

# CONDITIONS OF APPROVAL OF ENCORE RENEWAL CHARTER

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
<b>I. GENERAL</b>			
<b>A. MOU</b>	<ol style="list-style-type: none"> <li>Finalization and Execution of MOU in the form and including the terms satisfactory to the District Superintendent or designee, in their sole discretion.</li> </ol>	<ol style="list-style-type: none"> <li>NA</li> </ol>	<ol style="list-style-type: none"> <li><b>May 1, 2021</b> (Executed by Encore in time to include on agenda for District Board meeting of May 3, 2021)</li> </ol>
<b>B. Retain Third-Party Consultant(s)</b>	<ol style="list-style-type: none"> <li>Encore shall retain third-party consultant(s) (or specialists) to assist with meeting all terms of conditional renewal and providing ongoing management and educational program support, training, and assistance. All consultant(s) will be subject to District approval.</li> <li>Consultant support will be required in at least the following areas: educational program, particularly with EL program, independent study program, and CTE; internal controls; board governance and transparency.</li> <li>Consultant will meet/confer with District at least quarterly to discuss services performed, recommendations made, action taken by Encore based on those recommendations, goals reached, and upcoming and remaining items to be addressed.</li> <li>If Encore does not adopt/implement consultant's</li> </ol>	<ol style="list-style-type: none"> <li>Evidence of Encore's action on and implementation of consultant's recommendations.</li> <li>Effectiveness of Encore's implementation of recommendations.</li> <li>Outcome of changes made based on consultant input and recommendations.</li> <li>Ability to pivot if recommendations are unsuccessful, including proactively reaching out to the District.</li> </ol>	<ol style="list-style-type: none"> <li>Encore to provide proof of Board approval of third party consultant's contract by <b>May 1, 2021</b>.</li> <li>Begin quarterly meet/confer with District by <b>April 15, 2021</b>.</li> <li>If third party consultant's contract ends or is otherwise terminated, Encore to propose replacement consultant within <b>2 weeks</b>, and hire within <b>4 weeks</b> of District approval.</li> </ol>

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	<p>recommendation, Encore will provide a clear, written explanation regarding reason(s) for declining/failing to act on consultant’s recommendation.</p> <p>5. This consultant will be authorized/encouraged to speak freely and maintain an open line of communication with District representatives.</p>		
<b>II. EDUCATIONAL PROGRAM</b>			
<p><b>A. Data and Data Analysis</b></p>	<ol style="list-style-type: none"> <li>1. Provide appropriate steps or plans to address the performance concerns indicated by available data for: <ol style="list-style-type: none"> <li>a. All students;</li> <li>b. English Learners;</li> <li>c. Chronic Absenteeism</li> </ol> </li> <li>2. Encore shall work with third party consultant to create a Data (collection and use) Mapping Program</li> <li>3. Encore shall review the State Board of Education’s adopted approved list of valid and reliable assessments that constitute “verified data” for purposes of Education Code Section 47607.2(c) and implement as necessary the use of additional verified data throughout the term of the Charter to ensure that it will be able to measure its student progress on an ongoing basis and have available at the time of its next renewal multiple forms of verified data to determine academic growth and/or strong postsecondary</li> </ol>	<ol style="list-style-type: none"> <li>1. Draft plan submitted to District by <b>April 9, 2021</b>.</li> <li>2. Meet with District staff to discuss plan within <b>7 days</b> of submission.</li> <li>3. Proposed Data Mapping Program will be submitted to District by <b>April 30, 2021</b>.</li> <li>4. Clearly written Professional Development Plan for Data Analysis</li> <li>5. Dates &amp; Topics of PD</li> </ol>	<ol style="list-style-type: none"> <li>1. Encore Board to adopt performance improvement plan by <b>April 30, 2021</b>.</li> <li>2. Adoption of Data Mapping Program by <b>November 1, 2021</b>.</li> <li>3. Evaluation and update of Data Mapping Program by <b>November 1, 2021</b>.</li> <li>4. Adoption of additional assessments that comport with “verified data” requirements for renewal by <b>April 23, 2021</b>.</li> <li>5. Develop and submit data</li> </ol>

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	<p>outcomes.</p> <p>4. Develop Professional Development plan to support staff’s understanding of data analysis (purpose &amp; how to analyze data) and how to utilize data to support student learning.</p> <p>a. Must be focused, based on data, to achieve a specific school wide goal</p> <p>b. Evidence of attendance, including list of dates, times, agenda, and professional development (“PD”) topics for staff to attend</p> <p>c. Encore CEO and COO shall attend all PD on data analysis.</p>		<p>analysis PD plan that meets requirements by <b>April 30, 2021</b> for the 2021-22 school year.</p> <p>6. Maintain documentation of attendance.</p>
<p><b>B. Educational Program and Outcomes</b></p>	<p>Submit documentation that demonstrates sufficient understanding of sound educational program, by which Encore must:</p> <p>1. Provide a thorough explanation of Encore’s educational programs to allow the District to assess these programs.</p> <p>a. Independent Study</p> <p>b. CTE</p> <p>c. A-G classes – provide evidence of Encore Board approval</p> <p>2. Provide sufficient evidence of sound educational program to address the needs of underperforming</p>	<p>1. Legally compliant and clear.</p> <p>2. Demonstrated understanding of educational program and applicable legal requirements at all levels based on evidence.</p> <p>3. Drafts submitted to District by <b>April 23, 2021</b>, including updated budget documents (including funding source) to fund necessary programmatic changes, consultant services, and PD.</p>	<p>1. Final plans submitted to District by <b>May 1, 2021</b>.</p>

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	<p>student subgroups (including plan for English Learners [“EL”] discussed more fully below).</p> <p>3. Propose plan for achieving sufficient expertise amongst personnel in data analysis, English learner education, special education, independent study, career technical education, core academics, college and career preparation, and dual enrollment.</p> <p>4. Develop local success indicators that would help Encore monitor student progress and drive improvement of instructional practices throughout the term of the Charter..</p>		
<p><b>C. Rigor of Curriculum and Master Schedule</b></p>	<p>1. Reevaluate course offerings in light of District Staff's concerns articulated in Supplemental Staff Analysis regarding Education Program and Outcomes, and take action to ensure a primary focus on rigorous academics taught in-person by qualified, certificated teachers, rather than on elective/extracurricular courses. This will necessarily include revisions to the course catalog, course offerings, and Master Schedule.</p> <p>2. Core and academic courses to be taught throughout the school day, not concentrated in zero period.</p> <p>3. Meet with Ed Services to clarify any concerns at any point in the process.</p> <p>4. All classes will have a maximum of no more than a 37 to 1 student to teacher ratio, with the exception of the</p>	<p>1. Degree to which core classes are the driver and balance of academic vs. elective classes</p> <p>2. Prepare clearly written and comprehensive separate draft Master Schedules for high school and for middle school in-person classes and IS classes, delineating such things as grade levels, teachers, and appropriate class sizes (i.e. not to exceed 37) (in format used by District or that has received prior approval from Ed Services)</p>	<p>1. Submit draft updated Master Schedules to District by <b>April 15, 2021</b>.</p> <p>2. Provide updated Master Schedules that comply with these requirements annually by <b>July 30</b> for the upcoming school year.</p>

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	<p>Senior Seminar on Government/Economics, which will be allowed to have up to a 60 to 1 student to teacher ratio as part of Encore’s plan for preparing students for larger class sizes in general education courses at colleges and universities. In the event that the Senior Seminar on Government/Economics enrolls more than 37 students to 1 teacher, the class shall also at all times have an assigned dedicated aide to assist the teacher with the class (this dedicated aide must be specifically assigned to the class and shall not concurrently serve as an aide assigned to assist a particular student(s), otherwise serve as a special education aide or similar in the Senior Seminar, or have any other functions during the Senior Seminar).</p> <p>5. Develop separate high school and middle school Master Schedules for <b>in-person</b> classes, clearly delineating grade levels, a focus on providing more opportunities for students to attend core classes in person and ensure appropriate class sizes</p> <p>6. Develop Master Schedule for <b>IS classes</b> clearly delineating grade levels (middle school, high school), a focus on providing more opportunities for students to attend core classes and ensure appropriate class sizes (i.e. do not exceed 37)</p> <p>7. All Master Schedules to ensure proper placement of teachers and balance of core/a-g and elective classes</p>		
<b>D. Course of Study</b>	<p>1. A complete listing of courses to include:</p>	<p>1. Course of Study that includes all requisite components.</p>	<p>1. Develop and submit complete listing of</p>

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	<ul style="list-style-type: none"> <li>a. Course Description</li> <li>b. Department</li> <li>c. Grade Level</li> <li>d. State course code</li> <li>e. Pre-requisites</li> <li>f. Whether A-G and, if so, what category</li> <li>g. Format of course (online, IS, in person)</li> </ul>	<ul style="list-style-type: none"> <li>2. Explanation/Description of course approval process provided to District by <b>April 15, 2021</b>.</li> <li>3. Evidence of VPA to CTE course transition and/or adoption provided to District by <b>April 15, 2021</b>.</li> </ul>	<p>courses, as required by <b>April 30, 2021</b>.</p>
<b>E. Professional Development</b>	<ul style="list-style-type: none"> <li>1. Develop and implement an annual PD plan, with specified purpose (specifically targeted to areas of need at Encore), goals, schedule, and list of employee groups required to attend.</li> <li>2. CEO and/or COO shall attend most PD that is part of this organized plan. The annual PD plan submitted to District shall specifically designate which PD will be attended by CEO and which PD will be attended by COO, and District shall have final authority to determine whether the attendance plan is sufficient or if CEO and/or COO must attend additional specified PD..</li> <li>3. Encore may implement additional, separate PD as it deems appropriate for individual positions or needs (CEO and COO attendance not required)</li> </ul>	<ul style="list-style-type: none"> <li>1. Prepare annual PD plan.</li> </ul>	<ul style="list-style-type: none"> <li>1. Submit annual PD plan by <b>May 15</b> each year for the following year.</li> <li>2. Maintain documentation of attendance.</li> </ul>
<b>F. English Learners</b>	<ul style="list-style-type: none"> <li>1. Develop plan for English learners (“EL”) that addresses</li> </ul>	<ul style="list-style-type: none"> <li>1. Legally compliant and clear EL plan</li> </ul>	<ul style="list-style-type: none"> <li>1. EL task force</li> </ul>

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	<p>deficiencies in Encore’s provision of designated and integrated ELD to all of its English learners.</p> <ol style="list-style-type: none"> <li>2. Create EL task force.</li> <li>3. Write EL Plan to meet legal requirements, including procedural guidelines and criteria for placement of ELs at all proficiency levels, and demonstrates a commitment to supporting access to core curriculum</li> <li>4. Include Designated &amp; Integrated ELD in Master Schedule.</li> <li>5. Retain outside assistance (educational consultant with expertise in ELD curriculum and instruction) to assist.</li> </ol> <ul style="list-style-type: none"> <li>• Retain consultant(s) to provide assistance in implementing this restructured curriculum, including providing PD to Encore staff (including CEO and COO) to equip them with effective instructional strategies to support Encore’s English learners.</li> </ul>	<ol style="list-style-type: none"> <li>2. Evidence of Designated &amp; Integrated supports in Master Schedule</li> <li>3. Submit plan for outside support and assistance (in addition to services from third party consultant).</li> </ol>	<p>established and list of members provided to District by <b>April 30, 2021.</b></p> <ol style="list-style-type: none"> <li>2. Submit documentation to District Staff by <b>April 23, 2021.</b></li> <li>3. Hiring and implementation of consultant support and assistance by <b>April 30, , 2021.</b></li> <li>4. Documentation of PD, including dates, times, locations of PD; instructors; attendance. This documentation to be provided to District by <b>May 28, 2021.</b></li> </ol>

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<p><b>G. Independent Study Program</b></p>	<ol style="list-style-type: none"> <li>1. Update and modify Independent Study (“IS”) program to be legally compliant and educationally sound and that also resolves any and all outstanding concerns, including remediation of the following:               <ol style="list-style-type: none"> <li>a. Specify how often (minimum) independent study students meet with their certificated teacher, and how these meetings are documented (and not replaced by meeting with ISC);</li> <li>b. Specify how often (minimum) independent study students meet with their ISC, and how those meetings are documented.</li> <li>c. Specifics of the difference between the role of and meetings with certificated teachers vs. ISC.</li> <li>d. Submit sample of assessment that is given to determine whether IS is appropriate for a particular student;</li> <li>e. Rectify issue re transferring students to IS as a response to correcting chronic absenteeism.                   <ol style="list-style-type: none"> <li>(i) Propose and implement appropriate alternative for correcting chronic absenteeism.</li> </ol> </li> <li>f. Provide updated master schedule for independent study teachers with data regarding the number of students in those courses.</li> <li>g. Submit legally compliant Master Agreement</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Prepare and submitted clearly written, comprehensive, proposed IS Program, with supporting documentation, by <b>April 1, 2021</b>.</li> <li>2. As required above, develop clearly written and comprehensive Master Schedule for IS classes delineating such things as grade levels, teachers and appropriate class sizes</li> <li>3. Board adoption of necessary policies.</li> <li>4. Encore’s counseling will prepare a quarterly report for Encore’s School Board describing current enrollment ratios.</li> </ol>	<ol style="list-style-type: none"> <li>1. If by <b>May 1, 2021</b>, District Superintendent or designee (in their sole discretion) is not satisfied that the IS plan and documentation is comprehensive and legally compliant, Encore will eliminate the IS program (which will be specified in MOU and/or Charter) and will not offer an IS program unless and until the District Board approves its addition as a material revision to Encore’s Charter.</li> <li>2. If Encore offers an IS program, Encore’s annual audit shall explicitly be required to include testing of its IS program.</li> </ol>

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	<p>(including a completed sample from an actual student).</p> <p>h. Develop and adopt BP/AR for IS Program.</p> <p>i. Develop Master Schedule for IS classes clearly delineating grade levels (middle school, high school), a focus on providing more opportunities for students to attend core classes and ensure appropriate class sizes.</p> <p>j. As specified in Charter, Encore’s Independent Study Program is limited to no more than 10% of overall enrollment.</p>		
<p><b>H. Career Technical Education</b></p>	<ol style="list-style-type: none"> <li>1. Encore, in consultation with third party consultants, will provide an educationally sound and legally compliant CTE Program Framework for the upcoming Charter term.</li> <li>2. Provide detailed explanation and supporting documentation discussing how CTE is currently being offered at Encore.</li> <li>3. Demonstrate CTE Pathway design and implementation (Sequence, CalPads Code, Hours, standards).</li> <li>4. Clarify and demonstrate conversion process of VPA courses to CTE pathways.</li> <li>5. Demonstrate CTE Compliance specific to Civil Rights</li> </ol>	<ol style="list-style-type: none"> <li>1. Submit Course Sequence documentation with requested components <ol style="list-style-type: none"> <li>a. Course descriptions demonstrating pathway compliance - and approval process</li> <li>b. CTE CalPads Reports 19/20 &amp; 20/21</li> <li>c. Master Schedule - middle school and high school separated out</li> </ol> </li> <li>2. No fees to students</li> <li>3. Civil Rights Review Program Instrument Evidence</li> </ol>	<ol style="list-style-type: none"> <li>1. Submit evidence of completion of Civil Rights Review by <b>April 30, 2021.</b></li> <li>2. Submit all CTE documentation and plans to District by no later than <b>May 28, 2021.</b></li> <li>3. Encore to implement legally compliant CTE plan and program no later than <b>July 1, 2021.</b></li> </ol>

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	<p>Review.</p> <p>6. Describe how CTE program will be monitored.</p> <p>7. Encore will not reference or advertise “dual enrollment” unless and until it has a formalized agreement in place with Victor Valley College (VVC).</p>		
<b>I. Graduation Requirements/A-G</b>	<p>1. Develop clear, accurate, and consistent graduation requirements</p> <p>2. Create or update Board Policy regarding graduation requirements</p>	<p>1. Prepare clear and consistent graduation requirements, and update Board policies as appropriate..</p> <p>2. Disseminate consistent graduation requirements by updating student handbook, website, and other methods generally utilized to communicate with stakeholders.</p>	<p>1. Updated graduation requirements to be specified in MOU and/or corrected Charter and disseminated to all stakeholders <b>prior to July 1, 2021.</b></p>
<b>J. LCAP</b>	<p>1. Encore will follow statutory process to update its 2021-22 LCAP to include how it will address its past declines in academic performance.</p> <p>2. Provide District written update on progress in implementing LCP and Encore’s progress towards its goals.</p>	<p>1. Timely update LCAP in compliance with statutory requirements.</p> <p>2. Involve stakeholders beyond surveys, including holding meetings with stakeholders and communicating transparently with stakeholders about how Encore arrives at its goals.</p>	<p>1. Provide report on LCP progress by <b>April 30, 2021.</b></p> <p>2. Submit updated LCAP by <b>July 1, 2021.</b></p>
<b>K. Dual Enrollment</b>	<p>1. Encore will not reference or advertise “dual enrollment” unless and until it has a formal CCAP agreement in place with Victor Valley College (VVC).</p>	<p>1. Obtain and submit verifiable assurances from VVC regarding proposed partnership with Encore, and provide copy of proposed</p>	<p>1. Dual enrollment, and advertising or recruiting for such, may not be</p>

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	2. Should Encore and VVC enter into a CCAP agreement to permit dual enrollment, it may necessitate changes to the Charter, MOU, website, handbook, recruitment information, etc.	MOU to District. 2. Encore to keep District apprised of status of negotiations with VVC and plan for implementation of any dual enrollment program, with at least 30 days' notice prior to implementation.	advertised or implemented unless and until CCAP approved by Encore and VVC after appropriate notice to District.
<b>L. Establish an appropriate School Site Council and ELAC</b>	1. Ensure that the School Site Council ("SSC") and English Language Advisory Committee ("ELAC") are established and composed consistently with Education Code requirements.	1. Submit a list of SSC and ELAC members and outline the process used to establish each.	1. Establish ELAC and SCC by <b>April 30, 2021</b> and maintain throughout Charter term.
<b>III. FISCAL/OPERATIONAL</b>			
<b>A. Liability/Insurance Coverage</b>	1. Submit proof of insurance coverage complying with all insurance provisions of the Charter to District's Director of Risk Management by the dates set forth in the Charter.	1. By May 1, 2021 submit complete documentation (not limited to certificates of insurance). 2. Sufficiency of insurance coverage	1. Proof due by <b>February 9, 2021</b> (extended to <b>May 1, 2021</b> ). 2. Thereafter, Encore must submit proof of insurance by <b>July 1<sup>st</sup> and January 1<sup>st</sup></b> of each year and at the time of any changes.
<b>B. Controller</b>	1. Hire a qualified Controller by March 1 and the Controller to start full-time by May 1, 2021. Encore must notify the District as soon as possible if it believes	1. Hire a qualified candidate by March 1, 2021.	1. Provide employment contract or Board minutes evidencing hire

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	<p>that there will be any deviation from this plan.</p> <ol style="list-style-type: none"> <li>2. At all times during the Charter term, Encore must employ a full-time Controller or more senior fiscal administrator.</li> <li>3. Encore must provide a description of the projects that the Controller will take on during the period between their hire and full-time commencement of the position [purpose: to ensure that the Controller is up to speed as soon as possible]</li> <li>4. The Controller must have at minimum a bachelor’s degree in business, accounting, or finance and experience with public/charter finance.</li> <li>5. Revise minimum qualifications for controller position</li> <li>6. Affirm: <ol style="list-style-type: none"> <li>a. That Encore must at all times maintain a Controller or more senior fiscal administrator</li> <li>b. The Controller’s independence from administration and authority to carry out their responsibilities without approval or interference from more senior administrators, including, but not limited to, the ability to audit/investigate past and current fiscal practices; to recommend changes to these fiscal practices to the Board; to implement updates to fiscal practices (including internal controls), and to report any obstruction of their ability to carry out these duties to the Encore</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>2. Submit documentation of updated qualifications for position.</li> <li>3. Provide evidence of Controller’s clear authority to make recommendations and to implement changes</li> <li>4. Submit written description of means by which Controller will address internal control weaknesses, with timelines.</li> </ol>	<p>by <b>March 1, 2021.</b>  <i>[District notes that Encore has stated that the Controller was hired, but Encore has not provided this evidence of hiring. Proof must be provided by April 1, 2021.]</i></p> <ol style="list-style-type: none"> <li>2. Full time on-site by <b>May 1, 2021.</b></li> </ol>

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	<p>Board and, when applicable, to the District. Will also require clear and firm anti-retaliation protections.</p> <p>7. Identify <b>with specificity</b> (a) the Controller’s ability to, (b) the steps that the Controller will take, and (c) the timeline for addressing the concerns identified by Encore’s external auditors and/or the District regarding Encore’s internal controls. This must be met with a checklist of measures that includes milestones.</p> <p>a. Include timeline of specific operational practices/policies that Controller will be expected to review and update as appropriate (e.g. cash handling, reimbursement for expenses, etc.) and timeline for review and update.</p> <p>8. Ongoing condition – maintain proactive and open communications with the District regarding the success/failures with Encore’s approach to addressing internal control deficiencies and other aspects of the program.</p>		
<p><b>C. Internal Controls</b></p>	<p>1. Correct all internal control findings related to Encore’s financial operations, ASB finances, and student fees. Change of name/designation from “ASB” shall not serve to limit or reduce the internal controls over the funds and accounts.</p> <p>2. With guidance of Controller and/or back office provider, Encore to establish and maintain separate accounts, without commingling student funds, general operating</p>	<p>1. Reduction or elimination of audit findings re internal control weaknesses in annual audit.</p> <p>2. Ability/authority of Controller to make and effectuate recommendations to address internal control weaknesses.</p> <p>3. Establishment of separate accounts for</p>	<p>1. Establishment of separate accounts for student revenues/expenses and general operating revenues/expenses by <b>July 1, 2021</b>.</p> <p>2. All corrections</p>

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	<p>funds, and/or petty cash (revolving cash) in a single account.</p> <ol style="list-style-type: none"> <li>3. Stop use of debit cards.</li> <li>4. Credit cards to be obtained and/or used only upon adoption and implementation by Controller of use policy.</li> <li>5. Correct any internal control weaknesses leading to unlawful pupil fees.</li> </ol>	<p>separate types of funds. To be clear, there shall not be any commingling of student revenues/expenses with general operating revenue/expense accounts. There must be a separate account for the general operations of the schools, and a separate account for student-type revenues and expenses. While this should already be in place, it must be fully instituted by <b>July 1, 2021</b>.</p> <ol style="list-style-type: none"> <li>4. Ongoing implementation of internal control improvements.</li> <li>5. <b>Immediate</b> stoppage of use of debit card.</li> <li>6. <b>Monthly</b> reporting from third party bookkeeper to Encore on the “Student Services Debit Account,” including reimbursement and reconciliation of expenses.</li> <li>7. Continued <b>monthly</b> reporting to Encore from its third party finance consultant.</li> </ol>	<p>implemented by <b>June 30, 2022</b>.</p> <ol style="list-style-type: none"> <li>3. No internal controls audit findings by deadline for <b>2021-22 audit report</b>.</li> <li>4. <b>Monthly</b> reports to continue throughout Charter term.</li> </ol>
<b>D. PPP Loan</b>	<ol style="list-style-type: none"> <li>1. Provide copy of PPP forgiveness letter from the federal government, and/or any other documentation relating to any determination that the loan is not forgiven or only partially forgiven.</li> <li>2. Encore’s budget assumptions to be updated to reflect status of PPP loan, when Encore provides its Adopted Budget, Interim Reports and Unaudited Actuals to the</li> </ol>	<ol style="list-style-type: none"> <li>1. Timely submission of any correspondence and any follow up documentation regarding forgiveness of the PPP loan to the District.</li> <li>2. Be transparent and handled consistently with strong internal controls. <ol style="list-style-type: none"> <li>a. Modifications made and implemented</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Encore to provide notice of forgiveness determination within two business days of receipt. If Encore does not receive notice of forgiveness by <b>June 30, 2021</b>, it shall submit</li> </ol>

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	<p>District.</p> <p>3. If not fully forgiven, Encore will submit corrective action plan and updated budget (including substantive description of any necessary changes to Encore’s operations) to District satisfaction for operations without PPP forgiveness.</p>	<p>such that lack of forgiveness does not raise concerns in annual audit</p>	<p>updated budget documents by <b>August 1, 2021</b>, premised on PPP not being forgiven.</p> <p>2. If PPP is not fully forgiven, or Encore does not receive notice of forgiveness by June 30, 2021, Encore to submit corrective action plan and updated budget by <b>August 1, 2021</b>.</p> <p>3.</p>
<p><b>E. Riverside Campus Closure</b></p>	<p>1. Encore to continue to update its assumptions and impact of closing the Riverside Campus within its 20/21 Second Interim Report, 21/22 Adopted Budget, and 20/21 Unaudited Actuals. All future financial reports shall be updated upon the final completion of the actual financial position as determined by the Auditor of the Riverside Campus.</p> <p>2. If closure activities have substantively different result (+ or – greater than \$5,000) than currently projected, Encore will submit corrective action plan and revised budget documents to District satisfaction.</p>	<p>1. Information timely submitted to the District</p> <p>2. Determine any and all resulting liabilities from outstanding receivables.</p> <p>3. Degree of impact of closure on Encore Hesperia’s operations – Riverside as of <b>July 1, 2021</b>.</p>	<p>1. All conditions &amp; measurements must be met by <b>deadline for 2020-21 audit report</b></p>
<p><b>F. Budget</b></p>	<p>1. Encore shall provide all major/significant budget assumptions to the District as outlined in the</p>	<p>1. Reasonableness of projections.</p>	<p>1. Submission of Budget by July 1, First Interim</p>

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	Charter. All assumptions must be supported by financial trends of the school or supported by actual projected assumptions made by the California Department of Education or School Services of California. These major assumptions will be in the areas of Enrollment/ADA, revenues, compensation increases, staffing and any major expenses that are being planned by Encore.	<ol style="list-style-type: none"> <li>2. Level of input from Controller, back office provider, etc.</li> <li>3. Accuracy</li> </ol>	Reports by December 1, Second Interim Reports by March 1, and Unaudited Actuals by September 1.
<b>G. Fiscal Solvency</b>	<ol style="list-style-type: none"> <li>1. All future deficit spending must cease.. Reserves must be maintained at a 5% level. This will be measured through the evaluation of Encore’s June 30, 2021 and June 30, 2022 Audit Reports.</li> </ol>	<ol style="list-style-type: none"> <li>1. Level of reserves</li> </ol>	<ol style="list-style-type: none"> <li>1. Deficit spending stopped and 5% reserve achieved and reflected in <b>deadline for 2021-22 audit report.</b></li> </ol>
<b>H. Unlawful Pupil Fees</b>	<p>Completion of the following:</p> <ol style="list-style-type: none"> <li>1. Revise and update Encore Appendix 77 “Pupil Fee” and website to accurately reflect the law and Encore’s ability, <b>as a charter school</b>, to charge certain fees and specify prohibited fees. Must be based on the law, not “examples” from other entities.</li> <li>2. Independent review of Encore’s past and present practices and policies regarding pupil fees. This review must be conducted by a neutral party (not an advocate or representative of Encore) with sufficient expertise and knowledge in this specific issue and/or their familiarity with CDE’s application of the free school requirements when it reviews pupil fees complaint appeals, and result in a neutral report that addresses, among other things, (1)</li> </ol>	<ol style="list-style-type: none"> <li>1. Transparency</li> <li>2. Impact of changes on Encore’s program</li> <li>3. Impact of changes on Encore’s budget</li> <li>4. Consistent with laws, regulations, and policies</li> <li>5. Identify the independent reviewer, including qualifications, by <b>April 30, 2021.</b></li> <li>6. Provide independent reviewer with full and complete access to all records, including information from prior website re program charges, communications to students and</li> </ol>	<ol style="list-style-type: none"> <li>1. Submit independent report to District by <b>July 31, 2022.</b></li> <li>2. Encore to offer reimbursement for any items the reviewer determines were unlawful pupil fees charged within the two years preceding the competition of the report.</li> <li>3. Encore to implement all changes to practices</li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<p>past fees, donations, expenses, etc. charged to or made by students (including but not limited to those noted by the District in the Notice and Staff Analysis) during the 2016-20 Charter term, including a determination based on a preponderance of the evidence standard, whether those items constituted unlawful pupil fees or were permissible donations and/or fees <b>charter schools</b> are authorized to charge (2) issues recommendations for correcting and eliminating any unlawful fees and best practices.</p> <p>3. Revise websites (including student/class website) to remove any language that may lead to confusion regarding unlawful pupil fees (specifically including eliminating all references to any costs for classes).</p> <p>4. Provide the District with copies of the notices sent to parents re “certain payments” for which Encore offered reimbursements from November 2019 through January 2021.</p> <p>5. Encore to adopt a uniform complaint procedure that complies fully with the requirements of California Code of Regulations, Title 5, Section 4600 <i>et seq.</i>, and is clearly called the “Uniform Complaint Procedure.”</p> <p>6. Submit to District report of any impact that changes to fees practices will have on Encore’s ability to implement the program described in the Charter (this may require material revision to Charter).</p>	<p>families re charges/fees/donations, and financial records.</p>	<p>recommended by the independent reviewer <b>within one month of completion of the report.</b></p> <p>4. Adopt UCP by <b>June 15, 2021.</b></p> <p>5. Submit report of impacts on Encore’s program (and potential need for material revision) by <b>September 30, 2021.</b></p> <p>6. All conditions &amp; measurements must be met by <b>July 1, 2021.</b></p>
<p><b>I. Impact on Programming from</b></p>	<p>1. Remediate District Staff’s concerns about the impact of the correction of/elimination of pupil fees on Encore’s</p>	<p>1. See above</p>	<p>1. All conditions/measurement</p>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
Compliance with Pupil Fee laws	program offerings.		s must be met by <b>November 1, 2021</b>
<b>IV. GOVERNANCE</b>			
<b>A. Assessment of Organizational Structure</b>	<ol style="list-style-type: none"> <li>In light of Encore’s restructuring to operate only a single school and the historical pattern of declining enrollment, retain a neutral independent investigator to conduct an overall organizational review of Encore, including the appropriateness of the administrative/management staff ratio to the student and non-management staff,. This review shall include assessment of the administrative/management positions (including job duties and job descriptions) and assess the appropriateness of and need for each administrative/management position, the qualifications and compensation therefor, relative to the educational program, size of school, and fiscal condition and whether it comprises an effective balance of positions/expertise in Personnel, Finance, Education, and Governance. This report shall include specific recommendations, including but not limited to recommendations for consolidation and/or elimination of positions and/or revisions to required qualifications and job duties and descriptions.</li> <li>Encore shall provide an explanation of contractors/personnel involved in fiscal procedures within Encore Education Corporation/Encore Jr./Sr. High School, which includes an explanation as to which contractor/personnel handles each piece of fiscal procedures and their qualifications, in the form of a</li> </ol>	<ol style="list-style-type: none"> <li>Organizational Chart that reflects a leadership structure that comports with investigator recommendations.</li> <li>If determined that a reorganization is needed, provide a written plan of implementation to include leadership members, roles and responsibilities and a revised budget.</li> <li>Board approval of reorganization plan.</li> </ol>	<ol style="list-style-type: none"> <li>Submit expert’s report and recommendations to the District by <b>December 1, 2021.</b></li> <li>Report of team roles has already been submitted..</li> <li>If reorganization is recommended, develop written plan for implementation of reorganization by <b>March 15, 2022.</b></li> <li>Encore Board approval of reorganization plan by <b>April 30, 2022..</b></li> <li>Implementation of any reorganization plan by <b>July 1, 2022.</b></li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<p>finance department report.</p> <ol style="list-style-type: none"> <li>3. If a reorganization is needed, develop the organizational chart with title of positions and roles/responsibilities and updated job descriptions/qualifications.</li> <li>4. Develop a plan to implement any reorganization.</li> <li>5. Present to Board for discussion and approval.</li> </ol>		
<b>B. Additional Nonprofit</b>	<ol style="list-style-type: none"> <li>1. Encore operates with only the single corporation, Encore Education Corporation, and agrees to abandon any plans to create an additional nonprofit corporation or separate entity or organization. Should Encore consider doing so in future, it will first obtain approval of material revision from District Governing Board.</li> </ol>	N/A	N/A
<b>C. Conflict of Interest:</b>	<ol style="list-style-type: none"> <li>1. Submit updated and corrected versions of any and all Encore policies, handbook provisions, and practices to be consistent with the laws prohibiting conflicts of interests as well as best practices. This must provide actual guidance to officers and employees regarding what constitutes a conflict prohibited by Section 1090 or the PRA and how they are to comply. As part of this requirement, Encore agrees to respond to any follow up questions and concerns that District Staff may have and to comply with any directives issued by District Staff relating to these concerns.</li> <li>2. Encore shall provide an explanation of its hiring of a</li> </ol>		<ol style="list-style-type: none"> <li>1. Update and correct policies and related provisions by <b>June 1, 2021</b> and provide copies to District by <b>June 15, 2021</b>.</li> <li>2. Provide District minimum of two weeks prior notice of annual trainings.</li> <li>3. Maintain documentation</li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<p>Board member's child in violation of its own policy prohibiting the hiring of Encore students within two years of their graduation, as well as an legal analysis of whether this hiring violated Government Code Section 1090, the Political Reform Act, the common law prohibition against conflicts of interest, and/or Encore's nepotism policy.</p> <p>3. Implement training requirements specified in the Charter re conflict of interests, and including nepotism policy in such trainings.</p>		<p>of training by all Board members, administration, and curriculum development team members (including new members/staff within 90 days of taking the position with Encore).</p>
<p><b>D. Favoritism/Preferential Treatment</b></p>	<p>1. Remediate concerns regarding alleged/anecdotal perception of favoritism/preferential treatment. May consider including this as part of independent, neutral review.</p> <p>2. Update and enforce nepotism policy.</p> <p>3. Encore will not hire any relatives to any degree of the current CEO, COO, and/or General Executive Manager.</p> <p>4. All hiring decision will be made or ratified by the Encore Board during a public session.</p>	<p>1. Update -nepotism policy</p> <p>2. Develop and implement a plan for addressing any perceived nepotism or favoritism on the basis of personal/familial relationships and/or donations. Plan shall include a component of public input/discussion of this concern to be held after the commencement of instruction in 2021-22, with notice provided to stakeholders of this opportunity.</p>	<p>1. Nepotism policy to be updated by <b>June 30, 2021</b>. Encore shall comply therewith throughout Charter term.</p> <p>2. Submit plan to address perceptions by <b>July 30, 2021</b>.</p> <p>3. Implement plan by <b>October 15, 2021</b>.</p> <p>4. Board approval/ratification of all hiring decisions effective <b>May 15, 2021</b>.</p>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
<p><b>E. Brown Act Compliance and Transparency</b></p>	<ol style="list-style-type: none"> <li>1. Encore shall provide access to its Board on Track training module.</li> <li>2. Encore's legal counsel shall attend all Board meetings through December 2021, with a specific purpose of advising on Brown Act compliance and protecting against Brown Act violations. Encore's attorney shall attend every other meeting for the following six months, after which Encore's attorney shall attend meetings at least quarterly throughout the Charter term. Encore shall commit to increasing its attorney's attendance at meeting should there be substantial concerns with Brown Act compliance.</li> <li>3. At least as frequently as the annual training, Encore shall have its legal counsel do a review of samples of its agendas, recordings, and minutes to ensure that Encore has been conducting its meetings in compliance with the Brown Act. Should this review reveal concerns with legal compliance, Encore shall correct any violations and develop and implement additional measures (which may include, but are not limited to, legal counsel review of all agendas, attendance at meetings, and additional Brown Act trainings) that are calculated to resolve and remediate any such concerns, and provide a written report of such measures to the District.</li> <li>4. As specified by Encore, legal counsel to review all agendas prior to posting throughout the Charter term.</li> </ol>	<ol style="list-style-type: none"> <li>1. Legally compliant agendas posted.</li> <li>2. Legal counsel attendance at Board meetings.</li> <li>3. Minutes and recordings timely posted to website.</li> <li>4. No Brown Act complaints or noncompliance.</li> </ol>	<ol style="list-style-type: none"> <li>1. Website update, including link to agenda, improved organization and navigation of agendas and minutes, and inclusion of links to backup materials by <b>May 15, 2021</b>.</li> <li>2. Provide District minimum of two weeks prior notice of annual trainings.</li> <li>3. Maintain documentation of training by all Board members, administration, and curriculum development team members (including new members/staff within 90 days of taking the position with Encore).</li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<ol style="list-style-type: none"> <li data-bbox="545 297 1346 475">5. Encore shall audio or video record each Encore board meeting (and meetings of any other legislative body for purposes of the Brown Act) and post the audio and/or video recording to the Encore website within two business days of the conclusion of the meeting.</li> <li data-bbox="545 513 1346 870">6. All posted agendas shall include links to the backup materials for each agenda item for which there are electronic versions of backup materials that are not excluded from public disclosure. At the later of (1) the posting of the agenda or (2) the time that the staff provides a final copy of agenda item backup materials to all or a majority of all of the members of the legislative body, it shall post a link(s) in the pertinent agenda item to those materials that are not excluded from public disclosure.</li> <li data-bbox="545 907 1346 1086">7. The homepage of Encore's website shall include a prominent, direct link to the current agenda for each legislative body, which link shall not be hidden within a contextual menu (e.g., a dropdown menu), in accordance with Government Code Section 54954.2.</li> <li data-bbox="545 1162 1260 1227">8. Implement training requirements specified in the Charter re Brown Act.</li> <li data-bbox="545 1268 1327 1367">9. Minutes shall be brought for Board approval at the subsequent meeting and posted on the Encore website within two business days of approval.</li> </ol>		

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<ol style="list-style-type: none"> <li>10. Update website as necessary to ensure that agendas and minutes are easily located and navigated.</li> </ol>		
<b>F. Form 700</b>	<ol style="list-style-type: none"> <li>1. Encore to provide list of Forms 700 (including assuming office, leaving office, and annual) that it has on record for current Charter term, and specify any that should have been filed but were not, and plan to come into compliance as necessary.</li> <li>2. Encore to identify its code reviewing body, specifically including any change due to closure of Encore Riverside.</li> <li>3. Encore to update its Form 700 filing and maintenance practices to ensure compliance with maintenance and public disclosure requirements of Education Code Section 81008. Successful submission of (1) all outstanding Forms 700 and (2) an explanation for (i) the delay in providing the Forms, and (ii) why some Forms are missing, and (iii) for what agency Encore has filed its Forms 700.</li> <li>4. Encore to implement its revised procedures for training reporters and ensuring timely compliance with all Form 700 completion, filing, and maintenance requirements.</li> </ol>	<ol style="list-style-type: none"> <li>1. All reporters file annual statements by <b>April 1</b> deadline.</li> </ol>	<ol style="list-style-type: none"> <li>1. All information provided and updated practices implemented by <b>April 1, 2021</b>, filing deadline.</li> <li>2. All Forms 700 timely filed throughout Charter term.</li> <li>3. By <b>April 15, 2021</b>, all Forms 700 properly maintained and provided immediately upon request by any person and/or District in accordance with the Political Reform Act.</li> </ol>
<b>G. Corporate Documents</b>	<ol style="list-style-type: none"> <li>1. Encore shall revise all of its corporate documents as necessary to ensure these documents are consistent with the revised Charter, MOU, and/or these conditions,.</li> </ol>	<ol style="list-style-type: none"> <li>1. Completeness</li> <li>2. Consistent with laws, regulations, and</li> </ol>	<ol style="list-style-type: none"> <li>1. Encore Board approval of updated governance documents by <b>July 30</b>,</li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<ol style="list-style-type: none"> <li>2. Encore must then submit the proposed changes to its corporate documents to the District Superintendent at least three weeks prior to Encore Board action. If the Superintendent or designee does not object to the changes Encore may proceed with Encore Board action to approve the revisions Encore shall submit the final, approved documents to the District within three days of adoption.</li> <li>3. Encore legal counsel to conduct training for Board and senior administrators on contents of updated corporate documents.</li> </ol>	<p>policies.</p> <ol style="list-style-type: none"> <li>3. Approved by the Encore Board</li> <li>4. Encore Board trained regarding the documents and alerted to any changes</li> </ol>	<p><b>2021.</b></p> <ol style="list-style-type: none"> <li>2. Encore Board and administration trained regarding the revised and updated governance documents <b>within 60 days of Board approval.</b></li> </ol>
<p><b>H. Policies, Procedures, and Website</b></p>	<ol style="list-style-type: none"> <li>1. Encore shall revise its student handbook, any employee handbook, any other policies and procedures, and its websites to ensure consistency with the terms of the renewal, including the revised Charter, the MOU, these conditions, and the law. This will also include applicable changes to complaint and investigation policies and procedures, including Title IX Policy.</li> <li>2. Encore shall submit draft revised handbooks to legal counsel for review prior to adoption.</li> <li>3. Encore shall provide copies of the Board agendas and minutes pertaining to Encore Board consideration and action on its revised student handbook, any employee handbook, any other policies and procedures, and its website to District within five (5) days of adoption.</li> <li>4. In conjunction with legal counsel, conduct a review and update to all Board policies, with particular attention to</li> </ol>	<ol style="list-style-type: none"> <li>1. Consistency across all handbooks, policies, and the law, Charter, MOU, and these conditions.</li> </ol>	<ol style="list-style-type: none"> <li>1. All revisions and updates to be completed by <b>June 30, 2021.</b></li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	those in the 5000-6000s. Encore is encouraged to work with an outside consultant/agency as necessary to make its policies consistent with law and practice.		
<b>V. MISCELLANEOUS</b>			
<b>A. Complaint Investigation Procedures</b>	<ol style="list-style-type: none"> <li>1. Identify administrative positions responsible for complaint investigation and response, specifically including positions responsible for compliance with Title IX.</li> <li>2. All administrators who will be involved in the investigation and response process (and CEO whether or not directly responsible for Title IX compliance) to undergo Title IX training that comports with the requirements of the Title IX regulations.</li> <li>3. All administrators who will be involved in the investigation and response process (and CEO whether or not directly responsible for response to complaints) to undergo training on investigating and responding to complaints, including the UCP.</li> <li>4. Adopt, at minimum, a Uniform Complaint Procedure (compliant with Cal. Code Regs., Tit. 5, Section 4600 <i>et seq.</i>), a Title IX Policy (compliant with Title IX and its implementing regulations and OCR guidance), and a general complaint policy and procedure applicable to complaints that do not come with in the UCP and/or Title IX (or designate one of the other policies to be used for</li> </ol>	<ol style="list-style-type: none"> <li>1. Understanding of the complaint investigation and response process at all levels, including the Board, admin, faculty/staff, and parent/student levels.</li> <li>2. Consistent application across all Encore policies, revised Charter, website, handbooks, etc.</li> <li>3. The correct processes are triggered for each type of complaint and fairly and neutrally followed.</li> <li>4. Demonstrated transparency</li> <li>5. Adherence to applicable laws, regulations, and policies.</li> </ol>	<ol style="list-style-type: none"> <li>1. Adopt all revised policies by <b>May 15, 2021</b>, and submit written confirmation of the updates/ revisions along with the updated documents by <b>May 30, 2021</b>.</li> <li>2. Provide documentation of trainings by <b>June 30, 2021</b>.</li> </ol>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<p>complaints generally, and address any appeal rights). Ensure that the various compliant policies and procedures clearly identify what types of complaints will be processed pursuant to which policy/procedure. Ensure Title IX policy addresses one-time and on-going training of personnel regarding this Title IX policy and applicable laws and regulations.</p> <p>5. Ensure that all complaint policies and procedures specify that in no circumstances shall a person who is involved in the complaint (as complainant, respondent, or witness) or is related by any degree to such a person be involved in the investigation or resolution of the complaint.</p>		
<b>B. Employee Qualifications</b>	<p>1. Provide specific qualifications and job description for General Executive Manager Position.</p>	<p>1. Clear and comprehensive explanation for job qualifications</p>	<p>1. Provide job description, including minimum qualifications, by <b>June 1, 2021.</b></p>
<b>C. Health and Safety</b>	<p>2. Adopt by March 1, 2021, and submit copy of current School Safety Plan that complies with Section 47605(c)(5)(F) (including the safety topics in Ed. Code Section 32282(a)(2)(A)-(J)) and, if different, the School Health and Safety Report.</p> <p>a. If Encore did not review and update its School Safety Plan by March 1 2021, provide written explanation for noncompliance and plan for remediation and compliance in future.</p>	<p>1. Completeness and consistency with applicable laws, regulations, and policies.</p>	<p>2. Encore to submit to District a copy of updated and legally compliant School Safety Plan by <b>April 15, 2021.</b></p> <p>3. Encore to maintain records of annual review and update to health and safety procedures on an ongoing basis</p>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
	<p>3. Encore shall review its health and safety policies and procedures with its insurance carriers and risk management experts on at least an annual basis in order to maintain them as legally compliant and in accordance with best practices, and these policies are subject to revision and review/approval by the Governing Board prior to the commencement of each school year.</p>		<p>throughout Charter term.</p> <p>4. Encore to review and update its School Safety Plan annually on or before <b>March 1</b> throughout the Charter term, and shall maintain records of such review.</p>
<p><b>D. Racial, Ethnic, English Learner and Special Education Balance</b></p>	<p>1. Provide explanation of how Encore intends annually to implement its recruitment efforts, and, where necessary, update its Charter and budget to include costs of this plan on an ongoing basis during the renewal term.</p>	<p>1. Student enrollment including information regarding recruitment efforts</p> <p>2. Impact of updates on budget</p>	<p>1. Encore shall regularly, and at least annually upon the conclusion of its open enrollment and admission process, analyze the success and/or weakness of its outreach and other efforts/means of achieving the requisite pupil balance and shall utilize the data from its admissions records and programmatic audit to make any necessary revisions to the outreach initiatives and other efforts in order to correct imbalances.</p>

Condition	Actions	Milestones/Measurements (if any)	Deadline/Outcome
<b>E. Renewal Charter Cleanup</b>	1. Rewrite/clean up renewal Charter to correct mistakes, incorporate responses to these conditions, eliminate extraneous appendices, and correct all cross-references.	1. Clickable links, easy to navigate 2. Sequential numbering (including appendices) 3. Internal consistency and consistency with conditions. 4. <b><u>All revisions are to be made to the version of the Charter submitted by Encore on January 15, 2021, which is the conditionally approved Charter.</u></b> (Note, the version of the Charter Encore submitted to the District on or about January 22, 2021, was not acted on or approved by the District Board and shall not form the basis of the corrections.)	5. Submit cleaned up and corrected Charter by <b>July 1, 2021</b> . Submission must include (1) Clean Word document; (2) redline document showing all changes, including to appendices; and (3) Final version with clickable links and easy navigation.