

**YOLO COUNTY BOARD OF EDUCATION
Letter of Transmittal to County Board
From the Superintendent**

SUBJECT: California College, Career, and Technical Education Center (CCCTEC) Petition	AGENDA ITEM #:
PER: <input type="checkbox"/> BOARD REQUEST <input checked="" type="checkbox"/> STAFF REQUEST	ATTACHMENTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FOR BOARD: <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION	RESEARCH & PREPARATION BY: Linda Legnitto
<u>BACKGROUND:</u>	DATE: January 19, 2010

The California College, Career, and Technical Education Center (CCCTEC) petition was initially submitted to the Washington Unified School District on or about September 30, 2009, and was denied by that district at a special board meeting on November 30, 2009. Pursuant to Education Code section 47605(j)(1), on December 1, 2009, the charter petitioners elected to submit the charter petition to the Yolo County Board of Education (YCBE) for approval. The YCBE conducted a public hearing on December 17, 2009, to assess the level of support for the proposed charter among teachers, other employees, and parents. The YCBE must take action to grant or deny the Charter within sixty calendar days of receipt of the petition, *i.e.*, on or before January 29, 2010, unless that date is extended by an additional thirty days.

The Yolo County Office of Education staff reviewed the petition to determine if the Charter petition presented a reasonably comprehensive description of the 16 elements required by Ed. Code 47605(b)(5), as well as verified the required assurances and supplemental information. A memorandum from Dr. Jorge O. Ayala evaluating the petition, and a resolution denying the petition on appeal for the CCCTEC charter school are attached for the Yolo County Board of Education's consideration. The Superintendent and the administrative staff are recommending denial due to numerous findings of fact. If the YCBE desires to grant this Charter we strongly recommend the Charter and related documents be revised consistent with the priorities of the YCOE as the oversight agency, before resubmission to the YCBE for final approval.

RECOMMENDATION/COMMENTS: YCOE staff recommends the YCBE deny the California College, Career, and Technical Education Center charter petition on appeal due to the findings of fact enumerated in attached Resolution #09-10/09. The Board is now being asked to adopt Resolution #09-10/09 as presented.

**YOLO COUNTY BOARD OF EDUCATION
RESOLUTION #09-10/09**

**RESOLUTION OF THE YOLO COUNTY BOARD OF EDUCATION
DENYING THE PETITION ON APPEAL FOR
CALIFORNIA, COLLEGE, CAREER & TECHNICAL EDUCATION CENTER
CHARTER SCHOOL**

WHEREAS, a petition for the grant of a charter school is governed by the standards and criteria set forth in Education Code section 47605; and

WHEREAS, on or about September 30, 2009, Paul Preston, Executive Director of the California College, Career and Technical Education Center, Inc., submitted a petition and supporting documentation to the Washington Unified School District for the grant of a charter to establish the California, College, Career & Technical Education Center charter school (hereinafter “CCCTEC”); and

WHEREAS, the Board of Trustees of the Washington Unified School District held a public hearing on or about October 22, 2009, to consider the level of support for the petition by teachers employed by the District, other employees of the District, and parents/guardians, in accordance with Education Code section 47605(b); and

WHEREAS, the Board of Trustees of the Washington Unified School District took action on or about November 30, 2009, to deny the CCCTEC charter petition, in further accordance with Education Code section 47605(b); and

WHEREAS, Education Code section 47605(j)(1) provides that when the governing board of a school district denies a charter school petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education; and

WHEREAS, on or about December 1, 2009, Mr. Preston submitted the petition and supporting documentation, attached hereto as Exhibit No. One and incorporated herein by reference, to the Yolo County Board of Education, on appeal from denial by Washington Unified School District, for the grant of a charter to establish the California, College, Career & Technical Education Center charter school (hereinafter “CCCTEC”); and

WHEREAS, the Yolo County Board of Education conducted a public hearing on or about December 17, 2009, to consider the level of support for the petition by teachers, other employees of the District and parents/guardians, in accordance with Education Code section 47605(b); and

WHEREAS, in reviewing the petition for the Charter, the Yolo County Board of Education (“YCBE”) is cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

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WHEREAS, the County Superintendent of Schools and/or his designees have reviewed and analyzed the petition, proposed Charter, and supporting documentation submitted by petitioner.

NOW, THEREFORE, BE IT RESOLVED by the Yolo County Board of Education that the foregoing recitals are true and correct; and

BE IT FURTHER RESOLVED AND ORDERED that the Yolo County Board of Education, having fully considered and evaluated the record in connection with the petition for grant of a charter for establishment of the California, College, Career & Technical Education Center charter school, hereby finds the petition to not be consistent with a sound educational practice, as follows:

- A. The petition does not contain reasonably comprehensive descriptions of all of the elements prescribed by law. [Ed. Code § 47605(b)(5).]**
- B. The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition. [Ed. Code § 47605(b)(2).]**

BE IT ADDITIONALLY RESOLVED AND ORDERED that the Yolo County Board of Education hereby determines the foregoing findings are supported by the following specific facts:

- A. The petition does not contain reasonably comprehensive descriptions of all of the elements prescribed by law. [Ed. Code § 47605(b)(5).]**

1. Charter petitioners did not submit a description of any changes necessary to reflect the Yolo County Board of Education as the chartering entity and/or Yolo County Office of Education as the oversight agency.

2. The proposed Charter does not contain a reasonably comprehensive description of the school's educational program.

a. The petition fails to clearly define CCCTEC's target student population. The petition cites 625 as the school capacity, yet states that it will enroll between 400 to 800 students. The petition indicates that is a 9-12 high school charter, but also proposes a school permitting all grades. The variation in proposed attendance numbers and grade levels adversely affects every aspect of the infrastructure of the educational program being proposed.

b. The Persuasive instructional design is insufficient to meet the program as described in the petition. The instructional design appears to use instructional materials approved by the WUSD board in 2008-2009. The graduation requirements mirror a traditional comprehensive high school. The instructional phase plan does not allow for students to move according to individual mastery during the initial years of the schools operation. For example, if a 10th grade student entered CCCTE during year 1 having completed 8th grade Algebra I and 9th grade Geometry at their previous school which is the progression for a student on grade level, they would not be

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able to participate in Algebra II at CCCTE during phase I since it will not be offered until the second year of the proposed schools operation. The CCCTEC-Four Year University Bound Student PLP illustrates this fact. The petition states that “A-G courses are replicated from UC/CSU accepted courses at River City High School.” However, the charter school must submit the A-G courses to UC for approval since the WUSD does not operate the charter school.

c. The description of instructional approaches and strategies lacks clear intent. The instructional approaches and strategies are described but there are conflicting statements in the petition regarding the overall instructional approach. This conflict between if all students are receiving grade appropriate and challenging education or only the college bound students reoccurs in the petition and causes confusion regarding the actual instructional approach. The petition does not clearly define whether this a tracked instructional approach, college or careers; or college and career prep for all students.

d. The proposed educational program does not demonstrate strong alignment to the school’s mission. The new strategies and the interdisciplinary educational program that will foster the habits of mind referred to in the petition are outlined but conflict with the documentation and descriptions written in the petition as noted previously. A high school program that offers A-G courses replicated from UC/CSU accepted courses at River City High School are listed as a strategy, but this is neither new nor interdisciplinary. The petition offers five academies, advisory classes, PLP, tutorials, independent study options and distance learning that are described as a medley of options for students. It is difficult to deduce what the actual instructional program at CCCTEC will be and what each graduate will be expected to know and to be able to do when they graduate from the school.

e. The description of instructional strategies for special education, English non-proficient, and other student subgroups is insufficient. The legal requirements for English learners are acknowledged. However, instructional strategies for English learners are comprised of two sentences. The petition affirms that the school will comply with all State and Federal laws for Special Education. However, the petition lacks any real description of the special education services to be provided and simply indicates that YCOE or another third party will provide special education services through a future MOU. The descriptions regarding YCOE providing special education services to the CCCTEC students do not take into account the actual relationship between YCOE, the Yolo County SELPA and the districts in Yolo County. YCOE is not funded for special education purposes based on average daily attendance (ADA); therefore, any entity associated with YCOE through a petition approval process requires a clear delineated funding mechanism which is not dependent on ADA generated funding through YCOE. YCOE does not operate any special education program independent of the school districts in Yolo County. CCCTEC’s petition assumes that YCOE has staff available to provide school level services, which is not factual. YCOE operates only severe Special Day Classes and itinerant services regionally which are funded by the school districts in Yolo County. If YCOE were to hire staff to provide services to CCCTEC, 100% of the cost would be encroachment. CCCTEC would have access to all

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regional program operated throughout the SELPA. Those services funded in Tier 1 would be of no expense; those services which are provided on a fee-for-service basis would have an expense associated with it which the CCCTEC would be required to pay out of its program funds. It is probable that the cost of special education services will exceed those anticipated in the Charter budget. Although willingness to comply with the provisions of IDEA was noted, no evidence was shown that indicated that Petitioners have held any meaningful MOU negotiations with the SELPA or a third party provider. LEA status is mistakenly assumed by the petition. CCCTEC must make application to become a separate LEA or enter into a MOU with a local educational agency in Yolo County. The petition also mistakenly assumes that the El Dorado Charter SELPA is an option available for CCCTEC. The El Dorado Charter SELPA requires that a charter school have LEA status in their local SELPA prior to application for acceptance into the Charter SELPA.

3. The proposed Charter does not contain a reasonably comprehensive description of the school's governance structure.

a. The Charter fails to explain the roles or operational relationship between the Founding Group, Board of Directors, Advisory Board, Executive Director and other groups so as to ensure the school will become and remain a viable enterprise. The Charter calls for staff, parent and student "School Advisory Committees" without explaining their selection or the functional relationship of those committees to the other governance bodies and persons. The Charter provides for the position of "School Director," but does not explain the School Director's role or authority in relation to the Executive Director, Board of Directors, or others.

b. The description of the governance and corporate structures contain substantive errors, inconsistencies, ambiguities and omissions. The second sentence of in the Conflict of Interest paragraph omits words and is unintelligible. While the Conflict of Interest paragraph contemplates compliance with the Political Reform Act ("PRA"), it omits any reference to compliance with the statutory prohibition against financial interests in contracts. The Charter provides that all meetings of the Board of Directors shall comply with the Ralph M. Brown Act, but the Corporate Bylaws authorize Board of Directors meetings "at any place within California." The Corporate Bylaws permit action by a "majority of the directors present," but the Brown Act only permits action by a "majority of the members of the legislative body" whether present or not. The Corporate Bylaws define a quorum as a "majority of the number of directors then in office," whereas the Brown Act deems a quorum to consist of "a majority of the members of the legislative body" whether or not in office. The Charter states: "Attachment page 74 lists the initial seating of the Board of Directors," but that page consists only of the Articles of Incorporation and does provide for seating of the Board of Directors. The Corporate Bylaws limits to "Chartering Authority" to a "non-voting guest" representative to the Board of Directors, whereas the Education Code entitles a charter granting authority to a representative on a corporate board of directors without limitation as to voting rights or membership status.

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4. The proposed Charter does not contain a reasonably comprehensive description of employee qualifications. The Charter states “. . . the School may choose to not require credentials for teachers in non-core, non-college preparatory courses,” whereas the Education Code states that “Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.” The Charter provides that “key staff members . . . must hold a California Single Subject Credential for the position applied for,” but fails to define or otherwise identify the “key staff” positions. The Charter identifies only four employee positions and fails to describe the qualifications of other positions apparently contemplated in the budget documents. The job descriptions provided in the Charter contain several inherently ambiguous criteria and no guidelines for accessing the criteria.

5. The proposed Charter does not contain a reasonably comprehensive description of health and safety procedures. The Charter only r

6. The proposed Charter does not contain a reasonably comprehensive description of admission requirements. If the number of pupils who wish to attend a charter school is greater than the school’s capacity, attendance is to be determined by a reasonably impartial random public drawing, but in the event of such a drawing, the proposed Charter fails to provide an admission preference for pupils currently attending the Charter School and WUSD resident pupils, as required by law.

7. The proposed Charter does not contain a reasonably comprehensive description of the method for conducting annual, independent financial audits. The Charter does not specify who shall be responsible for selecting and overseeing the annual audit, and fails to specify a timeline within which the audit will be completed or any exceptions will be resolved. The Charter improperly provides for disputes regarding resolution of audit exceptions and deficiencies to be referred to the dispute resolution process within the Charter, rather than be resolved to the satisfaction of the charter granting agency.

8. The proposed Charter does not contain a reasonably comprehensive description of the procedures by which pupils may be suspended or expelled from the Charter School.

a. The Charter incorporates by reference the suspension/expulsion procedures in the Education Code without amending those procedures to describe the role of the Charter School Board, the method of selecting administrative panel members or other hearing procedures.

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b. The Charter does not outline how the detailed suspension and expulsion policies and procedures in the Charter will be subject to periodic review and/or revision as circumstances may warrant.

9. The proposed Charter does not contain a reasonably comprehensive description of employee retirement benefits. The Charter fails to specify with particularity the positions to be covered under the STRS or PERS systems; and erroneously and repeatedly refers to non-certificated personnel as “classified staff,” reflecting a fundamental lack of understanding by petitioners regarding the legal authorities applicable to charter school employment.

10. The proposed Charter does not contain a reasonably comprehensive description of employee rights. The Charter purports to ensure that WUSD employees who obtain employment with the Charter School “will have the right of return to employment in the district per district policy and collective bargaining agreements,” whereas neither WUSD nor YCOE have such a policy or collective bargaining agreement provision. The Charter states that WUSD [or YCOE] “will affirmatively collaborate with the CCCTEC Charter to announce transfer opportunities . . . in a timely fashion,” whereas no such agreement with WUSD or YCOE exists and the Charter cannot unilaterally confer such an obligation. Finally, the Charter reserves the right to “employ staff on-loan” from WUSD, YCOE and other entities, but the exercise of any such right is contingent upon the agreement and cooperation of other agencies and cannot be unilaterally conferred by the Charter.

11. The proposed Charter does not contain a reasonably comprehensive description of dispute resolution procedures. The dispute resolution procedure fails to provide a process and timeline for the appointment of a mediator in the event either or both parties fail or refuse to jointly identify a mutually acceptable mediator.

12. The proposed Charter does not contain a reasonably comprehensive description of charter school closing procedures. The Charter provision for distribution of assets upon closing is effectively non-binding because the distribution of assets will be governed by the Articles of Incorporation which are subject to change without notice or approval of the oversight agency. The Charter closing procedure is not consistent with the Corporate Bylaws because the Charter provides for the distribution of assets to “another public education entity,” but the Corporate Bylaws provides for distribution of assets to any type of “nonprofit fund, or corporation that is organized exclusively for charitable purposes and that has established exempt status under Internal Revenue Code section 501(c)(3).” While the Charter provides for distribution of assets upon closure of the school, the Corporate Bylaws provide for distribution only upon dissolution of the corporation which may occur at a substantially later time, or not at all.

13. The proposed Charter generally states that it will employ the services of either YCOE, or ExED, a charter school business services vendor, to perform a variety of business and fiscal management services, but the lack of specific details in the Charter document evidences the absence of an understanding of school business

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practices or the expertise necessary to competently coordinate and carry-out administrative services.

14. The proposed Charter does not reasonably address the potential civil liability effects on the YCOE. The Charter generally states the school will obtain general liability, workers' compensation, and other necessary insurance coverage, and will name the YCOE as an additional insured, but speculates that it may be permitted to obtain such insurance coverage as part of the YCOE's insurance program. The Charter does not show an awareness of either the scope of coverage needed or the actual premium costs.

15. The proposed Charter is not supported by reasonably comprehensive financial statements. The financial statements and budgets contain insufficient detail to determine the fiscal viability of the Charter School. The

. The total ADA projection does not appear to distinguish between

Financial projections for the first five years of operation are provided, but only show general categories of revenue and expenditures, and do not include anticipated cash-flow projections over the same period.

B. The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition. [Ed. Code § 47605(b)(2).]

1. The specific findings of fact set forth in paragraphs A.1 through A.16, above, are restated and incorporated herein by reference. Said specific facts evidence that petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

PASSED AND ADOPTED on January 19, 2010, by the Yolo County Board of Education by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

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

Davis Campbell, President

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CERTIFICATION

State of California)
)
County of Yolo) ss.

I, Jorge O. Ayala, County Superintendent of Schools and Secretary to the Yolo County Board of Education, do hereby certify and declare that the foregoing is a full, true and complete copy of a resolution duly adopted by the Yolo County Board of Education on the 19th day of January 2010.

Jorge O. Ayala, Ed.D.
County Superintendent of Schools
and Secretary to the Yolo County
Board of Education

January 19, 2010

To: Yolo County Board of Education

From: Jorge O. Ayala, Ed.D., Yolo County Superintendent of Schools

Re: Charter School Petition: California College, Career & Technical Education Center, Inc.

The Yolo County Office of Education (YCOE) staff has reviewed the above charter school petition submitted to the Yolo County Board of Education (YCBE) on “appeal” from denial by the Washington Unified School District (WUSD). The proposed charter seeks to establish the California College, Career and Technical Education Center charter school (CCCTEC).

Whether to grant or deny a charter is a policy decision to be determined by the YCBE. **However, based upon our review of the Charter and supporting materials, we conclude the proposed Charter may be denied on one or both of the following grounds: (1) the petition does not contain reasonably comprehensive descriptions of the elements prescribed by law (Ed. Code § 47605(b)(5)); and (2) the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (Ed. Code § 47605(b)(2)).**

A county board of education reviews a charter petition on appeal from a denial in accordance with the same procedure and standards as apply to an initial submission, set forth in Education Code section 47605(b). [Ed. Code § 47605(j)(1).] A county board reviews and considers the charter petition on its own merits, without weighing the validity of the denial by the school district. On the other hand, a county board is not required to ignore, and may be informed of, the school district’s reasons for denial of the charter petition. [See 5 Cal. Code Regs. § 11967(b)(2).] Specific findings of fact are required if the county board takes action to deny the charter. [Ed. Code § 47605(b).]

Upon appeal to a county board of education, the charter petitioners are to submit a copy of the charter as originally submitted with the initial petition to the school district. [Ed. Code § 47605(j)(1); see also 5 Cal. Code Regs. § 11967(b)(1).] In this case, it appears that the document submitted by CCCTEC to the YCOE is not the same document as originally submitted to WUSD. The Charter submitted to YCOE contains obvious text changes that could only have been inserted into the document after denial by WUSD. In addition, the petitioners did not submit a description of any changes necessary to reflect the YCBE as the chartering entity and YCOE as the oversight agency, as contemplated by state law. [See 5 Cal. Code Regs. § 11967(b)(4).] Based upon a brief side-by-side comparison of the document sets submitted to YCOE and WUSD, we did not perceive any material, substantive changes to the charter petition as submitted to WUSD. Any failure by petitioners to submit a substantively identical copy of the Charter as originally submitted to WUSD would constitute grounds for YCBE to decline to further process or consider the appeal from denial.

The charter petition was initially submitted to WUSD on or about September 30, 2009, and was denied by that district at a special board meeting on November 30, 2009. Pursuant to

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Education Code section 47605(j)(1), the charter petitioners elected to submit the charter petition to the YCBE for approval on December 1, 2009. The YCBE conducted a public hearing on December 17, 2009 to assess the level of support for the proposed charter among teachers, other employees, and parents. [Ed. Code § 47605(b).] The YCBE must take action to grant or deny the Charter within sixty calendar days of receipt of the petition, *i.e.*, on or before January 29, 2010, unless that date is extended by an additional thirty days. The time limits prescribed in the Charter Schools Act appear to be directory rather than mandatory, and may be extended by a district or county board based upon reasonable necessity.

Analysis

The following analysis is not intended to be exhaustive of all of the potential issues which the YCBE might consider in determining whether to approve the Charter. In this letter, we address only those issues which we deem the most pertinent to an immediate assessment as to whether the Charter may be granted or denied. **If the YCBE desires to grant this Charter petition, we recommend the Charter and related documents be revised consistent with the policy priorities of the YCOE as the oversight agency, before resubmission to the YCBE for final approval.**

The Charter Schools Act (“Act”) requires a charter petition to contain a “reasonably comprehensive description” of sixteen (16) elements. (Ed. Code §§ 47605(b)(5)(A)-(P).) Because the grant of a charter requires an exercise of discretion, we believe the phrase “reasonably comprehensive description” permits a board to consider and determine whether the substance of a charter element is in conflict with, inconsistent with, or preempted by any law, regulation, or pertinent county office policy. (*See* Ed. Code §§ 35160, 35160.1.) In addition to the sixteen (16) elements, the Act also specifies several other legal standards and obligations with which a charter school petition is to comply and which we address below.

We comment on the deficiencies appearing on the face of the Charter and/or pertinent supporting materials.¹

Applicant And Incorporation.

The lead petitioner is Robert Paul Preston, Executive Director for the charter applicant, California Career, College and Technical Education Center, Inc. The CCCTEC is lawfully

¹ Documents Include: transmittal letter to Dr. Jorge O. Ayala, dated December 1, 2009, from Paul Preston (1 page); California College, Career & Technical Education Center Charter Petition, dated December 1, 2009 (136 pages) including twelve (12) attachments; Attachment 1, Teacher Signatures (2 pages); Attachment 2, Articles of Incorporation and Bylaws (11 pages); Attachment 3, River City High School Data (6 pages); Attachment 4, Flow Chart, Sample Curriculum, Graduation Requirements (5 pages); Attachment 5, Budget See Attachments [sic] (3 pages); Attachment 6, Standards-based local board adopted texts (2 pages); Attachment 7, Instructional Phase Plan, Calendar, Class Schedules (5 pages); Attachment 8, Works Cited (13 pages); Attachment 9, Future Paths, Four-Year Plan Form, Personal Learning Plan (8 pages); Attachment 10, Letter of Interest from [sic] El Dorado SELPA (3 pages); Attachment 11, WUSD Facts, AYP, API, Schools in (PI) Program Improvement (4 pages); and Attachment 12, Advisory Board (3 pages).

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organized and registered with the California Secretary of State as a non-profit, public benefit corporation.² The corporate Board of Directors is not identified and has apparently not yet been selected. Accordingly, Mr. Preston appears to be the “lead incorporator” acting on behalf of the corporate entity until such time as a Board of Directors is elected.

The Charter also identifies a “Founding Group” consisting of eleven (11) persons and two (2) business entities.³ In addition, the Charter refers to an “Advisory Board” (Charter, I.C, at p. 11) consisting of forty (40) persons (Attachment 12, pp. 134-136), including nearly all of the “Founders.”⁴ The Charter does not explain the roles or operational relationship between the Founders, Board of Directors, Advisory Board, and Executive Director.

Signature Requirement [Ed. Code §§ 47605(a)(1)(a) and (b)].

The signature petitions submitted in support of the Charter contain all the material requirements prescribed by law. A charter petition must be signed by either: (1) a number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation; or (2) a number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. (Ed. Code §§ 47605(a)(1)(A) and (B).) In addition, the petition must contain a prominent statement of “meaningful interest” on the part of the signatory, and indicate that the proposed Charter was attached to the petition. (Ed. Code § 47605(a)(3).)

In this case, the Charter petition is supported by a petition signed by eleven (11) persons who certify they are “teachers who are meaningfully interested in teaching” at the CCCTEC. (Attachment 1, at pp. 72-73.) The Education Code does not define the term “teacher.” However, that term as used throughout the Education Code is synonymous with “certificated employee.” For purposes of our analysis, we deem a “fully credentialed teacher” to be any person with a preliminary or clear credential. Three (3) of the signatories are also listed as Founders in the Charter.⁵ However, these persons’ status as Founders does not disqualify them from signing the petition in support of the Charter as long as they are fully credentialed and authorized to teach in

² California Secretary of State, Corporate Records, Number: C3198041, filed May 4, 2009; Paul Preston is listed as the agent for service of process.

³ Paul Preston,; Steve McPherson; Ron Pina; David Kopperud; Staci Anderson; Jackie Long; Jack Jenkins; Mary E. Prather; John Eldred; Paul Kolarik; Chet Gould; Middleton, Young & Minney, LLP; and California Charter Schools Association. (Charter, at pp. 11-15.)

⁴ The only exception is John Eldred who is identified as a Founder but not included as a member of the Advisory Board.

⁵ Ronald D. Pina, David Kopperud and Paul Preston.

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California.⁶ However, based upon our search of the Commission on Teacher Credentialing public access website, we were not able to verify four (4) other signatories as fully credentialed to teach in the California public schools.⁷ Accordingly, we conclude the Charter petition contains at least seven (7) valid signatures by fully credentialed teachers. Therefore, the proposed charter school may employ up to fourteen (14) teachers during its first year of operation. [Ed. Code § 47605(a)(1)(B).] Fourteen teachers would accommodate a maximum pupil enrollment of 350 pupils based upon a student/teacher ratio of approximately 25:1 (*see* Charter, at p. 27, “small class sizes”).

Reasonably Comprehensive Descriptions Of Elements (Ed. Code § 47605(b)(5)(a)-(p)).

As a general rule, the Description of the Education Program, Measurable, Pupil Outcomes, and Methods to Assess Pupil Progress (Ed. Code §§ 47605(b)(5)(A), (B) and (C).) elements do not involve legal standards. (Charter, II and III, at pp. 16-45.) For purposes of determining whether a charter school provides a “sound education program,” we use the District instructional program standards as a benchmark. (Ed. Code § 47605(b)(1).) In other words, we deem a charter school program that will not at least meet or exceed the academic progress the student would have achieved in the WUSD program to be educationally unsound. While it is less than explicit, the CCCTEC charter appears to contemplate site based, independent (home) study and adult education programs to serve students in grades 9-12. (*E.g.*, Charter, Introduction, at p. 8.) The Charter states an intent to improve learning for “targeted populations” without clearly identifying the student population it seeks to serve other than “students in grades 9-12 in Yolo County”. (Charter, Introduction, at pp. 9 and 19.) By discussing the instructional needs, program improvement status, dropout rates and California Content Standards for WUSD (Charter, II.E, at pp. 19-26), the Charter infers that it will uniquely serve the needs of such affected students. However, according to California Department of Education resources, there are, at present, approximately twenty-four (24) charter schools offering site based, independent study, and other alternative instructional programs to grade 9-12 students potentially available⁸ to students who reside in West Sacramento. The number of potentially available charter school programs jumps to fifty-three (53) for pupils in all grade levels.

⁶ On the other hand, we construe the Corporate Bylaws (Attachment 2, Art. VII, § 4, at p. 78) as *disqualifying* Mr. Pina, Mr. Kopperud and Mr. Preston from serving as elected members of the Board of Directors, in the event they are employed in any capacity by the CCCTEC.

⁷ Wesley Besseghini (Emergency 30-Day Substitute Teaching Permit); Scott Winslow (Emergency 30-Day Substitute Teaching Permit); and Marc Rodriguez (no records found). In addition, we were unable to decipher the last portion of the first name appearing on the second page of the petition (Cindy Moody ?).

⁸ Admission to a charter school shall not be determined according to the place of residence of the pupil . . . within the state. [Ed. Code § 47605(d)(1).]

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- a. Description Of The Education Program, Measurable Pupil Outcomes, And Methods To Assess Pupil Progress.
(Ed. Code §§ 47605(b)(5)(A), (B) and (C).)

A. Education Program (Ed. Code § 47605 (b)(5)(A).)

The proposed Charter does not contain a reasonably comprehensive description of the school's educational program. The petition fails to clearly define CCCTEC's target student population. The petition cites 625 as the school capacity (Charter, II.F.1, at p. 19), yet states that it will enroll between 400 to 800 students. (Charter, Introduction, at p. 8.) The petition indicates that is a 9-12 high school charter, but also proposes a school permitting all grades. (Charter, Introduction, at p. 8.) The petition states there will be 4 grade levels serving 125 students per grade, yet estimates that the school will be serving 625 students in 2013-2014. (Charter, II.F.1, at p. 19.) Is there an additional program that will be provided for the 125 students not included in the estimates for grades 9-12? The variation in proposed attendance numbers and grade levels adversely affects every aspect of the infrastructure of the educational program being proposed.

P. 8: "While CCCTEC Charter 9-12 high school will start with a ninth through twelfth grade program, it envisions the possibility of expanding into the lower grades. Therefore, this charter proposes a school permitting all grades. CCCTEC Charter estimates that its high school will enroll between 400 and 800 students."

P. 18: "The California College, Career and Technical Education Charter School seek to educate students in grades 9-12 that reflect the broad diversity of the Washington Unified School District and Yolo County."

P. 19: "CCCTEC 9-12 high school will be open to all students in grades 9-12 in Yolo County, and its contiguous counties of Sacramento, Solano, Napa, Lake, Colusa, and Sutter."

P. 19: CCCTEC Charter High School seeks to serve a heterogeneous group of 250 students in grades 9 and 10 upon inception in the 2010-2011 school year. In all subsequent years, enrollment will increase by grade level, with 125 students per grade. In 2013-2014 the total school enrollment will reach capacity of 625 students."

The petition has various options for attendance and fails to identify the precise attendance expectations and requirements for students. (Charter, Introduction, at p. 8.)

P. 8: "And, while CCCTEC Charter envisions itself as a school of daily attendance, this charter also sanctions the possibility of independent study and home schooling as a conceivable adjunct to its regular program."

The Petition clearly states its philosophy of a 21st century learner and adequately describes the general academic skills and non-academic skills and qualities important for an educated person. (Charter, II.C.2, at p. 19.)

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The Persuasive instructional design is insufficient to meet the program as described in the petition. The instructional design appears to use instructional materials approved by the WUSD board in 2008-2009. The graduation requirements mirror a traditional comprehensive high school. The instructional phase plan does not allow for students to move according to individual mastery during the initial years of the schools operation. For example, if a 10th grade student entered CCCTE during year 1 having completed 8th grade algebra I and 9th grade Geometry at their previous school which is the progression for a student on grade level, they would not be able to participate in algebra II at CCCTE during phase I since it will not be offered until the second year of the proposed schools operation. The CCCTEC-Four Year University Bound Student PLP illustrates this fact. (Attachment 9, at p. 124.) A broad outline of curriculum content is listed on the following pages: the 2008-2009 standards-based textbook lists from WUSD (Attachment 6, at p. 99), graduation requirements (Attachment 4, at p. 94), instructional phase plan. (Attachment 7, at pp. 101-102.) The petition states that “A-G courses are replicated from UC/CSU accepted courses at River City High School.” (Charter, II.D.1, at p. 18.) However, the charter school must send to UC for approval of courses since the WUSD does not operate the charter school.

The description of instructional approaches and strategies lacks clear intent. The instructional approaches and strategies are described but there are conflicting statements in the petition regarding the overall instructional approach. (Charter, II.F.3, at p. 28.) There are also statements that conflict with the stated school mission to prepare all students. This conflict between if all students are receiving grade appropriate and challenging education or only the college bound students reoccurs in the petition and causes confusion regarding the actual instructional approach. Is this a tracked instructional approach, college or careers; or is it, college and career prep for all?

P. 28: “The curriculum, relevant syllabi, and teacher delivery will be closely monitored to ensure that classes remain grade appropriate and challenging for students who plan to go on to college.”

P. 28: “CCCTEC Charter School will deliver a college preparatory curriculum for ALL students.”

P. 28: “The curriculum at CCCTEC Charter School will be core-competency driven, meaning extra attention will be paid to the fundamentals of reading, writing and math; all courses at CCCTEC Charter will have standardized syllabi that are coherently linked to one another. Extra time on task, in the form of before and after-school homework and tutoring modules, will be required for low-achieving students as identified by regular interim assessments; data will drive instruction and teachers will undergo regular professional development in analyzing student achievement data and properly using interim assessments. They will use this immediate “student achievement” feedback extensively to create lessons that sync with student performance levels;”

The graduation requirements (Attachment 4, at p. 94) do not appear to align with the course requirements (Charter, II.F.2, at p. 27), nor does the bell schedule (Attachment 7, at pp. 104-105) appear to be able to accommodate the instructional program proposed which includes

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advisory classes every other day, three times per week, in addition to core classes, A-G required elective and CTE academy electives.

The proposed educational program does not demonstrate strong alignment to the school's mission. (Charter, II.A.1, at p. 16.) The new strategies and the interdisciplinary educational program that will foster the habits of mind referred to in the petition are outlined but conflict with the documentation and descriptions written in the petition as noted previously. A high school program that offers A-G courses replicated from UC/CSU accepted courses at River City High School are listed as a strategy (Charter, II.D.1, at p.18), **but this is neither new nor interdisciplinary.** The petition offers five academies, advisory classes, PLP, tutorials, independent study options and distance learning that are described as a medley of options for students. (Charter, II.F, at pp. 30-35.) It is difficult to deduce what the actual instructional program at CCCTEC will be and what each graduate will be expected to know and to be able to do when they graduate from the school.

P.16: mission states “will prepare all students... for academic, vocational, leadership and social skills in the 21st century”.

P.18: “Creating and implementing new strategies for engaging in international cooperation and competition will be requisite for students in the 21st century. This challenge will require an educational program that is far more interdisciplinary in nature than in the past. In educating students for work and citizenship in the 21st century, CCCTEC will foster the following —habits of mind...”

The description or affirmation of curriculum to California Content Standards is unclear. There is conflicting information regarding the current availability of benchmark assessments and alignment to state standards. (Charter, II.C.1, at p. 17.) (Attachment 7, at p. 101.)

P.17: “each content area at CCCTEC Charter - English, Math, Science, Social Studies, Fine Arts and Language - has annual performance benchmarks that are aligned with the 12th grade outcomes of S4S and the California content standards.”

P.101: “During the summer of 2010, staff development opportunities to align curricular materials to the state standards and develop sequential benchmark assessments.”

The petition meets the requirements to outline a plan or strategy to support students not meeting pupil outcomes. (Charter, II.G.1, at p. 36.) (Charter, II.h.1, at p. 37.)

It is unclear if the instructional design or strategies are based upon successful practice or research. Several research and successful practice examples are cited but it is difficult to determine if the actual instructional design of the intended CCCTEC is based upon the studies cited. (Charter, II.F, at pp 32-34.)

The description of instructional strategies for special education, English non-proficient, and other student subgroups is insufficient. The legal requirements for English

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learners are acknowledged. (Charter, II.J, at pp. 38-39.) However, instructional strategies for English learners are comprised of two sentences. (Charter, II.J.2, at p. 39.)

P.39: "Strategies for English Language Learner Instruction and Intervention -CCCTEC Charter will serve ELLs at the school site through a sheltered English immersion program. Under this program, the EL student is enrolled in a regular class and receives supplementary instruction in order to learn English."

The petition affirms that the school will comply with all State and Federal laws for Special Education. **However, the petition lacks any real description of the special education services to be provided and simply indicates that YCOE or another third party will provide special education services through a future MOU.** (Charter, II.J, at pp. 39-41.) The descriptions regarding YCOE providing special education services to the CCCTEC students do not take into account the actual relationship between YCOE, the Yolo County SELPA and the districts in Yolo County.

P. 39: "Initially, the Yolo County Office of Education (YCOE) will provide special education services for the School's identified special education students. The School will be a member of the Yolo County Office of Education Special Education Local Plan Area (SELPA) initially. CCCTEC shall be deemed, initially, an arm of the Yolo County Department of Education for the purposes of special education. The Yolo County Department of Education will provide special education funding and services for the School's special education pupils to the extent of the law. Specifically, the Yolo County Department of Education will serve children with disabilities in the same manner as it serves children with disabilities in its other schools [IDEA 1413(a)(5)]. As long as the School is an arm of the Yolo County Department of Education for special education purposes, the School will pay the Yolo County Department of Education the Yolo County Department of Education's special education encroachment for each student."

Yolo County SELPA Local Plan §47642 and 47646, Allocation Plan, and Charter School Policy #0420.4 address special education funding procedures/requirements for Charter school applications approved through a public school LEA.

YCOE is not funded for special education purposes based on average daily attendance (ADA); therefore, any entity associated with YCOE through a petition approval process requires a clear delineated funding mechanism which is not dependent on ADA generated funding through YCOE. YCOE does not operate any special education program independent of the school districts in Yolo County. CCCTEC's petition assumes that YCOE has staff available to provide school level services, which is not factual. YCOE operates only severe Special Day Classes and itinerant services regionally which are funded by the school districts in Yolo County. If YCOE were to hire staff to provide services to CCCTEC, 100% of the cost would be encroachment. CCCTEC would have access to all regional program operated throughout the SELPA. Those services funded in Tier 1 would be of no expense; those services which are provided on a fee-for-service basis would have an expense associated with it which the CCCTEC would be required to pay out of its program funds. It is probable that the cost of special

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education services will exceed those anticipated in the Charter budget. (Attachment 5, at pp. 96-98.)

§47646, §56205 requires Local plan compliance statements which are limited in their detail and clarification in this petition with regard to the Yolo County SELPA Plan, policies and procedures. Although willingness to comply with the provisions of IDEA was noted, no evidence was shown that indicated that Petitioners have held any meaningful MOU negotiations with the SELPA or a third party provider. LEA status is mistakenly assumed by the petition. CCCTEC must make application to become a separate LEA or enter into a MOU with a local educational agency in Yolo County. The petition also mistakenly assumes that the El Dorado Charter SELPA is an option available for CCCTEC. (Charter, II.J.1, at p. 39.) The El Dorado Charter SELPA requires that a charter school have LEA status in their local SELPA prior to application for acceptance into the Charter SELPA.

The petition meets the requirement with their description of how CCCTEC will inform parents regarding the transferability of courses to other public high schools and how the charter school will inform parents about the eligibility of courses to meet college entrance requirements. (Charter, II F.2, at p. 27.)

B. Measureable Student Outcomes (Ed. Code § 47605 (b)(5)(B).).

The Charter contains a reasonably comprehensive description of measurable student outcomes. Specific assessments are listed for each exit outcome. (Charter, II.C.1, at p. 17.) The petition describes how pupil outcomes will address state content and performance standards in core academics. The petition clearly states that exit outcomes include acquisition of academic and non-academic skills. (Charter, III.A.1, at p. 41.) The petition includes an affirmation that “benchmark” skills and specific classroom-level skills will be developed. (Charter, III.B.1, at p. 42.) The petition also includes an affirmation/description that exit outcomes will align to mission, curriculum and assessments. (Charter, III.C.2, at p. 46.) The petition includes an affirmation that college-bound students wishing to attend California colleges or universities will have the opportunity to take courses that meet the “A-G” requirements. The petition lists school-wide student performance goals that students will achieve over a given period of time: projected attendance levels, dropout percentage, graduation rate goals, etc. (Charter, III.B., on pp.43-44.) The petition acknowledges that exit outcomes and performance goals may need to be modified over time. (Charter, III.C.2, at p. 46.) The petition defines high school graduation requirements and WASC accreditation is addressed. (Charter, II.B.1, at p. 18.)

C. Student Progress Measurement (Ed. Code § 47605 (b)(5)(C).).

The Charter contains a reasonably comprehensive description of student progress measurement. The referenced assessments tools include all required state and federal assessments (STAR, API, and AYP). (Charter, III.B.1, at p.42.) The assessments chosen are appropriate for standards and skills the charter seeks to measure. The petition includes an affirmation/description how assessments align to mission, exit outcomes, and curriculum and

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describes minimum required performance level necessary to attain each standard, (Charter, III.B., at pp. 43-45.) The petition also outlines a plan for collecting, analyzing/utilizing ad reporting student/school performance. (Charter, III.C.3, at p. 47.)

- b. Governance Structure Of The School.
(Ed. Code § 47605(b)(5)(D).)

The proposed Charter does not contain a reasonably comprehensive description of the school's governance structure. The Board of Directors of the CCCTEC, Inc. shall function as the Charter School Governing Board. (Charter, IV.C.1, at p. 48.) The Charter also lists a "Founding Group" of eleven (11) persons and two (2) business entities, plus an "Advisory Board" (Charter, I.C, at p. 11) consisting of forty (40) persons (Attachment 12, pp. 134-136), including nearly all of the "Founders."

The Charter fails to explain the roles or operational relationship between the Founding Group, Board of Directors, Advisory Board, Executive Director and other groups so as to ensure the school will become and remain a viable enterprise. For example, the Charter calls for staff, parent and student "School Advisory Committees" (Charter, IV.C.2, at p. 49) without explaining their selection or the functional relationship of those committees to the other governance bodies and persons. Similarly, the Charter provides for the position of "School Director" (Charter, V.A, at p. 51), but does not explain the School Director's role or authority in relation to the Executive Director,⁹ Board of Directors, or others.¹⁰ [*Cf.*, 5 Cal. Code Regs § 11967.5.1(f)(4).]

The description of the governance and corporate structures contains substantive errors, inconsistencies, ambiguities and omissions. The second sentence in the Conflict of Interest paragraph (Charter, IV.B, at p. 48) omits words and is unintelligible.¹¹ While the Conflict of Interest paragraph contemplates compliance with the Political Reform Act ("PRA"), it omits any reference to compliance with the statutory prohibition against financial interests in contracts.¹² In our opinion, if the Charter School deems itself subject to the PRA, then there is

⁹ The Executive Director is identified as an uncompensated officer of the corporation. [Attachment 2, Article VIII, §§ 1 and 12, at pp. 81-82; and Article VII, § 21, at p. 80.]

¹⁰ We are unable to conclusively determine whether the titles "Executive Director" and "School Director" are intended to refer to the same or different positions in the governance school hierarchy. In addition, the Dispute Resolution provision [Charter, V.F, at p. 55] refers to the charter school "Superintendent/Principal." We are unable to determine whether this is the same or different position as "Executive Director" and/or "School Director." Similarly, the Suspension/Expulsion Procedures [Charter, VI.D, at pp. 58-65] refer to the "Director/Principal," which we are also unable to distinguish from "Executive Director," "School Director" and/or "Superintendent/Principal." This confusion of titles suggests that different sections of the Charter have been copied and assembled from other sources.

¹¹ "No Board of Directors member or employee of the School can be an employee or derive direct or law may permit indirect benefit from the activities of any vendor that the school may contract with in the future."

¹² Gov. Code § 1090; see discussion in footnote 10, above.

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no legal basis to distinguish compliance with the statutory prohibition against financial interests in contracts, because both of the statutory schemes apply to public agencies. The Charter provides that all meetings of the Board of Directors shall comply with the Ralph M. Brown Act, but the Corporate Bylaws authorize Board of Directors meetings “at any place within California,” which is inconsistent with the Brown Act. [Gov. Code § 54954(b).] The Corporate Bylaws permit action by a “majority of the directors present,” but the Brown Act only permits action by a “majority of the members of the legislative body” whether present or not. [Gov. Code § 54952.6.] Similarly, the Corporate Bylaws define a quorum as a “majority of the number of directors then in office,” whereas the Brown Act deems a quorum to consist of “a majority of the member of the legislative body” whether then in office or not. [See Gov. Code §§ 54952.2.] Finally, the Charter states: “Attachment page 74 lists the initial seating of the Board of Directors,” but that page consists only of the Articles of Incorporation and does provide for seating of the Board of Directors.¹³ Finally, the Corporate Bylaws purport to limit to “Chartering Authority” (*i.e.*, YCBE) to a “non-voting guest” representative to the Board of Directors. (Attachment 2, VII.3 and VII.4, at p. 78.) The Act entitles a charter granting authority to a representative on a corporate board of directors without limitation as to voting rights or membership status. Accordingly, we believe such a unilateral limitation in the corporate bylaws is beyond the scope of powers of their legal entity.

- c. Employee Qualifications.
(Ed. Code § 47605(b)(5)(E).)

The Charter does not contain a reasonably comprehensive description of employee qualifications. The Charter unlawfully asserts “. . . the School may choose to not require credentials for teachers in non-core, non-college preparatory courses.” [Charter, V.A, at p. 50.] Rather, the Act expressly states that “Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.”¹⁴ [Ed. Code § 47605(l).] The Charter goes on to provide that “key staff members . . . must hold a California Single Subject Credential for the position applied for,” but fails to define or otherwise identify the “key staff” positions. [Charter, V.A, at p. 50.] The Charter identifies only four employee positions¹⁵ and fails to describe the qualifications of other positions apparently contemplated in the budget documents.¹⁶ Finally, the

¹³ The Charter petition supporting documents do not list an initial Board of Directors. Rather, the Corporate Bylaws provides for the Board of Directors to be elected by a majority vote of the members of the corporation. [Attachment 2, Article VII, § 3, at p. 78.] The “members” are defined to consist of each parent of a child enrolled in the charter school. [Attachment 2, Article VI, § 1, at p. 77.] Since the charter school has not enrolled any pupils, there are no “members,” and no election of the Board of Directors could have yet occurred.

¹⁴ However, unlike other public schools, charter schools are allowed flexibility to assign credentialed teachers to non-core, non-college preparatory courses. [Ed. Code § 47605(l).]

¹⁵ *E.g.*, Teacher, School Director, Office Manager, and Instructional Aide. [Charter, V.A., at pp. 50-52.]

¹⁶ *E.g.*, Certificated Supervisor and Administrator Salaries, Non-certificated Support Salaries, Clerical and Office Salaries, Other Non-certificated Salaries. [Attachment 5, at p. 98.] In addition, the text of the Charter has

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job descriptions provided in the Charter contain several inherently ambiguous criteria¹⁷ and no guidelines for accessing them (*e.g.*, “as indicated by . . .”). [*Cf.*, 5 Cal. Code Regs §§ 11967.5.1(f)(5)(A), (B) and (C).]

- d. Health And Safety Procedures.
(Ed. Code § 47605(b)(5)(F).)

The proposed Charter does not contain a reasonably comprehensive description of health and safety procedures. The Charter r

Charter, V.E, at pp. 53-54.)

[*Cf.*, 5 Cal. Code Regs § 11967.5.1(f)(6)(A).]

, and
designates the school as a drug-free/smoke-free environment.

- e. Means To Achieve Racial/Ethnic
Balance Reflective Of District.
(Ed. Code § 47605(b)(5)(G).)

The Charter contains a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within WUSD. The school will utilize a variety of community outreach strategies, maintain an accurate accounting of its students’ racial and ethnic balance, and maintain such on-going recruitment efforts. [Charter, VII.B, at pp. 57-58.]

numerous references to other titles and positions not clearly identified in the budget: “Executive Director,” “School Director” and/or “Superintendent/Principal.” (*See* footnote no. 18, above.)

¹⁷ *E.g.*, Teacher: “strong knowledge” of content area, “committed” to student success, “willing to take responsibility,” “reflective” in their practice; Director: “Superb” communication skills, “Deep knowledge” of curriculum development, “Entrepreneurial passion;” Instructional Aide: “strong connection to the vision of the school.” [Charter, V.A., at pp. 50-52.]

¹⁸ For example, a teacher with a valid credential may be subsequently convicted of a criminal law violation that makes that person undesirable for employment. However, there is often a very substantial time lag between conviction and CTC action on the credential, if any.

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- f. Admissions Requirements.
(Ed. Code § 47605(b)(5)(H).)

The Charter does not contain a reasonably comprehensive description of admissions requirements. The proposed Charter provides a limited number of admission preferences for the children of Founders, siblings of pupils selected for admission by lottery (space permitting), and the children of employees. If the number of pupils who wish to attend a charter school is greater than the school's capacity, attendance is to be determined by a reasonably impartial random, public drawing. However, in the event of such a random drawing, the proposed Charter fails to provide an admission preference for pupils currently attending the Charter School and WUSD resident pupils, as required by law. [Ed. Code § 47605(d)(2)(B).] It appears such students would be required to compete anew each school year for admission and could conceivably be turned away in the event of over-capacity.

Independent Financial Audit.
(Ed. Code § 47605(b)(5)(I).)

The description of the method for conducting annual, independent financial audits is not reasonably comprehensive. The manner and method of conducting annual audits must be described, including appropriate time limits and compliance with reporting requirements. The proposed Charter provides for the conduct of annual audits by an auditor with expertise in education finance in accordance with generally accepted accounting principles. However, the Charter does not specify who shall be responsible for selecting and overseeing the annual audit, and fails to specify a timeline within which the audit will be completed or any exceptions will be resolved. [*Cf.*, 5 Cal. Code Regs §§ 11967.5.1(f)(9)(A) and (C).] While the Charter states that audit exceptions will be resolved by the Board of Directors "in a timely fashion," it goes on to provide the dispute resolution process will be followed "if exceptions and deficiencies cannot be resolved." [Charter, VII.G, at pp. 68-69.] Monitoring the fiscal condition of the Charter School is an essential statutory duty of the oversight agency [Ed. Code § 47604.32(d)] which could conceivably lead to revocation [Ed. Code § 47607(c)(3)].¹⁹ Accordingly, differences regarding the conduct of annual audits or the resolution of audit exceptions cannot be made subject to the dispute resolution process.²⁰

- h. Pupil Suspension And Expulsion.
(Ed. Code § 47605(b)(5)(J).)

The proposed Charter does not contain a reasonably comprehensive description of the procedures by which pupils may be suspended or expelled from the Charter School. The Charter contains a comprehensive list of the offenses for which pupils may be subject to

¹⁹ Failure to comply with all of its oversight responsibilities may result in additional liability to the District for claims arising from acts, errors or omissions by the charter school. (Ed. Code § 47604(c).)

²⁰ Compliance with the dispute resolution process is not a prerequisite to and may not impede the District's exercise of authority to proceed with revocation. [Charter, V.F, at p. 55.]

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suspension or expulsion. Procedures for notifying parents and implementing suspensions or expulsions are identified. Special procedures for pupils with disabilities and/or victims of sexual assault or battery are provided. Due process considerations are addressed by a hearing before an administrative panel and a recommendation for final action to the Board of Directors.²¹ There is no further right to appeal. [Charter, VI.D, at pp. 58-65.] However, the Charter does not outline how the detailed suspension and expulsion policies and procedures in the Charter will be subject to periodic review and/or revision as circumstances may warrant. [Cf., 5 Cal. Code Regs § 11967.5.1(f)(10)(E)(2).]

- i. Retirement System.
(Ed. Code § 47605(b)(5)(K).)

The proposed Charter does not contain a reasonably comprehensive description of employee retirement benefits. (Charter, at p. 49.) The Charter generally provides that non-certificated staff will participate in Social Security; whether they will participate in PERS is to be determined by the Board of Directors. Similarly, it provides that certificated staff shall participate in STRS. However, the Charter fails to specify with particularity the positions to be covered under each system. [Cf., 5 Cal. Code Regs § 11967.5.1(f)(11).] Further, we note that the Charter erroneously and repeatedly refers to non-certificated personnel as “classified staff.” While this might be excused as merely an inadvertent frame of reference, it may reflect a more fundamental lack of understanding by petitioners regarding legal authorities applicable to charter school employment and therefore cannot be disregarded.

- j. Attendance Alternatives.
(Ed. Code § 47605(b)(5)(L).)

The proposed Charter contains a reasonably comprehensive description of public school attendance alternatives. The Charter provides that students who reside within WUSD who choose to not attend the Charter School may attend school within the WUSD or another school district. The Charter further informs parents and guardians that students have no right to admission in a particular school of any local education agency as a consequence of enrollment in the Charter School

- k. Employee Rights To Return.
(Ed. Code § 47605(b)(5)(M).)

²¹ The Charter essentially imports the student suspension/expulsion scheme of the Education Code. We question the understanding and good judgment of the charter school developers in choosing to burden the charter school with the cumbersome, time consuming, and potentially expensive expulsion procedures mandated by law for public school districts, even in the absence of a right of appeal to the County Board. Unlike public schools, charter schools are schools of choice which no student is required, or has an unqualified legal right, to attend. By choosing to adopt the suspension and expulsion procedures in the Education Code, the charter school abandons, in an important part, the fundamental benefit of a charter school: exemption from the laws governing public schools (Ed. Code § 47610). However, the description cannot be found “not reasonably comprehensive” on this basis.

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The proposed Charter does not contain a reasonably comprehensive description of employee rights. The Charter purports to ensure that WUSD employees who obtain employment with the Charter School “will have the right of return to employment in the district per district policy and collective bargaining agreements.” [Charter, V.D, at p. 53.] Such a representation is inaccurate because neither WUSD or YCOE have such a policy or collective bargaining agreement provision. Thus, the right of return as stated in the Charter is beyond the Charter’s authorizer’s scope of authority. Similarly, the Charter asserts that WUSD “will affirmatively collaborate with the CCCTEC Charter to announce transfer opportunities. . . in a timely fashion.” [*Id.*] Again, no such agreement with WUSD or YCOE exists and the Charter cannot unilaterally confer such an obligation. Finally, the Charter reserves the right to “employ staff on-loan” from WUSD, YCOE and other entities. [*Id.*] Any such reservation of right is also beyond the Charter’s scope of power because its exercise is contingent upon the agreement and cooperation of another agency, which is not assured.

- I. Dispute Resolution.
(Ed. Code § 47605(b)(5)(N).)

The proposed Charter does not contain a reasonably comprehensive description of dispute resolution procedures. The dispute resolution process contemplates informal efforts to resolve the dispute followed by a meeting between the oversight agency (YCOE) and the Charter School director (*i.e.*, “Superintendent/Principal”). If those parties are unable to reach a resolution, a second joint meeting, including two members of each party’s respective board, is convened. If that meeting does not resolve the dispute, the parties “shall jointly identify” a neutral “third party mediator” to mediate the dispute. The costs of the mediator are shared equally. Thereafter, either party may pursue any other remedy at law. [Charter, V.F, at p. 55.] This provision lacks a procedure and timeline for the appointment of a mediator in the event either or both parties fail or refuse to “jointly identify.”

- m. Labor Relations.
(Ed. Code § 47605(b)(5)(O).)

The proposed Charter contains a reasonably comprehensive declaration of the public school employer. The Act requires a Charter to state whether the Charter School shall be deemed to be the public school employer for purposes of the Educational Employment Relations Act. The Charter explicitly provides that the Charter School will be the exclusive public school employer of employees of the Charter School for collective bargaining purposes. [Charter, V.C, at p. 53.]

- n. Closure Protocol.
(Ed. Code § 47605(b)(5)(P).)

The proposed Charter does not contain a reasonably comprehensive description of the Charter School closing procedures. The Charter is required to describe the procedures to be used in the event the Charter School closes, including the disposition of assets and liabilities. The Charter states that “all assets of the School . . . shall be distributed in accordance with the

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Articles of Incorporation upon the dissolution of the nonprofit public benefit to another public education entity.” [Charter, VII.H, at pp. 69-70.] However, this provision is not comprehensive for three reasons. First, it provides that the distribution of assets upon closure will be governed by the Articles of Incorporation which are subject to change without notice or approval of the oversight agency. Accordingly, the Charter provision regarding the distribution of assets is effectively non-binding on the Charter School. Second, the statement in the Charter is not consistent with the Corporate Bylaws. Whereas the Charter provides for the distribution of assets to “another public education entity,” the Corporate Bylaws provides for distribution of assets to “a nonprofit fund, or corporation that is organized exclusively for charitable purposes and that has established exempt status under Internal Revenue Code section 501(c)(3).” [Attachment 2, Article V, § 1, at pp. 76-77.] Third, whereas the Charter provides for distribution of assets upon closure of the school, the Corporate Bylaws provide for distribution only upon dissolution of the corporation.²²

Affirmations Required By Law (Ed. Code § 47605(d)(1)).

The proposed Charter contains each the affirmations required by law. The Charter documents include a separate “Affirmations” page [Charter, at p. 6] which contains statements that the Charter School shall be nonsectarian in its admissions and enrollment policies; not discriminate against any pupil on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, perceived sexual orientation, home language or disability; not charge tuition; and be nonsectarian in its programs, employment practices, and all other operations. [Ed. Code § 47605(d)(1).] An affirmation that admission to the Charter School shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, appears elsewhere in the Charter. [Charter, VI.A, at p. 56.]

Charter School Facility Locations (Ed. Code §§ 47605(a)(1), 47605(g)).

Effective January 1, 2003, a charter petition must identify a single charter school that will operate within the boundaries of the chartering district. In this case, the proposed Charter identifies a single charter school, CCCTEC, to be located in West Sacramento, California. [Charter, VII.E, at p. 67.] The Charter School reserves the right to submit a facilities request for “Prop 39 facility usage as needed.”²³ [*Id.*]

²² The Charter School and the nonprofit corporation, while closely related, are not one in-the-same legal entities. The nonprofit corporation is established and exists separate from the grant of the charter or operation of a school. Accordingly, as a separate legal entity, the nonprofit corporation would likely survive closure of the Charter School. Thus, after closure of the school, the unexpended assets purchased with public funds may not be distributed by the nonprofit corporation.

²³ To receive a facility, the CCCTEC charter school must have submitted a written facilities request to the school district on or before November 1, 2009, and receive approval of its petition before March 15, 2010, for use of a facility commencing the 2010-2011 fiscal year. [See 5 Cal. Code Regs. § 11969.9(a).] The information we received does not include a written facilities request for 2010-2011. Moreover, the Charter documents do not contain all of the information required for a legally sufficient facilities request.

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Administrative Services (Ed. Code § 47605(g)).

The proposed Charter reasonably addresses the manner in which administrative services are to be provided. The Charter generally states that it will employ the services of either YCOE, or ExED, a charter school business services vendor, to perform a variety of business and fiscal management services. **In our opinion, the lack of specific details in the Charter document evidences the absence of an understanding of school business practices or the expertise necessary to competently coordinate and carry-out administrative services.**

Civil Liability Effects (Ed. Code § 47605(g)).

The proposed Charter does not reasonably address the potential civil liability effects on the District. The Charter School is organized as a non-profit public benefit corporation, which would potentially relieve the YCOE of the debts or obligations of the Charter School.²⁴ The Charter generally states the school will obtain general liability, workers' compensation, and other necessary insurance coverage, and will name the YCOE as an additional insured. However, the Charter School speculates that it may be permitted to obtain insurance coverage as part of the YCOE's insurance program. Further, the Charter does not show an awareness of either the scope of coverage needed or the actual premium cost.²⁵

Operational Budget And Financial Statements (Ed. Code § 48605(g)).

The proposed Charter is not supported by reasonably comprehensive financial statements. A charter school petition is required to be accompanied by financial statements, including a proposed first-year operating budget with start-up costs, and cash-flow and financial projections for the first three years of operation. The financial information submitted in support of the petition consists of only three (3) pages. (Attachment 5, at pp. 96-98.)

We believe the financial statements and budgets contain insufficient detail²⁶ to determine the fiscal viability of the Charter School. We note that the

Similarly, the total ADA projection does not appear to distinguish between

Financial projections for the first five years of operation are provided, but only show general categories of revenue and expenditures, and do not include anticipated cash-flow projections over the same period. The budget provided assumes that fund balances are the cash position for

²⁴ So long as the YCOE fully complies with all of its oversight responsibilities. [Ed. Code § 47604(c).]

²⁵ The proposed budget simply allocates the amount \$30,000 per year for insurance coverage in each of the first five years of operation without indicated the amount of liability protection. [Attachment 5, at p. 98.]

²⁶ For example, important budget assumptions are not provided such as the student/teacher ratio, projected increases in pupil enrollment (which appear to be extraordinarily high to the extent they can be inferred from the limited information provided), the number of teachers and other staff to be employed, and corresponding salary schedules. Moreover, numerous inconsistencies emerge when one tries to harmonize the scanty budget information with various factual representations made in the text of the Charter.

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the projected 5 years which shows a clear lack of financial expertise. In the current economic climate cash flow is more critical than in previous years. LEAs can not assume the availability of loans from traditional sources and if an agency runs out of cash it is unlikely that they will remain fiscally viable.

We believe there are a number of categories in the budget that are insufficient to sustain Charter operations. The petition appears to describe that all administrative services will be outsourced, yet the professional consulting budget is \$48,000 in the first year and \$42,000 for additional years. (Attachment 5, pp. 96-98.) If YCOE were to provide administrative services based on our 2010-11 approved indirect cost rate of 10.49%, the cost of those services, as described in the petition, would approach \$150,000 per year. (Charter, VII.D.1, at p. 66.) There is no staff with business expertise identified in the human resources plan which will most certainly make even outsourced business services a challenge. (Charter V.A., pp. 50-51.) There is no comprehensive detailed plan of how daily business operation will be conducted, including staff to gather/organize information or any mechanism in place to ensure timely delivery and exchange of information needed by vendors and consultants. There are no detailed, sound fiscal procedures outlined for budget development, meeting interim reporting periods, or completing the audit. The cost of legal services is also included in the above referenced inadequate professional consulting budget.

Using the 1:25 teacher student ratio described in the petition (Charter, II.F.2, at p. 27), the cost of certificated salaries is also unrealistic. The average salary actually declines in years two and three. This would seem to indicate that step and column increases and cost of living increases are not anticipated or that the number of students assigned to each teacher will increase, though that is not indicated in the petition. Compensation (salary and benefits) is a relatively low percentage of the budget (59% year 1, 58% year 2 and 63% year 3) when compared to the school districts in Yolo County (80-85%). Without the benefit of the budget assumptions and salary schedules used to build the Charter budget, we can not determine how these numbers were derived. Given the responsibilities described in the petition it may be difficult to recruit highly qualified staff with stagnant compensation.

Although financial statements are not one (1) of the sixteen (16) elements prescribed by the Act, in our opinion such statements are a material, substantive requirement of a legally sufficient petition. (Ed. Code § 47605(g).) **In our opinion, where financial statements are provided but lack sufficient detail or contain errors or omissions, the Charter may be denied on the grounds “demonstrably unable to successfully implement the program.”**

If you have any questions regarding the above analysis and recommendations please do not hesitate to contact Linda Legnitto at (530) 668-3722 or linda.legnitto@ycoe.org.

California College, Career & Technical Education Center, Inc



A California Public Charter School
A California Nonprofit Public Benefit Corporation

January 20, 2010

Response to the Yolo County Office of Education' "Review" of CCCTECH's Charter Petition

This document represents California College Career & Technical Education Center's response to the Yolo County Office of Education's "Review" and rationale for denial of CCCTEC's Charter Petition.

BACKGROUND

CCCTEC's Charter Petition was submitted to the Yolo County Office of Education (YCOE) December 1, 2009 on appeal following denial by the Washington Unified Board of Education on November 30, 2009. On December 17, 2009 the Yolo County Board of Education Conducted a hearing to determine the level of interest in the CCCTEC Charter Petition. A petition "review" was conducted by the YCOE staff of the CCCTEC and on January 19, 2010 a "memorandum" was submitted to the YCBE. The memorandum recommended the YCBE deny the CCCTEC Charter Petition appeal. On January 19, 2010 the YCBE Board of Trustees voted 5-0 to deny the CCCTEC Charter Petition. The denial was based upon the YCOE staff Review of the CCCTEC Charter Petition.

CCCTEC's philosophy is to always have a positive working relationship between the Authorizer and CCCTEC. CCCTEC is open to discussions regarding any aspect of the Petition and eagerly looked forward to resolving any issues that may have been raised by YCOE staff. **CCCTEC gave a written pledge** and asked for the YCOE to **"please provide us the professional courtesy to respond and address your concerns."** CCCTEC found the YCOE staff, Yolo County Superintendent, Dr Jorge Ayala and the Yolo County Board of Education to be very professional and responsive to CCCTEC throughout the appeal process.

On October 13, 2009, Paul Preston, Executive Director of CCCTEC contacted Yolo County Assistant Superintendent Dr. Camilla Giometti-May regarding potential special education services, fiscal, and other services and clarifications that could be offered by the school district for a fee paid by CCCTEC. Dr. Camilla Giometti-May suggested that Mr. Preston meet with Diana Blackmon, Special Education Director and Scott Lantsberger, Associate Superintendent for the WUSD. Dr. Camilla Giometti-May facilitated a meeting between Mr. Preston, Dr. Blackmon and Scott Lantsberger on November 12, 2009. Also in attendance was Linda Legnitto, Deputy Superintendent for YCOE. The meeting was positive and productive and made possible by the Yolo County Office of Education and not by any staff members of the WUSD.

Please note that there were no material changes to the CCCTEC Petition submitted to the YCOE by CCCTEC.

Below is a statement from the YCOE review relating to "material" changes to the petition:

"Based upon a brief side-by-side comparison of the document sets submitted to YCOE and WUSD, we did not perceive any material, substantive changes to the charter petition as submitted to WUSD. Any failure by petitioners to submit a substantively identical copy of the Charter as originally submitted to WUSD would constitute grounds for YCBE to decline to further process or consider the appeal from denial."

CCCTEC will address each of the items that were expressed concerns by the YCOE staff.

Yolo County Staff cited the following as reasons for denial:

- A. The petition does not contain reasonably comprehensive descriptions of all of the elements prescribed by law. [Ed. Code § 47605(b)(5).]*

YCOE Staff:

- 1. Charter petitioners did not submit a description of any changes necessary to reflect the Yolo County Board of Education as the chartering entity and/or Yolo County Office of Education as the oversight agency.*

CCCTEC Response:

The petition submitted to the YCOE by CCCTEC did not contain the necessary changes to reflect the YCOE as the authorizer.

YCOE Staff:

- 2. The proposed Charter does not contain a reasonably comprehensive description of the school's educational program.*

CCCTEC Response:

The CCCTEC petition did in fact contain a more than reasonable comprehensive description of the CCCTEC educational plan. The YCOE staffs comments cited above are based on inaccurate interpretations of the Charter Petition, conclusions based on erroneous assumptions, a lack of understanding of charter school law, and a misinterpretation of facts this will become evident as we progress through the YCOE "Review of the CCCTEC Charter Petition".

YCOE Staff:

- a. The petition fails to clearly define CCCTEC's target student population. The petition cites 625 as the school capacity, yet states that it will enroll between 400 to 800 students. The petition indicates that is a 9-12 high school charter, but also proposes a school permitting all grades. The variation in proposed attendance numbers and grade levels adversely affects every aspect of the infrastructure of the educational program being proposed.*

CCCTEC Response:

At CCCTEC, the number of teachers for the first year will be 11 FTE. With 250 students that is a ratio of 22.73:1 FTE. For ADA purposes, the number of students is 238 with 11 FTE equals a ratio of 21.6 to 1 FTE. The budget more than supports that level of staffing as it states on page 27 of the Petition "Modified scheduling allows for small class size and provides time for individual learning opportunities." With modifications made to schedule accommodations, a lower student-to-teacher ratio can be achieved. Modified and innovative schedules to accommodate a lower student-to-teacher ratio is common in charter schools. Any variation in proposed numbers are for projections. CCCTEC is a 9-12 high school. Serving all grades would be a desirable goal and will be considered in a separate petition.

YCOE Staff:

- b. The Persuasive instructional design is insufficient to meet the program as described in the petition. The instructional design appears to use instructional materials approved by the WUSD board in 2008-2009. The graduation requirements mirror a traditional comprehensive high school. The instructional phase plan does not allow for students to move according*

to individual mastery during the initial years of the schools operation. For example, if 10th grade student entered CCCTE during year 1 having completed 8th grade Algebra I and 9th grade Geometry at their previous school which is the progression for a student on grade level, they would not be able to participate in Algebra II at CCCTE during phase I since it will not be offered until the second year of the proposed schools operation. The CCCTEC-Four Year University Bound Student PLP illustrates this fact. The petition states that " A-G courses are replicated from UC/CSU accepted courses at River City High School." However, the charter school must submit the A-G courses to UC for approval since the WUSD does not operate the charter school.

CCCTEC Response:

YCOE staff do not understand the significance of the WASC Accreditation process, WASC candidacy, and the timelines associated with UC approval of UC/CSU a-g courses. It is not uncommon to replicate courses that have already been UC/CSU approved at other schools. CCCTEC staff will write and submit the courses to be UC/CSU approved starting in the first year of operation. The guidelines for UC a-g approval from the UC "a-g" Subject Area Requirements website state: **"It is recommended that new schools develop an "a-g" course list by the time their first class of students are Juniors."** By the 2011-2012 school year, all necessary a-g courses will have been submitted by CCCTEC to UC for approval.

Section D under "High School Program" page 18 of the CCCTEC Petition states the following:

"UC/CSU course acceptance and WASC accreditation ensures that students are able to transition into college and obtain course acceptance and comparable credits from other high schools. A-G courses are replicated from UC/CSU accepted courses at River City High School. The school will seek WASC affiliation within the first year of operation and candidacy thereafter. WASC candidacy qualifies High schools for a-g course approvals. Parents are to be notified about WASC accreditation, UC/CSU course acceptance and course transfer to other high schools through parent committees, meetings, newsletters, and the school website."

Given the above statement from page 18 of the CCCTEC Petition it's clear CCCTEC staff understands the process for UC/CSU a-g course approval and for WASC accreditation.

As for instructional nowhere does a comprehensive high school require 65 credits of career technical education from the Academies as a requirement to graduate from high school as does CCCTEC. Few comprehensive schools offer this range of career experiences as will CCCTEC which links it's curriculum with college readiness courses. YCOE staff do not understand that you can blend career, and college prep academics into one school. This concept is not new as it takes place at literally thousands of traditional high schools and charter schools throughout California and the nation.

During the first two years of CCCTEC's development there will have to be adjustments in student schedules to accommodate their schedules. The concern regarding the Algebra progression is noted but is a onetime event due to school's initial years of operation.

YCOE Staff:

c. The description of instructional approaches and strategies lacks clear intent. The instructional approaches and 'strategies are described but there are conflicting statements in the petition regarding the overall instructional approach. This conflict between if all students are receiving grade appropriate and challenging education or only the college bound students reoccurs in the petition and causes confusion regarding the actual instructional approach. The petition does not clearly define whether its a tracked instructional approach, college or careers; or college and career prep for all students.

CCCTEC Response:

YCOE staff do not understand the nature of the CCCTEC 9-12 high school Charter Petition. Had YCOE staff read the following pages: 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 91, 93, 101, 102, 103, 110, 120, 121, 122, 123, 124, and 125, then perhaps WUSD staff would better understand CCCTEC instructional approaches.

YCOE Staff:

d. The proposed educational program does not demonstrate school's mission. The new strategies and the interdisciplinary educational program that will foster the habits of mind referred to in the petition are outlined but conflict with the documentation and descriptions written in the petition as noted previously. A high school program that offers A-G courses replicated from UC/CSU accepted courses at River City High School are listed as a strategy, but this is neither new nor interdisciplinary. The petition offers five academies, advisory classes, PLP, tutorials, independent study options and distance learning that are described as a medley of options for students. It is difficult to deduce what the actual instructional program at CCCTEC will be and what each graduate will be expected to know and to be able to do when they graduate from the school.

CCCTEC Response:

YCOE staff do not understand the nature of the CCCTEC 9-12 high school Charter Petition. Had YCOE staff read the following pages: 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 91, 93, 101, 102, 103, 110, 120, 121, 122, 123, 124, and 125, then perhaps WUSD staff would better understand CCCTEC instructional approaches.

YCOE Staff:

e. The description of instructional strategies for special education, English non-proficient, and other student subgroups is insufficient. The legal requirements for English learners are acknowledged. However, instructional strategies for English learners are comprised of two sentences. The petition affirms that the school will comply with all State and Federal laws for Special Education. However, the petition lacks any real description of the special education services to be provided and simply indicates that YCOE or another third party will provide special education services through a future MOU. The descriptions regarding YCOE providing special education services to the CCCTEC students do not take into account the actual relationship between YCOE, the Yolo County SELP A and the districts in Yolo County. YCOE is not funded for special education purposes based on average daily attendance (ADA); therefore, any entity associated with YCOE through a petition approval process requires a clear delineated funding mechanism which is not dependent on ADA generated funding through YCOE. YCOE does not operate any special education program independent of the school districts in Yolo County. CCCTEC's petition assumes that YCOE has staff available to provide school level services, which is not factual. YCOE operates only severe Special Day Classes and itinerant services regionally which are funded by the school districts in Yolo County. YCOE were to hire staff to provide services to CCCTEC, 100% of the cost would be encroachment. CCCTEC would have access to all regional program operated throughout the SELP A. Those services funded in Tier 1 would be of no expense; those services which are provided on a fee-for-service basis would have an expense associated with it which the CCCTEC would be required to pay out of its program funds. It is probable that the cost of special education services will exceed those anticipated in the Charter budget. Although willingness to comply with the provisions of IDEA was noted, no evidence was shown that

indicated that Petitioners have held any meaningful MOU negotiations with the SELP A or a third party provider. LEA status is mistakenly assumed by the petition. CCCTEC must make application to become a separate LEA or enter into a MOU with a local educational agency in Yolo County. The petition also mistakenly assumes that the EI Dorado Charter SELP A is an option available for CCCTEC. The EI Dorado Charter SELP A requires that a charter school have LEA status in their local SELP A prior to application for acceptance into the Charter SELP A.

CCCTEC Response:

The overall plan for English Language Learners is more than adequate for the purposes of the Petition. Additional instructional strategies will be added in collaboration with CCCTEC staff and the authorizer. Below is the Plan for the English Language Survey found on pages 38 & 39 from the CCCTEC Petition. Added to this response are additional strategies for English Language Learners.

"I. PLAN FOR ENGLISH LEARNERS

Indicate how the charter school will identify and respond to the needs of English learners. [Ref Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]

CCCTEC will meet all applicable legal requirements for English Learners as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. CCCTEC will implement the following policies to assure proper placement, evaluation, and communication regarding EL's and the rights of students and parents.

Home Language Survey

CCCTEC will administer the home language survey upon a student's initial enrollment into CCCTEC (on enrollment forms).

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

CCCTEC will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the California English Language Development Test or CELDT.*
- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.*
- Parental opinion and consultation, achieved through notice to parents/ guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.*
- Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.*

- *The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.*

Strategies for English Language Learner Instruction and Intervention

CCCTEC Charter will serve ELLs at the school site through a sheltered English immersion program. Under this program, the EL student is enrolled in a regular class and receives supplementary instruction in order to learn English.

Additional Strategies Added

CCCTEC is dedicated to providing EL students with an exceptional education and transitioning them into English proficiency as soon as possible. However, we also recognize the importance of valuing students' native languages, and will reinforce an appreciation for the cultures, customs, and languages of all students through the school's core curriculum, enrichment programs, and life-skills curriculum.

CCCTEC will seek to hire faculty who have received Cross-Cultural Language and Academic Development ("CLAD") training and certification or the California Commission on Teacher Credentialing recognized equivalent. As many of our students are English Learners, all faculty will employ scaffolding techniques, performance based instruction, reciprocal teaching, Specifically Designed Academic Instruction in English ("SDAIE") teaching techniques, multi-faceted approaches to addresses various modalities and learning styles of students with auditory, visual, and kinesthetic learning strengths as well as other innovative practices to ensure that all students are provided with multiple avenues to access the curriculum.

For both REP and LEP students, special programs will be developed to maximize time for students to interact with native English speakers in their classes through language exchanges, elective English-Spanish paired courses, culturally directed events and outreach opportunities for EL students and their families. Students who enter CCCTEC identified as EL will be offered voluntary tutoring after school and access to enrichment opportunities outside of the traditional school day.

Immersion in the classroom is the preferred model for mastering the English language. EL students' English Language Development progress is monitored by certificated personnel, and qualified staff. Using the Highpoint ELD curriculum for our REP students and Read 180 and Prentice Hall curriculum tools for our REP students, our goal is to transition EL students into the general education program prepared for academic success as soon as possible.

CCCTEC will ensure that all EL teachers are trained in SDAIE techniques, have CLAD certification and are otherwise qualified to teach our EL students. Should a student not be officially identified as EL, but nevertheless struggle with mastery of the English language, he/she will be monitored regularly via various assessment techniques to ensure his/her mastery and retention of the material.

CCCTEC will translate written materials sent home as needed to ensure that parents/guardians of EL students understand all communications and are involved in all processes related to the English language development of their student.

The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment."

Special Education

WUSD staff left out an important event surrounding this topic as noted on Page 2 of this document. On October 13, 2009, Paul Preston, Executive Director of CCCTEC contacted Yolo County Assistant Superintendent Dr. Camilla Giometti-May regarding potential special education services, fiscal, and other services and clarifications that could be offered by the school district for a fee paid by CCCTEC. Dr. Camilla Giometti-May suggested that Mr. Preston meet with Diana Blackmon, Special Education Director and Scott Lantsberger, Associate Superintendent for the WUSD. Dr. Camilla Giometti-May facilitated a meeting between Mr. Preston, Dr. Blackmon and Scott Lantsberger on November 12, 2009. Also in attendance was Linda Legnitto, Deputy Superintendent for YCOE. Agreements regarding these services would be in the form of a Memorandum of Understanding. MOUs would be developed after authorization. Also left out of the discussion is CCCTEC's application to the El Dorado County Charter SELPA found in the Appendix as Attachment 10 on page 127 which was made September 4, 2009.

CCCTEC reserves the right to act as its own LEA and in the petition makes the following statement on page 39 regarding Special Education: "The School reserves the right to act as its own Local Education Agency (LEA) or to contract with El Dorado County Office of Education Charter SELPA for the purposes of special education and will make appropriate notification to the Yolo County Office of Education preceding such plans."

Below is an expanded version of the CCCTEC Plan for Special Education: **Special Education**

Overview

The following provisions govern the application of special education to CCCTEC Charter School students:

- It is understood that all children will have access to the CCCTEC Charter School and no student shall be denied admission due to disability.
- CCCTEC Charter School shall comply with the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA" or "IDEA"), Section 504 of the Rehabilitation Act ("Section 504") and the Americans with Disabilities ("ADA").
- CCCTEC Charter School shall be solely responsible for compliance with Section 504 and the ADA.
- CCCTEC Charter School agrees to implement a Student Study Team Process, a regular education function which shall monitor and guide referrals for Section 504 and special education services.
- CCCTEC wishes to be deemed an LEA and a member of a Special Education Local Plan Area ("SELPA") for provision of special education services pursuant to Education Code Section 47641(a). CCCTEC shall seek the Districts support in the provision of data or information in CCCTEC's pursuit of membership in a SELPA as an LEA. Once an LEA, and a member of a SELPA, the Charter School shall be solely responsible for compliance with the IDEIA.
- Until such time as a SELPA grants the Charter School membership in the SELPA as an LEA, the Charter School shall be deemed a public school of the agency that granted the charter pursuant to Education Code Section 47641(c) and shall work jointly with the agency to ensure full compliance with the IDEIA.

1. Section 504 of the Rehabilitation Act

CCCTEC recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of CCCTEC. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the School. A 504 team will be assembled by the Director/Principal and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable

about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills. The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team. If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary. All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

(For a the detailed CCCTEC 504 Plan see Attachment 10 page 127 of the CCCTEC Petition)

2. Services for Students under the IDEIA

CCCTEC intends to provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the SELPA. As stated above, CCCTEC shall pursue SELPA membership as an LEA to begin the first year of operation, but can make no guarantees as to approval as an LEA in that time frame. As such, until such time as CCCTEC is approved as an LEA member of a SELPA pursuant to Education Code Section 47641(a), CCCTEC shall remain, by default, a public school of the District for purposes of Special Education purposes pursuant to Education Code Section 47641(c).

3. Services for Students under the IDEIA if the School remains a public school of the District

As a public school of the District, solely for purposes of providing special education and related services under the IDEIA pursuant to Education Code Section 47641(c), in accordance with Education Code

Section 47646 and 20 U.S.C. 1413, CCCTEC seeks services from the District for special education students enrolled in CCCTEC in the same manner as is provided to students in other District schools. CCCTEC will follow the District and SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. CCCTEC will comply with District protocol as to the delineation of duties between the District central office and the local school site in providing special education instruction and related services to identified pupils. CCCTEC will request an annual meeting between CCCTEC and the District to review special education policies, procedures, protocols, and forms of the District and the SELPA and District protocol, to ensure that CCCTEC and the District have an ongoing mutual understanding of District protocol and will facilitate ongoing compliance.

CCCTEC acknowledges the importance of cooperating with the District so that the District can provide special education services to CCCTEC students. CCCTEC agrees to promptly respond to all District inquiries, to comply with reasonable District directives, and to allow the District access to CCCTEC students, staff, facilities, equipment and records as required to fulfill all District obligations under this Agreement or imposed by law. CCCTEC believes that the allocation of responsibility for the provision of services (including but not limited to referral, identification, assessment, case management, Individualized Education Plan (“IEP”) development, modification and implementation) shall be divided in a manner consistent with their allocation between the District and its school sites.

4. Staffing

All special education services at CCCTEC will be delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code and the IDEIA. CCCTEC staff shall participate in all mandatory District in-service training relating to special education.

It is CCCTEC’s understanding that the District will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists unless the District directs CCCTEC that current District practice is for the individual school sites to hire site special education staff or the District and CCCTEC agree that CCCTEC must hire on-site special education staff. In that instance, CCCTEC shall ensure that all special education staff hired by CCCTEC is qualified pursuant to District and SELPA policies, as well as meet all legal requirements. The District may review the qualifications of all special education staff hired by CCCTEC (with the agreement of the District) and may require pre-approval by the District of all hires to ensure consistency with District and SELPA policies. The District shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to CCCTEC students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

5. Notification and Coordination

CCCTEC shall promptly notify the District of all requests it receives for assessment, services, complaints, IEP meetings, reimbursement, compensatory education, mediation, and/or due process whether these requests are verbal or in writing. CCCTEC shall follow District policies as they apply to all District schools for notifying District personnel regarding the discipline of special education students to ensure District pre-approval prior to imposing a suspension or expulsion. CCCTEC shall assist in the coordination of any communications and immediately act according to District and SELPA policies relating to disciplining special education students.

6. Identification and Referral

CCCTEC shall have the responsibility to identify, refer, and work cooperatively in locating CCCTEC students who have or may have exceptional needs that qualify them to receive special education services.

CCCTEC will implement District and SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred by CCCTEC for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

It is CCCTECs understanding that the District shall provide CCCTEC with any assistance that it generally provides its schools in the identification and referral processes, and will ensure that CCCTEC is provided with notification and relevant files of all students who have an existing IEP and who are transferring to CCCTEC from a District school. The District shall have unfettered access to all CCCTEC student records and information in order to serve all of Charter School's students' special needs.

7. Assessments

The term "assessments" shall have the same meaning as the term "evaluation" in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. The District will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with the District's general practice and procedure and applicable law. CCCTEC shall work in collaboration with the District to obtain parent/guardian consent to assess CCCTEC students. CCCTEC shall not conduct special education assessments unless directed by the District.

8. IEP Meetings

In accordance with the role of the District and the District school sites, the District shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. CCCTEC shall be responsible for having the following individuals in attendance at the IEP meetings or as otherwise agreed upon by the District and CCCTEC: the Director/Principal and/or CCCTEC designated representative with appropriate administrative authority as required by the IDEIA; the student's special education teacher (if Charter School employee as opposed to District employee); the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at CCCTEC and/or about the student. It's CCCTEC's understanding the District shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEIA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide the notice of parental rights.

9. IEP Development

CCCTEC understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the District, pursuant to the District's IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the District and of the SELPA and State and Federal law.

10. IEP Implementation

Pursuant to District policy and how the District operates special education at all other public schools in the District; the District shall be responsible for all school site implementation of the IEP. CCCTEC shall assist the District in implementing IEPs, pursuant to District and SELPA polices in the same manner as any other school of the District. The District and CCCTEC will need to be jointly involved in all aspects of the special education program, with the District holding ultimate authority over implementation and supervision of services. As part of this responsibility, CCCTEC shall provide the District and the parents with timely reports on the student's progress as provided in the student's IEP, and at least quarterly or as frequently as progress reports are provided for CCCTEC's non-special education students, whichever is

more. CCCTEC shall also provide all home school coordination and information exchange unless directed otherwise by the District. CCCTEC shall also be responsible for providing all curriculum, classroom materials, and modifications and accommodations, unless directed otherwise by the District. CCCTEC shall comply with any directive of the District as relates to the coordination of CCCTEC and District for IEP implementation including but not limited to adequate notification of student progress and immediate notification of any considered discipline of special education students in such matters, the petitioners would notify the District of relevant circumstances and communications immediately and act according to District administrative authority.

11. Interim and Initial Placements of New Charter School Students

For students who enroll in CCCTEC from another school district outside of the SELPA with a current IEP, the District and CCCTEC shall conduct an IEP meeting within thirty days. Prior to such meeting and pending agreement on a new IEP, the District and CCCTEC shall implement the existing IEP at CCCTEC, to the extent practicable or as otherwise agreed between the District and parent/guardian.

12. Non-Public Placements/Non-Public Agencies

The District shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. CCCTEC shall not hire, request services from, or pay any non-public school or agency to provide education or services to special education students without the prior written approval of the District. CCCTEC shall immediately notify the District of all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

13. Non-discrimination

It is understood and agreed that all children will have access to CCCTEC and no student shall be denied admission nor counseled out of CCCTEC due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

14. Parent/Guardian Concerns and Complaints

CCCTEC shall follow District policies as they apply to all District schools for responding to parental concerns or complaints related to special education services. CCCTEC shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to the District unless otherwise directed by the District. CCCTEC shall immediately notify the District of any concerns raised by parents. The District's designated representative, in consultation with CCCTEC's designated representative, shall investigate as necessary, respond to, and address the parent/guardian concern or complaint. CCCTEC shall allow the District access to all facilities, equipment, students, personnel, and records to conduct such an investigation.

CCCTEC and the District shall timely notify the other of any meetings scheduled with parents/guardians or their representatives to address the parent/guardian concerns or complaints so that a representative of each entity may attend. The District, as the LEA, shall be ultimately responsible for determining how to respond to parent concerns or complaints, and CCCTEC shall comply with the District's decision. CCCTEC and the District shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, Office of Civil Rights or any other agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

15. Due Process Hearings

The District may initiate a due process hearing or request for mediation with respect to a student enrolled in CCCTEC if the District determines such action is legally necessary or advisable. CCCTEC agrees to cooperate fully with the District in such a proceeding. In the event that the parents/guardians file for a due process hearing, or request mediation, the District and CCCTEC shall work together to defend the case. In the event that the District determines that legal representation is needed, CCCTEC agrees that it shall be jointly represented by legal counsel of the District's choosing.

CCCTEC understands that the District shall have sole discretion to settle any matter in mediation or due process. The District shall also have sole discretion to file an appeal from a due process hearing or take other legal action involving any Charter School student necessary to protect its rights.

16. SELPA Representation

It's CCCTEC's understanding the District shall represent CCCTEC at all SELPA meetings and report to CCCTEC of SELPA activities in the same manner as is reported to all schools within the District.

17. Funding

CCCTEC understands that it will enter into a MOU with the District regarding Special Education funding, and cannot at this time unilaterally dictate the funding relationship between the District and CCCTEC. CCCTEC anticipates, *without binding the District to these terms*, that based upon State and Federal law that the fiscal relationship could be summarized as follows:

Retention of Special Education Funds by the District

The District shall retain all state and federal special education funding allocated for CCCTEC students though the SELPA Annual Budget Plan, and shall be entitled to count CCCTEC students as its own for all such purposes.

Retention of ADA Funds by the District for Non-Public Placements

The Parties acknowledge that the District may be required to pay for or provide Charter School students with placements at locations other than at CCCTEC's school site in order to provide them with a free appropriate public education. Such placements could include, without limitation, programs or services in other District schools, in other public school districts within the SELPA, in a County Office of Education program, in a non-public school, at home, at a hospital, or in a residential program. When such programs or services are provided at District expense, the District shall be entitled to receive from CCCTEC the pro rata share of all funding received for such student, including, without limitation, all ADA funds, based on the number of instructional days or minutes per day that the student is not at CCCTEC site.

Contribution to Encroachment

CCCTEC shall contribute its fair share to offset special education's encroachment upon the District's general fund. Accordingly, CCCTEC shall pay to the District a pro-rata share of the District's unfunded special education costs ("Encroachment"). At the end of each fiscal year, the District shall invoice CCCTEC for CCCTEC's pro-rata share of the District-wide Encroachment for that year as calculated by the total unfunded special education costs of the District (including those costs attributable to Charter School) divided by the total number of District ADA (including Charter School students), and multiplied by the total number of Charter School ADA. CCCTEC ADA shall include all Charter School students, regardless of home district.

18. Services for Students under the IDEIA when the School Becomes an LEA and Member of SELPA

CCCTEC reserves the right to seek membership within alternative SELPAs in accordance with the applicable Local Plans and Charter School policies adopted therein. The following language applies while CCCTEC is an LEA and member of the SELPA pursuant to Education Code Section 47641(a):

Upon approval as a member of the SELPA, CCCTEC shall be solely responsible and liable for providing special education services under the Individuals with Disabilities Education Improvement Act (“IDEIA”) (20 U.S.C. 1400, et seq.) with respect to eligible students. All obligations of the District recited above with respect to identifying, assessing, and serving special education students will default to CCCTEC.

CCCTEC shall comply with all applicable State and Federal special education laws and the SELPA Local Plan and policies and procedures. As an LEA, CCCTEC shall receive its State and Federal special education funds directly from the SELPA in accordance with the SELPA local allocation plan and shall utilize those funds to provide special education instruction and related services to eligible pupils. As an LEA, CCCTEC shall be solely responsible for all special education costs which exceed State and Federal special education revenue, and shall participate in the SELPA governance and SELPA-wide benefits in accordance with the Local Plan and SELPA policies and procedures.

Additional details of the plan can be worked out with the authorizer following authorization in the form of Memorandums of Understanding.

YCOE Staff:

3. The proposed Charter does not contain a reasonably comprehensive description of the school's governance structure.

a. The Charter fails to explain the roles or operational relationship between the Founding Group, Board of Directors, Advisory Board, Executive Director and other groups so as to ensure the school will become and remain a viable enterprise. The Charter calls for staff, parent and student "School Advisory Committees" without explaining their selection or the functional relationship of those committees to the other governance bodies and persons. The Charter provides for the position of "School Director," but does not explain the School Director's role or authority in relation to the Executive Director, Board of Directors, or others.

CCCTEC Response:

YCOE staff did not read the Governance portion of the Petition on page 47 nor the CCCTEC Articles of Incorporation in the Appendix, Attachment 2 on page 74, nor the BYLAWS of CCCTEC in the Appendix, Attachment 2 on page 76. These portions of the charter Petition give a detailed explanation of the governance of CCCTEC. If YCOE did read the Governance portions then it is clear YCOE does not have an understanding of how corporate governance is to be conducted.

It appears the YCOE staff did not read the resumes of the Founders of CCCTEC nor the titles of the nearly 40 other educators on the CCCTEC Advisory Board found on page 132 of the Petition. CCCTEC staff and Advisory Board members include 2 retired superintendents, 7 principals, 3 assistant superintendents 2 CFOs and other educational support members. It's important to note that the Executive Director of CCCTEC has thirty seven years as an educator in public schools and has had many years of experience designing programs, developing master schedules, budgeting, opening new high schools, etc. Other CCCTEC Founders are experienced educators who possess all the necessary skills in designing programs to close learning gaps in the core areas, knowledge of intervention programs to help at-risk students close the gaps in their basic reading, writing, and math skills that are preventing them from passing the

high school exit exam, to meaningfully participate in a college preparatory curriculum, and to provide a safe drug free learning environment.

The CCCTEC Board of Directors at this time consist of 5 members derived from the Advisory Board. The Advisory Board serves to “advise” the Board of Directors and the Executive Director Paul Preston on all matters related to CCCTEC. Upon Authorization two members of the Board of Directors will become employees of CCCTEC and will have to step down from the CCCTEC Board of Directors. Paul Preston will become the Director/Principal and will drop the title Executive Director of the Board of Directors.

The founding groups were inspirational in the initial development of CCCTEC. Several members of the original CCCTEC Board of Directors were “Founders”. Founders not on the CCCTEC Board serve on the Advisory Board giving advice to the Board of Directors and the Executive Director.

YCOE Staff:

b. The description of the governance and corporate structures contain substantive errors, inconsistencies, ambiguities and omissions. The second sentence of in the Conflict of Interest paragraph omits words and is unintelligible. While the Conflict of Interest paragraph contemplates compliance with the Political Reform Act ("PRA"), it omits any reference to compliance with the statutory prohibition against financial interests in contracts. The Charter provides that all meetings of the Board of Directors shall comply with the Ralph M. Brown Act, but the Corporate Bylaws authorize Board of Directors meetings "at any place within California." The Corporate Bylaws permit action by a "majority of the directors present," but the Brown Act only permits action by a "majority of the members of the legislative body" whether present or not. The Corporate Bylaws define a quorum as a "majority of the number of directors then in office," whereas the Brown Act deems a quorum to consist of "a majority of the members of the legislative body" whether or not in office. The Charter states:

"Attachment page 74 lists the initial seating of the Board of Directors," but that page consists only of the Articles of Incorporation and does provide for seating of the Board of Directors. The Corporate Bylaws limits to "Chartering Authority" to a "non-voting guest" representative to the Board of Directors, whereas the Education Code entitles a charter granting authority to a representative on a corporate board of directors without limitation as to voting rights or membership status.

CCCTEC Response:

There are two sections of the petition that reference “Governance”. The first is section “IV. Governance and Corporate Structure” pages 47-50 and the second in the Appendix, Attachment 2, “Articles of Incorporation and Corporate Bylaws” pages 74-84. YCOE staff did not read the Governance portion of the Petition on page 47 nor the CCCTEC Articles of Incorporation in the Appendix, Attachment 2 on page 74, nor the BYLAWS of CCCTEC in the Appendix, Attachment 2 starting on page 76. These portions of the charter Petition give a detailed explanation of the governance of CCCTEC. YCOE staff are critical of the CCCTEC Petition in regards to the items above but had YCOE staff read the Corporate Bylaws they would not have come to the conclusions that appear in their review. If YCOE did read the Governance portions then it is clear YCOE does not have an understanding of how corporate governance is to be conducted.

YCOE Staff:

4. The proposed Charter does not contain a reasonably comprehensive description of qualifications. The Charter states " ... the School may choose to not require credentials for teachers in non-core, non-college preparatory courses," whereas the Education Code states that "Teachers in charter schools shall hold a Commission on Teacher

Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold." The Charter provides that "key staff members ... must hold a California Single Subject Credential for the position applied for," but fails to define or otherwise identify the "key staff; positions. the Charter identifies only four employee positions and fails to describe the qualifications of other positions apparently contemplated in the budget documents. The job descriptions provided in the Charter contain several inherently ambiguous criteria and no guidelines for accessing the criteria.

CCCTEC Response:

CCCTEC will retain or employ teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers will teach the "core" academic classes of mathematics, language arts, science, and history/social studies. These teachers will be responsible for overseeing the students' academic progress and for monitoring grading and matriculation decisions as specified in the school's operational policies.

CCCTEC may also employ or retain non-certificated instructional support staffing in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional capacity. Instructional support staff will not assign grades or approve student work assignments without the approval of a teacher unless they are instructing non-core or non college preparatory courses and activities.

CCCTEC will seek administrative and operational staff that have demonstrated experience or expertise in the issues and work tasks required of them and will be provided professional development opportunities to ensure that they remain abreast of all relevant changes in laws or other operational requirements. All non-instructional staff will possess experience and expertise appropriate for their position within the school as outlined in the school's staffing plan and the school's adopted personnel policies.

Additional staffing concerns can be addressed between the authorizer and CCCTEC following authorization through a Memorandum of Understanding.

YCOE Staff:

5. *The proposed Charter does not contain a reasonably comprehensive description of health and safety procedures. The Charter only requires "New employees not possessing a valid California Teaching Credential" to furnish fingerprints for obtaining a criminal records summary, which shows a lack of awareness by petitioners that the CTC criminal background check for credentialing purposes cannot be relied upon by a local agency for employment purposes.*

CCCTEC Response:

Prior to commencing instruction, CCCTEC Charter School will adopt and implement a comprehensive set of health, safety, and risk management policies. These policies will be developed in consultation with the school's insurance carriers and at a minimum include the following procedures:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- Policies and procedures providing for school-wide training in response to natural disasters and other emergencies, including civil unrest, fires and earthquakes.
- Training for staff and students relating to preventing contact with blood-borne pathogens.
- Requiring that instructional and administrative staff receive training in emergency response, including appropriate ".first responder" training or its equivalent.

- Identification of specific staff who will be trained in the administration of prescription drugs and other medicines.
- A policy that the school will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.

A requirement that each employee of the school submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.

These policies and procedures will be incorporated as appropriate into the school's student and staff handbooks and will be reviewed on an ongoing basis in the school's staff development efforts and governing board policies.

Additional staffing concerns can be addressed between the authorizer and CCCTEC following authorization through a Memorandum of Understanding.

YCOE Staff:

6. The proposed Charter does not contain a reasonably comprehensive description of admission requirements. If the number of pupils who wish to attend a charter school is greater than the school's capacity, attendance is to be determined by a reasonably impartial random public drawing, but in the event of such a drawing, the proposed Charter fails to provide an admission preference for pupils currently attending the Charter School and WUSD resident pupils, as required by law.

CCCTEC Response:

YCOE staff don't understand charter school law nor do they realize that CCCTEC is not a "conversion" charter school within the Washington Unified School District. A "conversion" charter school must grant preference to those living in the school's previous attendance area. As prescribed by the CCCTEC Petition, CCCTEC is an "independent" charter school, is non-discriminatory and hence is open to all students of the state. Amendments to the Charter Schools Act in 1998 added a requirement that charter schools admit all pupils who wish to attend the school and that schools use a public, random drawing (e.g., a lottery) for admissions in the event that applications for enrollment exceed the school's capacity. Laws governing federal charter school grants also mandate the use of a lottery in admissions in the many schools receiving such federal funding.

CCCTEC will actively recruit a diverse student population from the district and surrounding areas who understand and value the school's mission and are committed to the school's instructional and operational philosophy. Admission to the school shall be open to any resident of the State of California. Prospective students and their parents or guardians will be briefed regarding the school's instructional and operational philosophy and will be informed of the school's student-related policies. The school will establish an annual recruiting and admissions cycle, which shall include reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for parents and students, (3) an admissions application period, (4) an admissions lottery if necessary, and (5) enrollment. The school may fill vacancies or openings that become available after this process using either a waiting list or any other non-discriminatory process.

In the event that the number of students seeking admission to any grade or class exceeds capacity, the school shall have the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district or county. The school may also grant admission preference to school founders, as defined by the school's governing board, provided that students

admitted under a founders' preference shall not constitute more than 25 percent of the school's enrollment.

YCOE Staff:

- 7. The proposed Charter does not contain a reasonably comprehensive description of the method for conducting annual, independent financial audits. The Charter does not specify who shall be responsible for selecting and overseeing the annual audit, and fails to specify a timeline within which the audit will be completed or any exceptions will be resolved. The Charter improperly provides for disputes regarding resolution of audit exceptions and deficiencies to be referred to the dispute resolution process within the Charter, rather than be resolved to the satisfaction of the charter granting agency.*

CCCTEC Response:

Pages 68 and 69 of the CCCTEC Petition provide the necessary comprehensive description necessary for the purposes of the petition including conducting annual independent audits and timelines.

The Director/Principal will be responsible for selecting *“shall be responsible for selecting and overseeing the annual audit.”*

Page 68 of the CCCTEC Petition states:

An annual fiscal audit, required under the Charter Schools Act, will be conducted by an auditor with experience in education finance and will use generally accepted accounting principles. The School will share the results with the District’s Administrative Director of Business Services or designated staff and any other entities (such as the State Board of Education, the California Department of Education, the County Office of Education, or any other agency as the State Board of Education may direct) as required by law. All exceptions and deficiencies and their remedies and will be communicated to the District in a timely matter. The Board of the School will resolve audit exceptions and deficiencies in a timely fashion and follow the dispute resolution process if exceptions and deficiencies cannot be resolved.

Page 69 of the CCCTEC Petition states:

“The School shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from the District, the County Office of Education (COE), and/or from the Superintendent of Public Instruction and shall consult with the District, COE, and/or the Superintendent of Public Instruction regarding any inquiries. The School will provide the District with present and future line item budgets for the School as required by the District and will meet all other financial reporting requirements as outlined in the Memorandum of Understanding including the following financial reporting requirements:

- 1. on or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.*
- 2. on or before December 15, an interim financial report. This report shall reflect changes through October 31.*
- 3. on or before March 15, a second interim financial report. This report shall reflect changes through January 31.*
- 4. On or before September 15, a final unaudited report for the full prior year.*

The charter school shall permit the District to inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel and pupil records unless disclosure to the District of such records is prohibited by law; the charter school shall promptly comply with all such reasonable request; and the records of the charter school are public records under the Public Records Act (Gov. Code section 6250 et seq.)”

Fiscal Control Policies CCCTEC Public Charter School

The CCCTEC Public Charter School has reviewed and adopted the following policies to ensure that the school's funds are used to most effectively support the school's mission and to ensure that the funds are budgeted, accounted for, expended, and maintained in an appropriate fashion.

A. Board Fiscal Powers

The Board holds and reserves all fiscal power within the School and delegates authority through these Policies, by adopting the annual operating budget, and through other specific resolutions duly approved by the board. These powers include, but are not limited to the following:

- Approving and adopting annual operating budget.
- Reviewing and approving all grant and fundraising requests and receipts.
- Approving all personnel positions, compensation schedules, and employee benefits offerings.
- Reviewing and approving all major purchases and contracts within limits set by the Board.
- Opening and closing of bank and other accounts and establishing signature authority.
- Reviewing and approving all debt and leases.
- Selecting the school's external auditor and receiving the auditor's report.

B. Budget Development and Oversight Calendar and Responsibilities

The CCCTEC Charter School will operate on a fiscal year that begins July 1 and ends June 30 and will develop and monitor its budget in accord with the annual budget development and monitoring calendar as specified below.

January – February

- The Finance Committee of the Board works with Director to review Governor's proposed state budget for the upcoming fiscal year, and identify the likely range of revenues for the school's upcoming fiscal year (July 1-June 30). [*Board Treasurer, Director*]
- The Director reviews/prepares a set of proposed budget development principles for board review and approval. [*Board Treasurer, Director, Board of Directors*]
- Develop rough planning budget for upcoming fiscal year, including projected enrollment and any proposed staffing changes. [*Director in conjunction with Board Finance Committee*]
- Develop five-year budget projection in accord with the school's established strategic and growth plans. [*Director in conjunction with Board Finance Committee*]
- Ongoing monitoring and revision of current year budget. [*Board Treasurer, Finance Committee, and Director*]

March - April

- The Director, working in conjunction with staff, Board members, and Treasurer, prepares a formal budget plan for upcoming fiscal year. The plan is reviewed by the Finance Committee of the Board.
- Ongoing monitoring and revision of current year budget. A second interim financial report addressing current-year budget activity through January 31 is provided to the charter-granting agency by March 15. [*Board Treasurer, Finance Committee, and Director*]
- The Audit Committee of the Board solicits bids for the annual audit and selects an auditor. [*Audit Committee of the Board acting alone*]

May – June

- Director reviews revenue projections subsequent to the Governor's annual "May Revise" budget figures, fine-tunes the upcoming fiscal year budget to accommodate any changes. This budget will include monthly cash flow projections. The Finance Committee reviews and finalizes the proposed budget for the upcoming fiscal year and forwards to the Board. *[Board Treasurer, Finance Committee, and Director]*
- The Board reviews and formally adopts a budget for upcoming fiscal year before June 15. A copy of the final budget is provided to the charter-granting agency no later than July 1. *[Board]*
- Ongoing monitoring and revision of current year budget. *[Board Treasurer, Finance Committee, and Director]*

July – August

- Books for prior fiscal year are closed, all transactions are posted, and records assembled for audit. A copy of unaudited actual financial statements for the fiscal year is provided to the charter-granting agency by September 15. *[Director, Bookkeeper, and Board Treasurer]*
- Current-year budget is reviewed subsequent to the adoption of the state Budget Act and necessary adjustments are made. A copy of the revised formal budget is provided to the charter-granting agency. *[Director, Finance Committee, Board]*

September - December

- At the end of the first full week of school, the Director reviews the Charter School's actual attendance figures and notifies the Board if actual attendance is below budget projections. If needed, the school's budget is again revised to match likely revenues. *[Director, Finance Committee, Board]*
- Independent auditor performs audit of the just-closed fiscal year and prepares audit report for submission to the Audit Committee. *[Auditor, Staff as requested by the Auditor, Audit Committee]*

¹ Education Code Section 47604.33

- The Audit Committee of the Board reviews a copy of the audit. Director and Finance Committee develop plans to address any audit exceptions and/or adverse findings. Audit report and any follow-up plans are submitted to charter-granting agency by December 15. Copies of audit are also submitted to the County. *[Audit Committee, Board, Director]*
- The Director reviews current year actual versus budgeted revenues and expenditures on a monthly basis and provides reports, including budget-to-actual and projected end-of-year budget figures and cash flow projections to the Finance Committee. A first interim financial report is provided to the charter-granting agency by December 15.⁴¹ The Board reviews and approves any needed changes to the annual budget. *[Board Treasurer, Finance Committee, and Director]*

C. Controls, Budgets and Fiscal

The CCCTEC Charter School will maintain in effect the following principles in its ongoing fiscal management practices to ensure that, (1) expenditures are authorized by and in accord with amounts specified in the board-adopted budget, (2) the school's funds are managed and held in a manner that provides a high degree of protection of the school's assets, (3) all transactions are recorded and

documented in an appropriate manner, and (4) key financial management duties are segregated among individuals to prevent inappropriate use of school funds and assets.

Authorizations of Expenditures

The CCCTEC Charter School will develop and maintain simple check request and purchase order forms to document the authorization of all non-payroll expenditures. All proposed expenditures must be approved by the [insert title, e.g., Principal, Director, Business Manager] who will review the proposed expenditure to determine whether it is consistent with the Board-adopted budget and sign the check request and purchase order forms. All check requests and purchase orders over \$1,000 must be co-signed by the secretary of the board.

Preparation of Checks

Pre-numbered checks shall be used for all payments and the stock of checks shall be maintained in a secure place by the Business Manager (to be determined by the Director/Principal and approved by the Board). Upon receipt of an invoice or check request that has been approved by the Director/Principal, the Bookkeeper shall prepare a check for the specified amount to the appropriate payee and shall submit the check for signature along with all supporting documentation (including invoices, bills, purchase orders, etc.) to the Director/Principal, or Business Manager. Checks in excess of \$ 1,000 shall be countersigned by the Board Treasurer. All supporting documentation shall be marked "PAID" and it, along with a copy of the check shall be maintained on file. All checks and payments shall be mailed by the School Secretary.

All transactions will be posted in an electronic general ledger. The transactions will be posted on the ledger by Bookkeeper. To ensure segregation of recording and authorization, this bookkeeper may not co-sign check requests, purchase orders, or checks.

Accounting

The Business Manager shall maintain an electronic accounting system to maintain a secure record of the school's accounts and financial transactions. The accounts shall be maintained in accord with Generally Accepted Accounting Principles as applicable to the District's Administrative Director of Business Services or designated staff and any other entities (such as the State Board of Education, the California Department of Education, the County Office of Education, or any other agency as the State Board of Education may direct) as required by law and shall employ a chart of accounts and account code structure that are in alignment with applicable law. The basis of the accounts shall be the accrual basis.

Budget Transfers

The Director may transfer up to \$5,000 from one unrestricted budget item to another without board approval, but shall notify the board of the transfer at the next regularly scheduled meeting.

Banking Arrangements

The CCCTEC Charter School will maintain its accounts either in the County Treasury or at a federally insured commercial bank or credit union. Accounts may be opened and closed and signature authority may only be established or changed with approval of the governing board. Funds will be deposited in non-speculative accounts including federally-insured savings or checking accounts or invested in non-speculative federally-backed instruments or in the County's Pooled Money Investment Fund. All checks from and transfers in/out that are in excess of \$1,000 must be approved by two individuals.

The School's bookkeeper will reconcile the school's ledger(s) with its bank accounts or accounts in the county treasury on a monthly basis and prepare (1) a trial balance, (2) a comparison of budgeted to actual revenues and expenditures to date, and (3), a balance sheet, (4) a cash flow statement projecting cash flows for the upcoming 12 months, and (5) a schedule of aged and past due accounts. The Director and Finance Committee of the Board will regularly review these statements and report to the full board at least quarterly.

Deposits of Receipts

The School will deposit all funds received as soon as practical upon receipt. The School Secretary or Clerk will open all mail on a daily basis, immediately sort all checks and forward them to the Bookkeeper. The Bookkeeper will immediately endorse the checks payable to the appropriate school account and prepare appropriate deposits as soon as is practical, ideally the same day and no case later than three working days.

Credit Cards

School credit cards may only be issued to staff with a need to use them and only after staff have reviewed and agreed to abide by the school's policies and procedures for credit card use. School credit cards should be used only when other payment methods are impractical or impossible and may be used solely for transactions authorized in advance and in accord with the school's purchasing policies. School credit cards may not be used for personal purchases or transactions under any circumstances. Original receipts must be obtained and submitted for all credit card transactions and the Bookkeeper shall reconcile all monthly statements and report any undocumented transactions to the Director and/or Board Treasurer.

Petty Cash

A petty cash fund, not to exceed \$200, may be established with an appropriate ledger to be reconciled twice monthly by the School Secretary or Clerk, who shall not be authorized to expend petty cash. The petty cash fund shall be used to pay for minor vendor payments and supplies all of which shall be documented with an original invoice or receipt. The custodian shall balance the fund at least monthly and it may be replenished as needed by a check made to the Petty Cash Fund.

Purchasing and Contracting

The School will make all reasonable efforts to ensure that the school's purchases and contracts are in alignment with the school's mission and budget and that they reflect the highest and best use of the school's financial resources. All contracts and purchase shall be in accord with these policies, unless more restrictive policies are called for (e.g., under special laws or restrictions on the terms of receipt of the funds expended such as the federal charter school grant programs). Purchasing and contracting decisions shall be made in accord with applicable conflicts-of-interest laws and policies.

All minor purchases and contracts under \$2,500 may be made with sound business judgment and without multiple quotes, provided that there is no reason to believe the price or quote is unreasonable.

Purchases and contracts in excess of \$2,500 but less than \$75,000 may be made on the basis of at least two competitive quotes and may take into consideration quality, price, contractor/supplier integrity and track record, legal compliance, and other relevant and necessary factors. Verbal quotes may be obtained for purchases and contracts of less than \$5,000 and written quotes should be obtained for all purchases and contracts in excess of \$5,000.

All purchases and contracts in excess of \$75,000 must be bid by a board-approved process, which will generally include a competitive solicitation for proposals or bids to all known potential providers. Non-competitive methods may only be used when competitive ones are impractical (e.g., emergency situations, legal mandates, failure of a competitive process, or known sole source). If a non-competitive method is used, it must be accompanied by a detailed cost analysis.

The Director/Principal shall not approve purchase orders or check requests lacking documentation of competitive quotes or proposals.

Record Keeping

Transaction ledgers, canceled/duplicate checks, attendance and entitlement records, payroll records, leases, debt documents, and any other necessary fiscal documents will be maintained by school staff in a secure location for at least three years, or as long as required by applicable law, whichever is longer.

Appropriate back-up copies of electronic and paper documentation, including financial and attendance accounting data, will be regularly prepared and stored in a secure off-site location, separate from the school.

Property Inventory

The Business Manager shall establish and maintain an inventory of all non consumable goods and equipment worth over \$500 to \$1,000 range. This inventory shall include the original purchase price and date, a brief description, serial numbers, and other information appropriate for documenting the school's assets. This property will be inventoried on an annual basis and lists of any missing property shall be presented to the Board.

All non-consumable school property (e.g., textbooks, athletic uniforms) lent to students shall be returned to the school no later than 5 working days after end of the school year.

The Director/Principal may authorize the sale of surplus property owned by the school. Any excess or surplus property owned by the school may be sold or auctioned by the Business Manager provided they engage in due diligence to maximize the value of the sale or auction to the school. The sale or auction of property owned by the school with a fair market value in excess of \$1,000 to \$3,000 shall be approved in advance by the Board. Documentation of the items sold, the methodologies used to ensure due diligence, and the amounts received shall be recorded and maintained in a file and shall identify the specific related General Ledger entries of related deposits.

Payroll Services

The CCCTEC Charter School will contract with the County Office of Education and/or a reputable, bonded, and insured payroll contractor to prepare payroll checks, tax and retirement withholdings, tax statements, and to perform other payroll support functions. The Director/Principal will establish and oversee a system to prepare time and attendance reports and submit payroll check requests. The Director/Principal and Board Treasurer will review payroll statements monthly to ensure that (1) the salaries are consistent with staff contracts and personnel policies and (2) the proper tax, retirement, disability, and other withholdings have been deducted and forwarded to the appropriate authority. All staff expense reimbursements will be on checks separate from payroll checks.

Upon hiring of staff, a personnel file will be established with all appropriate payroll-related documentation including a federal 1-9 form, tax withholding forms, benefits forms, retirement dates, and an accounting attendance and of the use of sick and other leaves.

Attendance Accounting

The Director will establish and maintain an appropriate attendance accounting system to record the number of days students are actually in attendance at the School and engaged in the activities required of them by the School. The annual audit will review actual attendance accounting records and practices to ensure compliance. The attendance accounting practices will be in conformance with the Charter Schools Act and the applicable California Administrative Code sections defining Charter School Average Daily Attendance. Therefore:

- ADA will be computed by dividing the actual number of days of student attendance by the number of calendar days of instruction by the School.
- The School's instructional calendar will include at least 175 days of instruction to avoid the fiscal penalty for providing fewer than 175 days of instruction as provided by the Administrative Code regulation. The calendar must also document that the school offers an amount of annual minutes of instruction as required pursuant to applicable law. This calendar shall be reviewed and approved by the Board and amended as needed.
- Independent study must be pre-arranged by the student's adult guardian and the School and that the adult guardian will be required to complete and submit documentation of engagement in instructional activity to the school on forms prepared by the school. As

applicable, such study shall be in full compliance with School policies and laws governing independent study.

Annual Financial Audit

The Board will annually appoint an audit committee by October during the fiscal year to be audited 1. Any persons with expenditure authorization or recording responsibilities within the school may not serve on the committee. The committee shall annually contract for the services of an independent certified public accountant to perform an annual fiscal audit. The audit shall include, but not be limited to (1) an audit of the accuracy of school's financial statements, (2) an audit of the school's attendance accounting and revenue claims practices, and (3) an audit of the school's internal controls practices, and (4) any other items required by applicable law. If the school receives over \$300,000 from federal sources, the audit shall be prepared in accordance with any relevant Office of Management and Budget audit circulars. The Audit shall be completed, reviewed by the Board, and submitted to the charter-granting agency, the County Office of Education, the Office of the State Controller, and California Department of Education prior to December 15 of each year.

D. Negotiating Funding Entitlements

The Director shall prepare a set of negotiating principle"s for Board approval prior to engaging in negotiations over funding entitlements with the charter granting agency and state. The Director will take lead responsibility for negotiating all fiscal arrangements with the charter-granting agency and appropriate state education agency staff. These arrangements will be documented in appropriate and detailed written agreement for approval by the Board.

E. Required Budget and Other Fiscal Reports

The Director, working in conjunction with the bookkeeper, will produce and submit to the charter granting agency any and all required fiscal reports as may be required by state or federal law, or mandated by the terms of the school's charter. These include, but are not limited to, attendance reports, enrollment and other data reports required by the California Basic Education Data System, and other related data.

F. Property and Liability Insurance

The Director shall ensure that the school retains appropriate property and liability insurance coverage. Property insurance shall be obtained and address business interruption and casualty needs, including flood, fire, earthquake, and other hazards with replacement cost coverage for all assets listed in the school's Property Inventory and consumables at a level equivalent to the ' authorizer's program with respect to limits and coverage. The School will develop, implement, and ensure compliance with health, safety, and risk management guidelines in consultation with its insurance carriers and risk management experts. Administration shall maintain comprehensive range of insurance coverage, commensurate with that of other public schools and/or nonprofit organizations of similar type and size, to protect both itself and the authorizer. Details of this policy will be outlined in a Memorandum of Understanding ("MOU") between the School and the District and a copy of this policy will be available to the authorizer upon request. The school's Director and other staff who manage funds shall be placed under a fidelity bond.

G. Board Compensation

Board members shall serve without compensation, but may be reimbursed for actual and necessary expenses. Expenses for travel necessary to attending board meetings and meetings of board committees need not be approved in advance by the board. All other expenses shall be approved in advance by the Director/Principal and/or Treasurer. Travel expenses reimbursed shall not exceed levels that would be subject to federal or state income tax. All expenses reimbursed shall be documented by original receipts and in no event may reimbursements exceed actual expenses.

H. Authority to Enter Into Contracts

Except as otherwise provided in these policies, the Director may enter into contracts and agreements not to exceed \$5,000 without Board approval, provided funds sufficient for the contract or agreement are authorized and available within the school's board-adopted budget. Contracts and agreements in excess of \$ 5,000 must be submitted for board approval and may be executed by the Director or other person specifically designated by the Board after the Board has duly approved the contract or agreement.

I. Fundraising, Grant Solicitation, and Donation Recognition

All fundraising or grant solicitation activities on behalf of the school must be approved in advance by the Board. The Board shall be informed of any conditions, restrictions, or compliance requirements associated with the receipt of such funds, including grants or categorical programs sponsored by the state or federal government. The Board shall be notified no later than the next regular board meeting of the award or receipt of any funds and shall approve the receipt of any grants, donations, or receipts of fundraising proceeds prior to their deposit in the school's accounts.

All short- and long-term debt and leases must be approved in advance by the Board. Any debt and leases must be entered into with due diligence in accord with the purchasing policies listed above. All debt and lease agreements must document the terms and conditions, including, but not limited to the purpose, term, interest rate, and repayment schedule.

Additional concerns can be addressed between the authorizer and CCCTEC following authorization through a Memorandum of Understanding.

YCOE Staff:

8. The proposed Charter does not contain a reasonably comprehensive description of the procedures by which pupils may be suspended or expelled from the Charter School.

a. The Charter incorporates by reference the suspension/expulsion procedures in the Education Code without amending those procedures to describe the role of the Charter School Board, the method of selecting administrative panel members or other hearing procedures.

CCCTEC Response:

The CCCTEC Petition goes into great detail regarding the suspension and expulsion of a student section "D. Student Suspension/Expulsion Procedures", pages 58-65. CCCTEC takes very seriously the protection of any student's right to a free public education and will pursue, as does the CCCTEC Petition, any legal remedy to protect those rights.

Additional concerns can be addressed between the authorizer and CCCTEC following authorization through a Memorandum of Understanding.

YCOE Staff:

b. The Charter does not outline how the detailed suspension and expulsion policies and procedures in the Charter will be subject to periodic review' and /or revision as circumstances may warrant.

CCCTEC Response:

The CCCTEC Board and Staff will make necessary adjustments to the policies as needed. Additional concerns can be addressed between the authorizer and CCCTEC following authorization through a Memorandum of Understanding.

YCOE Staff:

9. *The proposed Charter does not contain a reasonably comprehensive description of employee retirement benefits. The Charter fails to specify with particularity the positions to be covered under the STRS or PERS systems; and erroneously and repeatedly refers to non-certificated personnel as "classified staff: reflecting a fundamental lack of understanding by petitioners regarding the legal authorities applicable to charter school employment.*

CCCTEC Response:

From the California Education Code:

*Education Code Section 45103. (a) The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 6 (commencing with Section 45240) or Section 45318 applies, classify all of these employees and positions. The employees and positions shall be known as the **classified** service.*

From the CCCTEC Petition page 52:

Provide a brief explanation of how the school will structure employee compensation to attract candidates with the necessary skills and experience. 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. [Ref California Education Code §47605(b)(5)(K) and Criteria for Review; CCR-5, §1 1967.5.1 (f)(1)]

The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security. All certificated staff members will participate in the State Teachers Retirement System (STRS) to the extent allowed by law. They shall retain all previous vested rights in STRS. Classified staff will participate in the federal social security program. The Board of Trustees of the School will decide whether classified employees will participate in other, if any, retirement programs such as PERS or some alternative pension plan. Should the Board decide that all or certain classified employees will participate in PERS, those employees shall retain all previous vested rights.

YCOE Staff:

10. *The proposed Charter does not contain a reasonably comprehensive description of employee rights. The Charter purports to ensure that WUSD employees who obtain employment with the Charter School "will have the right of return to employment in the district per district policy and collective bargaining agreements," whereas neither WUSD nor YCOE have such a policy or collective bargaining agreement provision. The Charter states that WUSD [or YCOE] "will affirmatively collaborate with the CCCTEC Charter to announce transfer opportunities ... in a timely fashion," whereas no such agreement with WUSD or YCOE exists and the Charter cannot unilaterally confer such an obligation. Finally, the Charter reserves the right to "employ staff on-loan" from WUSD, YCOE and other entities, but the exercise of any such right is contingent upon the agreement and cooperation of other agencies and cannot be unilaterally conferred by the Charter.*

CCCTEC Response:

WUSD Administrative Regulation (AR) 0420.4 states the following regarding collective bargaining agreements and charter school approval or denial: **"The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)**

YCOE staff have not read the above Administrative Regulation. Had YCOE staff done so they would have known that outlining these provisions in a Petition without the opportunity to consult with WUSD staff, WTA and CCCTEC staff would have been presumptuous by CCCTEC and inappropriate to include in the Petition itself.

Teachers of the CCCTEC charter school are not required to be WTA or other union employees. Individuals of CCCTEC who want to work for the school shall be provided all the protections negotiated with CCCTEC, Inc. CCCTEC, Inc. will develop and establish contracts and agreements with all staff prior to employment. The proper course of action is to address these items following authorization by the WUSD with a Memorandum of Understanding.

However CCCTEC does recognize the significance of the WUSD's concern surrounding the rights of employees, return rights, district policy regarding rights of teachers who leave to work in a charter school per a collective bargaining agreement, sick leave/vacation time and will work cooperatively with WUSD to insure that both the WUSD and CCCTEC have clear guidelines established regarding employee rights. The CCCTEC Charter School petition as presented to the WUSD and YCBE meets the necessary and mandatory requirements and goes beyond the legal requirements of Education Code Section 47605.

YCOE Staff:

11. The proposed Charter does not contain a reasonably comprehensive description of dispute resolution procedures. The dispute resolution procedure fails to provide a process and timeline for the appointment of a mediator in the event either or both parties fail or refuse to jointly identify a mutually acceptable mediator.

CCCTEC Response:

In the Review Memorandum to the YCBE Dr. Ayala wrote:

“The dispute resolution process contemplates informal efforts to resolve the dispute followed by a meeting between the oversight agency (YCOE) and the Charter School director (i.e., “Superintendent/Principal”). If those parties are unable to reach a resolution, a second joint meeting, including two members of each party’s respective board, is convened. If that meeting does not resolve the dispute, the parties “shall jointly identify” a neutral “third party mediator” to mediate the dispute. The costs of the mediator are shared equally. Thereafter, either party may pursue any other remedy at law. [Charter, V.F, at p. 55.] This provision lacks a procedure and timeline for the appointment of a mediator in the event either or both parties fail or refuse to “jointly identify.””

CCCTEC feels this provision can be best resolved in a memorandum of understanding following authorization of the CCCTEC Petition.

YCOE Staff:

12. The proposed Charter does not contain a reasonably comprehensive description of charter school closing procedures. The Charter provision for distribution of assets upon closing is effectively non-binding because the distribution of assets will be governed by the Articles of Incorporation which are subject to change without notice or approval of the oversight agency. The Charter closing procedure is not consistent with the Corporate Bylaws because the Charter provides for the distribution of assets to "another public education entity," but the Corporate Bylaws provides for distribution of assets to any type of "nonprofit fund, or corporation that is organized exclusively for charitable purposes and that has established exempt status under Internal Revenue Code section 501(c)(3)." While the Charter provides for distribution of assets upon closure of the school, the Corporate

Bylaws provide for distribution only upon dissolution of the corporation which may occur at a substantially later time, or not at all.

CCCTEC Response:

YCOE staff do not understand that the provisions in “H. Closure Protocol” apply to two entities. First to the Charter School and second to CCCTEC, Inc. Both elements as they apply to both CCCTEC Charter School and to CCCTEC, Inc are more than reasonably comprehensive for the reasons of the Petition. Further elements to school closure can be made in a memorandum of understanding following authorization.

YCOE Staff:

13. The proposed Charter generally states that it will employ the services of either YCOE or ExED, a charter school business services vendor, to perform a variety of business and fiscal management services, but the lack of specific details in the Charter document evidences the absence of an understanding of school business practices or the expertise necessary to competently coordinate and carry-out administrative services.

CCCTEC Response:

Specific details will be developed after the CCCTEC Petition is authorized and the CCCTEC Board determines which vendor or school agency will be utilized. To include items in the petition that may be negotiated with a future vendor would not be in the best interest of CCCTEC. A memorandum of understanding will be developed between the vendor/school agency following authorization.

YCOE Staff:

14. The proposed Charter does not reasonably address the potential civil liability effects on the YCOE. The Charter generally states the school will obtain general liability, workers~compensation, and other necessary insurance coverage~ and will name the YCOE as an additional insured~ but speculates that it may be permitted to obtain such insurance coverage as part of the YCOE~s insurance program. The Charter does not show an awareness of either the scope of coverage needed or the actual premium costs

CCCTEC Response:

Specific details will be developed after the CCCTEC Petition is authorized and the CCCTEC Board determines which vendor or school agency will be utilized for insurance reasons. To include items in the petition that may be negotiated with a future vendor would not be in the best interest of CCCTEC. A memorandum of understanding will be developed between the vendor/school agency following authorization.

YCOE Staff:

15. The proposed Charter is not supported by reasonably comprehensive financial statements. The financial statements and budgets contains insufficient detail to determine the fiscal viability of the Charter School. The projections of total ADA in the first year of operation are not supported by a description of the methodology used for the projections. The total ADA projection does not appear to distinguish between in-district and out-of-district ADA, indicating a probable absence of research data to support the projections. Financial projections for the first five years of operation are provided, but only show general categories of revenue and expenditures, and do not include anticipated cash-flow projections over the same period.

CCCTEC Response:

The original petition submitted for review by the petitioners used the September 2009 estimates from the California Charter Schools Association to develop detailed budget information that reflects the educational program at the proposed charter school. An analysis of this data at the time suggested sufficient annual funds exist to support the program.

Since September 2009 educational funding has continued to come under pressure due to a severe recession in the State of California which indicates that educational funding levels are expected to decline for the next several years. To allow for this decline in revenues the CCCTEC petitioners have developed a second "updated budget" with reduced revenue limits (\$5558.00) which more accurately reflects current and foreseeable funding realities

The CCCTEC petitioners are also alert to possible cash flow issues that result from the state's schedule for allocating money to schools. Knowing this, the petitioners will arrange for a line of credit to cover shortfalls until state funds are credited to our account at the county treasury. All budget information shown here are estimates and subject to change and final approval by the CCCTEC Board of Directors.

Once the school becomes operational, balance sheets and profit & loss statements will be created at the end of each month and available for public inspection.

The Public Charter Schools Grant (PCSG) is listed as a \$600,000 revenue source in the financial statements that follow. Only new charter schools may apply and must apply within a year of authorization or the start of operation. After this petition is submitted to California State Board of Education and before it is approved by the State Board of Education, the petitioners will submit a copy to the California Department of Education (CDE) Charter Schools Unit for review. If all criteria are met, the Charter Schools Unit will issue a conditional approval contingent on the Board approving the charter. Preference points are given to new charter schools locating in areas where students formerly attended schools both in PI Year 3, 4, or 5 and having a statewide API rank of 1 or 2. CDE estimates that 80 grants will be issued each year. In 2007-08, 60 were granted. In 2008-09, 55 were granted. The proposed charter school is eligible for the maximum grant amount.

In the remainder of this section updated budget information pertinent to the operation of the proposed school is presented in the following order:

- A. Revenue and expenditures organized by object code and detailed line-by-line for the first five years. Start-up costs are also included.
- B. Cash flow projections for Year 1, Year 2, Year 3.
- C. Assumptions for students and staff.
- D. CCCTEC 2010-2011 Teacher Salary Schedule.

The above items are attached to this report as addenda.

California College, Career & Technical Education Center, Inc


A California Public Charter School
A California Nonprofit Public Benefit Corporation

January 20, 2010

Response to the Yolo County Office of Education' "Review" of CCCTECH's Charter Petition

Addendum

- A. Revenue and expenditures organized by object code and detailed line-by-line for the first five years. Start-up costs are also included.
- B. Cash flow projections for Year 1, Year 2, Year 3.
- C. Assumptions for students and staff.
- D. CCCTEC 2010-2011 Teacher Salary Schedule.