

California Department of Education
Executive Office
SBE-003 (REV. 06/2008)
gacdb-csd-jul10item06

ITEM #19



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2010 AGENDA

SUBJECT	
Petition for Renewal of a Charter School Under the Oversight of the State Board of Education: Consideration of the Long Valley Charter School Petition, Which Was Denied by the Fort Sage Unified School District and the Lassen County Board of Education.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing and approve the petition to renew the Long Valley Charter School (LVCS) under the oversight of the SBE. The CDE also recommends that the ACCS recommend that the SBE incorporate the following provisions in its approval action:

- The SBE's Conditions on Opening and Operation as set forth in Attachment 1.
- Modifications to the charter in accordance with the CDE report as set forth in detail in Attachment 2, and as follows:
 - Description of Educational Program, California *Education Code (EC)* Section 47605(b)(5)(A) and *California Code of Regulations*, Title 5 (5 *CCR*), Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program
 - Pupil Outcomes, *EC* Section 47605(b)(5)(B): clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups
 - Employee Qualifications, *EC* Section 47605(b)(5)(E): clarify position qualifications and responsibilities for teachers and non-instructional staff
 - Vision, Hearing, Scoliosis Testing, *EC* Section 47605(b)(5)(F): clarify procedures for all vision, hearing and scoliosis testing

RECOMMENDATION (Cont.)

- Racial and Ethnic Balance, *EC* Section 47605(b)(5)(G) and 5 *CCR* Section 11967.5.1(f)(7): clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance
 - Admission Requirements, *EC* Section 47605(b)(5)(H) and 5 *CCR* Section 11967.5.1(f)(8): clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils
 - Annual Independent Financial Audits, *EC* Section 47605(b)(5)(I): revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to *EC* Section 41344
 - Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled
 - California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS), and Social Security Coverage, *EC* Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees
 - Public School Attendance Alternatives, *EC* Section 47605(b)(5)(L) and 5 *CCR* Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents
 - Dispute Resolution Procedures, *EC* Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools.
- Specification of a five-year term beginning July 1, 2010, and ending June 30, 2015.
 - Termination of the charter if the school does not resume operations between July 1 and September 30, 2010.
 - In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the

RECOMMENDATION (Cont.)

year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since 1992, 74 charter petition appeals have been submitted to the SBE for consideration. Of these 74, the SBE approved 30 petitions on appeal of local denial, 28 petitions were withdrawn by the petitioners prior to formal consideration by the SBE, the SBE denied 10 petitions, the SBE did not take formal action on 3 petitions, and 3 petitions are before the SBE today.

Of the 30 petitions approved by the SBE since 1992, 29 charter schools are currently operating under SBE oversight, and 9 charter schools are no longer under SBE oversight due to charter renewal at the local level, abandonment, and revocation. Of the 29 charter schools currently operating under SBE oversight, the SBE approved 15 on appeal of local denial, 11 under 3 statewide benefit charters, and the SBE renewed 3 charter schools on appeal of local denial.

SUMMARY OF KEY ISSUES

LVCS has been operating as a conversion charter school in the Fort Sage Unified School District (Fort Sage USD) since 2000. Fort Sage USD granted LVCS a renewal of its petition on November 17, 2004, for a five-year term from 2005 to 2010. The LVCS renewal petition was denied by the Fort Sage USD governing board on January 20, 2010. LVCS submitted an appeal to the Lassen County Board of Education (Lassen CBE) that was denied on March 29, 2010. Pursuant to *EC* Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

LVCS is located in Doyle, California, an isolated, rural community that is located more than 41 miles from the closest city of Susanville, California. LVCS serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program. Demographically, students at LVCS are similar to those in the other Fort Sage USD schools.

The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage USD primary and middle schools each earned a statewide decile rank of 1, and the high school earned a statewide ranking of 3.

SUMMARY OF KEY ISSUES (Cont.)

EC Section 47607(b) requires that a charter school meet at least one of the following criteria prior to receiving a charter renewal:

- Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years
- Attained a statewide API decile ranking of 4 or higher in the prior year or in two of the last three years
- Attained a similar schools API decile ranking of 4 or higher in the prior year or in two of the last three years
- Academically outperformed neighboring schools or any schools its pupils would otherwise be required to attend

To form its recommendation, the CDE and the ACCS reviewed the LVCS petition, results from statewide assessments, and the LVCS budget and cash flow reports. Based on the materials reviewed, the CDE finds that the LVCS petition includes all of the elements required under statute and regulation for the establishment of a charter school. In addition, LVCS meets the requirements for the renewal of a charter school as specified in *EC* Section 47607(b) as it attained its API growth target in the prior year, it received a decile rank of four on the API as compared to demographically similar schools, and its academic performance based on API and AYP data exceeds the academic performance of schools its students would otherwise attend.

Furthermore, the CDE finds that granting the LVCS charter is sound educational practice for the following reasons: the petition describes a site-based and independent study program likely to meet the needs of pupils within the community where the school is located. The guiding principles of the LVCS educational program are based on the Efficacy Approach, which affirms that one is not “born smart,” but one “gets smart” through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.

In addition, the CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition, and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to *EC* Section 47605(b)(5).

Technical amendments are needed for clarification and to reflect SBE authorization; however, the CDE concludes that none of these amendments is substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in the CDE report into the final LVCS charter, which is one of the requirements under the SBE’s Conditions on Opening and Operation.

SUMMARY OF KEY ISSUES (Cont.)

The LVCS petition was considered by the ACCS on June 16, 2010. By a vote of seven to zero, the ACCS recommended that the SBE approve the establishment of LVCS subject to (1) incorporation of all amendments identified in the CDE report; and (2) meeting the SBE's Conditions on Opening and Operation.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this school would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary and high school districts.

ATTACHMENT(S)

- Attachment 1: SBE Conditions on Opening and Operation (2 Pages)
- Attachment 2: CDE Charter School Petition Review Form (51 Pages)
- Attachment 3: LVCS charter and appendixes (46 Pages)
- Attachment 4: Fort Sage USD reasons for denial and petitioner's response (43 Pages)
- Attachment 5: Lassen CBE reasons for denial and petitioner's response (9 Pages)

STATE BOARD OF EDUCATION CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Not later than **July 1, 2010**, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.
- **MOU/Oversight Agreement.** Not later than TBD, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (CDE), to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to California *Education Code (EC)* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- **Special Education Local Plan Area Membership.** Not later than TBD, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and, not later than **July 1, 2010**, submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- **Educational Program.** Not later than **July 1, 2010**, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than TBD, submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Not later than **July 1, 2010**, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- **Facilities Agreements.** Not later than **July 1, 2010**, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- **Final Charter.** Not later than TBD, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.
- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).
- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by TBD, approval of the charter is terminated.

Petitioner	Long Valley Charter School	Evaluator	Bonnie Galloway
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Key Information Regarding:			
Grade Span and Build-out Plan	The school currently serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program.		
Location	Long Valley Charter School (LVCS) is currently located at 436-965 Susan Drive, Doyle, California 96109. Doyle, California, is an isolated, rural community that is located 41 miles from the closest city of Susanville, California.		
Brief History	The LVCS petition was initially approved for a five-year term by Fort Sage Unified School District (Fort Sage USD) on June 1, 2000, and renewed for a five-year term by Fort Sage USD on November 17, 2004. LVCS submitted a subsequent renewal petition to Fort Sage USD on November 18, 2009, and was denied on January 20, 2010, by a vote of five to zero. LVCS appealed to the Lassen County Board of Education (Lassen CBE), which denied the petition on March 29, 2010, by a vote of five to zero.		
Founding Group	This renewal charter was submitted by the LVCS Board of Directors of LVCS and its Financial Director, Pam Auld.		

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<p>The LVCS petition includes all of the elements required under statute and regulation for the renewal of a charter school. The California Department of Education (CDE) recommends approval of the LVCS petition as the LVCS charter meets the pre-requisites for renewal under California <i>Education Code (EC)</i> Section 47607(b) by attaining its API growth target in the prior year, receiving a decile rank of four on the API as compared to demographically similar schools, and by exceeding the academic performance of schools its students would otherwise attend. In addition, the petition describes an educational program likely to meet the needs of pupils within the community where the school will locate; petitioners are demonstrably likely to implement the program set forth in the petition; the petition includes the required affirmations; and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to <i>EC</i> Section 47605(b)(5).</p> <p>A number of technical amendments are needed for clarification and to reflect SBE authorization; however, none of these amendments are deemed substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in this report into the final LVCS charter, which is one of the requirements under the State Board of Education (SBE) Conditions on Opening and Operation, as follows:</p> <ul style="list-style-type: none"> • The SBE's Conditions on Opening and Operation as set forth in Attachment 1. 	

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- Modifications to the charter in accordance with the CDE report as set forth in detail in this attachment, and as follows:
 - Description of Educational Program, *EC* Section 47605(b)(5)(A) and *California Code of Regulations*, Title 5 (5 *CCR*), Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program
 - Pupil Outcomes, *EC* Section 47605(b)(5)(B): clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups
 - Employee Qualifications, *EC* Section 47605(b)(5)(E): clarify position qualifications and responsibilities for teachers and non-instructional staff
 - Vision, Hearing, Scoliosis Testing, *EC* Section 47605(b)(5)(F): clarify procedures for all vision, hearing and scoliosis testing
 - Racial and Ethnic Balance, *EC* Section 47605(b)(5)(G) and 5 *CCR* Section 11967.5.1(f)(7): clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance
 - Admission Requirements, *EC* Section 47605(b)(5)(H) and 5 *CCR* Section 11967.5.1(f)(8): clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils
 - Annual Independent Financial Audits, *EC* Section 47605(b)(5)(I): revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to *EC* Section 41344.
 - Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled
 - California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS),

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and Social Security Coverage, *EC* Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees

- Public School Attendance Alternatives, *EC* Section 47605(b)(5)(L) and 5 *CCR* Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents
- Dispute Resolution Procedures, *EC* Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools
- Specification of a five-year term beginning July 1, 2010, and ending June 30, 2015.
- Termination of the charter if the school does not open between July 1 and September 30, 2010.
- In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings.

The CDE recommends that the LVCS charter be approved, subject to incorporation of all amendments identified in this report, up to and including action taken by the SBE. In addition, the CDE recommends the inclusion of the SBE's Conditions on Opening and Operation, which are:

- Insurance Coverage—Not later than (DATE TO BE DETERMINED [TBD]) (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.
- Memorandum of Understanding (MOU)/Oversight Agreement—Not later than TBD, either: (a) accept an agreement with the

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SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- Special Education Local Plan Area (SELPA) Membership—Not later than TBD, submit written verification of having applied to a SELPA for membership as a local educational agency (LEA) and, not later than TBD, submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- Educational Program—Not later than TBD, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than TBD, submit the complete educational program for pupils to be served in the first year including, but not limited to: (1) a description of the curriculum and identification of the basic instructional materials to be used; (2) plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and (3) identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) Program in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
- Student Attendance Accounting—Not later than TBD, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements—Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's

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right to use the principal school site and any ancillary facilities identified by the petitioners for at least the first year of the school's operation (as an SBE-chartered school) and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.

- Zoning and Occupancy—Not less than 30 days prior to the school's opening, present evidence that the school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of the Director of the School Facilities Planning Division.
- Final Charter—Not later than TBD, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE, based primarily on the advice of the Charter Schools Division staff.
- Processing of Employment Contributions—Present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to CalPERS and CalSTRS.
- Operational Date—If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.

Requirements for SBE-authorized Charter Schools, Pursuant to *EC* Section 47605

Sound Educational Practice	<i>EC</i> Section 47605(b) 5 CCR Section 11967.5.1(a)
<p>Evaluation Criteria</p> <p>For purposes of <i>EC</i> Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.</p>	
Is the charter petition “consistent with sound educational practice?”	Yes
<p>Comments:</p> <p>The LVCS petition proposes an educational program that is likely to be of educational benefits to the pupils who attend the school. The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage primary and middle schools each earned a statewide ranking of 1, and the high school earned a statewide ranking of 3.</p>	
Unsound Educational Practice	<i>EC</i> Section 47605(b)(1) 5 CCR Section 11967.5.1(b)
<p>Evaluation Criteria</p> <p>For purposes of <i>EC</i> Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:</p> <ul style="list-style-type: none"> (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend. 	

Unsound Educational Practice	EC Section 47605(b)(1) 5 CCR Section 11967.5.1(b)
Does the charter petition present evidence of “an unsound educational program?”	No
<p>Comments:</p> <p>There is nothing in the LVCS petition indicating that its educational program is unsound. Based on API and AYP data, LVCS provides students a higher-performing academic program than the other schools in the Fort Sage USD and the districts from which LVCS independent study students reside. Among students in the independent study program, 82 percent of students reside in districts that did not meet AYP goals, and 85 percent of students reside in districts with AYP percent proficient rates in ELA and mathematics that generally range from 5 to 20 percent lower than percent proficient rates at LVCP.</p> <p>There is no reasonable evidence to suggest that students at LVCS would suffer harm from any program at LVCS or not be more likely to show academic achievement than if they attended the other schools in their districts of residence.</p>	

Demonstrably Unlikely to Implement the Program	EC Section 47605(b)(2) 5 CCR Section 11967.5.1(c)
<p>Evaluation Criteria</p> <p>For purposes of <i>EC</i> Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."</p> <ol style="list-style-type: none"> (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control. (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school. (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified). (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management. 	

Demonstrably Unlikely to Implement the Program	EC Section 47605(b)(2) 5 CCR Section 11967.5.1(c)
Are the petitioners "demonstrably unlikely to successfully implement the program?"	No
<p>Comments: The LVCS history demonstrates academic success. The LVCS petition demonstrates that the petitioners are likely to continue to implement the program as set forth in the charter petition. LVCS appears to have a reasonable comprehension of the requirements of law and a solid background in the educational, financial, organizational, and legal aspects of operating a charter school.</p> <p>The LVCS petitioners have also presented a realistic operational plan and a financial plan that appears sustainable. The LVCS budget appears to be balanced and meets the recommended levels of reserves identified in 5 CCR Section 15450. The petitioners provide their own business management services for the school.</p>	

Required Number of Signatures	EC Section 47605(b)(3) 5 CCR Section 11967.5.1(d)
<p>Evaluation Criteria</p> <p>For purposes of <i>EC</i> Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]”...shall be a petition that did not contain the requisite number of signatures at the time of its submission...</p>	
Does the petition contain the required number of signatures at the time of its submission?	N/A
<p>Comments: Signatures are not required for a renewal petition.</p>	

Affirmation of Specified Conditions	EC Section 47605(b)(4) EC Section 47605(d) 5 CCR Section 11967.5.1(e)
<p>Evaluation Criteria</p> <p>For purposes of <i>EC</i> Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [EC Section 47605(d)]"...shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in <i>EC</i> Section 47605(d).</p>	

Affirmation of Specified Conditions	EC Section 47605(b)(4) EC Section 47605(d) 5 CCR Section 11967.5.1(e)
<p>(1)...[A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California <i>Penal Code</i>. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.</p>	Yes
<p>(2) (A) A charter school shall admit all pupils who wish to attend the school.</p> <p>(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in <i>EC</i> Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.</p> <p>(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.</p>	Yes
<p>(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to <i>EC</i> Section 48200.</p>	Yes
<p>Does the charter petition contain the required affirmations?</p>	Yes
<p>Comments: The LVCS charter contains the required affirmations.</p>	

The 16 Charter Elements

1. Description of Educational Program	<i>EC Section 47605(b)(5)(A)</i> <i>5 CCR Section 11967.5.1(f)(1)</i>
Evaluation Criteria	
The description of the educational program..., as required by <i>EC Section 47605(b)(5)(A)</i> , at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21 st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to <i>EC Section 60605</i> and to achieve the objectives specified in the charter.	Yes; Technical Amendments Needed
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Yes
(G) Indicates how the charter school will meet the needs of pupils with disabilities, English learners, pupils achieving substantially above or below grade level expectations, and other special student populations.	Yes

1. Description of Educational Program	EC Section 47605(b)(5)(A) 5 CCR Section 11967.5.1(f)(1)
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of <i>EC</i> Section 47641, the process to be used to identify pupils who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Yes
<p>If serving high school pupils, describes how district/charter school informs parents about:</p> <ul style="list-style-type: none"> • Transferability of courses to other public high schools; and • Eligibility of courses to meet college entrance requirements <p>(Courses that are accredited by the Western Association of Schools and Colleges [WASC] may be considered transferable, and courses meeting the University of California [UC]/California State University [CSU] "a-g" admissions criteria may be considered to meet college entrance requirements.)</p>	Yes
Does the petition overall present a reasonably comprehensive description of the educational program?	Yes; Technical Amendments Needed
<p>Comments:</p> <p>LVCS offers a standards-based curriculum that includes a site-based program for pupils in kindergarten through eighth grade and a nonclassroom-based program for pupils in kindergarten through grade twelve. The site-based program uses multi-age settings, technology and community service projects. The non-classroom based program provides support for family-based instruction ("home schooling") including access to assemblies, community service projects, and extra curricular activities through the site-based program.</p> <p>The guiding principles of LVCS are based on the Efficacy Approach, which affirms that one is not "born smart," but one "gets smart" through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.</p> <p>Student demographics at LVCS are similar to those at the other schools in the Fort Sage USD; however, because of the remote location and small population of the district, comparisons are difficult. LVCS employs outreach methods, such as development of informational materials in languages other than English, to ensure racial and ethnic balance.</p>	

1. Description of Educational Program

**EC Section 47605(b)(5)(A)
5 CCR Section 11967.5.1(f)(1)**

Each member of the LVCS teaching staff provides and participates in the staff enrichment program. Each teacher chooses a project that will benefit staff. Upon approval by the Advisory Council, the teacher receives training and then in turn shares this training with the rest of the staff. In addition, LVCS operates a Community Outreach Program that utilizes a wide range of community organizations to provide resources, mentoring, student internships, and cultural enrichment. The Community Outreach Committee invites students and families from the entire Fort Sage USD to participate in events such as Outdoor Education Camp, Lit Jam, and Lit Fest.

Plan for Low-Achieving Pupils

Low-achieving students are assessed using a variety of standardized assessments and supported by Response to Intervention and Title 1 services. In addition, LVCS offers tutoring for low-achieving independent study students during traditional school hours. Site-based students are offered Title 1 teacher assistance and reading intervention for an additional 20 minutes per day in small groups four days per week.

Plan for High-Achieving Pupils

Advanced independent study high school students identified through STAR results, report cards, and teacher observation may enroll in Barstow Community College online course work or on campus at Lassen Community College. If parents choose to pay tuition, these students have the opportunity to earn a two-year degree by the time they graduate from high school. LVCS also offers visual and performing arts opportunities through private vendors.

Plan for English Learners

Neither the Fort Sage USD nor LVCS report having English learner (EL) students. LVCS will utilize the home language survey and the California English Language Development Test (CELDT) to identify EL pupils. All current LVCS teachers have completed coursework or testing to be qualified to instruct EL students. Most of the curriculum adopted by LVCS includes materials for EL students.

Plan for Special Education Pupils

LVCS commits to complying with all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and all other applicable state and federal laws. Before the LVCS renewal petition was denied by Fort Sage USD and Lassen CBE, LVCS was categorized as a public school of the county in accordance to EC Section 47641(b). If approved by the SBE, the petitioners intend to apply to the Lassen County SELPA as an LEA for the provision of special education services to LVCS pupils. Should LVCS be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado SELPA.

1. Description of Educational Program	EC Section 47605(b)(5)(A) 5 CCR Section 11967.5.1(f)(1)
<p>Upon request from the CDE, LVCS promptly provided comprehensive descriptions of its educational programs that included the following components:</p> <ul style="list-style-type: none"> • Methods of instructional delivery for the on-site and independent study programs • Teaching strategies used for students with different learning styles (auditory, kinesthetic, visual, tactile, global, analytic) • Response to Intervention program information • Course offerings for elementary and secondary independent study students • High school graduation requirements <p>The CDE recommends that technical amendments be made to the LVCS charter petition to clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program.s</p>	
2. Measurable Pupil Outcomes	EC Section 47605(b)(5)(B) 5 CCR Section 11967.5.1(f)(2)
Evaluation Criteria	
Measurable pupil outcomes, as required by <i>EC</i> Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils.	Yes
(B) Include the school's API growth target, if applicable.	Yes, Technical Amendments Needed
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	Yes, Technical Amendments Needed

2. Measurable Pupil Outcomes

EC Section 47605(b)(5)(B)
5 CCR Section 11967.5.1(f)(2)

Comments:

The LVCS charter petition states that its measurable student outcomes are aligned with California academic content standards pursuant to EC Section 47605(c)(1). In addition, the petition states that students will continue to demonstrate increased skills and understanding of core subjects as follows:

- Language Arts
 - Reading, oral, and written language
 - Literature from various time periods and cultures
- Mathematics
 - Developing the ability to reason logically and apply mathematical concepts and processes
 - Comprehensive understanding of how math is applied in the real world in technology today
- Science
 - Utilizing scientific research and inquiry methods to understand and apply major concepts
 - Comprehensive understanding of how science is applied in the real world in technology today
- Social Sciences
 - Civic, historical, and geographical knowledge to serve as citizens in a world of diverse cultures

The petition also includes that students will demonstrate understanding of the following non-core outcomes:

- Technology as a resource to increase knowledge
- Increased awareness of environment and community
- An appreciation of visual and performing arts

CDE recommends technical amendments to the charter petition to clarify that LVCS will meet or exceed its API growth target both school wide and in reportable subgroups.

3. Method for Measuring Pupil Progress	EC Section 47605(b)(5)(C) 5 CCR Section 11967.5.1(f)(3)	
Evaluation Criteria		
The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:		
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.		Yes
(B) Includes the annual assessment results from the STAR program.		Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.		Yes
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?		Yes
Comments: The LVCS petition presents a reasonably comprehensive description of the methods to be used for measuring pupil progress. Key methods of measuring pupil progress include:		
<ul style="list-style-type: none">• STAR program• CELDT• School-adopted benchmark curriculum assessments, including Accelerated Math, Early STAR Literacy, and STAR Reading• SGPs• Teacher observation• Self-evaluation• Work Samples		
Results of these assessments are shared regularly with parents through the following means:		
<ul style="list-style-type: none">• Conferences and SGP reviews• Progress reports and report cards• Publication of the School Accountability Report Card (SARC)		

3. Method for Measuring Pupil Progress	EC Section 47605(b)(5)(C) 5 CCR Section 11967.5.1(f)(3)	
The petition states that each year, LVCS will conduct a program evaluation to determine the effectiveness of all aspects of the program by measuring student growth. The Education Director or designee will present this annual evaluation to the authorizing board and make it available to the Advisory Council.		
4. Governance Structure	EC Section 47605(b)(5)(D) 5 CCR Section 11967.5.1(f)(4)	
Evaluation Criteria		
The governance structure of the school, including, but not limited to, the process...to ensure parental involvement..., as required by EC Section 47605(b)(5)(D), at a minimum:		
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.		Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.		Yes
Does the petition present a reasonably comprehensive description of the school's governance structure?		Yes

4. Governance Structure	EC Section 47605(b)(5)(D) 5 CCR Section 11967.5.1(f)(4)
<p>Comments:</p> <p>The LVCS petition presents a reasonably comprehensive description of the LVCS governance structure. LVCS is incorporated as a non-profit public benefit corporation and is governed by a Board of Directors in accordance with bylaws that have been adopted by the LVCS board. The Board of Directors includes representatives from parents and LVCS staff. Per the bylaws, the LVCS Board of Directors will act in full compliance with the Brown Act, the Political Reform Act, and will adopt policies and procedures regarding self-dealing and conflicts of interest.</p> <p>The Advisory Council is comprised of equal members of staff and parent/community members and will address schoolwide problems and submit policies to the Board of Directors for approval. LVCS has also incorporated a Community Advisory Board consisting of community members including business owners, community leaders, politicians, and professionals.</p> <p>Parents have opportunity to participate in the governance school as stakeholders in the Board of Directors and members of the Advisory Council. The Advisory Council is tasked with developing parental involvement strategies and policies for submission to the Board of Directors.</p>	

5. Employee Qualifications	EC Section 47605(b)(5)(E) 5 CCR Section 11967.5.1(f)(5)
Evaluation Criteria	
The qualifications [of the school's employees], as required by <i>EC</i> Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes, Technical Amendments Needed
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Yes
Does the petition present a reasonably comprehensive description of employee qualifications?	Yes, Technical Amendments Needed

5. Employee Qualifications	EC Section 47605(b)(5)(E) 5 CCR Section 11967.5.1(f)(5)
<p>Comments: The LVCS petition presents a reasonably comprehensive description of LVCS employee qualifications. The petition includes comprehensive position qualifications and responsibilities of the LVCS education director and financial director.</p> <p>The CDE recommends a technical amendment to the charter petition to include more detailed position qualifications and responsibilities for teachers and non-instructional staff.</p>	

6. Health and Safety Procedures	EC Section 47605(b)(5)(F) 5 CCR Section 11967.5.1(f)(6)
Evaluation Criteria	
The procedures...to ensure the health and safety of pupils and staff, as required by <i>EC</i> Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in <i>EC</i> Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in <i>EC</i> Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of health and safety procedures?	Yes; Technical Amendments Needed
<p>Comments: The LVCS petition presents a reasonably comprehensive description of health and safety procedures to be used at the school. LVCS has adopted and is implementing a comprehensive set of policies and procedures that will ensure the health and safety of staff. The petition specifically commits to the following statutory and regulatory requirements:</p> <ul style="list-style-type: none"> • LVCS employees, contractors, and volunteers will be required to submit to a criminal background check and furnish a criminal record summary prior to employment and/or any individual contact with pupils as required by <i>EC</i> sections 44237 and 45125.1. • LVCS will require tuberculosis testing of all employees. 	

6. Health and Safety Procedures	EC Section 47605(b)(5)(F) 5 CCR Section 11967.5.1(f)(6)
<ul style="list-style-type: none"> LVCS will adhere to all laws requiring immunizations for entering pupils to the same extent required for enrollment in non-charter public schools. <p>The CDE recommends a technical amendment to the petition to include provisions for the screening of pupil's hearing, vision, and for scoliosis.</p>	
7. Racial and Ethnic Balance	EC Section 47605(b)(5)(G) 5 CCR Section 11967.5.1(f)(7)
<p>Evaluation Criteria</p> <p>Recognizing the limitations on admissions to charter schools imposed by <i>EC</i> Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district..., as required by <i>EC</i> Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.</p>	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	Yes; Technical Amendments Needed
<p>Comments:</p> <p>The LVCS petition presents a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school that includes the following:</p> <ul style="list-style-type: none"> An enrollment process and timeline that allows for a broad-based recruiting and application process Development of materials in languages other than English Service of Spanish speaking staff to facilitate communication <p>The CDE recommends a technical amendment to the charter petition to clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.</p>	
8. Admission Requirements, If Applicable	EC Section 47605(b)(5)(H) 5 CCR Section 11967.5.1(f)(8)

8. Admission Requirements, If Applicable	EC Section 47605(b)(5)(H) 5 CCR Section 11967.5.1(f)(8)
Evaluation Criteria To the extent admission requirements are included in keeping with <i>EC</i> Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of <i>EC</i> Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	Yes; Technical Amendments Needed
Comments: The LVCS petition presents a reasonably comprehensive description of admission requirements to be used at the school. LVCS commits to conducting a public random drawing if more applications are received than there is capacity. LVCS will give admission preference to pupils who reside within the former attendance area of Long Valley School, as required of conversion charter schools under <i>EC</i> Section 47605(d)(1). LVCS will also extend admission preference to siblings of existing pupils of the charter school, children of employees of the school, children on the wait list from the previous year and all other district residents. The CDE recommends a revision to the charter petition to clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils.	

9. Annual Independent Financial Audits	EC Section 47605(b)(5)(I) 5 CCR Section 11967.5.1(f)(9)
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by <i>EC</i> Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes

9. Annual Independent Financial Audits	EC Section 47605(b)(5)(I) 5 CCR Section 11967.5.1(f)(9)
Does the petition present a reasonably comprehensive description of annual independent financial audits?	Yes; Technical Amendments Needed
<p>Comments: The LVCS petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted, however, technical amendments to the final charter will be required should the SBE approve the charter.</p> <p>LVCS petitioners have agreed to make technical amendments to reflect SBE authorization that address:</p> <ul style="list-style-type: none"> • Resolution of any audit exceptions and deficiencies to the SBE's satisfaction • Referral of disputes to the EAAP pursuant to EC Section 41344 	

10. Suspension and Expulsion Procedures	EC Section 47605(b)(5)(J) 5 CCR Section 11967.5.1(f)(10)
<p>Evaluation Criteria</p> <p>The procedures by which pupils can be suspended or expelled, as required by EC Section 47605(b)(5)(J), at a minimum:</p>	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which pupils must or may be suspended or expelled in non-charter public schools.	Yes; Technical Amendments Needed
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes

10. Suspension and Expulsion Procedures	EC Section 47605(b)(5)(J) 5 CCR Section 11967.5.1(f)(10)
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in...regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension or expulsion.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	Yes; Technical Amendments Needed
Comments: The LVCS petition presents a reasonably comprehensive description of suspension and expulsion procedures to be used by the school. LVCS commits to comprehensive due process procedures for all pupils by utilizing the suspension and expulsion policy utilized by Fort Sage USD which directly follows EC Section 48900 <i>et seq.</i> The CDE recommends technical amendments to the charter to update the policy in light of recent updates to EC Section 48900 <i>et seq.</i> , to include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements, and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically to meet the requirements of 5 CCR Section 11967.5.1(f)(10)(A). In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled.	
11. CalSTRS, CalPERS, and Social Security Coverage	EC Section 47605(b)(5)(K) 5 CCR Section 11967.5.1(f)(11)

11. CalSTRS, CalPERS, and Social Security Coverage	EC Section 47605(b)(5)(K) 5 CCR Section 11967.5.1(f)(11)
Evaluation Criteria The manner by which staff members of the charter schools will be covered by the CalSTRS, the CalPERS, or federal social security, as required by <i>EC</i> Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	Yes; Technical Amendments Needed
Comments: The LVCS petition presents a reasonably comprehensive description of the retirement programs offered by the school. The CDE recommends a technical amendment to the charter to clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees.	
12. Public School Attendance Alternatives	EC Section 47605(b)(5)(L) 5 CCR Section 11967.5.1(f)(12)
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by <i>EC</i> Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any LEA (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	Yes; Technical Amendments Needed
Comments: The LVCS petition makes clear that pupils enrolled at LVCS have no right to admission in a particular school of any LEA as a consequence of enrollment at LVCS, except to the extent that such a right is extended by the LEA. The CDE recommends a technical amendment to the charter to clarify how this information will be communicated to parents.	
13. Post-employment Rights of Employees	EC Section 47605(b)(5)(M) 5 CCR Section 11967.5.1(f)(13)

13. Post-employment Rights of Employees	EC Section 47605(b)(5)(M) 5 CCR Section 11967.5.1(f)(13)						
<p>Evaluation Criteria</p> <p>The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by <i>EC</i> Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:</p> <table border="1" data-bbox="79 464 2024 711"> <tr> <td data-bbox="79 464 1797 516">(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.</td><td data-bbox="1799 464 2024 516">Yes</td></tr> <tr> <td data-bbox="79 518 1797 570">(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.</td><td data-bbox="1799 518 2024 570">Yes</td></tr> <tr> <td data-bbox="79 571 1797 711">(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.</td><td data-bbox="1799 571 2024 711">Yes</td></tr> </table> <p>Does the petition present a reasonably comprehensive description of post-employment rights of employees? Yes</p> <p>Comments: The LVCS petition presents a reasonably comprehensive description of the post-employment rights of LVCS employees, which are only as specified by the Fort Sage USD.</p>		(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes	(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes	(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes						
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes						
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes						

14. Dispute Resolution Procedures	EC Section 47605(b)(5)(N) 5 CCR Section 11967.5.1(f)(14)				
<p>Evaluation Criteria</p> <p>The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by <i>EC</i> Section 47605(b)(5)(N), at a minimum:</p> <table border="1" data-bbox="79 1130 2024 1245"> <tr> <td data-bbox="79 1130 1432 1206">(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.</td><td data-bbox="1434 1130 2024 1206">Yes; Technical Amendments Needed</td></tr> <tr> <td data-bbox="79 1208 1432 1245">(B) Describe how the costs of the dispute resolution process, if needed, would be funded.</td><td data-bbox="1434 1208 2024 1245">Yes</td></tr> </table>		(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes; Technical Amendments Needed	(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes; Technical Amendments Needed				
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes				

14. Dispute Resolution Procedures	EC Section 47605(b)(5)(N) 5 CCR Section 11967.5.1(f)(14)
(C) Recognize that, because it is not a LEA, the SBE may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes; Technical Amendments Needed
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with <i>EC</i> Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	Yes; Technical Amendments Needed
Comments: The dispute resolution procedures in the LVCS petition do not include all of the requirements necessary to reflect the SBE as an authorizer. Should the SBE approve the LVCS charter, the CDE will work with the petitioners to conform this section of the final LVCS charter to SBE requirements. LVCS petitioners have agreed to make technical amendments to the dispute resolution procedures in the LVCS charter to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools	

15. Exclusive Public School Employer	EC Section 47605(b)(5)(O) 5 CCR Section 11967.5.1(f)(15)
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA) (Chapter 10.7 [commencing with Section 3540]) of Division 4 of Title 1 of the <i>Government Code</i> [GC]), as required by <i>EC</i> Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the EERA.	

15. Exclusive Public School Employer	<i>EC</i> Section 47605(b)(5)(O) 5 <i>CCR</i> Section 11967.5.1(f)(15)
Does the petition include the necessary declaration?	Yes
Comments: The LVCS petition makes clear that LVCS shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the EERA. LVCS recognizes employee rights under EERA provisions to organize for collective bargaining.	

16. Closure Procedures	<i>EC</i> Section 47605(b)(5)(P) 5 <i>CCR</i> Section 11967.5.1(f)(15)(g)
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with <i>EC</i> Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	Yes
Comments: The LVCS petition includes a comprehensive description of closure procedures pursuant to <i>EC</i> Section 47605(b)(5)(P) and 5 <i>CCR</i> sections 11962 and 11962.1.	

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	<i>EC</i> Section 47605(c) 5 <i>CCR</i> Section 11967.5.1(f)(3)
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to <i>EC</i> sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes

Standards, Assessments, and Parent Consultation	EC Section 47605(c) 5 CCR Section 11967.5.1(f)(3)
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	Yes
Comments: The petition states that LVCS will meet all statewide standards and conduct all required state mandated pupil assessments. The petition also includes a number of methods LVCS will use to consult regularly with parents and teachers regarding the school's educational programs including the inclusion of those stakeholders on the Board of Directors and Advisory Council.	

Employment is Voluntary	EC Section 47605(e) 5 CCR Section 11967.5.1(f)(13)
Evaluation Criteria The governing board...shall not require any employee...to be employed in a charter school.	
Does the petition meet this criterion?	Yes
Comments: The petition states that no public school district employee shall be required to work at LVCS.	

Pupil Attendance is Voluntary	EC Section 47605(f) 5 CCR Section 11967.5.1(f)(12)
Evaluation Criteria The governing board...shall not require any pupil...to attend a charter school.	
Does the petition meet this criterion?	Yes
Comments: The charter states that enrollment at LVCS is entirely voluntary on the part of the students.	

Effect on Authorizer and Financial Projections	EC Section 47605(g) 5 CCR Section 11967.5.1(c)(3)(A-C)
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Effect on Authorizer and Financial Projections	EC Section 47605(g) 5 CCR Section 11967.5.1(c)(3)(A–C)
Evaluation Criteria ...[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:.	
<ul style="list-style-type: none"> • The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. 	Yes
<ul style="list-style-type: none"> • The manner in which administrative services of the school are to be provided. 	Yes
<ul style="list-style-type: none"> • Potential civil liability effects, if any upon the school and the SBE. 	Yes
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation.	Yes
Does the petition provide the required information and financial projections?	Yes
Comments: Overall, it appears that the charter school’s budget is balanced and meets recommended levels of reserves. Budgeted revenues and expenditures largely follow historical trends and appear to be conservative. Adjustments to expenditures appear to have been made to reflect the overall decrease in state funding, and cash flow has been adjusted to reflect state deferrals. The school appears to be sustainable though it will face economic challenges similar to other LEAs in the state.	

Academically Low Achieving Pupils	EC Section 47605(h) 5 CCR Section 11967.5.1(f)(1)(F–G)
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving.	
Does the petition merit preference by the SBE under this criterion?	Yes

Academically Low Achieving Pupils	EC Section 47605(h) 5 CCR Section 11967.5.1(f)(1)(F-G)
<p>Comments: The LVCS petition merits preference by the SBE due to LVCS's rural location and the performance of the other schools in the Fort Sage USD in comparison to LVCS. LVCS was the only school in the Fort Sage USD to meet its 2009 AYP goals. In 2008, LVCS received a statewide decile ranking of 2 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD received statewide rankings of either 1 or 2, but were too small to receive similar schools decile rankings. In addition, the LVCS independent study program serves students from ten surrounding districts, many of which academically underperform LVCS based on AYP and API data.</p>	

Teacher Credentialing	EC Section 47605(l) 5 CCR Section 11967.5.1(f)(5)
<p>Evaluation Criteria Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing (CCTC) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.</p>	
<p>Does the petition meet this requirement?</p>	<p>Yes</p>
<p>Comments: The petition is clear that LVCS teachers will be credentialed as required by law.</p>	

Transmission of Audit Report	EC Section 47605(m) 5 CCR Section 11967.5.1(f)(9)
<p>Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year...to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited..., and the CDE by December 15 of each year.</p>	
<p>Does the petition address this requirement?</p>	<p>Yes</p>
<p>Comments: The LVCS petition commits to following the financial audit report transmission procedures contained in <i>EC Section 47605(m)</i>.</p>	

Addendum 1: Fort Sage Unified School District Reasons for Denial

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

The District made the following findings to support the denial of the charter renewal:

1. Unsound Educational Program
2. Demonstrably Unlikely to Succeed
3. Lack of Reasonably Comprehensive Descriptions of various elements required by *EC* Section 47605(b)(5).

The District made specific factual findings to support the findings listed above. These factual findings along with the LVCS response follow:

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

1. LVCS presents an unsound educational program for the pupils to be enrolled in the charter school. (*EC* Section 47605(b)(1).)

A. Pursuant to 5 *CCR*, Section 11967.5.1(b)(2), a program shall be "unsound" if it involves activities that the SBE determines would present the likelihood of physical harm to the affected pupils.

(1) LVCS has taken actions which have presented the likelihood of physical harm to affected pupils. Specifically:

- (a) In 2006, LVCS placed two (2) portable structures on its campus without the authorization of the District or the Division of the State Architect. The placement of portable structures, which were not authorized as being up to building and safety codes, presented the possibility of physical harm to pupils.
- (b) In 2006, there was a propane leak on the LVCS campus which was not reported or handled properly. (*See Attachment A.*) The mishandling of the propane leak presented the possibility of physical harm to pupils.

LVCS Response:

In the Resolution, the District did not set forth all of the relevant facts regarding LVCS's addition of two portable buildings on its campus in 2006. Pamela Auld, the LVCS Director, wrote a letter to the then-District Superintendent and Board on July 13, 2006 seeking District approval to place portable buildings on the LVCS site. On August 16, 2006, District legal counsel ordered the removal

Addendum 1: Fort Sage Unified School District Reasons for Denial

of the portable buildings until an agreement between the parties as to the portables could be reached. The Charter School subsequently appealed to the District Board to keep the portables on the campus. Despite a public records request for the minutes of this District Board meeting, the Charter School has been unable to obtain a copy of the minutes. The District did not ultimately object to the addition of portable buildings. Further, LVCS obtained a clear inspection of the portables by the Division of the State Architect.

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

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

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

LVCS counters that the District Board's discussion during its consideration of the charter did not relate in anyway to the LVCS charter, its educational quality, comprehensiveness, or any other basis allowed by law. Board members focused instead on fiscal impact of the charter on the District. The District subsequently approved its own charter without independent governance or finance which replicates LVCS so much that it has used language from the LVCS charter. The District's denial appears to be a disingenuous play for District financial purposes.

CDE response:

LVCS has presented evidence that the issues regarding the portables and the propane leak were resolved in a timely manner to the satisfaction of Fort Sage USD. Fort Sage USD does not present any evidence that there is any current likelihood of physical harm to students.

Addendum 1: Fort Sage Unified School District Reasons for Denial

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

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

A. Pursuant to 5 CCR Section 11967.5.1(c)(3), a factor in determining if a program is “demonstrably unlikely to succeed” is if petitioners have presented unrealistic financial/operational plans.

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

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

LVCS Response:

The District here finds that the Charter School presented an unrealistic financial plan because (1) ten years ago, LVCS incorrectly reported average daily attendance (“ADA”); and (2) LVCS is currently making payments to the State as a result of its audit finding from the incorrectly reported ADA. The Charter School does not dispute that it made attendance accounting errors in its first two years of operation. What the District neglects to acknowledge, however, is that LVCS negotiated a settlement of the audit finding with the State Controller and Department of Finance for an eight-year repayment plan. The Charter School has three years remaining in that repayment plan; it has made timely payments for five years and has budgeted for the remaining three years’ payments. With demonstrated past performance of payments and a budget reserve in excess of \$260,000 (far exceeding state expectations for budget reserves), the District cannot seriously doubt the stability and realistic nature of the Charter School’s financial plans.

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

CDE response:

LVCS presents a realistic budget that includes the repayment plan resulting from the ADA miscalculation.

Finding 3. A.: Not Reasonably Comprehensive; API

Addendum 1: Fort Sage Unified School District Reasons for Denial

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

A. Pursuant to 5 *CCR* Section 11967.5.1(f)(2)(B), at a minimum, a petition must include the school's API growth target.

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

LVCS Response:

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

CDE response:

The LVCS petition refers to API results throughout the petition. Including a specific API growth target as a technical amendment to the petition would not be considered a material revision to the charter petition and would not be cause for denial.

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

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

A. Pursuant to 5 *CCR* Section 11967.5.1(f)(4)(A), at a minimum, a petition must include evidence of the charter school's incorporation as a non-profit public benefit corporation.

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

B. Pursuant to 5 *CCR* Section 11967.5.1(f)(4)(B), at a minimum, a petition must include evidence of the organizational and technical designs of the governance structure that reflect a seriousness of purpose necessary to ensure that 1) the charter school will become

Addendum 1: Fort Sage Unified School District Reasons for Denial

and remain a viable enterprise; 2) there will be active and effective representation of interested parties, including but not limited to parents (guardians); and 3) the educational program will be successful.

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

LVCS Response:

The District submits that the LVCS charter renewal petition does not describe, in a reasonably comprehensive manner, the Charter School's governance structure because the LVCS Articles of Incorporation and bylaws were not attached to the charter renewal submission. However, both the Articles of Incorporation and the bylaws were submitted to the District on January 15, 2010 by a Charter School staff member.

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

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

CDE response:

LVCS has been in operation under the oversight of the Fort Sage USD for ten years, demonstrating that the charter school is a "viable enterprise." The missing documentation cited by Fort Sage USD could have been included as a technical amendment to the charter petition.

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

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

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

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B. The Renewal Petition does not describe how it will verify that teachers are “highly qualified” as required by the federal No Child Left Behind (NCLB) Act of 2001.

LVCS Response:

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

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

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

CDE response:

There is no legal requirement that a charter petition include a process for inspecting and verifying teacher credentials; therefore, this cannot be a finding for denial of a charter petition. The charter petition affirms that it will comply with all applicable portions of NCLB (page 4).

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

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

A. Pursuant to 5 *CCR* Section 11967.5.1(f)(6)(A), at a minimum, a petition must include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.

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

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

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LVCS Response:

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

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

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

CDE response:

The LVCS petition includes affirmation that employees will be tested for tuberculosis. It is not required by law that a description of the testing process be included in the charter. The Fort Sage USD finding does not present reasonable grounds for denial.

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

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

LVCS Response:

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

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the charter renewal petition.

CDE response:

As with the finding regarding tuberculosis testing, the LVCS charter affirms that appropriate criminal background checks for employees will be conducted. It is not required by law that the charter include the details of such a policy, and the absence of such a policy is not a reasonable ground for denial.

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

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

LVCS Response:

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

CDE response:

“Health checks” for employees are not a requirement of any public school.

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

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

LVCS Response:

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

CDE response:

Addendum 1: Fort Sage Unified School District Reasons for Denial

LVCS has been operating on a site owned by Fort Sage USD since the LVCS conversion and submitted the renewal petition in good faith that it would remain at this site. Any issues regarding building codes could be resolved in a memorandum of understanding between LVCS and Fort Sage USD concerning the use of the district facility.

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

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

LVCS Response:

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

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

CDE response:

The Fort Sage USD finding regarding the portables is addressed in Finding 1A (page 29 of this report).

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

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

LVCS Response:

The LVCS safety and disaster policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition.

CDE response:

Addendum 1: Fort Sage Unified School District Reasons for Denial

The petition states that the health, safety, and risk management policies are attached to the petition as Attachment B. There is no such attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment.

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

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

LVCS Response:

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

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

CDE response:

The Fort Sage USD finding regarding the propane leak is addressed in Finding 1A (page 29 of this report).

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

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

LVCS Response:

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

Addendum 1: Fort Sage Unified School District Reasons for Denial

charter renewal petition.

CDE response:

Charter law does not require petitioners to include provisions for food and safety or environmental protection. Furthermore, Fort Sage USD presents no documented instances of problems in this area. This finding is not a basis for denial.

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

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

LVCS Response:

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

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

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

CDE response:

The LVCS petition includes affirmations that its health and safety procedures are described in Attachment B. As discussed previously, the omission of Attachment B appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment. Furthermore, there is no requirement in charter law that a petition include procedures for administering medications to students, and the petition does affirm that a policy regarding the reporting of child abuse is contained in Attachment B.

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

7. The Renewal Petition does not contain a reasonably comprehensive description of the admissions requirements as required by

Addendum 1: Fort Sage Unified School District Reasons for Denial

Education Code Section 47605(b)(5)(H).

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

LVCS Response:

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

Instead, the District finds that the Charter School did not properly describe the method it uses to conduct a public random drawing in the event that more students wish to attend than space permits. This finding is not a permissible basis to deny the charter renewal petition. Nevertheless, LVCS does describe, in the charter renewal petition, its process for holding a public random drawing in a manner consistent with *EC* Section 47605(d).

CDE response:

Clarification of the public random drawing procedures could be included as a technical amendment to the petition.

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

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

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

LVCS Response:

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

CDE response:

The petition states that the suspension and expulsion policies are attached to the petition as Attachment E. There is no such

Addendum 1: Fort Sage Unified School District Reasons for Denial

attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment.

Finding 9. A.: Required Signatures

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

A. Pursuant to 5 *CCR* Section 11967.5.1(d), a charter petition that “does not contain the number of signatures required by subdivision (a)” of Education Code Section 47605 shall be a petition that did not contain the requisite number of signatures *at the time of its submission* to a school district pursuant to Education Code Section 47605(a). (*Emphasis added.*)

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

LVCS Response:

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

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

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

CDE response:

Signatures are typically not required by authorizers at the time of renewal. There is no indication that Fort Sage USD changed its policy

Addendum 1: Fort Sage Unified School District Reasons for Denial

regarding signatures since the last time it renewed LVCS. If Fort Sage USD now requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly.

Addendum 2: Lassen County Board of Education Reasons for Denial

On March 29, 2010, the Lassen County Board of Education (Lassen CBE) adopted findings of fact contained in “Resolution 10-07” in support of its denial of the LVCS petition.

Resolution 10-07 identified the following “specific findings” against the LVCS petition:

1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
2. The charter presents an unsound educational program for the pupils to be enrolled in the charter school.
3. The petition does not contain reasonably comprehensive descriptions of many of the required elements of a charter.

Resolution 10-07 also identified the following “factual findings,” in support of its “specific findings,” listed above. A summary of the “factual findings” and the petitioner’s responses (where provided) are provided below:

Finding 1(a): The petition does not discuss the proposed curriculum in detail, beyond providing a list of textbooks, does not cite research or data to support the educational program, and does not provide a “day in the life” of either the site-based or the independent study program.

LVCS Response:

Before responding to each of the findings adopted by the Lassen CBE in Resolution 10-07, LVCS believes it is important to point out that Resolution 10-07 was not substantively discussed, addressed, or considered by the Lassen CBE prior to its adoption on March 29, 2010. It was provided to LVCS only hours before the Lassen CBE meeting. In fact, there was no evidence at the Lassen CBE meeting that any member of the Board had reviewed Resolution 10-07. After the Board President called the meeting to order, Superintendent Jensen gave his report regarding the renewal appeal of LVCS. He never once addressed the resolution for denial. Instead, he articulated what appeared to be a County policy never to approve a charter school. He stated that he did not want the County to be accused (should it approve LVCS) later of expressing favoritism to LVCS, in the event it proceeded against another charter school in its jurisdiction. The Superintendent did not want the County to be seen as engaging in competition with its school districts and other charter schools by “taking away students during declining enrollment.” He did state that the County was not trying to say that LVCS is not a good charter school. Rather it was his recommendation that the charter school be approved by a different authorizer. In fact, he praised LVCS's success. Finally, the Superintendent said that it did not matter what charter or charter school was before the County, he would recommend denial.

Addendum 2: Lassen County Board of Education Reasons for Denial

The Lassen CBE allowed public comment. Both Mike Yancey, the LVCS Education Director, and LVCS legal counsel addressed the Superintendent's statement, pointing out that his recommendation was not based on any lawful reasons for denial. Many LVCS parents and teachers also passionately addressed the Board. Subsequently, the Board President offered his opinion that the County was not a "symbiotic fit" as the authorizer, and that the charter school would be better off authorized by a different district. After public comment closed, the Board voted 5-0 to approve the Resolution for denial without any discussion of the Resolution whatsoever.

As to the above-listed finding, nothing in the law requires that the charter include a "day in the life." The LVCS charter is typical of older charters, which traditionally were shorter than charters submitted today. With that amount of detail, LVCS was approved and subsequently renewed. However, in preparation for this renewal, LVCS did include additional detail within the educational program section. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

Based on the academic performance of LVCS, the petitioners have demonstrated that they have implemented a sound educational program that outperforms surrounding schools. Additional clarifying detail about that program could be included in a technical amendment to the charter petition.

Finding 1(b): The petition does not explain how independent study students interface with staff, what resources are available to independent-study students (including, for instance, how the school will make technological resources available to independent study students), and how their work is assessed.

LVCS Response:

Nothing in the law requires the amount of detail described above. However, as LVCS has offered its independent study program without any audit exceptions since 2001-2002, the Charter School clearly is meeting all legal requirements. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

See CDE Response to Finding 1(a).

Finding 1(c): The petition states that "multi-age setting" will be provided (page 9) but does not explain when and how this will occur as

Addendum 2: Lassen County Board of Education Reasons for Denial

part of the education program.

LVCS Response:

The LVCS charter explains that a multi-age setting is utilized in the site based program. However, no further information is required in order for the charter to be deemed to be reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

See CDE Response to Finding 1(a).

Finding 1(d): The petition states that all students will have an “opportunity to develop a Student Goal Plan (SGP)” (Page 10), but does not explain whether this is required of all students. The petition also does not explain whether this is required of all students. The petition also does not sufficiently explain the purpose of Student Goal plans and how a student’s achievement of goals stated in such a plan is related to achievement at the grade level.

LVCS Response:

The LVCS utilizes the SGP as a means to measure student growth in state standards. It is described in the Educational Program and Methods of Measurement sections of the charter. LVCS maintains that these sections are reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

See CDE Response to Finding 1(a).

Finding 2(a): According to the petition, “Several of our high school students enter colleges and universities upon graduation each year.” (Page 6.) “Several” college attendees is not a high standards for achievement.

LVCS Response:

That statement was not intended to set a standard for success; it was not provided as an outcome or even a goal; it was just a generalized statement as to the success of LVCS students to date post-graduation.

Addendum 2: Lassen County Board of Education Reasons for Denial

CDE Response:

There is no legal requirement that a charter petition contain information regarding college-going rates. The statement provided by LVCS regarding college attendance of students does not provide a legal grounds for denial.

Finding 2(b): On page 11, the petition states that some of LVCS's classes have been accepted as meeting the UC/CSU "a-g" requirements. However, the petition does not set forth any plan to increase college attendance or to provide courses that are readily accepted as meeting the "a-g" requirements. It therefore appears that LVCS is insufficiently focused on college-readiness for its students.

LVCS Response:

LVCS continues to increase its course offerings which meet the "a-g" requirements, but is unaware of any legal requirement to include information in the charter about the plan to do so. Again, given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

There is no legal requirement that a charter petition focus on college readiness or provide "a-g" requirements. While these are good practices, the absence of such details does not provide a legal grounds for denial. LVCS has demonstrated significantly higher rates of proficiency in mathematics and English-language arts than the surrounding schools according to AYP data. One can conclude that these significantly higher rates of proficiency indicate that LVCS students are more prepared for college than their peers attending the other public schools in the area.

Finding 2(c): While the petition states that LVCS has met certain performance targets (page 6), the petition does not lay out information to demonstrate that LVCS's performance meets the criteria of *EC* Section 47607, subdivision (b), which states that a charter petition may not be renewed unless the charter school has met at least one of several; criteria regarding academic achievement.

LVCS Response:

This finding is without merit because, while *EC* 47607(b) does set forth criteria for charter schools to meet prior to renewal, the Section does not require a charter school to describe meeting the criteria in the charter petition itself.

CDE Response:

Addendum 2: Lassen County Board of Education Reasons for Denial

The CDE concurs with LVCS regarding this finding.

Finding 3: The petition presents an unsound educational program for the pupils to be enrolled in LVCS, in that the petition does not explain the educational program to be provided to low-achieving students and English learners. The petition details how low-achieving students are assessed (page 11), but provides almost no information on how such students are supported. Likewise, the petition explains the assessment of English learners but does not lay out strategies to support such students in school (page 12).

LVCS Response:

This finding is false; strategies for both low achieving students and English Learners are included within the charter. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS.

CDE Response:

The LVCS contains reasonably comprehensive descriptions of its programs for low-achieving students and EL students.

Finding 4: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth a procedure for amending the charter petition that is unlawful. The petition states that unless the Board “vetoes” a proposed “solution” (i.e., a material amendment to the charter petition), the “solution” will become a part of the charter (page 20). This procedure does not comply with *EC* Section 47607, subdivision (a)(2), which requires that material revisions to charter petitions be submitted to the chartering authority in the same manner as set forth in *EC* Section 47605, and subject to the affirmative approval of the chartering authority.

LVCS Response:

This language was not intended to replace the right of the Authorizer to approve material revisions to the charter in accordance with *EC* Section 47607. The charter does not specifically state that material revisions will be handled in the manner described by the Lassen CBE’s findings, rather the Lassen CBE has extrapolated this concern from the charter language. Additionally, the Lassen CBE’s findings ignore the remaining provisions of that paragraph within the charter that include the submission of the “solution” to the Fort Sage Unified School District (the Authorizer) for consideration and inclusion on its agenda. LVCS would be glad to clarify that paragraph in the charter to assure the Authorizer that it understands and agrees that material revisions must be approved by the Authorizer in accordance with *EC* Section 47607.

Addendum 2: Lassen County Board of Education Reasons for Denial

CDE Response:

In the LVCS petition, the process described by the Lassen CBE regarding solutions to problems does not mention material revisions. Clarification about the problem and solution procedures could be addressed in a technical amendment to the charter petition.

Finding 5: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding the proposed facilities to be utilized by LVCS. The petition currently states that LVCS will continue to occupy the facility provided to LVCS by the District (page 39), but it is the Board's understanding that LVCS has not filed a request for facilities with the District for the 2010-2011 school year, which means that the District is under no obligation to provide LVCS with facilities even if the Board grants this petition. Therefore, LVCS has articulated no reasonable plan for its facilities needs next year, as required by *EC* Section 47605, subdivision (g). Likewise, LVCS's budget does not contain provision for facilities costs beyond the 3 percent of its revenue currently being paid to the District in lieu of a facilities charge.

LVCS Response:

As the District has provided facilities for LVCS for the term of its charter through a mutually agreed upon Memorandum of Understanding ("MOU") and in exchange for increased oversight fees as allowed by *EC* Section 47613, LVCS has not had to resort to Proposition 39 for facilities. Thus, the charter and the budget documents submitted to the District reflected that long-term agreement. After denying the LVCS renewal without a legally valid basis, the District created its own charter, borrowing provisions from the LVCS charter, to be governed by the District and notified LVCS of its intent to utilize the facilities that had each and every year prior been utilized by LVCS. If this appeal is approved, LVCS will explore all legal options available to maintain its facility in its prior location. If it is not possible, LVCS will find another facility and has already begun to identify options and has been offered local financing for the purchase of a facility. LVCS will update the assumptions in its budget accordingly.

CDE Response:

LVCS submitted its petition to Fort Sage USD in good faith that the district and the school would continue in its facilities agreement as it had over the previous ten years. If that agreement is no longer in place, an authorizer could request an updated budget that includes revised facilities costs.

Finding 6: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding how administrative services will be provided to LVCS. The petition currently states that LVCS will receive administrative services from the District, but this appears unlikely given District's denial of the petition. The county office does not have the capability to provide the services that LVCS currently receives from the District. Therefore, LVCS has

Addendum 2: Lassen County Board of Education Reasons for Denial

articulated no reasonable plan for its administrative services needs, as required by *EC* Section 47605, subdivision (g).

LVCS Response:

The petition states that LVCS “will do its own accounting and be its own fiscal agent and may contract for management, educational and other services.” It further states “any services provide by the District to the Charter School shall contracted on a fee for services basis, to be addressed in a memorandum of understanding” It is not clear how Lassen CBE reviewed these sentences and concluded that LVCS will receive administrative services from the District, and thus as the District has not renewed the charter, LVCS is therefore demonstrably unlikely to succeed. LVCS will proceed as promised in its charter to take care of its own administrative services internally and through contractors as necessary. It has no need to contract with the District for any such services.

CDE Response:

The CDE concurs with LVCS’s response to this finding.

Finding 7: The petition does not contain the number of signatures required by *EC* Section 47605, subdivision (a), in that the petition is not supported by any signatures. Despite the fact that this issue was identified by the District’s denial of the charter petition, petitioners apparently declined to collect the necessary signatures to support their appeal to the Board.

LVCS Response:

This finding is without merit because signatures are not required for charter renewal petitions. The Education Code contemplates signatures for establishing a charter school, not for renewing an existing charter. The State Board of Education has not traditionally required signatures on the charter renewal petitions it receives and reviews. If you think about this requirement, which mandates parent signatures or signatures from 50 percent of the teachers who are meaningfully interested in teaching at the charter school in its first year of operation, logically, it becomes meaningless as a gauge of teacher interest. Naturally, all teachers at the charter school would sign the petition – they would want to keep their jobs for five more years!

CDE Response:

Signatures are typically not required by authorizers at the time of renewal. If Lassen CBE requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly.

Finding 8: The petition does not contain a reasonably comprehensive description of the health and safety policies of the school as required by Education Code Section 47605, subdivision (b)(5)(F), in that the information provided in the charter petition regarding LVCS’s health and safety policies is confusing and disorganized. For instance, the list set forth on page 23 states that the school has a

Addendum 2: Lassen County Board of Education Reasons for Denial

drug, alcohol and tobacco free workplace, but then states, "I cannot find this policy as a Board policy. It is in our Employee handbook." Similarly, the list asserts that the school has a policy relating to the administration of medication in school, but immediately thereafter states: "We have a procedure but not a Board Policy." The petition therefore provides insufficient information for the Board to determine what health and safety policies are actually in effect at LVCS.

LVCS Response:

LVCS maintains its health and safety policies and procedures on site. It regrets that the version of the charter submitted, unintentionally, included earlier statements by staff that are dialoguing internally to ensure that the appropriate policies and/or procedures as described in the charter are in place. Again, LVCS believes it is unfortunate that Lassen CBE did not provide LVCS the opportunity to clarify what was clearly a typographical error in the health and safety section of the charter as it easily could have done so.

CDE Response:

The omission of the attachments to the LVCS petition appears to be an oversight. There is no indication that the petitioners were unwilling or unable to provide the attachments upon request.



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

MARCH 30, 2010

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Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

**Re: Long Valley Charter School Charter Petition Appeal to the State
Board of Education**

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the “Charter School”) in its charter renewal petition. This letter is to inform you that the Charter School intends to appeal the denial of its charter petition by the Fort Sage Unified School District (the “District”) and the Lassen County Board of Education (the “County”) to the State Board of Education (“SBE”), as provided for in Education Code Section 47605(j)(1) and Title 5, California Code of Regulations Section 11967(a).

Title 5, California Code of Regulations Section 11967(b) requires that a charter school whose petition has been denied and that wishes to appeal its petition to the SBE must send the following information within 180 days after the denial action:

- (1) A complete copy of the charter petition as denied by the District. (Attached under Binder Tab 1.)
- (2) Evidence of the District governing board’s action to deny the petition (e.g. meeting minutes) and the governing board’s written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code Section 47605(b). (A copy of the District Board meeting minutes is also attached under Binder Tab 2. The District’s findings of fact, and the Charter School’s response to those findings are also attached under Binder Tab 2.)
- (3) Evidence of the County governing board’s action to deny the petition (e.g. meeting minutes) and the governing board’s written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth

*Charter Schools Division
California Department of Education
Re: Long Valley Charter School Charter Petition Appeal to the State Board of Education
March 30, 2010
Page 2 of 2*

in Education Code Section 47605(b). (A signed copy of the County's Resolution to Adopt Findings of Fact and to Deny

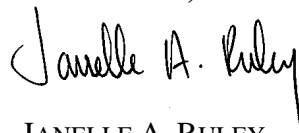
- (4) the Charter Petition of Long Valley Charter School, attesting to the County's action to deny the charter, is attached under Binder Tab 3. The Charter School's response to the findings of fact is also attached under Binder Tab 3.)
- (5) A signed certification stating that petitioners will comply with all applicable law. (Attached under Binder Tab 4.)
- (6) A description of any changes to the petition necessary to reflect the SBE as the chartering entity as applicable. (A detailed list of changes to reflect the SBE as the Charter School's authorizer is attached under Binder Tab 5).
- (7) A portable USB drive with all the above listed materials in electronic format is also included.

At its March 29, 2010 meeting, the County Board voted to deny the Charter School's petition. This appeal is therefore well within the 180 day limit for submission of an appeal of a charter petition.

According to Title 5, California Code of Regulations Section 11967(d), no later than 60 days after receiving a complete petition package, the Lassen County Board of Education shall grant or deny the charter petition. We anticipate that the County will adhere to this timeline during its consideration of the charter petition.

We look forward to working with your office and the County as it considers the charter petition. Please feel free to contact me if you have any questions.

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



JANELLE A. RULEY
ATTORNEY AT LAW



CHARTER
OF THE
LONG VALLEY CHARTER SCHOOL
A CALIFORNIA PUBLIC CHARTER SCHOOL

Whereas the Governing Board of the Fort Sage Unified School District received a valid charter petition on November 18, 2009 submitted pursuant to Education Code Section 47605, and

Whereas the Governing Board of the Fort Sage Unified School District, after holding a public hearing on December 16, 2009 and considering the level of parent and staff support, has determined that the applicants have assembled and presented a valid and meritorious charter petition for renewal of the Long Valley Charter School charter;

Resolved that the Governing Board of the Fort Sage Unified School District hereby approves and grants this charter petition renewal by a vote of ____ to ____ on January 20, 2010 for a period of five years beginning July 1, 2010.

Be it further resolved that this charter constitutes a binding contract upon the Fort Sage Unified School District and Long Valley Charter School.

Witnessed:

President
Board of Trustees
Fort Sage Unified School District

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AFFIRMATIONS/ASSURANCES

Long Valley Charter School (the “Charter School”):

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of Long Valley Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Shall admit all students who wish to attend Long Valley Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Sections 47605(d)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]

- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
- Shall at all times maintain all necessary and appropriate insurance coverage.
- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- Will follow any and all other federal, state, and local laws and regulations that apply to Long Valley Charter School including but not limited to:
 - Long Valley Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
 - Long Valley Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
 - Long Valley Charter School shall comply with any jurisdictional limitations to locations of its facilities.
 - Long Valley Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
 - Long Valley Charter School shall comply with all applicable portions of the No Child Left Behind Act.
 - Long Valley Charter School shall comply with the Public Records Act.
 - Long Valley Charter School shall comply with the Family Educational Rights and Privacy Act.
 - Long Valley Charter School shall comply with the Ralph M. Brown Act.
 - Long Valley Charter School shall meet or exceed the legally required minimum number of school days.

- Long Valley Charter School shall comply with all laws related to independent study in charter schools including but not limited to Education Code Sections 47612.5 and 51745, *et seq.*

I. Educational Program

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in the program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

Each semester as high school students enroll in the Independent Study program, their education facilitator meets with the student and parent to inform them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Parents are informed that the Charter School is accredited by the Western Association of Schools and Colleges.

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(b)(5)(A)(ii).

Introduction

For the last five years, Long Valley Charter School has maintained an API exceeding 700. In three of those five years, the API has been 740 and above. LVCS has also met AYP for the last three years by encouraging all of our Second through Eleventh Grade students to participate in the State required standardized testing. By offering tutoring for CAHSEE test preparation, the CAHSEE passing rate has increased. In addition, a number of our students have had the honor of having works published by Creative Communications. Several of our high school students enter colleges and universities upon graduation each year.

Further, regarding the financial condition of Long Valley Charter School, with each audit the Charter School has complied with all state and federal laws and regulations and has continuously maintained adequate reserves.

Mission Statement. The mission of Long Valley Charter School is to equip rural students with the educational skills necessary in the 21st century – the ability to read, write, speak, and calculate with clarity and precision, and the ability to participate intelligently and responsibly in a global society. Long Valley Charter School offers alternative choices through site-based learning, independent study and distance learning, to enable students to acquire the knowledge necessary to make a difference in their lives. Long Valley Charter School provides a diverse, student-centered environment in which all students are held to high academic and behavioral standards. Students work in collaborative relationships, both within and outside the Charter School, and perform service to the community.

Our philosophy at Long Valley Charter School is: *“smart is not something you are, but something you get by working hard; knowledge is constructed.”* This principle is based on the *Efficacy Approach*, which believes that all people have the ability, but not everyone knows how to get smarter. The first step is to believe you can get smarter, because if you believe you can, you will work hard. We help our students work hard, keep focused, stay committed, and develop alternative strategies when they encounter obstacles. If they don’t learn the way we teach, we teach the way they learn.

People don’t get smarter unless they are given the opportunity to challenge themselves in an area slightly beyond their current abilities and knowledge. This challenge area is beyond the “comfort zone” and before the area where the student becomes frustrated by too much challenge. Our responsibility is to supply opportunities for children to progressively increase their abilities through providing the challenges and knowledge necessary to succeed in life.

Students to be Served. Long Valley Charter School admission is open to any resident of California, grade levels K-8 for site-based study and any resident of Lassen County or adjacent counties, grade levels K-12 for Independent Study. The Charter School began with its site-based program serving grades K-6, then evolved to include serving grades 7 and 8. Current enrollment at Long Valley Charter School for the Site-based program is 107 students, and for the independent study program is 165 students. Long Valley Charter School operates in compliance with Education Code Section 47610(c), which requires the Charter School to comply with the minimum age for public school attendance and Title 5 California Code of Regulations Section 11960 which establishes the maximum age for public school attendance.

Overall Program Goals and Base for the Vision. Long Valley Charter School’s goal is to develop students who are competent, self-motivated, life long learners. Students shall possess skills, habits and attitudes to be successful throughout life. By providing a vehicle for meaningful parental involvement, we bridge the gap between school and home. Parents are the essential link in improving education. Students observe first hand their parents and teachers working together to make a difference. Long Valley Charter School identifies an educated person as one who possesses the following:

- Knowledge of and ability to demonstrate solid skills in reading, writing, and speaking.
- A core of knowledge which includes cultural, mathematical and scientific literacy.
- Ability to:
 - Think logically, critically, and creatively
 - Understand technology and its uses, and the ability to use technology as a tool
 - Find, select, evaluate, organize, and use information from various sources
 - Accept challenges and utilize opportunities
 - Develop comprehensive communication skills
- Knowledge of pertinent health issues and the development of physical fitness.

The personal qualities we will help students develop are:

- Cooperation, responsibility, confidence and productivity
- Concentration and perseverance
- Curious and inquisitive minds

- Honesty and courage (Trustworthiness)
- Respect and empathy for others and their views
- The ability to negotiate, compromise, and assist in finding group consensus (Fairness)
- The ability to appreciate, respect, and enjoy the visual and performing arts.

Families choose the Long Valley Charter School for a variety of reasons, which include:

- Enhanced educational opportunities
 - Emphasis on technology as a tool
 - Expanded cultural exposure through visual and performing arts
 - Community Outreach program
- Community involvement
- A cooperative, cohesive teaching environment
- Multi-age groupings to allow students to progress at their ability level
- Desire to have more control over the educational process
- Lack of challenge in the previous school experience
- Family philosophy, personal beliefs, and values

The Charter School consults with parents and teachers on a regular basis regarding the Charter School's education programs as required by the Charter Schools Act. Students that are not meeting the desired pupil outcomes are offered formal support programs such as Response to Intervention services, Title I services, and informal support programs such as after school tutoring.

Teaching Methodology: How Learning Best Occurs. Each curriculum area is evaluated and modified to meet the needs of the students on an adopted cycle. Current core programs include:

- Reading
 - Houghton Mifflin Literature (K-6)
 - Prentice Hall Literature (7-8)
 - Accelerated Reader (Renaissance Learning) (1-8)
 - Read Naturally
 - Teacher Developed Units
- Language Arts
 - Houghton Mifflin Language (K-6)
 - Prentice Hall Language (7-8)
 - Developmental Morphology (K)
 - Step Up to Writing (2-8)
 - Vocabulary and Literacy Skills (Renaissance Learning) (1-8)
 - The WRITE Institute
 - Teacher Developed Units
- Mathematics
 - EnVision Math (Scott-Foresman) (K-6)

- McDougall Littell (7-8)
- Math Facts in a Flash (Renaissance Learning) (1-8)
- Accelerated Math (Renaissance Learning) (1-8)
- Teacher Developed Units
- Touch Math

- Science
 - Houghton Mifflin (K-6)
 - Glencoe (7-8)
 - Teacher Developed Units
 - Accelerated Reader literature selections

- Social Sciences
 - Houghton Mifflin (K-8)
 - Whispers of the First Californians
 - Whispers of the Mission Trails
 - Accelerated Reader literature selections
 - Teacher Developed Units

Community Service Goals. Long Valley Charter School site based and Independent Study students have the opportunity to design and implement community service projects annually, documenting their work in a portfolio and presenting it for display to the public in a community exhibition.

Site Based Educational Objectives. Our purpose is to create a place where learning is viewed as a life long quest, where program objectives evolve with the needs of the students. We strive to:

- Provide multi-age settings to encourage the development of pro-social attitudes of tolerance and responsibility
- Teach students to effectively utilize technology to expand learning opportunities
- Provide parents and students an expanded choice of educational opportunities
- Create opportunities for all members of the Charter School to assume leadership roles and accept responsibility for the learning of all students
- Provide and implement innovative teaching methods in an environment conducive to learning
- Inspire active learning
- Provide support for family based instruction

Independent Study Educational Objectives. Long Valley Charter School supports and facilitates independent study for families interested in this type of an alternative educational program pursuant to Education Code Sections 47612.5(b) and 51745-51749.3, and the regulations specified in Title 5, California Code of Regulations, Sections 11700-11710, through:

- Providing support for family based instruction
- Lesson planning and consultation

- Sharing Long Valley Charter School resources after school hours
- Sharing Community Outreach programs and assemblies
- Participation in extracurricular activities at Long Valley Charter School

Community Outreach Program. The Community Outreach Program is designed to bring a wide variety of educational information to our students through multiple methods. Long Valley Charter School utilizes the community as a learning resource at the Charter School through visiting experts, field studies, mentors, and possibly student internships. The Community Outreach Committee developed partnerships with community colleges, universities, professional and humanities groups, and performing and visual arts groups to expose the students to career opportunities and cultural enrichment. Our purpose is to give our children the opportunity to dream about the multiple possibilities for their future.

The Community Outreach Committee invites Independent Study students and students from Fort Sage School District (the “District”) to share events with Long Valley Charter School. Long Valley Charter School has cooperative ventures with the other schools in the District such as Outdoor Education Camp, Lit Jam and Lit Fest that enhance opportunities for all families in our community.

Student Goal Plan. All students deserve the opportunity to develop interests, uncover hidden talents, experience satisfaction and accomplishments. Each student enrolled in the Charter School has an opportunity to develop a Student Goal Plan (SGP). This is an individually defined program created by the teacher, the parent and student, to set achievement goals for academic progress. The SGP is closely tied to measurable student outcomes and assessment procedures, and is periodically reviewed by the student, teacher, and parents. Students and parents receive assessment reports throughout the year, which indicate the students’ progress toward the goals outlined in their SGP. Students also receive report cards appropriate for their grade level. Students in the grades K-3 site-based program receive Standards Based Report Cards. Students in the grades 4-8 site-based program receive report cards with traditional letter grades and the report card system is evolving to the Standards Based Report Cards. Independent study students receive grade appropriate report cards with traditional marks.

Staff Enrichment Program. Each member of the teaching staff at Long Valley Charter School provides and participates in the staff enrichment program. Each teacher chooses projects that mutually benefit the Charter School staff. These projects may be an innovative teaching method, program or concept. Upon approval of the project by the Advisory Council, the Enrichment Teacher receives training, which they share with the rest of the staff through in-service. The Enrichment Teacher is responsible for providing staff support for this project throughout the year. The purpose of the Staff Enrichment Program is to improve the quality of education, build a cooperative, cohesive staff, promote shared responsibilities, and facilitate open communication among our educators.

Transferability and Eligibility of Courses. When an independent study program high school student and his or her parents have the first meeting with their Education Facilitator, they are informed of the California high school graduation requirements and the courses required by the California State University system. Students are enrolled in the courses required for their

individual goals that meet California high school graduation requirements. Parents and students are informed that some high schools may not consider all courses transferable and that the Charter School is accredited with the Western Association of Schools and Colleges. The California State University system has accepted courses creditable under the “A” to “G” admissions criteria to meet college entrance requirements.

Serving Academically Low-Achieving Students

The Charter School offers tutoring in the basic subjects for low performing student Independent Study during traditional school hours. We are using Scantron to establish base-line performance in the areas of reading, math and language arts for our Independent Study students only to help identify students’ needs and to show student growth. It will also show us which students have advanced skills in these areas. Site-based students are assessed with DIBELS and the Scholastic Test of Achievement in Reading to establish both base-line and growth scores for reading. All students use the Accelerated Reader on-line reading assessment program. Site-based students are assessed with the Accelerated Math on-line program. All students are assessed in basic math skills using Math Facts in a Flash.

Site-based students who perform low in the area of reading are offered Title 1 teacher assistance as well as reading interventions in small group settings allowing for intensive reading instruction for an additional twenty minutes a day Monday through Thursday.

Serving Academically High-Achieving Students

Advanced Independent Study high school students may enroll in Barstow Community College on-line course work beginning in grade 9 based on STAR scores, report cards, and teacher observation or on campus at Lassen Community College to take course work for high school credit and if their parents choose to pay the tuition, students may earn their AA by the time they graduate from high school. We also offer several visual and performing arts options such as music, dance, and art for our students through private vendors.

Serving English Learners

Overview

The Charter School will meet all applicable legal requirements for English Learners (“EL”) 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 requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

Home Language Survey

The Charter School will administer the home language survey upon a student’s initial enrollment into the Charter School (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 enrollment¹ and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from 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 or 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 Learner Instruction and Intervention

All LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners. Most of our curriculum includes ELD materials.

¹ 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.

Serving Students with Disabilities

Overview

The Long Valley Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

The Charter School shall be categorized as a public school of the County in accordance with Education Code Section 47641(b).

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Section 504 of the Rehabilitation Act

The Charter School 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 the Charter School. 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 Charter School.

A 504 team will be assembled by the Executive Director 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, which 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 including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence 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 a 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.

The Charter School continues to function as a "public school of the County Office of Education" for purposes of providing special education and related services pursuant to Education Code Section 47641(b).

The Charter School and County annually, in good faith negotiate, and enter into a written agreement to more clearly specify the desired mix of special education funding and services to be provided. The Charter School enjoys reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). The Charter School and the County work in good faith to document the specific terms of this relationship in an annual agreement or memorandum of understanding.

The Charter School shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641(a), and the District shall not hinder, or otherwise impede the efforts of the Charter School to do so. In the event that the Charter School opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the County for special education purposes as required by Education Code Section 47641(b), and/or shall continue to receive funding and services pursuant to the terms of this section and its annual agreement.

II. Measurable Student Outcomes

Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Education Code Section 47605(b)(5)(B).

Student outcomes are defined as the degree to which all students of the Charter School demonstrate that they have attained the skills, knowledge and attitudes commensurate to their abilities, as specified in the goals of the Charter School's educational program.

Long Valley Charter School provides teachers, parents, and students specific grade level standards at the beginning of each school year. Student outcomes align with the California State content and performance standards, pursuant to Educational Code 47605(c)(1). Long Valley Charter School students participate in all state-mandated testing programs.

Students will continue to demonstrate increased skills and understanding of core subjects including:

- Language Arts
 - Reading, oral and written language
 - Literature from various time periods and cultures
- Mathematics
 - Developing the ability to reason logically and understand and apply mathematical concepts and processes, including those within arithmetic, algebra, geometry, and other mathematical subjects the staff and school board consider appropriate.
 - Comprehensive understanding of how math is applied to the real world in technology today.
- Science
 - Utilizing scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physics, chemistry, biology, ecology, astronomy, and earth sciences.
 - Comprehensive understanding of how science is applied to the real world in technology today.
- Social Sciences
 - Civic, historical, and geographical knowledge in order to serve as citizens in today's world of diverse cultures.

Students will also continue to demonstrate the skills that Long Valley Charter School has determined are necessary to become a life long learner, including:

- Technology as a resource to increase knowledge
- Increased awareness of their environment and community

- An appreciation of visual and performing arts

In order to best serve our students and community, Long Valley Charter School will continue to examine and refine its list of student outcomes over time to reflect the Charter School's mission and any changes to state or local standards that support this mission. Long Valley Charter School will submit to the District Board a description of any changes to the above student outcomes.

III. Assessment Methods and the Use and Reporting of Data

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

Long Valley Charter School meets all statewide standards and conducts the pupil assessments required pursuant to Education Code Section 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

All Long Valley Charter School students will continue to demonstrate growth appropriate for each student as outlined in their individual Student Growth Plan in all of the core academic areas. Non-special needs and non-English Learner students will continue to demonstrate growth before promotion to the next grade. Academic growth is determined through the use of multiple measures, as described below. Academic growth for special needs and EL students is defined appropriately according to their Individualized Education Plans and/or English proficiency levels.

Long Valley Charter School students are assessed in each of the core academic skill areas by a combination of ongoing “authentic” assessments. These assessments include the following measurement tools:

- Statewide assessment testing through the STAR (Standardized Testing and Reporting) program
- School adopted benchmark curriculum assessments (including STAR Reading, Early STAR Literacy, and Accelerated Math)
- The students’ personal Student Goal Plan
- Samples of student work (writing, projects, etc.)
- Self-evaluation by the student
- Demonstration of student’s skills and knowledge through performance based instruction
- Observation and evaluation by teachers

The results of these assessments are shared regularly with parents through the following means:

- Conferences and Student Goal Plan reviews
- Progress reports and report cards
- Student testing and class/homework
- Publication of a SARC annually ?
- Disclosing API each school year
- Disclosing AYP each school year
- Disclosing the overall attendance rate
- Disclosing expected school-wide learning results

Charter School Evaluation and Review. Each year, Long Valley Charter School will conduct a program evaluation to determine the effectiveness of all aspects of the program by evaluating measurable student growth. The Education Director or designee will make the resulting reports available to the Advisory Council and the sponsoring district.

The Education Director or designee of Long Valley Charter School shall make an annual presentation to the District Board, on the results of the evaluations which will assess all aspects of the Charter, including but not limited to: program content, management, budget, and future plans. The assessment may be accomplished by, but is not limited to, the following methods: analyzing the charter/parent evaluation, discussing the Charter School with the Charter Staff, and evaluating measurable student growth.

IV. Governance Structure

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. Education Code Section 47605(b)(5)(D).

The Long Valley Charter School is operated as a California Nonprofit Public Benefit Corporation pursuant to California law. The Charter School is governed pursuant to the bylaws adopted by the incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws, attached hereto as Attachment A.

The Long Valley Charter School governing structure is addressed in Figure 1 below. Long Valley Charter School is governed by the Long Valley Charter School Board of Directors, which will include not less than five members. Directors will be elected according to the Long Valley Charter School Election Policy. The Directors' major roles and responsibilities include:

- Establishing, approving, and supervising all major educational and operational policies
- Approving all major contracts
- Reviewing and approving the Charter School's annual budget
- Approving changes to the budget greater than 5% of the total annual ADA
- Overseeing the Charter School's financial affairs
- Selecting and evaluating the top administrative staff
- Approving Charter amendments by a 2/3 majority

The Board of Directors shall accept, consider, and be responsive to input from all stakeholders. The Board of Directors facilitates the identification of problems and the consensus building needed to identify and implement solutions that will help to maintain a successful school. Consensus is defined as agreement to a solution by all those involved, agreement means that the participants can live with a solution, even though some may not like it. On major issues the Charter School will survey parents and staff to determine if the solutions have their support. When solutions are outside of the authority of this charter, the Board of Directors will inform the Fort Sage Unified School District Board of Trustees. Unless the Board of Directors vetoes the solution within sixty days after it first appears on a Board of Trustees agenda and is presented by the Education Director, or designee, at a Board meeting, the solution will become a part of this charter and will be reflected as an amendment that will be attached at the end of this charter in sequence as "Amendment 1, Amendment 2, etc." If the issue requires immediate attention, the Long Valley Charter School would like a determination by the next regularly scheduled board meeting.

Long Valley Charter School's Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which charter schools are established.

The Board of Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an officer or employee of the Charter School

any of those powers or duties. The Board of Directors, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

Stakeholders of the Long Valley Charter School are elected to the Board of Directors in accordance with the Long Valley Charter School Election Policy. The stakeholders are defined as parents of students enrolled at Long Valley Charter School and staff members.

The Charter School bylaws permit one representative of the Fort Sage Unified School District Board of Trustees to sit on the Long Valley Charter School Board of Directors. To prevent any real or perceived conflict of interest, the District representative shall not be a District staff member or a County staff member employed at Fort Sage Unified School District, nor shall he or she be a member of the District or County Board. This representative is to sit on the Board of Directors as a nonvoting member to facilitate communications and mutual understanding between Long Valley Charter School and Fort Sage Unified School District.

The Education Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and a contract approved by the Charter School Board of Directors. The Education Director implements the established direction and outcomes of the Charter School program in order to achieve the Charter School's goals and objectives and to further the Charter School's philosophy. The Education Director is responsible for:

- Recommendations for hiring and termination of certificated staff pursuant to Charter School personnel policy and subject to the Board of Directors approval
- Supervising and evaluating all certificated staff members of the Charter School
- Presenting an annual report of programs to the District Board and the Charter School Board of Directors
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Financial Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and contract approved by the Charter School Board of Directors. The Financial Director is responsible for:

- Budget preparation and presentation to the Board of Directors
- Overseeing all daily and fiscal operations of the Charter School
- Presenting an annual financial report to the District Board and the Charter School Board of Directors
- Supervising and evaluating all classified staff members of the Charter School
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Long Valley Charter School formed an Advisory Council composed of equal members of staff, and parent/community members. The staff members consist of the Education Director, representatives of certificated and classified staff. School-wide problems are identified by means

of a suggestion box or by stakeholders. The Advisory Council is the forum where these problems are first publicly discussed. The Advisory Council works to create solutions that are acceptable until consensus is reached, or all objections have been addressed. This Council has the opportunity to make educational and operational recommendations to the Long Valley Charter School Board of Directors and the Education Director. It works with parents to develop parental involvement strategies and policies, and to submit the policies to the Board of Directors for approval.

In addition to the governance structure illustrated in Figure 1, Long Valley Charter School incorporated a Community Advisory Board as a resource for the School Board and the Executive Director. The Community Advisory Board is comprised of qualified interested community members such as business owners, community leaders, politicians, and members of the professional community.

Figure 1: Governance Structure

Local Education Agency Fort Sage Unified School District			
LVCS Board of Directors			
LVCS Advisory Council		Education Director	Financial Director
Technology Committee	Visual & Performing Arts Committee	FSUSD Business Office/LCOE Business Office	LVCS Staff
Library Committee	Community Outreach Committee		

The Long Valley Charter School is non-sectarian in its programs, admissions policies, employment practices, and all other operations, does not charge tuition, and does not discriminate on the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

V. Employee Qualifications

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).

The Long Valley Charter School retains or employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers teach the core academic classes of mathematics, language arts, science, and history/social studies. Core teachers are responsible for overseeing the students' academic progress, and for monitoring grading.

The Long Valley Charter School also employs or retains non-certificated instructional support staff, in any case where a prospective employee has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity.

All instructional and non-instructional staff employed by Long Valley Charter School possess the experience and expertise appropriate for their position within the Charter School as outlined in the Charter School's job description, the Charter School's adopted personnel policies.

Long Valley Charter School requires that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.

The Education Director must hold an Administrative Services Credential. A masters degree is preferred.

The Financial Director must hold a baccalaureate degree in business or a related field.

Persons employed in teaching positions must hold a valid California teaching credential.

Persons employed as paraprofessionals or paraeducators must be highly qualified by holding an associate degree or passing of the CODESP and receiving a certificate as a highly qualified paraprofessional/paraeducator.

VI. Health and Safety Procedures

Governing Law: The procedures the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).

Long Valley Charter School adopted and implemented a comprehensive set of health, safety, and risk management policies, which are attached hereto as Attachment B. It is our intent to operate a safe, risk free school to protect students and staff alike. The policies were developed in consultation with the Charter School's insurance carriers address the following issues:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- A requirement that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.
- A Policy requiring tuberculosis testing for employees.
- Policies and procedures for responding to emergencies and natural disasters.
- Policies and procedures for contacting parents or guardians in case of an emergency.
- Policies relating to the prevention of exposure to blood borne pathogens and communicable diseases.
- A policy relating to the administration of medication in school. We have a procedure that but not a Board Policy.
- A policy requiring that instructional staff receive training in emergency response, including "first responder" training or an equivalent.
- A policy establishing that Long Valley Charter School operates as a drug, alcohol, and tobacco free workplace. I cannot find this policy as a Board Policy. It is in our Employee Handbook.
- A policy for the prevention of sexual harassment.
- A policy for detecting and reporting child abuse and neglect. In Employee Handbook.
- A policy for facility safety, including seismic safety.
- A policy requiring the completion of the California School Immunization Record including proof of examination for tuberculosis to determine if immunization requirements have been met, using the "California "Immunization Requirements for Grades K-12." The Charter School will participate in the annual vision, hearing, scoliosis, and diabetes screening provided by the Lassen County Office of Education.

The policies above are incorporated as appropriate into the Charter School's handbook, and are reviewed annually or as necessary, by the Charter School's Advisory Council. Revisions are submitted to the Board of Directors for approval.

VII. Racial and Ethnic Balance

Governing Law: The means by which the school will achieve the racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).

Long Valley Charter School does not discriminate against any student or employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). Each student who attends Long Valley Charter School does so on a voluntary basis, and the program appeals to all people. The Long Valley Charter School implemented a student and employee recruitment strategy that included, but is not limited to the following elements to ensure a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the District:

- Promotional and informational materials that appeal to all of the various racial and ethnic groups represented in the District.
- Development of the above materials in languages other than English to appeal to populations with limited English proficiency.
- The service of Spanish speaking staff, when available, to facilitate communication for limited English proficient parents and community members.
- Implementation of a translating program to convert English to Spanish for the purpose of written Charter School communication.

VIII. Admission Requirements

Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).

Students are considered for admission without regard to ethnicity, national origin, gender, disability, religion, or achievement level or any other characteristic described in Education Code Section 220. Admission to the site based school is open to any resident of California. Independent study students must be residents of Lassen County or adjacent counties. Prospective students and their parents or guardians receive material regarding the Charter School's instructional and operational philosophy, and student-related policies. Upon enrollment, students and parents are required to agree to comply with rules and regulations of the student/parent handbook, and commit to attend school everyday.

In the event there are more applicants than capacity, attendance, except for existing pupils, will be determined by public random drawing. Long Valley Charter School adopted and maintains policies granting admissions preference to families who live in the previously established attendance area of Long Valley Charter School, siblings of existing students, the children of staff members, and those students on the previous year's wait list. Subsequent preference is given to students who live in District boundaries. The student enrollment capacity level is set by the Long Valley Charter School Board of Directors. Students who do not achieve enrollment through the public random drawing are placed on a waiting list for enrollment, in the order in which their names were drawn in the public random drawing. They will be contacted in accordance with their number on the list, as vacancies in their appropriate grade levels become available. The Charter School's Admissions and Attendance Policies are attached hereto as Attachment D.

The Long Valley Charter School requests parents or guardians to participate at the Charter School by volunteering. Participation activities will be outlined in the Parent Student Handbook.

IX. Annual Financial Audits

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.” Education Code Section 47605 (b)(5)(I).

An annual independent fiscal audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

The Board of Directors will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Educational Director and the Finance Director will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same.

The independent fiscal audit of the Charter School is public record to be provided to the public upon request.

X. Suspension or Expulsion Procedures

Governing Law: The procedures by which pupils can be suspended or expelled.” Education Code Section 47605(b)(5)(J).

The Long Valley Charter School developed and maintains a complete set of student discipline policies, which comply with state and federal due process requirements for both general and special education students, and which are attached hereto as Attachment E. These policies are included in, and distributed as part of the Charter School handbook, and clearly outline the Charter School’s expectations regarding attendance, mutual respect, violence, safety issues, work habits, and substance abuse policy. Each student and his or her parent or guardian will be required to sign an agreement that he or she has reviewed and understands the Charter School’s policies upon enrollment.

Long Valley Charter School shall notify the Fort Sage Unified School District of any expulsions.

XI. Employee Retirement System

Governing Law: 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." Education Code Section 47605(b)(5)(K).

Employees may participate in the State Teachers' Retirement System ("STRS") and Social Security, or other retirement systems depending on each individual's eligibility, choice, and current law.

XII. Attendance Alternatives

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L).

Enrollment at the Long Valley Charter School is entirely voluntary on the part of the students who attend. The traditional program of Fort Sage Unified School District continues to be an option for all students who choose not to enroll in the Charter School.

The Charter School will inform the parent or guardian of each pupil enrolled in the Charter School that the pupils have no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

XIII. Employee Rights

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the school that the District may specify, and any other rights upon leaving employment to work in the school that the District determines to be reasonable and not in conflict with any law.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the District, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

XIV. Dispute Resolution Process

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).

Intent. It is the intent of our dispute resolution process to:

- Resolve disputes within the Charter School pursuant to the Charter School's policies
- Minimize oversight burden on the District
- Ensure prompt and fair resolution to disputes

Public Comment. The staff and Governing Board of the Charter School and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the resolution process.

Disputes between the Charter School and the Charter-Granting Agency. In the event that the Charter School or granting agency has disputes regarding the terms of this charter or any other issue regarding the Charter School and grantor's relationship, both parties agree to follow the process outlined below. The "oversight reporting and revocation procedure" set forth below is specifically exempted from this mediation procedure.

In the event of a dispute between the Charter School and the grantor, the staff and members of Board of Directors of the Charter School and District agree to first frame the issue in written format, and refer the issue to the superintendent of the granting agency and education director or designee of the Charter School. In the event that the grantor believes that the dispute relates to an issue that could lead to the revocation of the charter, the Charter School requests that this shall be specifically noted in the written dispute statement. The Charter School agrees that these dispute resolution procedures cannot be utilized to impede or prevent the District from proceeding toward revocation or non-renewal which shall be done in accordance with Education Code Section 47607.

The Education Director, or designee, and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Governing Board members from their respective boards who shall jointly meet with the Superintendent of the District or County and Education Director or designee of the Charter School and attempt to resolve the dispute.

If this joint meeting fails to resolve the dispute, the Superintendent and Education Director, or designee, shall meet to jointly identify a neutral, third party mediator whose expense shall be shared equally by both parties. The format of the mediation session shall be developed jointly by the Superintendent and Education Director or designee. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All procedures in this section may be revised upon mutual written agreement of the District and the Charter School. The cost of mediation shall be equally split between the District and the Charter School.

Oversight Reporting and Revocation. The Fort Sage Unified School District may inspect or observe any part of the Charter School at any time. While not legally required, the Charter School asks, but recognizes it cannot compel, reasonable notice prior to any observation or inspection.

This charter may be revoked or non-renewed by the authority that granted the charter, the District Board of Trustees, pursuant to Education Code Section 47607.

If the Governing Board of the District believes it has cause to revoke this charter, the board agrees to notify the Board of Directors of the School in writing, noting the specific reasons for which the charter may be revoked, and grant the School reasonable time to respond to the notice and take appropriate corrective action.

XV. Public School Employer

Governing Law: A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act (“EERA”). The Charter School recognizes the employees’ rights under the EERA provisions to organize for collective bargaining.

XVI. Closure

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, the District, the Lassen County Office of Education, the Charter School's SELPA, the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

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

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified

Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code Section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Exhibit , the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

XVII. Financial Planning, Reporting, And Accountability

Budgets and Financial Plan

Governing Law: *The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. -- Education Code Section 47605(g)*

A multi-year financial plan for the Charter School is attached. This plan is based on the best data available to the developers at the time the plan was assembled. Attached as Appendix

[INSERT], please find the following documents:

1. A projected annual budget
2. An interim financial report as of October 31

Financial and Programmatic Reporting

Budget and Financial Reporting Schedule

The Charter School will annually prepare and submit to the District:

- On or before July 1st, a final budget
- On or before December 15th, an interim financial report which reflects changes to the final budget through October 31st. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools
- On or before March 15th, a second interim financial report which reflects changes to the final budget through January 31st
- On or before September 15th, a final unaudited financial report for the prior full fiscal year

Attendance Accounting

The Charter School will implement an attendance recording and accounting system, to ensure contemporaneous record keeping, which complies with state law.

Reporting

The Charter School will provide reporting to the District as required by law and as requested by the District including but not limited to the following: California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, all financial reports required by Education

Code Sections 47604.33 and 47605(m) (as stated above) and the School Accountability Report Card (SARC).

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight.

Pursuant to Education Code Section 47604.3 the Charter 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, and the State Superintendent of Public Instruction.

Insurance

The District shall not be required to provide coverage to the Charter School under any of the District's self-insured programs or commercial insurance policies. The Charter School shall secure and maintain, as a minimum, insurance as set forth below to protect the Charter School from claims which may arise from its operations. The following insurance policies are required:

1. Workers' Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect the Charter School from claims under Workers' Compensation Acts, which may arise from its operations.
2. General Liability, Comprehensive Bodily Injury and Property Damage Liability for combined single limit coverage of not less than \$1,000,000 for each occurrence based upon the recommendation of the insurance provider for schools of similar size, location, and type of program. The policy shall be endorsed to name the District its Board of Education as additional insurers.
3. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment or other assets. Minimum amount of coverage shall be \$50,000 per occurrence, with no self-insured retention.
4. Directors and Officers Coverage shall be maintained by the Charter School to cover its Board of Directors.

Insurance Certificates

The Charter School shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the district. Facsimile or reproduced signatures are not acceptable. The District reserves the right to require complete certified copies of the required insurance policies.

Administrative Services

Governing Law: The manner in which administrative services of the School are to be provided. Education Code Section 47605(g).

Long Valley Charter School will do its own accounting and be its own fiscal agent and may contract for management, educational and other services. Any services provided by the District to the Charter School shall be contracted on a fee for services basis, to be addressed in a memorandum of understanding.

A fiscal reconciliation plus or minus will come within 90 days of the close of the District's fiscal year. The Charter School will bear the cost of an audit at the close of each school year.

Facilities

Governing Law: The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(G); A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. Education Code Section 47605(a)(1)

School Location

The Long Valley Charter School was granted the use of the property, facility, educational materials and equipment, and furnishings known as Long Valley School that is located on parcel AP#141-060-35-11 at 436-965 Susan Drive, Doyle, California 96109. Long Valley Charter School is the sole occupant of the facility and grounds unless a mutually agreeable arrangement is made with Fort Sage Unified School District. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with District funds remains the property of the District and remains on the Long Valley Charter School site. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with site funds remains the property of the School and remains on the Long Valley Charter School site.

Impact on Charter Authorizer

Governing Law: Potential civil liability effects, if any, upon the school and upon the District. (Education Code Section 47605(g)).

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities

required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School and the District have entered into a memorandum of understanding which provides for indemnification of the District by the Charter School. Insurance amounts are described above and will be updated as needed by recommendation of the insurance company for schools of similar size, location, and type of program. The District shall be named an additional insured on the general liability insurance of the Charter School.

The corporate bylaws of the Charter School provide for indemnification of its Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks.

XVIII. Miscellaneous Provisions

Term. The term of this charter shall begin July 1, 2010 and expire five years thereafter, or on June 30, 2015, with option for renewal.

Renewal of Charter. The grantor may renew this Charter for the term of five years. The Charter School shall re-petition the District for charter renewal prior to expiration.

Material Revisions. Any material revisions to this charter shall be made by the mutual agreement of the Governing Boards of the Charter School and the District. Material revisions shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47605 and 47607.

Severability. The terms of this charter contract are severable. If any term or provision of this charter is deemed invalid or unenforceable, the remainder of this charter shall remain in effect, unless mutually agreed otherwise by the Fort Sage Unified School District and the Governing Board of the Charter School. The district and the school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Communications. All official communications between Long Valley Charter School and Fort Sage Unified School District will be sent via First Class Mail or other appropriate means to the following addresses:

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

Fort Sage Unified School District
P.O. Box 35
Herlong, CA 96113

Business Agreement. The Long Valley Charter School and Fort Sage Unified School District will engage and develop a mutually agreeable Memorandum of Understanding outlining the following provisions. The Fort Sage Unified School District will receive 3% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School site based students residing within the District's boundaries. The District will receive 1% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School Independent Study students and site based students who reside outside of the district's boundaries. The Charter School will receive the remaining general-purpose entitlement and charter block grant funds, 100% of applicable Lottery, Instructional Materials Funds, and other operational funding, as well as an equitable percentage of all applicable categorical funds outside the Charter School Block Grant, in addition to the State and Federal grants, special education and one time funding. Funds coming to the District and not to a specific group (i.e., transportation, etc.) will be apportioned to Long Valley Charter School as they are to other schools in the District.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAW

California Code of Regulations, Title 5, Section 11967(b)(3)

A charter petition that has been previously denied by the governing board of a school district may be submitted to the county board of education or the State Board of Education. See Education Code Section 47605(j)(1). As per Education Code Section 47605(j)(5), the State Board of Education has adopted regulations implementing the provisions of Section 47605(j)(1). See Title 5, California Code of Regulations Section 11967 (5 CCR Section 11967).

5 CCR Section 11967 requires that a charter school petition that has been previously denied by a school district must be received by the County Board of Education not later than 180 calendar days after the denial. 5 CCR Section 11967(a). In addition, subdivision (b)(3) of Section 11967 requires the charter petitioner to provide a "signed certification stating that petitioner(s) will comply with all applicable law" when submitting the denied petition to the County Board of Education.

The following certification is submitted in compliance with 5 CCR Section 11967(b)(3).

Certification

By signing below, I certify as follows:

1. That I am the authorized representative, and that I am competent and qualified to certify to the facts herein;
2. That, as authorized representative, I have personal knowledge of the facts forming the basis of this certification;
3. That I make this certification for purposes of 5 CCR Section 11967(b)(3) only; and
4. That the charter petitioner(s) and the charter petition are in compliance with applicable law.

Name: Michael Yancey, Education Director

Signature: 

Date: March 30, 2010

School Name: **Long Valley Charter School**



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

MARCH 30, 2010

VIA: HAND DELIVERY

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

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

JERRY W. SIMMONS
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KIMBERLY RODRIGUEZ
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SARAH J. KOLLMAN
JANELLE A. RULEY
ANDREW G. MINNEY
MICHAEL E. HERSHER

OF COUNSEL
SUZANNE A. TOLLEFSON

RE: Description of Changes to the Petition Necessary to Reflect the State Board of Education as the Chartering Entity

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the “Charter School”) in its charter renewal petition. The Charter School renewal petition was submitted to the Fort Sage Unified School District (the “District”) on November 9, 2009. The District voted to deny the petition on January 20, 2010. The Charter School appealed the District’s decision to the Lassen County Board of Education (the “County”) on February 1, 2010 and the County denied the appeal on March 29, 2010.

The Charter School respectfully submits its charter petition to the State Board of Education (“SBE”). We have listed below the relevant and appropriate changes to the charter petition which are necessary to reflect approval by the SBE:

1. Chartering Authority

Any text referring to the Fort Sage Unified School District, FSUSD, or the District as the chartering authority would be revised to read “State Board of Education” or “SBE.”

2. Special Education Plan

Instead of acting as a public school of the District for purposes of special education, the Charter School will be its own local educational agency (“LEA”) and will apply directly for membership in the Lassen County Special Education Local Plan Area (“SELPA”). Should the Charter School be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado County Charter SELPA.

Charter Schools Division
Re: State Board of Education Appeal of Long Valley Charter School
March 30, 2010
Page 2 of 2

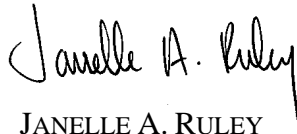
3. Technical Amendments

The Charter School will comply with any and all technical amendments to its charter as required by the SBE and the California Department of Education.

* * *

We will make every effort to submit any supplemental documentation that the SBE may request in a timely manner.

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



JANELLE A. RULEY
ATTORNEY AT LAW