

THE BLUE OAK SCHOOL

FISCAL INFORMATION

Budget Narrative

**5 Year Budget Projections
Budget Model Assumptions**

5 Year Cash Flow Projections

Articles of Incorporation

501c3 Documentation

The five year budget information for THE BLUE OAK SCHOOL is presented for your review and information. Although a new charter school, Blue Oak School brings with it an experienced fiscal team with a proven track record of conservative and sound financial management. In addition, the team brings the experience required for accurate recordkeeping, a meticulous system of internal controls and a clear understanding of school finance and generally accepted accounting principals (GAAP). This is evidenced by the team's track record of nine years of annual audits, conducted by an independent accounting firm, with no findings or exceptions.

The attached budgets and cash flow projections are based on conservative estimates of the actual costs to implement the Blue Oak School as described in the charter.

Since the Blue Oak School is in a somewhat unique situation, we have included two budget and cash flow options for review.

- Option #1 assumes the Blue Oak School will be granted carry over funds from another charter school under their corporate umbrella. This option gives Blue Oak a beginning fund balance estimated at \$451,000.
- Option #2 assumes no gift of funds to Blue Oak School. In this scenario, Blue Oak School will aggressively fund raise (not to exceed more than 10% of revenue) and seek community grants to assist with early cash flow. In 2009-2010 our school community raised \$185,000! In addition, Blue Oak School has secured lines of credit though Wells Fargo and/or Tri Counties Banks contingent on the approval of this charter.

The Blue Oak School has not included a start up budget with these documents. We anticipate no costs for items such as furniture, equipment and supplies. The assumption is that existing inventory from another charter school will be utilized for the Blue Oak School.

ENROLLMENT:

Blue Oak School will begin operations serving 408 students in grades Kindergarten through 8. In year one, Blue Oak plans to have 4 Kindergartens and two classes per grade in grades 1-5. Blue Oak will continue its lateral growth each year through 2014-2015.

Blue Oak School projects its increase in enrollment during the next five years as follows:

2011-2012 (Year 1) 408 students

2012-2013 (Year 2) 433 students

2013-2014 (Year 3) 453 students

2014-2015 (Year 4) 473 students

2015-2016 (Year 5) 478 students

For budgeting purposes, we have rounded projected enrollment down to be conservative.

REVENUE:

Revenue projections for year one (2011-2012) are based on the most conservative estimates from School Services of California, following the signing of the 2010-2011 state budget. These estimates are in line with projections from both the California Charter Schools Association and the Charter Schools Development Center. Due to the unstable economic times in California, the State revenue projections for years two through five (2012-2016) have remained constant. We show no increase in State funding rates for the 5 year term contained in this projection.

Blue Oak School plans to actively fundraise each year by soliciting cash donations from our parent body and the community at large. Fundraising will occur in individual classrooms and for specific projects to offset material and supply costs. In addition, Blue Oak plans to participate in community events such as the Annie B's Fund Drive.

Blue Oak School plans to operate an After School childcare program as a service to our families. A very conservative estimate of revenue from this program is shown in both budget scenarios as the source of "All Other Local Revenue". Expenditures for this program have also been incorporated into the budgets.

In addition, Blue Oak School may seek funding from the CDE Public Charter School Grant, CDE Revolving Charter School Loan and Class Size Reduction Funding. For the purpose of conservative budgeting, none of these funding sources have been included in the attached budgets.

EXPENDITURES:

Blue Oak School expenses have been estimated based on current market conditions in the Chico Unified School District and Blue Oak's experience in working with other area charter schools. Overall expense assumptions have been increased 1 -2% per year. Below is a summary of the major expense categories and the assumptions associated with them.

1000 Series: Blue Oak School will open with a 75% time Executive Director and a full time Assistant Director, both holding Administrative credentials. Year 1 assumes 17 certificated classroom teachers and 3 full-time (or a combination of part-time) certificated specialty teachers such as Spanish, Music or Academic Support. The school will add one certificated class teacher each year in years 2, 3 and 4 and has calculated a 1% increase in compensation annually.

2000 Series: Overall, classified staffing will remain constant as projected in Year 1. Blue Oak will begin Year 1 with a full-time administrator of fiscal services and 2 full time and 1 part time administrative assistants fulfilling the roles of receptionist/ health aide, registrar and

attendance clerk. Additional classified staff will consist of 6 classroom aides, 2 part time specialty presenters and 3 afterschool program aides and a custodian. To meet demands of enrollment growth, we have budgeted for an additional part time support staff in Years 3-5.

3000 Series: Blue Oak School will offer a cafeteria health plan with a fixed contribution rate of \$8000 per year, per employee. We have included a 10% increase per year in our budget to accommodate potential increases in health care costs. Blue Oak will participate in all mandated employee payroll costs such as social security, Medicare and unemployment insurance. In addition, we will participate in State Disability Insurance, STRS and PERS.

4000 Series: In Year 1, Blue Oak School plans to utilize new state adopted textbooks acquired in 2010. We have included funds for new textbooks beginning in Year 2. Supplies are budgeted at \$110 per student in Year 1, with a 10% cost increase each year thereafter. In addition, the school has budgeted for typical office, medical and janitorial supplies as well as equipment and furniture.

5000 Series: The largest expense in this series is for facilities, based on a current lease agreement. Blue Oak School has liberally estimated utilities and housekeeping costs, dues and memberships and communications budgets. Blue Oak will maintain all liability insurances, including excess liability as well as student accident insurance and these costs have been estimated in the budget. Blue Oak will provide for professional development for staff. The school plans to perform all business services such as Payroll, AP, AR, financial, governmental and attendance reporting in house and has budgeted for legal and annual audit services.

7000 Series: Blue Oak plans to join the CUSD SELPA and share in encroachment. We have projected a cost of \$700 per ADA in our budget for encroachment costs. Blue Oak has budgeted for a 1% district oversight cost. Blue Oak will maintain a 5% cash reserve for contingencies. Option #2 budget includes debt interest for a possible cash flow loan.

Object Code	Description	Startup	2011-12	2012-13	2013-14	2014-15	2015-16
REVENUES							
Revenue Limit Sources							
8015	General Purpose Entitlement Block Grant	2010-2011					
	Grades K - 3	\$5,030	\$ 1,165,954	\$ 1,165,954	\$ 1,165,068	\$ 1,194,825	\$ 1,194,825
	Grades 4 - 6	\$5,106	\$ 557,831	\$ 630,591	\$ 654,845	\$ 664,546	\$ 669,397
	Grades 7 - 8	\$5,252	\$ 244,481	\$ 294,375	\$ 349,258	\$ 429,088	\$ 449,046
	Grades 9 - 12		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Revenue Limit Sources		\$ 1,968,265	\$ 2,090,920	\$ 2,189,171	\$ 2,288,259	\$ 2,313,068
Federal Revenues							
8290	No Child Left Behind (Title I)		\$ -	\$ -	\$ -	\$ -	\$ -
8110	CDE PCS Grant		\$ -	\$ -	\$ -	\$ -	\$ -
8190	EESA/Math & Science		\$ -	\$ -	\$ -	\$ -	\$ -
8220	Child Nutrition - Federal		\$ -	\$ -	\$ -	\$ -	\$ -
8260-8299	Other Federal Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Federal Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
Other State Revenue							
8480	Categorical Block Grant	\$410	\$ 158,916	\$ 168,854	\$ 176,444	\$ 184,234	\$ 186,181
8321	Special Education - State		\$ -	\$ -	\$ -	\$ -	\$ -
8556	State Lottery	\$121	\$ 46,900	\$ 46,900	\$ 49,773	\$ 52,072	\$ 54,371
8536	Class Size Reduction	\$1,070	\$ 0	\$ 0	\$ 0	\$ 0	\$ -
8584	EIA	\$318	\$ 64,236	\$ 67,416	\$ 73,140	\$ 76,956	\$ 82,680
8536	All Other State Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Other State Revenues		\$ 223,152	\$ 282,969	\$ 299,357	\$ 313,262	\$ 323,232
Other Local Revenue							
8600	Transfers from Sponsoring LEA		\$ 451,000	\$ -	\$ -	\$ -	\$ -
8660	Interest		\$ -	\$ -	\$ -	\$ -	\$ -
8699	Fundraising		\$ -	\$ 85,000	\$ 90,000	\$ 95,000	\$ 105,000
8700	Other Grants		\$ -	\$ -	\$ -	\$ -	\$ -
8710	All Other Local Revenues		\$ -	\$ 32,000	\$ 35,000	\$ 38,000	\$ 42,000
8979	Loan Financing (e.g. Charter School Revolving Loan)		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Local Revenues		\$ 451,000	\$ 117,000	\$ 125,000	\$ 133,000	\$ 145,000
	TOTAL REVENUES		\$ 451,000	\$ 2,308,417	\$ 2,498,888	\$ 2,621,527	\$ 2,746,521
EXPENDITURES							
Certificated Salaries							
1100	Teacher Salaries		\$ 680,000	\$ 721,140	\$ 763,035	\$ 805,695	\$ 813,752
1170	Substitute Teacher Salaries (4% of Teacher Salaries)		\$ 27,200	\$ 28,848	\$ 30,521	\$ 32,228	\$ 32,550
1200	Certificated Pupil Support/Teacher Aide Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
1300	Certificated Supervisor and Administrator Salaries		\$ 90,000	\$ 90,900	\$ 91,809	\$ 92,727	\$ 93,654
1900	Other Certificated Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Certificated Salaries		\$ 797,200	\$ 840,888	\$ 885,365	\$ 930,650	\$ 939,957
Classified (non-certificated) Salaries							
2100	Instructional Aide Salaries		\$ 80,000	\$ 80,600	\$ 81,206	\$ 81,818	\$ 82,436
2200	Non-certificated Support Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
2300	Non-certificated Supervisor and Administrator Salaries		\$ 60,000	\$ 60,600	\$ 61,206	\$ 61,818	\$ 62,436
2400	Clerical and Office Salaries		\$ 90,000	\$ 90,900	\$ 91,809	\$ 92,727	\$ 93,654
2900	Other Non-certificated Salaries (IT support, etc.)		\$ 72,000	\$ 72,720	\$ 73,440	\$ 74,160	\$ 74,880
	Total, Non-certificated Salaries		\$ 302,000	\$ 304,820	\$ 307,661	\$ 310,503	\$ 313,346
Employee Benefits							
3101-3302	STRS/PERS/OASDI/Medicare (10.2%-Certificated; 18.87%-Classified)		\$ 128,113	\$ 130,877	\$ 133,789	\$ 142,740	\$ 144,167
3401-3402	Health and Welfare Benefits		\$ 184,000	\$ 211,200	\$ 242,000	\$ 276,848	\$ 316,248
3501-3502	Unemployment Insurance		\$ 8,094	\$ 8,443	\$ 8,890	\$ 9,252	\$ 9,344
3601-3602	Workers' Compensation Insurance	1%	\$ 10,792	\$ 11,257	\$ 11,853	\$ 12,336	\$ 12,459
3701-3702	Retiree Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
3901-3902	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Employee Benefits		\$ 328,999	\$ 361,777	\$ 400,531	\$ 441,175	\$ 482,218
Books and Supplies							
4100	Approved Textbooks and Core Curricula Materials		\$ -	\$ 16,320	\$ 16,846	\$ 16,979	\$ 17,319
4200	Books and Other Reference Materials		\$ 4,000	\$ 4,000	\$ 4,000	\$ 5,000	\$ 5,000
4300	Materials and Supplies		\$ 47,830	\$ 48,583	\$ 51,843	\$ 55,215	\$ 58,914
4400	Non-capitalized Equipment (computers, printers, servers)		\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 5,000
4700	Food		\$ 2,000	\$ 2,200	\$ 2,400	\$ 2,600	\$ 2,800
	Total, Books and Supplies		\$ 57,830	\$ 75,103	\$ 78,890	\$ 83,794	\$ 87,033
Services and Other Operating Expenditures							
5200	Travel and Conferences		\$ 27,000	\$ 28,700	\$ 30,500	\$ 32,000	\$ 32,500
5300	Dues and Memberships		\$ 5,140	\$ 5,285	\$ 5,365	\$ 5,465	\$ 5,490
5400	Insurance		\$ 22,000	\$ 22,400	\$ 22,804	\$ 23,212	\$ 23,624
5500	Utilities and Housekeeping Services		\$ 47,000	\$ 47,500	\$ 48,000	\$ 48,500	\$ 49,000
5600	Rentals, Leases, Repairs, and Noncap. Improvements		\$ 273,000	\$ 363,140	\$ 483,281	\$ 483,422	\$ 483,565
5800	Professional/Consulting Services and Operating Expend.		\$ 10,750	\$ 16,075	\$ 16,402	\$ 16,730	\$ 16,809
5900	Communications (Phones, ISP, Internet)		\$ 5,500	\$ 5,600	\$ 5,702	\$ 5,806	\$ 5,912
	Total, Services/Other Operating		\$ 390,390	\$ 488,600	\$ 612,053	\$ 615,135	\$ 616,900
Capital Outlay							
6100-6170	Land and Land Improvements		\$ -	\$ -	\$ -	\$ -	\$ -
6200	Buildings and Improvements of Buildings		\$ -	\$ -	\$ -	\$ -	\$ -
6300	Books and Media for New Libraries		\$ -	\$ -	\$ -	\$ -	\$ -
6400	Equipment (computers, servers, etc. over \$5,000)		\$ -	\$ -	\$ -	\$ -	\$ -
6490	Furniture		\$ -	\$ -	\$ -	\$ -	\$ -
6500	Equipment Replacement		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Capital Outlay		\$ -	\$ -	\$ -	\$ -	\$ -
Other Outgo							
7110-7143	Tuition to Other Schools		\$ -	\$ -	\$ -	\$ -	\$ -
7221-7223SE	Transfers of Apportionment to Other LEAs (except SPED)		\$ -	\$ -	\$ -	\$ -	\$ -
7221	Transfers of Apportionment to LEAs (Special Ed)		\$ 271,320	\$ 287,945	\$ 301,245	\$ 314,545	\$ 317,870
7221-7223AO	All Other Transfers of Apportionments to Other LEAs		\$ -	\$ -	\$ -	\$ -	\$ -
7281	All Other Transfers		\$ -	\$ -	\$ -	\$ -	\$ -
7350	District Oversight (1%-3%) 1% set as default		\$ 21,272	\$ 22,596	\$ 23,856	\$ 24,725	\$ 24,992
7430	Loan Repayment		\$ -	\$ -	\$ -	\$ -	\$ -
7438	Debt Interest		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Other Outgo		\$ 292,592	\$ 310,541	\$ 324,901	\$ 339,270	\$ 342,862
	TOTAL EXPENDITURES		\$ 2,148,811	\$ 2,361,806	\$ 2,601,650	\$ 2,712,933	\$ 2,774,906
	Cash Reserve Requirement (5% of Categorical and Block Grants)		\$ 106,359	\$ 8,620	\$ 5,302	\$ 5,344	\$ 1,338
	Excess of Revenues over Expenditures and Reserve		\$ 451,000	\$ 53,247	\$ 130,463	\$ 14,576	\$ 28,244
	Beginning Cash Balance (plus transfers)		\$ 451,000	\$ 504,247	\$ 634,710	\$ 649,286	\$ 677,530
	End Cash Balance		\$ 451,000	\$ 557,494	\$ 765,173	\$ 663,860	\$ 698,774
	Committed Reserve Total		\$ 106,359	\$ 8,620	\$ 5,302	\$ 5,344	\$ 1,338
	Total Cash Balance including Reserves		\$ 451,000	\$ 566,114	\$ 770,475	\$ 669,204	\$ 700,112

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REVENUES							
Revenue Limit Sources							
8015	General Purpose Entitlement Block Grant	2010-2011					
	Grades K - 3	\$5,030	\$ 1,165,954	\$ 1,165,954	\$ 1,185,068	\$ 1,194,625	\$ 1,194,625
	Grades 4 - 6	\$5,106	\$ 557,831	\$ 630,581	\$ 654,845	\$ 664,546	\$ 669,397
	Grades 7 - 8	\$5,252	\$ 244,481	\$ 294,375	\$ 349,258	\$ 429,088	\$ 449,046
	Grades 9 - 12		\$ -	\$ -	\$ -	\$ -	\$ -
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8190	EESA/Math & Science		\$ -	\$ -	\$ -	\$ -	\$ -
8220	Child Nutrition - Federal		\$ -	\$ -	\$ -	\$ -	\$ -
8260-8299	Other Federal Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Federal Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
Other State Revenue							
8480	Categorical Block Grant	\$410	\$ 158,916	\$ 168,654	\$ 176,444	\$ 184,234	\$ 186,181
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8556	State Lottery	\$121	\$ -	\$ 46,900	\$ 49,773	\$ 52,072	\$ 54,371
8536	Class Size Reduction	\$1,070	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
8584	EIA	\$318	\$ 64,236	\$ 87,418	\$ 73,140	\$ 76,956	\$ 82,680
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8660	Interest		\$ -	\$ -	\$ -	\$ -	\$ -
8699	Fundraising		\$ 110,000	\$ 90,000	\$ 95,000	\$ 105,000	\$ 115,000
8700	Other Grants		\$ -	\$ -	\$ -	\$ -	\$ -
8710	All Other Local Revenues		\$ 32,000	\$ 35,000	\$ 38,000	\$ 40,000	\$ 42,000
8979	Loan Financing (e.g. Charter School Revolving Loan)		\$ 300,000	\$ -	\$ -	\$ -	\$ -
	Total, Local Revenues		\$ 442,000	\$ 125,000	\$ 133,000	\$ 145,000	\$ 157,000
	TOTAL REVENUES		\$ 2,633,417	\$ 2,498,889	\$ 2,621,527	\$ 2,746,521	\$ 2,793,300
EXPENDITURES							
Certificated Salaries							
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1300	Certificated Supervisor and Administrator Salaries		\$ 90,000	\$ 90,900	\$ 91,809	\$ 92,727	\$ 93,654
1900	Other Certificated Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Certificated Salaries		\$ 797,200	\$ 840,886	\$ 885,365	\$ 930,650	\$ 939,957
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2900	Other Non-certificated Salaries (IT support, etc.)		\$ 72,000	\$ 72,720	\$ 85,688	\$ 86,545	\$ 87,411
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3901-3902	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Employee Benefits		\$ 328,999	\$ 361,777	\$ 400,531	\$ 441,175	\$ 482,216
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4300	Materials and Supplies		\$ 47,630	\$ 48,583	\$ 51,843	\$ 55,215	\$ 56,914
4400	Non-capitalized Equipment (computers, printers, servers)		\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 5,000
4700	Food		\$ 2,000	\$ 2,200	\$ 2,400	\$ 2,600	\$ 2,800
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5400	Insurance		\$ 22,000	\$ 22,400	\$ 22,804	\$ 23,212	\$ 23,624
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	Total, Services/Other Operating		\$ 390,390	\$ 488,680	\$ 612,053	\$ 615,135	\$ 616,900
Capital Outlay							
6100-6170	Land and Land Improvements		\$ -	\$ -	\$ -	\$ -	\$ -
6200	Buildings and Improvements of Buildings		\$ -	\$ -	\$ -	\$ -	\$ -
6300	Books and Media for New Libraries		\$ -	\$ -	\$ -	\$ -	\$ -
6400	Equipment (computers, servers, etc. over \$5,000)		\$ -	\$ -	\$ -	\$ -	\$ -
6490	Furniture		\$ -	\$ -	\$ -	\$ -	\$ -
6500	Equipment Replacement		\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Capital Outlay		\$ -	\$ -	\$ -	\$ -	\$ -
Other Outgo							
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7281	All Other Transfers		\$ -	\$ -	\$ -	\$ -	\$ -
7350	District Oversight (1%-3%) 1% set as default		\$ 21,272	\$ 22,596	\$ 23,656	\$ 24,725	\$ 24,992
7430	Loan Repayment		\$ 80,000	\$ -	\$ -	\$ -	\$ -
7438	Debt Interest		\$ 18,000	\$ -	\$ -	\$ -	\$ -
	Total, Other Outgo		\$ 390,592	\$ 310,541	\$ 324,901	\$ 339,270	\$ 342,862
	TOTAL EXPENDITURES		\$ 2,246,811	\$ 2,381,650	\$ 2,601,650	\$ 2,712,933	\$ 2,774,908
	Cash Reserve Requirement (8% of Categorical and Block Grants)		\$ 106,359	\$ 6,620	\$ 5,302	\$ 5,344	\$ 1,338
	Excess of Revenues over Expenditures and Reserve		\$ 280,247	\$ 130,463	\$ 14,576	\$ 28,244	\$ 17,056
	Beginning Cash Balance (less reserves)		\$ 280,247	\$ 410,710	\$ 425,286	\$ 453,530	\$ 463,530
	All Cash Balance		\$ 280,247	\$ 410,710	\$ 425,286	\$ 453,530	\$ 470,568
	Cumulative Reserve Total		\$ 106,359	\$ 112,979	\$ 118,291	\$ 123,835	\$ 124,962
	Total Cash Balance including Reserves		\$ 386,606	\$ 523,689	\$ 543,577	\$ 577,365	\$ 595,530

**ASSUMPTION WORKSHEET
THE BLUE OAK SCHOOL**

Enrollment

YEAR ONE

	Enrollment	ADA %	ADA #	EL #	ED#	FRL #
Grades K-3	244	95.0%	231.80	-	108	-
Grades 4-6	115	95.0%	109.25	-	76	-
Grades 7-8	49	95.0%	46.55	-	18	-
Grades 9-12	-	95.0%	0.00	-	-	-
TOTAL	408	95.0%	387.60	-	202	-

Students Per Teacher
24.40 K - 3
16.40 4 - 12

YEAR TWO

	Enrollment	ADA %	ADA #	EL #	ED#	FRL #
Grades K-3	244	95.0%	231.80	-	108	-
Grades 4-6	130	95.0%	123.50	-	78	-
Grades 7-8	59	95.0%	56.05	-	26	-
Grades 9-12	-	95.0%	0.00	-	-	-
TOTAL	433	95.0%	411.35	-	212	-

Students Per Teacher
24.40 K - 3
17.18 4 - 12

YEAR THREE

	Enrollment	ADA %	ADA #	EL #	ED#	FRL #
Grades K-3	248	95.0%	235.60	-	112	-
Grades 4-6	135	95.0%	128.25	-	82	-
Grades 7-8	70	95.0%	66.50	-	36	-
Grades 9-12	-	95.0%	0.00	-	-	-
TOTAL	453	95.0%	430.35	-	230	-

Students Per Teacher
24.80 K - 3
17.08 4 - 12

YEAR FOUR

	Enrollment	ADA %	ADA #	EL #	ED#	FRL #
Grades K-3	250	95.0%	237.50	-	115	-
Grades 4-6	137	95.0%	130.15	-	82	-
Grades 7-8	86	95.0%	81.70	-	45	-
Grades 9-12	-	95.0%	0.00	-	-	-
TOTAL	473	95.0%	449.35	-	242	-

Students Per Teacher
25.00 K - 3
17.15 4 - 12

YEAR FIVE

	Enrollment	ADA %	ADA #	EL #	ED#	FRL #
Grades K-3	250	95.0%	237.50	-	117	-
Grades 4-6	138	95.0%	131.10	-	85	-
Grades 7-8	90	95.0%	85.50	-	58	-
Grades 9-12	-	95.0%	0.00	-	-	-
TOTAL	478	95.0%	454.10	-	260	-

Students Per Teacher
25.00 K - 3
17.54 4 - 12

Salaries

COLA 1.0%

Certificated Staff Salaries

1000	Teachers			Aides			Administrators			Total Certificated
	# Teachers	Avg. Salary	Teacher Total	# Aides	Avg. Salary	Aides Total	# Admin	Avg. Salary	Admin Total	
Year One	20	\$ 34,000	\$ 680,000	-	\$ -	\$ -	2.0	\$ 45,000	\$ 90,000	\$ 770,000
Year Two	21	\$ 34,340	\$ 721,140	-	\$ -	\$ -	2.0	\$ 45,450	\$ 90,900	\$ 812,040
Year Three	22	\$ 34,683	\$ 763,035	-	\$ -	\$ -	2.0	\$ 45,905	\$ 91,809	\$ 854,844
Year Four	23	\$ 35,030	\$ 805,695	-	\$ -	\$ -	2.0	\$ 46,364	\$ 92,727	\$ 898,422
Year Five	23	\$ 35,381	\$ 813,752	-	\$ -	\$ -	2.0	\$ 46,827	\$ 93,654	\$ 907,407

Class Size Reduction Funding

	# of Teachers K-3	# of Half-Day Kindergarten Students
Year One	10.0	78.0
Year Two	10.0	78.0
Year Three	10.0	80.0
Year Four	10.0	80.0
Year Five	10.0	80.0

Classified Staff Salaries

2000	Aides (Classified)			Support		
	# Aides	Avg. Salary	Aides Total	# Support	Avg. Salary	Support Total
Year One	6.0	\$ 10,000	\$ 60,000	-	\$ -	\$ -
Year Two	6.0	\$ 10,100	\$ 60,600	-	\$ -	\$ -
Year Three	6.0	\$ 10,201	\$ 61,206	-	\$ -	\$ -
Year Four	6.0	\$ 10,303	\$ 61,818	-	\$ -	\$ -
Year Five	6.0	\$ 10,406	\$ 62,436	-	\$ -	\$ -

2000	Administrators			Clerical/Office			Other (e.g. IT)			Total Classified
	# Admin	Avg. Salary	Admin Total	# Office	Avg. Salary	Office Total	# Other	Avg. Salary	Other Total	
Year One	1.0	\$ 60,000	\$ 60,000	3.0	\$ 30,000	\$ 90,000	6.0	\$ 12,000	\$ 72,000	\$ 282,000
Year Two	1.0	\$ 60,600	\$ 60,600	3.0	\$ 30,300	\$ 90,900	6.0	\$ 12,120	\$ 72,720	\$ 284,820
Year Three	1.0	\$ 61,206	\$ 61,206	3.0	\$ 30,603	\$ 91,809	7.0	\$ 12,241	\$ 85,688	\$ 299,909
Year Four	1.0	\$ 61,818	\$ 61,818	3.0	\$ 30,909	\$ 92,727	7.0	\$ 12,364	\$ 86,545	\$ 302,908
Year Five	1.0	\$ 62,436	\$ 62,436	3.0	\$ 31,218	\$ 93,654	7.0	\$ 12,487	\$ 87,411	\$ 305,938

Benefits

Staff Benefits and Health Plan

3000	Benefits	Health Plan Cost (\$/Person)	# employees	Health Plan Total	Total Benefits
Year One	\$ 126,113	\$ 8,000	23	\$ 184,000	\$ 310,113
Year Two	\$ 130,877	\$ 8,800	24	\$ 211,200	\$ 342,077
Year Three	\$ 137,789	\$ 9,680	25	\$ 242,000	\$ 379,789
Year Four	\$ 142,740	\$ 10,648	26	\$ 276,848	\$ 419,588
Year Five	\$ 144,167	\$ 11,713	27	\$ 316,246	\$ 460,413

Books & Supplies (\$ Per Student)

4000	Textbooks	Other Books	Supplies	Equipment
Year One		\$ -	\$ 110.00	\$ -
Year Two	\$ 40.00	\$ -	\$ 112.20	\$ -
Year Three	\$ 40.80	\$ -	\$ 114.44	\$ -
Year Four	\$ 41.62	\$ -	\$ 116.73	\$ -
Year Five	\$ 42.45	\$ -	\$ 119.07	\$ -

General Purpose Entitlement Block Grant

8000	% from Source
State Portion	74%
Local District	26%
TOTAL	100%

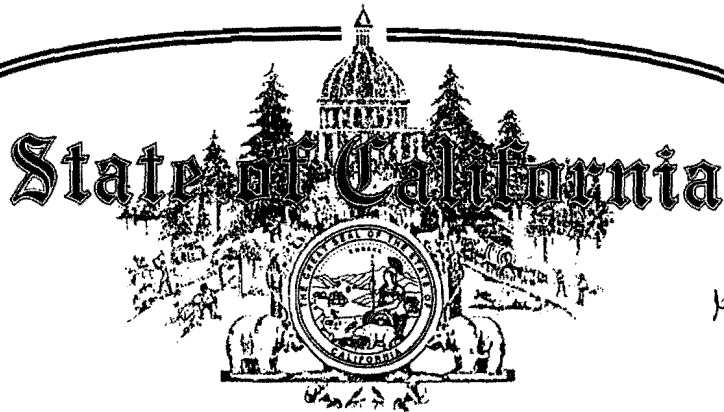
COLA	0.0%
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Year 5 of Operations

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Accounted Year 5	Total
BEHAVIORAL CASH	\$ 844,520	\$ 848,507	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505	\$ 848,505
REVENUE														
Revenue Limit Sources														
General Purpose	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917	\$ 18,917
General Purpose (In Use of Priority Loan)	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384	\$ 71,384
Federal Revenue	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897	\$ 35,897
Other Revenue														
COE P2S Grant														
Other Federal Revenue														
Special Education Grant	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054	\$ 11,054
Special Education Local Plan Area (SELPA)														
California Lottery (MIECHV)	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593	\$ 13,593
California State Revenue														
All Other State Revenue	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617	\$ 8,617
Other Local Revenue														
Transfers from LEAS														
Unfunded														
COE (11,000.00 in budget)	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543	\$ 9,543
COE (10,000.00 in budget)														
All Other Local Revenue (847,000.00 in budget)														
Loan Forgiveness (e.g. Charter School Revolving Loan) (800.00 in budget)														
TOTAL REVENUE	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280	\$ 49,280
EXPENDITURES														
1000 Contracted Services	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330
2000 Contracted Services	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495	\$ 28,495
3000 Contracted Services	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185	\$ 49,185
4000 Contracted Services	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745
5000 Contracted Services	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368	\$ 31,368
6000 Contracted Services	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105	\$ 218,105
7000 Contracted Services	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877	\$ 4,877
8000 Contracted Services	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877	\$ 6,877
9000 Contracted Services	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607
TOTAL EXPENDITURES	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131
REVENUE LESS EXPENDITURES	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)
NET INCREASE (ON DECREASE)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)	\$ (728,851)
CASH BALANCE	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607	\$ 648,607
CASH BALANCE WITH RESERVES	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131	\$ 778,131

Year 5 of Operations

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Accrued Year 5	Total
BEGINNING CASH	\$ 465,154	\$ 340,131	\$ 235,880	\$ 96,787	\$ 89,892	\$ 19,748	\$ 6,758	\$ 74,423	\$ 139,885	\$ 17,803	\$ 3,547	\$ 2,840	\$ 2,003	
REVENUE														
Revenue Limit Revenues														
General Purpose Entitlement Block Grant - State Aid Portion		\$ 15,817		\$ 152,398	\$ 23,774	\$ 76,199	\$ 219,453	\$ 229,597	\$ 6,120	\$ 110,154	\$ 73,803	\$ 55,077	\$ 750,178	\$ 1,711,870
General Purpose Entitlement - Local Revenue (In Lieu of Property Tax)	\$ 35,697	\$ 71,394	\$ 47,566	\$ 47,596	\$ 47,596	\$ 47,596	\$ 47,596	\$ 85,443	\$ 42,721	\$ 42,721	\$ 42,721	\$ 42,721		\$ 801,396
Federal Revenue														
Child Nutrition														
CDE PCS Grant														
Other Federal Revenue														
Other State Revenue														
Categorical Block Grant		\$ 11,054	\$ 22,108	\$ 14,739	\$ 14,739	\$ 14,739	\$ 14,739	\$ 14,739	\$ 31,385	\$ 15,677	\$ 15,677	\$ 15,677	\$ 939	\$ 186,181
Special Education Local Plan Area (SELPA)														
California Lottery (Quarterly)			\$ 13,593			\$ 13,593			\$ 13,593			\$ 13,593		\$ 64,371
Class Size Reduction														
Economic Impact Aid		\$ 4,817	\$ 9,235	\$ 6,198	\$ 6,156	\$ 6,156	\$ 6,156	\$ 6,156	\$ 14,734	\$ 7,367	\$ 7,367	\$ 7,367	\$ 1,211	\$ 82,660
All Other State Revenue														
Other Local Revenue														
Transfers from LEAS														
Interest														
Fundraising (\$115,000.00 in budget)	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583		\$ 115,000
Grants (\$00.00 in budget)														
All Other Local Revenue (\$42,000.00 in budget)			\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 30,000
Loan Financing (e.g. Charter School Revolving Loan or Line of Credit) (\$00)					\$ 75,000	\$ 50,000				\$ 30,000	\$ 80,000	\$ 85,000		\$ 320,000
TOTAL REVENUE	\$ 45,280	\$ 112,968	\$ 185,114	\$ 233,672	\$ 178,848	\$ 226,868	\$ 306,527	\$ 347,916	\$ 121,186	\$ 218,392	\$ 232,152	\$ 232,822	\$ 752,328	\$ 3,161,906
DISBURSEMENTS														
1000 Certificated Salaries		\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 78,330	\$ 839,957
2000 Classified Salaries		\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 25,495	\$ 305,838
3000 Employee Benefits		\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 40,185	\$ 482,216
4000 Books and Supplies		\$ 4,352	\$ 13,056	\$ 13,056	\$ 21,769	\$ 3,826	\$ 3,826	\$ 3,826	\$ 13,086	\$ 3,826	\$ 3,826	\$ 3,826		\$ 87,033
5000 Services and Other Operating Expenditures	\$ 29,704	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745	\$ 53,745		\$ 616,900
6000 Capital Outlay														
7000 Other Outlay	\$ 144,699	\$ 14,599	\$ 31,398	\$ 31,398	\$ 31,398	\$ 31,398	\$ 31,398	\$ 81,398	\$ 31,398	\$ 31,398	\$ 31,398	\$ 31,398		\$ 622,852
TOTAL EXPENDITURES	\$ 179,303	\$ 216,793	\$ 242,178	\$ 242,178	\$ 259,878	\$ 232,747	\$ 232,747	\$ 282,747	\$ 242,178	\$ 232,747	\$ 232,747	\$ 232,747	\$ 144,699	\$ 2,854,966
REVENUE LESS EXPENDITURES	\$ (125,023)	\$ (104,140)	\$ (137,061)	\$ (8,704)	\$ (71,031)	\$ (11,881)	\$ 67,780	\$ 64,771	\$ (121,070)	\$ (14,245)	\$ (698)	\$ (725)	\$ 808,319	\$ 146,394
Revenue Requirement		\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111	\$ 111		\$ 1,335
NET INCREASE (DECREASE)	\$ (125,023)	\$ (184,281)	\$ (137,172)	\$ (8,815)	\$ (71,142)	\$ (11,992)	\$ 67,669	\$ 64,660	\$ (121,181)	\$ (14,356)	\$ (797)	\$ (836)	\$ 808,207	\$ 145,059
CASH BALANCE	\$ 340,131	\$ 235,880	\$ 98,707	\$ 89,892	\$ 18,748	\$ 6,758	\$ 74,423	\$ 139,885	\$ 17,803	\$ 3,547	\$ 2,840	\$ 2,003	\$ 610,210	\$ 610,210
CASH BALANCE WITH RESERVES	\$ 340,131	\$ 235,891	\$ 98,830	\$ 80,228	\$ 19,195	\$ 7,314	\$ 75,094	\$ 130,885	\$ 18,795	\$ 4,680	\$ 3,955	\$ 3,230	\$ 611,548	\$ 611,848



SECRETARY OF STATE

I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 3 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 13 2003



Kevin Shelley
Secretary of State

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 13 2003

KEVIN SHELLEY
Secretary of State

ARTICLES OF INCORPORATION

ARTICLE I
NAME

The name of the corporation is Blue Oak Charter School, Incorporated.

ARTICLE II
ORGANIZATION

This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

ARTICLE III
PURPOSES AND POWERS

The purposes for which the Corporation is formed are as follows:

- (a) The general purpose and powers of the Corporation are as follows:
- (1) The Corporation is formed exclusively to manage, operate, guide, direct and promote the Blue Oak Charter School, a California Public School, within the meaning of Section 501(c) (3) of the United States Internal Revenue Code of 1954, as amended (the "Code"). All references to the Code contained herein are deemed to include corresponding provisions of any future United States internal revenue law or regulation.
 - (2) In furtherance of the purposes set forth in this Article III, the Corporation may exercise all rights and powers conferred on nonprofit public benefit corporations under the laws of the State of California.
- (b) Notwithstanding any of the above statements of the purposes and powers, the Corporation shall not engage in any activities or exercise any powers, whether express or implied, so as to disqualify the Corporation from exemption from federal income tax under Section 501(a) of the Code or to disqualify the Corporation as a corporation contributions to which are deductible under Section 170(c)(2) of the Code, and/or so as to disqualify the corporation from exemption from California income tax under Section 23701 of the California Revenue and Taxation Code, as amended, by reason of being an organization described in Section 23701(d) of said Revenue and Taxation Code.

ARTICLE IV
INITIAL AGENT FOR SERVICE OF PROCESS

The name and address of the corporation's initial agent for service of process are:

David Robinett, Esq.
California Education Legal Services
1007 Seventh Street, Suite 200
Sacramento, CA 95814

ARTICLE V
MEMBERS

The authorized number, if any, and qualifications of members of the Corporation, the different classes of membership, the property, voting, and other rights and privileges of members, their liability for dues, assessments, and sanctions, the termination or transfer of membership, and such other provisions relating to members as may be adopted, shall be stated in the By-Laws.


ARTICLE VI
DEDICATION AND DISSOLUTION

- (a) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributed to, its members, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof.
- (b) No part of the net earnings or of the property or assets of the Corporation shall be used other than for the purposes of the Corporation set forth in Article III hereof.
- (c) No substantial part of the activities of the Corporation shall consist, except as otherwise provided in Section 501(h) of the Code, or carrying on propaganda, or otherwise attempting to influence legislation, nor shall the Corporation participate in, or intervene in (including, without limitation, the publishing and distributing of statements or otherwise), any political campaign on behalf or in opposition to any candidate for public office.
- (d) In the event of liquidation, dissolution, termination, or winding up of the Corporation (whether voluntary, involuntary, or by operation of law), the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, transfer all of the property and assets of the Corporation to one or more Qualified Organizations, as defined below in this Article VI, as the Board of Directors shall determine. For the purposes of this Article VI, "Qualified Organization" shall mean a corporation or other organization organized and operated exclusively for charitable, educational, or scientific purposes as shall at the time qualify as exempt from income tax

under Section 501(c)(3) of the Code by reason of being an organization described in Section 501(c)(3) of the Code, or corporation or other organization, contributions to which are deductible under Section 170(c)(2) of the Code.

IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation.

Date: August 11, 2003


David Robinett



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 12 2004**

BLUE OAK CHARTER SCHOOL INC
PO BOX 6220
CHICO, CA 95927

Employer Identification Number:
02-0702969
DLN:
17053238017043
Contact Person:
RONALD D BELL ID# 31185
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Form 990 Required:
Yes
Addendum Applies:
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(ii).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the

Letter 947 (DO/CG)

BLUE OAK CHARTER SCHOOL INC

part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

Letter 947 (DO/CG)

BLUE OAK CHARTER SCHOOL INC

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

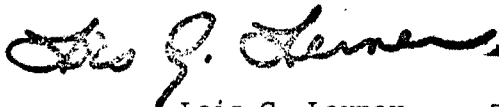
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

**BYLAWS
OF
BLUE OAK CHARTER SCHOOL INC.**

(A California Nonprofit Public Benefit Corporation)

**ARTICLE I
NAME**

Section 1. **NAME.** The name of this corporation is Blue Oak Charter School Inc.

**ARTICLE II
PRINCIPAL OFFICE OF THE CORPORATION**

Section 1. **PRINCIPAL OFFICE OF THE CORPORATION.** The principal office for the transaction of the activities and affairs of this corporation is 450 W. East Ave., Chico, State of California. The Charter Council may change the location of the principal office. Any such change of location must be noted by the Secretary on these bylaws opposite this Section; alternatively, this Section may be amended to state the new location.

Section 2. **OTHER OFFICES OF THE CORPORATION.** The Charter Council may at any time establish branch or subordinate offices at any place or places where this corporation is qualified to conduct its activities.

**ARTICLE III
GENERAL AND SPECIFIC PURPOSES; LIMITATIONS**

Section 1. **GENERAL AND SPECIFIC PURPOSES.** The purpose of this corporation is to manage, operate, guide, direct and promote the Blue Oak Charter School ("Charter School"), a California public charter school. Also in the context of these purposes, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation.

The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

**ARTICLE IV
CONSTRUCTION AND DEFINITIONS**

Section 1. **CONSTRUCTION AND DEFINITIONS.** Unless the context indicates otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural includes the singular, and the term "person" includes both a legal entity and a natural person.

**ARTICLE V
DEDICATION OF ASSETS**

Section 1. **DEDICATION OF ASSETS.** This corporation's assets are irrevocably dedicated to public benefit purposes as set forth in the Charter School's Charter. No part of the net earnings, properties, or assets of the corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any Council member or officer of the corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the corporation shall be distributed to a nonprofit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes and that has established its exempt status under Internal Revenue Code section 501(c)(3).

**ARTICLE VI
CORPORATIONS WITHOUT MEMBERS**

Section 1. **CORPORATIONS WITHOUT MEMBERS.** This corporation shall have no voting members within the meaning of the Nonprofit Corporation Law. The corporation's Charter Council may, in its discretion, admit individuals to one or more classes of nonvoting members; the class or classes shall have such rights and obligations as the Charter Council finds appropriate.

**ARTICLE VII
CHARTER COUNCIL**

Section 1. **GENERAL POWERS.** Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the articles of incorporation or bylaws, the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Charter Council ("Council"). The Council may delegate the management of the corporation's activities to any person(s), management company or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Council.

Section 2. **SPECIFIC POWERS.** Without prejudice to the general powers set forth in Section 1 of these bylaws, but subject to the same limitations, the Charter Council shall have the power to:

- a. Appoint and remove, at the pleasure of the Charter Council, all corporate officers, agents, and employees; prescribe powers and duties for them as are consistent with the law, the articles of incorporation, and these bylaws; fix their compensation; and require from them security for faithful service.
- b. Change the principal office or the principal business office in California from one location to another; cause the corporation to be qualified to conduct its activities in any other state, territory, dependency, or country; conduct its activities in or outside California; and designate a place in California for holding any meeting of members.
- c. Borrow money and incur indebtedness on the corporation's behalf and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.
- d. Adopt and use a corporate seal; prescribe the forms of membership certificates; and alter the forms of the seal and certificates.

Section 3. **DESIGNATED COUNCIL MEMBERS AND TERMS.** The number of Council members shall be seven (7), unless changed by amendments to these bylaws; provided that three (3) seats shall be reserved for parent representatives and four (4) seats shall be reserved for community representatives. Parent Representatives and Community Members may not be employees of Blue Oak Charter School. Community Representatives may not be the

parent, legal guardian or significant other of a parent or legal guardian of a child enrolled at Blue Oak Charter School. Parents, legal guardians or significant others of a parent or legal guardian of a child formerly enrolled at Blue Oak Charter School are eligible to serve as a community representative one (1) year after their child is not longer enrolled at Blue Oak Charter school. Additionally, pursuant to Education Code Section 47604(b), the governing board of the granting authority has the right to appoint one representative to the Charter Council. In the event that a representative of the governing board of the granting authority is appointed to the Charter Council, the number of Council members shall be increased to eight (8).

Except for the initial Charter Council, each Council member shall hold office unless otherwise removed from office in accordance with these bylaws for two (2) year(s) and until a successor Council member has been designated and qualified. Terms for the initial Charter Council shall be staggered as drawn by lot with three (3) seats serving a one (1) year term and four (4) seats serving a two (2) year term.

Section 4. RESTRICTION ON INTERESTED PERSONS AS COUNCIL MEMBERS.

No more than 49 percent of the persons serving on the Charter Council may be interested persons. An interested person is (a) any person compensated by the corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a Council member as Council member; and (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of this paragraph shall not affect the validity or enforceability of transactions entered into by the corporation. Employees of the corporation may not serve on the Charter Council. The Council may adopt other policies circumscribing potential conflicts of interest.

Section 5. COUNCIL MEMBERS' TERM. Each Council member shall hold office for two (2) years and until a successor Council member has been elected and qualified.

Section 6. EVENTS CAUSING VACANCIES ON COUNCIL. A vacancy or vacancies on the Charter Council shall occur in the event of (a) the death, resignation, or removal of any Council member; (b) the declaration by resolution of the Charter Council of a vacancy in the office of a Council member who has been convicted of a felony, declared of unsound mind by a court order, or found by final order or judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; (c) the increase of the authorized number of Council members; and (d) the failure of a Council member to attend three (3) meetings in a calendar year, unless the Charter Council, by majority vote, takes action to retain them.

Section 7. RESIGNATION OF COUNCIL MEMBERS. Except as provided below, any Council member may resign by giving written notice to the Council Chair, if any, or to the President, or the Secretary, or to the Council. The resignation shall be effective when the notice is given unless the notice specifies a later time for the resignation to become effective. If a Council member's resignation is effective at a later time, the Charter Council may appoint a successor to take office as of the date when the resignation becomes effective according to Article VII, Section 10.

Section 8. COUNCIL MEMBER MAY NOT RESIGN IF NO COUNCIL MEMBER REMAINS. Except on notice to the California Attorney General, no Council member may resign if the corporation would be left without a duly elected Council member or Council members.

Section 9. REMOVAL OF COUNCIL MEMBERS. Any Council member may be removed, with or without cause, by the Blue Oak Charter School community members. A recall election shall be held within ninety (90) days after the presentation of a removal petition to the Council Chair signed by sixty (60) percent of the Blue Oak Charter School community members. Any vacancy caused by the removal of a Council member shall be filled as provided in Section 10.

Section 10. VACANCIES FILLED BY COUNCIL. Vacancies on the Charter Council may be filled by approval of the Charter Council or, if the number of Council members then in office is less than a quorum, by (a) the unanimous consent of the Council members then in office, (b) the affirmative vote of a majority of the Council members

then in office at a meeting held according to notice or waivers of notice complying with Corporations Code Section 5211, or (c) a sole remaining Council member. Vacancies shall be filled by appointment of an interim Council member who shall serve until the next regular May election where the vacant seat shall be filled as provided in Article VIII. Prior to assuming duties, all newly elected and appointed Charter Council members will read the Board's Code Of Ethics (see Board Policy #5)

Section 11. NO VACANCY ON REDUCTION OF NUMBER OF COUNCIL MEMBERS. Any reduction of the authorized number of Council members shall not result in any Council members being removed before his or her term of office expires.

Section 12. PLACE OF CHARTER COUNCIL MEETINGS. Meetings shall be held at the principal office of the Corporation. The Charter Council may designate that a meeting be held at any place within California that has been designated by resolution of the Charter Council or in the notice of the meeting. All meetings of the Charter Council shall be called, held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act, California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 13. MEETINGS; ANNUAL MEETINGS. All meetings of the Charter Council and its committees shall be called, noticed, and held in compliance with the provisions of the Ralph M. Brown Act ("Brown Act"). (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

The Charter Council shall meet annually within 30 days of the approval of the Charter Council election results by the Charter Council for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. This meeting will be held in accordance with the provisions of Board Policy #3 "Annual Organizational Meeting". This meeting shall be held at a time, date, and place as may be specified and noticed by resolution of the Charter Council.

Section 14. REGULAR MEETINGS. Regular meetings of the Charter Council, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Charter Council. At least 72 hours before a regular meeting, the Charter Council, 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 in a location accessible and open to the public. The agenda shall also be provided to the Charter Authorizer Representative, Faculty Representative, Administrative Representative, Parent Council Chair, Parent Council Co-Chair and will be posted to the school website prior to the meeting.

Section 15. SPECIAL MEETINGS. Special meetings of the Charter Council for any purpose may be called at any time by the Chairman of the Charter Council, if there is such an officer, or a majority of the Charter Council. If a Chairman of the Board has not been elected then the President is authorized to call a special meeting in place of the Chairman of the Board. The party calling a special meeting shall determine the place, date, and time thereof.

Section 16. NOTICE OF SPECIAL MEETINGS. In accordance with the Brown Act, special meetings of the Charter Council may be held only after twenty-four (24) hours notice is given to each Council member, the Charter Authorizer Representative, Faculty Representative, Administrative Representative, Parent Council Chair, Parent Council Co-Chair and to the public through the posting of an agenda. Pursuant to the Brown Act, the Charter Council shall adhere to the following notice requirements for special meetings:

- a. Any such notice shall be addressed or delivered to each Council member at the Council member's address as it is shown on the records of the Corporation, or as may have been given to the Corporation by the Council member for purposes of notice, or, if an address is not shown on the Corporation's records or is not readily ascertainable, at the place at which the meetings of the Charter Council are regularly held.
- b. Notice by mail shall be deemed received at the time that a properly addressed written notice is deposited in the United States mail, postage prepaid. Any other written notice shall be deemed received at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or is actually transmitted by the person giving the notice by electronic means to the recipient. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient whom the person giving the notice has reason to believe will promptly communicate it to the receiver.
- c. The notice of special meeting shall state the time of the meeting, and the place if the place is other than the principal office of the Corporation, and the general nature of the business proposed to be transacted at the meeting. No business, other than the business the general nature of which was set forth in the notice of the meeting, may be transacted at a special meeting.

Section 17. QUORUM. A majority of the Council members then in office shall constitute a quorum. All acts or decisions of the Charter Council will be by majority vote based upon the presence of a quorum. Should there be fewer than a majority of the Council members present at any meeting, the meeting shall be adjourned. Council members may not vote by proxy. A Parent Representative majority of Council members shall not constitute a quorum.

Section 18. TELECONFERENCE MEETINGS. Members of the Charter Council may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:

- a. At a minimum, a quorum of the members of the Charter Council shall participate in the teleconference meeting from locations within the boundaries of the school district in which the Charter School operates;
- b. All votes taken during a teleconference meeting shall be by roll call;
- c. If the Charter Council elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;
- d. All locations where a member of the Charter Council participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;¹

¹ This means that members of the Charter Council who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any members of the public who wish to attend the meeting at that location.

- e. Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Charter Council directly at each teleconference location; and
- f. The agenda shall indicate that members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call.²

Section 19. ADJOURNMENT. A majority of the Council members present, whether or not a quorum is present, may adjourn any Charter Council meeting to another time or place. If a meeting is adjourned for more than twenty-four (24) hours, notice of such adjournment to another time or place shall be given, prior to the time schedule for the continuation of the meeting, to the Council members who were not present at the time of the adjournment, and to the public in the manner prescribed by any applicable public open meeting law.

Section 20. COMPENSATION AND REIMBURSEMENT. Council members may receive such compensation, if any, for their services as Council members or officers, and such reimbursement of expenses, as the Charter Council may establish by resolution to be just and reasonable as to the corporation at the time that the resolution is adopted.

Section 21. CREATION AND POWERS OF COMMITTEES. The Council, by resolution adopted by a majority of the Council members then in office, may create one or more committees, each consisting of two or more Council members and no one who is not a Council member, to serve at the pleasure of the Council. Appointments to all committees of the Charter Council shall be by majority vote of the authorized number of Council members. The Charter Council may appoint one or more Council members as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Council, to the extent provided in the Charter Council's resolution, except that no committee may:

- a. Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;
- b. Fill vacancies on the Charter Council or any committee of the Council;
- c. Fix compensation of the Council members for serving on the Charter Council or on any committee;
- d. Amend or repeal bylaws or adopt new bylaws;
- e. Amend or repeal any resolution of the Charter Council that by its express terms is not so amendable or subject to repeal;
- f. Create any other committees of the Charter Council or appoint the members of committees of the Council;
- g. Expend corporate funds to support a nominee for Council member if more people have been nominated for Council member than can be elected; or
- h. Approve any contract or transaction to which the corporation is a party and in which one or more of its Council members has a material financial interest.

² The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

Section 22. **ADVISORY COMMITTEES.** Advisory committees may be created by as deemed necessary and appropriate by the Charter Council. These committees shall serve in an advisory capacity only. At least one Charter Council member shall serve as a member of each such Charter Council advisory committee. A list of all committees shall be kept by the Council Chair and will be available by request and posted on the school website. All Charter Council Committees shall have a description of their objectives and goals. The Charter Council advisory committees shall report directly to the Charter Council, however, the Director shall be informed of meeting schedules and agendas, and shall receive meeting minutes and reports that may be developed by the committees.

Section 23. **MEETINGS AND ACTION OF COMMITTEES.** Meetings and actions of committees of the Charter Council shall be governed by, held, and taken under the provisions of these bylaws concerning meetings, other Charter Council' actions, and the Brown Act, if applicable, except that the time for general meetings of such committees and the calling of special meetings of such committees may be set either by Charter Council resolution or, if none, by resolution of the committee. Minutes of each meeting shall be kept and shall be filed with the corporate records. The Charter Council may adopt rules for the governance of any committee as long as the rules are consistent with these bylaws. If the Charter Council has not adopted rules, the committee may do so.

Section 24. **NON-LIABILITY OF COUNCIL MEMBERS.** No Council member shall be personally liable for the debts, liabilities, or other obligations of this corporation.

Section 25. **COMPLIANCE WITH LAWS GOVERNING STUDENT RECORDS.** The Charter School and the Charter Council shall comply with all applicable provisions of the Family Education Rights Privacy Act ("FERPA") as set forth in Title 20 of the United States Code Section 1232g and attendant regulations as they may be amended from time to time.

Section 26. **ROBERT'S RULES OF ORDER.** Meetings shall be governed by Robert's Rules of Order, as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these Bylaws or with any applicable provision of law, including the Brown Act. The Council Chair may choose to suspend Robert's Rules of Order to allow a greater range of discussion among those present at a meeting, however, such suspension will not apply to motions or other actions necessary to conduct business.

ARTICLE VIII ELECTION PROCESS

Section 1. **ELIGIBILITY TO SERVE ON CHARTER COUNCIL.** All parents and community members are eligible to be elected to the Charter Council so long as they are not employees of Blue Oak Charter School.

Section 2. **ELECTION COMMITTEE AND APPLICATIONS.** The Parent Council Election Committee shall be responsible for coordinating all elections. The Parent Council will oversee the Election Committee. During the January Parent Council Meeting the Executive Director will inform the Parent Council of the Charter Council vacancies. At the regular February Charter Council meeting the Parent Council Chair and Election Committee Chair will be in attendance for reading and review of the Charter Council Bylaws concerning Charter Council elections. If the Election Committee Chair is not in attendance, or at the Charter Council discretion, the Charter Council may choose to appoint, by majority vote, another person to be the Election Committee Chair. The Election Committee shall include one Council member whose term is not expiring, one Blue Oak Charter School teacher, one Blue Oak Charter School administrator, and at least one parent of a child enrolled at Blue Oak Charter School. Application packets may be obtained from and submitted to the front office of the school.

At the regular March Charter Council meeting the Election Committee Chair will present their selections for the Election Committee and present the election schedule. The approval of the Election Committee selections will be an action item on the March Charter Council agenda. The Election Committee makeup and schedule will be posted by the Election Committee on school bulletin board and website on the day following the March Charter Council meeting and will be included in the April Blue Oak Charter School newsletter.

Section 3. DUTIES OF ELECTION COMMITTEE. Duties of the Election Committee include:

- a) Actively seeking applicants to serve on the Charter Council;
- b) Developing and updating the complete nominating documents for the Charter Council election. Nominating documents include a letter of intent, resume, and application form with confidential references.
- c) Providing applicants with the Council member applicant requirements, conflict of interest disclosures and an application deadline.
- d) Developing and updating the ballot for the Charter Council election.
- e) All applicable election process documents shall be kept by the Election Committee Chair in the Election Committee binder.

Section 4. ELECTIONS. Elections shall be held in May, beginning on the first Monday in May of each year, except in cases where the incumbents or candidate have no one challenging their position. Should there be no other interested parties, the incumbents or candidates shall be automatically elected upon Charter Council ratification. Voting begins on the first Monday in May, when ballots are available at the front office voting station. Trained election officials chosen by the Election Committee shall be present at all times during polling hours. The polling hours shall be determined by the Election Committee with the goal of accommodating the availability of the Blue Oak Charter School families.

Each election shall:

- (a) Be preceded by public announcements over a two week period prior to the election;
- (b) Have complete nominating documents submitted from each applicant;
- (c) Have the complete nominating documents maintained in a public place for viewing;
- (d) Include a public forum for the community to meet candidates after the nominating period is closed and prior to the election and , and;
- (e) Utilize a ranked voting system to break ties. Ranked voting allows voters to rank candidates on the ballot and prevents ties by using 2nd choice votes to break ties for 1st place votes,

The ballots shall list all candidates. Ballots may not be removed from the voting area. All candidates applications, resumes, and letters of intent shall be posted at the polling station for public viewing.

Section 5. VOTING. Each Blue Oak Charter School community member is entitled to submit one ballot. Community members include each parent and/or legal guardian of children currently enrolled in Blue Oak Charter School (not to exceed a total of two ballots per family), each Blue Oak Charter School employee and each Charter Council member. Independent contractors are not community members. A list of eligible voters will be used by election officials to check off names of voters. If a voters name can not be found on the official list, a clearly marked provisional ballot will be issued but not cast until the election official determines the eligibility of the voter. Provisional voters will be notified within 24 hours of their eligibility.

On Friday of the week of the Charter Council elections, the ballot box shall be removed at 3:15 pm. Ballots shall be counted by two or more Election Committee Members selected by the Election Committee and the Executive Director or designate. All completed ballots will bound and kept with school records. Election results are posted the following school day to school bulletin boards and the Blue Oak Charter School website, however results are not considered final until they are approved by the Charter Council at the regular June meeting. At the regular Charter Council June meeting the Election Chairperson will present the results of the Charter Council election. The results must be approved by a majority vote of the Charter Council. The Charter Council does reserve the right to take action when or if any irregularities, anomalies, or violations of these Bylaws occur. Such irregularities, anomalies, or violations may be waived by a unanimous vote of Charter Council. Newly elected members will assume office and duties at the next regular or special meeting of the Charter Council following approval of the Charter Council election results by the Charter Council. Prior to assuming duties, all newly elected and appointed Charter Council members will read the Board's Code Of Ethics (see Board Policy #5)

**ARTICLE VIX
OFFICERS OF THE CORPORATION**

Section 1. **OFFICES HELD.** The officers of this corporation shall be a Chairman of the Board, (who shall be known as the "Council Chair"), a Vice-Chairman of the Board (who shall be known as the "Vice-Council Chair"), a President, a Secretary, and a Chief Financial Officer. The corporation, at the Council's direction, may also have a Chairman of the Board, one or more Vice-Presidents, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed under Article VIX, Section 4, of these bylaws. The officers in addition to the corporate duties set forth in this Article VIX shall also have administrative duties as set forth in any applicable contract for employment or job specification. Employees may be appointed officers of the corporation, but may not be members of the Charter Council.

Section 2. **DUPLICATION OF OFFICE HOLDERS.** Any number of offices may be held by the same person, except that neither the Secretary nor the Chief Financial Officer may serve concurrently as either the Council Chair.

Section 3. **ELECTION OF OFFICERS.** The officers of this corporation shall be chosen by the Charter Council at the Annual Organizational Meeting held within 30 days of the approval of the Charter Council election results by the Charter Council. as described in Article VII, Section 15 of these bylaws and shall serve at the pleasure of the Council, subject to the rights of any officer under any employment contract.

Section 4. **APPOINTMENT OF OTHER OFFICERS.** The Charter Council may appoint and authorize the Council Chair, or another officer to appoint any other officers that the corporation may require. Each appointed officer shall have the title and authority, hold office for the period, and perform the duties specified in the bylaws or established by the Council. Oneboard member will be elected by majority of the BOCC as Parent Council Liaison and will report at both Parent Council and BOCC meetings. One board member will be elected by majority of the BOCC as the Charter Authorizer Liaison.

Section 5. **REMOVAL OF OFFICERS.** Without prejudice to the rights of any officer under an employment contract, the Charter Council may remove any officer with or without cause. An officer who was not chosen by the Charter Council may be removed by any other officer on whom the Charter Council confers the power of removal.

Section 6. **RESIGNATION OF OFFICERS.** Any officer may resign at any time by giving written notice to the Council. The resignation shall take effect on the date the notice is received or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to any rights of the corporation under any contract to which the officer is a party.

Section 7. **VACANCIES IN OFFICE.** A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for normal appointment to that office, provided, however, that vacancies need not be filled on an annual basis.

Section 8. **COUNCIL CHAIR.** The Council Chair shall preside at the Charter Council' meetings and shall exercise and perform such other powers and duties as the Charter Council may assign from time to time. If there is no President, the Council Chair shall also be the chief executive officer and shall have the powers and duties of the President of the corporation set forth in these bylaws. If a Chairman of the Charter Council is elected, there shall also be a Vice-Council Chair. In the absence of the Council Chair, the Vice-Counsel Chair shall preside at Charter Council meetings and shall exercise and perform such other powers and duties as the Charter Council may assign from time to time.

Section 9. **VICE-COUNCIL CHAIR.** The Vice-Council Chair shall preside at Charter Council meetings in the absence of the Council Chair and shall exercise and perform such other powers and duties as the Charter Council may assign from time to time.

Section 10. **PRESIDENT.** Subject to such supervisory powers as the Charter Council may give to the Chairman of the Board, if any, and subject to the control of the Council, and subject to President's contract of employment, the President shall be the general manager of the corporation and shall supervise, direct, and control the corporation's activities, affairs, and officers as fully described in any applicable employment contract, agreement, or job specification. The President shall have such other powers and duties as the Charter Council or the bylaws may require.

Section 11. **VICE-PRESIDENTS.** If the President is absent or disabled, the Vice-Presidents, if any, in order of their rank as fixed by the Council, or, if not ranked, a Vice-President designated by the Council, shall perform all duties of the President. When so acting, a Vice-President shall have all powers of and be subject to all restrictions on the President. The Vice-Presidents shall have such other powers and perform such other duties as the Charter Council or the bylaws may require.

Section 12. **SECRETARY.** The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Charter Council may direct, a book of minutes of all meetings, proceedings, and actions of the Council and of committees of the Council. The minutes of meetings shall include the time and place that the meeting was held; whether the meeting was annual, regular, special, or emergency and, if special or emergency, how authorized; the notice given; and the names of the Council members present at Charter Council and committee meetings.

The Secretary shall keep or cause to be kept, at the principal California office, a copy of the articles of incorporation and bylaws, as amended to date.

The Secretary shall give, or cause to be given, notice of all meetings of the Council and of committees of the Charter Council that these bylaws require to be given. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Charter Council or the bylaws may require.

Section 13. **CHIEF FINANCIAL OFFICER.** The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Chief Financial Officer shall send or cause to be given to Council members such financial statements and reports as are required to be given by law, by these bylaws, or by the Council. The books of account shall be open to inspection by any Council member at all reasonable times.

The Chief Financial Officer shall (a) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Charter Council may designate; (b) disburse the corporation's funds as the Charter Council may order; (c) render to the President, Chairman of the Board, if any, and the Council, when requested, an account of all transactions as Chief Financial Officer and of the financial condition of the corporation; and (d) have such other powers and perform such other duties as the Council, contract, job specification, or the bylaws may require.

If required by the Council, the Chief Financial Officer shall give the corporation a bond in the amount and with the surety or sureties specified by the Charter Council for faithful performance of the duties of the office and for restoration to the corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Chief Financial Officer on his or her death, resignation, retirement, or removal from office.

ARTICLE X CONTRACTS WITH COUNCIL MEMBERS

Section 1. **CONTRACTS WITH COUNCIL MEMBERS.** The Corporation shall not enter into a contract or transaction in which a Council member directly or indirectly has a material financial interest (nor any other corporation, firm, association, or other entity in which one or more of this Corporation's Council members are Council members have a material financial interest) unless all of the following apply:

- a. The Council member with a material financial interest in the proposed contract or transaction fully discloses his/her financial interest in such contract or transaction in good faith and said disclosure is noted in the Charter Council meeting minutes.
- b. The Council member with a material financial interest in the proposed contract or transaction recuses himself/herself from any participation whatsoever in the proposed contract or transaction (i.e., the interested Council member who recuses himself/herself shall refrain from voting on the matter and shall leave the room during Council discussion and when the final vote is taken).
- c. Such contract or transaction is authorized in good faith by a majority of the Charter Council by a vote sufficient for that purpose.
- d. Before authorizing or approving the transaction, the Charter Council considers and in good faith decides after reasonable investigation that the corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances.
- e. The corporation for its own benefit enters into the transaction, which is fair and reasonable to the corporation at the time the transaction was entered into.

This Section does not apply to a transaction that is part of an educational or charitable program of this corporation if it (a) is approved or authorized by the corporation in good faith and without unjustified favoritism and (b) results in a benefit to one or more Council members or their families because they are in the class of persons intended to be benefited by the educational or charitable program of this corporation.

ARTICLE XI CONTRACTS WITH NON-COUNCIL MEMBER DESIGNATED EMPLOYEES

Section 1. **CONTRACTS WITH NON-COUNCIL MEMBER DESIGNATED EMPLOYEES.** The Corporation shall not enter into a contract or transaction in which a non-Council member designated employee (e.g., officers and other key decision-making employees) directly or indirectly has a material financial interest unless all of the requirements in the Blue Oak Charter School Conflict of Interest Policy have been fulfilled.

ARTICLE XII LOANS TO COUNCIL MEMBERS AND OFFICERS

Section 1. **LOANS TO COUNCIL MEMBERS AND OFFICERS.** This corporation shall not lend any money or property to or guarantee the obligation of any Council member or officer without the approval of the California Attorney General; provided, however, that the corporation may advance money to a Council member or officer of the corporation for expenses reasonably anticipated to be incurred in the performance of his or her duties if that Council member or officer would be entitled to reimbursement for such expenses of the corporation.

ARTICLE XIII INDEMNIFICATION

Section 1. **INDEMNIFICATION.** To the fullest extent permitted by law, this corporation shall indemnify its Council members, officers, employees, and other persons described in Corporations Code Section 5238(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that section, and including an action by or in the right of the corporation by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in that section of the Corporations Code.

On written request to the Charter Council by any person seeking indemnification under Corporations Code Section 5238 (b) or Section 5238 (c) the Charter Council shall promptly decide under Corporations Code Section 5238 (e) whether the applicable standard of conduct set forth in Corporations Code Section 5238 (b) or Section 5238 (c) has been met and, if so, the Charter Council shall authorize indemnification.

**ARTICLE XIV
INSURANCE**

Section 1. **INSURANCE.** This corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Council members, officers, employees, and other agents, to cover any liability asserted against or incurred by any Council member, officer, employee, or agent in such capacity or arising from the Council member's, officer's, employee's, or agent's status as such.

**ARTICLE XV
MAINTENANCE OF CORPORATE RECORDS**

Section 1. **MAINTENANCE OF CORPORATE RECORDS.** This corporation shall keep:

- a. Adequate and correct books and records of account;
- b. Written minutes of the proceedings of the Council and committees of the Council; and
- c. Such reports and records as required by law.

**ARTICLE XVI
INSPECTION RIGHTS**

Section 1. **COUNCIL MEMBERS' RIGHT TO INSPECT.** Every Council member shall have the right at any reasonable time to inspect the corporation's books, records, documents of every kind, physical properties, and the records of each subsidiary as permitted by California and federal law. The inspection may be made in person or by the Council member's agent or attorney. The right of inspection includes the right to copy and make extracts of documents as permitted by California and federal law. This right to inspect may be circumscribed in instances where the right to inspect conflicts with California or federal law (e.g., restrictions on the release of educational records under FERPA) pertaining to access to books, records, and documents.

Section 2. **ACCOUNTING RECORDS AND MINUTES.** On written demand on the corporation, any Council member may inspect, copy, and make extracts of the accounting books and records and the minutes of the proceedings of the Charter Council and committees of the Charter Council at any reasonable time for a purpose reasonably related to the Council member's interest as a Council member. Any such inspection and copying may be made in person or by the Council member's agent or attorney. This right of inspection extends to the records of any subsidiary of the corporation.

Section 3. **MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS.** This corporation shall keep at its principal California office the original or a copy of the articles of incorporation and bylaws, as amended to the current date, which shall be open to inspection by the Council members at all reasonable times during office hours. If the corporation has no business office in California, the Secretary shall, on the written request of any Council member, furnish to that Council member a copy of the articles of incorporation and bylaws, as amended to the current date.

**ARTICLE XVII
REQUIRED REPORTS**

Section 1. **ANNUAL REPORTS.** The Charter Council shall cause an annual report to be sent to itself (the members of the Charter Council) within 120 days after the end of the corporation's fiscal year. That report shall contain the following information, in appropriate detail:

- a. The assets and liabilities, including the trust funds, or the corporation as of the end of the fiscal year;

- b. The principal changes in assets and liabilities, including trust funds;
- c. The corporation's revenue or receipts, both unrestricted and restricted to particular purposes;
- d. The corporation's expenses or disbursement for both general and restricted purposes;
- e. Any information required under these bylaws; and
- f. An independent accountant's report or, if none, the certificate of an authorized officer of the corporation that such statements were prepared without audit from the corporation's books and records.

Section 2. ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS.

As part of the annual report to all Council members, or as a separate document if no annual report is issued, the corporation shall, within 120 days after the end of the corporation's fiscal year, annually prepare and mail or deliver to each Council member and furnish to each Council member a statement of any transaction or indemnification of the following kind:

- a. Any transaction (i) in which the corporation, or its parent or subsidiary, was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than \$50,000 or was one of several transactions with the same interested person involving, in the aggregate, more than \$50,000. For this purpose, an "interested person" is either:
 - (1) Any Council member or officer of the corporation, its parent, or subsidiary (but mere common Council membership shall not be considered such an interest); or
 - (2) Any holder of more than 10 percent of the voting power of the corporation, its parent, or its subsidiary. The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the corporation, the nature of their interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.

**ARTICLE XVIII
BYLAW AMENDMENTS**

Section 1. BYLAW AMENDMENTS. The Charter Council may adopt, amend or repeal any of these Bylaws by a majority of the Council members present at a meeting duly held at which a quorum is present, except that no amendment shall change any provisions of the Charter that created the Blue Oak Charter School or make any provisions of these Bylaws inconsistent with that Charter, the corporation's Articles of Incorporation, or any laws. The Charter that created Blue Oak Charter School may only be amended by a two-thirds majority vote of the Charter Council.

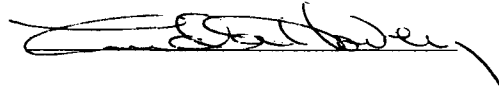
**ARTICLE XIX
FISCAL YEAR**

Section 1. FISCAL YEAR OF THE CORPORATION. The fiscal year of the Corporation shall begin on July 1st and end on June 30th of each year.

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting Secretary of the Blue Oak Charter School Inc., a California nonprofit public benefit corporation; that these bylaws, consisting of **18** pages, are the bylaws of this corporation as adopted by the Charter Council on Feb 4, 2011; and that these bylaws have not been amended or modified since that date.

Executed on February 1, 2011 at Chico, California.



_____, Secretary

The Blue Oak School Council Members, 2010-2011

The following individuals serve on the nonprofit board of Blue Oak Charter School, Inc., which is referred to as the Charter Council. The Charter Council has historically been responsible for operating the Blue Oak Charter School. Going forward, this Charter Council will be responsible for operating The Blue Oak School.

Heather Altfeld is the Board Chair. She teaches Composition and Rhetoric courses in the English Department and University Studies for the First-Year Experience Program at California State University, Chico and at Butte Community College. She holds an Master of Fine Arts degree in Poetry from CSU Chico and a Bachelor of Arts in Anthropology and Writing from Columbia University in the City of New York. Heather is the co-author of *One Thousand and One Books: A Guide to Children's Literature* and she is Area Coordinator of the California Poets-in-the-Schools program, a statewide literary arts organization for K-12 students. She has completed some Waldorf training and has been a parent at Blue Oak since its inception. She is a practicing and publishing poet and was recently invited to attend the critically acclaimed Squaw Valley Community of Writers for the second time.

Dan Grover has a California multi-subject teaching credential with a supplement in science and received an award for his work as an interpretive naturalist for the National Parks Service. He has worked regularly with all age groups in outdoor/environmental education and has served on the Blue Oak Charter Council for three years.

Marc Kessler holds a Bachelor of Arts in Environmental Science from the University of Denver. He worked as a outdoor educator for many years at the Teton Science School and Targhee Institute. Presently Marc is the owner and manager of California Organic Flowers, a nationwide flower shipping company. Marc is a member of the Mayor's Business Advisory Council in Chico, CA, Co-Chair of the board of directors of Think Local, Chico! and has served as a Parent Member of the Blue Oak Charter Council since January 2009.

Michael Martin has a Master of Arts degree from California State University in Instructional Design and Technology. He works as a trainer, speaker, author and educational product designer, using academic research, current best practices and compelling delivery methods to help organizations find success in every aspect of their businesses. Mike has an extensive background in youth services, and over five years experience working directly with educational institutions including the Butte County Office of Education.

Talia Scherquist holds a Bachelors of Arts in Child Development and a Masters of Science in Parenting Education and Family Support. She has over ten years of experience working with non-profit organizations supporting children and families in both an employment capacity and she has served on various committees and boards in the support services field. She bring experience with policies, procedures, evaluation processes, and other administrative responsibilities and extensive work with training staff and community members in various human services related topics.

Blue Oak Charter School, Administrative Leaders

The following individuals are the administrators of Blue Oak Charter School. These individuals are proposed to serve in the same capacity for The Blue Oak School.

Michael Ramos was hired in November at Blue Oak Charter School as the Executive Director. He holds a Bachelor of Arts degree from Sonoma State University in Psychology and has teaching credentials in multiple subject areas for Kindergarten through 9th grade. Additionally, he holds an Administrative Services Credential from California State University, Chico and a Master of Arts degree in Curriculum Development from CSU Chico. For the last 32 years, he has served as a teacher in Grades 3-12 and provided leadership as a site principal in a variety of academic settings in Northern California.

Dan LaBarr was hired in Summer 2010 as the Assistant Director at Blue Oak Charter School. He holds a Bachelor's Degree in History from California State University, Chico and California Credentials in Social Sciences, Multiple Subjects, and School Administration. He is an experienced administrator, teacher, coach, and educational consultant and travels the country as a Certified Trainer with the Center for Teacher Effectiveness. He has taught grades K-12 in the areas of history, economics, civics, geography, technology, Special Day Class, algebra, reading intervention, In-School suspension, and independent study. He has coordinated and implemented grant programs focused on prevention services targeting severely at-risk youth and curriculum support including two terms as a member of AmeriCorps.

Linda Hovey has worked as the Business Manager at Blue Oak Charter School since September of 2003. She has extensive training in accounting and finance, and worked for twelve years in the corporate field as a small business owner and has experience with sole proprietorships/partnerships, and corporate accounting, and has a year of Chief Business Officer training from the Charter Schools Development Center and has trained on a yearly basis for the rapid changes in the charter schools movement.

Blue Oak Charter School Staff

The following staff works at the Blue Oak Charter School. Most, if not all, intend to work at The Blue Oak School.

Faculty

Columbine Kindergarten: Susan Whittlesey (Kindergarten Chair)
Maple Rose Kindergarten: Cheryl Grant
Tiger Lily Kindergarten: Sarah Lee
Lavender Kindergarten: Melissa Oliver
First Grade: Michelle Miller
First Grade: Jen Robertson
Second Grade: Brianna Lee
Second Grade: Kylee Knowles
Third Grade: Jennifer Glennen
Third Grade: Rebecca Ginney
Fourth Grade: Barbara Ott (Faculty Chair)
Fourth Grade: Elska King
Fifth Grade: Carol Fegte
Sixth Grade: Shannon O'Laughlin
Seventh Grade: Miguel Russo
Eighth Grade: Ally Welch

Specialty Teachers

Academic Support: Jennifer Vaught
Games and Movement: David Janinis
Spanish: Andrea Ryan
Strings: Shelley Fairchild
Music: Jake Carr
Handwork: Susan Henneger
Woodwork: Lars Sundelius

Instructional Assistants

Columbine Kindergarten: Kari Madera
Maple Rose Kindergarten: Sheila Moss
Tiger Lily Kindergarten: Ginger Chew
Lavender Kindergarten: Barbara Roberts
First Grade: Jocelyn Glatthaar
First Grade: Daniel Hendriks

After School Program

Coordinator: Becky Miller
Kindercare: Sheila Moss
Kindercare Assistant: Patricia Harrison

School Administration

Reception: Beth Howard
Enrollment Clerk: Cyd Orneallas

Attendance Clerk: Hire in Progress
Business Manager: Linda Hovey
Assistant Director: Dan La Bar
Executive Director: Michael Ramos

Suspension and Expulsion Policy and Procedure

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that these Policy and Administrative Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

A. Grounds for Suspension and Expulsion of Students:

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force of violence upon the person of another, except self-defense.
3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
18. Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
19. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
20. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.
23. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

3. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.

- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually

carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

4. Non -Discretionary Expellable Offenses: Students must be expelled for any of the

following acts when it is determined pursuant to the procedures below that the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the Governing Board that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference:

Suspension shall be preceded, if possible, by a conference conducted by the Director or the Director's designee with the student and his or her parent and, whatever teacher, supervisor or school employee who referred the student to the Director.

The conference may be omitted if the Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians:

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is

suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion:

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Expulsion by the Director or Director's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Director or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the Charter School Board following a hearing before it or by the Charter School Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the School's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Director or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Charter School Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the Pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

- 1) The date and place of the expulsion hearing;
- 2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- 3) A copy of the School's disciplinary rules which relate to the alleged violation;

- 4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
- 5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
- 6) The right to inspect and obtain copies of all documents to be used at the hearing;
- 7) The opportunity to confront and question all witnesses who testify at the hearing;
- 8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the School must present evidence

that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The Decision of the Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: Notice of the specific offense committed by the student; and Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Director or designee shall send a copy of the written notice of the decision to expel to the District. This notice shall include the following: a) The student's name b) The specific expellable offense committed by the student

J. Disciplinary Records

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available to the District upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board's decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The School shall work cooperatively with parents/guardians as requested by parents/guardians or by the District of residence to assist with locating alternative placements during expulsion.

M. Rehabilitation Plans

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The

rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the School for readmission.

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Director and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Director shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Notification of SELPA:

The School, if they are a school of the district for special education purposes, shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA the discipline of any student with a disability or student who the School or SELPA would be deemed to have knowledge that the student had a disability

2. Services During Suspension:

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination:

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that the School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c) Return the child to the placement from which the child was removed, unless the parent and the School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the School, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals:

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the School agree otherwise.

5. Special Circumstances:

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a) Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

- b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c) Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting:

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

7. Procedures for Students Not Yet Eligible for Special Education Services:

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the School had knowledge that the student was disabled before the behavior occurred.

The School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b) The parent has requested an evaluation of the child.
- c) The child's teacher, or other School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other School supervisory personnel.

If the School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If the School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the School pending the results of the evaluation.

The School shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.