



Livermore Valley Joint Unified School District

685 East Jack London Boulevard, Livermore, CA 94551

LIVERMORE
SCHOOL DISTRICT

Tel (925) 606-3200 Fax (925) 606-3329

DRAFT 01-28-16

February 3, 2016

Governing Board
Tri-Valley Learning Corporation
7901 Stoneridge Drive, Suite #211
Pleasanton, CA 94588

Re: Livermore Valley Joint Unified School District
Livermore Valley Charter Preparatory: Notice of Violation
Livermore Valley Charter School: Notice of Violation

To the Governing Board of the Tri-Valley Learning Corporation:

This document constitutes a Notice of Violation (“NOV”) issued by the Livermore Valley Joint Unified School District (“District” or “LVJUSD”) under Education Code § 47607(d). This document shall be considered a Proposed NOV until approved by the District Board at its February 2, 2016 open session meeting. If approved, this document shall be deemed to be the NOV served on the Tri-Valley Learning Corporation, Livermore Valley Charter Preparatory (“LVCP”) and Livermore Valley Charter School (“LVCS”) (collectively “TVLC/LVCP/LVCS” or “Charter Schools”) effective February 3, 2016. (Cal. Admin. Code tit. 5, § 11968.5.2(a).)

I. BACKGROUND

The State Board of Education had granted LVCP a charter for the operation of a high school, serving grades 9-12, for a term starting July 1, 2010. On November 4, 2014, the Governing Board of the District granted a petition to renew the charter for LVCP Charter School for a five-year term beginning on July 1, 2015 and ending on June 30, 2020. The Renewal Petition approved by the District Board did not provide for the operation of a foreign exchange program at LVCP.

Livermore Valley Charter School (LVCS) obtained its charter from the State Board of

Education (SBE) and operated as an SBE-authorized charter since the 2005-2006 school year. On November 27, 2012, the Governing Board of the District granted a petition to renew the charter for LVCS for a five-year term beginning on July 1, 2013.

II. VIOLATIONS OF LAW AND CHARTER

The NOV is based on the following violations.

A. Operation of Private School at LVCP

1. Background

During the 2015-2016 school year, the District learned that TVLC/LVCP was operating a foreign exchange program that offered enrollment in LVCP to students from China. **(Exhibit A)**. TVLC/LVCP's promotional material showed that the Charter School was charging the following to families participating in the program:

- A. Tuition: \$15,300/year
 - B. Room and Board: \$16,000/year
 - C. Health Insurance: \$ 884/year
- (Exhibit A)**

On October 1, District Assistant Superintendent Chris Van Schaack e-mailed TVLC Acting Chief Executive Officer John Zukoski about TVLC/LVCP's tuition charge. In a response sent the same day, Mr. Zukoski cited Education Code sections 48050-48054 to justify the Charter School's tuition charge imposed upon its students. **(Exhibit B)**.

On October 6, 2015, the District sent TVLC/LVCP a "Notice of Concern," informing TVLC that the Education Code prohibited charter schools from charging tuition or from receiving public funds for students who also pay tuition to attend a private school, and that Education Code sections 48050-48054 only applied to students from foreign countries contiguous to California:

"Charter Schools are prohibited from charging tuition. Education Code section 47605(d)(1) states as follows

In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220 ... (Emphasis Provided.)

Moreover, Education Code section 47602(b) states that:

No charter shall be granted under this part that authorizes the conversion of any private school to a charter school. No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The State Board of Education shall adopt regulations to implement this section.

Upon inquiry from Assistant Superintendent Chris Van Schaack, Mr. Zukoski confirmed that TVLC was charging tuition for its exchange students to enroll in LVCP and/or LVCS. In justification, Mr. Zukoski cited Education Code sections 48050 *et seq.* in justifying the tuition payments. However, those Education Code sections apply to school districts, not charter schools. Moreover, Education Code section 48051 only applies to pupils “whose actual and legal residence is in a foreign country adjacent to this state, and who regularly returns within a 24-hour period to said foreign country.” Therefore, it does not appear that TVLC can invoke the provisions of Education Code section 48051. Moreover, we remind you that Ed. Code section 47612(b) states that “[t]he average daily attendance in a charter school may not, in any event, be generated by a pupil who is not a California resident.” (District October 6, 2015 Notice of Concern, **Exhibit C**).

In a written response dated October 12, 2015, TVLC/LVCP stated that LVCP had obtained certified status for LVCP under the federal government’s Student and Exchange Visitor Program (SVEP), allowing non-immigrant students to attend for up to 1 year under an F-1. (**Exhibit D**) Under the SVEP program, the Charter School claims, it may require foreign exchange students to have “reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the [student’s] attendance.” (**Exhibit D**, October 9, 2015 Memorandum, p. 3, citing INA section 214(m)(1).)

The District, by letter of December 15, 2015, pointed out that, under Education Code section 48050, the authority originally cited by TVLC/LVCP for charging tuition and operating its foreign exchange program, the per –pupil cost of education students came out to \$11,519.20, nearly \$4,000 less than the “tuition” charged by TVLC/LVCP:

[T]he federal law authorizing SEVP schools does not pre-empt State Education Code, including the prohibition against charter schools charging tuition contained in Education Code section 47605(d)(1) (charter schools “shall not charge tuition”) or Education Code section 47602(b) (“[n]o charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition.”) TVLC’s tuition for foreign exchange students is \$15,300 a year, in addition to \$16,000 for room and Board. However, based on the methodology contained in Education Code section 48050, LVCP’s total expenses divided by its P-2 ADA (\$4,520,939/392.47) yields a \$11,519.20 per capita cost for educating students.

Schools applying to SEVP certification status must file a Form I-17, in which they identify their unsubsidized per capita cost of providing education at the school. Please provide TVLC and/or LVCP's Form I-17, as well as any other documentation submitted in support of its request for SEVP certification, and any other documentation related to TVLC's calculation of the "full, unsubsidized per capita cost of providing education" for LVCP's students. We ask that you submit this documentation no later than January 15, 2016. (**Exhibit E**)

By letter dated January 11, 2016, TVLC/LVCP objected to the District's use of the word "tuition," even though the Charter School itself used that term in its promotional materials (**Exhibit A**), as well as the documentation submitted in connection with its California Statewide Communities Development Authority Revenue Bond.¹ TVLC/LVCP also broke down the \$31,500 annual charge to its foreign exchange students as follows:

- “1. \$11,519.20 for the full, unsubsidized per capita cost of providing the education;
2. Support staffing to administer the F-1 Exchange Program: \$780.80;
3. Agency Fees paid to an independent foreign company who locates the exchange students: \$3,000;
4. Room and Board: \$16,000 [\$1,200 per month paid to the host family for food/shelter of the foreign exchange students, and \$133.00 per student for host family administrative fees]; and
5. A \$200 application fee.” (**Exhibit F, p. 2.**)

TVLC/LVCP also submitted its Form I-17, used to apply for SEVP certification status, showing the "Average Annual Cost of Room, Board, and Tuition per Student" as \$33,000. (**Exhibit D, p. 5.**)

2. Evaluation of TVLC/LVCP Response

The Charter School's response on the issue related to the imposition of tuition on its students is noteworthy as it appears to the District that justification for the tuition is not only shifting, but post-hoc.

Originally, the Charter School justified the tuition under Education Code sections 48050-48054. However, as noted above, those statutes apply to a foreign student attending District schools "whose actual and legal residence is in a foreign country adjacent to this state, and who regularly returns within a 24-hour period to said foreign country" (Education Code section 48051), conditions that do not apply to the Charter School's foreign exchange program.

¹ (See, http://www.mcelweequinn.com/system/files/job-pdfs/2015_californiastatewidecommunities_independencesupport_plom.pdf, p. A-18).

Moreover, relying upon the statutes originally cited by the Charter Schools to justify charging tuition to its foreign exchange students, Education Code section 48050 sets forth the methodology for calculating the per-pupil amount that can be charged to foreign exchange students attending public schools under that statute:

The amount of the tuition for the current expenses of education per unit of average daily attendance of pupils from the adjoining state shall equal the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years.

As was noted in the District's December 15, 2015 letter, "[b]ased on the methodology contained in Education Code section 48050, LVCP's total expenses divided by its P-2 ADA (\$4,520,939/392.47) yields a \$11,519.20 per capita cost for educating students." (**Exhibit E.**) The Charter School's "tuition" is nearly \$4,000 greater than the per-pupil cost as calculated under Education Code section 48050.

In its January 11, 2016 response to the District's Notice of Concern, TVLC/LVCP shifts the legal justification for its tuition charge, this time citing the Charter School's participation in the federal SEVP program. Schools receiving SEVP certification status must obtain reimbursement of the "full, unsubsidized per capita cost of providing education at such school," for the period of the student's attendance. The federal Immigration and Nationalization Act, § 214(m)(1) (8 U.S.C. Section 1184(m)(1)) provides as follows:

An alien may not be accorded status as a nonimmigrant under clause (i) or (iii) of section 101(a)(15)(F) of this Act [8 U.S.C 1101(a)(15)(F)] in order to pursue a course of study—

A. at a public elementary school or in a publicly funded adult education program; or

B. at a public secondary school unless—

i. the aggregate period of such status at such a school does not exceed 12 months with respect to any alien, and

ii. the alien demonstrates that the alien *has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school* for the period of the alien's attendance. (Emphasis Provided.)

Deviating from its initial legal explanation for the tuition, the Charter School then provides a different justification for the tuition charge, breaking it down as follows in its January 11, 2016 letter:

- “1. \$11,519.20 for the full, unsubsidized per capita cost of providing the education;
2. Support staffing to administer the F-1 Exchange Program: \$780.80;
3. Agency Fees paid to an independent foreign company who locates the exchange students: \$3,000;
4. Room and Board: \$16,000 [\$1,200 per month paid to the host family for food/shelter of the foreign exchange student, and \$133.00 per student for host family administrative fees]; and
5. A \$200 application fee.” (**Exhibit F, p. 2.**)

Under both Education Code section 48050 and 8 U.S.C. Section 1184(m)(1), the Charter School is only able to collect reimbursement for the per pupil cost of “*providing education.*” By their plain terms, neither statute calls for a school to collect reimbursement for the cost of providing lodging. (See, e.g., California Department of Education Fiscal Management Advisory 12-02, which states as follows:

Schools may, but are not required to, charge the following fees:

Tuition

Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state. The pupils may be admitted to a school but shall be required to reimburse the district for the *cost of educating the pupil.* (EC Sections 48050 and 48052.)

Tuition fees may be collected from foreign students attending a district school pursuant to an F-1 visa, equal to the full unsubsidized per capita *cost of providing education* during the period of attendance. (8 U.S.C. Section 1184(m)(1).) (Emphasis Provided.)²)

TVLC/LVCP appears to have violated both State and Federal law seeking obtaining reimbursement from students for items 2 through 5. Based on the Charter School’s own description of the charges to its students, only item 1, consisting of \$11,519.20, constitutes a “cost of providing education” to the students in the exchange program. In addition, TVLC/LVCP has also appeared to violate the affirmations set forth in its charter that it would not charge tuition (p. 5), as well as the Memorandum of Understanding with the District (Section 5, p. 22; p. 45.)

B. Failure to Timely Complete Audit

1. Background

On December 15, 2015, Mr. Zukoski, via e-mail to District Chief Business Official Susan Kinder, requested an extension to submit the Charter School’s audit report. (**Exhibit G**) Ms. Kinder, in an e-mail sent December 18, 2015, stated as follows:

² <http://www.cde.ca.gov/re/lr/fm/fma1202.asp>

Although we do not agree that the circumstances you describe below are extenuating, we will grant a one-time extension for this year. The audit must be completed by no later than January 8th.

In the future, please be sure to have the auditors out earlier in the year to allow for timely completion thereby remaining compliant with Education Code 41020 and our MOU. (**Exhibit G**)

After the Charter School failed to submit its audit report by the extended deadline, in response to an e-mail inquiry by Ms. Kinder, Mr. Zukoski stated as follows:

[T]he accountant that had be working on the audit is no longer with the firm and he didn't document everything so we are pretty much starting from scratch. However we should have the report in time for our next Board meeting. (**Exhibit G**)

Ms. Kinder shared Mr. Zukoski's response with the Charter School's auditor, James A. Rotherham, CPA of Squar Milner LLP. Mr. Rotherham responded as follows:

This is not correct. Our audit senior who left the firm, Thomas, resigned about 10 days ago, so his departure did not impact the audit being late. Our audit senior manager, Chris Thibodeau, has taken over finishing the audit. There has been no missing or lost documentation. We have not been provided all of the information we have requested in order to complete the audit. Often the information we receive is missing significant sections, is incomplete, or does not agree to supporting documentation. We are working diligently to complete the audit as we get requested information. Unfortunately, I cannot estimate a completion date until we receive the schedules and documents we need in order to complete the audit. (**Exhibit H**)

On Wednesday, January 27, 2016, Mr. Zukoski informed Ms. Kinder by e-mail that:

I just wanted to let you know that we conservatively expect to have our draft audit report by Friday Feb 12. We will schedule a special Board meeting to review and request approval as soon as we have the draft report. (**Exhibit I**)

2. Evaluation of TVLC/LVCP Response

Element I of the LVCP Charter provides the following:

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the, District, Alameda County Superintendent of Schools,

SBE, the State Controller, and to the CDE by December 15th each year. The CEO will review any audit exceptions or deficiencies and report to the TVLC Board with recommendations on how to resolve them. The TVLC Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District. The Independent Fiscal Audit of LVCP is a public record to be provided to the public upon request.

The Charter School's failure to submit its audit by the deadline set forth in its Charter constitutes a violation of a material term of its Charter.

C. Failure to Repay Debt to Las Positas College

1. Background

TVLC had entered into an agreement with Las Positas College (LPC) under which LPC instructors would provide educational services to TVLC charter schools, and TVLC would pay LPC the costs of providing such instructors, as well as an administrative fee.

On September 24, 2015, Jeff Kingston, Vice President, Administrative Services for LPC wrote to Mr. Zukoski by electronic mail to memorialize discussions that TVLC had held with LPC in which TVLC proposed alternatives to full payment to LPC for the full amount owed. Mr. Kingston's e-mail stated that "[a]t this point in time we feel it is best for us to have LVCS pay the invoices" and asked TVLC to "propose a payment plan to begin to reduce the receivable." (**Exhibit C**)

Later that day, Mr. Zukoski responded by e-mail. Instead of proposing a full payment plan, he stated that "I'd like to request that LPC respectfully consider waiving the \$50,000 in admin fees," and proposed to pay the remaining \$158,000 in instructional costs in three installments of \$40,000, with the fourth installment paying the then-remaining balance. District Superintendent Kelly Bowers was copied on this e-mail exchange. (**Exhibit C**)

On September 30, 2015, Mr. Kingston replied by e-mail as follows:

Waiving costs is challenging as the classes we provided to the LVCP were already provided and continue to be significantly below our actual cost. It would be very difficult for us to justify to the our students, faculty and staff to further discount the classes. [¶] We are more than willing to have you begin paying on these invoices over a timeline. Even some payment on the growing receivable would sincerely be appreciated and helpful. We look forward to some level of payment to confirm our mutual commitment to providing college level instruction at LVCP. (**Exhibit C**)

The District's October 6, 2016 Notice of Concern stated the following:

The District, as the authorizer of TVLC's Livermore, charter schools, is concerned about TVLC's unwillingness and/or apparent inability to pay the full sum owed to LPC. The reason for TVLC's unwillingness to pay this sum to LPC is not clear. LVCP's 2014-2015 Unaudited Actuals showed an ending fund balance of \$3,625,078 and \$1,913,677 in cash. Therefore, it appears that TVLC has the means to meet this financial obligation. **(Exhibit C)**

In its October 12, 2016 written response, TVLC/LVCP dismissed the District's concerns, stating that "[p]ursuant to Section 1.4 of the MOU between LVCP/TVLC and LVJUSD, LVJUSD is fully and completely indemnified from any actions or liabilities of TVLC or its charter schools. Any legal, contractual or other issue with third parties such as Los [sic] Positas College should be of no concern to LVJUSD." **(Exhibit D)**

2. Evaluation of TVLC/LVCP Response

As the authorizer of the Charter School, the District is responsible for overseeing the Charter School's financial condition, including ensuring that it does not commit financial mismanagement. (See, e.g., *Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1200.) Education Code §47604.32(d) provides that "[e]ach chartering authority, in addition to any other duties imposed by this part, shall do all of the following with respect to each charter school under its authority: ... [m]onitor the fiscal condition of each charter school under its authority." Education Code § 47607(c)(1)(C) provides that "[a] charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following: ... [f]ailed to meet generally accepted accounting principles, or engaged in fiscal mismanagement."

The Charter School's dismissive and flippant remark that "[a]ny legal, contractual or other issue with third parties such as Los [sic] Positas College should be of no concern to LVJUSD" mischaracterizes the law. Under Education Code § 47604(c), an authorizer's failure to conduct its oversight duties could expose the authorizer to financial liability as a result of the charter school's conduct:

An authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.

Contrary to the Charter School's claim, TVLC/LVCP's failure to pay its debts is a matter of concern to the District. While TVLC/LVCP has claimed that its arrangement with LPC was unclear as whether the Charter School would pay for the services of LPC professors, documentation submitted by the Charter School to the CDE clearly indicates otherwise. **(Exhibit J)**

D. Racial and Ethnic Balance -- LVCS

1. Background

Education Code section 47605(b)(5)(G) requires a charter petition to contain a reasonably comprehensive description of “[t]he means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The LVCS Charter contained the Charter School’s demographic profile as of the 2013-2014 school year (LVCS Charter, p. 68):

	LVCS	LVJUSD
White	67%	64%
Hispanic	10%	24%
Asian	13%	6%
African American	2%	3%
Filipino	4%	2%
Pacific Islander/American Indian	3%	1%

*LVCS Enrollment Data September 2012 K-8
*LVJUSD Statistics posted on LVJUSD website

Element G of the LVCP charter states that “[a] student and family body that reflects the diversity of Livermore Valley is critical to instill in students the skills necessary for lifelong participation in a democratic society” and that “[w]e will endeavor to match the District’s general population racial and ethnic balance and will monitor our demographic on an ongoing basis. We will make changes to the outreach plan based on yearly findings.” (LVCS Charter, p. 66, 67.)

2. Evaluation of TVLC/LCVP Compliance

Since the granting of the LVCS renewal petition in November 2012, the Charter School’s demographic profile has not changed significantly. For the 2014-2015 school

year, the gap between LVCS' percentage of Latino students and the District's has grown even wider. (Source, California Department of Education)³

School	CDSCode	African American not Hispanic	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White not Hispanic	Two or More Races	None Reported (Ethnicity)
Livermore Valley Charter	01612000107839	13 (1.2%)	0 (0.0%)	99 (8.9%)	24 (2.2%)	209 (18.8%)	3 (0.3%)	627 (56.3%)	118 (10.6%)	20 (1.8%)
District Total:		207 (1.5%)	39 (0.3%)	817 (6.0%)	397 (2.9%)	4,177 (30.6%)	53 (0.4%)	6,873 (50.3%)	1,037 (7.6%)	53 (0.4%)
County Total:		25,974 (11.5%)	740 (0.3%)	51,361 (22.8%)	11,377 (5.1%)	75,558 (33.6%)	2,558 (1.1%)	45,405 (20.2%)	10,564 (4.7%)	1,429 (0.6%)
State Total:		373,280 (6.0%)	36,755 (0.6%)	545,720 (8.8%)	158,224 (2.5%)	3,344,431 (53.6%)	31,513 (0.5%)	1,531,088 (24.6%)	175,700 (2.8%)	38,809 (0.6%)

This gap brings into question the effectiveness of the Charter School's enrollment outreach program set forth in its Charter.

LVCS also lags behind the District in the percentage of low socio-economic students and English Language Learners that it enrolls:

School	CDSCode	English Learners	Fluent-English-Proficient Students	Students Redesignated FEP	Free & Reduced Price Meals	Enrollment Used for Meals
Livermore Valley Charter	01612000107839	90 (8.1 %)	40 (3.6 %)	2 (2.3 %)	34 (3.1%)	1,113
District Total:		1,855 (13.6 %)	1,501 (11.0 %)	229 (11.8 %)	3,400 (24.9%)	13,653
County Total:		49,369 (21.9 %)	51,904 (23.1 %)	5,295 (10.9 %)	98,701 (43.9%)	224,980
State Total:		1,392,263 (22.3%)	1,279,865 (20.5%)	154,959 (11.0%)	3,655,624 (58.6%)	6,236,439

3

<http://data1.cde.ca.gov/dataquest/Cbeds4.asp?PctHispan=on&PctBlack=on&PctAm=on&PctAsian=on&PctFil=on&PctPac=on&PctWhite=on&PctTwo=on&PctNone=on&cSelect=Livermore%5EValley%5ECharter--Livermore%5EValley-0161200-0107839&cChoice=SchProf1&cYear=2014-15&cLevel=School&cTopic=Profile&myTimeFrame=S&submit1=Submit>

(Source, California Department of Education)⁴

Moreover, TVLC has demonstrated that it will undertake significant expense and effort to recruit students from as far away as China. This raises the question as to why TVLC is not making similar efforts to recruit a more diverse student body in its own backyard in Livermore.

III. Summary of Violations

TVLC/LVCP/LVCS have committed the following violations:

Violation	Violation of Law	Violation of Charter	Fiscal Mismanagement	LVCP	LVCS
Charging tuition to students enrolled in the foreign exchange program	Education Code section 47605(d)(1) Education Code section 47602(b) Education Code sections 48050-48054	Charter does not provide for foreign exchange program. Charter contains affirmation that tuition will not be charged.		✓	
Improper reimbursement of expenses beyond the cost of providing education to students enrolled in the foreign exchange program	8 U.S.C. Section 1184(m)(1)	Charter does not provide for foreign exchange program		✓	
Failure to timely submit audit report.		Element I ("a copy of the auditor's findings will be forwarded to the, District, Alameda County Superintendent of Schools, SBE, the State Controller, and to the CDE by December 15th	Failure to comply with Charter requirements regarding timely submission of audit report.	✓	✓

4

		each year.”)			
Failure to pay amounts owed to Las Positas College			Failure to timely satisfy fiscal and legal obligations.	✓	
Failure to achieve racial/ ethnic balance of District’s geographic area	Education Code section 47605(b)(5)(G)	Element G (“[a] student and family body that reflects the diversity of Livermore Valley is critical to instill in students the skills necessary for lifelong participation in a democratic society” and that “We will endeavor to match the District’s general population racial and ethnic balance and will monitor our demographic on an ongoing basis. We will make changes to the outreach plan based on yearly findings.”)			✓

IV. Remedy Period and TVLC/LVCP’s Proposed Cure

Cal. Admin. Code tit. 5, § 11968.5.2(c) describes the charter school’s obligations once a Notice of Violation is served:

Upon receipt of a Notice of Violation, the charter school's governing body, as described in the school's charter, if it chooses to respond, shall take the following actions:

- (1) Submit to the chartering authority a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation; the written response shall be due by the end of the remedy period identified in the Notice of Violation; and

- (2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

The District provides TVLC/LVCP/LVCS with a remedy period of up to and including May 1, 2016 in which to provide the written response described above. In its written response, TVLC/LVCP/LVCS must address the violations addressed herein and complete all of the following remedial steps to address the concerns raised in the Notice of Violation. Under Cal. Admin. Code tit. 5, §11968.5.2(c) and (d), the District will evaluate TVLC/ LVCP/LVCS's written response to this Notice of Violation.

Very Truly Yours,

Craig Bueno,
Board
President

Chuck
Rogge,
Clerk of
the
Board

Kate
Runyon,
Board
Member

Chris
Wenzel,
Board
Member

Anne
White,
Board
Member

Governing Board, Livermore Valley Joint Unified School District