

Template for

- Statewide Benefit Charter School
- Charter School Approved on Appeal
- Countywide Benefit Charter School

Memorandum of Understanding

Between

The California Department of Education

And

The _____

Charter School

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into this ____ day of _____, _____ by and between the California Department of Education (hereinafter “the CDE”), and _____ Charter School (hereinafter referred to as “the School”). Hereinafter, the California Department of Education and the School shall be collectively referred to as “the parties.”

PURPOSE OF MEMORANDUM OF UNDERSTANDING

The State of California enacted the Charter Schools Act of 1992 (hereinafter “The Act”) authorizing the creation of charter Schools with the intent that the schools improve student learning through a variety of means, including increased learning opportunities, innovative teaching methods, expanded choice for parents, and performance-based accountability.

The Act allows the State Board of Education (SBE) to authorize charter schools under specified circumstances. The SBE has authorized this charter pursuant to the Act, and by doing so, becomes the authorizing agency of the School. The SBE has delegated to the State Superintendent of Public Instruction (SSPI), as director of the California Department of Education (CDE), its obligations to oversee the School under the terms of this MOU, the provisions of the School’s charter, and applicable laws and regulations. The SSPI has, in turn, delegated the responsibility to the Director of the Charter Schools Division of CDE.

The fundamental interest of the SBE is – on a continuing basis – to be reasonably assured that the School is:

- Implementing the provisions of the Charter as approved.
- Obeying all requirements of federal, state, and local law that apply to the School.
- Being operated prudently in all respects.
- Providing a sound education for all of its students.

The CDE will report periodically to the SBE regarding its delegated oversight of this School.

The SBE recognizes that there are many matters related to the operation of this School, and to the effective oversight of the School, that go beyond the provisions included in the School’s charter. The SBE also acknowledges that the day-to-day operation of the charter is appropriately carried out by the faculty and staff of the School. This MOU is intended to address those matters that have not been covered in the charter and to provide guidance on the oversight policies and procedures of the SBE, as carried out by the CDE or its charter oversight

contractor. Further, this MOU is intended to outline the parties' agreements governing their respective fiscal and administrative responsibilities and their legal relationships.

TERM OF MEMORANDUM OF UNDERSTANDING

This MOU shall commence on the date upon which it is fully executed by all parties and shall cover the term of the charter: **five (5) fiscal years** commencing July 1, _____, and ending on June 30, _____. This MOU between the CDE and the _____ School inclusive of Attachments A - F. This MOU is subject to termination during the term or during any subsequent renewal as specified by law or as otherwise set forth in this MOU.

Any modification of this MOU must be in writing and executed by duly authorized representatives of both parties.

1. The duly authorized representatives of the School are the governing board president or CEO/Director of the School or designee.
2. The duly authorized representatives of the CDE are the Director of the Charter Schools Division or designee. For purposes of material amendments to the charter, such amendments take effect only if approved by the SBE.

This MOU is for the term of the charter and shall be reviewed at least annually. Proposed revisions to the MOU will be submitted by February 1 annually, or as may be requested by the CDE. In the case of mid-year changes in laws, or policies or conditions of operation by the SBE, the CDE reserves the right to request mid-year modifications to this MOU. Such modifications, if agreed upon, will be included as addendums to the MOU. Failure to reach agreement on required changes in the MOU may result in termination of the MOU. The approved MOU (including any addendums) will continue unless modified and agreed to in writing. This MOU will automatically expire upon the expiration or revocation of the charter.

TERM OF CHARTER

The School is a public school that is or shall be operating pursuant to a charter (hereinafter the "charter"). The charter was granted with conditions of opening and operation by the State Board of Education, on _____.

The School shall be known as **(description of School and locations)**. The School will serve grades ___ through ___ and will have an approximate enrollment of ___ students in its first year of operation, growing to an approximate enrollment of approximately ___ students by the fifth (5th) year of operation. The

School shall be responsible for all the functions of a charter school subject to the terms and conditions set forth in this MOU. The School will commence its first year of operation between July 1 and September 30, _____, subject to conditions specified by the SBE and reflected in this MOU

The School's charter shall have a five (5) year term to expire on June 30, __20___. The charter shall acknowledge the existence of this MOU, and the provisions of the charter and the MOU shall be aligned. If any proposed provision of the MOU is not aligned with the charter, the School and the CDE shall collectively agree to modifications of the MOU or of the charter to bring about alignment. If any necessary modifications to the charter are material, the proposed modifications will be submitted to the SBE for approval. Future review and extension of the charter shall be based on compliance with the terms set forth in this MOU, the charter, requirements of the *Education Code (EC)*, and any and all supporting regulations. The CDE shall review all materials submitted in accordance with SBE policy and this MOU as well as review the continued fiscal viability of the charter and its conformance with any annual audit issues. Review of the charter shall also be in accordance with state law, and as further described under Section 4.3 of this MOU. The SBE reserves the right to approve amendments to the charter and/or revoke the charter as specified in *EC* section 47607. The school may only seek renewal of its charter after successfully operating for no less than three school years. Subsequent renewals may be sought after three years of the term of renewal as specified in Section 4.4 of the MOU.

SECTION 1: GOVERNANCE AND ORGANIZATIONAL MANAGEMENT

The School will be operated as or by a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (*Corporations Code* Section 5110 et seq.). The School is a separate legal entity and neither the SBE nor the CDE are liable for the debts and obligations of the School. The SBE reserves the right to appoint a representative to the board of directors of the corporation in accordance with *EC* Section 47604. The School will use all revenue received from the state and federal sources only for the educational services specified in the charter and this MOU for the students enrolled and attending the School.

1.1 Organization

Prior to opening, the School will provide the following to the CDE:

- Contact information, including phone numbers and e-mail addresses for the principal contacts for the School;
- Organization chart displaying relationship between governing board and School leadership

The School will provide CDE with immediate written notice of any change in the directors, officers, and administrators.

1.2 Governing Board Establishment

Prior to opening, the School will provide the following to the CDE:

- Articles of Incorporation
- Bylaws approved by the governing board
- Roster and biographies of current governing board members

1.3 Governing Board Activities

Calendar: Prior to the opening of School, the School will provide an annual calendar of governing board meetings, including a description of how parents and community members will be notified of the meetings.

Governing Board Meetings: The governing board of the School is expected to conduct public meetings at such intervals as are necessary to ensure that the board is providing sufficient direction to the School through implementation of effective policies and procedures. Governing board meetings will be conducted in keeping with the requirements of the Ralph M. Brown Act (*Government Code* sections 54950 – 54962). Governing Board adopted policies, meeting agendas and minutes shall be maintained and available for public inspection and during site visits.

Brown Act Training: Prior to opening, the School will provide verification by letter to CDE that all members of the governing board, administrative staff, and any other staff deemed appropriate by the School have participated in Brown Act training.

Governing Board Policies: The governing board will adopt policies and procedures to guide the operation of the School, including but not limited to, policies in the following areas:

- Conflicts of Interest: Prior to opening, the School's governing board will: (1) adopt a conflict of interest policy, including provisions related to nepotism, for itself and the School's employees and contractors to ensure that no action taken by an individual or organization covered by the policy results in actual or apparent conflicts of interest; and (2) provide verification that all board members and School employees have participated in conflict of interest training.
- Internal Fiscal Controls: The School will develop and maintain internal fiscal control policies governing all financial activities. Prior to opening, a copy of the School's internal control policies and procedures approved by the School's governing board will be submitted to the CDE. Such policies and procedures are subject to review during site visits to see that they are being implemented.

- *Campus Supervision*: Prior to opening, the School will provide a copy of the governing board policy relative to the supervision of students before and after school, and while on campus, student pick-up, as well as a procedure for visitors to enter and leave campus.
- *Discipline Policies*: Prior to opening, the School will provide a copy of the governing board policies relative to student discipline, including a list of the offenses for which students may be suspended or expelled, the procedures for suspension or expulsion, procedures by which parents and students will be informed about reasons for suspension or expulsion, and of their due process rights in regard to either disciplinary action.
- *Parent/Student Handbook*: Prior to opening, the School will provide a copy of the parent/student handbook that will be distributed to families each year to the CDE. At a minimum, the handbook will include detailed expectations for student attendance, behavior, and discipline, including policies and consequences for bullying and harassment, due process rights related to discipline (including suspension, expulsion, and special education), and a description of both informal and formal complaint procedures that parents may pursue in the event of disagreements. Amendments to the handbook by the School may be made throughout the year. The School will provide the CDE with a copy of the amended handbook.

Health and Safety Plan: Prior to opening, the School will provide to the CDE:

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

The health and safety plan will address at a minimum, fire emergencies, earthquakes and other natural disasters, civil disorder, accidents, injuries, and other threats to the health and safety of students and staff. The School will provide training for staff in responding to emergencies and conduct emergency response drills for its students. Amendments to the plan may be made by the School throughout the year. The School will provide the CDE with a copy of the amended plan.

Notice to Parents/Guardians: Prior to opening, the School will provide to the CDE a copy of the notice that will be sent to all parents/guardians regarding their rights under the federal No Child Left Behind (NCLB) and the Family Educational Rights and Privacy Acts (FERPA).

Family Educational Rights and Privacy Act (FERPA): Employees of the School have a legitimate educational interest such that they are entitled to access to education records under 20 U.S.C.A. § 1232g, the Family Educational Rights and Privacy Act (FERPA) and *EC* Section 49076(b)(6). The School, its officers and employees will comply with FERPA at all times. In addition, it is agreed that the CDE has an educational interest in the educational records of the School such that the CDE will have access to those records. Records will, at a minimum, include emergency contact information, health and immunization data, attendance summaries, and academic performance data from the statewide student assessments required pursuant to *EC* sections 60605 and 60851.

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

1.4 Administration

Enrollment and Admissions Documentation: Prior to opening, the School will provide:

- Descriptions of outreach and recruitment activities that have been conducted to reach target population.
- Procedures for enrollment, admission, and lotteries.
- Evidence of enrollment preferences consistent with the charter and with SBE conditions of operation.
- A copy of enrollment forms.
- Documentation that start-up enrollment is consistent with enrollment numbers described in the charter.

If minimum enrollment numbers consistent with the charter are not met, the charter may be subject to a plan of remediation, which may include revocation.

Insurance and Risk Management: No later than July 1, or such earlier time as the School may employ individuals or acquire or lease property or facilities, the School will procure from an insurance carrier licensed to do business in the State of California, and keep in full force during the term of the charter, at least the following insurance coverage:

- *Property Insurance* – for replacement value, including coverage for all assets listed in the School’s property inventory and consumables.
- *General Liability* – At least \$2,000,000 per occurrence and \$5,000,000 in total general liability insurance, providing coverage for negligence, errors and omissions/educators legal liability, abuse and molestation, and employment practices liability of the School, its governing board, officers, agents, employees, or students. The deductible per occurrence for said insurance shall not exceed \$20,000 for any and all losses resulting from negligence, errors and omissions of the School, its governing board, officers, agents, employees, or students.
- *Workers’ Compensation* – In accordance with the provisions of the California *Labor Code*, insurance adequate to protect the School from claims under Workers’ Compensation Acts which may arise from its operation, with statutory limits.
- *Automobile Insurance* – to the extent necessary and in amounts appropriate for the type and use of the automobile.

In addition, the School will institute risk management policies and practices to address reasonably foreseeable occurrences and provide CDE with evidence of such policies and practices.

The School shall hold harmless, defend, and indemnify the SBE and the CDE, its officers and employees, from every liability, claim, or demand which may be made by reason of (1) any injury to volunteers; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk shall defend all legal proceedings which may be brought against it and/or the SBE or the CDE, its officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of them.

The School will provide evidence of insurance coverage to the CDE prior to opening and will instruct the insurance carrier(s) to inform the CDE immediately if the coverage becomes inoperative for any reason. The CDE may request to see evidence of insurance coverage during site visits.

Exclusive Employer: The School is deemed the exclusive employer of the employees of the School for the purposes of the Educational Employee Relations Act (EERA) under *Government Code* Section 3540, et. Seq. The School will have sole responsibility for employment, management, dismissal, and discipline of its employees.

Employee Handbook: Prior to opening, the School will provide to the CDE a copy of the employee handbook that will be distributed to employees each year. At a minimum, the handbook will include detailed expectations for employee performance and behavior, due process rights of employees related to disciplinary actions (including termination), compensation and benefit information, and a description of both informal and formal complaint procedures that employees may pursue in the event of disagreements. Amendments to the employee handbook may be made and distributed to employees by the School during the year. The School will provide the CDE with a copy of the amended handbook upon request, and it may be reviewed during site visits.

Employee Contracts: Prior to opening, the School will provide a copy of the employee contracts that, at a minimum, state that the School is the exclusive employer of employees and has sole responsibility for employment, management, dismissal, and discipline of its employees.

Teacher Credentials and Highly Qualified Teacher Requirements: Prior to opening, the School will provide documentation that all teachers hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools are required to hold, except as otherwise exempted by the Charter Schools Act. The School will also comply with the federal No Child Left Behind (NCLB) highly qualified teacher requirements. The School will provide documentation that the teachers of any NCLB core subject meet the highly qualified teacher requirements.

Management Contracts: Prior to entering into a contract with an education management organization (EMO), the School will provide the following information:

- A draft of the proposed management contract.
- A recent corporate annual report and audited financial statements for the EMO.
- A description of the EMO's roles and responsibilities for the management of the School and the internal controls that will be put in place to guide the relationship.
- A list of other Schools managed by the EMO and the academic and operational results of such management.
- A list of and background on the EMO's leaders and board of directors.
- A letter of assurance from the EMO that it has conflict of interest policies in place and that none of the principals of either the EMO or School have conflicts of interests.

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

Facilities Agreement: No later than June 1, the School will provide a written signed agreement (lease or other similar document) indicating the School's right to use the principal school site and any ancillary facilities identified by the School for at least the first year of the School's operation and evidence that the facility will be adequate for the School's needs. A pre-opening site visit will be conducted prior to opening of the School (see Section 4.3 and Attachment B for information on the pre-opening visit).

Zoning and Occupancy: At least 30 days prior to the School's opening, the School will present evidence that the 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. The facility must meet all applicable health and fire code requirements and zoning laws. The School will furnish the CDE with all local approvals (*EC* Section 47610(d)) including applicable fire marshal clearances, certificates of occupancy, signed building permit inspections and approved zoning variances. The School cannot exempt itself from applicable/local zoning or building code ordinances.

Prior to opening a new School or before an existing School may occupy a new or different facility, the CDE will conduct a site review to determine that the facilities are clean, safe, American Disabilities Act (ADA) compliant, and have the necessary local approvals to operate. A School may not operate in the facility until the CDE has granted approval to do so. (Section 4.3 of the MOU describes the pre-opening site visit process and requirements)

If the School seeks facilities from the district in which it intends to locate under Proposition 39, it will follow applicable statute and regulations regarding submission of such a request to a district. The CDE will use the process described above for approving any facilities agreed to by a district.

School Accountability Report Card (SARC): On or before April 30 of each year, the School will post its SARC on the CDE SARC Web site. The School may, but is not required to, use the template developed by the CDE and available at <http://www.cde.ca.gov/ta/ac/sa> as a guide. The School will include the following elements and may present additional pertinent information at its discretion:

- *Contact information* for the School, including school name, principal, street address, phone and fax numbers, e-mail address, and CDS code.
- *School description and mission statement.*
- *Description of opportunities for parent involvement.*
- *Demographic information*, including numbers of students in each grade level, and number and percentage of students in each racial and ethnic subgroup as reported by CBEDS.

- Description of *School climate* and safety, including the content and currency of the comprehensive safety plan, the School's efforts to create and maintain a positive learning environment, and the number and percentage of suspensions and expulsions of the total enrollment.
- *Academic data*, including (1) the percentage of students achieving at the Proficient or Advanced level on the CST by subject, both school wide and by significant subgroups, (2) percentage of students scoring at or above the 50th percentile by subject, both school wide and by significant subgroups, (3) percentage of students meeting fitness standards in total and by gender on the California Physical Fitness Test, (4) data from local assessments, if available, reporting the percentage of students meeting or exceeding a standard.
- *Academic Performance Index (API)* data, including (1) school wide API base and growth scores, growth targets, statewide and similar schools ranks, and percent tested over the last three years, and (2) API base and growth scores and targets for significant subgroups over the last three years.
- *Adequate Yearly Progress (AYP)* data, including (1) whether AYP criteria were met school wide, and (2) participation rates and percent proficient or above both school wide and by significant subgroups.
- Information regarding whether the School is in *Program Improvement* and in which year.
- Percent of students completing the 12th grade who successfully complete the *California High School Exit Exam (CAHSEE)* for the last three years.
- *Dropout and graduation rates* for the last three years (the CDE SARC template describes how to calculate these rates).
- *Average class size*.
- *Number of teachers* as reported by CBEDS, and the number of NCLB compliant teachers teaching core academic subjects.
- Information about the procedures and *criteria for teacher evaluations*.
- Information about the *structure of the School's instructional program*, including professional development, number of instructional minutes offered, and number of and reasons for minimum day schedules.
- Numbers and percentages of *graduates who have completed all courses required for University of California (UC) and/or California State University (CSU) admission*.
- *Teacher and administrative salaries*, percent of budget for teacher salaries and percent of budget for administrative salaries.
- *Total dollars spent* by the School and dollars spent per student.
- Data regarding *parent, student, and staff satisfaction* with the School.

SECTION 2: EDUCATIONAL PERFORMANCE

2.1 Educational Program

Prior to opening, the School will submit the following:

- Scope and sequence for all subjects to be offered by the School.
- The complete educational program for students to be served in the first year including, but not limited to: (1) a description of the curriculum and identification of the basic instructional materials to be used, (2) plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, (3) identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluation of student progress.
- Annual calendar for the School year that includes the number of instructional days (must provide a minimum of 175 days), annual instructional minutes offered, and the number of professional development days.
- Daily bell schedule for site-based programs.
- Sample student contracts, description of frequency of contact with teachers, pupil/teacher ratios, and description of how student work will be evaluated for time value for nonclassroom-based programs.

2.2 Student Achievement Plan

The School will not be required to submit a Student Achievement Plan if it has met its API growth targets and AYP, both school wide and by significant subgroups each year.

If the School fails to meet API and/or AYP targets schoolwide or by numerically significant subgroups, it will be required to submit a Student Achievement Plan (Plan) to the CDE according to the following dates:

- October 1 - draft Student Achievement Plan due.
- December 1 - final Student Achievement Plan due.

If the School is seeking renewal of a charter and has not met API and/or AYP in the prior year, it will submit a draft Student Achievement Plan for the future concurrent with the charter renewal request. CDE staff will assist the School to finalize the draft Student Achievement Plan prior to the renewal request submission to the Advisory Commission on Charter Schools (ACCS) and the SBE.

The School will implement its final Student Achievement Plan that sets forth the School's specific goals, how progress towards and achievement of each goal will be measured, and plans for addressing areas identified as needing improvement. The Student Achievement Plan will build upon the assessment measures, educational goals, and student outcomes described in the charter petition, but

will not provide for less stringent assessment measures, educational goals, and student outcomes than those described in the charter petition. If the final Student Achievement Plan is less stringent than the charter, this will be considered a material amendment to the charter and will be subject to SBE review and approval. The specific requirements of the Student Achievement Plan are described in the Student Achievement Plan Guidelines (Attachment A).

2.3 Annual Update

By the end of September each year, the School will submit an annual update to the CDE for the prior year that examines the following:

- STAR results both in aggregate and disaggregated by numerically significant subgroups.
- CAHSEE results both in aggregate and disaggregated by subgroups.
- Progress made toward meeting API and AYP targets.
- Progress made toward each of the educational goals and student outcomes identified in the charter.
- Results of any additional internal assessments used by the School.
- Plans to address areas identified as needing improvement by the School.
- Evidence that the School is financially sound.

If the School has been required to submit a Student Achievement Plan, it must in addition, address the following elements in the annual update:

- Progress made in areas identified where progress falls short of meeting outcomes identified in the Student Achievement Plan.
- Professional development provided to further progress on goals described in the Achievement Plan.
- Progress made on the implementation of changes to curriculum and instructional strategies identified in the Achievement Plan.
- Evidence that the School is systemically examining student data and using it to drive decisions regarding curriculum and instruction.

The School may choose to submit its existing School Quality Review Process (SQR) report in lieu of the Annual Update provided the SQR addresses the elements required above. The Annual Update (in conjunction with the Student Achievement Plan, if applicable) will be used as a central area of focus for site visits. The School will provide specific evidence that the results, as shown in the annual update, are targeting improvement in student achievement, and that the School is financially sound.

2.4 Special Education

Prior to opening, the School will submit written verification from a SELPA that the School is (or will be at the time students are being served) either:

- (1) participating in a SELPA as an LEA, or
- (2) has an MOU between a SELPA, an LEA 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 LEA consider the School's students to be students of the LEA for purposes of special education programs and services (which is the equivalent of participation in the SELPA). If applicable, the School will provide the CDE with a copy of the signed MOU with the LEA.

2.5 Independent Study

To the extent that the School provides instruction through independent study, it will meet all requirements of law applicable to independent study, including the use of individual student contracts describing the frequency of contact, student/teacher ratios, and evaluation of student work for time value.

If the School is approved as a site-based school, it must provide a classroom-based instructional program such that at least 80 percent of the instructional time offered by the School is at the school site and the School requires the attendance of all students for at least 80 percent of the minimum instructional time offered. If the School is authorized to provide nonclassroom-based instruction, or it is authorized as a site-based school but provides nonclassroom-based instruction less than 20 percent of the instructional time, it must adhere to all requirements under *EC, Part 28, Chapter 5, Article 5.5* (commencing with Section 51745) regarding independent study.

SECTION 3: FISCAL OPERATIONS

3.1 Funding

The School will be direct funded in accordance with *EC* Section 47630 et seq. and, if a statewide benefit charter, with *California Code of Regulations (CCR)*, Title 5, Section 11967.8. The School's general purpose entitlement will be calculated in accordance with *EC* Section 47633 et seq. The parties recognize the authority of the School to pursue additional sources of funding.

3.2 Fiscal Agent

The School is responsible for identifying a county office of education for purposes of establishing the appropriate funds or accounts in the county treasury for the School and for making the necessary arrangements for the School's participation in the State Teachers' Retirement System, the Public Employees Retirement System, and social security. The School will provide the CDE with documentation that it has entered into an agreement with a specific county office of education to provide these services.

3.3 Student Attendance Accounting and Reporting

No later than July 1, the School (if new) will submit proposed attendance accounting procedures for approval by the CDE. The School must use commercially available attendance accounting software (such as Power School, SASI, etc.). School created spreadsheets on Excel or other database programs will not be accepted. The School will submit enrollment and attendance data as required to receive apportionment of funding according to the following schedule:

- First 20 Days Attendance (new schools) by **October 20**__.
- First Principal Apportionment (attendance for all full school months between July 1 and December 31) by **January** __, **20**__.
- Second Principal Apportionment (attendance for all full school months between July 1 and April 15) by **May** __, **20**__.
- Annual Apportionment (attendance for entire school year) by **July** __, **20**__.

In addition to submission of the electronic data files, the School must submit hard copies of all back-up attendance documents, e.g., monthly summary reports that support the reported average daily attendance (ADA), weekly attendance sheets signed and dated by teachers, and evidence of contact made with parents when students are absent from School, e.g., parent contact log, absence log, etc. CDE staff will review and **certify** the accuracy of attendance data submitted by the School only when all documentation has been submitted and is accurate. *Attendance data submitted without the requisite detail will not be processed and may result in a delay of funding to the School. The School is responsible to assure that all reports are accurate and timely in order to receive regular and timely apportionment payments.*

3.4 Revenue and Expenditure Reporting

The School is required by *EC* Section 47604.33 to submit periodic reports of revenues, expenditures, and reserves. In order to meet statutory timelines for revenue and expenditure reporting, the School must submit reports to the Charter Schools Division for review according to the following schedule:

- Preliminary budget on or before **July 1, 20**__.
- First Interim Report (expenditures through 10/31) on or before **December 15, 20**__.
- Second Interim Report (expenditures through 1/31) on or before **March 15, 20**__.
- Unaudited Actuals Report for the prior fiscal year on or before **September 15, 20**__.

Any significant changes in the budget or interim reports from one reporting period to the next period must be explained in writing. Explanations and budget assumptions must accompany the reports. The School is expected to maintain

reserves at least equivalent to those required of a School district with approximately the same number of students, or no less than three percent. This is consistent with *CCR, Title 5, Section 15443*.

3.5 Annual Audit

In accordance with *EC Section 47605(m)*, by December 15 of each year, the School will submit an annual independent financial audit to the State Controller's Office, the CDE, and the county office of education of the county in which the School is located. In order for the School to receive a favorable recommendation for renewal, each annual audit must be free of findings and exceptions, or corrective action plans must have been implemented in a timely manner, such that there are no findings or deficiencies identified in the following year. The audit will be conducted by an auditor from the list approved by the State Controller's Office. This list of auditors is available at:

<http://www.sco.ca.gov/cpads/main/default.aspx>.

In addition to the School's financial statements, the audit will include as applicable but not be limited to:

- Contemporaneous records of attendance
- Nonclassroom-based instruction/independent study
- Additional nonclassroom-based instruction
- Determination of funding for nonclassroom-based instruction
- Annual instructional minutes – classroom based

The complete Audit Guide is available at

<http://www.eaap.ca.gov/NewWebSite0804/AuditGuide.htm>.

3.6 Oversight Fees

The School will be charged an oversight fee not to exceed 1 percent of the general purpose and categorical block grant revenue received by the School in accordance with *EC Section 47613* and used to offset consultant and administrative costs required for comprehensive oversight, which includes but is not limited to the following categories:

- Curriculum and instruction
- Assessment and accountability
- School fiscal review
- Site visitations
- Renewal evaluations
- Attendance accounting certification

The oversight fee will be based on the general purpose entitlement and categorical block grant funding provided to the School at the First Principal

Apportionment (P-1). The School will receive an invoice in April of each year for 95 percent of the oversight fee, which is due and payable to CDE within 30 days of receipt. Based on the Second Principal Apportionment (P-2), the school's total fee will be adjusted and the school will either receive an invoice for the increase in fees or a refund if total revenues have gone down.

3.7 State Teachers Retirement System (STRS)/Public Employees Retirement System (PERS) Reporting

If the School offers employees of the School the opportunity to participate in STRS or PERS, the School will be responsible for entering into a contract with STRS and/or PERS and a county office of education for reporting purposes. Such arrangements must be made prior to the hiring of any employee. Written notification that these arrangements have been made will be provided to the CDE prior to the hiring of employees.

SECTION 4: FULFILLING CHARTER TERMS

4.1 Material Amendments to Charter

Changes to the charter deemed to be material amendments may not be made without SBE consideration and approval. Amendments to the charter considered to be material changes include, but are not limited to, the following:

- Substantial changes to the educational program (including the addition or deletion of an educational program), mission, or vision
- Changing to (or adding) a nonclassroom-based program, if originally approved as a classroom-based program
- Proposed changes in enrollment that differ by more than 25 percent +/- of the enrollment originally projected in the charter petition.
- Addition or deletion of grades or grade levels to be served
- Location of facilities and/or new sites
- Admissions preferences
- Governance structure

4.2 State Assessments

The School agrees to comply with and adhere to the state requirements for participation and administration of all state mandated tests. The state tests required to be administered are:

- California Standards Tests
- CAT/6
- Aprenda 3
- California High School Exit Examination
- Physical Fitness Test

- California English Language Development Test

4.3 Site Visits

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

Pre-opening Visit (see Attachment B)

Prior to the CDE authorizing the School to commence operations, the School must demonstrate that it has completed specified actions and provided required documentation. The documentation required is listed in Attachment C, the Document Review Checklist, under the column “Required Prior to School Opening.”

On or before August 1 of the year in which the School is first scheduled to begin instruction, (or, if the School is scheduled to provide instruction prior to that date, by such date as required by the CDE), the School will provide to the CDE each item required on the Checklist, or for items not completed, an agreed upon date by which the item will be completed.

The CDE will visit the School facility for an inspection and review prior to the time the School is scheduled to open. The pre-opening review will take place no later than 30 days prior to the anticipated school start date. The pre-opening checklist is included as Attachment B. The School may not commence operations without written authorization from the CDE.

Periodic Site Visits (see Attachment D)

The CDE will conduct at least one site visit annually in order to assess the School’s progress in governance and organizational management, educational performance, fiscal operations, and fulfillment of the terms of the charter. The primary focus of the visits will be on teaching and learning and the Student Achievement Plan (described under Section 2: Educational Performance). Attachment D, the SBE Approved Charter School Evaluation Form, and Attachment C, the Document Review Checklist, describe the evidence and documentation that will be reviewed and evaluated each year.

The site visit may include review of the facility, review of records maintained by the School, interviews with the director of the School, staff, and clients, and observation of instruction in the classroom. The evaluations for each year will constitute the basis upon which a renewal decision will be made at the end of the term of the charter. Any deficiencies will be reviewed with the School administration.

The CDE reserves the right to make unannounced visits to the School.

4.4 Renewals

The School may seek renewal of its charter prior to expiration of the term of the charter in accordance with statutory provisions. The School will submit its renewal petition for the next charter term along with a copy of the most recent Annual Update and Student Achievement Plan (if applicable) to the SBE, with a copy to the CDE, no later than October 15 of the year in which the charter School would cease operations without renewal.

The school may seek early renewal of its charter if it meets all of the following conditions:

- Has been in existence for at least three years, or has completed three years of a subsequent term of renewal.
- Has similar schools API rankings of 8 or above in all three years
- Has met AYP criteria school wide and by significant subgroups in all three years
- Has submitted accurate and timely budgets, interim fiscal reports, and student attendance data to CDE
- Independent financial audits for all three years have been free of audit exceptions/deficiencies
- Has received no health and safety code violations from local authorities
- Has demonstrated that a majority of parents, students, and staff are satisfied with the performance of the School.

The CDE will review the charter petition, academic and financial performance, audit reports, annual visitation reports, and conduct a renewal site visit prior to scheduling the renewal request for consideration by the ACCS and the SBE. The charter petition must be revised in accordance with current statutes and regulations.

Further information regarding the criteria used for site visit reviews is described under Subsection 4.2 Site Visits.

4.5 Notice to Cure and Revocation

The SBE retains the right to revoke the Charter as set forth in *EC* sections 47604.5 or 47607 for specified reasons with written notice that shall specify CDE concerns and issues of non-compliance. Prior to instituting revocation proceedings, the CDE will provide for a system of progressive notices that correction of a problem by the School needs to occur with specified time lines. The progression of notification of corrective action is as follows:

- Direct contact with the School specifying the concerns, followed by Letter #1.

- Letter #2 – restatement of concerns if there has been little or no response by the School to the first letter, and a request for a response from the School informing the CDE about steps the School is taking to address the concern; the SBE will be apprised informally of situation. The CDE may conduct a site visit.
- Letter #3 (Notice of Concern) - restatement of concerns and direction to the School to take corrective action by a specified date; the SBE will be formally apprised.
- Letter #4 (Notice to Cure or Face Revocation) - letter identifying history of failure to correct or address the concerns and directing the School to take specific enumerated actions or submit documentation by a specified date. Failure to do so will result in the institution of revocation proceedings.
- Revocation - schedule an agenda item for the SBE to hold a public hearing and consider revocation of the charter.

The exception to the above process is under circumstances where the CDE determines there is an immediate threat to the health and safety of students and/or staff of the School. An immediate action may be taken to assure the safety and well being of the students, staff, and community, as deemed appropriate by the CDE, including but not limited to closure of the school. The SBE will be apprised of the situation immediately before action is taken.

During the period prior to revocation, the School shall have the opportunity to work collaboratively with the CDE or its designee to address the concerns and develop a plan to remediate all areas to the satisfaction of the CDE and SBE. During this period of time the School shall attempt to resolve the concerns and complete remediation. This provision may also require a charter amendment to be discussed.

4.6 Closure Procedures

Prior to opening, the School will provide a description of the procedures to be used in the event the School closes (see Attachment E). The categories that must be addressed in such procedures are each of the following:

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

- Identification of a source of funding to be used for closeout expenses including the final audit.
- Dissolution of the School and/or nonprofit corporation.

Further descriptions of each category and a closure procedures checklist are included as Attachment E.

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

The School expressly acknowledges the right of the CDE, on behalf of the State Superintendent of Public Instruction (pursuant to *EC* Section 47604.3), to take immediate and direct control of all the School's student and business records at any time after the CDE gives written notice that it is invoking the closure procedures.

SECTION 5: NONDISCRIMINATION

The parties recognize and agree that the School shall not charge tuition, shall be nonsectarian and shall be open to all students regardless of ethnicity, national origin, gender, or disability and those provisions of non-discrimination shall apply as well to employment.

SECTION 6: SEVERABILITY

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

SECTION 7: NON-ASSIGNMENT

No portion of this MOU or the Charter petition approved by the SBE may be assigned to another entity without the prior written approval of the SBE.

SECTION 8: WAIVER

A waiver of any provision or term of this MOU must be in writing and signed by both parties. Any such waiver shall not constitute a waiver of any other provision of this MOU. All parties agree that neither party to this MOU waives any of the rights, responsibilities, and privileges established by the Charter Schools Act of 1992.

SECTION 9: NOTIFICATION

All notices, requests, and other communications under this MOU shall be in writing and mailed to the proper addresses as follows:

To the CDE at:	
	Marta Reyes, Director Charter Schools Division California Department of Education 1430 N Street, Suite 5401 Sacramento, CA 95814
To the School at:	
	School Name Address City, CA Zip Code

This MOU contains the entire MOU of the parties with respect to the matters covered hereby, and supersedes any oral or written understandings or MOUs between the parties with respect to the subject matter of this MOU. No person or party is authorized to make any representations or warranties except as set forth herein, and no MOU, statement, representation or promise by any party hereto which is not contained herein shall be valid or binding. The undersigned acknowledges that she/he has not relied upon any warranties, representations, statements or promises by any of the parties herein or any of their agents or consultants except as may be expressly set forth in this MOU. The parties further recognize that this MOU shall only be modified in writing by the mutual agreement of the parties.

_____	_____
Date	President, Charter School Governing Board
_____	_____
Date	Principal, Charter School
_____	_____
Date	Marta Reyes, Director, Charter Schools Division

ATTACHMENT A: Student Achievement Plan Guidelines

I. Overview

A Student Achievement Plan is required to be submitted to the California Department of Education (CDE) if the School fails to meet API growth targets and/or AYP in any year. The Achievement Plan requires the School to establish specific goals and actions the school will take to improve student academic achievement in those areas identified through the API and AYP as not meeting performance criteria. The School will be expected to present an Annual Update to the CDE on the progress made in meeting goals identified in the Achievement Plan. These guidelines make explicit the elements that must be addressed in the Plan for any subject area or criteria in which the School falls short of the target. Data compiled from this Plan and the Annual Update, plus confirming evidence gathered during periodic site visits will provide the CDE with a clear understanding of whether the School is on track to its charter being renewed.

In addition to API and AYP, the School may incorporate a variety of additional outcome measures to further demonstrate academic achievement and organizational effectiveness. While these various supplemental measures will not carry as much weight as the required measures in making renewal decisions, they may be important in helping the School achieve its academic goals and distinctive qualities in the School's mission as well as highlight those goals and qualities to its greater school community.

II. Required Components of the Student Achievement Plan

For each area in which the School did not meet API targets and/or AYP, the School must submit a plan to the CDE describing specific and concrete actions the School will take in order to improve student achievement over the course of the current school year. The Student Achievement Plan must address, at a minimum, the following elements:

Methods or system the School uses to examine student achievement data on a regular basis across grade levels, by subject matter, by significant subgroups, and across the School as a whole

Analysis of the STAR and AYP results that identifies the specific problem in the area(s) not meeting targets and/or criteria

Specific actions, which follow from the examination of student data, that the School will take to improve student achievement in the area(s) identified as needing improvement, including changes to curriculum, instruction, assessment, governance, and organization

Professional development plan for teachers and/or other staff that supports the activities the School will implement to improve performance in targeted areas

Diagnostic assessments that will be used to enable the school to monitor the effects of proposed changes on student performance

The School must submit a draft Student Achievement Plan to the CDE by October 1 if the School did not meet API targets or AYP in the prior year. The CDE will review the draft plan and either approve it as submitted or request changes to it. If changes are required, the final Plan will be due to the CDE by December 1.

Further information regarding the API can be found at: www.cde.ca.gov/ta/ac/ap/index.asp on the CDE website. Information on the AYP, including targets and criteria can be found at: www.cde.ca.gov/ta/ac/ay/index.asp.

ATTACHMENT B: Pre-Opening Site Inspection Checklist

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

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

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

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

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

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

Additional Comments

ATTACHMENT C: Documentation Review Checklist

Category	Prior to Opening	Site Visit	Other Date
1. Governance and Organizational Management			
1.1 Organization			
• School contact information	✓		
• Organizational chart	✓		
1.2 Governing Board Establishment			
• Articles of Incorporation	✓		
• Bylaws approved by governing board	✓		
• Roster/biographies of current board members	✓		
1.3 Governing Board Activities			
• Calendar of governing board meetings	✓		
• Agendas, verification of public posting		✓	
• Meeting minutes		✓	
• Brown Act training verification	✓		
• Governing board policies in following areas:			
➤ Conflicts of Interest	✓		
➤ Parent/student handbook	✓		
➤ Internal fiscal controls	✓		
➤ Health and safety plan	✓		
➤ Notification to parents/guardians	✓		
➤ FERPA notices	✓		
➤ Criminal records summaries	✓		
1.4 Administration			
• Descriptions of enrollment and outreach	✓		
• Enrollment forms	✓		
• Targeted recruitment of students	✓		
• Enrollment preferences, if any	✓		
• Insurance coverage	✓		
• Employee handbook	✓		
• Employee contracts	✓		
• EMO contracts	✓		
• Facilities use agreement(s)			6/1

Category	Prior to Opening	Site Visit	Other Date
<ul style="list-style-type: none"> Certificate of Occupancy, building permits, evidence of appropriate zoning 			8/1
<ul style="list-style-type: none"> School Accountability Report Card (SARC) 			4/30

Category	Prior to Opening	Site Visit	Other Date
2. Educational Performance			
2.1 Education program			
<ul style="list-style-type: none"> Scope and sequence for all grades 	✓		
<ul style="list-style-type: none"> Complete educational program, including curriculum, instructional materials, professional development plans, and identification of assessments. 	✓		
<ul style="list-style-type: none"> Annual school calendar 	✓		
<ul style="list-style-type: none"> Daily bell schedule 	✓		
<ul style="list-style-type: none"> Faculty and staff credentials (as applicable) 	✓		
2.2 Student Achievement Plan			
Draft Student Achievement Plan		✓	10/1 (if applicable)
Final Student Achievement Plan		✓	12/1 (if applicable)
2.3 Annual Update			
Progress report on student achievement		✓	9/30
2.4 Special Education			
SELPA participation documentation	✓		
2.5 Independent Study			
<ul style="list-style-type: none"> Verification of requirements of law, including: <ul style="list-style-type: none"> ➤ Frequency of contact ➤ Student/teacher ratios ➤ contracts ➤ Evaluation of student work for time value 		✓	

Category	Prior to Opening	Site Visit	Other Date
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3. Fiscal Operations			
3.1 Funding			
• Verification of funding			
3.2 Fiscal Agent			
Verification of county office for fiscal agent	✓		
3.3 Student Attendance Accounting/Reporting			
• Attendance Accounting Procedures			
• First 20 days attendance/supporting documents			10/07
• P-1 attendance/supporting documentation			01/15
• P-2 attendance/supporting documentation			05/01
• Annual attendance/supporting documentation			07/15
3.4 Revenue and Expenditure Reporting			
Annual budget			06/01
First interim report			12/15
Second interim report			3/15
Unaudited actuals report			9/15
3.5 Annual Audit			
• Annual independent financial audit			12/15
3.6 Oversight Fees			
• Payment of invoice for oversight fee			05/07
3.7 STRS/PERS Reporting			
Contract with county office for STRS/PERS reporting	✓		

Category	Prior to Opening	Site Visit	Other Date
4. Fulfilling Charter Terms			
4.1 Material amendments			
Material amendments if applicable, approved by the governing board and SBE			As needed

Category	Prior to Opening	Site Visit	Other Date
4.2 STAR Testing			
Verify participation in STAR testing			As needed
4.3 Site Visits			
Pre-opening documentation of conditions met	✓		
Periodic site visit verification of adherence to charter through interviews with staff, students, parents, and community		✓	
4.4 Renewal			
Revised charter petition reflecting most recent statutory changes			10/15 of 4 th year
Student Achievement Plan for next five-year term			10/15 of 4 th year
4.5 Notice to Cure and Revocation			
Documentation of corrective actions taken, if applicable		✓	As needed
		✓	
4.6 Closure Procedures		✓	
Procedures to be used in event of school closure	✓		
Identification of point of contact for closure activities	✓		

ATTACHMENT D: SBE-Approved Charter Oversight Evaluation Form

This form is designed as a tool for evaluation of an All-Charter District (ACD) or Charter School that has been approved by the State Board of Education (SBE) and for which the SBE has direct oversight authority. The purpose of the form is to be reasonably assured that an All-Charter District or Charter School is in compliance with the following categories:

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

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

Quality Indicators

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

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

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

- An evaluation of **good** applies to provision characterized, overall, by strengths. There are very few weaknesses and any that do exist do not diminish the students' experience. Whilst an evaluation of **good** represents a high standard of provision, it is a

standard that should be achievable in all schools. It implies that it is fully appropriate for a school to continue its provision without significant adjustment. However, the school would always be expected to continue to take advantage of opportunities to improve.

- An evaluation of **satisfactory** applies to provision characterized by a number of strengths. There are weaknesses but, singly or collectively, these do not have a significant adverse impact on the student experience. An evaluation of *satisfactory* may be arrived at in a number of circumstances. Provision may make for a productive student experience but it may not provide consistent challenge for students. Typically provision will be characterized by strengths, but one or more weaknesses reduce the overall quality of the student experience.
- An evaluation of **unsatisfactory** applies to provision characterized by weaknesses, which require remedial action by the school. Some, if not all, staff responsible for provision evaluated inadequate require support from senior managers in planning and carrying out the necessary actions to effect improvement. There may be some strengths but these are overshadowed by the impact of the weaknesses.
- An evaluation of **poor** applies when there are major weaknesses in provision, requiring immediate remedial action on the part of the school. The student experience is at risk in significant respects. In almost all cases, staff responsible for provision evaluated *poor* will require support from senior managers in planning and carrying out the necessary actions to effect improvement. This may involve working alongside effective peers in or beyond the school.

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT					1	2	3	4
1.1 Organization: The ACD/Charter School shall be duly constituted (e.g., as a non-profit corporation) in accordance with its Charter. (DV)								
Verify that the ACD/Charter School has been duly constituted (e.g., as a non-profit corporation) in accordance with its Charter.								
<ul style="list-style-type: none"> • list /roster of governing board members 								
<ul style="list-style-type: none"> • charts / descriptions of board roles and responsibilities 								
1.2 Governing Board Establishment: The ACD/Charter School's governing board shall be established and maintained in accordance with law and with the Charter (to the extent the Charter does not conflict with law). (DV)								
Verify that the ACD/Charter School's governing board has been established in accordance with law and with the Charter (to the extent the Charter does not conflict with law).								
<ul style="list-style-type: none"> • corporate papers including articles of incorporation 								
<ul style="list-style-type: none"> • board-approved bylaws 								
<ul style="list-style-type: none"> • board norms 								

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	1	2	3	4
1.3 Governing Board Activities. The ACD/Charter School's governing board shall maintain active and effective control of the Charter School. The governing board shall meet regularly and its meetings shall be held in accordance with applicable provisions of law, including, but not limited to, the appropriate recording of all actions taken				
Verify that the ACD/Charter School's governing board is meeting regularly and that its meetings are held in accordance with applicable provisions of law, including, but not limited to, the appropriate recording of all actions taken. (DV)				
<ul style="list-style-type: none"> • the board complies with all legal responsibilities and charter mandates, provides support for the school's mission, offers sound fiduciary guidance, and initiates and/or reviews and adopts policies that contribute to the sustainability of the school. 				
<ul style="list-style-type: none"> • governing board meeting dates 				
<ul style="list-style-type: none"> • agendas, including verification of public posting 				
<ul style="list-style-type: none"> • meeting minutes 				
<ul style="list-style-type: none"> • Brown Act training as verified by charter counsel 				
<ul style="list-style-type: none"> • board resolutions and board-adopted policies and regulations: <ul style="list-style-type: none"> ➤ conflict of interest ➤ Handbooks – Parent, Student, Employee ➤ student discipline and due process ➤ employee discipline and due process ➤ parent complaint resolution and due process ➤ internal controls policies and related forms and systems (e.g., purchase order requests, job descriptions explaining scope of financial management responsibilities and independent audit review of internal controls or comments on appropriateness of existing internal controls policies ➤ bank signature authorizations, etc. ➤ harassment – student, staff ➤ Safety Plan (including natural disasters, crisis response, campus violence, threats, evacuation procedures, hostage situations, hazardous materials spills, and emergency preparedness policies/manuals/guides, and records of emergency preparedness training ➤ immunization and tuberculosis records ➤ <u>Family Educational Rights and Privacy Act</u> – policy and notices ➤ Section 504 compliance ➤ Office of Civil Rights compliance 				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	1	2	3	4
➤ evidence that the school's operations are non-sectarian, the admissions requirements are non-discriminatory, and the school does not charge tuition or its equivalent.				
Review the activities of the governing board since the preceding site visit and verify that the governing board has maintained active and effective control of the ACD/Charter School. (SV)				
• are a diverse, committed, representative body whose members and actions enhance the credibility of the school				
• understand their role in determining the direction of the school and supporting the school's progress towards meeting its goals				
• assist annually in evaluating the professional performance of the school leader				
• hold themselves accountable for maintaining the health, vitality and sustainability of the school				
• provide a platform for the exchange of ideas by soliciting expression of candid opinions from all members of the school community				
• continuously help to refine and define the organization's mission, vision, and direction				
• review the school's finances on a regular basis and provide fiscal advice and guidance				
• hold the school accountable for fulfilling the terms of its charter				
1.4 Family, Faculty and Staff Participation. The ACD/Charter School shall have a process in place that ensures that families, faculty and staff may provide input regarding the ACD/Charter School's effectiveness in such areas as student discipline, parent (guardian) involvement, and motivating students to high academic achievement and good citizenship. (DV)				
Verify evidence of participation and/or engage in informal conversation with faculty and staff, students (as appropriate), and parents (guardians) regarding the ACD/Charter School's effectiveness in such areas as student discipline, parent (guardian) involvement, and motivating students to high academic achievement and good citizenship.				
Evaluate the extent to which:				
• parents / guardians are satisfied with what the school provides and achieves				
• parents / guardians are provided with quality information about the school				
• links with parents / guardians contribute effectively to students' learning at school and at home				
• parents / guardians are given accessible and relevant information about their child's progress				
• links with the community are developing and are used to benefit the students				
1.5 Administration. The ACD/Charter School's governing board shall employ necessary administrative staff and vest those staff with the authority necessary to operate the school(s) in accordance with the Charter. (DV)				
Verify that the ACD/Charter School's governing board has employed necessary administrative staff and vested those staff with the authority necessary to operate the school(s) in accordance with the charter.				
If an ACD/Charter School has entered into a contract for administrative/management services e.g. an education management organization (EMO), there is a clear understanding and agreement regarding respective roles and responsibilities of both parties.				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	1	2	3	4
<ul style="list-style-type: none"> verification of parent involvement, including verification that meeting frequency provides parents with meaningful opportunities for involvement 				
<ul style="list-style-type: none"> verification of student/family recruitment outreach as identified in Charter Element 7 and as may be required if Public Charter School Grant funds have been received including student recruitment and marketing brochures and student application and selection process 				
<ul style="list-style-type: none"> verification that student's attendance is being appropriately recorded, and that parents (guardians) are being efficiently and effectively informed of absences 				
<ul style="list-style-type: none"> as proscribed by law, publication of the School Accountability Report Card (SARC) utilizing, at a minimum, the Division's recommended template 				
<ul style="list-style-type: none"> facility use agreement(s) 				
<ul style="list-style-type: none"> evidence of Certificate(s) of Occupancy, Building Permit(s), and appropriate zoning (including Conditional Use Permit(s) where applicable 				
<ul style="list-style-type: none"> evidence that the school has secured adequate insurance coverage for liability and property risks and engages in prudent risk management practice; certificates of insurance (property, fire, theft, liability errors and omissions, workers compensation); documentation of payments to carriers (cancelled checks, payroll contributions, etc.). 				
<ul style="list-style-type: none"> EMO and third-party management contracts 				
<ul style="list-style-type: none"> CBEDS data 				
<ul style="list-style-type: none"> student files (verify location, contents, and confidentiality) 				
provide a list of students by: a) last name; b) first name; c) grade; d) gender; e) student racial and ethnic data; f) free or reduced meal; g) special education				
1.6 Leadership and management. The ACC/ Charter School's governing board shall ensure that the academic, organizational and operational aspects of leadership and management at the school are met. (SV)				
Review and evaluate the leadership and management of the school to ensure that the following aspects are met:				
<ul style="list-style-type: none"> the school has explicit aims and values which are reflected in all its work 				
<ul style="list-style-type: none"> school leader has a strategic view of the direction for the work and development of the school in order to achieve the school's mission 				
<ul style="list-style-type: none"> there is regular monitoring and evaluation of the impact of teaching on student learning 				
<ul style="list-style-type: none"> responsibilities are delegated effectively and reviewed regularly 				
<ul style="list-style-type: none"> data is used effectively to provide inform planning and organization 				
<ul style="list-style-type: none"> high standards are promoted actively 				
<ul style="list-style-type: none"> the school has appropriate priorities and targets, these are regularly reviewed and monitored for impact on student learning and school development 				
<ul style="list-style-type: none"> the leadership inspires and supports a shared commitment to improvement and the capacity to succeed 				

CATEGORY 1: GOVERNANCE and ORGANIZATIONAL MANAGEMENT	1	2	3	4
<ul style="list-style-type: none"> educational priorities are supported by careful financial management and finances are used effectively 				
<ul style="list-style-type: none"> employee contracts 				
<ul style="list-style-type: none"> employee evaluation procedures 				
OVERALL JUDGMENT (4- good / 3- satisfactory / 2-unsatisfactory /1-poor):				
Areas of particular strength:				
Areas recommended for improvement or in need of corrective action:				
Other comments:				

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

CATEGORY 2: EDUCATIONAL PERFORMANCE	1	2	3	4
<ul style="list-style-type: none"> whether there are any significant differences in the standards achieved by students of different subgroups especially by: gender , ethnic background, or Socially-economically Disadvantaged students 				
Verify that student achievement data is regularly reported to staff and parents.				
2.2 Instructional Materials and Tools and Professional Development. The ACD/Charter School shall have sufficient instructional materials, other instructional tools, and professional development necessary for the faculty and staff to implement the curricular and instructional plan (set of plans or like documents). (SV)				
Verify that the ACD/Charter School has adopted (and is following) a curricular and instructional plan (set of plans or like documents) by visiting classrooms; observing instruction in progress; engaging in informal conversation with faculty and staff, students (as appropriate), and parents (guardians); and reviewing samples of student work. In particular verify that the school's curriculum:				
<ul style="list-style-type: none"> provides an appropriately broad range of learning opportunities which will enable students to have individual learning needs met 				
<ul style="list-style-type: none"> has effective strategies and programs for literacy and numeracy 				
<ul style="list-style-type: none"> provides enrichment through its extra-curricular provision, including support for learning outside the school 				
<ul style="list-style-type: none"> is designed to work towards achievement of the school's mission 				
<ul style="list-style-type: none"> has effective arrangements for assessing and recording student attainments and progress 				
Evaluate the quality of teaching and its impact by the extent to which teachers:				
<ul style="list-style-type: none"> adapt teaching style appropriately to meet the needs of all students 				
<ul style="list-style-type: none"> are competent in teaching literacy, numeracy, and discipline-specific content in history and science 				
<ul style="list-style-type: none"> support students to apply learning across subjects 				
<ul style="list-style-type: none"> plan effectively 				
<ul style="list-style-type: none"> use a range of strategies for different learning styles 				
<ul style="list-style-type: none"> set clear objectives which can be seen in lessons 				
<ul style="list-style-type: none"> have high expectations for all students 				
<ul style="list-style-type: none"> use time well 				
<ul style="list-style-type: none"> use support staff and other resources effectively 				
<ul style="list-style-type: none"> use technology to support teaching and learning 				
<ul style="list-style-type: none"> are consistent and effective in behavior management strategies 				
<ul style="list-style-type: none"> assess students' work thoroughly and uses assessments to develop student learning 				

CATEGORY 2: EDUCATIONAL PERFORMANCE	1	2	3	4
<ul style="list-style-type: none"> use homework effectively to reinforce and/or extend what is learned in school 				
Evaluate the positive impact on student learning by the extent to which students:				
<ul style="list-style-type: none"> are enabled to learn independently 				
<ul style="list-style-type: none"> can apply their knowledge, skills and understanding, including literacy and numeracy across the curriculum 				
<ul style="list-style-type: none"> gain and apply with confidence learning skills: for example: <ul style="list-style-type: none"> asking questions, finding answers and solving problems learning from their mistakes and successes communicating information and ideas in various ways applying what has been learned to unfamiliar situations selecting and using a range of resources reviewing and modifying their work 				
<ul style="list-style-type: none"> maintain a sense of commitment to and enjoyment of their work 				
<ul style="list-style-type: none"> persevere and complete task when difficulties arise 				
<ul style="list-style-type: none"> concentrate and remain on task during lessons 				
<ul style="list-style-type: none"> work well together and collaborate effectively when appropriate. 				
<ul style="list-style-type: none"> set high expectations for themselves and what they can achieve 				
If ACD/Charter School serves high school students, verify parents are informed about transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.				
2.3 Faculty and Staff. The ACD/ Charter School shall have sufficient faculty and staff to provide the educational program and support services and operate the facility in accordance with the Charter, any applicable requirements of law, and the policies and directions of the ACD / Charter School's governing board. (SV)				
Verify that the ACD/Charter School has employed (maintains) sufficient faculty and staff to provide the educational program and support services and operate the facility in accordance with the Charter, any applicable requirements of law, and the policies and directives of the ACD/Charter School's governing board.				
Verify that the faculty and staff are credentialed or otherwise qualified for the positions for which they have been employed in accordance with the Charter, any applicable provisions of law, and the policies and directives of the ACD/Charter School's governing board				
Verify that the faculty and staff have received any clearances necessary for the positions for which they have been employed.				
Verify that faculty and staff have received any specific training required by law or by the policies and directives of the ACD/Charter School's governing board and that they are provided opportunities for professional development necessary to carry out the instructional program.				

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

CATEGORY 3: FISCAL OPERATIONS	1	2	3	4
3.1 Budget. The ACD/Charter School’s governing board shall adopt a preliminary budget for the forthcoming year that is based upon reasonable revenue and expenditure projections, is consistent with the Charter, reflects any provisions of applicable law, and contains a prudent reserve. The governing board shall amend the budget as necessary during the year, endeavoring to maintain a prudent reserve. (DV)				
Verify that the governing board of the ACD/Charter School has adopted (updated) its budget for the current year, and that the budget is (continues to be) based upon reasonable revenue and expenditure projections, consistent with the Charter, and contains a prudent reserve.				

CATEGORY 3: FISCAL OPERATIONS	1	2	3	4
<ul style="list-style-type: none"> there are effective financial systems and practices to manage revenues and expenses, including budgeting, accounting, and financial reporting processes 				
<ul style="list-style-type: none"> sound financial practices have ensured that no deficits occur in the current budget; or the school is able to show viable and responsible plans for addressing forecasted budget shortfalls 				
<ul style="list-style-type: none"> internal and external audits reveal that the school is in full and timely compliance with federal, state, local, private and Foundation standards for all grants, contracts, entitlements, programs and charter commitments 				
<ul style="list-style-type: none"> the school leader understands the need for financial controls and financial control issues are not cited as weaknesses in the current audit; or such issues were identified and have been successfully addressed 				
<ul style="list-style-type: none"> the school leader fully understands and closely supervises the responsibilities of those to whom financial processes are outsourced or from whom financial guidance is sought 				
<ul style="list-style-type: none"> regular financial reports released to the governing body are succinct, comprehensible, accurate, and designed to meet the board's stated requirements 				
<ul style="list-style-type: none"> the school's financial practices are codified in the form of policies and processes approved by the board 				
<ul style="list-style-type: none"> procedures exist for staff members to obtain petty cash with approval when necessary and to procure supplies and materials as needed 				
<ul style="list-style-type: none"> procurement of sufficient curriculum materials and school supplies supports the primary mission of the school 				
<ul style="list-style-type: none"> federal entitlement grants are dispersed according to the grant regulations and meticulous records kept of all expenditures 				
<ul style="list-style-type: none"> special education, gifted and talented, English learner, and any other special monies earmarked for exceptional children are carefully recorded and appropriately expended 				
<ul style="list-style-type: none"> realistic fund-raising targets have been set to support the expansion and a plan is in place to secure additional funding from federal, state, individual and corporate contributors as well as banks and other traditional sources of loans if necessary 				
3.2 Oversight Costs. The ACD/Charter School shall include in the adopted budget and shall pay for the costs of oversight in accordance with applicable provisions of law. (DV)				
Verify that the ACD/Charter School's adopted budget includes oversight costs and that the Charter School is paying for the costs of oversight in accordance with applicable provisions of law.				
3.3 Audits. The ACD/Charter School shall arrange for audits to be conducted in accordance with applicable provisions of law. The ACD/Charter School shall promptly address auditors' comments, as appropriate, and take action to resolve audit exceptions, as necessary. (DV)				
Verify that the ACD/Charter School has arranged for audits to be conducted in accordance with applicable provisions of law, review any auditors' comments received by the ACD/Charter School and the Charter School's response thereto, and verify that the ACD/Charter School has taken action to resolve audit exceptions, as necessary.				
3.4 Interim Financial Reports. The ACD/Charter School's governing board shall twice each year certify that the ACD/Charter School is able to meet its financial obligations for the remainder of the current fiscal year and for the subsequent two fiscal years, generally consistent with the guidelines for interim reporting applicable to school districts of similar size. (DV)				
Review each interim report approved by the ACD/Charter School's governing board and verify that the ACD/Charter School is able to meet its financial obligations for the remainder of the current fiscal year and for the subsequent two fiscal years based upon reasonable projections of revenues and expenditures.				

CATEGORY 3: FISCAL OPERATIONS	1	2	3	4
3.5 Final Unaudited Financial Report. The ACD/Charter School shall file an unaudited financial report of prior year expenditures by September 15 of each year. (DV)				
Verify that the ACD/Charter School has filed an unaudited financial report.				
OVERALL JUDGMENT (<i>4- good / 3- satisfactory / 2-unsatisfactory / 1-poor</i>):				
Areas of particular strength:				
Areas recommended for improvement or in need of corrective action:				
Other comments:				

CATEGORY 4 FULFILLING CHARTER TERMS	1	2	3	4
4.1 Material Amendments The ACD/Charter School must ensure that any variances, except for those variances deemed to be immaterial, must be approved by charter amendment. (DV)				
Verify that any variances from charter terms as described in the charter elements, except for those variances deemed to be immaterial, have been approved by charter amendment in areas including, but not limited to, the following:				
• educational program				
• mission and vision				
• school site location and/or new sites				
• admissions				
• governance				
• grades and/or grade levels served				
4.2 Adherence to the Charter (SV)				
Verify adherence to the charter elements as approved shall be verified by site visits and interviews with staff, students, parents, and community				
4.3 Renewal (DV)				

CATEGORY 4 FULFILLING CHARTER TERMS	1	2	3	4
Apply for conventional renewal by submitting appropriate documents to the CDE no later than _____				
<ul style="list-style-type: none"> application for <i>conventional renewal</i> may result in the granting of a full renewal term, the granting of a full renewal term with conditions, or (by waiver) the granting of a lesser renewal term 				
<ul style="list-style-type: none"> application for <i>early renewal</i> shall be in accord with procedures outlined by the Department 				
OVERALL JUDGMENT (4- good / 3- satisfactory / 2-unsatisfactory /1-poor):				
Areas of particular strength:				
Areas recommended for improvement or in need of corrective action:				
Other comments:				

State Board Approved Charter Oversight Evaluation Summary

School/District:	Annual review Renewal Other:		
Evaluation Judgments	Rating <small>(good / satisfactory / unsatisfactory / poor)</small>	Grade <small>(1 / 2 / 3 / 4)</small>	
1. Governance and Organizational Management – being effectively lead and managed			
2. Educational Performance – providing a sound education for all of its students.			
3. Fiscal Operations – being operated prudently and meeting all regulatory requirements			
4. Fulfilling Charter – implementing the provisions of the Charter as approved by the SBE			
Overall Judgment – the quality of the provision provided			
Areas of particular strength:			
Areas recommended for improvement or in need of corrective action:			
Comments / recommendations			
Details of Person completing form:			
Name:	Signature:	Title:	Date:

ATTACHMENT E: School Closure Procedures Checklist

Item	Description	Responsible Party	Completion Date	Verification
Invoking Closure Procedures				
1	<p>In the case of revocation or non-renewal, the CDE shall notify the charter school in writing that the closure procedures have been invoked.</p> <p>In the case of voluntary surrender, the charter school shall notify the CDE in writing that the closure procedures have been invoked.</p>			
Immediate Actions				
2	The charter school shall immediately notify the CDE of the location of all student and business records. Following that notification, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except that student records may be copied for students' families or transferred to other schools, provided a notation is kept of the records copied or transferred.			
3	The charter school and the CDE shall each immediately identify an individual who will serve as the single point of contact for the entity regarding the school's close out activities.			
4	The CDE shall immediately notify the charter school in writing whether, on behalf of the State Superintendent of Public Instruction, it is taking over immediate and direct control of all the school's student and business records.			

Item	Description	Responsible Party	Completion Date	Verification
Students and Families				
5	The charter school shall notify the family of each student enrolled of the school's closure. Unless the CDE otherwise directs, the notification shall be immediate in the case of a revocation (that takes immediate effect) or shall occur within fourteen days of the invocation of the closure procedures in the case of closure at the end of current academic year.			
6	The charter school shall continue instruction until the end of the current academic year (unless a revocation takes immediate effect). The charter school shall publicly announce cancellation of all future classes.			
7	If the charter school continues instruction to the end of the current academic year, report cards shall be issued within seven days of the end of classes.			
8	The charter school shall notify surrounding school districts and the county office of education within fourteen days of the school's forthcoming closure (or immediate closure if a revocation takes immediate effect).			
9	The charter school shall provide information to students and families regarding alternative public school placements within 30 days of the announcement of the school's forthcoming closure, or immediately in the case of a revocation that takes immediate effect.			
10	The charter school shall offer to provide a copy of each student's cumulative file upon request of the student's family. The school shall provide the copy within seven days of a request being received, ensuring that the documents are given to the family member identified as having legal custody or guardianship of the student.			
11	The charter school shall comply within seven days to requests for the transfer of students' cumulative files to other public or private schools in which the students enroll.			

Item	Description	Responsible Party	Completion Date	Verification
12	The charter school shall respond within seven days to inquiries from students and their families and from the media regarding the school's closure, the disposition of student and business records, and the alternative placement available to the students.			
13	The charter school shall provide the CDE within fourteen days with a list of students (names, addresses and phone numbers) in each grade level and the classes they have completed. Identify each student's district of residence, and a notation of where the student's records have been transferred.			
14	The charter school, if an LEA in a SELPA, shall notify the SELPA within fourteen days of the closure, complete all documentation necessary for special education students and transfer copies of the student's records to the SELPA.			
15	The CDE shall respond promptly to inquiries from students and their families and from the media as necessary.			
Student and Business Records				
16	Once the closure procedures have been invoked, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except for the duplication or transfer of student cumulative files as noted.			
17	At the point the charter school is dissolved, the student and business records shall come under the exclusive control of the CDE which shall distribute, maintain, or dispose of the records as it determines appropriate.			
18	The charter school shall terminate all present leases, service agreements and other contracts not necessary for the close out of the school. Leases, service agreements, and contracts should be terminated in a cost effective manner in order to minimize expenses.			

Item	Description	Responsible Party	Completion Date	Verification
19	The charter school shall return grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law as appropriate. Submit a final expenditure report for all grants within fourteen days. Federal grants must be closed out, including the filing of the required Final Expenditure Reports and Final Performance Reports. Federal Forms 269 and 269a may apply if the school was receiving funds directly from the U.S. Department of Education.			
20	Close all financial records of the school as of revocation or closure date			
Faculty and Staff				
21	The charter school shall immediately notify its faculty and staff of the school's closure, providing each with necessary information related to compensation and retirement, including, but not limited to, any optional benefits that they may continue after the school closes.			
22	The charter school will provide assistance to its faculty and staff in searching for and securing other employment.			
23	The charter school shall provide the CDE within fourteen days with a description of current and projected payroll and payroll benefits commitments through closure, including a list of each employee, and their job duties, and a projection of the funds necessary to: (1) transition the students and records; (2) complete all administrative closure related tasks; and (3) complete contracts and grants.			
24	The charter school shall provide CDE within fourteen days with notice of any outstanding payments to staff and the method by which the school will make the payments.			

Item	Description	Responsible Party	Completion Date	Verification
25	The charter school will within fourteen days contact the State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), and the county office of education and follow their procedures for dissolving contracts and reporting. Copy the CDE on all correspondence.			
26	<p>Prior to final closeout, the charter school shall do all of the following on behalf of the school's employees:</p> <ul style="list-style-type: none"> File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines. File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63). Make final federal tax payments (employee taxes, etc.) File the final withholding tax return (Treasury Form 165). File the final return with the IRS (Form 990 and Schedule). 			
Assets and Liabilities				
27	The charter school shall notify all funding sources (including charitable partners) of the school's closure within fourteen days.			
28	The charter school shall immediately notify all contractors (such as a charter management organization, education management organization, food service provider, instructional service provider, or transportation service provider) of the school's closure.			
29	If the charter school has any agreements with organizations representing employees, the charter school shall notify the organizations of the school's closure as may be specified in the agreements.			
30	The charter school shall notify the CDE within fourteen days of all pending litigation to which the school is a party. The charter school shall immediately notify the CDE if litigation is filed thereafter up to the point that the school is formally dissolved.			

Item	Description	Responsible Party	Completion Date	Verification
31	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive list of creditors and debtors.			
32	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive inventory of all assets.			
33	The charter school, within 30 days shall prepare and deliver to the CDE a plan for the proposed disposal of all property owned by the school (and acquired with public funds) in order to maximize revenue in accordance with law, payment of any and all liabilities and the disbursement of any remaining assets of the school, liquidation of assets to pay off any and all outstanding liabilities, bearing in mind that assets paid for by state funds may be transferred in accordance with the nonprofit corporation's bylaws to another public agency such as another charter school. Assets donated to the school may be returned to donors or disposed of in accordance with donor's wishes. Net assets, (after the payment of outstanding liabilities), if any, may be transferred to another public agency such as another charter school.			
34	The charter school shall arrange for preliminary (if necessary) and final closure audits to be paid for from the special reserve or bond revenue. The auditor engaged to perform the audit(s) shall be from the list of approved school auditors maintained by the California State Controller's Office and shall be approved by the CDE. The audit(s) at a minimum shall determine the disposition of all assets and liabilities of the charter school and shall verify the school's comprehensive list of creditors and debtors, and the amounts owed or owing, as well as verify the school's comprehensive list of all assets by source, noting any restrictions on each asset's use.			
35	Based on the audit findings, and with the approval of the CDE, the charter school shall expend any identified assets to liquidate any identified liabilities.			

Item	Description	Responsible Party	Completion Date	Verification
Dissolution of the School (Corporate) Entity				
36	Following the resolution of all outstanding assets and liabilities, the charter school shall be dissolved. If established as a nonprofit public benefit corporation pursuant to Education Code Section 47604, the corporation shall be dissolved.			