This document was provided to the California Department of Education (CDE) from **Trivium Charter School, San Luis Obispo County**. This document is posted to the CDE Web site to meet the legal requirement of *Education Code* Section 33009.5.

For more information or questions about the content of this material or to obtain alternative versions, you may contact the Charter Schools Division at Charters@cde.ca.gov or 916-322-6029.

2. Agendas, Minutes and Documents from Atascadero Unified School District's Board Meetings relating to Charter Petition.
   a. Atascadero Unified School District November 03, 2015 Board Meeting Agenda & Minutes – Public Hearing to Consider Support for Charter Petition
   b. Atascadero Unified School District December 08, 2015 Board Meeting Agenda & Minutes – Resolution of the Governing Board Denying the Charter

ATASCADERO UNIFIED SCHOOL DISTRICT
AGENDA OF REGULAR BOARD OF TRUSTEES' MEETING
Tuesday, November 3, 2015

TIME: **6:30 p.m. - Closed Session ~ 7:00 p.m. - Open Session**
PLACE: **Kenneth Beck Building, 5601 West Mall, Atascadero, CA 93422**

ALL PERSONS DESIRING TO ADDRESS THE BOARD AT ANY TIME DURING THE MEETING ARE ASKED TO FILL OUT A "REQUEST TO ADDRESS THE BOARD OF TRUSTEES" CARD LOCATED AT THE ENTRANCE TO THE BOARD ROOM AND ***PROVIDE IT TO THE BOARD RECORDING SECRETARY PRIOR TO THE START OF THE MEETING.***

.....Open Session.....

- **Announcement of Closed Session Items**
- **Public Comment on Closed Session Agenda Items**
  This opportunity is provided per Government Code 54954.3 to allow the public to comment (for a period of up to three (3) minutes/BB9323) prior to the Board's consideration of any closed session agenda item. An additional opportunity is provided later in the agenda for comments on remaining agenda items or non-agenda items.
- **Adjourn to Closed Session**

.....Closed Session.....

Student Issues (Education Code 48900, et. seq.)
The Board may consider student matters.
The Board will consider the readmit from stipulated expulsion for Student # 2012-2013-F.

Personnel (Government Code 54957)
Review and possible action on appointment, employment, discipline, dismissal, release or resignation of District employee(s).

Negotiations (Government Code 54957.6)
The Board of Trustees may discuss ADTA, CSEA, Confidential-Supervisory, Classified Management, Certificated Management, Special Services, and Unrepresented Contract Employee negotiations with Thomas Butler, District Superintendent. The Board of Trustees may discuss real property negotiations /options with its Chief Negotiator, Thomas Butler.

Litigation (Government Code 54956.9)
The Board of Trustees may discuss and/or conference with Legal Counsel concerning pending/potential litigation.

.....Open Session.....

- **Reconvene to Open Session / Flag Salute / Moment of Silence**
- **Report of Action Taken in Closed Session**
- **Order of Business**

1. **School Related Reports**
   1.1 Report/Input from School Related Organization(s)
   1.2 Donations / Recognitions:
      1.2.1 Recognition of donations from the Consent Agenda.

2. **Oral Communications from the Public**
   At this time, members of the public may speak for up to three (3) minutes on items not listed on the agenda. The limit for any one topic is twenty (20) minutes (BB 9323). You may speak on any item at this time, or you may hold your comments on an agenda item until the board president asks for public comments.

3. **Superintendent's Report:**

4. **Board Members' Report:**
   At this time, each Board member may respond to oral communications from the public and/or report on various District matters. There will be no discussion during this time, except to pose questions or refer matters to staff. No action will be taken on matters not listed on the agenda.

5. **Action Items**

5.0 MINUTES
October 20, 2015 Regular Board Meeting

5.1 CONSENT AGENDA

5.1.1 Certificated Personnel Order / Authorization to approve routine personnel additions, deletions and replacements

5.1.2 Classified Personnel Order / Authorization to approve routine personnel additions, deletions, and replacements

5.1.3 Board Policy Revisions/Replacements – First Reading
BP 6158 Independent Study
AR 6158 Independent Study

5.1.4 Certification to the State Board of Education/Temporary Athletic Coaches for the 2015/2016 Winter Sports Season

5.1.5 Request for overnight / Midnight Madness-AHS Boys Basketball / November 7, 2015

5.1.6 Accept donation / San Gabriel Elementary School PTA to San Gabriel Elementary School / $18,000.00

5.1.7 Accept donation / Mid State Cruizers to Atascadero High School Auto Shop / $600.00

5.2 ADMINISTRATION / OTHER BUSINESS, Thomas Butler, Superintendent

5.2.1 **Public Hearing – (Ed. Code 47605(b))** – To Consider Public Support for the Charter Petition submitted for Trivium, San Luis Obispo County

- ***Open Public Hearing***
- ***Public Comment***
- ***Close Public Hearing***

Action on Public Hearing – Information only

5.3 BUSINESS SERVICES, Jackie Martin, Assistant Superintendent

5.3.1 **Public Hearing** –Categorical Exemption from the California Environmental Quality Act for the Santa Margarita Elementary School Reconstruction Project

- ***Open Public Hearing***
- ***Public Comment***
- ***Close Public Hearing***

Action on Public Hearing – Recommend approval of the Categorical Exemption from the California Environmental Quality Act for the Santa Margarita Elementary School Reconstruction Project

5.4 EDUCATIONAL SERVICES, E.J. Rossi, Assistant Superintendent

5.4.1 Educator Effectiveness Funding / Recommend approval

6. **Adjourn to Closed Session**
The Board of Trustees will complete the Closed Session agenda, if necessary.

7. **Reconvene to Open Session**

8. **Action on Closed Session**

9. Adjournment

10. Next Regular Meeting, Tuesday, November 17, 2015:
6:30 p.m. ~ Open Session to be immediately adjourned to Closed Session
7:00 p.m. ~ Open Session

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a Board of Trustees' meeting, please contact the Superintendent's Office, at 805.462.4200. Notification at least 48 hours prior to the meeting will assist District staff in ensuring that reasonable accommodations can be made.

Once posted, any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the Atascadero Unified School District Office, located at 5601 West Mall, Atascadero, CA, during normal business hours. In addition, such materials are posted on the District's website at www.atasusd.org, under School Board.

OFFICIAL AGENDA POSTED AT THE DISTRICT OFFICE

Adopted
ATASCADERO UNIFIED SCHOOL DISTRICT
MINUTES OF REGULAR BOARD OF TRUSTEES' MEETING
Tuesday, November 3, 2015

Place of Meeting:	District Office / Board Room, 5601 West Mall, Atascadero, CA 93422
Time of Meeting:	6:30 p.m.
Members Present:	Corinne Kuhnle, Terri Switzer, Tami Gunther, Ray Buban, Mary Kay Mills, Donn Clickard
Members Absent:	George Dodge
Staff Present:	Thomas Butler, Superintendent

OPEN SESSION
Board President Switzer called the meeting to order at 6:30 p.m.
Announcement of Closed Session
Board President Switzer adjourned the meeting to CLOSED SESSION announcing the following items to be discussed and/or considered.
Student Issues (Education Code 48900, et.seq.)
The Board may discuss student matters.
The Board will consider the readmit from stipulated expulsion for Student # 2012-2013-F.
Personnel (Government Code 54957)
Review and possible action on appointment, employment, discipline, dismissal, release or resignation of District employee(s).
Negotiations (Government Code 54957.6)
The Board of Trustees may discuss ADTA, CSEA, Confidential-Supervisory, Classified Management, Certificated Management, and Unrepresented Contract Employees negotiations with Thomas Butler, Superintendent.
The Board of Trustees may discuss real property negotiations / options with its Chief Negotiator, Thomas Butler.
Litigation (Government Code 54956.9)
The Board of Trustees may conference with Legal Counsel concerning pending/potential litigation.
Comments from the public: none

Adjourn to Closed Session at 6:30 p.m.

Reconvene to Open Session: President Switzer reconvened the meeting to OPEN SESSION at 7:10 p.m.

Flag Salute and Moment of Silence was led by Kathy Peterson, retired AUSD teacher and chairperson of CAPS.

Action on Closed Session: ***Motion passed by a roll call vote to approve the administration's recommendation for the readmit from stipulated expulsion for Student #2012-2013-F. (Gunther/Clickard)***
Ayes: Mills, Kuhnle, Switzer, Buban, Clickard, Gunther
Noes: none
Abstain: none
Absent: Dodge

Order of Business: ***no change***

1. **School Related Reports:**
   - 1.1 School Related Organizations: none
   - 1.2 Donations and Recognition:
     - 1.2.1 President Switzer recognized the donations on the Consent Agenda.

2. **Oral Communications from the Public**: none

3. **Superintendent's Response / Report**: Superintendent Butler thanked the San Benito Elementary School staff for their fast action in accounting for all students during the recent Shelter In Place/Lockdown. He stated that events such as this reinforce the power of 'drills'. He reported that the District's two Head Custodians had recently been involved in a Train the Trainer opportunity and he thanked Mr. Stoddard for his direction in seeing that the opportunity was available to his staff. He stated that he had recently walked the Atascadero High School facility with Mr. Neely, Mr. Stoddard, Mr. Rossi, and Kitchell representatives as well as local architects as they take a comprehensive view of the site while assessing the currently planned reconstruction. He stated that he hopes to have a draft plan to share with the Board in the near future. He reported attending the San Gabriel School Halloween Parade and was happy to report all of the costumes were appropriate for the occasion and the staff and students seemed to be making excellent progress.

4. **Board Members' Response / Report**: Trustee Clickard congratulated Lacey Moranville, Student Representative to the Board, on being nominated as a recent Homecoming Princess. Trustee Buban stated that the FFA National Choir performance of AHS student Gillian Umphenour is available for view on channels 30 & 32. Trustee Gunther reported viewing the CSBA webinar on lease leasebacks and found if very informational. She stated that the Teacher of the Year dinner was great and reported that the Superintendent's Safety Advisory Committee meeting was very productive. She thanked the Templeton Tennis Ranch for supporting the AHS Girls Tennis team by donating their facility for the league finals. She reminded those present that the Tri County Education Coalition meeting was being held in Goleta on November 13th.

5. **Action Items:**

5.0 **Minutes:** ***Motion passed by a roll call vote to approve the minutes of the October 20, 2015, Regular Board Meeting. (Clickard/Buban)***
Ayes: Mills, Kuhnle, Switzer, Buban, Clickard, Gunther
Noes: none
Abstain: none
Absent: Dodge

5.1 **Consent Agenda**:
Motion passed by a roll call vote to approve Consent Agenda items 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, and 5.1.7.(Gunther/Mills)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Buban
Noes: none
Absent: Dodge

5.2 **ADMINISTRATION / OTHER BUSINESS, Thomas Butler, Superintendent**

5.2.1 **Public Hearing – (Ed. Code 47605(b))** – To Consider Public Support for the Charter Petition submitted for Trivium, San Luis Obispo County was introduced by Superintendent Butler.

- ***Public Hearing opened at 7:19 p.m.***

President Switzer stated that she was opening the public hearing regarding the charter petition submitted by Trisha Vais and stated that the purpose of the public hearing was to determine how much public support there was from teachers, employees and parents of the District. She stated that the representatives from Trivium would have 10 minutes to present their information to the Board and then there would be a total of 20 minutes of comments from the public.
Trisha Vais, Trivium Charter School, stated that she had been associated with Trivium for 5 years in Santa Barbara County. She stated that they offer a home school/independent study program. She reported that they support project based

learning and offer multi age learning centers. She stated that the student can do the appropriate grade level work at home but are placed in age appropriate groups in the learning centers. She stated that they serve students with unique needs and support parent's schedules. She reported that some of the older students also attend the Community Colleges in the area. She reported that the main reason for the petition was because of the huge waiting list and she feels that all students have the right to go to the school that works for them.

- ***Public Comment:***

Steven Seyfert, Trivium teacher, stated that he has been the Jr. High School Coordinator as well as History teacher. He stated that they have a staff of 34 teachers that provide a traditional school day 2 days a week for students. He stated the staff are California credentialed teachers.

Jim Davis, Trivium teacher, stated that he has been 27 years in the teaching profession with 6 of those years with Trivium. He reported that it is a place where families can go to school together.

Sharon Redwine, Trivium parent, stated that her family had attended WMAS but did not find the feeling of family that she finds at Trivium. She reported that her family benefits from 2 days a week where her children can meet to learn and play with other students. She stated that she feels there is a big need for this type of program.

Kay McKenzie, Trivium parent/employee, stated that hers was a nontraditional family and that she found this was the best solution for her family's needs. She is the Atascadero Learning Center Coordinator and stated that they have a lot of Christian families as well as those with alternative lifestyles. She stated that the children thrive at Trivium.

Steve Kephart, Trivium Operations Director, stated that the program was successful for his family. He reported that the waiting list shows that there is continued growth with the program. He stated that they have a strong fiscal management.

Christine Williams, AHS teacher and ADTA President, stated that she was opposed to the charter petition. She stated that the teachers in AUSD feel that they deliver a quality education and that the current Home School/Independent Studies program adapts to student needs. She stated that the AUSD Independent Studies program was fully WASC accredited and that the high school courses meet the UC requirements. She stated that the learning is student centered, whether online or face to face.

- ***Close Public Hearing 7:47p.m.***

Action on Public Hearing – No action was taken as this was an information only item.

5.3 **Business Services, Jackie Martin, Assistant Superintendent:**

5.3.1 **Public Hearing** –Categorical Exemption from the California Environmental Quality Act for the Santa Margarita Elementary School Reconstruction Project was presented by Stu Stoddard, Director of Support Services. Mr. Stoddard stated that this project qualifies under a Class 14 exemption meaning that the construction will not increase the student population by 25 % nor will it increase the facility by 10 classrooms.

- ***Public Hearing opened at 7:50 p.m.***
- ***Public Comment: none***
- ***Public Hearing closed at 7:50 p.m.***

Action on Public Hearing – ***Motion passed by a roll call vote to approve the Categorical Exemption from the California Environmental Quality Act for the Santa Margarita Elementary School Reconstruction Project. (Clickard/Kuhnle) Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Buban***

Noes: none
Absent: Dodge

5.4 **Educational Services, E.J. Rossi, Assistant Superintendent:**

5.4.1 Educator Effectiveness Funding was presented by E.J. Rossi. He stated that the plan had been presented at the October 20, 2015 meeting and the final approval of the plan was now before the Board.
Motion passed by a roll call vote to approve the Educator Effectiveness Funding Plan. (Buban/Mills)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Buban
Noes: none
Absent: Dodge

6. **President Switzer adjourned the meeting at 7:51 p.m.**

Terri Switzer, President

Tami Gunther, Clerk

ATASCADERO UNIFIED SCHOOL DISTRICT
AGENDA OF REGULAR BOARD OF TRUSTEES' MEETING
Tuesday, December 8, 2015

TIME: **6:15 p.m. - Closed Session ~ 7:00 p.m. - Open Session**
PLACE: **Kenneth Beck Building, 5601 West Mall, Atascadero, CA 93422**

ALL PERSONS DESIRING TO ADDRESS THE BOARD AT ANY TIME DURING THE MEETING ARE ASKED TO FILL OUT A "REQUEST TO ADDRESS THE BOARD OF TRUSTEES" CARD LOCATED AT THE ENTRANCE TO THE BOARD ROOM AND PROVIDE IT TO THE BOARD RECORDING SECRETARY PRIOR TO THE START OF THE MEETING.

Open Session

- **Announcement of Closed Session Items**
- **Public Comment on Closed Session Agenda Items**
  This opportunity is provided per Government Code 54954.3 to allow the public to comment (for a period of up to three (3) minutes/BB9323) prior to the Board's consideration of any closed session agenda item. An additional opportunity is provided later in the agenda for comments on remaining agenda items or non-agenda items.
- **Adjourn to Closed Session**

Closed Session

Student Issues (Education Code 48900, et. seq.)
The Board may consider student matters.
The Board will consider the expulsion of Student #2015-2016-A.

Personnel (Government Code 54957)
Review and possible action on appointment, employment, discipline, dismissal, release or resignation of District employee(s).

Negotiations (Government Code 54957.6)
The Board of Trustees may discuss ADTA, CSEA, Confidential-Supervisory, Classified Management, Certificated Management, Special Services, and Unrepresented Contract Employee negotiations with Thomas Butler, District Superintendent. The Board of Trustees may discuss real property negotiations /options with its Chief Negotiator, Thomas Butler.

Litigation (Government Code 54956.9)
The Board of Trustees may conference with Legal Counsel concerning pending/potential litigation.

Open Session

- **Reconvene to Open Session / Flag Salute / Moment of Silence**
- **Report of Action Taken in Closed Session**
- **Order of Business**

1. **School Related Reports**
   1.1 Report/Input from School Related Organization(s)
      1.1.1 Lacey Moranville, Student Representative to the Board
   1.2 Donations / Recognitions:
      1.2.1 Recognition: Curt Eichperger, Assistant Superintendent Human Resources, will be recognizing two employees; Terrell Broner, San Benito Elementary School and Gail Roza, District Office.
      1.2.2 Recognition of donations from the Consent Agenda.

2. **Oral Communications from the Public**
   At this time, members of the public may speak for up to three (3) minutes on items not listed on the agenda. The limit for any one topic is twenty (20) minutes (BB 9323). You may speak on any item at this time, or you may hold your comments on an agenda item until the board president asks for public comments.

3. **Superintendent's Report:**

4. **Board Members' Report:**

At this time, each Board member may respond to oral communications from the public and/or report on various District matters. There will be no discussion during this time, except to pose questions or refer matters to staff. No action will be taken on matters not listed on the agenda.

5. **Action Items**

5.0 MINUTES
November 17, 2015 Regular Board Meeting

5.1 CONSENT AGENDA
- 5.1.1 Certificated Personnel Order / Authorization to approve routine personnel additions, deletions and replacements
- 5.1.2 Classified Personnel Order / Authorization to approve routine personnel additions, deletions, and replacements
- 5.1.3 School-Related Organizations
- 5.1.4 Accept donation / Robb Willis and Robb-A-Cart to Atascadero High School / Repair to golf cart valued at $300.00
- 5.1.5 Accept donation / Ernie Raquepo and Ernie's Tire King / Repair to golf cart tires valued at $50.00

5.2 ADMINISTRATION / OTHER BUSINESS, Thomas Butler, Superintendent
- 5.2.1 Nomination to 2016 CSBA Delegate Assembly / Discussion and possible action
- 5.2.2 **Public Hearing** - Resolution #09-15-16 Resolution of the Governing Board of Atascadero Unified School District Denying the Carter Fort the Establishment of Trivium Charter, San Luis Obispo – Consideration of the Charter Petition submitted for Trivium San Luis Obispo Charter School / Recommend approval of Resolution #09-15-16
  - *Open public hearing*
  - *Public comment*
  - *Close public hearing*

5.3 BUSINESS SERVICES, Jackie Martin, Assistant Superintendent
- 5.3.1 Resolution #08-15-16 Positive Certification, 2015-2016 First Interim budget Report for the reporting period ending on October 31, 2015 / Recommend approval
- 5.3.2 Atascadero High School, Buildings 600, 900, 1100, and 1200 Reconstruction Project Lease-Leaseback Contract (inclusive of Lease Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and RSH Construction, Inc. / Recommend approval
- 5.3.3 Monterey Road Elementary School, Field Renovations Project Lease-Leaseback Contract (inclusive of Lease Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and Wysong Construction Company / Recommend Approval

5.4 EDUCATIONAL SERVICES, E.J. Rossi, Assistant Superintendent

5.5 HUMAN RESOURCES, Curt Eichperger, Assistant Superintendent

5.5.1 Resolution #07-15-16 Resolution in the Matter of Releasing Temporary Certificated Employee / Recommend approval

5.5.2 Superintendent's Safety Committee Report Update / Information only

6. Adjourn to Closed Session

The Board of Trustees will complete the Closed Session agenda, if necessary.

7. Reconvene to Open Session

8. Action on Closed Session

9. Adjournment

10. Next Regular Meeting, Tuesday, January 5, 2016:

6:15 p.m. ~ Open Session to be immediately adjourned to Closed Session

7:00 p.m. ~ Open Session

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OFFICIAL AGENDA POSTED AT THE DISTRICT OFFICE

ATASCADERO UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP
Regular Meeting of December 8, 2015

ITEM:	**Resolution #09-15-16 Resolution of the Governing Board of the Atascadero Unified School District Denying the Charter For the Establishment of Trivium Charter, San Luis Obispo – Consideration of the Charter Petition submitted for Trivium San Luis Obispo Charter School**
COST:	**N/A**
FUNDING SOURCE:	**N/A**
PREPARED BY:	**Thomas Butler, Superintendent**

OVERVIEW:

On or about October 21, 2015, The Trivium Academy of Classical Education, Inc., a public benefit nonprofit organization that operating Trivium Charter School in Santa Barbara County, submitted a charter petition ("Petition") to the District proposing the formation of the Trivium San Luis Obispo Charter School ("Charter School"). The Charter School would provide a K-12 independent study program at locations in San Luis Obispo County and potentially to students in contiguous counties.

Pursuant to Education Code 47605, the District's Governing Board ("Board") held a public hearing on the provisions of the Petition on November 3, 2015, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents. Representatives from Trivium Charter School were present at the meeting and provided information about their Petition.

Following submission of the Petition, District staff and legal counsel conducted a careful review of the Petition and supporting documents for legal, programmatic and fiscal sufficiency. Pursuant to that review, staff and legal counsel identified several significant deficiencies in the Petition, which are set forth in detail in the *Staff Report and Findings of Fact Regarding the Trivium San Luis Obispo Charter Petition ("Findings of Fact")*, attached to this Agenda Backup. Based on the deficiencies identified in the Petition, the *Findings of Fact* includes a recommendation that the Board deny the petition on the following grounds, pursuant to Education Code section 47605:

1. The proposed Charter School presents an unsound educational program for the students 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 reasonably comprehensive descriptions of certain required elements.

Following the public hearing, the Board must either grant or deny a charter petition within 60 days of receipt of the petition, unless the time is extended for up to an additional 30 days by mutual agreement of the parties. Trisha Vais, lead Petitioner, has indicated that Petitioners are unwilling to agree to any extension of the statutory deadlines.

ALIGNED TO DISTRICT GOALS AND CORE VALUES OF RESPECT, INTEGRITY, TEAMWORK, AND EXCELLENCE:

Community Partnership: We will actively seek authentic community involvement and develop meaningful community partnerships to support student learning.

RECOMMENDATION:

Adopt Resolution #09-15-16 with the *Findings of Fact* as the findings of the Board, and based on such *Findings of Fact*, deny the Petition submitted to the District on or about October 21, 2015 proposing the formation of the Trivium San Luis Obispo Charter School.

ATASCADERO UNIFIED SCHOOL DISTRICT
RESOLUTION # 09-15-16

RESOLUTION OF THE GOVERNING BOARD OF THE ATASCADERO UNIFIED SCHOOL DISTRICT DENYING THE CHARTER FOR THE ESTABLISHMENT OF TRIVIUM CHARTER, SAN LUIS OBISPO

WHEREAS, on or about, October 21, 2015, the Atascadero Unified School District ("District") received a charter petition ("Petition") from Trisha Vais, on behalf of The Trivium Academy of Classical Education, Inc., a California public benefit nonprofit organization, proposing the formation of Trivium Charter, San Luis Obispo ("Charter School"); and

WHEREAS, consistent with Education Code section 47605 subdivision (b), at a meeting on November 3, 2015, the District's Board of Education ("Board") held a public hearing on the Petition, at which time the Board considered the level of support for the Petition by teachers, employees and parents and guardians of the District; and

WHEREAS, the Board has convened on December 8, 2015, to consider whether to grant or deny the Petition; and

WHEREAS, District staff and legal counsel have reviewed and analyzed the Petition and supporting documents for legal, programmatic and fiscal sufficiency, and have identified significant deficiencies in the Petition, as set forth in the *Staff Report and Findings of Fact Regarding the Trivium San Luis Obispo Charter Petition* attached hereto as Exhibit A ("*Findings of Fact*"); and

WHEREAS, based on the *Findings of Fact*, the Petition presents an unsound educational program for the pupils to be enrolled in the Charter School, it is demonstrably unlikely that petitioners will successfully implement the program set forth in the Petition, and the Petition does not contain reasonably comprehensive descriptions of a number of items required by Education Code section 47605, subdivisions (b)(5)(A)-(P), and therefore the *Findings of Fact* support a denial of the Petition.

THEREFORE BE IT RESOLVED, that the Board of Education of the Atascadero Unified School District hereby adopts the *Findings of Fact* attached hereto as Exhibit A as the findings of the Board; and

BE IT FURTHER RESOLVED, that, based on the *Findings of Fact* set forth as Exhibit A, the Petition sets forth an unsound educational program for the pupils to be enrolled in the Charter School; and

BE IT FURTHER RESOLVED, that, based on the *Findings of Fact* set forth as Exhibit A, the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition; and

BE IT FURTHER RESOLVED, that, based on the *Findings of Fact* set forth as Exhibit A, the Petition does not contain reasonably comprehensive descriptions of certain elements of the Petition required by Education Code section 47605, subdivisions (b)(5)(A)-(P); and

BE IT FURTHER RESOLVED, that for the reasons given above, the Petition is hereby denied.

APPROVED AND ADOPTED by the Board of Education of the Atascadero Unified School District at its regular meeting, December 8, 2015.

AYES: _____
NOES: _____
ABSENT: _____

_____
Terri Switzer
Board President

EXHIBIT A

STAFF REPORT AND FINDINGS OF FACT

STAFF REPORT AND PROPOSED FINDINGS OF FACT REGARDING THE TRIVIUM SAN LUIS OBISPO CHARTER PETITION

Introduction

The Atascadero Unified School District ("District") received a charter petition ("Petition") on or about October 21, 2015, from Trisha Vais, on behalf of The Trivium Academy of Classical Education, Inc., a California public benefit nonprofit organization, proposing the formation of Trivium Charter, San Luis Obispo ("Charter School" or "Trivium SLOCO"), a public charter school offering an independent study program for students in grades K through 12. Petitioners intend that the proposed school will serve students in San Luis Obispo County and its contiguous counties. Petitioners presently operate Trivium Charter School, authorized by the Blochman Union School District in Santa Maria, with affiliated "learning centers" located in Arroyo Grande, Atascadero, Lompoc, Santa Barbara and Santa Maria.

According to the Petition, the Charter School intends to commence operations in August 2016, enrolling 200 students in grades K through 7 in Year 1 (2016-17) and reaching its full enrollment of 260 students in grades K through 12 by Year 2 (2017-18.) (Appendices: *Student Input, Five Year Budget, 2015-16 to 2019-20.*) The Charter School intends to target "students who learn best independently and in a supportive home environment." (Petition, p. 11.) Petitioners believe that the proposed Charter School will also appeal to other student populations, including "[s]tudents who have been attending a personalized learning program within homeschooling or an Independent Study program", expelled students, students placed in alternative educational placements, and students "who want to combine career and technical training with their core academic subjects." (Petition, p. 11.)

Background

In 2011, Petitioners opened Trivium Charter School, an independent study charter school authorized by the Blochman Union School District in Santa Barbara County.
According to its website, Trivium offers students a hybrid learning model that provides for classroom experience at various "learning centers" two days each week and homeschool instruction for the remaining three days of the week. To that end, Trivium operates "learning centers" in Arroyo Grande, Atascadero, Lompoc, Santa Barbara, and Santa Maria. Trivium also offers a fulltime independent study model that does not require students to attend classes at the learning centers. Petitioners propose to offer the same learning models if their Petition is approved by the District's Board.

In an undated "Executive Summary for Trivium Charter, San Luis Obispo County," Lead Petitioner Trisha Vais states:" We have a large waiting list since we opened our first center in San Luis Obispo County. In order to serve the students and families who wish to be a part of Trivium, we need to establish a charter in San Luis Obispo County."

Last year, Petitioners submitted a petition to the Lucia Mar Unified School District, which was unanimously denied by that district's Board of Education in April 2014.

Charter School Obligation to Improve Student Learning

Although Trivium Charter School has been in operation since 2011, Petitioners provide little information regarding that school's academic performance to bolster their allegation that the proposed program will improve student learning.

Importantly, the District offers its own WASC-accredited independent study program, West Mall Alternative School, for K through 12th grade students. Unlike the proposed new Charter School, West Mall Alternative also offers all of the classes necessary for students to meet the "A-G" eligibility requirements for admission to the California State University ("CSU") system and the University of California ("UC"). In addition to serving District students, the program also accepts students from neighboring districts within San Luis Obispo County on interdistrict transfers, as space permits. Because the District is geographically one of the largest districts in California, West Mall Alternative offers Independent Study and Home School opportunities for both regular and special education students—some of whom live as far as sixty miles from a District school. In addition to these two programs, the school also provides education for the same student populations as are being targeted by Petitioners, including residents at Aaron's Boys Home who are transitioning from institutions and are not yet prepared to enter the traditional school environment. Prior to the suspension of API calculation by the California Department of Education, West Mall Alternative had shown a steady uptick in its API from 764 to 846 for the years 2011 to 2013. In addition, neighboring Templeton Unified School District also offers an accredited Independent Study program. Thus, the educational model offered by the proposed Charter School duplicates at least two similar well-established programs within San Luis Obispo County.

In passing the reform-driven Charter Schools Act, the California Legislature intended that charter schools should be granted greater flexibility and operational autonomy than traditional public schools. However, in exchange for additional flexibility, the Legislature mandated that charter schools must "improve student learning." (Ed. Code § 47601.) Further, charter schools are "accountable for meeting measurable pupil outcomes" and an evaluation of charter school performance must be guided by "performance-based accountability systems." (Ed. Code § 47601(f).) *In other words, it is not sufficient that a typical student performs as well at a charter school as at a traditional public school.* Rather, the Charter Schools Act clearly contemplates that, overall, charter students should *out-perform* students enrolled in traditional public schools.

As set forth in the Petition, one of the Charter School's stated goals is that: "Trivium Charter students will individually perform and achieve *as well or better* than similarly situated students in the traditional California public schools." (Petition, p. 6) (Emphasis added.) Performing "as well" as students in traditional public schools does not meet the Legislative intent for charter school pupils. Moreover, as discussed in detail in this Staff Report, the Legislature's mandate that charter schools must "improve student learning" and "increase

learning opportunities for all pupils" is unlikely to be fulfilled with approval of the proposed Charter School (Ed. Code § 47601.)

Timeline for Board Action

A district governing board has a limited timeline for evaluating the soundness of a charter petition's educational program. Unless an extension is agreed to by the parties, the governing board must hold a public hearing to discuss the petition within 30 days after receipt. (Ed. Code § 47605(b).)[1] The purpose of the public hearing is so the Board can consider the level of support for the Petition by the teachers, employees and parents of the District. Following the public hearing and the Board's review of the Petition, the Board must either grant or deny the charter within 60 days of receipt of the Petition, unless this time is extended for up to an additional 30 days by mutual agreement of the District and the Petitioners. A public hearing was held on November 3, 2015, to consider public support for the proposed Charter School.

Summary

This Staff Report sets forth findings based upon a careful review of the Petition and its appendices by District staff and legal counsel. Pursuant to that review process, District staff and legal counsel have identified substantive deficiencies in the Petition. In preparing this Report, staff has concluded that there are numerous required elements of the Petition that are insufficient. Such deficiencies include, but are not limited to, insufficient information regarding the Charter School's educational program, and its plans for educating English Learners, special education students, and students achieving above or below grade level. In addition, the Petition does not include necessary policies and procedures, employee qualifications, or job descriptions. Staff has also identified concerns with the Charter School's health and safety procedures, its plan for achieving a racial and ethnic balance that mirror's the District's student population, as well as concerns with its operating budget and financial projections. District staff has concluded that these deficiencies and concerns are sufficient to warrant a recommendation to the District's Board of Trustees to deny the Petition, pursuant to Education Code section 47605.

Overview of Charter Petition Review Generally

The Charter Schools Act of 1992 ("Act") governs the creation of charter schools in the State of California. The Act states that a school district governing board considering whether to grant a charter petition "shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged." (Ed. Code § 47605(b).) With this Legislative intent in mind, the governing board must grant a charter "if it is satisfied that granting the charter is consistent with sound educational practice." (Ed. Code § 47605(b).) The governing board may not deny a petition unless it sets forth specific facts to support one, or more, of the following five findings:

[1] Petitioners have indicated that they will not agree to any extension of any of the statutory timelines. (T. Vais, Executive Summary for Trivium Charter, San Luis Obispo County.)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

3. The petition does not contain the number of signatures required by Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).

4. The petition does not contain an affirmation of certain specific conditions set forth in Education Code section 47605, subdivision (d), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices, and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis of the characteristics set forth in Education Code section 220.

5. The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5)(A-P), which describes the following sixteen separate elements that must be addressed in every charter petition:

   A. A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

   B. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

   C. The method by which student progress in meeting those student outcomes is to be measured.

   D. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

   E. The qualifications to be met by individuals to be employed by the school.

   F. The procedures that the school will follow to ensure the health and safety of students and staff.

   G. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within

the territorial jurisdiction of the school district to which the charter petition is submitted.

H. Admission requirements, if applicable.

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

J. The procedures by which students can be suspended or expelled.

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.

L. The public school attendance alternatives for students residing within the school district who choose not to attend charter schools.

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.

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.

O. A declaration whether or not the charter school will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act ("EERA" or "Rodda Act").

P. A description of the procedures to be used if the charter school closes. These procedures must 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 student records.

In addition to these required elements, charter school petitions are also required to include discussion of the impact on the chartering district, including, the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the chartering school district, and a three year projected operational budget. (Ed. Code § 47605(g).)

Petition Review Process

In evaluating a charter petition, a district governing board is obligated to ensure that the proposed educational program is sound and that the petitioners are likely to be successful in implementing the program. (Ed. Code § 47605(b).) Moreover, once a charter school's petition has been granted, the district assumes "supervisorial oversight" over the charter school. (Ed. Code §§ 47604.32 and 47604.33.)

The Education Code does not provide explicit guidance for district governing boards in evaluating whether a charter petition's components are "reasonably comprehensive." Neither does the Code prescribe specific criteria when considering the each of a petition's required elements. However, the California Code of Regulations ("CCR" or "Regulations") sets out detailed regulations for use in evaluating a charter school petition submitted to the State Board of Education ("SBE") on appeal. Those Regulations define a "reasonably comprehensive" program and list specific criteria for consideration of each of the required program elements. (5 CCR § 11967.5.1.) Thus, in order to ensure the District's Board review of the Petition is sufficiently thorough, it is appropriate to look to the standards set out in the Regulations as exemplars in considering the present Petition.

The Regulations provide that: "[a] 'reasonably comprehensive' description, within the meaning of subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:

(1) Is substantive and is not, for example, a listing of topics with little elaboration.
(2) For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.
(3) Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
(4) Describes, as applicable among the different elements, how the charter school will:
    (A) Improve pupil learning.
    (B) Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
    (C) Provide parents, guardians, and pupils with expanded educational opportunities.
    (D) Hold itself accountable for measurable, performance-based pupil outcomes.
    (E) Provide vigorous competition with other public school options available to parents, guardians, and students.

(5 CCR § 11967.5.1(g).)

Recommended Grounds for Denying the Charter Petition

Based on its review of the Petition and supporting appendices, District staff recommends that the Board deny the Petition on the following grounds, pursuant to Education Code section 47605:

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b)(1).)

2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)

3. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Board to make "written factual findings, specific to the particular petition, setting forth specific facts to support one or more" of the grounds for denying the charter. In recommending denial of the Petition, staff further recommends that the Board adopt the proposed findings of fact, set forth below, as its own findings.

Proposed Findings of Fact

In making the findings of fact set out in this Staff Report, District staff and legal counsel have considered each element of the Petition in light of Education Code section 47605(b)(5) and the standards for a "reasonably comprehensive" program and the specific criteria for each required element as set out in title 5, California Code of Regulations, section 11967.5.1.

Please note that these findings of fact have been grouped for convenience under the aforementioned grounds for denial of a charter petition. However, certain findings of fact may support more than one ground for denial.

Finding 1: The Charter School Presents an Unsound Educational Program for Pupils to be Enrolled in the Charter School.

Based upon its targeted populations and the District's experience, the Charter School should expect that its students will present a wide range of learning abilities and skills, including low-achieving and at-risk students, high-achieving students, special education students, and English Learners ("ELs"). However, the Petition fails to adequately describe or address the specific educational interests, backgrounds, or challenges of the diverse student population it proposes to educate.

Specifically, the Charter School presents an unsound educational program for the students to be enrolled at the Charter School, for the following reasons:

A. The Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.

B. The Petition does not include detailed plans for meeting the needs of low-achieving and at-risk students.

C. The Petition does not include a detailed plan for meeting the needs of its high-achieving students.

D. The Petition does not adequately address how the Charter School will modify its educational program to educate English Learners.

E. The Petition does not describe the Charter School's plan for providing special education and related services to eligible students.

A. The Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.

Educational Program and Curriculum. The description of the Charter School's educational program should, at a minimum, include the instructional approach that 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 students to master the State's content standards and achieve the Charter School's stated objectives. (Ed. Code § 47605(b)(5); 5 CCR § 11967.5.1(f).) The Petition should identify the proposed teaching materials and include an outline of the curriculum for each core academic subject area at each grade level. As described below, the educational program and curriculum described in the Petition fail to meet this threshold.

The proposed Charter School would offer home-schooling and independent study distance learning programs provided through a variety of curriculum delivery methods including: "traditional print-based curriculum"; "traditional print-based curriculum plus computer (on-line internet)"; or "all computerized courses (online or software)." (Petition, pp. 14-15.) Petitioners promise that the Charter School will: (1) "meet content and performance objectives based on academic standards for all students"; (2) "use a variety of observational and written assessments to determine if children are achieving learning goals; and (3) "use effective instructional strategies that are individualized and leveled for each student enrolled." (Petition, p. 16.) However, beyond these broad assurances, the Petition sheds little light on the proposed instructional program and curriculum and does not explain how teaching staff will ensure students meet state-approved academic standards or how they will implement specific learning strategies across various grade levels and student subgroups.

Petitioners note that "the scope and sequence of the curriculum will be articulated in a manner that enables students to enter or return to the programs offered at traditional schools at any grade level." (Petition, p. 13.) No course descriptions are provided and no scope and sequence or specific grade level standards are identified in the Petition that support

Petitioners' broad assertions. The Petition states that "[c]ourse offerings will be based on state standards" (Petition, p. 13), but no mention is made of Common Core State Standards (CCSS), Next Generation Science Standards (NGSS) or the new History-Social Science Framework for California public schools.

Petitioners do not include any sample lesson plans for any grade level and do not identify any specific teaching materials or textbooks that will be available to students enrolled in the Charter School's program. Instead, the Petition offers a list of curricular materials that may be available through the Charter School's "curriculum catalogs." (Petition, pp. 12-14.) Of particular concern, the Petition indicates that curriculum for individual students is chosen by each minor student and at least one parent, with the assistance of the homeschool curriculum advisor, instructional aides and teaching staff. (Petition, p. 5.) Permitting a minor child and parent to choose curriculum does not ensure that the student is receiving access to the California State Standards.

The Petition indicates that History and Science are provided at the Charter School's Learning Center(s) in large group classroom settings; however, the Charter School generally offers classes at its Learning Center(s) for only two days a week (Petition, p. 12) and parents and students may choose not to participate in the program offered at the Learning Center(s). It is unclear is how students who do not attend Learning Center classes will receive sufficient support in History and Science or have access to supplemental visual and audio technology, including the "technological devices and microscopes" referenced in the Petition. (Petition, pp. 5-6.) The Petition does not include any sample schedules of classes and services available to students each day at its existing Learning Center(s) and provides no information regarding how many credentialed teachers are available at each Learning Center or how long students will meet with a credentialed teacher and/or instructional aides at the Learning Center(s). Resources and additional instruction <u>may</u> be provided in "Fine/Performing Arts, Physical Education, Technology, and a variety of elective subjects using vendors, computer software programs, and community college classes" but no supporting details or examples of such additional resources are included. (Petition, p. 11)

In addition, the Petition fails to describe how the educational needs of younger home-schooled students will be met. In particular, the goal of educating very young students during a period of time when students are generally expected to learn to read, acquire basic math skills, and develop social skills requires a very detailed explanation of how these goals would be accomplished in a home-school/distance learning environment.

In order for the Board to evaluate the strength of the proposed instructional program, the Petition should clearly indicate what standards will be taught at each grade level during the school year. The Petition includes no evidence that Petitioners are knowledgeable as to academic content standards by grade level or how the standards should be linked to instructional practices in order to ensure mastery of each core curricular area.

<u>Eight State Priorities</u>. The Charter Petition should describe annual goals for all pupils and each subgroup of pupils to be achieved in the eight State priorities listed in Education Code section 52060, subdivision (d), that apply for the grade levels served or the nature of the

program operated. Subgroups include: ethnic subgroups, socio-economically disadvantaged pupils, English learners, pupils with disabilities, and foster youth. (Ed. Code § 52052(a)(2)(A-E), as referenced in Ed. Code § 47607.)

In addition to the deficiencies noted below, only State Priorities 7 and 8 mention students in subgroups. (Appendices: Attachment A) None of the other six State Priorities include actions or descriptions of how goals would be met by subgroups. In each case, individual Personal Learning Plans are noted, but there is no direct support for students in significant subgroups. (Appendices: Attachment A.)

- *State Priority #2, Subpriorities B and C:* In the stated Subpriorities, the goal is 100% attainment of proficiency. There is no evidence this is a reasonable goal, as the baseline is merely a statement that each student has a Personalized Learning Plan. Therefore, the actions to achieve the goal have no relevance to meeting the goal.

- *State Priority #4, Subpriority A:* The stated goal is to exceed statewide averages for "met expectations" or "exceeded expectations" in ELA and Math on the CAASPP assessments. These are not valid reporting levels for state and federal assessments. Instead, they should be reported as "Standard Met" or "Standard Exceeded". Additionally, the baseline for this goal refers to the Smarter Balance ("SBAC") results provided, but the measurable outcomes and methods of measurements refer to internal assessments, course progress, mastery of homework, teacher observations, portfolios, and state testing. There is no correlation between the local measurements and the SBAC assessments.

- *State Priority #4, Subpriority B:* No baseline API score is presented.

- *State Priority #4, Subpriority C:* The baseline data indicates Trivium has 46 A-G courses, but these are insufficient in number and subject area for a student to be UC eligible. This is a major area of concern as no student enrolled in the program can be UC eligible. The Actions to Achieve, Measurable Outcomes, and Methods of Measurement do not work to rectify this deficiency.[2]

- *State Priority #4, Subpriorities D and E:* As in previous goals for EL students, the goal is 100% attainment of proficiency. There is no evidence this is a reasonable goal, as the baseline is merely a statement that each student has a Personalized Learning Plan. Therefore, the actions to achieve the goal have no relevance to meeting the goal.

- *State Priority #4, Subpriority F:* No baseline data is provided that indicates that the goal of 100% passage with a 3 or better is attainable, and the action to attain the goal is merely the use of a Personal Learning Plan.

- *State Priority #4, Subpriority G:* This State Priority is specific to EAP passage rate. However, there is no goal, actions, baseline, measurable outcomes, or methods of measurement related to the EAP assessment.

[2] See further discussion of A-G requirements under Finding 3, Section A (Measurable Pupil Outcomes).

- *State Priority #5, Subpriority B:* No baseline data is provided. Therefore, the goal, measurable outcomes, and methods for measuring are not valid.

- *State Priority #5, Subpriorities C and D:* There is no measurable goal with regard to middle or high school dropout rates. There is no baseline provided for the current number of dropouts, no actions to reduce the number of dropouts, and no actions or measureable outcomes for decreasing middle or high school dropouts.

- *State Priority #5, Subpriority 5:* The stated goal of "95% of students who enroll as a senior with Trivium Charter will graduate from Trivium" only addresses the graduation rate of students who enroll as a senior. There is no goal for students who have been enrolled in Trivium Charter in previous years and are continuing as seniors. There is no baseline data.

- *State Priority #8, Subpriorities A-D:* None of the Subpriorities have measurable goals listed. The actions to achieve the "goals" merely state each child will have a Personal Learning Plan, or lists the subjects taught. Baseline data is detailed and provided, but there is no connection between the baseline data and the goals or measurable outcomes. The baseline data refers to CAASPP assessments but the methods of measurement include local measurements, teacher observations, and course mastery. There is no proven connection between the local measurements and the CAASPP goals.

Instructional Minutes; Academic Calendar. The Petition indicates that the Charter School will provide students with instruction for "a minimum of 175 days" each school year but does not provide any bell schedule or additional detail as to the number of instructional minutes that will be provided to students at each grade level attending classes at the Learning Center(s). While independent study "activities" are reported for evaluation at least once each "learning period", the Petition does not address how actual instructional time will be reported for students in a homeschool setting. (Petition, p. 12.) No academic calendar for 2016-17 is provided.

Access to Technology. Another issue not fully addressed by the Petition is ensuring access to the Charter School for all students who are interested. Many interested students may lack home computers or online access, and the Petition does not explain how such students will be served in a non-discriminatory manner or whether computer hardware, software, and internet access will be provided to students free of charge.

High School Courses; Transferability. The Petition does not describe how parents will be informed about the transferability of courses to other high schools or the eligibility of courses to meet college entrance requirements.

Professional Development. The Petition does not include any plan or list of topics for professional development for teaching staff.

Career and Technical Training. Among the student populations the Charter School intends to target are students "who want to combine career and technical training with their core academic subjects." (Petition, p. 11.) However, the Petition does not discuss in any substantive detail how its proposed educational program will enable this student group to achieve such a goal.

In sum, without additional information describing a comprehensive and cohesive educational and instructional program, the District cannot evaluate whether the Charter School's students will receive the benefit of a sound educational program.

B. The Petition does not include detailed plans for serving low-achieving or at-risk students.

As indicated by Petitioners, the Charter School's targeted student population includes expelled students, students who have been placed in an alternative education placement, and students "who have one or more areas that are remedial." (Petition, p. 11.) However, the Petition does not describe specific targeted interventions and learning strategies that the Charter School plans to make available to these students and to other low-achieving and at-risk students.

As an initial area of concern, the Petition states that students "may be required to place academically within two grade levels of their current grade level in order to attend the learning center classes." Students who test more than two grade levels below their current grade level "may be required to attend Independent Study five days a week." (Petition, p.10) This means that low-achieving and at-risk students who should receive the most intensive academic support are essentially penalized and may be limited to the interventions that can be provided in the independent study/homeschool setting. In the home setting, these students may not receive sufficient support in History and Science, as those subject areas are the focus of Learning Center classes. Students attending Learning Center classes receive instruction in in large classroom settings with a multiple grade range of students and curricula. This raises additional concerns as to the level of individualized or small group support that the Charter School intends to provide to low-achieving students in the Learning Center setting.

The Petition states that all teachers "will have expertise or be trained to help students with learning difficulties" but there is no information as to what kind of training or expertise will be required. (Petition, p. 17.) The Petition provides that teachers and home school advisors will work with parents and low-achieving student to create an intervention or remediation plan for language arts or mathematics which may include weekly tutoring, periodic assessments, curriculum supplements, and/or online "skill builders." (Petition, p. 17.) However, the information about such interventions is general in nature and does not explain how or when such interventions will be provided and what assessments will be used to determine if a student needs additional support. It is not clear where weekly tutoring will be delivered and whether it will be provided by credentialed teachers. The Petition does not include any sample intervention or remediation plans for review.

Petitioners plan to implement a Student Study Team ("SST") process but we are not provided any details regarding the specific interventions that will be developed or how the Charter School intends to evaluate the adequacy of a student's response to these interventions. (Petition, p. 18.) The Petition makes no reference to scaffolded instruction, types of learning materials, pre-teaching, re-teaching, or any of the other standard learning strategies used to address the needs of low performing students. The generalized supports listed in the Petition are not an adequate replacement for the use of proven intervention strategies implemented by qualified teaching staff experienced in providing remedial instruction.

Of particular concern, the Petition states: "Students who do not apply consistent effort will be referred to a traditional five-day a week model because Independent Study is not appropriate for that student." (Petition, p. 18.) However, there is no discussion as to how a determination is made as to whether a student merits disenrollment on the basis of lack of effort.

Without additional information, the Board cannot be assured that low-achieving students will be treated in a non-discriminatory manner and will receive the services and supports necessary to ensure they can be successful in the academic program proposed by Petitioners.

C. <u>The Petition does not include a detailed plan for meeting the needs of its high-achieving students.</u>

Petitioners assert that the individualized learning plans of high-achieving students will be adapted for their individual needs, but as is the case with Petitioners' plans for serving low-achieving students, we are given scant information and no examples as to how student learning plans may be adapted. (Petition, p. 17.) The Petition does not specify how the Charter School teaching staff will modify the curriculum to meet the needs of high-achieving students. We are told that high-achieving students will be able to access curriculum supplements and online computer programs that include Advanced Placement ("AP") courses, and will be able to attend community college classes and participate in extracurricular activities, but we are provided no additional information as to the scope and nature of such supplements and activities or who will teach these courses. (Petition, p. 17.) Instead, Petitioners suggest that locating appropriate resources and curricular materials is the responsibility of high-achieving students, whom the Petition characterizes as being "typically pro-active in selecting projects and establishing timelines for completing work in cooperation with their assigned teacher and parent." (Petition, p. 17.) In other words, high-achieving students cannot depend on the Charter School to provide direction or support with regard to curricular enhancements or expanded learning opportunities and may be responsible for locating and paying for additional courses (such as A-G eligible coursework) and other opportunities necessary for them to pursue further academic success.

Based on the limited information provided in the Petition, the Charter School's plan for meeting the needs of all of its high-achieving students is inadequate.

D. The Petition does not adequately address how the Charter School will educate English Learners.

According to the California Department of Education, all federal requirements and some state requirements for English Learner ("EL") programs apply to charter schools. Reviews under the State's Categorical Program Monitoring process are conducted in the same manner for charter schools as for other public schools. At a minimum, the Petition should identify a consistent English Language Development ("ELD") curriculum, specific assessments, and a schedule for monitoring student progress in reaching English proficiency. Most of these elements are missing from the Petition.

In identifying EL students, the Petition indicates that the California English Language Development Test ("CELDT") will be administered within thirty days of enrollment to students with a home language other than English, but does not indicate what score on that assessment identifies the student as an English Learner. (Petition, p. 18.) Neither does the Petition describe the different levels of EL placement or the services and/or programs that will be available to EL students at each of the levels. (Petition, pp. 18-19.) From the plan presented in the Petition, it appears that Petitioners are not aware that LEAs are required to administer the CELDT annually to identified ELs until they are designated as Reclassified Fluent English Proficient ("RFEP") during the annual assessment window from July 1 through October 31, or that later than 30 days after the beginning of the school year or within two weeks of the child being enrolled in a language instruction program after the beginning of the school year, the LEA must inform parents or guardians of the reasons for the identification of their child as an EL and that the child is in need of placement in a language instruction program.

The Charter School's plan for serving EL students notes that EL students "receive instruction that focuses on English language development skills, to be provided either in a tutoring program at home or at the learning center."(Petition, p. 19.) As a threshold issue, it is unclear how Petitioners intend to deliver ELD in the home setting, or provide appropriate training to a parent or guardian who may not be a native English speaker. With regard to staffing needs for English Learners in the Learning Center(s), the Petition notes that instruction is primarily in English utilizing strategies such as Specially Designed Academic Instruction in English (SDAIE), but it does not provide any specific examples of how interventions and strategies appropriate for English Learners will actually be implemented in the Learning Center(s). (Petition, pp. 18-19.) Of particular concern, the Petition provides that "[i]n our model, the student will not receive instruction by the CLAD or BCLAD certificated teacher on a daily basis." (Petition, p. 19.) This is troubling, as English language proficiency can only be attained through daily practice and reinforcement. Instead, Petitioners assert that "there are many quality online resources to assist the ELL learner to achieve academic success at Trivium." (Petition, p. 19.)

The Petition does not include any information regarding the Charter School's plan for the reclassification of EL students as RFEP or the evaluation of students, which is required twice each year, for two years following their RFEP designation, to ensure that they are receiving

adequate support for transitioning into the mainstream classroom after termination of targeted ELD support.

Lastly, the Petition does not describe any professional development or training for its teachers in SDAIE or other methodologies for teaching English Learners and we are not told whether all teachers will have CLAD or BCLAD certification.

Overall, Petitioners provide an insufficient description of how English Learners will be supported, reclassified, and monitored.

E. The Petition does not describe the Charter School's plan for providing special education and related services to eligible students.

As set forth in the Regulations, the Petition should set out a reasonably comprehensive description of its plan for serving special education students that assures the chartering authority that the Charter School understands its legal obligations to serve special education pupils. Specifically, the plan should include, but is not limited to, "the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities." (5 CCR § 11967.5.1(f)(1)(G).) The plan presented in the Petition for serving the needs of special education students does not include many of these required elements.

As indicated in the Petition, The Charter School will be categorized as a public school of the District unless and until it is granted membership as an LEA in a Special Education Local Plan Area ("SELPA.") If approved, the new Charter School intends to apply for membership in the El Dorado County Charter SELPA, or another charter school SELPA. (Petition, p. 19.) If it is accepted for membership in a SELPA, the District will not be obligated to provide Charter School students with a free appropriate public education ("FAPE") or to oversee the Charter School's special education programming. However, acceptance for membership in a SELPA *is not a certainty*. In the event that the Charter School is denied membership in a SELPA, Petitioners must be able to demonstrate to the District—which will be responsible for monitoring and oversight of the Charter School's special education program—that the Charter School understands its obligations under state and federal special education law. The District and the Charter School will also need to enter into a memorandum of understanding ("MOU") describing how state and federal funding will be disbursed and allocating responsibility for the provision of special education and related services to Charter School students. Additionally, the Charter School will be required to make an annual pro rata share contribution to the District's total unfunded special education costs (the "encroachment.") (Ed Code §§ 47641, 47646.)

Petitioners do acknowledge that they are cognizant of Education Code section 51745, subdivision (c), which provides that no Charter School student eligible for special education and related services may participate in independent study, unless his or her IEP provides for

such participation. (Petition, p. 9) Otherwise, the Petition's minimal plan for the provision of special education does not adequately describe the essential elements of special education law, including, but not limited to: child-find, referrals, assessments, the make-up of a student's individualized education program ("IEP") team; and least restrictive environment. Discussion of other components of special education law necessary to ensure Petitioners understand their obligations under law are missing entirely, including, but not limited to: statutory timelines for completing assessments and convening IEP team meetings; the elements of a legally-compliant IEP; requirements governing interim placements; requirements for the provision of procedural safeguards to parents; or how and where extended school year ("ESY") services will be provided. The Petition does not discuss parental requests for Independent Educational Evaluations; how the Charter School will timely refer students for reevaluations, mental health services and/or behavioral assessments; functional assessment analyses; or the development of behavioral intervention plans.

Staff note, in particular, the following concerns:

Least Restrictive Environment. The Individuals with Disabilities Education Act ("IDEA") requires that, to the maximum extent appropriate, individuals with exceptional needs shall be educated in the least restrictive environment ("LRE"). (Ed. Code § 56040.1.) While a full-inclusion placement may be the LRE for one student, another student may require a more restrictive placement or educational setting to receive a FAPE. Special education services must be *individualized* to meet each student's unique educational needs, and must comport with each student's IEP. As noted above, a special education student may not participate in an independent study program unless his or her IEP specifically provides for such participation. However, Petitioners fail to describe how they intend to comply with the mandates of federal and state special education law with regard to providing individualized placement in the least restrictive environment to enrolled students eligible for special education and related services. Other than the home school setting and the large classroom groups for Learning Center classes, there is no reference in the Petition to small group instruction, individual instruction or other placement options for students. Failure to provide an appropriate placement for a special education student could expose the Charter School, and the District, as its chartering authority, to liability for a failure to provide a FAPE.

Programs and Services. The Petition fails to describe any of the specific programs, services, or supports that the Charter School intends to provide for children with disabilities, including those with speech and language impairments, autism, cognitive impairment, physical impairments and other health impairments. Instead, Petitioners simply state that the Charter School will comply with all applicable laws related to special education and that pupils "shall receive special education or designated instruction and services, or both, in the same manner as a child without disabilities as designated in their offer of Free Appropriate Public Education (FAPE). (Petition, p. 19.) Petitioners' broad assurances do not demonstrate that they can meet the needs of students identified as needing special education services.

Identification, Referral, Assessment. Petitioners fail to describe any of the statutory assessment procedures and timelines for students with disabilities. No description of referral documentation or any sample assessment plan is provided. Petitioners also fail to

demonstrate that they are knowledgeable of the qualifications of assessors, and how they plan to secure the services of school psychologists, speech/language pathologists, occupational therapists, physical therapists, adaptive physical education specialists, program specialists, and specialists in other disciplines who may be part of a multidisciplinary assessment team. The District cannot evaluate the appropriateness of the Charter School's referral and assessment process without such information.

Extended School Year. The Petition fails to discuss the Charter School's obligation to provide extended school year ("ESY") services for an eligible student as determined by the student's IEP team. It is not clear if the Charter School operates its Learning Centers and provides appropriate staffing during the ESY period. The Charter School cannot rely on the District to provide these services unless an agreement is reached regarding same.

Notice of Procedural Safeguards. The Petition does not provide any information demonstrating that Petitioners are aware of the statutory requirements for the provision of a notice of procedural safeguards to a parent or guardian. Federal and state law require that a parent or guardian be provided a notice of procedural safeguards when: a Parent/Guardian asks for a copy; the first time a child is referred for special education assessment; each time a child is reassessed; each time a Parent/Guardian requests a due process hearing; and each time a change of placement is implemented because of a violation of a code of student conduct. (20 U.S.C. § 1415(d)(1)(A); 34 C.F.R. §§ 300.504(a) and 300.530(h); Ed. Code, §§ 56301(d)(2), 56321, 56500.1 and 56502.)

Special Education Budget. The Charter School's budget does not indicate how funds are allocated for special education services and does not include estimated funds allocated for the Charter School's contribution to the District's encroachment, in the event that Petitioners are unable to secure membership in a SELPA by the time they commence operations.

In sum, the Petitioners have not provided a reasonably comprehensive plan for special education and have not demonstrated an understanding of their responsibility for individuals with special needs or their ability to comply with federal and state law. Without additional information and clarification regarding the above concerns, District staff cannot adequately evaluate this essential element of the Petition.

Finding 2: The Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition.

In order to successfully implement the program described in the Petition, Petitioners must: demonstrate they are familiar with the content of the Petition and the requirements of laws applicable to the proposed school; present a realistic financial and operational plan; and have the necessary background in areas critical to the charter school's success, or have a plan for securing the services of individuals with the necessary background, including, curriculum, instruction, assessment, finance and business management. (5 CCR 11967.5.1.)

Based upon the information provided in the Petition, Staff believes that the Petitioners are demonstrably unlikely to successfully implement the educational program for the following reasons:

A. The Petition does not adequately describe the Charter School's proposed staffing plan or employee qualifications.

B. The Petition presents an inadequate and unrealistic financial and operational plan for the proposed charter school.

C. The Petition fails to provide certain policies and procedures that demonstrate that Petitioners are familiar with the requirements of law applicable to charter schools.

A. <u>The Petition does not adequately describe the Charter School's proposed staffing plan or employee qualifications.</u>

Education Code section 47605(b)(5)(E) requires a charter petition to include a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school. The Regulations clarify that a petition should: identify the general qualifications for the various categories of employees that the charter school intends to hire; identify key positions and their specific qualifications; and specify the requirements for employment. (5 CCR § 11967.5.1(f)(5).) However, except for a brief description of duties and qualifications for the Executive Director of Trivium Charter, SLOCO, no job descriptions or qualifications are provided for any other positions at the proposed Charter School. (Petition, pp. 32-33.) Instead, Petitioners simply state that they" will only recommend for employment teaching staff holding appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing." (Petition, p. 33.)

The budget included with the Petition indicates that for 2016-17, the Charter School intends to employ 12 FTE certificated teachers, one FTE Special Education teacher, a 0.4 FTE Academic Director, two FTE Site Coordinators, 3.5 FTE special education aides, one FTE Curriculum Advisor, and a 0.2 FTE Instructional Coach. The budget does not include any funds allocated for instructional aides or the Executive Director. (Appendices: *Employee Inputs 2016-17*.) While there is a line item for classified/clerical salaries in the budget, the Petition does not include any identification or job descriptions for these positions.

In addition to the positions described in the budget, the Petition also states that the Charter School may contract with "non-certificated specialists to lead workshops in their area of expertise under the direction of a certificated teacher." (Petition, p. 33.) It is not clear whether these non-certificated specialists are intended to teach non-core classes or provide professional development. The Petition does not include any job descriptions for non-certificated instructors. While charter schools have "flexibility" for hiring instructors for non-core classes, the qualifications for these positions should be high and clearly articulated.

The Petition states: "Employment policies will be established by Trivium Academy of Classical Education Board of Trustees." (Petition, p. 35.) As Petitioners already operate an existing charter school, such policies should have been included with the Petition for the Board's review.

Without a clear idea of the number and category of employees that the Charter School actually intends to hire and the qualifications and job descriptions for all of those positions, the Board cannot be assured that Charter School employees will have sufficient subject matter expertise and professional experience.

B. The Petition presents an inadequate and unrealistic financial and operational plan for the proposed charter school.

A charter petition should, at a minimum, include a first-year operational budget, start-up costs and cash flow, and financial projections for the first three years. (Ed. Code § 47605(g).) Among other things, the operational budget must: (1) include "reasonable estimates of all anticipated revenues and expenditures necessary to operate the school; " (2) "demonstrate an understanding of the timing of the receipt of various revenues and their relationship to [the] timing of expenditures;" and (3) "appear[ ] viable and over a period of no less than two years of operations provide[ ] for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school." (5 CCR § 11967.5.1(c)(3)(B).)

As an initial matter, Petitioners have not clearly identified all major start-up costs. In addition, District staff noticed that Petitioners may have calculated certain expenses using School Services of California's July 2013 Charter School Dartboard, rather than the dartboard for the upcoming 2016-2017 school year. (Appendices: *Revenue*). Moreover, the budget does not include any supporting documentation showing that the Charter School's revenue assumptions are based on reasonable potential growth in local, state, and federal revenues. (Appendices: *Revenue*). Instead, the budget simply lists "assumed revenue rate increases over the previous year" in the amounts of 1.8%, 2.3%, 2.5%, and 2.7% without further explanation. (Appendices: *Revenue*). Regarding errors in the cash flow projection, for all 3 years there is a formula error in the benefits section. This means that their document does not reflect whether or not they will have positive or negative cash flow for each of the 3 years of the projection, so we are unable to determine how they will handle cash flow if there are negative months. Because they did not attach their FCMAT calculator calculation for revenues, we are unable to determine if their projections are reasonable.

These concerns call into question the soundness of any of the figures set out in the projected budget included with this Petition. Notwithstanding the legitimacy of the budgetary projections included in the Petition, staff has identified the following items are areas of concern and that require additional information or clarification:

Expenditures—Salaries and Comparisons; Benefits. The largest and most expensive expenditure in any budget is generally employee salaries. There are several aspects of

Petitioners' budget which need further clarification with regard to the Charter School's proposed salary expenditures.

For 2016-2017, the Charter School anticipates hiring twelve certificated teachers and a special education teacher with an average teacher salary of $50,000. (Appendices: *Employee Inputs 2016-17*). However, Petitioners do not explain how they arrived at their calculations and they offer no salary schedules or tables of salary comparisons with the District, neighboring districts, or other local charter schools to support their claim that they can successfully attract qualified teachers. Further, Petitioners do not explain how the salaries of a part-time academic director, two site coordinators, 3.5 FTE special education aides, and 0.2 FTE instructional coach were calculated or how they compare to District salaries or other local charter schools. In addition, the list of employees for 2016-2017 does not show any salary or compensation for the position of Executive Director of Trivium Charter, SLOCO described in the body of the Petition (Petition, p. 32.) This suggests that the Charter School may intend to vest the day-to-day operations of the Charter School with the Director of the existing charter school or with the charter management organization it intends to retain, rather than establishing the operational structure set forth in the Petition.

Petitioners have not budgeted any funds for substitute teacher pay. Petitioners should include an amount that will be adequate when Charter School staff members take medical leave, vacation, or are otherwise absent. The budget also includes no funds allocated for custodial or groundskeeper salaries, and Petitioners have not explained why such services would not be required or whether they are rolled into the Operations and Housekeeping line item. (Appendices: *Non-Personnel Expense Input.*)

Benefits are an essential aspect of the overall compensation package an organization offers to its employees. The budget narrative for 2016-2017 indicates that the Charter School has budgeted "health and welfare benefits in the amount of $83,800 for 2016-2017. (Appendices: *Expenses Summary.*) As discussed elsewhere in this Staff Report, is not clear what benefits Petitioners intend to offer, how they calculated the costs for those benefits, or what out-of-pocket expenses employees may be required to cover for single or family coverage. Moreover, this amount ($83,800) does not increase over the five years of budget assumptions. (Appendices: *Expenses Summary.*) Likewise, insurance costs are a single line-item, and expenditures for general liability, workers' compensation, and other types of insurance are not identified. (Appendices: *Non-Personnel Expenses Input.*) In particular, the Petition and attached budget do not clarify how they are going to provide Workers Compensation insurance.

These issues need to be clarified so that the District can evaluate whether the budgeted amounts are sufficient.

Expenditures—Services and Supplies. The Charter School's budget fails to explain how they will successfully deliver their educational program. Specifically, each figure in the budget should be reasonably supported by facts showing that the amount allocated will be sufficient to cover the listed expense. Such information should indicate the number of students to be

served, the type of items to be purchased, the cost and quantity of each unit, the monthly payments for a service or the terms of a contract.

Here, the Charter School does not provide such data for many of the categories in the budget, leaving the overall soundness of budget in question. Dollar amounts simply stated without the context of how they are calculated cannot be reasonably accepted as accurate or valid. The Petition does not provide any calculations as to how any of the budgeted amounts were determined or indicate whether the amount budgeted is adequate for each student's needs. For example, the budget assumptions indicate that the Charter School is budgeting $160,000 for "Books and Supplies" in 2016-2017. Assuming the Charter School meets its projected enrollment of 200 students, this figure amounts to $800 per student. However, in 2017-18, the amount budgeted for "Books and Supplies" is $257,001. Assuming the Charter School meets its projected full enrollment of 260 students, the amount per pupil is $988.46. (Appendices: *Budget Summary*) There is no breakdown as to the amount of funds the Charter School intends to spend per pupil or any explanation as to the increase in Year 2. Without additional information, the District cannot determine whether the amounts allocated for supplies and equipment is sufficient.

Expenditures—Facilities. The Petition does not indicate whether the Charter School has secured facilities for its administrative offices and learning centers. However, as with other categories of expenditures, the budget assumptions included with the Petition provide anticipated facilities rental/lease expense of $75,000 for 2016-2017 and building maintenance costs of $375.00 without further information or indication as to how Petitioners calculated such amounts. (Appendices: *Non-Personnel Expense Input*.)

Expenditures—District Encroachment Contribution. As discussed elsewhere in this Report, the operating budget provided by Petitioners includes anticipated state and federal special education funding, but does not allocate any funding for the Charter School's contribution to the District's "encroachment"—its unfunded special education costs—in the event the Charter School has not been accepted for membership in a SELPA by the time it commences operations. Nor is there any back up explaining how Petitioners arrived at their special education funding projection amount. This amount can be substantial, and should be reflected in budgetary assumptions.

Additional Concerns.

- The Charter School's charter management organization fee is anticipated to be $105,000 in 2016-17, capping out at $116,126 in 2020-2021. This amount seems extremely high, given that Petitioners are already operating another charter school.

- The Charter School's financial projections do not include the costs of hiring a certificated school nurse or contracting with a private agency for health and nursing services. The Charter School will be solely responsible for the costs of any health or nursing services that a student may require pursuant to a Section 504 plan. Because a single student with diabetes may require such services throughout the school day, the Charter School should have funds allocated for nursing services.

- The Petition does not provide a description of the annual budget development, implementation and review process, including the process by which the Charter School leadership will monitor and report regarding the continued financial solvency of the Charter School. Petitioners have not included any description of the process by which the Charter School will prepare a preliminary budget, interim financial reports, and other reports required by law.

Without additional information and clarification as to the above issues, the District's Board cannot evaluate the viability of the proposed budget and be assured that Petitioners are likely to successfully implement the proposed program.

C. The Petition fails to provide certain policies and procedures necessary to demonstrate that Petitioners are familiar with the requirements of law applicable to charter schools.

Health and Safety Policies and Procedures. Education Code section 47605(b)(5)(F) requires the Petition to include "the procedures that the school will follow to ensure the health and safety of pupils and staff." However, no draft health and safety policies or procedures are included with the Petition. Their absence is puzzling, especially as Petitioners were legally required to have such policies and procedures in place at the time they commenced operations at the charter school they currently operate. The Petition indicates that the Charter School will follow the Emergency Preparedness Plan for each Learning Center, but no sample plan is included. Otherwise, Petitioners simply indicate that they intend to comply with applicable laws with regard to bloodborne pathogens, background checks, and child abuse reporting. A brief Evacuation Plan is provided.

With regard to the administration of medications, the Petition states: "Trivium Charter, SLOCO shall administer life saving medications at the learning center such as epi-pens, asthma inhalers or similar." (Petition, p. 37.) However, no information is provided as to the Charter School's plan for administering other medications pursuant to a student's IEP or Section 504 plan that may be required on a daily basis, or administration of medication on a daily basis.

Petitioners' failure to provide the District with a complete set of all of the Charter School's draft health and safety policies – including but not limited to, a School Safety Plan and policies for child abuse mandated reporting, the administration of medication, staff training for emergency and first aid response, emergency preparedness, and sexual harassment prevention – means that the Board cannot adequately evaluate the health and safety procedures for the proposed Charter School.

Other Necessary Policies and Procedures. Other important policies and procedures, including those related to discipline, special education and complaint procedures, are also missing from the Petition. Further, Education Code section 48907 requires charter schools to give their students freedom of the press and expression in what they say, wear, and write in official school publications and requires charter schools to adopt a written policy that

includes reasonable restrictions for conducting such activities. The Petition does not include the required policy.

Without a complete set of the Charter School's policies and procedures, the Board cannot confirm that the proposed Charter School program can be successfully implemented.

Finding 3: The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements

A. Measurable Pupil Outcomes

The Education Code requires a petition to include measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Specifically, the Charter Petition should include pupil outcomes that address increases in pupil academic achievement school wide and for all numerically significant pupil subgroups served by the charter school.

In this case, the Petition notes that the Charter School will show evidence that students are making demonstrated growth towards meeting Statewide performance standards and on their specific goals in their individualized Personalized Learning Plans, but does not discuss school wide growth or growth of significant subgroups. (Petition, p. 26.) Also absent from the Petition is any discussion as to how the Charter School will set measurable student goals at the beginning of each year and how the Charter School will show evidence a student is making progress towards meeting the goals in his or her individualized learning plan.

Exit Outcomes. For K through 8th grade students, the Petition states that students will demonstrate they have attained "appropriate foundational skills in order to graduate 8th grade with the ability to succeed in high school." (Petition, p. 23.) However there is no specific list of these required "foundational skills" and no discussion of how the Charter School intends to use objective means to evaluate these skills from grade level to grade level. The Petition also includes a list of exit outcomes for 12th grade graduation. These do not include, nor are they aligned with, the California State Standards.

A-G Requirements. For high school students, the Petition should also affirm that college-bound students wishing the attend California colleges or universities will have the opportunity to take course that meet the "A-G" requirements.

According to the University of California ("UC") website, to be considered for admission, a student must complete the following 15 yearlong high school courses with a grade of C or better — at least 11 of them prior to the student's senior year:

- History/Social Science ("a") – Two years, including one year of world history, cultures and historical geography and one year of U.S. history, or one-half year of U.S. history and one-half year of American government or civics.

- English ("b") – Four years of college preparatory English that integrates reading of classic and modern literature, frequent and regular writing, and practice listening and speaking.
- Mathematics ("c") – Three years of college-preparatory mathematics that include or integrate the topics covered in elementary and advanced algebra and two- and three-dimensional geometry.
- Laboratory science ("d") – Two years of laboratory science providing fundamental knowledge in at least two of the three disciplines of biology, chemistry and physics.
- Language other than English ("e") – Two years of the same language other than English or equivalent to the second level of high school instruction.
- Visual and performing arts ("f") – One year chosen from dance, music, theater or the visual arts.
- College-preparatory elective ("g") – One year chosen from the "a-f" courses beyond those used to satisfy the requirements above, or courses that have been approved solely in the elective area.

(www.ucop.edu/agguide/a-g-requirements/)

A review of UC-eligible courses offered by Trivium Charter School indicates that the charter school offers 46 UC-approved A-G courses, but does not offer all of the courses needed for students to be eligible for admission to UC. In the 7 subject areas required for UC eligibility, Trivium offers the following:

- History/Social Science—5 approved courses: (1) World History; (3) U. S. History; (1) Government
- English—5 approved courses: (1 each) English 1 though 4, (1) Ancient Literature
- Math—4 approved courses: (1) Algebra I; (2) Geometry; (1) Algebra II
- Lab Science –2 approved courses: (2) Biology
- Language other than English—0 approved courses
- Visual Performing Arts—0 approved courses
- Electives—30 approved courses

(https://hs-articulation.ucop.edu/agcourselist)

Unfortunately, students cannot take UC-approved A-G courses in sufficient number or in all of the subject areas necessary for UC eligibility. Students who do not complete the required A-G course work must earn certain scores on SAT, Advanced Placement or International Baccalaureate exams to meet UC eligibility. (www. admission.universityofcalifornia.edu/.../requirements)

B. <u>Method by Which Pupil Progress is to be Measured</u>

In addition to measurable pupil outcomes, the Petition should also include a substantive discussion of the methods by which student progress in meeting these outcomes will be measured. However, except for state-mandated assessments, the Petition does not discuss any specific assessments to be used. "Nationally norm-referenced" assessments are

mentioned, but not identified. (Petition, p. 25.) No examples of the summative assessments to be used at "conclusion of units, sequences of lessons, or courses" are provided. There is no specific information as to how portfolios are assessed or examples of rubric evaluations. (Petition, p.25.) No plan for reporting out of student achievement was found.

The Petition states that students must pass the California High School Exit Exam ("CAHSEE") to earn a high school diploma (Petition, p.26). This suggests that Petitioners are unaware of Senate Bill (SB) 172 (Liu), signed by Governor Brown on October 7, 2015, which suspends the administration of the CAHSEE and the requirement that students completing grade 12 successfully pass the CAHSEE as a condition for receiving a diploma of graduation from high school for the 2015–16, 2016–17, and 2017–18 school years. The law will take effect on January 1, 2016.

C. Governance

The Education Code requires the Petition to describe "the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement." (Ed. Code § 47605(b)(5)(D).) As set forth in the Regulations, the Petition must include "evidence of the charter school's incorporation as a non-profit public benefit, if applicable." In addition, the Petition should include, "evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: (1) the charter school will become and remain a viable enterprise; (2) there will be active and effective representation of interested parties, including, but not limited to parents (guardians); and (3) the educational program will be successful. (5 CCR § 11967.5.1(f)(2).)

As a threshold issue, it is not possible to evaluate whether the governance structure of the proposed Charter School is "reasonably comprehensive" because no Articles of Incorporation, Bylaws or conflicts of interest code are attached and the Petition includes only a limited discussion of the role of members of the Governing Council/Board of Trustees. (Petition, pp. 27-30.) The Petition does not state whether the Charter School will follow the Political Reform Act or other conflicts of interest laws applicable to nonprofit corporations and does not indicate whether the Charter School intends to comply with the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) or the California Public Records Act (Gov. Code §§ 6250 *et seq.*).

The Petition notes that the Board consists of 5 members, but does not include any discussion of the District's right to appoint a representative to Charter School's Board. (Petition, p. 29.) No biographies or roster of current Board members are included. Also missing from the Petition is any discussion of the frequency or location of Board meetings, a description of the method for election and/or appointment of Board members, and discussion of any required Board training.

With regard to parental participation, there is no evidence of active and effective representation by parents. The Petition states that parents may serve on committees, drive for field trips, raise funds and prepare classroom materials, but no actual committees or

descriptions of committee roles or membership are mentioned. Thus, there appears to be only a limited role for parents in the actual governance and operation of the Charter School, other than service on the Board and attendance at Board meetings.

Without further information as to the types of opportunities that will be made available to parents, the District can not be assured that parents will be provided with the active and effective representation required under the Regulations.

D. Qualifications of School Employees

Concerns raised regarding the qualifications of Charter School employees as described in the Petition, are addressed in greater detail, above.

E. Health and Safety Plan

Pursuant to section 47605(b)(5)(F), the Petition must include the procedures that the school will follow to ensure the health and safety of students and staff. As discussed in greater detail above, the Petition does not include any policies or procedures related to health and safety. Also missing from the Petition are copies of the Charter School's comprehensive sexual harassment prevention policy, child abuse reporting policy, emergency plans, and a School Safety Plan.

F. Racial and Ethnic Balance

The Education Code requires a charter petition to include a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

The Petition should describe how its pupil recruitment plan is tailored to recruit low-achieving, economically disadvantaged students, English Learners, Special Education students, and the various racial group ethnic groups represented in District. However, the Petition provides no evidence that the Petitioners are aware of the racial and ethnic make-up of the District. Instead of a specific recruitment plan, the Petition includes boilerplate language that is not specific to the District community. (Petition, p. 28.) It does not identify specific geographic areas to be targeted, recruitment materials, outreach efforts, or the languages to be used in the Charter School's recruiting materials. There is no plan for monitoring and correcting ethnic and racial imbalances in the proposed school.

G. Suspension and Expulsion Procedures

Education Code section 47605, subdivision (b)(5)(J) requires a Petition to identify the procedures by which pupils can be suspended or expelled. Although charter schools are not required to follow the Education Code when disciplining students, they are required to provide due process to students under the Federal and State constitutions. (*Goss v. Lopez* (1975) 419 U.S. 565; *Wood v. Strickland* (1975) 421 U.S. 921.)

The Petition does not provide the required due process to students because it does not differentiate between those offenses that may result in suspension, "restriction" or expulsion. Instead, the Petition provides a single long list of offenses (Petition, pp. 40-41) that may result in suspension, "restriction", or expulsion. Policies or procedures for student discipline are not included; the Petition states that behavior guidelines are outlined in the Charter School's Parent/Student Handbook, but a copy of the Handbook is not attached for the Board's review.

The Petition states: "Students may be restricted from accessing Learning Center classes for a designated timeframe as a disciplinary measure which is not considered a formal suspension unless it is designated as such." (Petition, p. 42.) However, no guidelines for restriction are enumerated and the procedures for suspension and restriction as described in the Petition are identical. (Petition, p. 42.) As discussed elsewhere in this Staff Report, the Petition further indicates that students can be dis-enrolled (effectively, "expelled") for failing to "apply consistent effort" and/or failing meet certain unspecified academic goals. (Petition, pp. 9, 18.) However, the basis for such extreme disciplinary action is not described.

The Petition does not provide any discussion of the District's oversight and governance role in disciplinary proceedings and the discussion of discipline for students with disabilities does not include any description of the District and Charter School's respective roles with regard to manifestation determinations and other due process proceedings. (Petition, pp. 47-50.)

In sum, there is insufficient evidence that the Charter School's discipline procedures will provide sufficient due process for all students and demonstrate the Charter School's understanding of the right of all pupils—including those with disabilities—in regard to suspension and expulsion.

H. Staff Retirement Systems

A charter petition must include a reasonably comprehensive 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.

In this case, the Petition provides that the Charter School's teachers will participate in STRS "unless and until. . . . Board of Trustees revokes participation in STRS." (Petition, p. 35) No details are given as to how or when this revocation might happen and the effect such a revocation might have on covered employees.

The Petition further states: "A retirement plan will be offered to those full time employees who are not covered by STRS," but it includes no details of the proposed retirement plan, or any health are welfare benefits that will be available to Charter School employees. (Petition, p. 35.)

I. Facilities

In addition to reasonably comprehensive descriptions of the 16 required elements, a charter school petition must also include discussion of the potential impact of the charter school on

the chartering district, including, among other things, the facilities to be utilized by the school. (Ed. Code § 47605(g).)

However, it is clear from the Petition that Petitioners have not identified a facility for the proposed Charter School and have not indicated how many "learning centers" they propose to open to support the Charter School's students. (Petition, pp.52-53) This makes the budgeted lease/rental fees set out in the budget little more than speculation. (Appendices: *Non-Personnel Expense Input*.)

Recommendation of Denial of Petition

Based on its review of the Petition and Appendices, District staff recommends that the Petition be denied for the following reasons: (1) the failure of the Petitioners to present a sound educational program; (2) because it is demonstrably unlikely that the Petitioners will successfully implement the program set forth in the Petition; and (3) because the Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Board to make "written factual findings, specific to the particular petition, setting forth specific facts to support one or more" grounds for denying the Petition. Staff recommends that the Board adopt these final findings of fact as its own, should the Board decide to deny the Petition.

Adopted
ATASCADERO UNIFIED SCHOOL DISTRICT
MINUTES OF REGULAR BOARD OF TRUSTEES' MEETING
Tuesday, December 8, 2015

Place of Meeting:	District Office / Board Room, 5601 West Mall, Atascadero, CA 93422
Time of Meeting:	6:15 p.m.
Members Present:	Corinne Kuhnle, Terri Switzer, Tami Gunther, Mary Kay Mills, Donn Clickard, George Dodge, Ray Buban
Members Absent:	none
Staff Present:	Thomas Butler, Superintendent

OPEN SESSION
Board President Gunther called the meeting to order at 6:15 p.m.
Announcement of Closed Session
Board President Gunther adjourned the meeting to CLOSED SESSION announcing the following items to be discussed and/or considered.
Student Issues (Education Code 48900, et.seq.)
The Board may discuss student matters.
The Board will consider the expulsion of Student # 2015-2016-A.
Personnel (Government Code 54957)
Review and possible action on appointment, employment, discipline, dismissal, release or resignation of District employee(s).
Negotiations (Government Code 54957.6)
The Board of Trustees may discuss ADTA, CSEA, Confidential-Supervisory, Classified Management, Certificated Management, and Unrepresented Contract Employees negotiations with Thomas Butler, Superintendent.
The Board of Trustees may discuss real property negotiations / options with its Chief Negotiator, Thomas Butler.
Litigation (Government Code 54956.9)
The Board of Trustees may conference with Legal Counsel concerning pending/potential litigation.
Comments from the public: none

Adjourn to Closed Session at 6:15 p.m.

Reconvene to Open Session: President Gunther reconvened the meeting to OPEN SESSION at 7:00 p.m.

Flag Salute and Moment of Silence was led by Sid Smith, student at Atascadero High School.

Action on Closed Session: ***Motion passed by a roll call vote to approve the administration's recommendation for the expulsion of Student # 2015-2016-A. (Dodge, Clickard)***
Ayes: Mills, Kuhnle, Switzer, Clickard, Gunther, Dodge, Buban
Noes: none
Abstain: none
Absent: none

Order of Business: *no change*

1. **School Related Reports:**
   1.1 School Related Organizations:
      1.1.1 Lacey Moranville, student representative to the Board, updated the Board on upcoming events at the High School. She reported that winter sports were off and running, students were participating in canned food and toy drives, and the Holiday Showcase would be performed on December 17th at 7:00 p.m. by the Advanced Drama Classes. She shared a

video that was created by the Leadership class to promote the upcoming Winter Formal to be held on January 9th, 'Back to the Future'.

1.2 Donations and Recognition:

1.2.1 Recognitions: Curt Eichperger, Assistant Superintendent Human Resources, recognized Terrell Broner, San Benito Elementary School teacher, and Gail Roza, District Office Account Technician for purchasing and payables. Ms. Broner was recognized for 'Excellence' for going above and beyond, especially as an FST member. Mrs. Roza was recognized for 'Teamwork' and 'Excellence' in her job, especially while covering for a fellow worker who has been out for an extended period of time. Both employees were recognized for the integrity they show towards others.

1.2.2 President Gunther recognized the donations on the Consent Agenda.

2. **Oral Communications from the Public**:
Jean Sutton, District teacher, addressed the Board regarding the work that teachers do. She gave many examples of what a day in the life of an Elementary teacher holds. She stated that much has changed over the years and that teaching is a big job and won't ever get easier.

3. **Superintendent's Response / Report**: Superintendent Butler thanked outgoing president Trustee Switzer and welcomed President Gunther and Clerk Buban. He reported attending the CSBA conference with the Board and stated it was very informative and helpful. He reported that the District had received notice that the lost ADA monies from the Cuesta Fire will be recouped. He wished all a Merry Christmas and a wonderful holiday season.

4. **Board Members' Response / Report**: Trustee Mills thanked the Leadership class for such an amazing video. She announced Fine Arts Academy students would be participating in the Winter Wonderland on Friday, December 11th at City Hall. Trustee Clickard announced that student representative Lacey Moranville had been a recent Homecoming princess as well as the assistant director for the Outsider production. He stated that Mrs. Broner and Mrs. Roza represented the rest of the employees in the District. He stated that the CSBA conference had great subjects and topics. Trustee Kuhnle thanked Lacey Moranville for her reports, her fellow trustees for a wonderful CSBA conference and President Gunther for all of her hard work with CSBA. Trustee Dodge stated that he loved the video idea and asked Lacey to take that message back to the High School. He reported that the CSBA conference allowed trustees to meet other trustees from other districts and found the networking valuable. He stated the District has great employees and it is nice to be able to recognize them. Clerk Buban thanked Lacey for her work with the Outsider's production and stated the play was phenomenal. He reported that the CSBA conference was helpful. He thanked the Del Rio students for a great presentation on Laurent Day. He stated he liked the entrepreneurship and customer service that the students at Del Rio are also learning. President Gunther stated that at the CSBA conference she learned about the operations of other districts and stated that this District was highly functional and she applauded the Board. She noted the connections the District staff have and the respectful communications amongst the different departments. She stated the culture of this town was one of respect and working together.

5. **Action Items:**

5.0 **Minutes:** ***Motion passed by a roll call vote to approve the minutes of the November 17, 2015, Regular Board Meeting. (Clickard/Switzer)***
Ayes: Mills, Kuhnle, Switzer, Clickard, Gunther, Dodge
Noes: none
Abstain: Buban
Absent: none

5.1 **Consent Agenda**:
Motion passed by a roll call vote to approve Consent Agenda items 5.1.1, 5.1.2, 5.1.3, 5.1.4, and 5.1.5. with the addendum to item 5.1.1 (Dodge/Switzer)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Dodge, Buban
Noes: none
Absent: none

5.2 **ADMINISTRATION / OTHER BUSINESS, Thomas Butler, Superintendent**

5.2.1 Nomination to 2016 CSBA Delegate Assembly was presented by President Gunther. She stated that currently our area was represented by Mark Buchman whose term was up and she would be honored to nominate him for another term.
Motion passed by roll call vote to nominate Mark Buchman to the 2016 CSBA Delegate Assembly. (Gunther/Dodge)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Dodge, Buban
Noes: none
Absent: none

5.2.2 **Public Hearing** - Resolution #09-15-16 Resolution of the Governing Board of Atascadero Unified School District Denying the Charter for the Establishment of Trivium Charter, San Luis Obispo – Consideration of the Charter Petition submitted for Trivium San Luis Obispo Charter School was presented by President Gunther and Superintendent Butler.

- *Public Hearing opened at 7:31 p.m.* President Gunther laid out the format of the hearing and Superintendent Butler addressed the Board with a brief history of the Trivium Charter petition process and stated that after studying the petition, staff and legal counsel were recommending denial of the petition.
- *Public comment:*
  Trisha Vais, Trivium Charter, stated that the 4 reasons for denial stated in the Findings of Fact were not true. She had additional information that she passed to the Board to address each of these issues. She stated that politics was not a reason to deny a charter and that the District needed to think about their integrity. She stated that home schooling works.
  Julie Apple, AUSD K-6 Home School Program teacher, stated that the teachers work hard to individualize programs for the students. She listed the enrichment opportunities they provide through field trips, labs and ceramics. She stated that they provided opportunities for students to meet together and felt that the District offered a wonderful Home Studies program.
  Chris Balogh, Alternative Education principal, stated that the program was fully accredited with specialized enrollment including many dual enrollment opportunities. He stated that the West Mall Options School was a school within a school that met 2 days a week. He stated that the programs provide a quality education for a variety of students.
- *Public hearing closed at 7:42 p.m.*

Motion passed by roll call vote to approve Resolution #09-15-16 Resolution of the Governing Board of Atascadero Unified School District Denying the Charter for the Establishment of Trivium Charter, San Luis Obispo. (Clickard/Mills)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Dodge, Buban
Noes: none
Absent: none

5.3 **Business Services, Jackie Martin, Assistant Superintendent:**

5.3.1 Resolution #08-15-16 Positive Certification, 2015-2016 First Interim Budget Report for the reporting period ending on October 31, 2015 was presented by Jackie Martin. Mrs. Martin stated that the District looked good this year and for the next 2 subsequent years based on known assumptions.
Motion passed by roll call vote to approve Resolution #08-15-16 Positive Certification, 2015-2016 First Interim Budget Report for the reporting period ending on October 31, 2015. (Dodge/Switzer)
Ayes: Mills, Gunther, Kuhnle, Clickard, Switzer, Dodge, Buban
Noes: none
Absent: none

5.3.2 Atascadero High School Buildings 600, 900, 1100, and 1200 Reconstruction Project Lease-Leaseback Contract (inclusive of Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and RSH Construction, Inc. was presented by Stu Stoddard, Director of Support Services. Mr. Stoddard stated that this work was for a total of 19 classrooms that would be brought up to standards. He stated that there were a few changes in the lease leaseback format relating to the schedule of payments. He pointed out that there had been some additional work required to meet ADA requirements requiring all of the current concrete to be removed and replaced around these classrooms to meet site access requirements. He stated that it will be a very nice finished product. When asked about the abatement allowance he stated that it was in reference to asbestos removal.
A motion passed by roll call vote to approve the Atascadero High School Buildings 600, 900, 1100, and 1200 Reconstruction Project Lease-Leaseback Contract (inclusive of Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and RSH Construction, Inc.
Ayes: Buban, Gunther, Kuhnle, Clickard, Switzer, Dodge
Noes: none
Absent: none
Abstain: Mills

5.3.3 Monterey Road Elementary School, Field Renovations Project Lease-Leaseback Contract (inclusive of Lease Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and Wysong Construction Company was presented by Stu Stoddard, Director of Support Services. Mr. Stoddard stated that the project included abating the gophers in a safe manner and renovating the turf. He stated that he hoped to be able to follow up with some of the other sites that are faced with the same issue. The monies for this project will come from remaining tax override funds.
A motion passed by roll call vote to approve the Monterey Road Elementary School, Field Renovations Project Lease-Leaseback Contract (inclusive of Lease Leaseback Agreement, Site Lease, and Sublease documents) between AUSD and Wysong Construction Company. (Buban/Dodge)
Ayes: Buban, Clickard, Dodge, Gunther, Mills, Kuhnle, Switzer
Noes: none
Absent: none
Abstain: none

5.4 **Educational Services, E.J. Rossi, Assistant Superintendent:** none

5.5 **Human Resources, Curt Eichperger, Assistant Superintendent:**

5.5.1 Resolution #07-15-16 Resolution in the Matter of Releasing Temporary Certificated Employee was removed from the agenda by Mr. Eichperger.

5.5.2 Superintendent's Safety Committee Report Update was given by Curt Eichperger and Jessica Otter, parent, paramedic and member of the committee. Mr. Eichperger stated that the Safety Subcommittee was part of the Superintendent's Budget Advisory Committee and that after several meetings and study they would like to share some of their thoughts with the Board. Jessica Otter stated that the committee was formed after the San Gabriel Elementary School incident which sparked great discussions on safety. She reported that research shows that the number one thing anyone can do to prepare is training. She stated that it is most important to have an alert staff, alert study body and alert parent pool. She also recommended doing unannounced drills at inconvenient times as well as learning hands only CPR. Mr. Eichperger stated that the next meeting will be held on January 14 at a location to be announced. Superintendent Butler thanked them for the thoughtful and balanced report and reported that he, as well as a large number of District principals, would be attending an Active Shooter Workshop on Thursday, in the South County. He stated that the safety items identified through the Budget Advisory Committee could be fast tracked to the Board for consideration.

6. **Meeting adjourned at 8:15 p.m.**

Tami Gunther

Tami Gunther, President

Ray M. Buban

Ray Buban, Clerk

3. Trivium Charter's Appeal to San Luis Obispo County Office of Education and response to Atascadero Unified School District Governing Board's Written Findings for Denial of the Charter
   a. Trivium Charter Executive Director's Appeal Letter to San Luis Obispo County Office of Education
   b. Atascadero Unified School District Governing Board's Written Findings for Denial of the Charter – Resolution #09-15-16
   c. Trivium Charter School San Luis Obispo's Responses to Resolution #09-15-16 by Atascadero Unified School District for Denial of the Charter

Trivium Charter School

December 11, 2015

Dear San Luis Obispo County Office of Education Leadership,

On December 8, 2015, the Atascadero Unified School District Board of Trustees denied the charter petition for Trivium, San Luis Obispo County by the acceptance of Resolution 09-15-16 entitled "Resolution of the Governing Board of the Atascadero Unified School District Denying the Charter for the Establishment of Trivium Charter, San Luis Obispo".

Resolution 09-15-16 and the Exhibit A entitled Staff Report and Finding of Fact is attached. The petitioners for Trivium, San Luis Obispo County, responded to all of the findings and referred to the charter petition as evidence for addressing their concerns. Because of the district's confusion on how a budget differs for a charter duplicating itself by using a CMO structure, a different format for the budget was included and some clarifying remarks. Both the response to the district's findings and the budget summary are attached.

In addition, two other documents were given to the district. The first document was read aloud at the initial hearing on November 3, 2015 and provided to the Atascadero Unified School District's (AUSD) board members. The second document was given to the AUSD Superintendent and the Assistant Superintendent at a meeting on December 1, 2015 held between the charter petitioners and AUSD.

Finally, this document provides background information and the necessary changes to the petition because of the change of sponsorship from the district to the county. Trivium will apply for membership in a charter school specific SELPA for Special Education funding and support services. In the unlikely event we were not accepted to a charter specific SELPA, Trivium would enter into an MOU with San Luis Obispo County defining the relationship of special education related services. Trivium would desire to operate as independently as is reasonable by providing our own services to the students – as we have done since inception of the original Trivium Charter.

Although Atascadeo Unified stated that we were unlikely to succeed and did not present a sound educational program, the fact is in contradiction to their findings we have demonstrated a successful academically and financially sound program as demonstrated for example by our CAASPP test scores and our clear audits. The desire to add a second charter is based upon the demand we currently have from San Luis Obispo County residents. At the time of the petition submittal to Atascadero Unified, we had 259 students on the wait list which has grown since

then– many are current homeschoolers not affiliated with a public school entity. The waitlist in San Luis Obispo County has grown every year. For example, in the 2011/2012 school year, we had 71 students on the wait list.

As of December 11, 2015, the original Trivium Charter serves 302 students who reside in San Luis Obispo County. AUSD's reasons for denial of the charter petition are completely unfounded. It is a fact that these **same, exact** San Luis Obispo County students have been served in a charter that is *demonstrably* succeeding academically and financially. The petitioners and leadership team are the ***same, exact individuals*** who have successfully implemented and maintained a thriving, growing first charter school. We are proposing a second charter that would duplicate the first charter because of the demand from San Luis Obispo County residents. This action by AUSD violates the California Legislative Intent for charters:

47601. 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:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(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.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

The district's third finding that we did not provide "reasonably comprehensive" information in the charter petition is also not factual. Indeed, AUSD's leadership who met with Trivium's leadership on December 1, 2015 did not seek clarification on a single item in the petition. Also important to note, on December 8, 2015, the district voted on denying the charter petition and did so without asking a single, clarifying question.

The Trivium, San Luis Obispo County charter petition submitted to San Luis Obispo County Office of Education has necessary edits in order to be considered since the petition was originally written for a school district sponsorship. In every area that "district" sponsorship is referred to in the petition it should be changed to reflect "county" sponsorship (please see below).

The petitioners of Trivium, San Luis Obispo appreciate your time and thorough review of the facts and are looking forward to working with you.

Respectfully,

Trisha Vais

Trisha Vais

Page 2: located within the boundaries of ~~the Atascadero Union School District~~ San Luis Obispo County

Page 3: the charter school shall notify the superintendent ~~of the school district~~ of the County of the pupil's last known address within 30 days

Page 19: Trivium Charter, SLOCO shall be categorized as a public school of the ~~District~~ County in accordance with Education Code Section 47641(b) unless and until Trivium Charter, SLOCO establishes its own LEA (Local Education Agency) for purposes of Special Education.

Page 24: An annual evaluation of student academic performance will be conducted to determine if students are achieving academic levels that are at least equivalent to or exceeding those achieved by students in similar type schools both within the ~~District~~ County and across the state.

Page 28: The Charter School actively seeks to match the racial and ethnic backgrounds of students enrolled in the ~~District~~. County

Page 30: When occasions require clarification, the ~~District~~ County policies that do not apply to the Charter School shall be determined and recognized by the ~~District~~ County. The details of the working relationship between the ~~District~~ County and Trivium Charter, SLOCO will be delineated in a memorandum of understanding (MOU).

Page 31: A copy of the auditor's finding will be forwarded to Trivium Board of Trustees, ~~the sponsoring district~~, the County Office of Education, the State Controller's Office, the CDE, and any other agency required by law.

Page 31: The Board of Trustees will submit a report to the ~~District~~ County describing how the exceptions and deficiencies have been or will be resolved.

Page 31: Audit exceptions and deficiencies shall be resolved to the satisfaction of the

~~District~~ County.

Page 32: The ~~District Governing Board~~ County Board of Education agrees to hear and render a renewal decision pursuant to the timelines and processes as specified in Education Code Section 47605 (b) and the appeal process contained in Education Code Section 47605 (j).

Page 35: Persons employed by Trivium Charter, SLOCO are not considered employees of the ~~District~~ County for any purpose whatsoever. All employees of Trivium Charter, SLOCO shall be employed on an "at-will" basis unless a signed written contract states the terms of employment.

Page: 36 Employees of the sponsoring ~~District~~ County who resign from employment to work for Trivium Charter, SLOCO and who later wish to return to the ~~District~~ County shall be treated the same as any other former ~~District~~ County employee seeking reemployment.

Page 48: Trivium Charter, SLOCO shall immediately notify the ~~District~~ County and coordinate the procedures in this policy with the ~~District~~ County the discipline of any student with a disability or student who Trivium Charter, SLOCO or ~~District~~ County would be deemed to have knowledge that the student had a disability.

Page 49: A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the ~~district's~~ county's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if Trivium Charter, SLOCO had knowledge that the student was disabled before the behavior occurred.

Page 50: ~~Enrollment and transfer policies and procedures of the sponsoring district only apply for those students who are residents of that district.~~

Pages 51-53: The intent of this dispute resolution process is to:
Resolve disputes within Trivium Charter, SLOCO pursuant to the school's policies.
Minimize the oversight burden on the ~~District~~ County.
Ensure a fair and timely resolution to disputes.

Disputes Arising Within Trivium Charter

Disputes arising from within Trivium Charter, SLOCO including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and governing board members of the school will be resolved by the administration of the school, and if necessary the Board of Trustees of Trivium Charter. The ~~District~~ County will not intervene in any such internal disputes without the consent of the Board of Trustees of Trivium Charter. The ~~District~~ County will refer any complaints or reports regarding such disputes to the administrative staff of Trivium Charter, SLOCO for resolution, and if necessary the Governing Council of Trivium Charter. The ~~District~~ County agrees not to intervene or become involved in the dispute unless the dispute has given

the ~~District~~ County reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the Governing Council of Trivium Charter has requested the ~~District~~ County to intervene in the dispute.

Disputes between Trivium Charter and the sponsoring ~~district~~ county
Trivium Charter, SLOCO agrees to attempt to resolve all disputes regarding this charter pursuant to the terms of this section.

Trivium Charter, SLOCO will always attempt to resolve any disputes with the ~~District~~ County amicably and reasonably without resorting to formal procedures.

In the event of a dispute between Trivium Charter, SLOCO and the ~~District~~ County, Trivium Charter, SLOCO and the ~~District~~ agree to first define the issue in written format and refer the matter to the ~~District~~ County Superintendent and the Trivium Charter, SLOCO Director. In the event that the ~~District~~ County Board of Directors believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, Trivium Charter, SLOCO requests that this be noted in the written dispute statement. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede, impair or otherwise prohibit the ~~District's~~ County's ability to proceed with revocation in accordance with Education Code Section 47607.

The Director of Trivium Charter, SLOCO and the ~~District~~ County Superintendent (or designee) shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than 5 business days from receipt of the statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two governing board members from their respective boards who shall jointly meet with the Superintendent and Director and attempt to resolve the dispute within 15 business days from the dispute statement. If this joint meeting fails to resolve the dispute, the Superintendent and Director shall meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The Superintendent and the Director shall develop the format of the mediation session jointly. Mediation shall be held within thirty business days of receipt of the dispute statement. The costs of mediation shall be split between the ~~District~~ County and Trivium Charter, SLOCO. All timelines or procedures in the section may be revised if mutually agreed upon by the ~~District~~ County and Trivium Charter, SLOCO.

Term, Renewal and Revocation
The term of this Charter shall begin July 1, 2015 and shall expire June 30, 2020. Trivium Charter, SLOCO shall initiate renewal of the charter at least six (6) months prior to expiration of the charter term. This Charter shall be governed by the applicable standards and criteria set forth by Education code at the time approval is requested.

The ~~District~~ County may revoke this Charter by a majority vote of the ~~District Governing~~

~~Board~~ County Board of Education in accordance with the process and timeline contained in Education Code Section 47607.

Prior to revocation, the ~~District Chartering Board~~ the County shall notify Trivium Charter, SLOCO of any violation(s) and give Trivium Charter, SLOCO a reasonable period of time, based on the nature of each of the violations, to correct the violations unless the ~~Board~~ County determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of students. In the event a violation is not corrected to the ~~District's~~ County's satisfaction within the reasonable period of time specified, the ~~District~~ County may take action to revoke the Charter.

Oversight and Reporting

Trivium Charter, SLOCO will opt to receive its funding directly from the state. Any funds due to the school that flow through the ~~District~~ County shall be forwarded to Trivium Charter, SLOCO in a timely fashion. The ~~District~~ County and Charter School will negotiate in good faith to develop and review, on an annual basis if necessary, a Memorandum of Understanding that establishes the specific financial and service relationship between the two parties.

The ~~District~~ County shall provide and/or perform the supervisory oversight tasks and duties specified in Trivium Charter, SLOCO's Act and/or necessitated for the implementation of the Charter. It shall be entitled to reimbursement by Trivium Charter, SLOCO for its actual costs not to exceed three percent (3%) of the state general purpose entitlement and categorical block grant revenues received by the Charter. ~~The District is required to provide, rent-free facilities to Trivium Charter. If the District provides rent-free facilities, the District may charge Trivium Charter its actual costs of supervisorial oversight, not to exceed three percent (3%) of state general purpose entitlement and categorical block grant revenues received by Trivium Charter.~~

The District may inspect or observe any part of Trivium Charter, SLOCO at any time, but shall provide reasonable notice to the Trivium Charter, SLOCO administrator prior to any observation or inspection. Inspection, observation, monitoring, and oversight activities may not be assigned or subcontracted to a third party by the ~~District~~ County without the consent of Trivium Charter's Board of Trustees.

Page 53: The Trivium Charter, SLOCO's Governing Council will promptly notify parents and students of Trivium Charter, SLOCO ~~the District~~, **the San Luis Obispo County Office of Education,** Trivium Charter's SELPA, the retirement systems in which Trivium Charter's employees participate (State Teachers' Retirement System, 401K plan), and the California Department of Education of the closure as well as the effective date of the closure.

Page 54: As applicable, the School will provide parents, students and the District with

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

Page 54: The audit will be prepared by a qualified Certified Public Accountant selected by Trivium and will be provided to the ~~District~~ County promptly upon its completion.

Page 55: Any assets acquired from the ~~District~~ County or ~~District~~ County property will be promptly returned upon the Charter School closure to the District.

Page 55: Trivium Charter, SLOCO shall work diligently to assist the ~~District~~ County in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other ~~District~~ County requested protocol to ensure the ~~District~~ County shall not be liable for the operation of Trivium Charter.

Page 55: Further, Trivium Charter, SLOCO and the ~~District~~ County shall enter into a memorandum of understanding, wherein Trivium Charter, SLOCO shall indemnify the ~~District~~ County for the actions of Trivium Charter, SLOCO under this charter.

Page: 56: The ~~District~~ County shall be named an additional insured on the general liability insurance of Trivium Charter, SLOCO.

Potential Effects of the School on the Authorizing Agency

Operation and Location:
Trivium Charter, SLOCO will operate as an independent study program with multiple learning centers. ~~Atascadero Unified School District~~ San Luis Obispo County is the authorizing agency.

Administrative Services:
~~Atascadero Unified School District~~ San Luis Obispo County will administrative oversight services as defined in Education Code 47604.32. The charter authorizer and the charter school will establish an agreement regarding the format, frequency, and scope of oversight services.

CONCLUSION:

By approving this charter, ~~the Atascadero Unified School District~~ San Luis Obispo County will be fulfilling the intent of the California Legislature.

Trivium San Luis Obispo Charter School's Responses to Resolution #09-15-16 by Atascadero Unified School District for Denial of the Charter

**presented to the Board of Education of Atascadero Unified School District prior to adoption of Resolution #09-15-16*

The petition for Trivium, San Luis Obispo County may be referred to by name, as Trivium, SLO or Trivium.

BACKGROUND AND SUMMARY

A petition for a new charter school must include a reasonably comprehensive description of the 16 required elements of a charter under Education Code section 47605, and a school should provide other documentation if the district asks for additional items. Here, our charter describes a comprehensive independent study program for K-12 students—a program that has already been successful at our other charter school in Santa Barbara County. At the time of the petition submission to Atascadero, we had 259 San Luis Obispo County students on a waiting list from the lottery admissions pull in February 2015 at our current charter in the contiguous county of Santa Barbara. These students are being denied admission because the laws governing Independent Study charters that require a majority of the students to reside in the county of sponsorship. The original Trivium Charter has already met its maximum of enrolling San Luis Obispo County residents and we wish to meet the demand by opening a second charter. During the charter review process for this new San Luis Obispo charter, Atascadero Unified did not ask us for any additional items or clarification. We met with the district in-person on December 1, 2015 and asked for feedback but district personnel did not ask any questions or reveal any concerns about the petition. Hence, we were surprised to see the Superintendent's lengthy list in Resolution #09-15-16 of elements of the charter he believes need a more comprehensive explanation.

It is important to note that we have addressed two technical concerns pointed out in Resolution #09-15-16: we have added language below addressing how the school will inform parents about the transferability of high school students' courses to other public high schools and the eligibility of courses to meet college entrance requirements and clarified that the High School students will be offered admission at the original Trivium Charter, as is allowed, to ensure WASC accreditation for those students since the original Trivium Charter is WASC accredited. We have clarified some confusion about the budget. The petition budget assumes the district has a clearer understanding of how an independent study charter school receives funding and various operational models versus a district model of financial operation. For example, the high Charter Management Organization (CMO) budget line noted in the District's findings includes the salaries of the Executive Director, Operations Director and Human Resource support. The salaries are prorated based on student numbers since key employees

such as those just mentioned would support both charters. These areas of confusion are not grounds for denial and the district did not seek clarification.

Moreover, while reading through the findings in Resolution #09-15-16 there was one overarching theme that has no place in the petition process: that students can only be educated properly in a district model. This belief in a charter-unfriendly district like Atascadero Unified is contrary to the Legislature's intent in enacting the Charter Schools Act. (See Education Code section 47601.) It is not legal grounds for denial of a charter.

Resolution #09-15-16 implies that an Independent Study program can only look and feel like a district ISP program. However, an ISP program such as Atascadero Unified currently operates is not the same thing -or even similar to- the Personalized Learning Program that Trivium provides. Throughout the findings in Resolution #09-15-16, there were statements made about specific curriculum, specific lessons, and/or specific goals the district believes the charter school needs. However, a Personalized Learning Program does not subscribe to the district model of one adopted math textbook for all fourth graders, for example. The list of curricula provided in the petition is a sampling of the *vast array of resources* available to educate Trivium students. Outside of the universal requirement of taking state tests, charter schools were created in order to have a significant amount of freedom in curriculum and instruction from traditional district models. In addition to that flexibility that all charter schools have, an independent study charter with a Personalized Learning model has the *duty* to custom-tailor curriculum, lessons and instruction to each and every student. We already do that at our successful Trivium school, and we do it well.

Education code 47601 provides for a charter to improve student learning. Our charter promises our students will perform as well if not better than their district counterparts; however we do not believe improvement in student learning is solely reflected by test scores. The ability to speak publicly, communicate orally, employ critical thinking skills, understand cause and effect and find fallacies are all important to master. We know from experience that student learning improves when each student has a program custom-tailored to their learning needs.

The findings in Resolution #09-15-16 for denial of the charter are unsubstantiated. What is most ironic is that nearly half the students who attend our existing Trivium charter school already reside in San Luis Obispo County. The demand from SLO County residents is the *reason* for the petition. Although the original Trivium's success is separate from this new charter school, many of the same, exact students that currently attend our original Trivium school would be the students of Trivium San Luis Obispo. The findings made by the district about 1) an unsound education program and 2) unlikelihood of success are clearly not valid. As demonstrated by our existing school's CAASPP scores, for example, our educational program is objectively successful (see scores included in petition binders), and the demographics between

San Luis Obispo County and Santa Barbara County are remarkably similar. As for the required charter elements not being addressed comprehensively enough for the district, we had hoped the district would share these concerns in a meeting during the charter review process. The Education Code does not define what it means to be "reasonably comprehensive," however, there could not be a clearer case of a proposed charter meeting the required elements than when the students it proposes to serve are already enrolled in the same program in a contiguous county in a charter school that has a highly successful track record.

In the pages that follow, we address the specific findings in proposed Resolution #09-15-16.

We note that at the public hearing for the charter, the academic and financial success of our existing Trivium program was discussed and a hand-out was given to all board members and district leadership. (Attachment B.) As noted in attachment B, we invited the district to ask any questions and share concerns so we could answer any questions, provide more comprehensive answers or plans, and ease any concerns the district had. We received no response.

RESPONSE TO PROPOSED FINDINGS OF FACT

Finding 1: *The Charter Presents a Sound Educational Program.*

- ***The charter comprehensively describes the proposed curriculum and teaching methods of our independent study program.***

Educational program and curriculum:

Headings found in **Bold** in the petition:
Curriculum and Instructional Design - pages 12 and 13
Curriculum Delivery options - page 14
Traditional Print Based Curriculum - pages 14 and 15
Traditional Print Based Curriculum plus computer (online internet or software) - page 15
All Computerized Courses (online or software) - page 15
Community College Courses - pages 15 and 16
Plan for students who are Academically High Achieving - pages 16 and 17
Plan for students who are Academically Low Achieving - pages 17 and 18
Plan for English Language Learners - pages 18 and 19
Special Education and Section 504 - pages 18 and 19
- services to students with disabilities
- early intervention
- section 504 of the Rehabilitation Act - pages 19 - 22

The allegation that the petition does not sufficiently describe the proposed curriculum or teaching methods is unsubstantiated. Trivium is a Personalized Learning, Independent Study Program and the specifics of what that means is addressed on pages 22 - 27. Specific teaching material or a specific curriculum used for every student in a grade level is a district practice but it is not a practice employed by a Personalized Learning school.

Trivium takes responsibility for the success of our curriculum and teaching methods. Page 26 specifically states: *"Trivium Charter must show evidence that students are making demonstrated progress towards meeting 1) statewide performance standards 2) specific student goals as established by the individual student's Personalized Learning Plan (PLP)."* We will do so. Further, the petition clearly states on page 13 that in *all curriculum and teaching methods,* state standards are followed. On page 14, the petition reads as follows: *"Accountability, assurance of quality and congruence with California curriculum standards for core subjects will be assessed by the state testing program."*

The findings note that while the charter describes some types of learning (History, Science) that take place at a learning center, the learning center is not mandatory so the district questions how *all* students will receive *all* the instruction they need. As an independent study charter school, Trivium cannot compel attendance at learning center classes. Students who do not visit the learning center would nonetheless complete all subjects, but in a "homeschool" environment. The assertion that the petition did not describe that option is untrue. Page 4 states: *"or attend Independent Study for all courses and not attend the learning center classes."*

The assumption in the findings that homeschoolers cannot provide instruction to "younger homeschooled students" is an offensive and false statement. Homeschooling has been proven successful by multiple researchers and think-tanks. A truly personalized learning program that collaborates and partners with homeschoolers is the critical foundation to Trivium's success. This is one of the most compelling facts of why a district ISP is not the same - or similar - to Trivium Charter. Trivium follows all regulations that apply to charter schools but does so in a way that empowers families and provides for student mastery. The majority of families enrolled at the original Trivium Charter (remember, nearly half of those students are SLO County residents) would return to homeschooling if Trivium Charter ceased to exist because of beliefs exactly like this statement in the district findings: **"In addition, the petition fails to describe how the educational needs of younger home-schooled students will be met. In particular, the goal of educating very young students during a period of time when students are generally expected to learn to read, acquire basic math skills, and develop social skills requires a very detailed explanation of how these goals would be accomplished in a home-school/ distance learning environment."** Trivium Charter is not charged with proving that homeschooling is a viable and successful option - it has been proven. We partner with homeschoolers who wish to

collaborate with a credentialed teacher and have the option of sending their children to safe, high-quality learning center classes. Please refer to page 10 which, in part, states: "Instructors and homeschool advisors will become personal and professional guides in the educational journey of each child, partnering with parents to support and encourage academic growth."

Eight state priorities:

Along with the charter Elements 2 and 3, Trivium San Luis Obispo also included a "pre-LCAP" as part of our submission. For each state priority *that applies to the charter school*, the "pre-LCAP" describes what we envision will be our school's goals to achieve the subpriority, actions we will take to achieve those goals, the baseline, measurable outcome and methods of measurement. Resolution #09-15-16's comments on this document are irrelevant and unwarranted. The school has described *our* annual goals, for our pupil population, in the priorities that apply to our school for each grade level served, and our actions to achieve these goals. A school district does not get to *approve or critique* a school's annual goals in the eight state priorities, nor decide which priorities apply to the school and how.

Many of the district's findings in this area also make no sense. For instance, for State Priority #4, subpriority B, the district cites the fact that the school has not provided a baseline API score as a reason for denial of the charter. As described in the charter and pre-LCAP document, the charter school will meet annual goals set by the Legislature and State Board of Education and recites CAASPP test scores as the current method of measurement. However, since API is suspended, the school cannot provide a baseline API score.

Likewise, in State Priority #4, subpriority A, the charter states it will exceed statewide averages for students who met expectations or exceeded expectations in ELA and Math on the CAASPP assessments. The findings cite the fact that the charter did not say "Standard Met" and "Standard Exceeded" (capitalized and in quotation marks) as a reason for denial of the charter.

The district also criticized the charter's use of internal benchmarks like course progress, mastery of homework, teacher observations, and portfolios—in addition to state testing. These types of internal, diverse benchmarks are exactly what the LCAP was designed to *include* in state accountability, and it is the charter's decision how to include such rubrics in its annual evaluation of progress.

The petitioners lack of subgroup specifications are because in a program such as we provide, each individual students' needs are addressed through a personalized plan. This, like other things, do not look and feel like a district model of delivery nor is it intended to match the district model of delivery. Mandated state testing tracks subgroup proficiency and the petitioners use that data to confirm the existing array of choices and delivery options are successful in addition to the reclassification rate data. One student could use an appropriately-leveled curriculum by Pearson – or pieces and parts of

Pearson, Holt and Houghton Mifflin – while another student may have great success with Scholastic's Read 180. Students' needs are different and appropriate choices for each student and family drive this process. Appropriately credentialed CLAD or BCLAD teachers collaborate with the parents to design the appropriate instructional delivery and curriculum option(s).

Instructional minutes and academic calendar:

Instructional time spent by each student is evaluated by the credentialed teacher and attendance is reported based on engagement as required by independent study regulations. Refer to page 12 of the charter. On page 8, the charter provides: *"Trivium Charter provides a Personalized Learning program that follows California's Charter School's Independent Study law and regulations, including but not limited to state independent study attendance accounting."*

An academic calendar will be developed after the petition is approved and the petitioners are aware and will follow the required instructional minute mandates as they apply to charter schools.

The district's demand for a "bell schedule" is further evidence that the district fundamentally misunderstands what an independent study program is.

Access to technology:

As for access to technology, technology is addressed on page 15 of the charter in the curriculum delivery options. "*Trivium Charter students may participate in Internet courses offered by educational programs that are standards-based and appropriate for the age and grade levels of the pupils. Approval by school staff and parents, as well as establishment of valid assessment of student progress reported to the school will be required.*"

Trivium may not, and does not, recruit students with offers of free computers, etc. Each student's situation, need, and appropriate curriculum delivery options are addressed through their Personalized Learning Plan. On page 5: *"Skills and knowledge will be taught through the use of textbooks and supplementary visual and audio technology (computers, technological devices, projectors, microscopes), large group classroom settings and group work within the classroom for students attending the learning center days and tutorial services to support parent and student."*

High School Courses; Transferability:

The charter school will notify parents annually, via the School Handbook, of the transferability of courses to other high schools as well as the eligibility of courses to meet college entrance requirements.

Trivium San Luis Obispo will apply for WASC accreditation and, until then, high school students will continue to have the opportunity to enroll in the original Trivium Charter in Santa Barbara County which already has received WASC accreditation.

Since Trivium Charter in Santa Barbara County is accredited by WASC, all of its high school courses are considered transferable to other California high schools.

The charter will apply for "a-g" approval for more than 46 courses in all core content areas as has been successfully done at the original Trivium Charter.

As required by law, the school will notify students and parents of the current status of the curriculum regarding transferability and eligibility. The school determines the actual method by which it notifies its high school parents of the transferability of courses, such as by the School Handbook.

Professional Development:

As for professional development, Trivium provides professional development for its teaching staff one day each week for staff training, instructional practices, behavior management techniques, effective homeschool monitoring, differentiated class instruction, grade group meetings, data review and lesson development. Staff members attend all major charter school conferences in the state as well as smaller conferences with themes such as gifted and talented, project-based learning, hands-on science, etc. Trivium also provides for Trivium-specific training for ISP paperwork, curricula resources, data review, student academic probation plans, communicating and collaborating effectively with homeschooling families. This is described in the charter, on page 34: *The Trivium Academy of Classical Education Board of Trustees encourages its staff to participate in professional development opportunities so that they may better serve students. It is also important that they stay up-to-date on changes that may occur by attending conferences and trainings related to charter schools, curriculum, and independent study programs."* In addition, on page 33: *"Trivium Charter may hire additional certificated and non-certificated personnel to assist in providing supplementary instruction, management, and support services. All Charter School staff will have the necessary qualifications, skills, experience, and credentials to fulfill the requirements described in their job description."*

Career and technical training:

Students can achieve career and technical training through work experience, internships, online courses, ROP courses and community college. Refer to pages 11 and 12 of the petition. *Instructors will use a variety of delivery methods that will include, but not be limited to: learning center classes, one-on-one direct instruction, small group instruction, independent learning, computer-based instruction, on-line inquiry, and specific content-based coursework to include the use of specialized programs of instruction (elective courses), area ROP programs, and possible concurrent attendance at California colleges when appropriate.*

- ***The charter expects a diverse population, and describes how each population will be served: low-achieving and at-risk students, high-achieving students, English Learners, and special education students***

The petition specifically addresses low-achieving, high-achieving, English Learners and Special Education students and gives considerable space to how individualized the program is for *each and every* student, whatever his or her individual needs may be. The Targeted School Population is found on page 11 of the charter. All student sub groups are afforded the same Personalized Learning Program development as described in pages 12 – 16.

Plan for low-achieving and at-risk students:

Contrary to the district's findings, the petition does not state we are solely or actively targeting expelled students. Targeted School Population as defined in the charter: *Trivium Charter will focus its resources and efforts on elementary (Gr. K-8) and secondary (Gr. 9-12) students who learn best independently and in a supportive home environment. Independent learning along with the learning center classes will be the primary curricula delivery method for most students; however students are not required to attend the learning center classes. At times, the learning center classes may be full and students may have to wait for an opening while completing their studies completely in an Independent Study environment five days a week. Personalized options appropriate to the success of individual students are considered at Trivium which includes a fully independent study model and a hybrid model. Students who will benefit from this charter school will include, but not be limited to:*

Students who have been attending a personalized learning program within homeschooling or an Independent Study program.
Students who have been seeking an alternative to traditional site-based education.
Students who have one or more academic areas that are accelerated.
Students who have one or more academic areas that are remedial.
Students who have been expelled from a school district, or placed in an alternative education placement and may benefit from a customized experience.
Students who have not been enrolled in the public system.
Students of all ability levels, including but not limited to, college preparatory, special populations, and gifted.
Students whose parents want to be highly involved in the daily learning of their children with support and resources provided by credentialed educators;
Home-schooled students who want the support and accountability of a standards-based public school and the option of learning center classes.
Students who want to combine career and technical training with their core academic subjects.

One-to-one support for the most remedial students is by far the best way for students to make the quickest and best advancement towards grade level. At no time did the

petition state that support wouldn't be provided to these students and families. This finding is over-reaching and false. Targeted intervention can be done in a variety of ways depending on the student's learning style(s) and the family dynamics. Please refer to Curriculum Delivery Options - page 14. Learning center classes are differentiated to meet the lowest and highest achieving students; however, sometimes the student's needs are best met in an environment where they are free to master remedial academics without perceived social pressure or added stress and join their peers at the learning center when basic skills are mastered and some academic confidence developed. At no time has Trivium forced students to come to learning center classes or forced students to stay home because of academic ability because decisions like this are made in collaboration with the parent (or guardian). Each student has a custom-tailored program that meets their individual need. (please see paragraph below)

Intervention plans are individualized to the student - as they should be. Support could be given by tutoring or a targeted online program. Support may simply be a weekly meeting for accountability. Support may be a comprehensive plan to begin the investigative process for a possible learning disability. There is no way to provide a sample intervention plan that would cover the majority of students who are on an intervention plan. Plans vary based on need. However, a discussion with the district about the types of intervention plans we have developed would have alleviated this concern. On page 17: "*After initial assessment or a student demonstrates difficulty in below grade level skills in language arts or mathematics, the assigned teacher and homeschool adviser will work with the parent and student to create an intervention or remediation plan which will include a number of options which may include, but not limited to:*

Weekly tutoring in identified areas
Periodic assessment testing, which identifies learning gaps
Skill-building worksheets
Curriculum supplements
Online computer-based skill builders
An Intervention plan that specifically addresses the student's need(s)."

At no time did the petition indicate that academically high-achieving students are on their own to choose and design their on coursework. In fact, the petition clearly states on pages 16 and 17:

<u>Plan for students that are academically high achieving:</u>
The individual learning plan of high achieving students will be adapted for their individual needs. For those students attending the learning center classes, the hybrid approach allows a student to be accelerated during the homeschool days and be able to enjoy group interactions in the classroom with peers of similar age. The high achieving student will be encouraged to develop strong leadership skills in the classroom. When

a student demonstrates strong, above grade level skills in any core subject area adjustments can be made in their educational plan to challenge the student and support their skills and interests. The Independent study model allows accelerated pacing to occur which engages and challenges the gifted student. Teachers and parents may quicken the pace of learning, assign subjects outside of their grade level, and/or provide opportunities for in-depth study of areas of high student interest or ability.

Students who are high achieving and self-motivated are typically proactive in selecting projects and establishing timelines for completing work in cooperation with their assigned teacher and parent. The following learning plan options will be available for those students:

1) Curriculum supplements that are designed to challenge high-achieving students
2) Attend classes at the community college (if age-appropriate)
3) Online computer based programs in advanced courses, including AP courses
4) Extracurricular Activities

High achieving students will have access to challenging curriculum choices.

Plan for English Learners:

The petition is clear how we support EL students with a Personalized Learning Plan (PLP) - see pages 18 and 19. That PLP could include online courses, traditional print-based, etc (see pages 12 through 18). The decision on how to best support the individual EL student would be made in collaboration with the parents. Not all EL students have parents who don't speak English such as in the case of foster or adoption. This finding states that English Language proficiency can only be obtained through daily practice and reinforcement indicates the district believes that no EL student could be successful in any type of Independent Study Program. This is a false belief. In addition to defining our practice of following the regulations regarding a Home Language Survey, CELST administration, etc...(page 18), on page 19 goes on to further explain:

All programs chosen for an ELL student will address the progress of the student through these four important steps to English mastery:
1. Oral, Aural, Reading and Writing Comprehension
2. Oral Language Production
3. Guided Reading and Writing
4. Independent Reading and Writing

Our instruction will be primarily in English, utilizing such approaches as Specially Designed Academic Instruction in English, (SDAIE), to help ensure that ELL students comprehend the curriculum and the assignments. ELL students at Trivium Charter receive instruction that focuses on English language development skills that is provided either in a tutoring program at home or at the learning center. This instruction may use direct instruction and/or using specialized, online curriculum. In our model, the student will not receive instruction by the CLAD or BCLAD certificated teacher on a daily basis. The parent will receive additional help as needed to work

successfully in the homeschool environment. There are many, quality online resources to assist the ELL learner to achieve academic success at Trivium.

The English Language Development (ELD) Standards will provide the basis for instruction: this set of California state content standards for English Language Learners in grades K-12 will be utilized by the teacher to inform and guide instruction. These standards address English language development skills in listening, speaking, reading, and writing.

Because we utilize curriculum delivery options found on page 14, the exact curriculum and instruction methods would be made in collaboration with the parents for EL students as with any other student. Once a student is reclassified, we continue monitoring the student through our PLP process for as long as the student is enrolled or until they graduate.

Plan for students with disabilities:
"Trivium Charter shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Act ("IDEA")." - page 19. Trivium follows Education Code 51745(c) which states that an individual with exceptional needs will not participate in independent study unless the student's Individualized Education Program (IEP) indicates that independent study is an appropriate educational setting. However, Trivium Charter may not deny enrollment simply because an IEP does not state that an ISP is an appropriate fit. Trivium must enroll the student and hold a transition IEP to determine the appropriateness. If Trivium were to deny enrollment to a special education student, it would be discriminatory. The district's finding is erroneous.

The charter provides assurances that credentialed teachers are used for all core subjects as required by law on page 8. Specifically, *"Each student in the Personalized Learning program will be assigned a Trivium Charter credentialed teacher with whom they may interact with in the classroom, in person and via e-mail, phone, live chat, webinar and virtual conferencing."*

Finding 2: *Likelihood of Success.*

- ***The charter comprehensively describes the proposed staffing plan and employee qualifications***

Teacher signatures were provided as part of the petition process and the teachers are "meaningfully interested" in being employed at Trivium, SLO. In the budget we list the key personnel positions and, in addition, the charter makes assurances about the use of credentialed teachers. See page 34 - "*Professional Development, see page 32, 33, 34 Qualifications to be Employed at Trivium Charter.* Most importantly, Trivium has already successfully implemented our staffing model at its existing, successful charter school.

A charter is not required to describe *all* the positions at a school, and the omission of more job descriptions is not a reason for denial. Contrary to the statement in the findings, the Executive Director and instructional aide salaries *are* included in the school's proposed budget under the Charter Management Organization (CMO).

The findings note that *"As petitioners already operate an existing charter school, such policies [employment] should have been included with the petition for the Board's review."* This is not a required part of a charter submission under Education Code section 47605. However, as described herein, Attachment B was provided at the hearing, and that document clearly outlines the success of the original charter. If the district had asked for more information to expand on the information given, we would've happily complied.

- ***Financial and operational plan***

We do not have a salary table or structure, and are not required to have one. Salaries at Trivium are based on performance and bonuses are awarded based on performance. Page 33 of the charter provides: *"Trivium Charter, staff and school management employees will show a high level of commitment to all areas of instruction and school administration, as demonstrated by, but not limited to, participation in and development of school programs, workshop and training attendance, and participation in quality improvement teams that may be established for school improvement. Trivium Charter provides, at most, a contract for one year of employment and will only authorize future contracts in the subsequent year(s) for employees that are considered appropriately successful in their job duties as outlined in their job description. Trivium reserves the right to terminate contracts and to not issue new contracts as delineated in each employee's contract. Seniority is not a factor in employment offers, wage determination or termination decisions. Work product, work ethics, applicable experience and maintaining a positive and productive culture are the factors that are considered when determining employment offers and wage determination."* This is the charter's choice, not the district's, and it has already been successful at one Trivium school.

We already attract high-quality staff members, proven by our historical success. See page 32 - 34 - Qualifications to be Employed at Trivium Charter

We use an internal substitute structure, which works for our program.

We do not use (nor budget for) groundskeepers given our lease agreements and minimal custodial service since our staff members are adept at cleaning up after themselves. This is in the Operations budget, and it is not required to match the district's own budget in order to be successful.

The District states that clarification is needed to analyze the budget appropriately and yet the petitioners were not asked for any clarification.

The $800+ per pupil funding noted in the findings is used to meet the needs of the student's Personalized Learning Plan. The increase in year 2 is simply because the revenue is somewhat higher, which allows us to put more material and instructional supplies directly in the hands of the students and teachers.

We do not have administrative offices. Our budget's low building maintenance cost is because we lease part-time from community buildings. We do not generally have special education encroachment. The special education funding is based on the charter-specific SELPA funding rate and there is no reason to assume we would not be accepted given our experience at the existing Trivium charter school. If we weren't accepted, then Trivium would enter into an MOU with the district until acceptance was granted. Any school nurse cost, if needed, would be minimal given the student would not be on campus 30+ hours a week as in a traditional, brick and mortar district school.

The petition does include a first year operational budget, start-up costs and cash flow and financial projections for the first three years. We have included a budget summary as part of this response in order to help clarify the district's understanding of a charter school's financial operation and Trivum, SLO's budget in particular.

- The CPI increases are based from School Services Financial Projection Dartboard 2015-16 Adopted State Budget. A copy can be provided upon request.
- LCFF Revenue Calculations were made using FCMAT LCFF Calculator Version 16.2b released October 6, 2015. A copy can be provided upon request.
- SPED revenues were estimated using historical funding levels of existing Charter.
- Local Fundraising Revenues are conservatively estimated at $5000
- No Revenues use any CPI increases in their calculations
- No other revenues are forecasted for the first year.
- Salary assumptions were based from historical averages of Charter teachers in the area.
- The administrative employees such as the Executive Director, Operations Director, H/R, and Office Staff will be provided to the Charter through the CMO and as such the charges for these staff positions are accounted for in the expenses line item 'Account 5899 – CMO Management Fee'
- Health benefits were estimated using historical levels of the existing charter and there are currently no provisions for increases in the rates for the existing policy. Obviously as more information becomes available the budget will reflect those changes.
- Workers Comp Insurance is accounted for in the employee benefits section

- General Liability, D&O etc… coverage is accounted for in the expenses account 5400-Insurance.

Again, the findings related to the budget reflect the district's fundamental misunderstanding of an independent study program.

- ***A charter is not required to provide policies and procedures as part of the charter submission, and this is not a valid reason for denial nor an indication of petitioners' familiarity with the law***

The district's findings claim the school must be unfamiliar with the law that governs charter schools because the school did not submit copies of the policies and procedures that must be in place once the school is up and running. This conclusion is unwarranted and irrelevant. The law does not require a school to submit its operational policies and procedures ahead of charter approval; indeed, such policies are adopted by the school's board *after the charter is approved.* This section of the findings also curiously cites Education Code section 48907—a provision of law related to students' free speech. It is unclear how this is relevant to the charter submission.

Finding 2: *Reasonably Comprehensive Descriptions of the Charter Elements.*

- ***Measurable Pupil Outcomes***

The 8 state priorities are addressed in the petition and in the "pre-LCAP" document submitted along with the petition. Numerically significant subgroup outcomes are only addressed if the action is not indicated for *all* students. (Attachment A in the petition).

Exit Outcomes:
Foundational skills as described in the petition are in addition to graduation requirements, not in lieu of graduation requirements. We do not believe graduation requirements are the ceiling of the necessary skills to learn.

A-G Requirements:
Our 46 A-G approved courses are not the only way to achieve college admission. The majority of our high school students enroll in classes at local community colleges and all of the students who wish to pursue a 4 year college education directly out of high school enroll in community college courses to ensure compliance with their stated goals.

- ***Method for Measuring Pupil Progress***

Despite an earlier claim in the findings that internal assessments are not valid, this section of the findings state the school should have listed specific assessments it will use in addition to the state-mandated assessments. We believe that identifying a

specific normed assessment by name in the petition process would not be prudent as it would lock us into that assessment and eliminate our ability to utilize a better assessment system if one were found. "Trivium Charter will actively seek those students who will benefit from a personalized learning model of instruction. Admission to Trivium Charter will require an orientation and student assessment." (page 8) Regardless which assessment we provide, the results are used as part of the Personalized Learning Plan development.
As for the CAHSEE, we are aware of the recent change in the California High School Exit exam requirements and will abide by state law once it goes into effect. In fact, this is a great example of why we did not name all of the possible tests, names or changes of names in the petition. We will comply with all current state testing mandates, as stated in the petition.

- ***Governance***

The Governance Structure of the charter is found on pages 28, 29 and 30. The charter is happy to provide any specific policies upon request but a board binder of policies is not part of the required petition process. If the district wants to appoint a board member to our board we understand and are aware that this is their right as outlined in the education code. Page 29 of the petition:
"*The role of the charter-granting agency, with power and responsibility for renewal and revocation, will clearly include the responsibility to oversee and monitor the charter school. When occasions require clarification, the District policies that do not apply to the Charter School shall be determined and recognized by the District. The details of the working relationship between the District and Trivium Charter will be delineated in a memorandum of understanding (MOU).*"

The role of parents is not limited at Trivium, and again, this statement reflects a fundamentally flawed understanding of independent study by the district. In fact, the role of parents it is extremely broad and is so stated in the petition. From partnering and collaborating with parents in their homeschool journey, to various parent-driven group efforts, to school organized committees and bard service, the finding that parent involvement is not desired and utilized is patently false. Family Involvement is found on pages 26 and 27 and in part states: *Parents will be involved in Trivium Charter's operation. They will be consulted in both formal and informal discussions regarding decisions about Trivium Charter's philosophy and implementation. Parents may be employees, serve on committees, raise funds, drive for field trips, serve as classroom helpers, help to maintain the centers, and prepare student materials for classroom activities. Parents may also serve on the Board of Trustees and are always welcome to attend board meetings. Trivium parents are highly engaged in their child(ren)'s education by choosing this hybrid or fully independent study approach and have input in the curricula choices available and pacing plans for remedial and accelerated planning.*

- ***Qualifications of School Employees and Health and Safety Plan (addressed above)***

It is important to note that the very recent change, yet currently unimplemented change as mandated by the new law which will soon take effect, regarding vaccination requirements for students enrolling in an Independent Study Program will require a policy to be developed to reflect the admission of these students. Restating our commitment to health and safety policies as agreed to in the petition, Trivium will follow all current requirements as they apply to an ISP Charter whether it is Vision and Screening, delivery of medication, vaccination requirements, etc. Any person or vendor used to perform work for Trivium charter is collectively referred to as an employee for purposes of this petition. The standards employees need to meet are the same standards vendors need to meet to retain their working relationship with Trivium.

- ***Racial and Ethnic Balance***

The means the charter will use to attempt to achieve a racial and ethnic balance reflective of the district population is described on page 27. The demographics of Trivium's current school are similar to Atascadero Unified so it is unfair to assume the school's racial and ethnic balance will need to be "corrected."

- ***Suspension and Expulsion Procedures***

At Trivium charter school, restriction is used in addition to the suspension and expulsion policies because restriction from the learning center classes allows discipline to occur without eliminating the student's educational benefit since the student can complete the work in a home study environment. It is up to the charter school to decide whether such discipline is appropriate.
Page 43 explains the due process provided to students who face expulsion
parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

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

Page 48 of the charter describes Due Process Appeals:

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or Trivium Charter, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and Trivium Charter agree otherwise.

A charter is not required to include any district "governance role in disciplinary proceedings," as demanded in the findings. However, Page 47 of the charter does provide for Notification of District:

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

- ***Staff Retirement Systems***

The relevant law on this topic provides that a charter should describe: *"The manner by which staff members of Trivium Charter will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security." Education Code Section 47605(b)(5)(K)*

The manner by which staff members will receive retirement benefits was addressed in the charter, and any contingency plans to be used in the future could not possibly be discussed without a full investigation into the different possibilities. Currently Trivium provides STRS to the employees of its existing school, although STRS is undergoing a large transition with employer and employee contributions and Trivium retains the right to make a change for the new school or to the extent it can do so. Providing details of any or all contingency plans is not a required part of the petition process. Currently Trivium provides for a Simple IRA for those not eligible for STRS.

- ***Facilities***

Page 12 of the charter provides that "*Trivium Charter may have multiple learning center locations in the future and reserves the right to add learning centers or change the location of the learning center(s). Currently the locations are within the boundaries of Blochman Union School District, Lompoc Unified School District, Santa Maria-Bonita*

Unified School District/Santa Maria Joint Union High School District, Santa Barbara Unified School District, Lucia Mar Unified School District, and Atascadero Unified School District."

Trivium makes no mention of needing district facilities because we do not plan on utilizing district facilities. In addition, Trivium cannot list specific numbers or addresses of future learning centers in the petition because learning centers open to meet student demand.

CONCLUSION

The "findings" have been substantially negated with the documentation from the submitted charter as evidence. The success of Trivium with SLO county students cannot be denied. As for providing reasonably comprehensive descriptions, the petitioner has a different belief than the district on what is "reasonably comprehensive," but has made multiple attempts to provide any clarification on any part of the petition.

We remind the board of Education Code 47605(A)(b), which provides that *"In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice."*

Trivium Charter has already proven that it has sound educational practices and, therefore, the petition for the new Trivium Charter, San Luis Obispo should be approved in accordance with Education Code 47605(A)(b).

Attachment B

Our Trivium team is fully committed to working with the Atascadero district staff and the Atascadero Board members openly and transparently in a spirit of collaboration and partnership between now and December 8th to make sure that all possible questions and concerns that may arise during the evaluation process are thoroughly addressed.

- We are currently serving over 300 SLO County students.
- We have documented support of teacher signatures, parent signatures and community support signatures
- We have had a waiting list for SLO County students since we opened the original charter in 2011.
- Although we can continue serving our currently enrolled families, it is our intent to create a locally-based partnership in order to serve current and future families
- Our program is serving a vital educational need in SLO County by creating a collaborative and personalized approach that appeals to homeschoolers who have left or never entered the public education domain and students who benefit from a more personalized approach.
- Our state test scores show we are a competitive and successful school option.
- Our continued growth and retention testifies to our success
- We have had a clear audit with zero findings since inception in 2011 and will practice the same strong, fiscal management in our new charter.
- We opened and maintained a viable and growing charter school in the worst of the school budget cuts and revenue deferrals
- We have a strong and successful plan to serve students with special challenges and can provide a mastery-based personalized learning program for each and every student that motivates each student to thrive
- We currently operate two learning center in San Luis Obispo County and will continue utilizing those resource centers to serve SLO County students and families
- We have strong parent engagement, are responsive to the needs of our families and are comfortable making changes to serve our community at Trivium charter better each year
- I am willing and able to meet with the board members or district staff to answer questions and alleviate any concerns about sponsoring Trivium Charter, SLOCO and pledge to work cooperatively after the charter is approved.

Sincerely,

Trisha Vais

4. Correspondence from San Luis Obispo County Board of Education relating to Charter Petition.
   a. Denial appeal packet received via email from San Luis Obispo County Office of Education Superintendent.
   b. Letters establishing the timeline in which the San Luis Obispo County Office of Education would review and vote upon the Charter Petition.
   c. San Luis Obispo County Board of Education January 14, 2016 Board Meeting Agenda – Public Hearing to Consider Support for Charter Petition

Subject: Fwd: Charter Request
From: Trisha Vais <tvais@triviumcharter.org>
Date: 2/8/16, 10:00 PM
To: Aimee Neff <aneff@triviumcharter.org>

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

---------- Forwarded message ----------
From: **Trisha Vais** <tvais@triviumcharter.org>
Date: Mon, Dec 28, 2015 at 12:29 PM
Subject: Re: Charter Request
To: Valerie Kraskey <VKraskey@slocoe.org>

Hello,

I received this - will review and respond. Thank you!

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

On Wed, Dec 23, 2015 at 10:59 AM, <VKraskey@slocoe.org> wrote:

> Trivium Charter School,
>
> Thank you for taking the time to meet with my office in person and to discuss your situation. I regret I was not prepared to provide you this application packet at our December 11, 2015, meeting. My administrative manager has attached the Charter School Petition Process for Denial Appeals and Initial Submissions as well as the County Board Policy on this matter. Kindly review the material and complete the application packet so your review can be placed on our county board agenda within the time limit. Additional copies of your binder are not necessary, but an electronic copy is requested. Your timely submission of the "Petition for Establishment of a Charter School" will assist in having your material quickly reviewed by the County Board of Education. Please contact my office directly if you have any additional questions.

James J. Brescia, Ed.D.

County Superintendent of Schools

San Luis Obispo County Office of Education

3350 Education Drive

San Luis Obispo, CA 93405

(805) 782-7201

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SAN LUIS OBISPO COUNTY BOARD OF EDUCATION
3350 Education Drive, San Luis Obispo, CA 93405

(P) #8259 CHARTER SCHOOLS

The County Board of Education (Board) encourages the establishment of charter schools in San Luis Obispo County as an integral part of the California educational system. The Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning and enable students to become self-motivated, competent, and lifelong learners. These schools shall operate under the provisions of their charters, specific state and/or federal laws, Title 5, California Code of Regulations adopted by the State Board of Education, and general oversight of the chartering authority.

While maximizing operational flexibility, the charter school petition shall include compliance-based components or other provisions mandated by law. The County Superintendent of Schools shall establish an administrative regulation for the process of submission, review, evaluation, and preparation of written findings for a charter petition submitted to the Board prior to Board action. The administrative regulation is designed to:

1. Specify details for the granting or denying of a charter petition.

2. Identify the process for submitting a charter petition.

3. Establish guidelines to determine if a charter petition is consistent with the intent of the law and sound educational practice to accomplish the goals and objectives of the Charter Schools Act.

4. Give direction for performing a critical evaluation of the soundness of the proposed educational program and the likeliness of its successful implementation.

5. Provide a process to ensure sound fiscal solvency and procedures.

6. Provide a plan for effective parental involvement in curricular and extra curricular (school related) activities.

REVIEWED BY LEGAL COUNSEL 4/03; 1/08

APPROVED BY COUNTY BOARD OF EDUCATION 5/1/03

REVISED BY COUNTY BOARD OF EDUCATION 3/13/08; 3/3/11

Legal Reference:

EDUCATION CODE

41365	Charter school revolving loan fund
44237	Private school employee fingerprinting
44830.1	No employment if convicted of serious or violent felony
45122.1	No employment if convicted of serous or violent felony

The Charter Schools Act of 1992

47600 et seq.	Charter school general provisions
48000, 48010, 48011	Enrollment in Kindergarten
51747.3, 54032	Claiming state funds
56145 – 56146	Exceptional needs students served in charter school
60605	CA assessment of academic achievement
60640 – 60647	Standardized testing and reporting program

GOVERNMENT CODE

54950 – 54962	Brown Act

PENAL CODE

667.5, 1192.7

CALIFORNIA CODE OF REGULATIONS, TITLE 5

11960 et seq., 15410 et seq.,

COURT DECISIONS

Evensen v. Vicki L. Barber et al, (1996) No. PV 94-0465, Superior Ct., County of El Dorado

Desert Sands Unified School District and Washington Charter School v. Public Employment Relations Board and California School Employees Association and its Desert Sands Chapter #106, No. BC 126357, Superior Ct., County of Los Angeles

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 52 (1997), 78 Ops. Cal. Atty. Gen. 253 (1995), 78 Ops. Cal. Atty. Gen. 297 (1995)

(AR) #8259 CHARTER SCHOOLS – EXHIBIT 2

San Luis Obispo County Office of Education

3350 Education Drive
San Luis Obispo, CA 93405

SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION
LEADERSHIP ▪ COMMUNITY ▪ SERVICE
JAMES J. BRESCIA, ED. D., SUPERINTENDENT

Charter School Petition Process For Denial Appeals and Initial Submissions

San Luis Obispo County Office of Education
3350 Education Drive
San Luis Obispo, CA 93405
(805) 543-7732 Phone
(805) 541-2605 Fax

Charter Petition and Appeal Review Process

Petition Presented Directly to SLOCBE for the Establishment of a County-Wide Charter or on Appeal Following Denial by a School District

The mission of the San Luis Obispo County Office of Education is to provide quality services and support for life-long learning opportunities.

The Board of Education and the staff of the San Luis Obispo County Office of Education (SLOCOE) view the responsibility to provide a quality education to all of the children in San Luis Obispo County as a serious undertaking. In that light, we are interested in authorizing only high quality charter schools that:

- Reflect our mission of ensuring the success of all students
- Implement effective approaches to educating students
- Implement effective instructional strategies to serve underperforming populations
- Narrow the achievement gap among students of various backgrounds
- Demonstrate fiscal viability
- Provide sound governance that is free of conflict of interest

The foundational document guiding all charter school operations is the charter. An approved charter is a performance contract between SLOCOE and the charter school. As such, terms of the contract must be delineated as clearly as possible, especially with regard to student performance measures. A comprehensive, well-written petition provides clear operating procedures for the charter school and objective measures to which SLOCOE will hold the charter school accountable.

This petition or appeal submission packet is designed to give petitioners a clear outline of what SLOCOE considers to be a "reasonably comprehensive" charter petition.

Starting a charter school is hard work, and the foundation must be well laid in order to ensure success!

A. Submitting the Petition or Appeal

Only complete submission packets will be reviewed.

The charter review timeline becomes effective after all of the following have been submitted and is detailed on page 5.

☐ 5 copies and one CD of the original Charter Petition, and supporting documents considered by District when petition was denied if an appeal.

☐ SLOCOE Charter Petition Review Matrix, with page numbers identifying where each of the of components listed is found noted in the left column of the matrix

Please assemble a binder containing the following items with tabs separating each numbered requirement.

☐ 1. Table of Contents
☐ 2. Notice of Intent to Submit Application on Appeal of Denial (if previously denied)
☐ 3. Copy of Signature pages (50%) of either parents or teachers meaningfully interested
☐ 4. Evidence of denial by the district board and the governing board's written factual findings, if available
☐ 5. Proposed budget (start-up, three year budget projections, and Cash Flow Analysis)
☐ 6. A signed certification that the petitioner(s) will comply with all applicable law
☐ 7. A description of any changes to the petition necessary to reflect the county board of education as the chartering entity *(This is a separate document, detailing the changes and page numbers) (5 CCR 11967)*

Deliver the above items to:

San Luis Obispo County Office of Education
Superintendent's Office
3350 Education Drive
San Luis Obispo, CA 93405

Charter Review Process

Petition Presented Directly to SLOCBE or on Appeal Following Denial by a School District

B. Petition Review

The petition for a charter school is reviewed utilizing the San Luis Obispo County Office of Education "Charter School Petition Review Checklist" presented as a part of this application packet. Charters presented directly to SLOCBE or on appeal following denial are reviewed pursuant to all relevant California Education Codes.

Reasonably Comprehensive Description

According to California Code of Regulations, 5 CCR § 11967.5.1 (g) *A reasonably comprehensive description, within the meaning of subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:*

1. *Is substantive and is not, for example, a listing of topics with little elaboration*
2. *For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects*
3. *Is specific to the charter petition being proposed, not to charter schools, or charter petitions generally*
4. *Describes, as applicable among the different elements, how the charter school will:*
    - A. *Improve pupil learning*
    - B. *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving*
    - C. *Provide parents, guardians, and pupils with expanded educational opportunities*
    - D. *Hold itself accountable for measurable, performance-based pupil outcomes*
    - E. *Provide vigorous competition with other public school options available to parents, guardians, and students*

The San Luis Obispo County Governing Board and the SLOCOE staff view 5 CCR § 11967.5.1 (g) as meaningful guidelines for reviewing charter applications and have incorporated this guidance into the "Charter School Petition Review Checklist."

C. Petitioner Team Capacity Interview *(At the request of SLOCOE)*

In addition to a review of the charter petition, SLOCOE Staff may elect to interview the petitioner team and the Board of Directors to gauge the experience and expertise of its members in the areas of:

- Curriculum, instruction and assessment
- Finance and business operations
- School administration, including on-site leadership and on-site financial management
- School governance

If requested by SLOCOE, this interview is mandatory and must be attended by members of the petitioner team who have expertise in all of the above areas. If a Board of Directors has been identified, at least two members must attend.

Charter Review Process

Petition Presented on Appeal Following Denial by a School District
San Luis Obispo County Office of Education

D. San Luis Obispo County Board of Education Approval Process

Within the guidelines delineated in Education Code § 47605, the San Luis Obispo County Board of Education will make a final decision regarding the granting or denial of the charter petition. Petitions may be approved with conditions, including but not limited to the following:

- For a classroom-based program, that a site be secured with an appropriate Certificate of Occupancy 45 days prior to the opening of school
- That the school's student recruitment process not begin until the above condition has been met
- That a qualified principal be hired prior to the opening of the school and that the charter school notify San Luis Obispo County Office of Education's Charter Schools Unit 45 days prior to the opening of the school
- That the charter school and the San Luis Obispo County Office of Education ensure that all required elements of Memorandums of Understanding (MOUs) have been addressed

The Board of Education will not deny a petition unless it makes written factual findings setting forth specific facts to support one or more of the following:

- The charter school presents an unsound educational program for students
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition
- The petition does not contain the required number of signatures
- The petition does not contain the necessary affirmations
- The petition does not contain reasonably comprehensive descriptions of the required elements for a charter school

Please do not hesitate to contact the San Luis Obispo County Office of Education
If you have any questions about the application process:

San Luis Obispo County Office of Education
Superintendent's Office
3350 Education Drive
San Luis Obispo, CA 93405
(805) 782-7201
Email inquiries can be addressed to jbrescia@slocoe.org

Notice of Intent to Submit Application On Appeal of Denial

PETITION FOR ESTABLISHMENT OF A CHARTER SCHOOL

San Luis Obispo County Office of Education

CHARTER SCHOOL INFORMATION

☐ **Start up Charter** ☐ **Conversion Charter**

☐ **Appeal after Denial** ☐ **County-Wide Direct Submission to SLOCBE**

Name of proposed charter school: _____

General location (including district) of proposed school: _____

Projected grade levels: _____ Projected Enrollment: _____ Goal date for opening school: _____

LEAD PETITIONER CONTACT INFORMATION

Name of lead petitioner: _____

Address: _____ City: _____ Zip: _____

Daytime Phone Numbers: _____ _____ FAX: _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

CERTIFICATION

I / we certify that we are interested in applying for a Charter School within San Luis Obispo County.

Print Name: _____ Signature: _____ Date: _____

OFFICE USE ONLY

Received by:

Print Name: _____ Signature: _____ Date: _____

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
San Luis Obispo, California

Submission Packet for the Establishment of a Charter School

Only complete application packets will be reviewed

TIMELINE

	Type of Submission	
Action/Submission	**Appeal of Denial by School District**	**Direct Submission for County-Wide Charter**
1. Notice of Intent to Appeal District Denial	Maximum of 180 days from denial	N/A
2. All Required items detailed in section A on page 1 of this packet	Maximum of 180 days from denial	At Discretion of petitioners. Timeline does not begin until submission is complete.
3. Upon determination that the documents submitted are sufficient, a public hearing is held	Prior to action being taken by the Board	No later than 60 days from receipt of all documents
4. Decision by the San Luis Obispo County Board of Education	60 days from receipt of all required documents	90 Days from receipt of all required documents
5. Agreement by petitioner and SLOCOE that additional time is required (optional)	30 day extension of timeline	30 day extension of timeline
6. Due Process if Denied by SLOCBE	Appeal to California Board of Education	None

SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION
LEADERSHIP • COMMUNITY • SERVICE
JAMES J. BRESCIA, ED. D., SUPERINTENDENT

Dear Trisha,

December 31, 2015

After conferring with our legal counsel and reviewing Education Code specific to charters, we are requesting the following timeline to offer a detailed reading of your petition. Education Code Section 47605 requires that we hold the public hearing no later than 30 calendar days which is (Sunday, January 10, 2016) after receiving the petition and take action 60 days which is (Tuesday, February 9, 2016) after receiving the petition unless Trivium Charter School agrees to extend the timeline by 30 days. Given the winter recess and availability of the county board, and in order to comply with the requirements of Education Code section 47605, we propose the following schedule for presentation and consideration of the Trivium Charter Petition ("Petition") to the County Board of Education:

- **(December 11, 2015) Receipt of Petition by County Office of Education;**
- **(January 14, 2016) Public hearing concerning the provisions of the Petition and the level of support for the Petition by teachers, other employees of the District, and parents;**
- **(March 3, 2016) Determination of whether the Board will grant or deny the Petition.**

We wish to note that although the Petition was provided to the County Office on December 11, 2015, this did not amount to a submittal to the Board within the meaning of Education Code Section 47605(a). However, as mentioned above, we will place receipt of the Petition on the Board's agenda for the January 14, 2016 meeting. We also understand that the proposed timeline extends the time for both the public hearing and the decision but ask for your agreement to our board meeting schedule pursuant to Education Code section 47605(b). We would appreciate your signing this letter below to demonstrate your acknowledgement of, and agreement to the above schedule and returning it electronically to Valerie Kraskey, Administrative Manager SLOCOE.

Sincerely,

James J. Brescia

James J. Brescia, Ed.D.
County Superintendent of Schools

Agreed: _____ _____
Trisha Vais, Petitioner ***Date***

3350 Education Drive • San Luis Obispo, CA 93405 • Phone 805-543-7732 • Fax 805-541-2605 • slocoe.org

Subject: Fwd: Charter Petition
From: Trisha Vais <tvais@triviumcharter.org>
Date: 2/8/16, 9:57 PM
To: Aimee Neff <aneff@triviumcharter.org>

and this..

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

---------- Forwarded message ----------
From: <JBrescia@slocoe.org>
Date: Thu, Dec 31, 2015 at 9:32 AM
Subject: Charter Petition
To: tvais@triviumcharter.org
Cc: VKraskey@slocoe.org, rmunoz@dwkesq.com

Trisha,

Please review the attached letter and return a confirmation copy to Valerie. Thank you for your assistance. I will be out of the office until January 7, 2016. Happy Holidays.

James J. Brescia, Ed.D.

County Superintendent of Schools

San Luis Obispo County Office of Education

3350 Education Drive

San Luis Obispo, CA 93405

(805) 782-7201

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— Attachments:

Charter Petition 12-2015.pdf 254 KB

Subject: Fwd: Charter Petition
From: Trisha Vais <tvais@triviumcharter.org>
Date: 2/8/16, 9:58 PM
To: Aimee Neff <aneff@triviumcharter.org>

and this...

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

---------- Forwarded message ----------
From: **Trisha Vais** <tvais@triviumcharter.org>
Date: Mon, Jan 4, 2016 at 6:10 PM
Subject: Re: Charter Petition
To: James Brescia <JBrescia@slocoe.org>
Cc: Valerie Kraskey <VKraskey@slocoe.org>, rmunoz@dwkesq.com

Hello,

I hope 2016 is off to a wonderful start for you! Trivium is looking forward to partnering with you to serve the SLO families who would like to be a part of our unique program.

In accordance with Education Code section 47605(j) and 5 C.C.R. section 11967, on December 11, 2015, I hand-delivered and San Luis Obispo County received the appeal of the petition for the establishment of the proposed charter school, Trivium San Luis Obispo County, as denied by the Atascadero Unified School District. I understand this means that pursuant to Education Code section 47605(b) and 5 C.C.R. section 11967, if the County does not act on the petition within 60 days (February 9, 2016), the petitioners may submit the petition to the State Board of Education. It is important to note that I had requested a meeting with San Luis Obispo County on multiple occasions starting on September 16, 2015. In addition, although we were denied on Nov. 3 from AUSD and I re-requested a meeting for a county appeal on Nov. 4, the county did not schedule the meeting until Dec. 11, 2015. Even after the lengthy wait time for the meeting, the county representatives were unprepared with the appeal materials which I had no knowledge of and was informed of the appeal procedure on December 23, 2015 – after the appeal had been submitted. I have included a summary of the communication below for your reference. I agree that the timeline is tight because of the holiday break; however, had the county been willing to meet earlier the holiday break would have been less disruptive. Hence, I will not agree to the timeline extension.

However, I will agree to some flexibility within the 60-day timeline. Please note that the flexibility I'm agreeing to does not extend the overall 60-day timeline (pursuant to Education Code section 47605(b) and 5 C.C.R. section 11967(d)). A vote to deny or approve the petition to establish Trivium, San Luis Obispo County is still required on or before February 9, 2016.

Proposed flexibility:

1) Hold the hearing and vote on the county's proposed hearing date of January 14, 2016

2) Hold the hearing on January 14, 2016 and hold the vote on or before February 9, 2016

3) Hold the hearing and vote at the same board meeting on a different date than January 14, 2016 but prior to or on February 9, 2016.

4) Abide by the original timeline and hold the hearing on or before January 10, 2016 and hold the vote on or before February 9, 2016.

During the meeting with the county representatives on December 11, 2015, I had stressed the importance of meeting the 60-day timeline for two reasons. We need to meet the state's timeline for an appeal if the county were to deny us and we need to meet a certain timeline for the planning and implementation grant.

I am hopeful we can work cooperatively in the future and bring a high quality charter school to SLO County for the many homeschoolers and others who desire a highly personalized approach to schooling. As you are aware and was discussed at the meeting on Dec. 11, we are already serving approximately 300 SLO County students at the original Trivium Charter. It would be wonderful to provide a local charter for the SLO County families.

Communication timeline:

September 16, 2016

Email from me to James Brescia asking to meet and discuss proposed charter

(no response)

September 29, 2016

Forwarded the September 16, 2015 email and copied administrative assistant, Valerie Kraskey.

September 30, 2015

Valerie Kraskey responded by email and said she'd work on scheduling the meeting and she asked about my availability.

September 30, 2015

Fwd: Charter Petition

I replied to Valerie Kraskey and offered multiple dates.

October 6, 2015

I sent a follow-up email because I had yet to hear back from anyone about the meeting.

October 8, 2015

Received a phone message and an email from Pam Ables asking for more information about our intent – Pam Ables stated that she knew Valerie Kraskey was trying to schedule the meeting.

October 9, 2015

I responded to Pam Ables by email and received an auto-reply that she would be out of the office until October 13, 2015.

October 15, 2015

Received a phone message from Valerie Kraskey but could not make out the words because of a bad connection.

October 16, 2015

I sent Valerie Kraskey an email stating the phone message was unintelligible because of the bad connection.

October 21, 2015

Received a phone message from Valerie Kraskey giving me one hour to respond for new meeting dates availability. She said she was leaving the office early and wouldn't return until Tuesday, October 27, 2015. I was unable to return the call in the hour timeframe.

October 21, 2015

Received a second call (past the hour timeframe) – Valerie Kraskey stated she was making an extra effort to contact me so it was clear she was showing "due diligence". I told her that I was dropping off the petitions with Atascadero Unified that day and she replied that she didn't see the point in scheduling a meeting with the county even though I still wanted a meeting. I then suggested that we schedule one in 60 days in the event we were denied by Atascadero Unified. She didn't think it was necessary so a meeting wasn't scheduled.

November 4, 2015

I sent an email to James Brescia, Valerie Kraskey and Pam Ables asking to schedule a meeting because the petition was denied on November 3, 2015 by Atascadero Unified.

November 5, 2015

Received a reply from Valerie Kraskey scheduling the meeting for December 11, 2015.

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

On Thu, Dec 31, 2015 at 9:32 AM, <JBrescia@slocoe.org> wrote:

Trisha,

Please review the attached letter and return a confirmation copy to Valerie. Thank you for your assistance. I will be out of the office until January 7, 2016. Happy Holidays.

James J. Brescia, Ed.D.

County Superintendent of Schools

San Luis Obispo County Office of Education

3350 Education Drive

San Luis Obispo, CA 93405

(805) 782-7201

YouTube Facebook

Twitter Linkedin

www.slocoe.org

CONFIDENTIALITY NOTICE: This communication and any documents, files or previous e-mail messages attached to it, constitute an electronic communication within the scope of the Electronic Communication Privacy Act (18 USCA § 2510). This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient(s). The unlawful interception, use or disclosure of such information is strictly prohibited under 18 USCA § 2511 and any applicable laws. If you are not the intended recipient, or have received this communication in error, please notify the sender immediately by reply e-mail or by telephone and delete any and all electronic and hard copies of this communication, including attachments, without reading them or saving them to disk.

Subject: Fwd: Public Hearing
From: Trisha Vais <tvais@triviumcharter.org>
Date: 2/8/16, 9:58 PM
To: Aimee Neff <aneff@triviumcharter.org>

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

---------- Forwarded message ----------
From: **Trisha Vais** <tvais@triviumcharter.org>
Date: Thu, Jan 7, 2016 at 10:11 AM
Subject: Re: Public Hearing
To: James Brescia <JBrescia@slocoe.org>
Cc: Valerie Kraskey <VKraskey@slocoe.org>

Good Morning,

Thank you for the confirmation. I will plan on the hearing being held on January 14, 2016 and the vote being held on or before February 9, 2016.

I have reached out to Shandon Joint Union as you suggested. I have yet to hear back back but I am hopeful they are interested in sponsoring Trivium.

Sincerely,

Trisha Vais, *Executive Director, Trivium Charter School*, cell 805-291-1303, office 805-733-4059
tvais@triviumcharter.org, www.triviumcharter.org, find us on Facebook.

On Wed, Jan 6, 2016 at 5:00 PM, <JBrescia@slocoe.org> wrote:

> We are in receipt of your email agreeing to hold the public hearing next week in keeping with our regularly scheduled board meeting. Subsequent meetings will be accordance with California Education Code. We appreciate your agreeing to change the public hearing date. Regards.
>
> James Brescia
> Sent from my iPhone

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
3350 EDUCATION DRIVE
SAN LUIS OBISPO, CA 93405

AGENDA

REGULAR MEETING OF THE COUNTY BOARD OF EDUCATION

BOARD ROOM

JANUARY 14, 2016

1:30 p.m.

1.0 CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2.0 ADOPTION OF AGENDA

3.0 PUBLIC COMMENT

Government Code 54954.3 provides that, before or during the Board's consideration of an item, the public may address the Board directly on any item of interest that is within the Board's purview, provided that no action shall be taken on an item not appearing on the agenda unless otherwise authorized by Government Code 54954.2(b). Further, to ensure the intent of Government Code 54954.3(a) is carried out, the Board may impose reasonable regulations including limiting the amount of time allocated for public testimony on particular issues and for each individual speaker. Each person is limited to three minutes unless the Board provides direction to the contrary.

4.0 ADOPT RESOLUTIONS IN APPRECIATION OF SERVICES

Resolutions in Appreciation of Service will be presented to the Board for adoption.

5.0 CONSENT AGENDA

5.1 Minutes of the Annual Organizational Meeting, December 10, 2015
5.2 Minutes of Regular Meeting, December 10, 2015

(Unless an item is pulled for separate action by the Board, the items listed above are approved without discussion.)

6.0 INFORMATION ITEM(S)

6.1 Commercial Warrants – November 24, 2015 – January 6, 2016 ($719,428.76)
6.2 Certificated Human Resources Action Report, September - December 2015
6.3 Classified Human Resources Action Report, February – October 2015

7.0 PUBLIC HEARING – PETITION TO ESTABLISH THE TRIVIUM CHARTER SCHOOL, SAN LUIS OBISPO COUNTY

A public hearing will be held pursuant to Education Code section 47605 for the County Board of Education to consider the level of support of teachers, other employees, and parents, for the charter petition to establish the Trivium Charter School, San Luis Obispo County submitted on appeal from denial of the petition by the Atascadero Unified School District.

7.1 Declare Public Hearing Open
7.2 Receive Public Input
7.3 Declare Public Hearing Closed

8.0 ADMINISTRATION

8.1 Report Item(s)

8.1.1 Superintendent and Staff
8.1.2 Board
8.1.3 Employee Organizations

8.2 Action Item(s)

8.2.1 Legislation
This item is provided to keep any actions relative to letters to Legislators legal, as issues often come up between mailing time and the Board meeting.

9.0 EDUCATIONAL SUPPORT SERVICES

9.1 Action Item(s)

9.1.1 Accept Donation from Heritage Oaks Bank for Raising a Reader Program
This donation represents second and third quarter earnings from the Heritage Oaks "Banking on Our Kids" program.

10.0 STUDENT PROGRAMS & SERVICES

10.1 Report Item(s)

10.1.1 Keeping Kids in Schools and Out of Court
Staff will update the Board on the interagency county-wide work being done to *Keep Kids in School and Out of Court.*

10.1.2 Local Control Accountability Plan (LCAP)
Staff will update the Board on the San Luis Obispo County Office of Education's Local Control Accountability Plan.

10.1.3 Annual Update of the Local Education Agency Plan (LEAP)
The Local Education Agency Plan establishes priorities, documents initiatives, addresses the five major performance goals set by the Elementary Secondary Education Act, and covers each of the educational programs administered by SLOCOE.

11.0 BUSINESS and INFORMATION SERVICES

11.1 Report Item(s)

11.1.1 Report on the 2014-15 County Schools Service Fund Audit
Staff will present the 2014-15 County Schools Service Fund Audit as required by Education Code Section 1627.

11.2 Action Item(s)

11.2.1 Adopt the 2016-17 Budget Calendar for All Funds
Board policy requires that the Board of Education adopt the annual Budget Calendar.

12.0 INTERDISTRICT ATTENDANCE APPEALS

12.1 Action Item(s)

12.1.1 Receive Facts and Take Action to Grant, Deny or Remand Appeals
Education Code Section 46601 gives the responsibility of hearing interdistrict attendance appeals to the County Board of Education that involve school districts within the county. Parents have 30 days to file an appeal to the County Board of Education once their district of residence has denied their original request or the potential receiving district denies their request. The Board will hear the appeals and take action to grant, deny or remand the appeals.

13.0 FUTURE AGENDA ITEMS

14.0 ADJOURNMENT

The next regular meeting of the San Luis Obispo County Board of Education will be Thursday, February 4, 2016, at 1:30 p.m., in the San Luis Obispo County Office of Education Board Room.

Any materials required by law to be made available to the public prior to a meeting of the County Board of Education can be inspected at the following address during normal business hours:

San Luis Obispo County Office of Education
3350 Education Drive
San Luis Obispo, CA 93405

These materials can also be viewed on the County Office of Education's internet website at the following address: www.slocoe.org.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a Board of Education meeting, please contact the Superintendents' Office (805) 782-7201. Notification of at least 48 hours prior to the meeting will assist the staff in assuring that reasonable accommodations can be made.

5. Notice from the San Luis Obispo County Superintendent that the County Board of Education Will Not Act on Trivium's Charter Petition Within 60 Days of Receipt.

   a. Letter from the San Luis Obispo County Superintendent that the County Board of Education Will Not Act on Trivium's Charter Petition Within 60 Days of Receipt.

   b. San Luis Obispo County Board of Education February 4, 2016 Board Meeting Agenda & January 14, 2016 Unofficial Minutes – Included to Illustrate No Action taken regarding Charter

SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION
LEADERSHIP • COMMUNITY • SERVICE
JAMES J. BRESCIA, ED. D., SUPERINTENDENT

February 1, 2016

Ms. Trisha Vais, Executive Director
Trivium Charter School

Dear Ms. Vais:

On December 11, 2015, you submitted the petition for the Trivium Charter, San Luis Obispo County to the San Luis County Office of Education on appeal from the denial of the Atascadero Unified School District. While acknowledging that the timeline was tight considering you submitted your petition just prior to the county office's two-week office closure for the winter break, you confirmed through email on January 4, 2016, that you were unable to extend the County Board's 60-day action deadline.

The San Luis Obispo County Office of Education takes its review of Trivium's charter petition for compliance with the legal requirements for approval very seriously. While the county office is in the process of analyzing Trivium's charter petition, due to the intervening two week winter break and the absence of key county office staff for medical reasons since then, the county office will not be able to complete its analysis of the petition in time to make its recommendation to the County Board by the February 4, 2016 Board meeting.

As a result, I am writing to inform you that the County Board of Education will not be taking action on Trivium's charter petition at its February 4, 2016 Board meeting. As you are aware, if the County Board does not take action on your charter petition within the 60-day time period, per applicable regulation, you are free to submit your petition for the establishment of the Trivium Charter, San Luis Obispo County, directly to the State Board of Education.

On a somewhat related matter, it has just come to my attention that you have submitted a petition for Trivium Charter School to Shandon Joint Unified School District. Please be aware that Shandon is currently in negative certification status and our office has assigned a fiscal advisor to the District. This is a critical time for Shandon requiring them to allocate staff and financial resources toward addressing their negative certification status.

Considering Shandon's delicate circumstances, as San Luis Obispo County Superintendent of Schools, I respectfully request that you consider withdrawing the petition you submitted to Shandon to allow them to direct their attention and resources toward addressing their negative certification status. Your consideration of my request is greatly appreciated.

Sincerely,

James J. Brescia

James J. Brescia, Ed.D.
County Superintendent of Schools

3350 Education Drive • San Luis Obispo, CA 93405 • Phone 805-543-7732 • Fax 805-541-2605 • slocoe.org

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
3350 EDUCATION DRIVE
SAN LUIS OBISPO, CA 93405

AGENDA

REGULAR MEETING OF THE COUNTY BOARD OF EDUCATION

BOARD ROOM

FEBRUARY 4, 2016

1:30 p.m.

1.0 CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2.0 ADOPTION OF AGENDA

3.0 PUBLIC COMMENT

Government Code 54954.3 provides that, before or during the Board's consideration of an item, the public may address the Board directly on any item of interest that is within the Board's purview, provided that no action shall be taken on an item not appearing on the agenda unless otherwise authorized by Government Code 54954.2(b). Further, to ensure the intent of Government Code 54954.3(a) is carried out, the Board may impose reasonable regulations including limiting the amount of time allocated for public testimony on particular issues and for each individual speaker. Each person is limited to three minutes unless the Board provides direction to the contrary.

4.0 ADOPT RESOLUTIONS IN APPRECIATION OF SERVICES

Resolutions in Appreciation of Service will be presented to the Board for adoption.

5.0 CONSENT AGENDA

5.1 Minutes of the Regular Meeting, January 14, 2016

(Unless an item is pulled for separate action by the Board, the items listed above are approved without discussion.)

6.0 INFORMATION ITEM(S)

6.1 Commercial Warrants – January 7, 2016 – January 22, 2016 ($1,375,173.87)

7.0 ADMINISTRATION

7.1 Report Item(s)

7.1.1 Superintendent and Staff
7.1.2 Board
7.1.3 Employee Organizations

7.2 Action Item(s)

7.2.1 Legislation
This item is provided to keep any actions relative to letters to Legislators legal, as issues often come up between mailing time and the Board meeting.

8.0 BUSINESS SERVICES

8.1 Report Item(s)

8.1.1 Staff Report on 2016-17 Governor's State Budget
Staff will present information on the financial impact of the proposed 2016-17 State Budget.

8.2 Action Item(s)

8.2.1 Adopt Resolution No. 16-03 Approving Revised Uniform Public Construction Cost Accounting Procedures
This resolution provides necessary updates to dollar amounts for the Uniform Public Construction Cost Accounting Procedures.

9.0 EDUCATIONAL SUPPORT SERVICES

9.1 Action Item(s)

9.1.1 Accept Amendment to the California State Preschool Program Contract
The California State Preschool Program budget act amendments include increases per the 2015 Budget Act effective July 1, 2015.

10.0 STUDENT PROGRAMS & SERVICES

10.1 Report Item(s)

10.1.1 County Office of Education's Early Intervention Program
The Early Intervention Program provides services to infants with disabilities, birth to three years of age. Staff will provide an overview of the program. *(10 min.)*

10.2 Action Item(s)

10.2.1 Approve the 2014-15 Accountability Report Cards for the Special Education Programs and the Juvenile Court/Community Schools
The 2014-15 Accountability Report Cards for the Special Education Programs and the Juvenile Court/Community Schools are presented to the Board for their review and approval.

11.0 OPERATIONAL SERVICES

11.1 Action Item(s)

11.1.1 Approve a Grant of Easement at Chalk Mountain Property
A Grant of Easement for additional property owners adjacent to the Chalk Mountain Community School site is presented for approval by the Board. This Grant of Easement amends the current easement.

11.1.2 Approve Shared Use and Maintenance of Non-Exclusive Easements Agreement at Chalk Mountain Property
This agreement will enter the County Office of Education into a four-way partnership to maintain the public access road that leads from El Camino Real, past the Chalk Mountain Community School, and back to the multi-family housing development.

12.0 INTERDISTRICT ATTENDANCE APPEALS

12.1 Action Item(s)

12.1.1 Receive Facts and Take Action to Grant, Deny or Remand Appeals
Education Code Section 46601 gives the responsibility of hearing interdistrict attendance appeals to the County Board of Education that involve school districts within the county. Parents have 30 days to file an appeal to the County Board of Education once their district of residence has denied their original request or the potential receiving district denies their request. The Board will hear the appeals and take action to grant, deny or remand the appeals.

13.0 FUTURE AGENDA ITEMS

14.0 ADJOURNMENT

The next regular meeting of the San Luis Obispo County Board of Education will be Thursday, March 3, 2016, at 1:30 p.m., in the San Luis Obispo County Office of Education Board Room.

Any materials required by law to be made available to the public prior to a meeting of the County Board of Education can be inspected at the following address during normal business hours:

San Luis Obispo County Office of Education
3350 Education Drive
San Luis Obispo, CA 93405

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SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
3350 EDUCATION DRIVE
SAN LUIS OBISPO, CA 93405

AGENDA ITEM BACK-UP SHEET

AGENDA ITEM: **5.0** **Consent Agenda**

5.1 Minutes of the Regular Meeting, January 14, 2016

FISCAL IMPLICATIONS: **N/A**

RECOMMENDATION: **Adopt Consent Agenda**

Submitted by: James G. Brescia
James G. Brescia, Ed.D., County Superintendent of Schools

COUNTY BOARD OF EDUCATION
MEETING: February 4, 2016

COUNTY BOARD OF EDUCATION MEETING
FEBRUARY 4, 2016
AGENDA #5.1

UNADOPTED
MINUTES of the
SAN LUIS OBISPO COUNTY BOARD OF EDUCATION

DATE:	**January 14, 2016**
PLACE OF MEETING:	**San Luis Obispo County Office of Education – Board Room** **3350 Education Drive, San Luis Obispo**
TYPE OF MEETING:	**Regular**
TIME OF MEETING:	**1:30 p.m.**
MEMBERS PRESENT:	**Mrs. Gaye Galvan; Mr. Paul Madonna;** **Mr. Floyd Moffatt (Excused from meeting at 2:12 p.m.);** **Mr. Joel Peterson**
MEMBERS ABSENT:	**Ms. Diane Ward**
ADMINISTRATION:	**James J. Brescia,** County Superintendent of Schools and Secretary to the County Board of Education **Valerie Kraskey**, Administrative Manager
VISITORS/STAFF PRESENT:	**Record on file.**

1.0 **CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG** *CALL TO ORDER*

The meeting was called to order by Vice-President Moffatt at 1:30 p.m., followed by the Pledge of Allegiance.

2.0 **ADOPTION OF AGENDA** *ADOPTION OF AGENDA*

There were no changes to the agenda.

MOTION: MADONNA/PETERSON A motion was passed to Adopt the Agenda as presented. **(4-0)**

3.0 **PUBLIC COMMENT** *PUBLIC COMMENT*

Government Code 54954.3 provides that, before or during the Board's consideration of an item, the public may address the Board directly on any item of interest that is within the Board's purview, provided that no action shall be taken on an item not appearing on the agenda unless otherwise authorized by Government Code 54954.2(b). Further, to ensure the intent of Government Code 54954.3(a) is carried out, the Board may impose reasonable regulations including limiting the amount of time allocated for public testimony on particular issues and for each individual speaker. Each person is limited to three minutes unless the Board provides direction to the contrary.

There were no comments received from the public.

COUNTY BOARD OF EDUCATION MEETING
January 14, 2016

4.0 ADOPT RESOLUTIONS IN APPRECIATION OF SERVICE

ADOPT RESOLUTIONS IN APPRECIATION OF SERVICE

Resolutions of Appreciation of Service were presented to the Board for adoption.

Mrs. Sharon Gallagher was present to receive her plaque and resolution.

Unfortunately, Mrs. White Bond is travelling abroad. Mrs. Pam Ables, Assistant Superintendent, Educational Support Services, and Mrs. Nancy Norton, Director, Early Learning Educational Support, spoke on behalf of Mrs. White Bond.

MOTION: GALVAN/MADONNA A motion was passed to Adopt Resolution No. 16-01. **(4-0)**

MOTION: MADONNA/PETERSON A motion was passed to Adopt Resolution No. 16-02. **(4-0)**

5.0 CONSENT AGENDA

CONSENT AGENDA

5.1 Minutes of the Annual Organizational Meeting, December 10, 2015
5.2 Minutes of Regular Meeting, December 10, 2015
(Unless an item is pulled for separate action by the Board, the items listed above are approved without discussion.)

There were no changes to the Consent Agenda.

MOTION: GALVAN/MOFFATT A motion was passed to Adopt the Consent Agenda as presented. **(4-0)**

6.0 INFORMATION ITEM(S)

INFORMATION ITEMS

6.1 Commercial Warrants – November 24, 2015 – January 6, 2016 ($719,428.76)
6.2 Certificated Human Resources Action Report, September - December 2015
6.3 Classified Human Resources Action Report, February – October 2015

These were information items only; no action required by the board.

7.0 PUBLIC HEARING

PUBLIC HEARING

A public hearing will be held pursuant to Education Code section 47605 for the County Board of Education to consider the level of support of teachers, other employees, and parents, for the charter petition to establish the Trivium Charter School, San Luis Obispo County submitted on appeal from denial of the petition by the Atascadero Unified School District.

7.1 Declare the Public Hearing Open
Vice-President Moffatt declared the Public Hearing open at 1:42 p.m.

7.2 Call for Comments from the Public
Trisha Vias, Executive Director, Trivium Charter School, spoke on

behalf of the Charter School. Following Ms. Vias' presentation, comments were received from four individuals.

7.3 Declare the Public Hearing Closed
Vice-President Moffatt declared the Public Hearing closed at 2:12 p.m.

Vice-President Moffatt left at 2:12 p.m. Dr. Brescia began chairing the meeting at this time.

8.0 ADMINISTRATION *ADMINISTRATION*

8.1 Report Item(s) *REPORT ITEM(S)*

8.1.1 Superintendent and Staff *SUPERINTENDENT/ STAFF*

-Dr. Brescia is a presenter at the Educator Effectiveness Summit next week, along with Anne Hubbard, Superintendent, Cayucos ESD. The focus of the presentation will be teacher recruitment and retention. We are in the final negotiation stages with Brandman University to establish a teacher credentialing program beginning fall 2016. We are also focusing on recruiting for substitute teachers, as most of the districts, including our office, are experiencing a shortage in this area. This is also the same across the State.
-Pam Ables (Educational Support Services) - Publisher's Fair is scheduled for Wednesday, January 20, 2016. This is the year for adoption of English Language Arts and English Language Development. We anticipate approximately 80 attendees.
-Melissa Abbey (Business Services) – Some of the projects for the Business Department are processing 1099's and W2's; processing the classified retroactive pay increase; district 2nd interims, fire extinguisher bid and E-Rate, and the 2016-17 budget development is beginning.
-Thomas Alvarez (Human Resources) – Processing new salary schedules; continuing to negotiate with CTA; working on Affordable Care Act Benefits Compliance; working with districts and counterparts at state level regarding the teacher shortage issue; finalizing the clerical classification study.

8.1.2 Board *BOARD*

-Board Member Galvan met with Senator Monning. One of the topics they discussed was the lack of individuals interested in pursuing careers in education. Mrs. Galvan also spoke to the Senator regarding the additional funding from the State for Grizzly.
-Board Member Peterson visited the medically fragile class at Oceano Education Center. He also attended the Grizzly Graduation – both of these programs are so very impressive.

8.1.3 Employee Organizations *EMPLOYEE ORGANIZATIONS*

There were no reports from CSEA or CTA.

COUNTY BOARD OF EDUCATION MEETING
January 14, 2016

8.2 Action Item(s)

8.2.1 Legislation *LEGISLATION*

This item is provided to keep any actions relative to letters to Legislators legal, as issues often come up between mailing time and the Board meeting.

Dr. Brescia commented that the Governor appears to be in less opposition to a facilities bond for the November 2016 election. Dr. Brescia will continue to keep the board informed as he receives information.

9.0 EDUCATIONAL SUPPORT SERVICES *EDUCATIONAL SUPPORT SERVICES*

9.1 Action Item(s)

9.1.1 Accept Donation from Heritage Oaks Bank for Raising a Reader Program *ACCEPT DONATION RAISING A READER*

This donation represents second and third quarter earnings from the Heritage Oaks "Banking on Our Kids" program.

MOTION: PETERSON/MADONNA A motion was passed to Accept Donation from Heritage Oaks Bank for Raising a Reader in the amount of $908.85. **(3-0)**

10.0 STUDENT PROGRAMS & SERVICES *STUDENT PROGRAMS & SERVICES*

Mrs. DJ Pittenger, Assistant Superintendent, Student Programs & Services, introduced Karla Knuckles, Executive Assistant; Susanne Melton, Curriculum Instruction Support; Michael Gray, Assistant Principal, Loma Vista Community School; Amanda Thomas, Assistant Principal, Mesa View Community School; Ruben Lopez, Assistant Principal, Chalk Mountain Community School.

10.1 Report Item(s)

10.1.1. Keeping Kids in Schools and Out of Court *REPORT – KEEPING KIDS IN SCHOOLS AND OUT OF COURT*

Mrs. DJ Pittenger, Assistant Superintendent, Student Programs & Services provided an update to the Board on the interagency county-wide work being done to *Keep Kids in School and Out of Court*. Highlights included:

-December 2013 Summit;
- Multi-agency team members focused on promising interventions;
-Focus Areas – trauma informed care; drug and alcohol awareness; commercial sexual exploitation of children; school discipline; suspensions/expulsions; positive behavior intervention supports; homeless & foster youth; safe school plans; special education; transitions; attendance;
-SLO County Team consisted of the juvenile judge, DA's office, public defender's office, SLOCOE, probation, CASA,

DSS, and Behavioral Health. This team has continued to meet since 2013;
-In December 2015 a Summit was convened and our team was recognized for their commitment;
-Planning is underway for a 2016 Keeping Kids in School Summit;
-Chronic Absenteeism – missing 10% or more of school for any reason, excused or unexcused. It is an indication that a student is academically at risk due to missing too much school starting in Kindergarten. The issue of "chronic absenteeism" has now caught the ears of President Obama and Governor Brown. We will begin to hear a lot about this issue.
-Community School Attendance – Historically it has been 70%; last year 74% and this year to date it is 81.56%;
-Professional Learning Network – Our county was selected and the four districts included are Cayucos, San Miguel, Paso Robles and Shandon. This has provided opportunities to educate staff on how to enhance their attendance collection efforts.

This was a report item; no action required by the Board.

Mrs. Pittenger saluted the great work of Commissioner Sefton who assisted our at-risk youth and their families for more than 10 years. Commissioner Sefton passed away this past weekend. He will be greatly missed.

10.1.2 Local Control Accountability Plan (LCAP) *REPORT – LOCAL CONTROL ACCOUNTABILITY PLAN*

Mrs. DJ Pittenger, Assistant Superintendent, Student Programs & Services, presented a new document, *LCAP at a Glance 2015-16*. Highlights included:

-83% of our students are English Language Learners, Socioeconomically Disadvantaged or Foster Youth;
-Facilities include Chalk Mountain Campus, Loma Vista Campus, Mesa View Campus and the Juvenile Court School.
-Student Diversity;
-School District Budget - $3,984,363;
-LCAP Goals – Increase academic rigor and learning for all students; increase student engagement; support transitions for all students; increase parent involvement;
-Key Actions and Expenditures;
-Key Metrics;
-Stakeholder Engagement.

This was a report item; no action required by the Board.

10.1.3 Annual Update of the Local Education Agency Plan (LEAP) *REPORT – UPDATE OF THE LOCAL EDUCATION AGENCY PLAN*

The Local Education Agency Plan establishes priorities, documents initiatives, addresses the five major performance goals set by the Elementary Secondary Education Act, and covers each of the educational programs administered by

SLOCOE.

It is the hope that one day all of the plans (LEAP, SPSA, SARC, LCAP and WASC) will be combined into one.

-The LEAP was a result of the No Child Left Behind Act and our current Plan is due to expire in 2016.
-December 2015 the NCLB Act was reauthorized and now it is the ESSA – Every Student Succeeds Act.
-Consolidated Application – The annual fiscal plan.
-SPSA – Combine reports.
-SPSA Goals are aligned to the LCAP.
-SARC – will be presented to the Board in February for approval.
-WASC – Independent voluntary accreditation. The WASC goals are, again, aligned to LCAP.

This was a report item; no action required by the Board.

11.0 BUSINESS & INFORMATION SERVICES

BUSINESS & INFORMATION SERVICES

11.1 Report Item(s)

11.1.1 Report on the 2014-15 County Schools Service Fund Audit

REPORT – 2014-15 COUNTY SERVICE FUND AUDIT

Matt Miller with Vavrinek, Trine, Day & Co. presented the 2014-15 County Schools Service Fund Audit as required by Education Code Section 1627.

Highlights include:
-An overall clean opinion has been issued.
-New requirement this year regarding the unfunded amount of a $15 million liability for STRS and PERS.
-Internal control opinion, federal and state opinions are all clean.
-Findings include the contribution to the Child Development Programs.

This was a report item; no action required by the board.

11.2 Action Item(s)

11.2.1 Adopt the 2016-17 Budget Calendar for All Funds

ADOPT 2016-17 BUDGET CALENDAR FOR ALL FUNDS

Board policy requires that the Board of Education adopt the annual Budget Calendar.

MOTION: GALVAN/PETERSON A motion was passed to Adopt the 2016-17 Budget Calendar for All Funds. **(3-0)**

COUNTY BOARD OF EDUCATION MEETING
January 14, 2016

12.0 INTERDISTRICT ATTENDANCE APPEALS *INTERDISTRICT ATTENDANCE APPEALS*

12.1 Action Item(s)

12.1.1 Receive Facts and Take Action to Grant, Deny or Remand Appeals
Education Code Section 46601 gives the responsibility of hearing interdistrict attendance appeals to the County Board of Education that involve school districts within the county. Parents have 30 days to file an appeal to the County Board of Education once their district of residence has denied their original request or the potential receiving district denies their request. The Board will hear the appeals and take action to grant, deny or remand the appeals.

There were no interdistrict attendance appeals presented to the Board.

13.0 FUTURE AGENDA ITEMS *FUTURE AGENDA ITEMS*
There were no future agenda items identified.

14.0 ADJOURNMENT *ADJOURNMENT*
MOTION: MADONNA/GALVAN A motion was passed to adjourn the meeting at 3:35 p.m. **(3-0)**

Respectfully submitted,

James J. Brescia, Ed.D.
County Superintendent of Schools and
Secretary to the County Board of Education

Unless otherwise announced, the next regular meeting of the County Board of Education will be on Thursday, February 4, 2016, at 1:30 p.m., in the San Luis Obispo County Office of Education Board Room.

The agenda of this meeting and the information materials, reports, and personnel items provided to the County Board of Education are incorporated as attachments to the official minutes.