



FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

CSIS California School Information Services

# Shasta County Office of Education

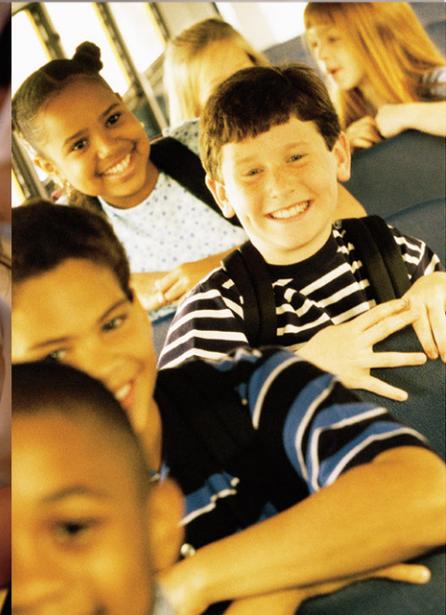
## Management Review

November 2, 2017



**DRAFT**

Michael H. Fine  
Chief Executive Officer







CSIS California School Information Services

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November 2, 2017

Judy Flores, Superintendent  
Shasta County Office of Education  
1644 Magnolia Avenue  
Redding, CA 96001

Dear Superintendent Flores:

In July 2017, the Shasta County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for management assistance. Specifically, the agreement states that FCMAT will perform the following:

1. Review the district's oversight process and practices/responsibilities for the three nonclassroom-based charter schools authorized outside district boundaries, and make recommendations for improvements, if any.
2. Review the district's website for compliance with the Brown Act and EC minimum statutory requirements, and make recommendations for improvements, if any.

This draft report contains the study team's findings and recommendations.

FCMAT appreciates the opportunity to serve the Shasta County Office of Education and the Whitmore Union Elementary School District and extends thanks to its staff for their cooperation and assistance during this review.

Sincerely,

Michael H. Fine  
Chief Executive Officer

**FCMAT**

Michael H. Fine, Chief Executive Officer

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# About FCMAT

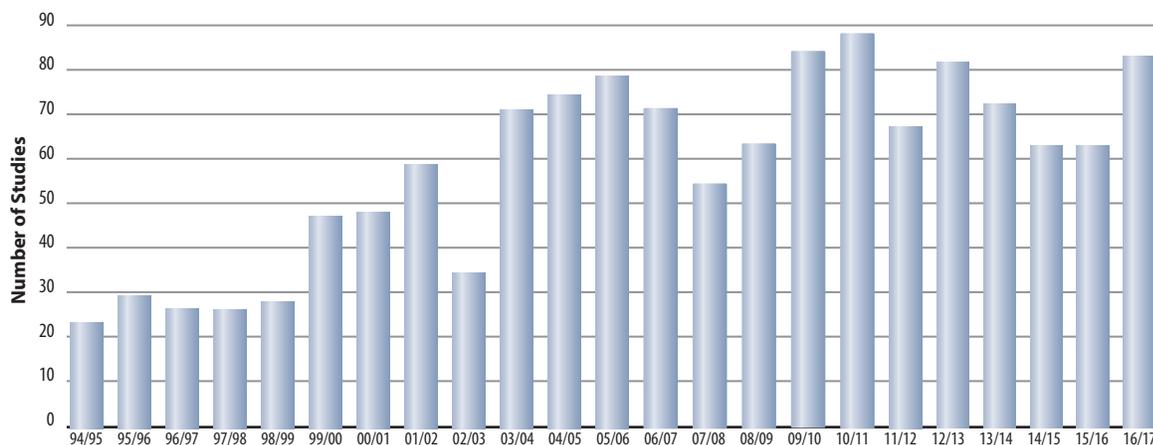
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the LEA to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms.

**Studies by Fiscal Year**



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website ([www.ed-data.org](http://www.ed-data.org)) and provides technical expertise to the Ed-Data partnership: the California Department of Education, EdSource and FCMAT.

FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its state-wide data management work. AB 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. AB 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, Senate Bill 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

Since 1992, FCMAT has been engaged to perform more than 1,000 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Michael H. Fine, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

# Introduction

## Background

Whitmore Union Elementary School District was founded July 1, 1950 and covers approximately 382 square miles in rural Shasta County. The district has a five-member governing board and served 27 students at one K-8 elementary school for the 2016-17 school year. Based on information from the California Department of Education (CDE), the district's unduplicated pupil percentage, which includes those students who qualify for free and reduced-price meals, English learners and foster youth, is 37%.

In July 2017, the Shasta County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for management assistance to study specific aspects of the Whitmore Union Elementary School District's oversight process, practices and responsibilities for three nonclassroom-based charter schools; and review requirements for district website compliance with the Brown Act and statutory requirements defined in the Education Code.

## Study and Report Guidelines

FCMAT visited the district on August 7 – 8, 2017 to conduct interviews, collect data, and begin reviewing documents. Additional meetings with the district superintendent occurred on September 12 – 13, 2017 in Sacramento. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Findings and Recommendations
- Charter School Oversight
  - ▲ Education Code Requirements
  - ▲ Oversight Tools and Guidance
  - ▲ District-Approved Nonclassroom-Based Charter Schools
  - ▲ District Oversight
- Required Website Postings
- Recommended Website Postings
- Appendix

In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms. FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports.

## Study Team

The study team was composed of the following members:

Debi Deal, CICA, CFE  
FCMAT Intervention Specialist  
Los Angeles, CA

Colleen Patterson  
FCMAT Consultant  
San Clemente, CA

Laura Haywood  
FCMAT Technical Writer  
Bakersfield, CA

Each team member reviewed the draft report to confirm its accuracy and to achieve consensus on the final recommendations.

# Executive Summary

Whitmore Union Elementary School District is a small rural school district with approximately 27 students and has a part-time superintendent with limited staff. The Shasta County Office of Education assists the district with accounting and budget responsibilities in addition to reporting requirements and curriculum needs. This occurs in many counties as county offices provide technical support to small rural school districts.

The district school board has approved three nonclassroom-based charter schools that have an estimated 900 students for the 2017-18 school year.

Two charter schools operate resource centers outside the district boundaries but within Shasta County under limited purpose waivers provided by the State Board of Education following a Court of Appeals decision that clarified and provided guidance regarding nonclassroom-based charter schools located outside the authorizer's boundaries but within the county in which the charter school is authorized.

One charter was approved in June 2017 to operate within Shasta County but outside the district's boundary under Education Code Section 47605.1(d)(1), an exception provided when the charter school is unable to locate within the school district's boundaries and meets all of the Education Code provisions of this section.

Districts that authorize charter schools are required to provide an oversight function. In return, the district may charge a 1% or 3% oversight fee depending on whether district facilities are utilized. These fees are intended to compensate the oversight agency for the additional oversight function.

The county office has requested that FCMAT provide training and recommendations to the district regarding best practices for this oversight function to ensure that the school district meets its oversight responsibilities under the Education Code and limits exposure to potential liabilities should the charter schools cease operations or are unable to meet their fiscal obligations.

Several questions emerged regarding the district's timely posting of board meetings and other obligations under the Brown Act, public disclosure and district website requirements. The county office requested FCMAT to provide guidance to the district on best practices to ensure that the district complies with all Brown Act and other public disclosure requirements on its website. In addition, the team has provided recommended best practices for website postings.



# Findings and Recommendations

## Charter School Oversight

In 1992, California became the second state to enact charter legislation. There are now over 1,200 active charters statewide. The latest national information available from the National Association of Charter School Authorizers (NACSA) in a report dated March 2016 states that there are 1,015 authorizers nationwide of which California has 324, or approximately one-third. Ninety percent of California authorizers oversee five or fewer charter schools, and of these 155 oversee just one.

Charter school oversight has been the topic of much debate nationally especially in California where charter schools can be authorized by school districts, county offices or the State Board of Education. Unlike many other states, California laws and regulations provide minimal state-level guidance for charter authorizers and offer limited ability for authorizers to intervene except under extreme circumstances. Both authorizers and charter operators struggle without comprehensive guidelines and standards for oversight as well as defined metrics to meet expectations for initial authorization and petition renewal.

## Education Code Requirements

Authorizers are responsible for ongoing oversight specified in Education Code 47604.32. This code section provides a broad framework for authorizers, allowing individual authorizers great discretion on how to provide their oversight function. There are five basic requirements:

1. Identify a contact person for the charter school.
2. Visit the charter school at least annually.
3. Ensure the charter school completes all required reports, including the Local Control and Accountability Plan.
4. Monitor the charter school's finances.
5. Notify the State Board of Education if a charter is renewed, revoked, or the school closes.

A report published by the NACSA in March 2016, states:

California statutes provide very little guidance for the state's authorizers. The charter law states only a few basic duties, such as acting on petitions and conducting site visits, but provides no consistent professional expectations for the complex and challenging work of authorizing.

As a result, individual authorizers in California have created a "patchwork" of resources and developed their own individual criteria for oversight and renewal. The lack of standardization among authorizers and the different criteria used create confusion for charter operators that must meet different expectations with each separate authorizer, and for new or small authorizers that lack defined processes, procedures and expertise with the oversight function.

In a recent report dated October 2017 prepared by the California State Auditor, *Some School Districts Improperly Authorized and Inadequately Monitored Out-of-District Charter Schools*, states that:

...districts do not generally have robust processes to ensure that their respective charter schools are financially stable and academically successful. State law requires districts to monitor the fiscal condition of the charter schools they authorize but does not identify specific procedures that authorizers should perform to fulfill this responsibility. Accordingly, the districts we visited provided varying levels of oversight regardless of whether the charter schools operated inside or outside their boundaries.

A consistent theme from NACSA and the State Auditor is inconsistent procedures and tools to evaluate financial and academic performance, lack of consistent monitoring and vague state laws and guidance for oversight agencies.

## Oversight Tools and Guidance

### California Department of Education:

The California Department of Education (CDE) has published Charter School Oversight and Monitoring guidance and a link to a presentation of slides that provide examples and additional information from the National Association of Charter School Authorizers, California School Boards Association, Digital Chalkboard, four of the largest authorizers in the state of California and more (<http://www.cde.ca.gov/sp/cs/as/authguidance2.asp>). This collection of information is designed to assist authorizers with their oversight responsibilities, best practices and examples of oversight systems.

### Charter Authorizers Regional Support Network:

The Charter Authorizers Regional Support Network (CARNet) is a three-year grant funded by a U.S. Department of Education Charter Schools Program National Leadership Activities Grant that sunsets March 2018. The purpose of this grant is to provide resources, conduct authorizer training and host conferences exclusively for authorizers to build internal capacity. Because of this grant, authorizers from all over the state have uploaded online tools and templates to share with other authorizers to standardize oversight systems and build support statewide.

### National Association of Charter School Authorizers:

NACSA publishes 12 Essential Practices <http://www.qualitycharters.org/for-authorizers/12-essential-practices/> developed as standards for quality authorizing. These twelve practices serve as a guideline and identify key authorizer responsibilities summarized in five areas:

1. Agency commitment and capacity.
2. The application process and decision-making.
3. Performance contracting.
4. Ongoing oversight and evaluation.
5. Revocation and renewal decision-making.

Many large authorizers describe a collaborative oversight process and systems designed to measure specific performance standards that ultimately support renewal criteria. There should be no surprises when the charter petition is up for renewal if both the authorizer and the charter

operators work collaboratively to meet renewal expectations. Frequent site visits with a focus on governance, academic achievement, and fiscal accountability can form a basis for timely and favorable charter renewal. As a charter authorizer, the district can utilize these tools and concepts as a basis for the structured oversight.

#### Fiscal Crisis & Management Assistance Team:

FCMAT has developed a comprehensive *Charter School Annual Oversight Checklist* to strengthen financial oversight through best practices. This assessment tool has been developed to assist local educational agencies and the charter schools they authorize in addressing oversight responsibilities. The checklist can be used for periodic reviews throughout the year, or annually. It is intended to serve as an internal oversight review document.

The checklist includes several areas, with identified criteria in each that include best practices for general operations and authorizer oversight that include:

- General Requirements
- Fiscal and Business Operations
- Educational Program: Local Control and Accountability Plan (LCAP)
- Educational Program and Ongoing Assessment
- Facilities, Maintenance and Operations
- New Resource Center/Facilities Form
- Governance
- Personnel
- Student Services

The district does not have a comprehensive checklist to evaluate and monitor charter operations and fiscal condition. To ensure best practices FCMAT recommends that the district adopt a comprehensive oversight checklist to monitor financial and academic performance; develop policies and procedures; and evaluate renewal criteria for effective oversight.

## **District-Approved Nonclassroom-Based Charter Schools**

The district has authorized three nonclassroom-based charter schools that operate resource centers outside district boundaries but within Shasta County. Each charter school offers an independent study program to students that either reside in Shasta County or in its contiguous counties.

Northern Summit Academy: This charter school was approved for the 2014-15 school year to serve K-12 students. Originally located in the town of Cottonwood, the school has relocated in Anderson, CA and has certified enrollment of 91 students for 2016-17.

New Day Academy – Shasta: The first year of operation was 2016-17, serving 98 TK-12 students. The school anticipates significant growth of approximately 370 students in the 2017-18 school year. The original petition states that the location for this charter was intended to be within district boundaries; however, the school is located in Redding.

Phoenix Charter Academy: The charter school commenced operations effective with the 2017-18 school year serving K-12 students and is in Redding. The petition states that the enrollment will be 332 students in the first year of operation.

Northern Summit Academy and New Day Academy were granted State Board of Education (SBE) limited purpose waivers following the Third Court of Appeal (Third District) decision in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal. App. 5<sup>th</sup> 262 (Anderson).

The court held that the geographic restrictions in Education Code Sections 47605(a) and 47605.1(d) apply to nonclassroom-based charter schools operating resource centers within the county in which they were authorized but outside the sponsoring district boundaries (absent an exception provided in other sections of the Education Code).

On January 18, 2017, the California Supreme Court denied a review of the Third District decision; therefore, the Third District's decision became law on that date.

In response to this decision, SBE established limited purpose waivers to existing charter schools "operating noncompliant resource centers to minimize disruption to students and the educational program" and time to establish transition plans. Waiver conditions are set forth in Education Code Section 33051(b) and will expire June 30, 2018. The district should monitor charter progress with the transition plan in accordance with Education Code requirements.

Phoenix Charter Academy (PCA), which operates a resource center within Shasta County but outside the district boundary, does not qualify for an SBE waiver because the charter did not exist prior to January 18, 2017. Documentation provided by the district supports that PCA is in compliance with Education Code Section 47605.1(d), a geographical exception that allows PCA to operate one resource center outside the district's boundaries given proper notification.

The district should ensure that all elements for future boundary exceptions are supported and notifications to appropriate agencies are timely.

## District Oversight

The district qualifies as a necessary small school with 27 students. The county office provides business and curriculum support to the district as part of its oversight duties and responsibilities.

Following the district's approval of the first charter school, the county office staff was concerned about the district's ability to provide effective oversight because the district superintendent is a part-time employee, and district staff lacked capacity and the technical skills necessary to perform proper oversight, leaving the district vulnerable to potential liability should the charter operations fail.

Following the approval of the second charter school, county office staff qualified the district's second interim budget for 2016-17, citing concerns about deficit spending and "fiscal implications of charter schools authorized by the district" that could result from potential litigation from local school districts where charter resource centers were located.

FCMAT interviewed the district superintendent, an educator with over 47 years of school district experience and credentials in district administration, special education and technology. The superintendent has served post-retirement for the last six years and is well versed in school district finance. In addition, the superintendent has been an active participant with CARSNet, having attended past annual conferences and training events for charter school authorizers.

During this study, the superintendent elected to have the district participate in Epicenter software under a promotion through CARNet. This software platform provides authorizers and charter schools a fully functional dashboard designed as a tool for information sharing between the charter schools and their authorizers. This web-based software sends and tracks notifications and information provided by charter schools electronically into a database that can be custom designed to fit the needs of both the charter schools and the authorizer. The Epicenter software promotion through the CARNet grant allowed the district to host the software at no charge. The software setup and document uploading was complete in September 2017. Because the Epicenter software is new, the district should provide training to staff and charter operators to allow maximum use and capability of the system.

In addition, the charter operators have offered to financially support a half-time consultant to provide direct administrative assistance to the charter schools so the superintendent can focus on the oversight function in addition to the 1% annual oversight fee. The consultant is a former CDE administrator from the Charter Schools Division knowledgeable of charter school law.

An important function of oversight is the collaboration between the district and the charter operators to exchange information and identify problem areas and solutions to meet expectations for the renewal process. The district should establish a detailed monitoring schedule of activities to review and sufficient time for the charter operators to comply with district expectations.



## Required Website Postings

### Ralph M. Brown Act

Ralph M. Brown Act Government Code (GC) 54950-54963 is the California open meeting law that applies to local governmental agencies. This statute allows any member of the public to attend and participate in meetings of a local governing body. Additional requirements entitle the public to receive notice of the meetings, to inspect and copy public documents and meeting minutes.

Specifically, GC 54954.2 (a)(1) states:

At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

For a meeting occurring on and after January 1, 2019, new provisions in accordance with AB 2257 will apply as defined in GC 54954.2 (A). A summary of those provisions include:

- (A) An online posting of an agenda shall be posted on the primary Internet Web site homepage ... that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.
- (B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all the following requirements:
  - i. Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
  - ii. Platform independent and machine readable.
  - iii. Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

While the Brown Act is silent regarding duties with respect to taking of notes or keeping minutes of meetings except in certain circumstances, FCMAT recommends that minutes of meetings held applicable to this section are posted to support prior agenda items.

## REQUIRED WEBSITE POSTINGS

The district has posted board meeting agendas from September 13, 2016 through October 10, 2017 on the Internet; however, no board minutes or attachments have been posted since that time. It is recommended that the district post all board agendas, minutes and attachments to its website.

### Proposition 98 – School Accountability Report Card

Voters approved Proposition 98 on November 8, 1988. Its purpose and intent is that school districts spend money where it is most needed, and it requires every local school board to prepare a School Accountability Report Card (SARC) to guarantee accountability for dollars spent.

Education Code Section 33126 was amended effective January 1, 1998 to require each school district connected to the Internet to make the information contained in the SARC accessible on the Internet and to update the SARC information annually.

Effective January 1, 2008 the Education Code was augmented to require the SARC to include the Internet address for the district. (EC Sections 35256-35258). While the district has posted its SARC, the last reporting date was 2013-14. To be in compliance, the district is required to post each school year's SARC report.

### Local Control and Accountability Plan

Education Code Section 52060 states that on or before July 1, 2014 the governing board of each school district shall adopt a local control and accountability plan (LCAP) using a template adopted by the state board. Education Code Section 52065 (a) effective July 1, 2013 states that the superintendent of a school district shall post on the Internet website of the school district the local control and accountability plan approved by the governing board of the school district, and any updates or revisions to an LCAP approved by the governing board of the school district. The code also requires the following:

- The county superintendent of schools shall post on the website of the county office of education any LCAP approved by the county board of education, and any updates or revisions to a LCAP approved by the county board of education.
- The county superintendent of schools shall post all LCAPs submitted by school districts, or links to those plans, on the website of the county office of education.
- The State Superintendent of Public Instruction shall post links to all LCAPs approved by the governing boards of school districts and county boards of education on the website of the California Department of Education (CDE).

The district has posted the 2015-16 template to the Internet; however, the district's LCAP has not been posted. The district should post the 2016-17 and 2017-18 LCAPs to the website.

### Education Protection Account

Voters passed the Schools and Local Public Safety Protection Act of 2012 in November 2012. It provides general purpose state aid funding pursuant to Article XIII, Section 36 of the California Constitution. Per subdivision (e), paragraph (6), all school districts and charter schools must report on their websites an accounting of how much Education Protection Account money was received and how these funds were spent.

The district has posted the 2016-17 revenues totaling \$59,473 and instruction related services as required.

### Every Student Succeeds Act

Federal reporting requirements under the No Child Left Behind Act (NCLB) of 2001 for local educational agency plans under Section 1112 of Subpart 1, Part A, Title I of Public Law 107-110 requires parental participation and reporting requirements per Section 1111. Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. ESSA reauthorized Elementary and Secondary Education Act (ESEA) and replaced the NCLB. This bipartisan measure granted flexibility to states for specific requirements of NCLB in exchange for rigorous and comprehensive state developed plans designed to close achievement gaps, increase equity, improve the quality of instruction, and increase outcomes for all students.

It states that each state plan shall describe how the state educational agency will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall be based on the most current research that meets the highest professional and technical standards, for effective parental involvement that fosters achievement to high standards for all children; and be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement, however, previous reporting requirements under NCLB have been modified by ESSA.

Local educational agencies shall publicly disseminate the information described by federal reporting standards related to annual local educational report cards in all schools in the school district serviced by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means such as posting on the Internet.

Parents rights and school district website accessibility issues are codified in the ESSA federal statute.

ESSA reporting requirements include Family Educational Rights and Privacy Act (FERPA). Under FERPA, a school must annually notify parents of students in attendance of their rights under FERPA. The annual notification must include information regarding a parent's right to inspect and review his or her child's education records, the right to seek to amend the records, the right to consent to disclosure of personally identifiable information from the records (except in certain circumstances), and the right to file a complaint with the Office regarding an alleged failure by a school to comply with FERPA. The school must also inform parents of its definitions of the terms "school official" and "legitimate educational interest."

The school may provide annual notifications by any means likely to inform parents of their rights. Thus, the annual notification may be published by various means, including any of the following: in a student handbook; in a notice to parents; in a calendar of events; on the school's website (though this should not be the exclusive means of notification); in the local newspaper; or posted in a central location at the school or various locations throughout the school. In addition, education institutions must make provisions to effectively inform individuals with a disability or whose primary language is not English. Some schools include their directory information notice as part of the annual notice of rights under FERPA.

## REQUIRED WEBSITE POSTINGS

The term “directory information” is used for the portion of the education record that, if disclosed, would not generally be considered harmful or an invasion of privacy (34CFR § 99.3). This may include the student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

Under FERPA, school systems have flexibility in deciding what information will be considered directory information. A list of the types of data that may be designated and disclosed as directory information is listed under the definition of “directory information” in the Code of Federal Regulations (34 CFR § 99.3). If a school system discloses directory information, it must give “public notice” of this policy and explain what is included in such information. FERPA does not define “public notice,” and the means of notification is left up to the school. FERPA requires the notice to specify how much time parents have to tell the school or school system what, if any, directory information they do not wish released.

School systems that disclose directory information must give “public notice” of this policy and explain what is included in such information. The notice must also indicate that parents may refuse to allow the school to designate any, or all, of their child’s record as directory information. Several ways public notice can be given include: a notice in the registration package sent home to parents, a notice in the local newspaper, a notice in the school handbook distributed each year, or a posting on the school system’s website.

The district has not posted the information related to these federal sections on its website.

### Sex Equity in Education Act

Mandates under the Sex Equity in Education Act, EC 221.61, are expanded effective July 1, 2017 for public schools and are subject to the requirements of Title IX to include and post on their website in a prominent and conspicuous location all the following:

- The name and contact information of the Title IX coordinator for that school or district, which includes the phone number and email address, and
- The rights of a pupil and the public along with the responsibilities of the school or district under Title IX which shall include, but not be limited to, Internet hyperlinks to information about those rights and responsibilities. This information is located on the Internet websites of the U.S. Department of Education - Office for Equal Opportunity and OCR, along with a list of rights as specified in EC Section 221.8.

The district has not posted the information related to this section to the Internet and should immediately post the required information to meet the mandates listed above.

- All public elementary and secondary schools that offer competitive athletics are required under the Sex Equity in Education Act, EC 221.9 commencing with the 2015-16 school year to post all the following on the Internet website:
- The total enrollment of the school classified by gender.
- The number of pupils enrolled at the school who participate in competitive athletics, by gender.
- The number of boys’ and girls’ teams, classified by sport and by competition level.

- If the school maintains an Internet website, the information shall be posted on that site. If the school does not maintain an Internet website, it should submit the information to its district. The district shall post the information on its Internet website disaggregated by school site.

The district has not posted the information related to this section to its website and should immediately post the required information to meet the mandates listed above.

#### Integrated Pest Management Plan

Education Code 17611.5 (a) states:

The school designee may develop and post on the Internet Web site of the schoolsite, or, if the schoolsite does not maintain an Internet Web site, the school district, an integrated pest management plan for the schoolsite or the school district. If neither the schoolsite nor the school district maintains an Internet Web site, the school designee may include the integrated pest management plan with the annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite pursuant to Section 17612. The integrated pest management plan shall include the name of the school designee or IPM coordinator, include the pesticides expected to be applied at the schoolsite by schoolsite or school district employees and hired pest control applicators, and include a date when the plan shall be reviewed and, if necessary, updated.

The district has not posted the information related to this section to its website and should immediately post the required information to meet the mandates listed above.

**REQUIRED WEBSITE POSTINGS**

## Recommended Website Postings

FCMAT recommends that the following items should be made publicly available: board agendas, meeting minutes, budget and financial data, and information for parents/guardians that pertains directly to student safety and other student information. The following list is intended to include the most significant items.

As previously discussed prior to January 1, 2019 when regulations change, local agency agendas of these meetings that have delegated authority to exercise formal action of the district shall be posted on the local agency's Internet website. This may include:

- Board of trustee meetings
- Bond oversight committees
- Audit committees
- Finance committees
- Insurance committees
- School site council
- English learner advisory committees (ELAC)

The right to attend meetings is not meaningful without proper notice of those meetings. To address this issue, schools must post notice of their meetings in a publicly accessible place. Copies of minutes of all but closed session agenda items of meetings, including all handouts and documents distributed to members, must be available per the California Public Records Act (Government Code Section 6250 through 6276.48). To increase transparency and efficiency of implementation, many school districts post both the agendas and the minutes of all meetings.

### Website Accessibility

School district website accessibility issues are implicated in three Federal statutes related to anti-discrimination regulations. While there is currently no requirement for Internet website accessibility, the Department of Justice has started the rulemaking process regarding website accessibility under the Americans' With Disabilities (ADA), but has yet to finalize regulations that will address public entities with inaccessible websites.

The U.S. Department of Education Office for Civil Rights (OCR) posting in 2011 "Frequently Asked Questions" states that schools have a legal obligation when using "emerging technologies" to plan for immediate delivery of accessible devices or other emerging technologies necessary to individuals with disabilities to ensure accessibility from the outset. The following are important considerations for inclusion on local agency Internet websites:

1. Title I, while employers are not required to provide any accommodations which would impose an "undue hardship" on the employer they are required to provide reasonable accommodations or modifications.

State and local governments are prohibited from discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other employment-related activities. Employers are required to provide any reasonable accommodations or modifications to a job or work environment (such as a school website) that enables a qualified individual with a disability to participate in the application process.

2. Title II (U.S.C Section 12132 and 28 C.F.R. Sections 35.160 (a)(1), Section 35.160 (b)(1) and Section 35.160 (b)(2)): Title II regulations require a public entity to take appropriate steps to communicate with individuals with disabilities as effectively as it communicates with others.

Steps may include furnishing appropriate aids and student services to individuals with disabilities, as may be necessary to have equal opportunities to participate in and enjoy the benefits of a service, program, or activity of a public entity. To be effective, auxiliary aids and student services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the disabled individual.

Public agencies are not required to take any action that they can demonstrate would result in a fundamental alteration of the service program, or cause an undue financial or administrative burden.

3. Section 504 of the Rehabilitation Act of 1973, accommodations under (29 U.S.C. Section 794(a) as clarified under 34.C.F.R Sections 104.3(k), 104.4 and 104.4(b): Section 504 generally extends the same anti-discrimination protections to qualified individuals with disabilities participating in public programs and/or activities that receive federal financial assistance. Programs and activities are broadly defined to include all the operations of a local school agency; therefore, an individual with a disability must have an equal opportunity to participate in or benefit from an aid, benefit or service provided by the public entity.

The district has not posted the information related to this section on its website although the county office provides a link to the special education local plan area on its website.

Pay Schedules and Compensation: Posting of publicly available pay schedules is advisable, pursuant to CalPERS Circular Letter Number 200-050-12 dated October 25, 2012, to include only those pay amounts that meet the definition of “compensation earnable” as defined in Government Code as follows:

In order to meet the definition of compensation earnable, an amount of pay must either constitute pay rate or special compensation as defined in the statutes. Section 20636(d) further requires that pay rate and special compensation schedules, ordinances, or similar documents be public records available for public scrutiny.

Yet, the Public Employees’ Retirement Law (PERL), Government Code Section 20636 (d), states that pay rate and special compensation schedules, ordinances, or similar documents “shall be public records available for public scrutiny.”

The California Code of Regulations (CCR) 570.5 outlines eight criteria necessary to meet the definition of a “publicly available” pay schedule. Three of the eight criteria that pertain to website posting are:

- Identifies the position title for every employee position.
- Does not reference another document in lieu of disclosing pay rate.
- Is posted at the office of the employer or immediately accessible and available for review from the employer during normal business hours or posted on the employer’s website.

All eight requirements must be met in one consolidated salary schedule for members' pay for CalPERS to approve the pay amount as pay rate and reportable compensation earnable. Whenever an agency does not provide a publicly available pay schedule as defined, CalPERS will determine that the pay amount reported fails to meet the definition of pay rate and will therefore be excluded when calculating a member's retirement benefit.

The district has not posted the information related to this section to the district's website. It is recommended that the district include this information on its website.

Categorical Program Monitoring: CDE, pursuant to Education Code Section 64001 (a) – (i), monitors adherence as part of its regular monitoring and review of school districts' categorical program monitoring process.

CDE assesses whether local agencies have adopted a policy that prohibits discrimination, harassment, intimidation and bullying based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. This includes the process for receiving and investigation of complaints of discrimination, harassment, intimidation or bullying. This mandate includes:

- Publicized anti-discrimination, anti-harassment, anti-intimidation and anti-bullying policies, including information about the way to file a complaint to pupils, parents, employees, agents of the governing board and the public.
- Employees of the agency shall be provided referral information and community resources to support the pupils who may face bias on the existing school site.
- School site resources may include, but are not limited to, support for pupils that includes related complaint procedures.
- Policies should be posted in all schools and offices, including staff lounges and boardrooms.
- Complainants are protected from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential.
- School districts are encouraged to inform pupils regarding the available information and resources on the CDE's website regarding the dangers and consequences of cyber sexual bullying to help reduce the instances of cyber bullying.
- Local agencies are encouraged to posted information regarding these mandates on their Internet website.
- The district has not posted the information related to this section to its website.

Pupil Suicide Prevention: The Model Youth Suicide Prevention Policy as defined in EC 215 mandates that the governing board of a school district serving students in grades 7-12 adopt a policy on pupil suicide prevention, intervention and postvention. School districts are encouraged to work closely with community stakeholders, school-employed mental health professionals and suicide prevention experts to provide resources including website links and other resources to support staff, students, parents and guardians as well as the opportunity to report concerns anonymously.

The district has not posted the information related to this section to its website.

Sexual Abuse and Sex Trafficking Prevention Education: CDE may make available on the department's website resources on sexual abuse and sex trafficking prevention for professional learning purposes, and relevant materials for parents and students. School districts may provide sexual abuse and sex trafficking prevention education in accordance with EC 51950 and are encouraged to collaborate with law enforcement on intervention programs and provide in-service training to personnel.

The district is encouraged to post information related to this section to its Internet website if the district is providing prevention education services in accordance with EC 51950.

Sudden Cardiac Arrest Symptoms: Effective July 1, 2017, CDE is required to post on its website guidelines, videos, and an information sheet on sudden cardiac arrest symptoms and warning signs to educate pupils and parents and train coaches (Education Code Section 33479.2). School districts and individual school sites are encouraged to post on their websites information available from CDE.

The district has not posted the information related to this section to its website.

Other Information: To facilitate the dissemination of information and expectations it is recommended that the following documents be posted to the district's Internet website:

- Board policies and regulations
- Collective bargaining agreements/employee handbook
- Employment opportunities
- Uniform complaint policy and procedures
- Special Education Local Plan Area resources or links
- School Attendance Review Board (SARB) policies

The district has posted student wellness policy information; however, no other items listed above are on the district's website.

Financial Information: To facilitate fiscal transparency of legally required reporting documents filed with the county office and CDE, it is recommended that the following documents be posted to each school district's website:

- Adopted, first interim and second interim budgets
- Unaudited actuals
- Financial audits - including bond audits, if applicable
- Facility master plan, if applicable

The district is encouraged to post this information related to this section on its website.

Stakeholder Communication: To facilitate stakeholder engagement and communication, it is recommended that the following documents be posted to the Internet:

- School board members
- Academic calendar
- Single school plan for student achievement
- Student handbook

- Child nutrition applications
- Student transportation information
- School safety plan

The district has posted a list of school board members as well as a summary school safety plan updated in 2016. It is recommended that the district post all of the items listed above related to this section on its website.

## Recommendations

*The district should:*

1. Adopt a comprehensive oversight checklist to monitor financial and academic performance; develop policies and procedures; and evaluate renewal criteria for best practices and effective oversight.
2. Monitor charter progress with the transition plan in accordance with Education Code requirements for the limited purpose waiver.
3. Ensure that all elements for boundary exceptions are supported and notifications to appropriate agencies are timely.
4. Utilize CARNet tools and NACSA 12 essential practices, standards and concepts as a basis for structured oversight.
5. Establish a schedule of activities to monitor and review with sufficient time for the charter operators to comply with district expectations.
6. Post the following required items to its website:
  - a. Board agendas including agendas of closed sessions as required under the Ralph M. Brown Act.
  - b. Each school year's SARC report.
  - c. The 2016-17 and 2017-18 LCAPs.
  - d. Requirements for the Sex Equity in Education Act.
  - e. Requirements related to the Integrated Pest Management Plan.
7. Post the following recommended items to its website:
  - a. All board and committee agendas and minutes of meetings that have delegated authority to exercise formal action of the district.
  - b. Title I and Title II regulations regarding a public entity to take appropriate steps to communicate with individuals with disabilities.
  - c. Section 504 of the Rehabilitation Act of 1973.
  - d. Pay schedules based on the advisory from CalPERS and requirements under PERL.
  - e. Pupil Suicide Prevention.

- f. Categorical program monitoring.
- g. Sexual abuse and sex trafficking prevention education.
- h. Sudden cardiac arrest symptoms.
- i. Other policies and procedures outlined in this section.
- j. Financial information.
- k. Stakeholder communication.

# Appendix

## A. Study Agreement



## Appendix A: Study Agreement



CSIS California School Information Services

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### FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT July 10, 2017

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Shasta County Office of Education, hereinafter referred to as the COE, mutually agree as follows:

#### 1. **BASIS OF AGREEMENT**

The team provides a variety of services to local educational agencies (LEAs). The COE has requested that the team assign professionals to study specific aspects of the Whitmore Union Elementary School District's operations, hereinafter referred to as the district. These professionals may include staff of the team, county offices of education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

#### 2. **SCOPE OF THE WORK**

##### A. **Scope and Objectives of the Study**

1. Review the district's oversight process and practices/responsibilities for the three nonclassroom-based charter schools authorized outside district boundaries, and make recommendations for improvements, if any.
2. Review the district's website for compliance with the Brown Act and EC minimum statutory requirements, and make recommendations for improvements, if any.

##### B. **Services and Products to be Provided**

1. Orientation Meeting - The team will conduct an orientation session at the COE to brief management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the COE/district office.

3. Exit Meeting - The team will hold an exit meeting at the conclusion of the on-site review to inform the COE of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report - Electronic copies of a preliminary draft report will be delivered to the COE’s administration for review and comment.
6. Final Report - Electronic copies of the final report will be delivered to the COE’s administration following completion of the review. The final report will be published on the FCMAT website. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested by the COE, within six to 12 months after completion of the study, FCMAT will return to the COE at no cost to assess the COE’s progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the COE in a FCMAT management letter. FCMAT will work with the COE on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after the completion of the study.

### 3. **PROJECT PERSONNEL**

The FCMAT study team may also include:

- |           |                         |                         |
|-----------|-------------------------|-------------------------|
| <i>A.</i> | <i>To Be Determined</i> | <i>FCMAT Staff</i>      |
| <i>B.</i> | <i>To be determined</i> | <i>FCMAT Consultant</i> |

### 4. **PROJECT COSTS**

The cost for studies requested pursuant to Education Code (EC) 42127.8(d)(1) shall be as follows:

- A. \$650 per day for each staff team member while on site, conducting fieldwork at other locations, presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals, and lodging.

- C. The COE will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon COE's acceptance of the final report.

**Based on the elements identified in section 2A, the total not-to-exceed cost of the study will be \$13,100.**

- D. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT's services are payable to Kern County Superintendent of Schools - Administrative Agent located on 1300 17<sup>th</sup> Street, City Centre, Bakersfield, CA 93301.

## 5. RESPONSIBILITIES OF THE COE/District

- A. The COE and district will provide office and conference room space during on-site reviews.
- B. The COE and district will provide the following if requested:
1. Policies, regulations and prior reports that address the study scope.
  2. Current or proposed organizational charts.
  3. Current and two prior years' audit reports.
  4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the COE and sent to FCMAT in electronic format.
  5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the COE shall upload all requested documents.
- C. The COE's administration will review a preliminary draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with pupils. The COE shall take appropriate steps to comply with EC 45125.1(c).

## 6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

<b><i>Orientation:</i></b>	<i>to be determined</i>
<b><i>Staff Interviews:</i></b>	<i>to be determined</i>
<b><i>Exit Meeting:</i></b>	<i>to be determined</i>
<b><i>Preliminary Report Submitted:</i></b>	<i>to be determined</i>
<b><i>Final Report Submitted:</i></b>	<i>to be determined</i>
<b><i>Board Presentation:</i></b>	<i>to be determined, if requested</i>
<b><i>Follow-Up Support:</i></b>	<i>if requested</i>

**7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK**

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the COE and any other parties from which, in the team's judgment, it must obtain information. Once the team has completed its fieldwork, it will proceed to prepare a preliminary draft report and a final report. Prior to completion of fieldwork, the COE may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the COE does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the COE will be responsible for the full costs. The COE understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the COE shall not request that it do so.

**8. INDEPENDENT CONTRACTOR**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the COE. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the COE in any manner without prior express written authorization from an officer of the COE.

**9. INSURANCE**

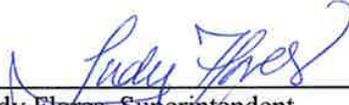
During the term of this agreement, FCMAT shall maintain liability insurance of not less than \$1 million unless otherwise agreed upon in writing by the COE, automobile liability insurance in the amount required under California state law, and workers compensation as required under California state law. FCMAT shall provide certificates of insurance, with Shasta County Office of Education named as additional insured, indicating applicable insurance coverages upon request.

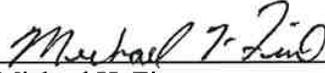
**10. HOLD HARMLESS**

FCMAT shall hold the COE, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement. Conversely, the COE shall hold FCMAT, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement.

**11. CONTACT PERSON**

Contact person: De'An Chambless, Senior Executive Director of Business Services  
 Telephone: (530) 245-7822  
 E-mail: [dchambless@shastacoe.org](mailto:dchambless@shastacoe.org)

  
 \_\_\_\_\_  
 Judy Flores, Superintendent Date  
 Shasta County Office of Education 7-12-17

  
 \_\_\_\_\_  
 Michael H. Fine Date  
 Chief Executive Officer July 10, 2017  
 Fiscal Crisis and Management Assistance Team