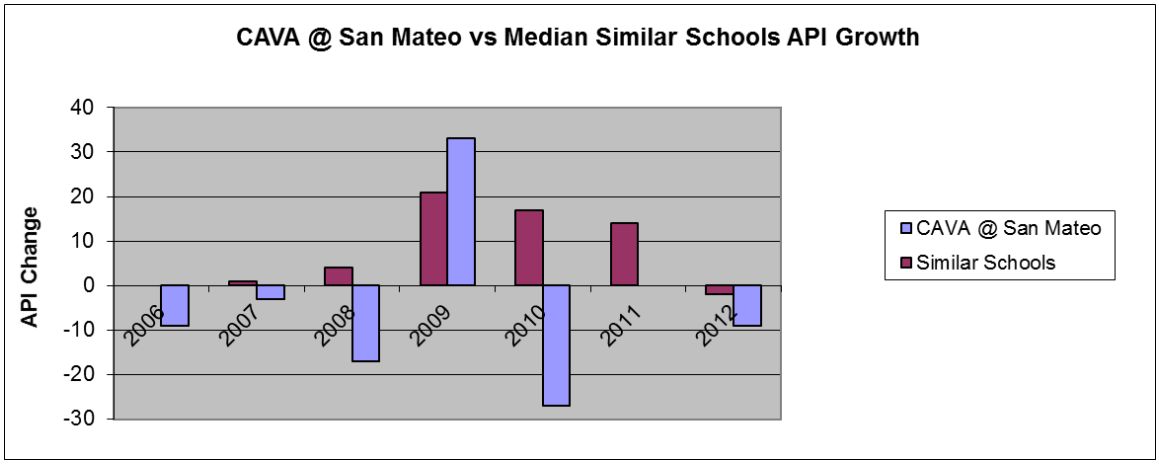
June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015
jhopkins@jsd.k12.ca.us

Dear Ms. Hopkins:

We are writing to file a complaint against California Virtual Academies @ San Mateo (CAVA) for failing to maintain adequate academic performance and graduation rates. CAVA has experienced poor student performance for many years and evidence shows that its students are not keeping pace with similar students in brick and mortar schools around the state. We believe that CAVA should be following the California Code of Regulations Section 11701.5 (a), which provides that an "*independent study option*", which is what CAVA offers, must be "*substantially equivalent in quality and in quantity to classroom instruction*." CAVA's non-classroom independent study paradigm fails to provide instruction that is equivalent to that provided in a traditional classroom.

Dating back 2006, CAVA @ San Mateo has recorded significantly lower API Growth scores than similar schools in California for all but one year. It recorded negative API Growth scores for all years except 2009. In 2011 and 2013, no growth was recorded due to "significant demographic changes" at the school, suggesting high student turnover.



Source: California Department of Education DataQuest (http://data1.cde.ca.gov/dataquest/)

In addition, CAVA has experienced exceptionally low graduation rates. In 2010-11, CAVA @ San Mateo only graduated 33% of eligible students, the following year only 43%. Even with the 51% graduation rate in 2013-14, the school was still 29 percentage points below the State of California's graduation rate of 80% that same year.

Furthermore, in 2013-14, CAVA @ San Mateo had zero students complete all courses required for University of California/California State University admission. In California as a whole, 42% of graduates completed all UC/CSU required courses that year. In the past three years, CAVA had zero out of 192 eligible graduates meet the course entrance requirement. As a comparison, the State of California three-year average was 40%. (Source: California Department of Education DataQuest)

As CAVA teachers, we are deeply concerned about our students. We feel that many of our students are not receiving an education that is substantially equivalent in quality and in quantity to classroom instruction. Many of our students are not receiving an education that will prepare them for a successful future. Action on the part of CAVA administrators can correct this.

As the authorizer of CAVA's charter, Jefferson Elementary School District is responsible for monitoring and ensuring student performance. Education Code 47600 *et seq.* lays out the requirements of the authorizer regarding charter school academic performance. Jefferson Elementary School District was required to ensure that academic performance was adequate when it renewed the CAVA @ San Mateo charter in 2011.

We respectfully ask that Jefferson Elementary School District investigate the causes of poor performance at CAVA and take immediate action to ensure that CAVA @ San Mateo improves academic outcomes. It is imperative that students receive the attention they need to keep pace with their peers.

We would like to request that the Uniform Complaint Procedures be used to process this complaint pursuant to the California Code of Regulations Title 5 Section 4610 (e), which states: "*Nothing in these regulations shall prevent an LEA from using its local uniform complaint procedure to address complaints not listed in this section*." We look forward to your investigation and response within 60 days (CA Code of Regulations Title 5, Section 4631).

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academies – Failure to Provide Adequate SPED Services

Dear Ms. Hopkins:

We are writing to file a complaint against the California Virtual Academies @ San Mateo (CAVA) for failure to provide adequate services to CAVA special education (SPED) students. These failures fall into three broad categories: (1) failing to provide services mandated by student individualized education plans (IEPs); (2) assigning CAVA resource specialist teachers caseloads in excess of 28 students in violation of California Education Code Section 56362 (c); and (3) failing to provide certain CAVA SPED students a free and appropriate public education in the least restrictive environment.

As CAVA teachers, we are deeply concerned about the CAVA administration's failure to provide adequate services to special education students. We request that, as the chartering authority that has authorized CAVA @ San Mateo to operate, the Jefferson Elementary School District take action to investigate and remedy these violations.

Failure to Implement Services Mandated by Student IEPs
Over the course of this school year, CAVA has failed to provide many SPED students, including students at CAVA San Mateo, with the required and appropriate services mandated by their IEPs. The services not being provided include: speech language services, psychological services and counseling, daily in-person learning coach services, occupational therapy, physical therapy, intensive educational services, and nursing and health services.

Violation of Resource Specialist Caseload Requirements
Our second concern relates to the current caseloads carried by CAVA resource specialists. Section 56362 (c) of the California Education Code requires that the caseload of special education resource specialists not exceed 28 students. As of June 1, 2015, the caseloads of most CAVA resource specialists, including those employed by CAVA @ San Mateo, regularly exceed 28 students. All CAVA special education teachers clearly fall within the definition of resource specialist as defined by Section 56362 of the California Education Code.

Failure to Provide an Education in the Least Restrictive Environment
Lastly, there are a number of SPED students at CAVA who are not receiving a free and appropriate public education (FAPE) in the least restrictive environment. There are many CAVA special education students who CAVA administration and CAVA school psychologists have found "*cannot receive FAPE or make academic progress in our independent study full inclusion GE program*" because CAVA "*is not an appropriate environment for the student*." CAVA administration and CAVA school psychologists have stated that, "*an alternative placement will be found*" for these students, yet in many cases no action has been taken to do so. Some students have been waiting multiple years to have an alternative placement implemented. There have been students aging out (reaching their 21st birthday) who have obtained fewer than 50 credits after more than five years of attendance at CAVA.

Conclusion
We ask that Jefferson investigate this matter and take immediate action to ensure that special education students are provided with the services they need and deserve. If you have specific questions or need additional information or further evidence, please do not hesitate to contact us. Special Education complaints fall under the Uniform Complaint Procedure (UCP), therefore we look forward to your investigation and response within 60 days.

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academies – Required Pupil Fees in Violation of the California Education Code Section 49011

Dear Jan Hopkins:

We are writing to file a complaint against the California Virtual Academies @ San Mateo (CAVA) for violations of California Education Code Section 49011, which states:

> *(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.*
>
> *(b) All of the following requirements apply to the prohibition identified in subdivision (a):*
>
> > *(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.*

Section 49010 defines "educational activity" as "*an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities*."

In order for a student to attend CAVA, the student must have access to Internet in his or her home; it is a requirement for enrollment at CAVA. In an official CAVA document titled, "Enrollment Requirements" for 2014-15 it states that all families must have, "*a working phone number, email account, and Internet access at all times while enrolled*". We have also been given sample letters to send to parents informing them of this requirement if they do not maintain Internet access.

As CAVA teachers, we are concerned that this requirement forces students to pay to attend CAVA, which is a public school. Many low-income students cannot afford Internet access and are thus barred from enrolling. CAVA does provide a partial subsidy to low-income families, but this entails a burdensome process to access the funds and is not enough to comply with the above code and ensure that all families have full access to CAVA. To comply, CAVA must offer free Internet access to families.

We believe this complaint should be handled under the Uniform Complaint Procedures in accordance with the California Code of Regulations Title 5 Section 4610 (d), which states, "This chapter also applies to the filing of complaints which allege noncompliance with the provisions of Education Code sections 49010 and 49011 regarding pupil fees." We look forward to your investigation and response within 60 days. If you have specific questions or need additional information, please do not hesitate to contact us.

Sincerely,

Ellen Welt (CAVA Teacher)

Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academy @ San Mateo – Violations related to overstatement of enrollment.

Dear Ms. Hopkins:

We are writing to file a complaint against California Virtual Academies @ San Mateo (CAVA) for possible violations of laws and regulations that govern Consolidated Categorical Aid Programs, specifically Title I funds which CAVA @ San Mateo receives. Administrators at CAVA @ San Mateo do not take appropriate or timely action to administratively withdraw students who are not participating and administrators set a date each semester after which no more dismissals will be processed. These practices lead to a situation in which some students who are not sufficiently participating remain listed as enrolled, thereby inflating enrollment that is used to determine Title I eligibility and disbursement amounts.

One example of this practice can be found in an email sent by a CAVA administrator to several CAVA teachers on May 21, 2015. It states: "*No more NC letters at this point. Please work to support your students through the end of the semester as best as possible. Students are no longer being removed. They will be back with us next year*." ("NC" is an abbreviation for non-compliance. This is what is filed when a student is not attending and needs to be withdrawn.) When this email was sent, we had four weeks of school left. Through our own experience and through talking to our colleagues, we know of a significant number of teachers who already had non-compliant students in need of withdrawal when this email was sent. One of our colleagues has a student who only attended 26 out of 88 days in the most recent semester and still has not been withdrawn.

A recent report by In The Public Interest documents that a majority of teachers interviewed encounter a different process than what is written in official policy when it comes to withdrawals, "*one that is confusing, allows for endless second chances and errs on the side of keeping students enrolled*" (p. 24). One of our colleagues was quoted in this report saying, "*I have a student that has 0% in all courses and was not withdrawn*." (p. 25) Another colleague states in this report, "*It takes an act of God to get a student administratively withdrawn*" (p. 25). In our experience as well, the practice is different than what is set down in writing. Many students who are not sufficiently attending school stay on the rolls with no action taken to withdraw them. Withdrawing students who are not properly participating in the independent study environment in a timely manner is crucial to ensuring that they return to a more appropriate, less independent, educational environment.

In addition to harming these students, these practices lead to an inflation of enrollment numbers. The amount of funding a local education agency or direct funded charter school is eligible for under Title I is based on the percentage of enrolled students at that school who meet the eligibility criteria. Improperly inflated education rolls could lead to additional funding being dispersed when it was not deserved.

These practices are widespread at CAVA @ San Mateo and at other CAVA locations. If your official investigation finds that these practices are intentional in order to inflate enrollment, then the problem rises to the level of fraud and should be referred to the responsible California Department of Education Division Director pursuant to the California Code of Regulations, Title 5, Section 4611 (d).

As teachers at California Virtual Academies, we are concerned for our students. We feel that the above-described practices must end in order for us to best serve at-risk populations in California. Violations of Title I laws and regulations fall under the Uniform Complaint Procedures pursuant to Education Code section 64000 (a). We therefore look forward to your investigation and response within 60 days as required.

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academies – Violations of Student FERPA Rights

Dear Ms. Hopkins:

We are writing to file a complaint against the California Virtual Academies @ San Mateo (CAVA) for violations of the Family Educational Rights and Privacy Act (FERPA). Currently, teachers and staff who do not have a legitimate educational interest in a student's records have access to these records, including psychological reports, through SharePoint, one of CAVA's main technology platforms. Among the records available to unpermitted individuals are Individualized Education Plans, psychological reports, special education status, eligibility for free or reduced price lunch, economically disadvantaged status and more.

FERPA permits an educational agency or institution to disclose, without consent, personally identifiable information from students' education records only to school officials within the educational agency or institution that the educational agency or institution has determined to have legitimate educational interests in the information, 34 CFR § 99.31(a)(1). Generally, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

As CAVA teachers, we are deeply concerned about the CAVA administration's failure to protect the educational privacy of our students. In our opinion, FERPA was designed to prevent exactly this kind of exposure.

We ask that Jefferson Elementary School District to investigate this matter and take immediate action to ensure that CAVA takes reasonable action to protect student privacy. Access to student data and information should be restricted to staff who have a legitimate educational interest in the records of a particular student. If you have specific questions or need additional information, please contact us. We feel that this complaint should be handled under the Uniform Complaint Procedures (UCP), per California Code of Regulations Title 5 Section 4610 (e), which states: "Nothing in these regulations shall prevent an LEA from using its local uniform complaint procedure to address complaints not listed in this section." We look forward to your response within 60 days.

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
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Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academies – Violations of Attendance Laws and Regulations that Govern Independent Study

Dear Ms. Hopkins:

We are writing to file a complaint against the California Virtual Academies @ San Mateo (CAVA) for violations of attendance requirements contained within the California Education Code and the California Code of Regulations. As CAVA teachers, we feel that long-standing attendance practices at CAVA allow a significant number of truant students to be counted in attendance rolls. We feel that these practices are harmful to students and part of the reason CAVA has such low academic achievement and graduation rates, in addition to improperly inflating ADA figures. We request that the Jefferson Elementary School District investigate these violations and take steps to ensure that CAVA implements clear attendance policies that are compliant and in the best interests of students.

The California Department of Education (CDE) released an easily accessible letter in 2004, reviewed most recently in 2014, that details the attendance requirements at nonclassroom-based charter schools like CAVA. The CDE directs nonclassroom-based charter schools to comply with California Education Code Section 51747.5 (b) as well as California Code of Regulations Section 11960 as it pertains to charter school Average Daily Attendance requirements.

Section 51747.5 (b) of the Education Code states:

> *School districts, charter schools, and county offices of education may claim apportionment credit for independent study only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher.*

Section 11960 of the Code of Regulations Title 5 states:

> *(a) As used in Education Code section 47612, "attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.*

The CDE makes it clear in its guidance letter that, given these two laws, in order to count towards Average Daily Attendance (ADA) the amount of work done by a student on a day of nonclassroom-based independent study must have a time value, judged by a certificated teacher, of at least one day. The letter states specifically, *"[T]he amount of work done by the student on a day of nonclassroom-based independent study attendance must have a time value, judged as required, of at least one day*." The letter makes it clear that nonclassroom-based charters must also follow the requirement that*, "no pupil may generate more than one day of attendance in a calendar day".*

As teachers, we can attest that the following practices, common to all CAVA locations, including CAVA San Joaquin, lead to violations of the above law and regulation:

- The combined attendance practices listed below lead to a significant number of truant students being counted as present, in some cases for multiple days and on a repeated basis.
- The combined attendance practices listed below lead to a significant number of students who do very little work in a day being counted as having attended for a full day.
- At CAVA, attendance begins and ends with the learning coach (usually a parent or guardian), not with us, the certificated teachers. The learning coach logs a student's attendance. In cases where a learning coach fails to do so, we have at times been told by administrators that the learning coach's written or verbal verification that work was completed is sufficient for us to log attendance. Since 2013-14, we have at times been told to verify the attendance that learning coaches log, but have also been told at other times that logging of attendance by a learning coach is sufficient, regardless of any proof of work product. We have also, at times, been instructed to accept all attendance entered by a learning coach if the student is making "progress," though "progress" is not defined.
- Homeroom teachers are responsible for checking and accepting the attendance logged by parents. Yet many of us who are homeroom teachers can attest to the fact that, in this role, we do not have access to the student's work product—thus we do not have grounds upon which to make a time value judgment. Only the supervising teacher has this access, but supervising teachers are not involved with logging attendance.
- The California Code of Regulations specifically disallows assigning multiple days of attendance for work done in one day. However, CAVA policy allows this. The specific guidance offered for teachers in a recent official CAVA attendance training instructs us to look at work from a 20-day period and figure out the total number of days this work represents. It does not direct teachers to assign no more than one day's credit for work done on a single calendar day. This official policy direct teachers counter to guidance in the California Code of Regulations. In addition, with no access to work product and directions to accept a parent's enrollment log, following the detailed review of work described in this attendance training is not possible.
- Parents have been directed to log attendance when their child has done any amount of work, regardless of time value.
- It is a widespread practice at CAVA to direct teachers to accept work products at any time up until the end of the school year, and to not enforce work deadlines.
- Attendance at CAVA can be altered and re-submitted at any time until the end of the school year. Teachers have been directed by administrators to review attendance and re-submit it many months after it was originally recorded.
- If we began to strictly grant attendance only to students whose work product we personally reviewed and assigned a full day's time value to, the attendance at CAVA would plummet. The system is not set up to allow us to do so, however, and we do not feel that our employer grants us the freedom to do so.

- Attendance practices, policies and guidelines at CAVA are vague and contradictory. Despite repeated requests for clearer guidance, we continually encounter the same problems in our trainings on attendance. This lack of guidance leaves us confused and leads to the improper recording of attendance. In addition, many of us have been instructed by an administrator to at times take actions that, in our opinion, violate the law. This leaves us in a very difficult position and we would like your help enforcing a clear process that is open, compliant and in the best interests of students.

Below we list a representative sample of evidence that we have collected in the form of quotes from emails and trainings at CAVA. We are happy to provide this evidence to you for your investigation. It has been collected by way of a casual request to our colleagues. For example, the evidence below detailing the backdating of Independent Study Master Agreements is likely not an isolated case as we have either experienced the problem ourselves or heard others express concern about the practice. A thorough investigation is needed to understand the full scope of these problems.

<u>Evidence that students can generate more than one calendar day's worth of attendance with one day's worth of work:</u>

- A written attendance training for teachers by CAVA administrators dated March 24, 2015, states: "Students must demonstrate evidence of completing online or offline work assigned by the teacher at least once every 20 school days. The teacher evaluates the work or work products and determines how many attendance days can be credited for the learning period." More specifically, this training states: "If 75% of assigned work was completed in a 20-day learning period, it would be appropriate to credit the student with 15 days of attendance." In practice, the guidelines are even more lenient than this training describes.
- An email exchange between a CAVA administrator and a CAVA teacher between May 28, 2014, and June 6, 2014, makes clear that CAVA allows attendance registers to be altered and re-submitted up until the end of the school year. Teachers are instructed to submit these changed attendance registers with the same date they were originally submitted on. The email specifies: "It is very important that all attendance registers for the year are received at the Simi Valley office before teachers leave for summer break." This is followed with a bulleted checklist that includes: "June 11th: Print any remaining attendance registers for LP 1 - LP 9 that do not show as Verified" and "June 11th: Sign and date these LP's 1-9 registers per the attached signature dates on the 2013-14 Attendance Calendar." ("LP" is an abbreviation for learning period. There are 10 learning periods throughout the year. It is at the end of each learning period that we first review attendance.)

<u>Evidence that teachers are not the primary judges of attendance:</u>

- A written attendance guide by CAVA administrators dated March 24, 2015, states under "Parent/Learning Coach Responsibilities": "*Attendance is to be logged daily in the Online School by parent/guardian or LC*." ("LC" is an abbreviation for learning coach.) In this training we are also told, as teachers, to "*monitor classroom attendance and progress on a daily and weekly basis*," a direction that is too vague to be meaningful.
- In an email sent by a CAVA administrator to a CAVA teacher on February 24, 2015, the administrator explains what constitutes attendance if a parent has logged attendance but the student has not logged in to his or her classes or shown proof of online work: "*Also compliant: Attendance logged daily by Learning Coach (OLS or activity log); As long as attendance is logged and progress is made consistantly [sic] we will accept OLS attendance as verification of offline work; Continuous progress in classes*." The administrator is essentially telling our colleague that

a parent's attendance log can be trusted. There is a reference to "progress", but, again, this is too vague to be meaningful.

- In an email sent by a CAVA administrator to a CAVA teacher on March 21, 2015, the administrator asks a teacher to mark attendance for a student who was not in her class or being supervised by her. This request to change the student from absent to present is based on the administrator's judgment that the student spent "*several hours logged into lessons*" during this two-week period. Such estimation does not constitute a "time value judgment" of one day's worth of work made by a "certificated teacher." When the teacher refuses to log this attendance, a managing teacher agrees to "take care of it."
- In an email from a teacher to several CAVA administrators on May 15, 2015, the teacher expresses her concern that the Independent Study Agreement she signed for a student on April 27, 2015, later showed her signature date in the system as April 23, 2015. She further states that the family's signature date, which she knew to be May 1, was also changed to April 23. Her email begins: "*Yesterday I went back to view archive of the ISMA that I previously approved for L. (A transfer student that I received from CAVA @ Sonoma), and discovered that the dates next to the legal guardian, student, and my own signatures are now different than they were when I submitted this document for RLT approval."* We are concerned that such a procedure granted enrollment and attendance eligibility for this student during a time when he or she could not be legally counted. California Education Code Section 51747 states that no apportionment credit can be claimed unless "*(c) … a current written agreement for each independent study pupil shall be maintained on file*."
- An email sent by a CAVA administrator to CAVA teachers on September 11, 2013, titled "Attendance Report Clarifications" includes the following: "*By the same token, any days that should show as absent (i.e., 0-59 minutes of work was completed by the student, as verified by the teacher) …*" By this statement, the administrator is directing the teachers to count any verified work of 1 hour or more as sufficient for a day's attendance. Such a calculation does not constitute a "full day's time value" as "personally judged" by a certificated teacher and more recent trainings have changed one hour of online work to one minute of online work as sufficient for a day's attendance.
- In a recorded training on January 20, 2015, an administrator can be heard saying that if a student has logged in for one minute during the day that is sufficient grounds to mark the student present.
- In the sample attendance trainings we have collected, there is no clear communication indicating that teachers must collect work product, review it and assign a time value equal to one day's worth of work, as the Education Code and Code of Regulations describes.
- In a recent report published by In The Public Interest three of the teachers they interviewed reported that CAVA administrators altered their attendance records to show students present rather than truant, after the fact. One of our colleagues is quoted saying, "*Even last week the attendance clerk revised my attendance to falsely reflect that a student has been in attendance for 26 days when they had not logged in or attended any sessions. I have another student who has not attended for 56 days and is continued to be allowed to have the parents log attendance despite the fact that this student is clearly truant."* (pg. 26)

Evidence that a student can do very little work to be counted as attended:

- In an email sent by a CAVA administrator to CAVA teachers on October 7, 2014, the administrator offers several sample letters to send to parents to remind them to record attendance. Two of these sample letters contain the following message for parents: "*In the virtual classroom, there is almost no reason for a student to 'not attend school that day.' REMEMBER you can log/count attendance even if you are away from home and/or sick. If a*

student reads a literature book, listens to a CD from a music course, works offline on current composition or printed [sic] off Math pages (just to name a few examples) you can log attendance for that day. You may not be able to log 4-6 hours on that day, but the student still 'attended' school and should receive credit for that time."

Attendance is a vital component of calculating enrollment and student progress. The funding disseminated under Title I, a Categorical Program covered by the official Uniform Complaint Procedures, is based on enrollment and the progress of at-risk student populations. It is our opinion that CAVA's attendance practices and policies inflate enrollment, which it turn affects Title I and state funding. Therefore we feel this complaint should be processed according to the Uniform Complaint Procedures and we look forward to your investigation and response within 60 days.

The practices described above are widespread at this and other CAVA locations. If your investigation determines that these practices are intentional and meant to boost enrollment, then the problem rises to the level of fraud and should be referred to the responsible CDE Division Director pursuant to the California Code of Regulations, Title 5, Section 4611 (d).

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools

June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academy @ San Mateo – Improper use of Title I funds for administrative retreats.

Dear Ms. Hopkins:

We are writing to file a complaint against California Virtual Academies @ San Mateo (CAVA) for its practice of using Title I funds to pay for administrative retreats. Title I is a Categorical Program that falls under the Uniform Complaint Procedures.

A former CAVA administrator and current CAVA teacher testified that CAVA spends Title I funds on retreats for administrators, including on travel, hotel costs and meals. In one specific instance, Title I funds were used to pay for a CAVA-wide administrative retreat in Yosemite. No teachers or administrators who provide instructional support were present at these retreats.

Title I funds are meant to improve the academic achievement of disadvantaged students. We feel that these retreats do not benefit students and are not an appropriate use of Title I funds.

As CAVA teachers, we are deeply concerned about our students at CAVA @ San Mateo. We feel that many struggling students need better educational services than are currently being offered by CAVA. We respectfully request that you investigate and take immediate action to ensure that all federal funds paid to CAVA are used appropriately.

Complaints concerning the misuse of Title I funds fall under the Uniform Complaint Procedures and therefore we look forward to your investigation and response within 60 days, as required by California Code of Regulations Title 5, Section 4631.

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
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June 18, 2015

Jan Hopkins
Compliance Officer
Jefferson Elementary School District
101 Lincoln Avenue
Daly City, CA 94015

Re: California Virtual Academy @ San Mateo – A complaint concerning fiscal mismanagement

Dear Ms. Hopkins:

We are writing to file a complaint against California Virtual Academies @ San Mateo (CAVA) for violations of laws and regulations that govern fiscal standards. Charters are expected to adhere to the Criteria and Standards for Fiscal Solvency developed by the California Board of Education.

California Code of Regulations Title 5, Section 15440 *et seq.* includes the requirement that schools and local education agencies maintain a Reserve for Economic Uncertainties. The reserve requirements are laid out in California Code of Regulations Title 5, Section 15450:

> *(a) Available reserves for any of the budget year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses:*
>
> *The greater of 5% or $55,000 for districts with 0-300 ADA*
> *The greater of 4% or $55,000 for districts with 301-1,000 ADA*
> *3% for districts with 1,001-30,000 ADA*

As a direct funded charter school, CAVA falls under the requirements that apply to "districts". All California Virtual Academy locations, including CAVA @ San Mateo, have failed to maintain a reserve fund since at least 2011-12 and ended that year and each since in need of credits from K12 Inc. to accommodate shortfalls. The credits offered by K12 Inc. allow CAVA to end every year with no deficit and no surplus. Should K12 Inc. fail to offer these credits, CAVA would be unable to continue operating. CAVA @ San Mateo should immediately create a Reserve for Economic Uncertainties in an amount that complies with Education Code 15450 (a).

In addition to this concern, teachers are being directed to spend a significant portion of our workday on non-instructional duties. A self-study created by CAVA administration reveals that teachers are assigned over 40 different "support" tasks in addition to their teaching responsibilities, and new ones are constantly being added to our workload. In CAVA's document, they estimate non-instructional duties to make up at least 64% of the workday. A recent report published by In The Public Interest suggests this estimate is low. A majority of the teachers interviewed in the report describe spending at least 80% of their time on non-instructional duties. As teachers, we are frustrated that we are not allowed to spend more time helping struggling students.

In addition, it is important to note that the California Code of Regulations, Section 11963.4, requires nonclassroom-based charters receiving 100% funding (as CAVA does) to spend at least 40% of public revenue on certificated staff. By using certificated teachers as clerical staff, CAVA is mislabeling clerical

expenses by entering them under certificated staff expenses. Reports by CAVA to the California Department of Education show them to have a fraction of the clerical staff an equivalent sized district would have (California Department of Education DataQuest). This decision to understaff the main office and expect teachers to pick up the slack severely impacts the amount of time teachers can spend helping students and constitutes fiscal mismanagement in our opinion.

In addition, every CAVA location, including CAVA @ San Mateo, is required to spend public education dollars on advertising, both directly and through payments to K12 Inc. In our opinion this is not an appropriate use of public education dollars. Especially when so many students at CAVA are struggling to keep pace, funds should be spent allowing teachers to spend more time with students, not on advertising a failing school.

The charter authorizing entity is responsible for ensuring the charter school operates in compliance with all applicable laws and the terms of its charter. The charter authorizer is also responsible for monitoring the fiscal condition of each charter school under its authority (Education Code Section 47604.32).

As teachers at California Virtual Academies, we are concerned for our students. We feel that the above-described practices must change in order for the school to operate in a fiscally responsible way and in the best interests of students. We feel that a resolution of this complaint is essential to the core functioning of the school and therefore we request that the Uniform Complaint Procedures be used to process this complaint pursuant to the California Code of Regulations Title 5 Section 4610 (e), which states: "*Nothing in these regulations shall prevent an LEA from using its local uniform complaint procedure to address complaints not listed in this section*." We look forward to your investigation and response within 60 days (CA Code of Regulations Title 5, Section 4631).

Sincerely,

Ellen Welt (CAVA Teacher)
Jen Shilen (CAVA Teacher)
Julianne Knapp (CAVA Teacher)
Stacie Bailey (CAVA Teacher)
Janice Stark (CAVA Teacher)
Cara Bryant (CAVA Teacher)
Kelly Walters (CAVA Teacher)

Cc: Bernie Vidales, Superintendent, Jefferson Elementary School District
Jefferson Elementary School District, Board of Education
San Mateo County Superintendent of Schools
Katrina Abston, CAVA Head of Schools