts</li> </ul>				
<ul style="list-style-type: none"> <li>CBEDS data</li> </ul>				
<ul style="list-style-type: none"> <li>student files (verify location, contents, and confidentiality)</li> </ul>				
<ul style="list-style-type: none"> <li>provide a list of students by: a) last name; b) first name; c) grade; d) gender; e) student racial and ethnic data; f) free or reduced meal; g) special education</li> </ul>				
<p><b>1.6 Leadership and management.</b> The ACC/ Charter School's governing board shall ensure that the academic, organizational and operational aspects of leadership and management at the school are met. <b>(Site Visit)</b></p>				

<b>CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<ul style="list-style-type: none"> <li>Review and evaluate the leadership and management of the school to ensure that the following aspects are met:</li> </ul>					
<ul style="list-style-type: none"> <li>the school has explicit aims and values which are reflected in all its work</li> </ul>					
<ul style="list-style-type: none"> <li>school leader has a strategic view of the direction for the work and development of the school in order to achieve the school's mission</li> </ul>					
<ul style="list-style-type: none"> <li>there is regular monitoring and evaluation of the impact of teaching on student learning</li> </ul>					
<ul style="list-style-type: none"> <li>responsibilities are delegated effectively and reviewed regularly</li> </ul>					
<ul style="list-style-type: none"> <li>data is used effectively to provide inform planning and organization</li> </ul>					
<ul style="list-style-type: none"> <li>high standards are promoted actively</li> </ul>					
<ul style="list-style-type: none"> <li>the school has appropriate priorities and targets, these are regularly reviewed and monitored for impact on student learning and school development</li> </ul>					
<ul style="list-style-type: none"> <li>the leadership inspires and supports a shared commitment to improvement and the capacity to succeed</li> </ul>					
<ul style="list-style-type: none"> <li>educational priorities are supported by careful financial management and finances are used effectively</li> </ul>					
<ul style="list-style-type: none"> <li>employee contracts</li> </ul>					
<ul style="list-style-type: none"> <li>employee evaluation procedures</li> </ul>					
<b>OVERALL JUDGMENT</b> (4- good / 3- satisfactory / 2- unsatisfactory / 1-poor):					
<b>Areas of particular strength:</b>					
<b>Areas recommended for improvement or in need of corrective action:</b>					

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	• 1	• 2	• 3	• 4
Other comments:				

CATEGORY 2: EDUCATIONAL PERFORMANCE	• 1	• 2	• 3	• 4
<b>2.1 Educational Performance</b> the ACD/Charter School has clearly measurable outcomes and data that supports how well students are doing in meeting outcomes ( <b>Desk Audit</b> )				
Verify the ACD/Charter School has clearly measurable outcomes and data that supports how well students are doing in meeting outcomes				
<ul style="list-style-type: none"> <li>the school's results in state and other tests and how these compare with the state or national averages</li> </ul>				
<ul style="list-style-type: none"> <li>whether the school is showing improvement in standards attained</li> </ul>				
<ul style="list-style-type: none"> <li>whether the school sets challenging goals and is on course to meet or exceed them</li> </ul>				
Verify ACD/Charter School is meeting API growth targets (if applicable), AYP targets and CELDT scores. Evaluate:				
<ul style="list-style-type: none"> <li>how much progress the students have made during their time in school and during any given grade</li> </ul>				
<ul style="list-style-type: none"> <li>progress of students with special educational needs</li> </ul>				
<ul style="list-style-type: none"> <li>progress of students who are potentially higher attaining</li> </ul>				
<ul style="list-style-type: none"> <li>whether students whose home language is additional to English, are making progress</li> </ul>				
<ul style="list-style-type: none"> <li>whether there are any significant differences in the standards achieved by students of different subgroups especially by: gender , ethnic background, or Socially-economically Disadvantaged students</li> </ul>				
Verify that student achievement data is regularly reported to staff and parents.				

<b>CATEGORY 2: EDUCATIONAL PERFORMANCE</b>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<p><b>2.2 Curriculum and Instruction.</b> The ACD/Charter School has a curricular and instructional plan (set of plans or like documents) that guides the work of faculty and staff. Appropriate professional development and sufficient instructional resources are provided to support the implementation of the plan. <b>(Site Visit)</b></p>				
<p>Verify that the ACD/Charter School has adopted (and is following) a curricular and instructional plan (set of plans or like documents) by visiting classrooms; observing instruction in progress; engaging in informal conversation with faculty and staff, students (as appropriate), and parents (guardians); verifying sufficiency of instructional resources; and reviewing samples of student work. In particular verify that the school's curriculum:</p>				
<ul style="list-style-type: none"> <li>provides an appropriately broad range of learning opportunities which will enable students to have individual learning needs met</li> </ul>				
<ul style="list-style-type: none"> <li>has effective strategies and programs for literacy and numeracy</li> </ul>				
<ul style="list-style-type: none"> <li>provides enrichment through its extra-curricular provision, including support for learning outside the school</li> </ul>				
<ul style="list-style-type: none"> <li>is designed to work towards achievement of the school's mission</li> </ul>				
<ul style="list-style-type: none"> <li>has effective arrangements for assessing and recording student attainments and progress</li> </ul>				
<ul style="list-style-type: none"> <li>has sufficient instructional resources for all students</li> </ul>				
<ul style="list-style-type: none"> <li>Evaluate the quality of teaching and its impact by the extent to which teachers:</li> </ul>				
<ul style="list-style-type: none"> <li>adapt teaching style appropriately to meet the needs of all students</li> </ul>				
<ul style="list-style-type: none"> <li>are competent in teaching literacy, numeracy, and discipline-specific content in history and science</li> </ul>				
<ul style="list-style-type: none"> <li>support students to apply learning across subjects</li> </ul>				
<ul style="list-style-type: none"> <li>plan effectively</li> </ul>				

CATEGORY 2: EDUCATIONAL PERFORMANCE	1	2	3	4
• use a range of strategies for different learning styles				
• set clear objectives which can be seen in lessons				
• have high expectations for all students				
• use time well				
• use support staff and other resources effectively				
• use technology to support teaching and learning				
• are consistent and effective in behavior management strategies				
• assess students' work thoroughly and uses assessments to develop student learning				
• use homework effectively to reinforce and/or extend what is learned in school				
Evaluate the positive impact on student learning by the extent to which students:				
• are enabled to learn independently				
• can apply their knowledge, skills and understanding, including literacy and numeracy across the curriculum				
• gain and apply with confidence learning skills: for example: <ul style="list-style-type: none"> <li>➢ asking questions, finding answers and solving problems</li> <li>➢ learning from their mistakes and successes</li> <li>➢ communicating information and ideas in various ways</li> <li>➢ applying what has been learned to unfamiliar situations</li> <li>➢ selecting and using a range of resources</li> <li>➢ reviewing and modifying their work</li> </ul>				
• maintain a sense of commitment to and enjoyment of their work				
• persevere and complete task when difficulties arise				
• concentrate and remain on task during lessons				

CATEGORY 2: EDUCATIONAL PERFORMANCE	• 1	• 2	• 3	• 4
<ul style="list-style-type: none"> <li>work well together and collaborate effectively when appropriate.</li> </ul>				
<ul style="list-style-type: none"> <li>set high expectations for themselves and what they can achieve</li> </ul>				
If ACD/Charter School serves high school students, verify parents are informed about transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.				
<b>2.3 Faculty and Staff.</b> The ACD/ Charter School shall have sufficient faculty and staff to provide the educational program and support services and operate the facility in accordance with the Charter, any applicable requirements of law, and the policies and directions of the ACD / Charter School's governing board. <b>(Site Visit)</b>	•	•	•	•
<ul style="list-style-type: none"> <li>Verify that the ACD/Charter School has employed (maintains) sufficient faculty and staff to provide the educational program and support services and operate the facility in accordance with the Charter, any applicable requirements of law, and the policies and directives of the ACD/Charter School's governing board.</li> </ul>	•			
<ul style="list-style-type: none"> <li>Verify that the faculty and staff are credentialed or otherwise qualified for the positions for which they have been employed in accordance with the Charter, any applicable provisions of law, and the policies and directives of the ACD/Charter School's governing board</li> </ul>	•			
Verify that the faculty and staff have received any clearances necessary for the positions for which they have been employed.	•			
<ul style="list-style-type: none"> <li>Verify that faculty and staff have received any specific training required by law or by the policies and directives of the ACD/Charter School's governing board and that they are provided opportunities for professional development necessary to carry out the instructional program.</li> </ul>	•			

<b>CATEGORY 2: EDUCATIONAL PERFORMANCE</b>				
	1	2	3	4
<p><b>2.4 Special Education.</b> The ACD/Charter School shall actively identify students who may have exceptional needs, assess them promptly, and develop (or facilitate the development of) individualized education programs (IEPs), as necessary, in a timely manner. The ACD/Charter School shall provide special education programs and services for students with exceptional needs in accordance with their IEPs. The ACD/Charter School shall, as necessary, participate in a special education local plan area (SELPA) to ensure that special education programs and services are properly delivered. <b>(Site Visit)</b></p>				
Verify that the ACD/Charter School is:				
<ul style="list-style-type: none"> <li>actively identifying students who may have exceptional needs, assessing them promptly, and developing (or facilitating the development of) IEPs, as necessary, in a timely manner – including “search and find” processes</li> </ul>				
<ul style="list-style-type: none"> <li>providing special education programs and services in accordance with students’ IEPs</li> </ul>				
<ul style="list-style-type: none"> <li>participating, as necessary, in a SELPA</li> </ul>				
<ul style="list-style-type: none"> <li>providing Special Education training for staff</li> </ul>				
<p><b>2.5 Independent Study.</b> To the extent the ACD/Charter School provides instruction through independent study, the independent study shall be in accordance with applicable provisions of law. <b>(Site Visit)</b></p>				
<ul style="list-style-type: none"> <li>Verify that, to the extent the school provides instruction through Independent Study, the independent study meets the requirements of law, including frequency of contact, student/teacher ratios, contracts, and evaluation of student work for time value</li> </ul>				
<p><b>OVERALL JUDGMENT</b> (4- good / 3- satisfactory / 2- unsatisfactory / 1-poor):</p>				
<p><b>Areas of particular strength:</b></p>				

CATEGORY 2: EDUCATIONAL PERFORMANCE	1	2	3	4
<b>Areas recommended for improvement or in need of corrective action:</b>				
<b>Other comments:</b>				

CATEGORY 3: FISCAL OPERATIONS	1	2	3	4
<b>3.1 Budget.</b> The ACD/Charter School's governing board shall adopt a preliminary budget for the forthcoming year that is based upon reasonable revenue and expenditure projections, is consistent with the Charter, reflects any provisions of applicable law, and contains a prudent reserve. The governing board shall amend the budget as necessary during the year, endeavoring to maintain a prudent reserve. <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>Verify that the governing board of the ACD/Charter School has adopted (updated) its budget for the current year, and that the budget is (continues to be) based upon reasonable revenue and expenditure projections, consistent with the Charter, and contains a prudent reserve.</li> </ul>				
<ul style="list-style-type: none"> <li>there are effective financial systems and practices to manage revenues and expenses, including budgeting, accounting, and financial reporting processes</li> </ul>				
<ul style="list-style-type: none"> <li>sound financial practices have ensured that no deficits occur in the current budget; <b>or</b> the school is able to show viable and responsible plans for addressing forecasted budget shortfalls</li> </ul>				
<ul style="list-style-type: none"> <li>internal and external audits reveal that the school is in full and timely compliance with federal, state, local, private and Foundation standards for all grants, contracts, entitlements, programs and charter commitments</li> </ul>				
<ul style="list-style-type: none"> <li>the school leader understands the need for financial controls and financial control issues are not cited as weaknesses in the current audit; <b>or</b> such issues were identified and have been successfully addressed</li> </ul>				
<ul style="list-style-type: none"> <li>the school leader fully understands and closely supervises the responsibilities of those to whom financial processes are outsourced or from whom financial guidance is sought</li> </ul>				
<ul style="list-style-type: none"> <li>regular financial reports released to the governing body are succinct, comprehensible, accurate, and designed to meet the board's stated requirements</li> </ul>				
<ul style="list-style-type: none"> <li>the school's financial practices are codified in the form of policies and processes approved by the board</li> </ul>				
<ul style="list-style-type: none"> <li>procedures exist for staff members to obtain petty cash with approval when necessary and to procure supplies and materials as needed</li> </ul>				
<ul style="list-style-type: none"> <li>procurement of sufficient curriculum materials and school supplies supports the primary mission of the school</li> </ul>				
<ul style="list-style-type: none"> <li>federal entitlement grants are dispersed according to the grant regulations and meticulous records kept of all expenditures</li> </ul>				
<ul style="list-style-type: none"> <li>special education, gifted and talented, English learner, and any other special monies earmarked for exceptional children are carefully recorded and appropriately expended</li> </ul>				

CATEGORY 3: FISCAL OPERATIONS	1	2	3	4
<ul style="list-style-type: none"> <li>realistic fund-raising targets have been set to support the expansion and a plan is in place to secure additional funding from federal, state, individual and corporate contributors as well as banks and other traditional sources of loans if necessary</li> </ul>				
<ul style="list-style-type: none"> <li><b>3.2 Oversight Costs.</b> The ACD/Charter School shall include in the adopted budget and shall pay for the costs of oversight in accordance with applicable provisions of law. <b>(Desk Audit)</b></li> </ul>				
<ul style="list-style-type: none"> <li>Verify that the ACD/Charter School's adopted budget includes oversight costs and that the Charter School is paying for the costs of oversight in accordance with applicable provisions of law.</li> </ul>				
<b>3.3 Audits.</b> The ACD/Charter School shall arrange for audits to be conducted in accordance with applicable provisions of law. The ACD/Charter School shall promptly address auditors' comments, as appropriate, and take action to resolve audit exceptions, as necessary. <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>Verify that the ACD/Charter School has arranged for audits to be conducted in accordance with applicable provisions of law, review any auditors' comments received by the ACD/Charter School and the Charter School's response thereto, and verify that the ACD/Charter School has taken action to resolve audit exceptions, as necessary.</li> </ul>				
<b>3.4 Interim Financial Reports.</b> The ACD/Charter School's governing board shall twice each year certify that the ACD/Charter School is able to meet its financial obligations for the remainder of the current fiscal year and for the subsequent two fiscal years, generally consistent with the guidelines for interim reporting applicable to school districts of similar size. <b>(Desk Audit)</b>				
Review each interim report approved by the ACD/Charter School's governing board and verify that the ACD/Charter School is able to meet its financial obligations for the remainder of the current fiscal year and for the subsequent two fiscal years based upon reasonable projections of revenues and expenditures.				
<b>3.5 Final Unaudited Financial Report.</b> The ACD/Charter School shall file an unaudited financial report of prior year expenditures by September 15 of each year. <b>(Desk Audit)</b>				
Verify that the ACD/Charter School has filed an unaudited financial report.				
<b>OVERALL JUDGMENT</b> (4- good / 3- satisfactory / 2-unsatisfactory /1-poor):				
<b>Areas of particular strength:</b>				
<b>Areas recommended for improvement or in need of corrective action:</b>				
<b>Other comments:</b>				

CATEGORY 4 FULFILLING CHARTER TERMS	1	2	3	4
<b>4.1 Material Amendments</b> The ACD/Charter School must ensure that any variances, except for those variances deemed to be immaterial, must be approved by charter amendment. <b>(Desk Audit)</b>				
<ul style="list-style-type: none"> <li>Verify that any variances from charter terms as described in the charter elements, except for those variances deemed to be immaterial, have been approved by charter amendment in areas including, but not limited to, the following:</li> </ul>				
<ul style="list-style-type: none"> <li>educational program</li> </ul>				
<ul style="list-style-type: none"> <li>mission and vision</li> </ul>				
<ul style="list-style-type: none"> <li>school site location and/or new sites</li> </ul>				
<ul style="list-style-type: none"> <li>admissions</li> </ul>				
<ul style="list-style-type: none"> <li>governance</li> </ul>				
<ul style="list-style-type: none"> <li>grades and/or grade levels served</li> </ul>				
<ul style="list-style-type: none"> <li><b>4.2 Adherence to the Charter (Site Visit)</b></li> </ul>				
<ul style="list-style-type: none"> <li>Verify adherence to the charter elements as approved shall be verified by site visits and interviews with staff, students, parents, and community</li> </ul>				
<ul style="list-style-type: none"> <li><b>4.3 Renewal (Desk Audit)</b></li> </ul>				
<ul style="list-style-type: none"> <li>Apply for conventional renewal by submitting appropriate documents to the CDE no later than _____</li> </ul>				
<ul style="list-style-type: none"> <li>application for <i>conventional renewal</i> may result in the granting of a full renewal term, the granting of a full renewal term with conditions, or (by waiver) the granting of a lesser renewal term</li> </ul>				
<ul style="list-style-type: none"> <li>application for <i>early renewal</i> shall be in accord with procedures outlined by the Department</li> </ul>				
<ul style="list-style-type: none"> <li></li> </ul>				
<ul style="list-style-type: none"> <li><b>OVERALL JUDGMENT</b> (4- good / 3-satisfactory / 2-unsatisfactory / 1-poor):</li> </ul>				

CATEGORY 4 FULFILLING CHARTER TERMS	1	2	3	4
Areas of particular strength:				
Areas recommended for improvement or in need of corrective action:				
Other comments:				

5. State Board Approved Charter Oversight Evaluation Summary		
<ul style="list-style-type: none"> <li>• School/District:</li> <li>•</li> </ul>	6. Annual review 7. Renewal <ul style="list-style-type: none"> <li>• Other:</li> </ul>	
8. Evaluation Judgments	• Rating (good / satisfactory / unsatisfactory / poor)	• Grade (1 / 2 / 3 / 4)
9. 1. Governance and Organizational Management – being effectively lead and managed	•	•
10. 2. Educational Performance – providing a sound education for all of its students.	•	•
11. 3. Fiscal Operations – being operated prudently and meeting all regulatory requirements	•	•
12. 4. Fulfilling Charter – implementing the provisions of the Charter as approved by the CBOE	•	•
13. Overall Judgment – the quality of the provision provided	•	•
<ul style="list-style-type: none"> <li>• Areas of particular strength:</li> <li>•</li> </ul>		

<ul style="list-style-type: none"><li>• <b>Areas recommended for improvement or in need of corrective action:</b></li><li>•</li></ul>
<ul style="list-style-type: none"><li>• <b>Comments / recommendations</b></li><li>•</li></ul>
<ul style="list-style-type: none"><li>• <b>Details of Person completing form:</b></li><li>• <b>Name:</b> _____ <b>Signature:</b> _____ <b>Title:</b> _____</li><li><b>Date:</b> _____</li></ul>

**Contra Costa County Board of Education  
Rocketship Mt. Diablo Charter School  
Findings and Conditions – October 21, 2015**

Following are conditions proposed by the Contra Costa County Office of Education Staff along with Rocketship responses to the conditions. Rocketship and County Staff discussed the conditions prior to the decision hearing and agreed that the likelihood of successfully reaching agreement on the conditions was very high.

**CONDITION ONE:** The Petition shall be revised to state that RSMD will serve either TK-5 th grade, or RSMD will serve TK-6 th grade, without any reservation of rights to add additional grades. If RSMD amends its Petition to state it will serve TK-6 th grade, RSMD must submit information, acceptable to the CBOE, to adequately address how RSMD will address 6th grade student transition to middle school, 6th grade access to extracurricular activities and athletics, 6th grade curriculum and educational programming, and related budgetary impacts.

**Rocketship agreed to serve students only through 5<sup>th</sup> grade both before the decision hearing and during the decision hearing.**

**CONDITION TWO:** The Petition shall be revised to incorporate the text in bold italics, below, as follows: Bell Schedule and Instructional Minutes RSMD school days will run from approximately 8 a.m. to 4 p.m. (varies slightly depending on grade level). The number of instructional minutes offered for all grades will meet or exceed the State's requirements in Education Code Section 47612.5(a)(1). This table delineates subject areas (including Learning Lab, but excluding lunch and recess) and approximate minutes by grade level; however, RSMD educators reserve the right to, in accordance with all applicable laws and regulations, adjust students' instructional minutes in each subject, and instructional method, based on their personalized needs.

**Rocketship meets or exceeds the State's requirements for instructional minutes by grade level. Rocketship agreed to this condition.**

**CONDITION THREE:** There are concerns regarding the adequacy of RSMD's proposed staffing plan as it relates to RSMD's immersive and full inclusion approach for EL students. Because RSMD's educational program for EL students contemplates full inclusion and immersion, RSMD shall submit information, acceptable by the CBOE, to establish that: all RSMD staff providing instruction to students have EL authorization and are trained in GLAD prior to the start of the 2016-17 school year; RSMD have sufficient staff certified for specially designed academic instruction in English (SDAIE), or primary language instruction (L1).

**Rocketship's staff is sufficient to meet this condition. Rocketship agreed to this condition.**

**CONDITION FOUR:** The Petition provides that 40 instructional minutes of each day be spent on "Launch/Community Classroom Meeting." RSMD shall submit information, acceptable to the CBOE, to adequately describe the instructional nature and components of RSMD's daily "Launch/Community Classroom Meeting."

**Rocketship agreed to this condition.**

**CONDITION FIVE:** The Petition states that RSMD shall be governed by Rocketship Education's Board of Directors. Rocketship Education's Board of Directors may have between 3 and 25 Directors, appointed at the discretion of the current Directors. There is concern that the corporate structure permitted raises stability and Director continuity issues. RSMD shall submit information, acceptable to the CBOE, to adequately address: 1) concerns that the wide variance in the number of permitted Directors and the discretionary appointment process create an unstable environment for corporate governance; 2) the qualifications and other requirements that Rocketship Education Directors are required to meet in order to serve on the Rocketship Education Board; 3) how the local needs of RSMD will be adequately addressed by Rocketship Education's Board of Directors.

**Rocketship Education's Board of Directors are listed in the Rocketship Mt. Diablo Petition and on the organization's website. While Rocketship's formal policy is to allow for a variance in the number of directors in unforeseen circumstances, the number of directors has generally exceeded the number of directors on a California District School Board. At this time, there are eleven board members listed on Rocketship's website. Rocketship's Board members span both programmatic and business experience and most of these directors are experienced and distinguished leaders in their areas of expertise. Local needs related to governance are addressed in the responses to items six and seven below.**

**CONDITION SIX:** Materials submitted in support of the Petition indicate that the governing Board for RSMD intends to meet in San Jose and will provide a dial-in phone number for those who are not at the meetings in San Jose. There is concern that this fails to meet the Charter Schools Act's intent that stakeholders, including parents, teachers, community members, and other stakeholders, be actively involved in the governance of their local charter schools. Further, as the Petition notes, 70% of RSMD's students are anticipated to be socioeconomically disadvantaged. There is concern that a high proportion of parents and family members will not have the time or financial resources to travel to San Jose for Board Meetings, and that telephonic participation is insufficient to fully promote the intent of the Charter Schools Act. Therefore, RSMD shall hold at least one publicly noticed, regularly scheduled Board Meeting at least quarterly at a location within Contra Costa County that is accessible to the public.

**Rocketship's mission is to eliminate the achievement gap and, like other CMO's operating within California, Rocketship operates schools in a number of school districts where there is parent led demand for educational options. Some of Rocketship's schools are authorized by local school districts and the Santa Clara County Office of Education has authorized others in the San Jose area. Working in collaboration with our authorizers, we have agreed to video/teleconference all Rocketship Board and Board Committee Meetings into a physical location within each authorizing district. These meetings are held in locations close to our schools and are hosted by Rocketship staff to facilitate interactions by attendees at each location. All meetings are appropriately noticed at the local school and the meeting location and parents and others in the community are encouraged to attend.**

**CONDITION SEVEN:** The Petition and materials submitted in support thereof indicate that the corporate governance of RSMD shall be provided by non-local Rocketship Education, and Rocketship Education Advisory Committee, both of which govern several other charter schools.

There is concern that there may not be sufficient input from local stakeholders into RSMD's governance. RSMD shall submit information, deemed acceptable to the CBOE, to adequately address what categories of local stakeholders will be involved with RSMD's governance, and how they will be substantively involved with RSMD's governance.

**Rocketship has established a Regional Advisory Board in the South Bay to ensure that local stakeholders will have a strong voice in the governance of Rocketship Schools. Rocketship would establish a Regional Advisory Board in Contra Costa County that includes parents from the school and community stakeholders that would hold a least one public hearing annually and advise the national board on school and community concerns. Each School would have a School Site Council and English Language Advisory Committee. Additionally, as mentioned above, all National Board meetings would be teleconferenced into a hosted site in Contra Costa County and some National Board members would periodically attend these meetings.**

**CONDITION EIGHT:** The Petition and materials submitted in support thereof indicate that RSMD has budgeted a total of \$550,000 in "Federal Startup Grant (CSP)" funds. The materials submitted in support of the Petition state that the grant was obtained in 2011 and grant funds may be used through September 2016. However, the Petition and supporting materials do not provide information sufficient to determine that the grant proceeds, previously requested for other charter schools in 2011, may be used for RSMD. Additionally, cash flow statements submitted indicate that only \$450,000 will be received from federal startup grant funds. The uncertainty regarding the availability and amount of the federal grant funds is concerning. Therefore, RSMD shall submit documentation from the Department of Education, deemed acceptable to the CBOE, verifying that the CSP grant funds initially requested and granted in 2011 for other charter schools may be expended upon RSMD's startup, and identify other funds to replace this grant if necessary.

**In 2011, Rocketship Education received a \$6,259,757 CSP grant from USDOE to spend on start-up costs for schools we plan to open between October 2011 and September 2016. To date we have spent this grant on opening 6 new schools, and have spent a total of \$3,017,384 of the grant thus far. We are permitted to use this grant for any school we open in California and Tennessee. Since we have only spent about 50% of this grant thus far, we plan to apply for the non-cost one year extension, which would allow us to obligate these funds through September 2017.**

**The submitted charter petition budget assumes \$550K of USDOE CSP revenue received over the course of the planning and first year of the school. This revenue is based on reimbursable expenses; therefore, not all the cash is expected to be received in the year the revenue will be recognized. For example, the cash of the \$50K of CSP revenue in 2015-16 will be received in 2016-17 as a prior year receivable. Similarly, only \$450K of the \$500K of 2016-17 CSP revenue will be received in 2016-17, the remaining \$50K will be received in 2017-18. Therefore, the total \$550K of CSP revenue will be received, however, will come in beyond the year the revenue was accrued.**

**Attached is the GAN for this award. Further documentation can be provided upon request.**

**CONDITION NINE:** The Petition and materials submitted in support thereof indicate that RSMD has budgeted incorrect amounts for authorizer oversight fees. RSMD shall submit information, deemed acceptable by the CBOE, to adequately establish that RSMD has budgeted 1% of RSMD's anticipated annual revenue for the payment of charter authorizer oversight fees.

**The budgeted authorizer oversight line item in the petition budget includes both a 1% authorizer oversight fee to CBOE and a 5% admin fee to our SELPA for special education. The 1% fee to CBOE is calculated off of the state aide revenue (LCFF, Prop30 EPA, and In Lieu of Property Tax). The 5% admin fee to SELPA is calculated off of the special education revenue. Should the calculation for the authorizer fee to CBOE be incorrect, the accurate calculation will be reflected in the board approved budget prior to opening the school.**

**CONDITION TEN:** The Petition and materials submitted in support thereof indicate that RSMD's budgeted "Central Office Expense Allocation Fees" constitute a significant portion of its budget, increasing to almost one million dollars by Year 3. RSMD shall submit information, deemed acceptable by the CBOE, itemizing the expenses included under the category "Central Office Expense Allocation Fee," and shall provide adequate justification of the reasonableness of those amounts.

**Rocketship has previously agreed to similar requests by the Santa Clara Office of Education and will work with the Contra Costa County Office of Education to provide information to explain these expenses.**

**CONDITION ELEVEN:** The Petition and materials in support thereof do not appear to include budgeting for a school nurse or other qualified medical professional. RSMD shall submit information, deemed acceptable to the CBOE, adequately establishing that RSMD has budgeted for a school nurse or other qualified medical professional.

**Rocketship is in compliance with all state laws and regulations regarding the training of personnel and administration of medication, and has certain policies, including a Medical Administration Policy, in place that address medical issues in schools. Rocketship is compliant with the new code related to epi-pens; each school site has at least one person trained to administer, and we stock epi-pens at every school.**

**At each Rocketship school, Office Managers (OM's) are trained in maintaining a nurse log, securing and administering medications, and notifying parents appropriately. Additionally, several staff at each school (typically including at least one school leader) is trained and certified in basic first aid. In the past when a student requires an additional level of medical care (e.g. a student with diabetes), we have provided the necessary training and resources for the OM at that school to administer the insulin shot. Additionally, we have a line item in the regional operations budget that is earmarked for consultation with a medical professional if necessary for direct student services or for training of our Office Managers.**

**CONDITION TWELVE:** The Petition and materials in support thereof include \$1,000,000 budgeted for "Lease" expenses for each of RSMD's first three years of operation. There is concern that the amount budgeted for "Lease" is disproportionately high if only lease expenses are included, and that insufficient detail is provided regarding the "Lease" amounts. RSMD shall submit information, deemed acceptable by the CBOE, that sufficiently: explains and justifies the

amount budgeted for "Lease" expenses; addresses "Lease" expenses after Year 3, including whether they will decrease and, if not, why; addresses whether the "Lease" expenses are construction related, and whether they include any post-construction costs; addresses whether the "Lease" expenses relate to or include maintenance costs.

**The lease expense includes the debt service, taxes & insurance, reserves, and an 8% property management fee. It should be noted we will qualify to apply for SB740, which is a revenue stream specific for charters schools to cover facility costs. SB740 is calculated at \$750 per ADA or 75% of the annual lease cost (whichever is lower). In year 3 of operation SB740 will off-set the lease cost by 46%. The actual lease burden of the school will be \$539K in Year 3, which is about 8% of total revenues. Rocketship is happy to provide additional detail as required by the CBOE.**

**CONDITION THIRTEEN:** The Petition and materials in support thereof include what the materials describe as "inter-company loans provided by Rocketship Education to RSMD to help cover cash shortages in the first few years of operation." The "inter-company loans" total \$950,000 within the first three years of operation. There is concern that the Petition and materials in support thereof contain no details regarding interest rates, servicing fees, or financing fees for these loans. Therefore, RSMD shall submit information, deemed acceptable by the CBOE, sufficient to adequately identify any and all finance, servicing, or other expenses related to the "inter-company loans" from Rocketship Education to RSMD, and their impact on RSMD's budget and ability to operate.

**Rocketship Education has a board approved intrastate / interschool startup loan policy that allows established Rocketship charter schools with cash balances in excess of 45 days cash on hand to loan cash to start-up schools within the same state.**

**It is important to note these inter-company loans budgeted in the charter petition do not cross fiscal years; instead they cover short-term monthly cash flow shortages. The cash flow projections show that RSMD is able to end each year with a positive cash balance, with no outstanding inter-company debt. Since the loans are covering short-term cash flow shortages no interest or fees would be established.**

**CONDITION FOURTEEN:** RSMD shall execute the District's MOU Regarding Oversight and Operations; the MOU shall become part of the conditions, standards, and procedures set forth in RSMD's Charter.

**Rocketship discussed the MOU in general terms with County Office staff. Rocketship has negotiated similar MOU's with other authorizers and agrees with County staff that we can successfully negotiate an MOU acceptable to both parties well before the MOU deadline.**