

FROM :

FAX NO. :5308273239

Mar. 23 2010 08:07AM P9

**Fort Sage Unified School District**  
**January 20th, 2010 6:00 pm Corrected Minutes**  
*Location:*  
**Fort Sage Unified School District Board Room**  
**Herlong, CA 96113**

Disability related aids or services to enable persons with disabilities to participate in public meetings are available. In addition, members of the public needing translations services during the Board meeting should contact Bryan Young at (530) 827-2129 one week prior to the scheduled meeting.

**Fort Sage Unified School District - Board of Trustees**  
*Welcomes You and Appreciates Your Interest in Our Schools*

The Board of Trustees represents the people of the Fort Sage Unified School District as the elected body created to determine, establish and uphold the educational policies of the District. In this capacity, the Board functions under the laws of the State of California, but is free to plan for an educational program tailored to both the needs and resources of the communities served. The following information is provided to assist the public in understanding the Board's proceedings and to participate in those proceedings. The Board meeting is a meeting of the Board in public. The public is welcome and encouraged to participate.

**Addressing the Board**

You may speak on a matter during the time reserved for public comment, *after being recognized by the President*. The Board will take no action on the matter at this meeting. You may speak on an item on the agenda when that item is being discussed, *after being recognized by the President*. When there are action items, the Board will make a motion to approve/disapprove an item, and then open the item for *Board* discussion. At this time the President will normally recognize those members of the audience who wish to comment. The Board appreciates restricting comments to new ideas or concerns; each comment, once made, should not be repeated by another speaker. *The Board is not required to respond to comments.*

**Regular Session**

In order to address the Board, please wait for recognition by the President. Speakers are expected to be courteous and to avoid any remarks that reflect adversely on the character or motives of any person or on his or her race, religion, or political or economic views. The Board will hear public testimony on any given topic for a maximum of three (3) minutes per person, twenty (20) minutes per topic. The Board may, by consensus and at its discretion, extend this time limit.

**Closed Session**

While school board meetings must be open to the public, California law provides for closed sessions which are not open to the public for matters including: when the Board is considering expulsions, suspensions, or disciplinary actions in connection with any pupil, the appointment, employment or dismissal of a public officer or employee, hearing complaints or charges against a public officer or employee, or is discussing aspects of negotiations with employee units or the District's Legal Counsel.

**Complaints**

According to district policy # BP 1312.1; complaints are to be addressed by first speaking with the person directly involved. If this does not resolve the issue, the complaint should be submitted in writing to the Superintendent. The Superintendent will investigate and respond in writing or by a phone call. If the issue is still not resolved, a written request for a hearing by the Board may be submitted.

6:00 p.m.

1.0 Call to order, Roll Call, Pledge of Allegiance KC\_p\_RC\_p\_AM\_\_\_TH\_p\_VV\_p\_  
Also in attendance: Bryan Young, Chris Todd, Pam Auld, (Janelle Rulie IVCS attorney by phone), Karen Cervantez, Julie Berry, Cindy Henry, Mike Yancey, Bill Betzer, Ricky and Janice Gotcher, Shaun Sanchez, Jill Pettersen, Tammy Allison, Jane El Von Tour, Nathan Walker, Lyn Haynes, Kim Dieter, Karen Rust, Rodney Mitchell, Kelly Hilberg, John and Shelly Garland, Cherida and John Mooney, James Caldwell, Lee Wells, Bonnie Sjoberg, Frank Little, Michael Everett Jason and Gallene Murry

Motion to approve agenda with removing item 6.2.

3.0 Approval of Consent Agenda:

3.1 Approval of board minutes of December 16 4. 1. 2 change from KC to RC

3.2 Warrant Batches Number 018, 019 Don's Custom Glass for broken windows –  
WASC; Adriene Miller entered meeting at 6:07 p.m., Kingsley

3.3 Inter-district Transfers (ongoing)

FROM :

FAX NO. :5308273239

Mar. 23 2010 08:07AM P10

M: \_ th \_ S; \_ rc \_ Ycs: \_5\_ No: \_ 0\_ Abstentions: \_ 0\_ Absent: \_ 0\_ KC \_\_ RC \_\_ AM \_\_ TH \_\_ VV \_\_

**4.0 Reports/Informational Items**

**4.1 Conferences**

**4.2 Other Reports: HHS; FFA; PS; CDS; I/VCS; TITLE 1 WASC 1 March 19, 1 day revisit, Shaun SP Learning for life working in conjunction with LV**

**4.3 Medicare issue**

**4.4 FSUSD Calendar for 2010/2011 teacher**

**4.5 Superintendent's Report – plc – Dr. Cutler; instructional practices, having teachers evaluate each other, working to keep instruction fresh – Shaun was observed - Minimum day at HHS worked on what was working well with advisory and how could it be changed. Did get appraisal of the teacherage, value at - \$32,000. 7/8<sup>th</sup> Grade basketball under way, beginning STAR PREP – Did get a new score board donated by a past student.**

**5.0 Public Comments:** *(Anyone desiring to address the Board may do so at this time regarding items only on the posted agenda. Three minutes maximum will be allocated for each person, and twenty minutes per topic per Board Policy. Please be sure to state your name for the record.) Comments are limited to the posted Agenda items.*

**Pam Auld introduced Mike Yancey LVCS Educational Director, No public comment**

**6.0 Action Items**

**6.1 Discussion and possible approval of I/VCS Charter renewal**

**Pam called her attorney who could not make it in person due to the weather, "Kathy cleared up a rumor that there was a move underway to close the school and fire all the teachers. Janice Goetcher. This is just to renew the charter? There is question regarding the posting.**

**Factual finding regarding 10-07 and 10-08 read the two different resolutions for consideration –**

**VV – the findings sound that they are not disgressionary, and therefore we can not approve.**

**AM – so all the paper work was not submitted with the application**

**PA – the information was submitted late, the portables information was presented to the district,**

**Rick G – Can the application be represented?**

**Lyn W – We would have been here had we know of the Public Hearing**

**J G – Can we be resubmit?**

**VV – If we have a deadline we need to follow it.**

**BY – There is an**

**John Mooney – Making a decision based on a technicality – I understand it is a major technicality**

**Cindy Henry – you have 60 days – our appeal does not benefit you – we appeal to LCOE – then are you removed from the process**

**We can not table it because we will run out of time prior to the next board meeting.**

**Cindy H – If LCOE -**

**Mr. Allison – would you not tell them that something was missing?**

**Kelly Hilberg – You can still approve the charter with the items missing. You would lose all the income from LVCS.**

**Can you put in a special board meeting to reconsider this issue.**

**VV – does LVCS have options if charter renewal denied – yes, there is an appeal process through LCOE and then the State**

**Motion to deny the charter petition.**

FROM :

FAX NO. :5308273239

Mar. 23 2010 08:08AM P11

M: th S: rc Yes: 4 No: Abstentions: 1 Absent: ~~KC a RC a AM a~~  
~~TH a VV abstain~~

**CORRECTED – AFTER DISCUSSION REGARDING THE ABILITY TO “ABSTAIN,”  
VANESSA CHANGED HER VOTE TO AYE.**

**CORRECTED VOTE Yes: 5 No: 0 Abstentions: Absent: KC a RC a AM a TH a VV a**

**6.2 Discussion and possible approval of FSUSD cash transfers  
Tabled until next meeting**

**6.3 Discussion and possible approval of FSUSD Audit**  
M: S: Yes: No: Abstentions: Absent: --

M: am S: th Yes: 5 No: Abstentions: Absent: --

**6.4 Discussion and possible approval of budget transfers  
These transfers are required for the first interim report.**

M: th S: am Yes: 5 No: Abstentions: Absent: --

**6.5 Discussion and approval to request for allowance of attendance due to emergency conditions (J-13A)  
This is for the two days missed in Deccmber due to weather and no bussing.**

M: vv S: th Yes: 5 No: Abstentions: Absent: --

**7.0 Closed Session** *(The Board of Trustees will meet in closed session to consider matters appropriate for closed session in accordance with Government Code 54957.6 and Education Code 35146, and as otherwise provided by law.)*

none

**8.0 Report Out from Closed Session**

**9.0 Agenda Items for Next Meeting**

Respectfully submitted, \_\_\_\_\_ Tim Holabird, Clerk

Corrected minutes submitted \_\_\_\_\_ Tim Holabird, Clerk Date \_\_\_\_\_

Cash Transfer



**Long Valley Charter School**  
Proudly Established in the Year 2000

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P.O. Box 7 - Doyle, CA 96109 - Telephone 530 827-2395 - Fax 530 827-3562

**LONG VALLEY CHARTER SCHOOL**  
**P. O. BOX 7**  
**DOYLE, CA 96109**

**FAX COVER SHEET**

**FROM: LONG VALLEY CHARTER SCHOOL**

*Mike Yancey*

**FAX: 530-827-3562**

**TO: *M, Y, & M***

**ATTN: *Janelle Raley***

**FAX: *916 - 646 - 1300***

**TOTAL PAGES 7 INCLUDES COVER SHEET**

**IF THERE ARE PROBLEMS WITH THIS TRANSMISSION,  
PLEASE CALL 530-827-2395/2293**

Resolution No. 10-07

**BEFORE THE BOARD OF EDUCATION  
OF THE  
FORT SAGE UNIFIED SCHOOL DISTRICT**

Factual Findings and Order  
in the Matter of the  
Long Valley Charter School Renewal Petition

This Renewal Petition submitted by the Long Valley Charter School (Renewal Petition) comes before the Board of Education (Board) of the Fort Sage Unified School District (District) pursuant to Education Code section 47607.

**A. PROCEDURAL HISTORY**

1. The Renewal Petition was submitted to the District on December 3, 2009.
2. On December 16, 2009, the Board held a public hearing to consider the level of support for the Renewal Petition by teachers of the District, other employees of the District, and parents.

**B. FINDINGS**

The Board of Education of the Fort Sage Unified School District makes the Factual Findings and Order set forth in Exhibit 1 to this Resolution.

**THIS RESOLUTION** was duly passed and adopted by the Board at a *[regular/special]* meeting held on the 20th day of January, 2010, by the following call vote:

AYES:

NOES:

ABSENT:

Signed and approved by me after its passage.

\_\_\_\_\_  
President of the Board

ATTEST:

\_\_\_\_\_  
Clerk of the Board

File z:\2010\Fort Sage USD  
Long Valley Charter\*Renewal  
Findings and Order\*Resolution\*011810



- (1) The Long Valley Charter School has taken actions which have presented the likelihood of physical harm to affected pupils. Specifically:
  - (a) In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District or the Division of the State Architect.<sup>1</sup> The placement of portable structures, which were not authorized as being up to building and safety codes, presented the possibility of physical harm to pupils.
  - (b) In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (*See Attachment A.*)<sup>2</sup> The mishandling of the propane leak presented the possibility of physical harm to pupils.
2. The Renewal Petitioners are demonstrably unlikely to successfully implement the program set forth in the Renewal Petition. (Education Code Section 47605(b)(2).)
  - A. Pursuant to California Code of Regulations Section 11967.5.1(c)(3), a factor in determining if a program is "demonstrably unlikely to succeed" is if petitioners have presented unrealistic financial/operational plans.
    - (1) During its first two (2) years of operation the Long Valley Charter School overstated its Average Daily Attendance (ADA). As a result, at one point the Long Valley Charter School owed the State over \$1,000,000.00.
    - (2) The Long Valley Charter School currently owes the State approximately \$315,000.00 as a result of its overstatement of ADA during its first two years of operation.
3. The Renewal Petition does not contain reasonably comprehensive descriptions of the measurable student outcomes as required by Education Code Section 47605(b)(5)(B).
  - A. Pursuant to California Code of Regulations Section 11967.5.1(f)(2)(B), at a minimum, a petition must include the school's Academic Performance Index (API) growth target.
    - (1) The Renewal Petition does not include an API growth target.
4. The Renewal Petition does not contain a reasonably comprehensive description of the governance structure of the school as required by Education Code Section 47605(b)(5)(D).

<sup>1</sup> The Division of the State Architect provides design and construction oversight for K-12 schools and community colleges, and develops and maintains accessibility standards and codes utilized in public and private buildings throughout the State of California.

<sup>2</sup> All attachments are incorporated by reference as though fully set forth herein.

- A. Pursuant to California Code of Regulations Section 11967.5.1(f)(4)(A), at a minimum, a petition must include evidence of the charter school's incorporation as a non-profit public benefit corporation.
  - (1) The Renewal Petition did not include evidence of the school's incorporation as a non-profit public benefit corporation.
  
- B. Pursuant to California Code of Regulations Section 11967.5.1(f)(4)(B), at a minimum, a petition must include evidence of the organizational and technical designs of the governance structure that 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.
  - (1) The Renewal Petition indicated that the Long Valley Charter School is governed pursuant to the bylaws adopted by the incorporators; however, no such bylaws were included with the renewal petition at the time of its submission.
  
- 5. The Renewal Petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school as required by Education Code Section 47605(b)(5)(E).
  - A. The Renewal Petition does not describe the process to be used to inspect and verify teaching credentials.
  - B. The Renewal Petition does not describe how it will verify that teachers are "highly qualified" as required by the federal No Child Left Behind Act.
  
- 6. The Renewal Petition does not contain a reasonably comprehensive description of the procedures the school will follow to ensure the health and safety of pupils and staff as required by Education Code Section 47605(b)(5)(F).
  - A. Pursuant to California Code of Regulations Section 11967.5.1(f)(6)(A), at a minimum, a petition must include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.
    - (1) Although the Renewal Petition states that the Long Valley Charter School has adopted a policy requiring tuberculosis testing for employees, no such policy was submitted with the Renewal Petition.
    - (2) The Renewal Petition contains no description of the procedures for faculty and staff tuberculosis examinations.



- B. Although the Renewal Petition indicates that each employee and contractor of the charter school must submit to a criminal background check and furnish a criminal record summary, the Renewal Petition does not contain a reasonably comprehensive description of *the method* for conducting criminal background checks on employee candidates (as required by Education Code 44830.1 and 45122.1) to ensure that the charter school does not hire any person who has been convicted of a violent or serious felony. No policy regarding criminal background checks was submitted with the Renewal Petition.
- C. The Petition does not include a reasonably comprehensive description of the requirement of a health check for all employees. No policy regarding employee health checks was submitted with the Renewal Petition.
- D. The Petition does not include a reasonably comprehensive description of how the Long Valley Charter School will assure that the charter school's facilities meet state and local building codes (including but not limited to the requirements of the Americans with Disabilities Act (ADA)). No policy regarding compliance with building codes was submitted with the Renewal Petition.
- E. In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District or the Division of the State Architect. The placement of portable structures which were not authorized as being up to building and safety codes presented the possibility of physical harm to pupils. This incident tends to indicate that the Long Valley Charter School will not ensure that the charter school's facilities meet state and local building codes.
- F. The Renewal Petition does not contain a reasonably comprehensive description of the Long Valley Charter School's safety and disaster plan. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures for responding to emergencies and natural disasters, no such policies and procedures were submitted with the Renewal Petition.
- G. In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (See Attachment A.) This incident tends to indicate that Long Valley Charter School might not respond appropriately to a safety emergency.
- H. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws regarding food and safety and environmental protection.
- I. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws designed to protect children, including but not limited to the proper administration of medication and drugs to students in schools, and the reporting of child abuse. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and

procedures regarding administration of medication to students and reporting child abuse and neglect, no such policies and procedures were submitted with the Renewal Petition.

7. The Renewal Petition does not contain a reasonably comprehensive description of the admissions requirements as required by Education Code Section 47605(b)(5)(H).
  - A. The Renewal Petition does not contain a reasonably comprehensive description of the method to be used to conduct a random drawing for admission if more students wish to attend than space permits.
8. The Renewal Petition does not contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled as required by Education Code Section 47605(b)(5)(J).
  - A. Although the Renewal Petition states that the Long Valley Charter School has developed student discipline policies, no such policies or procedures by which pupils may be suspended or expelled were submitted with the Petition.
9. The Renewal Petition does not contain the number of signatures required by subdivision (a) of Education Code Section 47605. (Education Code Section 47605(b)(3).)
  - A. Pursuant to California Code of Regulations Section 11967.5.1(d), a charter petition that "does not contain the number of signatures required by subdivision (a)" of Education Code Section 47605 shall be a petition that did not contain the requisite number of signatures *at the time of its submission* to a school district pursuant to Education Code Section 47605(a). (*Emphasis added.*)
    - (1) The Renewal Petition did not contain any of the signatures required by Education Code Section 47605(a) at the time of its submission.<sup>3</sup>

### **III. ORDER**

1. The Board **adopts** the factual findings above.
2. Based on the foregoing, the Board hereby denies the Renewal Petition submitted by Long Valley Charter School.
3. The Superintendent, or designee, is directed to:
  - a. Inform the parties of this decision.

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<sup>3</sup> It is unclear whether Education Code Section 47605(b)(3) applies to renewal petitions. However, there is nothing in the Education Code which indicates it does not.

- b. Take the appropriate action to end the charter as required by law and any previous agreements between the District and Long Valley Charter School.

**IT IS SO ORDERED:**

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President, Board of Education  
Fort Sage Unified School District

File# z:\2010\Fort Sage USD  
Long Valley Charter Renewal  
Findings and Order Resolution 011810



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

JANUARY 27, 2010

Via Facsimile and US Mail  
(530) 827-3239

PAUL C. MINNEY  
JAMES E. YOUNG  
MICHAEL S. MIDDLETON  
LISA A. CORR  
AMANDA J. McKECHNIE

Bryan Young, Superintendent  
Fort Sage Unified School District  
PO Box 35  
Herlong, CA 96113

**Re: Fort Sage Unified School District's Resolution and Findings to Deny  
the Long Valley Charter School Charter Renewal Petition**

JESSICA ADAMS ROBISON  
JERRY W. SIMMONS  
CHASTIN H. PIERMAN  
JULIE D. ROBBINS  
JAMES L. SHEA  
KIMBERLY RODRIGUEZ  
ANDREA C. SEXTON  
SARAH J. KOLLMAN  
JANELLE A. RULEY  
ANDREW G. MINNEY  
ROBYN S. GINNEY

Dear Superintendent Young:

This office represents the Long Valley Charter School ("LVCS" or the "Charter School") in its charter renewal petition submission to the Fort Sage Unified School District (the "District"). Should you prefer that we communicate with legal counsel for the District, please let me know, and provide counsel's contact information.

As you are aware, on January 20, 2010 the District Board, by a 5-0 vote, denied LVCS's charter renewal petition. That decision was based upon "Resolution No. 10-07 Factual Findings and Order in the Matter of the Long Valley Charter School Renewal Petition" (the "Resolution").

This letter serves as a detailed response to the District Board's Resolution. Because the Resolution was read into the record during the January 20<sup>th</sup> Board meeting and no advance copy was forwarded to LVCS, the Charter School did not have an opportunity to meaningfully respond during the Board meeting to the District's findings for denial of the LVCS charter renewal petition. This letter serves as the Charter School's response to each of the findings.

We have copied the Resolution language in text boxes below for your reference, following the order set forth in the Resolution. Our response follows in *italicized* text below each text box.

As an initial matter, the Education Code sets out specific requirements for a school district's review and ultimate decision on any charter petitions it may receive. Education Code Section 47605(b) (applicable to charter renewal petitions through Education Code Section 47607) states, "[i]n 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 the

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establishment of charter schools should be encouraged. ... The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the findings” established by Education Code Section 47605(b) for denial. (Emphasis added.) The District’s Resolution fails to meet the requirements of Education Code Section 47605(b); we disagree that Fort Sage Unified School District had any legal basis to support its denial of the charter petition.

\* \* \*

- Finding 1. A.(1): Unsound Educational Program; Physical Harm to Pupils

1. The Charter School presents an unsound educational program for the pupils to be enrolled in the charter school. (Education Code section 47605(b)(1).)

A. Pursuant to California Code of Regulations Section 11967.5.1(b)(2), a program shall be “unsound” if it involves activities that the SBE determines would present the likelihood of physical harm to the affected pupils.

(1) The Long Valley Charter School has taken actions which have presented the likelihood of physical harm to affected pupils. Specifically:

(a) In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District of the Division of the State Architect. The placement of portable structures, which were not authorized as being up to building and safety codes, presented the possibility of physical harm to pupils.

(b) In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (See Attachment A.) The mishandling of the propane leak presented the possibility of physical harm to pupils.

**Charter School Response:**

*In the Resolution, the District did not set forth all of the relevant facts regarding LVCS’s addition of two portable buildings on its campus in 2006. Pamela Auld, the LVCS Director, wrote a letter to the then-District Superintendent and Board on July 13, 2006 seeking District approval to place portable buildings on the LVCS site (see Exhibit A for Ms. Auld’s letter). On August 16, 2006, District legal counsel ordered the removal of the portable buildings until an agreement between the parties as to the portables could be reached (see Exhibit B for counsel’s letter). The Charter School subsequently appealed to the District Board to keep the portables on the campus. Despite a public records request for the minutes of this District Board meeting, the Charter School has been unable to obtain a copy of the minutes. The District did not ultimately object to the addition of portable buildings. Further, LVCS obtained a clear inspection of the portables by the Division of the State Architect (see Exhibit C for inspection report).*

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*Had the District genuinely been concerned about the physical safety of Charter School students, the appropriate action would have been to issue a Notice to Cure and Correct to LVCS, pursuant to the requirements of Education Code Section 47607, demanding that the Charter School cure any alleged threat to students' physical safety. Four years later, though, the District knows, based on the Charter School's documentation and its own Board approval of the portables, that LVCS did follow proper processes in 2006 and students are not in any harm from the portable buildings that have existed without District argument for four years. As this is not a live issue, it is not an appropriate factual basis for denial of the charter renewal petition.*

*With regard to the propane leak on the LVCS campus in 2006, we note that (as documented in the District's own documentation, included as Attachment A to the Resolution for denial of the charter) the leak took place during the summer months in 2006 when no student was on campus, or would have gone to campus. The District also documented the successful clean-up and repair of the leak. It is my understanding that the leak was quickly discovered, properly cleaned up and repaired, and tests afterwards showed no evidence of propane on the Charter School's grounds.*

*As with its finding about the addition of portables in 2006, the District here relies on a past issue, already appropriately fixed, and not a live controversy which provides a factual basis for the denial of the charter renewal petition. This is an impermissible basis for denial.*

- Finding 2. A.: Demonstrably Unlikely to Succeed; Unrealistic Financial Plan

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

A. Pursuant to California Code of Regulations Section 11967.5.1(c)(3), a factor in determining if a program is "demonstrably unlikely to succeed" is if petitioners have presented unrealistic financial/operational plans.

(1) During its first two (2) years of operation the Long Valley Charter School overstated its Average Daily Attendance (ADA). As a result, at one point the Long Valley Charter School owed the State over \$1,000,000.00.

(2) The Long Valley Charter School currently owes the State approximately \$315,000.00 as a result of its overstatement of ADA during its first two years of operation.

**Charter School Response:**

*The District here finds that the Charter School presented an unrealistic financial plan because (1) ten years ago, LVCS incorrectly reported average daily attendance ("ADA"); and (2) LVCS is currently making payments to the State as a result of its audit finding from the*

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*incorrectly reported ADA. The Charter School does not dispute that it made attendance accounting errors in its first two years of operation. What the District neglects to acknowledge, however, is that LVCS negotiated a settlement of the audit finding with the State Controller and Department of Finance for an eight-year repayment plan. The Charter School has three years remaining in that repayment plan; it has made timely payments for five years and has budgeted for the remaining three years' payments. With demonstrated past performance of payments and a budget reserve in excess of \$260,000 (far exceeding state expectations for budget reserves), the District cannot seriously doubt the stability and realistic nature of the Charter School's financial plans.*

*Surprisingly, the District reached into the Charter School's initial term, before its current term, to make this finding (meaning that the District has granted a renewal based upon these same facts five years ago). Accordingly, the finding is not an appropriate factual basis for denial of the charter petition.*

- Finding 3. A.: Not Reasonably Comprehensive; API

3. The Renewal Petition does not contain reasonably comprehensive descriptions of the measurable student outcomes as required by Education Code Section 47605(b)(5)(B).

A. Pursuant to California Code of Regulations Section 11967.5.1(f)(2)(B), at a minimum, a petition must include the school's Academic Performance Index (API) growth target.

(1) The Renewal Petition does not include an API growth target.

**Charter School Response:**

*Education Code Section 47605(b)(5)(B) requires charter petitions to include the measurable pupil outcomes identified for use by the charter school, and Education Code Section 47605(b)(5)(C) requires charter petitions to include the method by which pupil progress in meeting those outcomes is measured. The LVCS charter contains reasonably comprehensive descriptions of these requirements on pages 16-19. While the charter does not include an API growth target, it does state that LVCS regularly shares the results of the API with parents, and on page 6, it correctly states the API for the current charter term. The State determines the LVCS growth target each year and thus, it would not be necessary to include the same in the charter in order to measure LVCS' success against this measure. Accordingly, the LVCS charter contains the legally required, reasonably comprehensive, description of pupil outcomes and how they are measured. Thus, the District's finding is not factually based and cannot serve as a basis for denial of the renewal petition.*

- Finding 4. A.-B.: Not Reasonably Comprehensive; Evidence of Incorporation

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4. The Renewal Petition does not contain a reasonably comprehensive description of the governance structure of the school as required by Education Code Section 47605(b)(5)(D).

A. Pursuant to California Code of Regulations Section 11967.5.1(f)(4)(A), at a minimum, a petition must include evidence of the charter school's incorporation as a non-profit public benefit corporation.

(1) The Renewal Petition did not include evidence of the school's incorporation as a non-profit public benefit corporation.

B. Pursuant to California Code of Regulation Section 11967.5.1(f)(4)(B), at a minimum, a petition must include evidence of the organizational and technical designs of the governance structure that 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.

(1) The Renewal Petition indicated that the Long Valley Charter School is governed pursuant to the bylaws adopted by the incorporators; however, no such bylaws were included with the renewal petition at the time of its submission.

### **Charter School Response:**

*The District submits that the LVCS charter renewal petition does not describe, in a reasonably comprehensive manner, the Charter School's governance structure because the LVCS Articles of Incorporation and bylaws were not attached to the charter renewal submission. However, both the Articles of Incorporation and the bylaws were submitted to the District on January 15, 2010 by a Charter School staff member. (See Exhibit D for the affirmation of Jessica L. Everett declaring that she hand-delivered LVCS charter appendices.)*

*Furthermore, the District had constructive notice of the evidence of LVCS's incorporation and bylaws by virtue of the initial charter petition and the first charter renewal petition, both of which attached both governance documents. If the District misplaced these documents, the Charter School would have gladly re-supplied copies. Finally, a simple search on the Secretary of State's website (<http://www.sos.ca.gov/business/be/>) would have revealed that Long Valley Charter School was established as a corporation on July 27, 2000 and its business entity number is C2257627.*

*The District is well aware of the Charter School's ten-year history of incorporation. This finding has no factual basis and cannot serve as a basis for denial of the charter petition.*

- Finding 5. A.-B.: Not Reasonably Comprehensive; Employee Qualifications



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5. The Renewal Petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school as required by Education Code Section 47605(b)(5)(E).

A. The Renewal Petition does not describe the process to be used to inspect and verify teaching credentials.

B. The Renewal Petition does not describe how it will verify that teachers are “highly qualified” as required by the federal No Child Left Behind Act.

**Charter School Response:**

*Education Code Section 47605(b)(5)(E) states that a charter petition must describe the qualifications to be met by the employees of the charter school. On page 23 of its charter renewal petition, LVCS describes the qualifications that its employees must meet. The District does not appear to dispute that the Charter School described the qualifications to be met by its employees. Instead, the District makes a factual finding based on requirements not contained in law.*

*LVCS does engage in a thorough inspection of teaching credentials for all certificated employees. The Charter School requires all certificated staff to record their credentials with the County. It is the Charter School’s understanding that the County both reviews and maintains these records. Additionally, LVCS maintains a copy of all credentials on site in each employee’s personnel file.*

*Accordingly, this finding is not a permissible basis for denial of the charter renewal petition.*

- Finding 6. A. (1)-(2): Not Reasonably Comprehensive; Health and Safety

*Petition  
January 27, 2010  
Page 7 of 13*

6. The Renewal Petition does not contain a reasonably comprehensive description of the procedures the school will follow to ensure the health and safety of pupils and staff as required by Education Code Section 47605(b)(5)(F).

A. Pursuant to California Code of Regulations Section 11967.5.1(f)(6)(A), at a minimum, a petition must include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.

(1) Although the Renewal Petition states that the Long Valley Charter School has adopted a policy requiring tuberculosis testing for employees, no such policy was submitted with the Renewal Petition.

(2) The Renewal Petition contains no description of the procedures for faculty and staff tuberculosis examinations.

**Charter School Response:**

*A copy of LVCS's policy requiring tuberculosis testing for employees is included in the Personnel Policy, which has been on file for years at the Charter School. The tuberculosis policy contains a requirement that faculty and staff must receive tuberculosis examinations before the first day of employment. The LVCS tuberculosis plan is also on record at the Lassen County Office of Education. A Lassen County Office of Education school nurse annually reviews the Charter School's tuberculosis records. The Charter School's records are available for the District's review at any time.*

*The current LVCS charter renewal petition is the Charter School's third charter petition submitted to the District. Each iteration of the charter contains a list, substantially similar, if not identical, to that in the second charter renewal petition, of the health and safety policies that have been implemented. The District did not take issue with this method during its first two approvals of the LVCS charter. By maintaining the list contained in the charter and submitting the policy as a separate attachment, the Charter School was following the ordinary course of business between the parties.*

*The District's finding is not a legally permissible basis for denial of the charter renewal petition.*

- Finding 6. B.: Not Reasonably Comprehensive; Health and Safety

Petition  
January 27, 2010  
Page 8 of 13

6. B. Although the Renewal Petition indicates that each employee and contractor of the charter school must submit to a criminal background check and furnish a criminal record summary, the Renewal Petition does not contain a reasonably comprehensive description of the method for conducting criminal background checks on employee candidates, (as required by Education Code 44830.1 and 45122.1) to ensure that the charter school does not hire any person who has been convicted of a violent or serious felony. No policy regarding criminal background checks was submitted with the Renewal Petition.

**Charter School Response:**

*The LVCS policy on criminal background checks for all prospective employees is contained in the Personnel Policy, which has been on file for years at the Charter School. LVCS also has a policy on Criminal Record Information, which is on file at the Charter School. The Charter School's records are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 6. C.: Not Reasonably Comprehensive; Health and Safety

6. C. The Petition does not include a reasonably comprehensive description of the requirement of a health check for all employees. No policy regarding employee health checks was submitted with the Renewal Petition.

**Charter School Response:**

*No law or regulation applicable to charter schools requires a "health check" for all employees. As above, LVCS requires employees to have a tuberculosis screening before they begin employment. As per the charter renewal petition submitted to the District, the Charter School also requires employees to document immunizations as required for public schools. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 6. D.: Not Reasonably Comprehensive; Health and Safety

6. D. The Petition does not include a reasonably comprehensive description of how the Long Valley Charter School will assure that the charter school's facilities meet state and local building codes (including but not limited to the requirements of the Americans with Disabilities Act (ADA)). No policy regarding compliance with building codes was submitted with the Renewal

*Petition  
January 27, 2010  
Page 9 of 13*

**Charter School Response:**

*Education Code Section 47605(g) requires charter petitions to describe the facilities to be used by the school, including where the school intends to locate. The LVCS charter renewal petition provides a reasonably comprehensive description of these legal requirements. Nevertheless, as LVCS is using District property to operate its program, it has consistently maintained contact with the District regarding any facilities issues that may have arisen. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 6. E.: Not Reasonably Comprehensive; Health and Safety

6. E. In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District or the Division of the State architect. The placement of portable structures which were [sic.] not authorized as being up to building and safety codes presented the possibility of physical harm to pupils. This incident tends to indicate that the Long Valley Charter School will not ensure that the charter school's facilities meet state and local building codes.

**Charter School Response:**

*We addressed the District's concern regarding the addition of portables to the LVCS campus in 2006 in response to Finding 1. A. (1) (a) above.*

*The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS's ten years of otherwise safe operation. The District's finding does not properly form a factual basis for denial of the charter renewal petition.*

- Finding 6. F.: Not Reasonably Comprehensive; Health and Safety

6. F. The Renewal Petition does not contain a reasonably comprehensive description of the Long Valley Charter School's safety and disaster plan. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures for responding to emergencies and natural disasters, no such policies and procedures were submitted with the Renewal Petition.

**Charter School Response:**

*The LVCS safety and disaster policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School's records*

*Petition  
January 27, 2010  
Page 10 of 13*

*are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 6. G.: Not Reasonably Comprehensive; Health and Safety

6. G. In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (See Attachment A). This incident tends to indicate the Long Valley Charter School might not respond appropriately to a safety emergency.

**Charter School Response:**

*We addressed the District's concern regarding the propane leak on the LVCS campus in 2006 in response to Finding 1. A. (1) (b) above.*

*The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS's ten years of otherwise safe operation. The District's finding does not properly form a factual basis for denial of the charter renewal petition.*

- Finding 6. H.: Not Reasonably Comprehensive; Health and Safety

6. H. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws regarding food and safety and environmental protection.

**Charter School Response:**

*No law or regulation applicable to charter schools requires a description of food safety and environmental protection within the charter. In fact, charter schools are not required to have food service programs. Further, the District has never given LVCS any indication that it expected the Charter School to have a food safety and environmental protection plan. If the District were concerned about food safety and environmental protection at the Charter School, it could have issued a Notice to Cure and Correct pursuant to Education Code Section 47607. Regardless, LVCS follows SafeServ, established by the National Restaurant Association Foundation, for food safety, and the Charter School is inspected twice annually by the Lassen County Health Department. The Charter School has passed each inspection. (Attached as Exhibit E, please find LVCS's permit to operate a school cafeteria, issued by the Lassen County Environmental Health Services Department, and the four most recent inspection reports.) Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 6. I.: Not Reasonably Comprehensive; Health and Safety

Petition  
January 27, 2010  
Page 11 of 13

6. I. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws designed to protect children, including but not limited to the proper administration of medication and drugs to students in schools and the reporting of child abuse. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures regarding administration of medication to students and reporting child abuse and neglect, no such policies and procedures were submitted with the Renewal Petition.

**Charter School Response:**

*LVCS annually distributes to parents a Physician's Recommendation for Medication form which addresses the proper administration of medication to students in schools. This document has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time.*

*The Charter School's child abuse reporting policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time.*

*Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 7. A.: Not Reasonably Comprehensive; Public Random Drawing

7. The Renewal Petition does not contain a reasonably comprehensive description of the admissions requirements as required by Education Code Section 47605(b)(5)(H).

A. The Renewal Petition does not contain a reasonably comprehensive description of the method to be used to conduct a random drawing for admission if more students wish to attend than space permits.

**Charter School Response:**

*Education Code Section 47605(b)(5)(H) requires charter petitions to describe admissions requirements, if they have any. The District does not dispute that LVCS comprehensively described its admissions requirements.*

*Instead, the District finds that the Charter School did not properly describe the method it uses to conduct a public random drawing in the event that more students wish to attend than space permits. This finding is not a permissible basis to deny the charter renewal petition.*

Petition  
January 27, 2010  
Page 12 of 13

Nevertheless, LVCS does describe, in the charter renewal petition, its process for holding a public random drawing in a manner consistent with Education Code Section 47605(d).

- Finding 8. A.: Not Reasonably Comprehensive; Pupil Suspension and Expulsion

8. The Renewal Petition does not contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled as required by Education Code Section 47605(b)(5)(J).

A. Although the Renewal Petition states that the Long Valley Charter School has developed student discipline policies, no such policies or procedures by which pupils may be suspended or expelled were submitted with the Petition.

**Charter School Response:**

*The LVCS policy on student suspension and expulsion is contained in the Suspension and Expulsion/Due Process administrative regulations, which were submitted to the District on January 15, 2010. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.*

- Finding 9. A.: Required Signatures

9. The Renewal Petition does not contain the number of signatures required by subdivision (a) of Education Code Section 47605. (Education Code Section 47605(b)(3).)

A. Pursuant to California Code of Regulations Section 11967.5.1(d), a charter petition that “does not contain the number of signatures required by subdivision (a)” of Education Code Section 47605 shall be a petition that did not contain the requisite number of signatures *at the time of its submission* to a school district pursuant to Education Code Section 47605(a). (*Emphasis added.*)

(1) The Renewal Petition did not contain any of the signatures required by Education Code Section 47605(a) at the time of its submission.

**Charter School Response:**

*In preparing its charter renewal petition, LVCS was not aware that the District desired that signatures be submitted along with the renewal charter. Authorizers, including school districts and counties up and down the state, as well as the State Board of Education, do not require signatures for a charter renewal because the signature requirement at renewal, which could be met by current teachers in charter schools, amounts to nothing more than an affirmation that current teachers would like to keep their jobs for another five years. At renewal,*

*Bryan Young, Superintendent*

*Re: Fort Sage Unified School District's Resolution and Findings to Deny the Long Valley Charter School Charter Renewal Petition*

*January 27, 2010*

*Page 13 of 13*

*teachers and/or parents are not petitioning to create something new, only to maintain the charter school in existence.*

*Furthermore, Education Code Section 47605(a)(1)(A)-(B) makes plain that signatures collected from parents and teachers are from those who are meaningfully interest in enrolling their child, or working for, the charter school during its first year of operation. The 2010-11 school year will be LVCS's eleventh year of operation. The Charter School thus believed signatures were not required for its charter renewal petition.*

*The Charter School regrets not meeting with the District prior to submission of the renewal petition to ascertain the District's expectations for the renewal charter submission. Nevertheless, the lack of signatures for renewal is an impermissible basis for denial of the charter renewal petition.*

\* \* \*

The above response has been submitted to the District in an effort to demonstrate the inaccuracy and lack of legal sufficiency of the District's findings. Given this baseless denial of charter renewal, we respectfully demand that the District Board of Education reconsider in a Special Meeting what was an arbitrary and capricious decision, transparently based on impermissible fiscal concerns of the District as documented in the minutes of the District Board meeting which served as the public hearing for the LVCS charter renewal petition on December 16, 2009 (see meeting minutes as Exhibit F). In the meantime, Long Valley Charter School will continue to pursue its statutory appeal rights.

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



JANELLE A. RULEY  
ATTORNEY AT LAW

Enclosures

Cc: Pam Auld, Lead Petitioner  
Lassen County Board of Education  
Charter Schools Division, California Department of Education





# Exhibit A



**Long Valley Charter School**  
*Proudly Established in the Year 2000*

---

P.O. Box 7 ~ Doyle, CA. 96109 ~ Telephone 530 827-2395 ~ Fax 530 827-3562

July 13, 2006

Dan Piel, Superintendent and  
Board of Trustees  
P.O. Box 35  
Herlong, CA 96113

Dear Mr. Piel and Board of Trustees:

Long Valley Charter School has obtained a purchase agreement from the Office of Public School Construction for two portable classrooms. These buildings would be located on the pad where a county portable classroom was once situated. The compaction test has been completed for the pad on which these portables would sit. The compaction for pad exceeds the requirement.

I've reviewed the charter document and the MOU that LVCS has with Fort Sage Unified School District to see if the charter school should request approval to place the two portable buildings on the Long Valley campus. I haven't found a requirement specific to this matter in either document; however, the charter school is requesting approval to place two portable classrooms on the Long Valley campus in the same location where a county portable classroom was once situated.

Yours truly,

A handwritten signature in cursive script that reads "Pamela Auld".

Pamela Auld  
Director

cc

# Exhibit B

PINNELL & KINGSLEY LLP

TELEPHONE:  
(916) 932-2500

TELECOPIER (FAX):  
(916) 932-2510  
E-MAIL:  
LEGAL@PKLAW.US

Direct: [pgant@pklaw.us](mailto:pgant@pklaw.us)

August 16, 2006

VIA FACSIMILE AND U.S. MAIL

Pamela Auld, Director  
Long Valley Charter School  
P.O. Box 7  
Doyle, CA 96109

Re: Portable Buildings

Dear Ms. Auld:

The Fort Sage Unified School District has forwarded your letter dated July 13, 2006, to the undersigned for review. The District has also advised me that on or about August 3, 2006, the Long Valley Charter School caused to be delivered and installed upon District property two portable buildings.

As noted in your July 13, 2006, letter, there is no provision in the Long Valley Charter School, nor in any Memorandum of Understanding executed between the District, that allows the Charter School to install portable building facilities on the District's real property associated with the current facilities being used by the Charter School.

Furthermore, there appears to be no provision of law or regulations which allows this action. Indeed, charter schools who need additional facilities to accommodate anticipated increases in Average Daily Attendance (ADA), or for other purposes, are obligated to submit a request that the host District provide such facilities. Such requests must be accompanied by substantial data, including ADA projections, and must be submitted prior to October 1 of the year preceding the projected need for additional facilities.

The installation of the portables by the Charter School has raised numerous issues with the District including concerns regarding liability, appropriate access to infrastructure and utilities, and property use regulation, to name a few.

File z:\2006\Fort Sage USD\FSUSD\  
Portable Buildings^Auld Ltr^  
081006

ATTORNEYS AT LAW  
50 IRON POINT CIRCLE, SUITE #110, FOLSOM, CALIFORNIA 95630



Pamela Auld  
August 16, 2006  
Page 2

The District is prepared to sit down with you and/or your representatives to determine whether an agreement for installation of the portables can be reached. However, until such time as an agreement, if any, is reached, the District must request that you remove the portable buildings from District property. Failure to respond to this request will require that the District take the appropriate action to remove and store the portable facilities, at the Charter School's expense, until this matter is resolved.

Please do not hesitate to contact me with any questions.

Respectfully,

PINNELL & KINGSLEY, LLP  


PAUL R. GANT

PRG:ll

cc: Michelle Beckett  
Kathy Catron

# Exhibit C



STATE OF CALIFORNIA • DEPARTMENT OF GENERAL SERVICES

**DIVISION OF THE STATE ARCHITECT**

FORM

**DSA-999**

Iss. 11/16/05

**INSPECTION VERIFIED REPORT FOR PROJECTS  
THAT ARE EXEMPT FROM DSA APPROVAL**

Date: 2/25/07

DSA Regional Office: Sacramento

Street Address: 1102 Q St., Suite 5200

City, State Zip: Sacramento, Ca 95814

1.) **THIS IS TO CERTIFY**, that I inspected all construction work performed in connection with the alterations to:

Project Name: Relocatable Classrooms - 2 (USED)

School Name: Long Valley Charter School

School District: Fort Sage Unified

2.) My work included continuous inspection of the construction shown on the plans and specifications signed and stamped by Original ModTech Plans and dated updated 2004.

3.) I know of my own personal knowledge that the work has, in every material respect, been performed in compliance with the plans and specifications except as follows (if no exceptions, indicate "No Exceptions"):

Accessible Signage - to follow (ordered)

4.) I declare under penalty of perjury that I prepared the above report and that all statements are true.

Respectfully submitted,

(Signature)

D. Kevin Nolan

(Printed Name)

Project Inspector

**Instructions for Inspection Verified Report  
for Projects that are Exempt from DSA Approval**

This form may be used to satisfy the verified reporting requirements of Title 24, Part 1, section 4-309 only for work that is exempt from DSA approval. The instructions below explain how the form should be completed and how it may be modified for unusual situations.

It is the intent of the code that all inspections be performed by one specific individual; if more than one individual performed inspections on the same project each individual must describe, on a separate DSA-999 form, the specific portions of the project which he or she inspected.

Any inspection indicating that work did not comply with the plans and specifications must be reported on this form by filling out statement #3 to describe the circumstances. All reports indicating that material or workmanship was non-compliant shall be listed on this form, statement #3, and copies of all such reports shall be attached. Acceptance letters from the design professional and/or any other documents pertinent to the noncompliance reports shall also be attached when available.



# Exhibit D



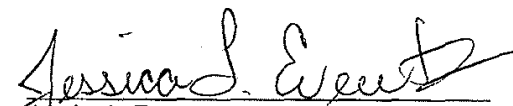
**Long Valley Charter School**  
*Proudly Established in the Year 2000*

---

P.O. Box 7 ~ Doyle, CA. 96109 ~ Telephone 530 827-2395 ~ Fax 530 827-3562

January 15, 2010

I certify, under penalty of perjury, that I personally hand delivered the Long Valley Charter School charter renewal appendices to Chris Todd for Bryan Young at the Fort Sage Unified School District office on this date in the presence of Cori O'Brien.

  
Jessica L. Everett

# Exhibit E

1445 Paul Bunyan Road  
Susanville, CA 96130  
Phone: (530) 251-8528

COUNTY OF LASSEN  
HEALTH AND SOCIAL SERVICES  
ENVIRONMENTAL HEALTH SERVICES

## PERMIT TO OPERATE

TYPE OF BUSINESS : School Cafeteria PERMIT NUMBER : PT0000356  
NAME OF BUSINESS : Long Valley Elementary School ISSUED ON : 01/01/2010  
OWNER OF BUSINESS : Fort Sage Unified School Dist. VALID THROUGH : 12/31/2010  
BUSINESS LOCATION : 436-965 Susan Drive MAILING LOCATION : P.O. Box 7  
Doyle, CA 96109 Doyle, CA 96109

The County Health Department shall be notified within 30 days of any change of name, ownership or operator. This permit is granted in accordance with the provisions of the State of California Health and safety Code, California Uniform Retail Food Facilities Law, and may be subject to suspension for violations of any provisions of said code.

Permits issued are subject to any permit conditions at the time of permit issuance or thereafter. Permit conditions, if any, are incorporated into this permit by reference.

*Kenneth Korver, M.D.*

Health Officer, Lassen County

*Michael J. ...*  
Environmental Health Scientist

POST IN A CONSPICUOUS PLACE

LASSEN COUNTY

Page 1 of     

ENVIRONMENTAL HEALTH BRANCH

1445 PAUL BUNYAN RD • SUSANVILLE, CA 96130 • PH: (530) 251-8528 • FAX: (530) 251-2668

FOOD FACILITY OFFICIAL INSPECTION REPORT

D.B.A. Long Valley Charter School 436-965 Susan Dr. Date 10/14/2009  
Address PO Box 7, Doyle, CA 96109 Operator Karen Rachel Time     

Permit Category      (X) Routine/Initial ( ) Reinspection ( ) Complaint/Request ( ) Other     

The items marked and explained below are food safety violations detailed in the California Health & Safety Code (CHSC), commencing Sec. 113700.

"Met" means that the applicable standard has been met. "Major" is a critical violation that poses an imminent risk to public health. Unless otherwise specified, violations marked as "Major" must be corrected immediately or warrant immediate closure to the food establishment. "Minor" indicates a violation that does not pose an imminent public health risk, but does warrant timely correction. "N/A" indicates a process not employed in the food facility.

Food Certification Examination Name:					Exam:					Expiration:				
Met	Major	Minor	N/A	CRITICAL STANDARD	Met	Major	Minor	N/A	CRITICAL STANDARD	Met	Major	Minor	N/A	CRITICAL STANDARD
				<b>Proper Food Holding Temperatures</b>					<b>Food Handler Personal Hygiene</b>					
				Hold potentially hazardous hot foods at or above 135° F					Use of proper and adequate handwashing					
				Hold potentially hazardous cold foods at or below 41° F					Minimize bare hand contact with ready-to-eat foods					
				Food temperatures are monitored using an accurate, readily available, probe type thermometer					Maintain adequate and accessible handwash facilities					
				<b>Minimum Cooking Temperatures</b>					<b>Approved Food Source</b>					
				Rapidly reheat to 165° F previously cooked foods that have been refrigerated					Inspect food items at time of delivery					
				Raw Animal Product: Poultry & meat stuffed items — 165° F Ground meats — 157° F Pork — 145° F Eggs — 145° F					Retain shellstock tags for 90 days					
									Use only approved additives					
									Obtain all foods from an approved source, free from adulteration					
				<b>Cooling Potentially Hazardous Foods</b>					<b>Cross-Contamination Control</b>					
				Cool hot foods from 140° F to 70° F within two hours and from 70° F to 41° F within four hours, or 140° F to 41° F within four hours					Prepare and store foods so as to be protected from contamination					
				<b>Thawing Potentially Hazardous Foods</b>					Clean and sanitize surfaces/equipment/utensils					
				Thaw frozen foods in a refrigerator, under cold running water (75° F or cooler), a microwave, or as part of the cooking process					Properly identify, store, and use chemicals; properly store personal items (including medications)					
									<b>General Facility Sanitation</b>					
									Facility is maintained in sanitary manner, no insect or rodent infestation or major sanitation deficiencies					
									<b>Non-Critical violations:</b> Lighting and ventilation, Materials and Finishes, Plumbing, Water Supply, Refuse, Permits.					

DISH SINK ppm > 100 ppm

WELL MAINTAINED KITCHEN  
NO VIOLATIONS NOTED!

Environmental Health Specialist Arlene Whipple Phone Extension: 251-8528

Reinspection Date      Accepted by Rachel

\*The violations noted above must be corrected by     . We will reinspect on or after this date to verify compliance. The building Department may require a permit for some corrections. Please contact the appropriate office for assistance.



LASSEN COUNTY  
ENVIRONMENTAL HEALTH BRANCH

Page \_\_\_\_\_ of \_\_\_\_\_

1445 PAUL BUNYAN RD • SUSANVILLE, CA 96130 • PH: (530) 251-8528 • FAX: (530) 251-2668

FOOD FACILITY OFFICIAL INSPECTION REPORT

D.B.A. Long Valley Charter School, 436-965 Susan Drive, Date 10/1/08  
Address Doyle, Ca 96109 Operator Karen Time \_\_\_\_\_

Permit Category → PO Box 7  Routine/Initial ( ) Reinspection ( ) Complaint/Request ( ) Other \_\_\_\_\_

The items marked and explained below are food safety violations detailed in the California Health & Safety Code (CHSC), commencing Sec. 113700.

"Met" means that the applicable standard has been met. "Major" is a critical violation that poses an imminent risk to public health. Unless otherwise specified, violations marked as "Major" must be corrected immediately or warrant immediate closure to the food establishment. "Minor" indicates a violation that does not pose an imminent public health risk, but does warrant timely correction. "N/A" indicates a process not employed in the food facility.

Food Certification Examination Name:				Exam:				Expiration:							
Met	Major	Minor	N/A	CRITICAL STANDARD				Met	Major	Minor	N/A	CRITICAL STANDARD			
				<b>Proper Food Holding Temperatures</b>								<b>Food Handler Personal Hygiene</b>			
			X	Hold potentially hazardous hot foods at or above 135° F				X				Use of proper and adequate handwashing			
X				Hold potentially hazardous cold foods at or below 41° F				X				Minimize bare hand contact with ready-to-eat foods			
X				Food temperatures are monitored using an accurate, readily available, probe type thermometer				X				Maintain adequate and accessible handwash facilities			
				<b>Minimum Cooking Temperatures</b>				X				<b>Approved Food Source</b>			
			X	Rapidly reheat to 165° F previously cooked foods that have been refrigerated							X	Inspect food items at time of delivery			
X				Raw Animal Product: Poultry & meat stuffed items — 165° F Ground meats — 157° F Pork — 145° F Eggs — 145° F				X				Retain shellstock tags for 90 days			
				<b>Cooling Potentially Hazardous Foods</b>				X				Use only approved additives			
			X	Cool hot foods from 140° F to 70° F within two hours and from 70° F to 41° F within four hours, or 140° F to 41° F within four hours				X				Obtain all foods from an approved source, free from adulteration			
				<b>Thawing Potentially Hazardous Foods</b>								<b>Cross-Contamination Control</b>			
X				Thaw frozen foods in a refrigerator, under cold running water (75° F or cooler), a microwave, or as part of the cooking process				X				Prepare and store foods so as to be protected from contamination			
								X				Clean and sanitize surfaces/equipment/utensils			
								X				Properly identify, store, and use chemicals; properly store personal items (including medications)			
												<b>General Facility Sanitation</b>			
								X				Facility is maintained in sanitary manner, no insect or rodent infestation or major sanitation deficiencies			
								X				Non-Critical violations: Lighting and ventilation, Materials and Finishes, Plumbing, Water Supply, Refuse, Permits.			

freezer -3.6° F Good Kitchen is clean  
Walk in 35.6° F Good No problems Noted  
Thank you

Environmental Health Specialist Mike Whipple Phone Extension: 251-8528  
Reinspection Date \_\_\_\_\_ Accepted by Karen Higgins

\*The violations noted above must be corrected by \_\_\_\_\_. We will reinspect on or after this date to verify compliance. The building Department may require a permit for some corrections. Please contact the appropriate office for assistance.

Rev. 6/25/2007 Prm: Karen's Food Safety Certificate is good until 9/29/09 Page 1 of \_\_\_\_\_

**LASSEN COUNTY**  
**ENVIRONMENTAL HEALTH BRANCH**

1445 PAUL BUNYAN RD • SUSANVILLE, CA 96130 • PH: (530) 251-8528 • FAX: (530) 251-2668

**FOOD FACILITY OFFICIAL INSPECTION REPORT**

D.B.A. LONG VALLEY CHARTER SCHOOL Date 6/3/08  
Address 436-965 Susan Drive Operator Karen Time \_\_\_\_\_  
Doyle, Ca 96109

Permit Category Doyle, Ca 96109  Routine/Initial ( ) Reinspection ( ) Complaint/Request ( ) Other \_\_\_\_\_

The items marked and explained below are food safety violations detailed in the California Health & Safety Code (CHSC), commencing Sec. 113700.

"Met" means that the applicable standard has been met. "Major" is a critical violation that poses an imminent risk to public health. Unless otherwise specified, violations marked as "Major" must be corrected immediately or warrant immediate closure to the food establishment. "Minor" indicates a violation that does not pose an imminent public health risk, but does warrant timely correction. "N/A" indicates a process not employed in the food facility.

Food Certification Examination Name:				Exam:	Expiration:		
Met	Major	Minor	N/A	Met	Major	Minor	N/A
<b>CRITICAL STANDARD</b>				<b>CRITICAL STANDARD</b>			
<b>Proper Food Holding Temperatures</b>				<b>Food Handler Personal Hygiene</b>			
<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			
				<input checked="" type="checkbox"/>			
				<input checked="" type="checkbox"/>			
<b>Minimum Cooking Temperatures</b>				<b>Approved Food Source</b>			
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
				<input checked="" type="checkbox"/>			
<b>Cooling Potentially Hazardous Foods</b>				<b>Cross-Contamination Control</b>			
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
				<input checked="" type="checkbox"/>			
<b>Thawing Potentially Hazardous Foods</b>				<b>General Facility Sanitation</b>			
<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			
				<input checked="" type="checkbox"/>			

Walk in freezer -10° F  
Walk in 39° F  
2 door freezer 0° F  
NO problems NOTED. Thank you

Environmental Health Specialist Mike Whipple Phone Extension: \_\_\_\_\_  
Reinspection Date \_\_\_\_\_ Accepted by Karen Higgins

\*The violations noted above must be corrected by \_\_\_\_\_. We will reinspect on or after this date to verify compliance. The building Department may require a permit for some corrections. Please contact the appropriate office for assistance.



# Exhibit F

01/11/2010 14:07 FAX

002/003

**Fort Sage Unified School District**  
**December 16, 2009 5:00 pm**  
*Location:*  
**Fort Sage Unified School District Board Room**  
**Herlong, CA 96113**

Disability related aids or services to enable persons with disabilities to participate in public meetings are available. In addition, members of the public needing translations services during the Board meeting should contact Bryan Young at (530) 827-2129 one week prior to the scheduled meeting.

**Fort Sage Unified School District - Board of Trustees**  
*Welcomes You and Appreciates Your Interest in Our Schools*

The Board of Trustees represents the people of the Fort Sage Unified School District as the elected body created to determine, establish and uphold the educational policies of the District. In this capacity, the Board functions under the laws of the State of California, but is free to plan for an educational program tailored to both the needs and resources of the communities served. The following information is provided to assist the public in understanding the Board's proceedings and to participate in those proceedings. The Board meeting is a meeting of the Board in public. The public is welcome and encouraged to participate.

**Addressing the Board**

You may speak on a matter during the time reserved for public comment, *after being recognized by the President*. The Board will take no action on the matter at this meeting. You may speak on an item on the agenda when that item is being discussed, *after being recognized by the President*. When there are action items, the Board will make a motion to approve/disapprove an item, and then open the item for *Board* discussion. At this time the President will normally recognize those members of the audience who wish to comment. The Board appreciates restricting comments to new ideas or concerns; each comment, once made, should not be repeated by another speaker. *The Board is not required to respond to comments.*

**Regular Session**

In order to address the Board, please wait for recognition by the President. Speakers are expected to be courteous and to avoid any remarks that reflect adversely on the character or motives of any person or on his or her race, religion, or political or economic views. The Board will hear public testimony on any given topic for a maximum of three (3) minutes per person, twenty (20) minutes per topic. The Board may, by consensus and at its discretion, extend this time limit.

**Closed Session**

While school board meetings must be open to the public, California law provides for closed sessions which are not open to the public for matters including: when the Board is considering expulsions, suspensions, or disciplinary actions in connection with any pupil, the appointment, employment or dismissal of a public officer or employee, hearing complaints or charges against a public officer or employee, or is discussing aspects of negotiations with employee units or the District's Legal Counsel:

**Complaints**

According to district policy # BP 1312.1; complaints are to be addressed by first speaking with the person directly involved. If this does not resolve the issue, the complaint should be submitted in writing to the Superintendent. The Superintendent will investigate and respond in writing or by a phone call. If the issue is still not resolved, a written request for a hearing by the Board may be submitted.

- 
- 1.0 **Call to order, Roll Call, Pledge of Allegiance** KC\_p\_RC\_p\_AM\_p\_TH\_abs\_VV\_p\_  
Also in attendance: B. Young, T. Jones, S. Sanchez, S. Garland, C. Todd, K. Dieter, J. Starcevich  
Meeting was called to order at 5:06 p.m.
  - 2.0 **Approval of the agenda**  
M vv S am 4 Aye 0 no 1 absent
  - 3.0 **Open Public**

**Janet Starcevich – I am concerned for the financial situation in the state and how that will then impact on these two small districts. These two small separate schools are inefficient. There are financial inefficiencies in maintaining two districts, two schools in these times of financial crisis. The state is reducing funding and that threatens the financial stability of all schools. We need to consolidated services to keep the schools functioning.**

01/11/2010 14:08 FAX

003/003

**Shaun Sanchez – Accountability is an issue. Students should be able to attend their “local” school – legally. I don’t feel it is proper to return to Fort Sage the less than top performing students. Long Valley currently is functioning as magnet school rather than a public school.**

**Nathan Walker – Things need to be streamlined. Consistency is important. Students should be equally prepared by their feeder school. They should not be identifiable by which feeder school they attended.**

**Tom Jones – The future is coming down the road. Both schools are weaker by having two districts when there is only the population to sustain one. Fort Sage and Long Valley participate together in middle school sports. This is a success.**

**Shelly Garland – I have worked in both sites for 20 years and I am a tax payer in the district. Why am I paying taxes for two districts? How does that benefit me? How do kids do that graduate from Herlong High School? How much more money could be filtered to Herlong High School if there was a different configuration? Animosity between the two sites does not build bonding. The question is how to best use the limited resources.**

**Shaun Sanchez – One district would force growth, collaboration and a family group feeling.**

**Tom Jones – Independent Study pulls kids out and costs Herlong High School money. The original reason for the charter is no longer valid.**

**Shelly Garland – Consistency is now in place in Fort Sage leadership position. How does this impact the high school graduation and offerings.**

**Tom Jones - Success Charter in Reno offers an alternative. Long Valley is not an alternative.**

**Chris Todd – I would just like to point out that there are no representatives from LVCS here to talk about their program.**

**Kathy Catron – the decision to renew the charter will be made at the January meeting.**

**Janet Starceovich – Who takes over if one district becomes nonviable? We need to combine grades not make cross grade classes larger. The Grand Jury recommended that we combine some of the smaller schools in the county.**

**Kathy Catron – this meeting is part of the process. The board will vote on the matter at the January meeting. The board can opt to renew the charter for a period of years between 2 and 5. If the board should choose to not renew the charter LVCS can appeal through LCOE. The board must do what is in the best interest of Fort Sage.**

**Anything else?**

**The meeting was adjourned at 5:35 p.m.**