State Charter School Board
Replication Application

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Schools.utah.gov/charterschools

Introduction

The mission of the Utah State Charter School Board (SCSB) is "to provide for positive student outcomes by authorizing, overseeing, and elevating successful public charter schools through a rigorous approval process, effective oversight, and meaningful collaboration." In the spring of 2017, the SCSB approved an application process for the replication of existing high quality charter schools. A need had been identified to establish an alternative application process for an existing charter that chooses to replicate its program without having to continue through the new application process. The purpose of the Replication Application is to streamline the application process for existing charters that have consistently demonstrated quality academic and operational performance and financial viability, as set by performance frameworks and generally accepted standards.

The Replication Application is based on the premise that the new school will reflect the existing educational program, corporate and governance structure, and financial and operational processes that have been successfully demonstrated at the existing school. The applicant is required to acknowledge such consistency through specific statements and responses in the application package.

Timeframe

Replication Application Submission	
Submit the Replication Application. Requests are received two years prior to opening (e.g., Nov. 1, 2016 to open Fall 2018).	Must be received no later than Nov 1.
Staff Eligibility Review	
After November 1, SCSB staff confirms eligibility, to include academic performance and operational compliance. Staff determines whether the existing school meets the SCSB's Eligibility Criteria and Financial Performance Expectations. The applicant is notified within the timeframe if eligible to replicate and whether additional information will need to be submitted. Operational compliance will be confirmed throughout the review period.	By the last business day in November.
State Charter School Board Consideration	
At the January SCSB meeting, members will consider the replication request. Schools will have opportunity to answer questions. SCSB staff will notify the school of the SCSB decision within five business days following the vote.	January meeting
Utah State Board of Education Consideration	
If the SCSB approves the replication request, the application will be forwarded to the USBE for consideration at its September meeting. SCSB staff will notify the school of the USBE decision.	February meeting

Application Instructions

The Replication Application template is organized to obtain information efficiently and accurately to aid quality review and decision-making by the Board. The template is a Microsoft Word document with checkboxes and text boxes for the applicant to respond to questions.

As you complete this application, please keep in mind the importance of overall consistency of the application package. *All information presented in the application package, if approved, becomes part of the charter contract and will be used for accountability purposes throughout the term of the charter*

1. Prepare your application package using the Replication Application template, attachments/forms, and submission process approved by the SCSB. This template is designed to be filled out and submitted **electronically**.
2. Complete the entire application package. Incomplete applications will be returned to the applicant.
3. Required components of these sections are intended to be brief. Sections requiring narrative responses have identified suggested page lengths.
4. Ensure that every checkbox next to a statement of consistency is checked.
5. For attached documents, follow the **Formatting Requirements** outlined below.
6. Submit the application package electronically to rabecca.cisneros@schools.utah.gov .

Formatting Requirements:

- Only the following file types will be accepted: .pdf, .doc, .docx, .xls, .xlsx.
- Create a three letter abbreviation for your school to use in place of your school's name at the beginning of each filename (e.g. ECS for Excelling Charter School).
- Name files with short, descriptive names.
    - For required exhibits, a brief summary (e.g. for floor plan #2 for Excelling Charter School, ECSfloorplan2.pdf).
    - For files relating to individuals (e.g. affidavit, resume), end each file name with the initials of the individual (e.g. for Jane Doe's resume for the Excelling Charter School application, ECSresumeJD.pdf).
    - For the Replication Application template, when completed, title it 'application' (e.g. for the Excelling Charter School application, ECSapplication.docx).
- Fonts must be no less than **11 point.**
- The application calls for certain official documents to be scanned. Scanned documents must be no less than 100% of the original size, except for building floor plans or maps.

1. Applicant Agreement

Print this sheet, complete and sign the spaces at the bottom, scan, and attach to the electronic application.

The following statements MUST BE READ and VOTED on in an OPEN and PUBLIC MEETING PRIOR TO SUBMISSION. The Board Chair of the eligible sponsoring school will sign as "The Applicant" on behalf of the entire governing board after a majority vote is taken and recorded in the minutes. Should the agreement be signed by someone other than the current Board Chair, the application package will be deemed Incomplete.

Name of Sponsoring School Entity: ____Esperanza Elementary_____

The Applicant certifies all information contained in this application is complete and accurate, realizing that any misrepresentation could result in disqualification from the replication process or revocation after award. The governing board agrees to fully cooperate with audits and monitoring associated with the review of this application.

The Applicant acknowledges the entire Replication Application was received by the school district in which the existing entity is located, and the school district in which the new entity will be located.

The Applicant acknowledges that all information presented in the application package, if approved, becomes part of the charter and will be used for accountability purposes throughout the term of the charter, and that the charter may be amended or modified by the SCSB authorized amendment process.

The Applicant acknowledges that the governing board has read all Utah statutes regarding charter schools is currently in compliance, and that, if the Replication is approved, the Applicant is subject to and will ensure continued compliance with all relevant federal, state, and local laws and requirements.

The Applicant acknowledges that the governing board understands the new entity shall be held accountable to its own performance agreements with the SCSB.

The Applicant acknowledges that the governing board will submit any lease, lease-purchase agreement, or other contract or agreement relating to the new entities' school facilities or financing of the facilities to SCSB for review and advice prior to entering into the lease, agreement, or contract.

The Applicant acknowledges that a physical site for the new entity must be secured and under contract or appropriate permits obtained and ground breaking occurs no later than January 1 of the year the new entity is scheduled to open.

The Applicant certifies that no later than 15 days after securing a building site, the governing board shall notify the local school district of the exact school location.

The Applicant acknowledges that if approved to operate a Replication charter school, the Applicant must execute a new charter contract, specific to the Replication school, within twelve months of the date of approval of the Replication by the State Charter School Board.

The Applicant acknowledges that if approved to operate a Replication school, the Applicant must secure a site within twenty-four months of approval, or forfeit approval.

Juan A. Freire	Juan Freire 10-27-17
Name of Board Chair (please print)	Signature of Board Chair /Date

2. School Entities Information

Name of Sponsoring School Entity eligible for Replication: Esperanza Elementary

Name of Replication School: Esperanza Ogden Elementary

Purpose and Mission of the School: Esperanza Elementary provides the environment that fosters what each student needs to become biliterate, multicultural, and to acquire skills and attributes needed to effectively serve in our local and global community. Esperanza welcomes students of all backgrounds and ethnicities. Esperanza values a diverse school community. Esperanza's school design helps all students to be academically successful.

Name of School Representative: Eulogio Alejandre

Contact Information for School Representative: Phone: 801.305.1450 ext. 304

Cell 385.333.8280

Sponsoring School Location School District: Granite School District

Replication School Location School District: Ogden School District/Weber School District

Required Exhibits:

- List of individuals designated to receive founder status. Clearly indicate the percentage of students enrolled at the school for the past three years under founder preference.

  There are no individuals listed with founder status, other than the board members listed in Section 3.

3. Governance Structure

In this section you will be providing information regarding the consistency in the governance structure between the existing entity and the new entity. Answer the following question about the entity that will operate the new school by checking the appropriate box and completing any additional information requested.

✔ Yes, the existing entity's Board will govern the new entity.

✔ *Statement of Consistency:* By checking this box, I understand and agree that the Replication Application process requires the organizational structure of the new entity to be consistent with the organizational structure of the existing entity.

Below, list the names and positions of all Board Members (officers, members, directors, partners) of the existing entity, and their positions. Also list any other current charters in which they act as a corporate principal or charter representative. Add rows as necessary.

Name	Position	Current Charter Affiliations
Juan Freire	Board Chair	Esperanza Elementary
Challenge Nuvan	Board Member	Esperanza Elementary
Janet Christensen	Board Member	Esperanza Elementary

Patricia Mathews	Board Member	Esperanza Elementary
Cody Case	Board Member	Esperanza Elementary
Marty Banks	Board Member	Esperanza Elementary
Debra Von	Board Member	Esperanza Elementary
Maria Parrilla de Kokal	Board Member	Esperanza Elementary
Angela Zamora	Board Member	Esperanza Elementary

Required Exhibits:

- A copy of current Bylaws/Operating Agreement, as applicable - Appendix A
- Minutes of the board of the existing entity authorizing application for Replication - Appendix B

4. Education Service Providers

In this section you will be providing information regarding the consistency in the use of Education Service Providers between the existing entity and the new entity. Answer the following questions regarding Education Service Providers (ESP) by checking the appropriate box and completing any additional information requested.

Does the existing entity have a relationship with an ESP?

✔ Yes (Complete Section A)

☐ No (Skip Section A)

Section A: Education Service Providers

✔ *Statement of Consistency:* By checking this box, I understand and agree the Replication Application process requires that the contractual relationship of the new entity with an ESP to be consistent with the contractual relationship of the existing entity with an ESP.
What is the name of the ESP? Red Apple Financial

Required Exhibits:

- Copy of the service agreement as executed between the existing entity and the ESP. - Appendix C

5. Target Population and Enrollment

In this section you will be providing information that supports the replication of the existing charter in an identified area or with an identified population.

✔ *Statement of Consistency:* By checking this box, I understand and agree that the target population of the new entity should be similar to the target population of the existing entity, and that differences must be addressed in responses to the questions below.

✔ *Statement of Consistency:* By checking this box, I understand and agree that the enrollment policies of the new entity must be consistent with the enrollment policies of the existing entity, and that enrollment of students cannot begin until the Replication Application is approved.

Grades Requested for New Entity: K-6

Projected Maximum Enrollment of New Entity: 525

	Grades and Specific Number of Students Served by Grade													Max Enrollment
Year 1	K	1	2	3	4	5	6	7	8	9	10	11	12	
SY20	90	75	75	75	50	50	25	0	0	0	0	0	0	440
Year 2	K	1	2	3	4	5	6	7	8	9	10	11	12	
SY21	90	80	75	75	75	50	50	0	0	0	0	0	0	495
Year 3	K	1	2	3	4	5	6	7	8	9	10	11	12	
SY22	90	85	75	75	75	75	50	0	0	0	0	0	0	525

School Calendar Type: Standard

Instructional Days: 181. Target Start Date: August 2019

Attach a clear, specific and concise response about the proposed target population. The expected page length for all five questions is no more than two pages.

5-1. Describe the population of the existing entity that includes a demographic profile listing the percentage of minority students, the percentage of students with disabilities qualifying for special education services, the percentage of economically disadvantaged students, the percentage of English Learners, academic performance of students entering the school, and distance travelled by current students.

Esperanza is inherently different from the other schools in the target location primarily in its educational approach. No other school in the area offers a 90/10 immersion program. Additionally, the Ogden School District will not accept students into an immersion program after second grade, further limiting options of those who are new to the area or for whom an immersion program would be beneficial.

The Invitational Education culture of the school is also unique. While other schools may embrace and employ some of the strategies espoused in Invitational Education, none of them are implementing the program school-wide. The trust, respect, optimism, and intentionality the program is built on are critical elements in helping at-risk students succeed in school. Esperanza Elementary School received The Invitational School Award from the International Alliance for Invitational Education in October, 2017. Faculty and staff are truly passionate about serving students who want to learn Spanish and English.

We assert that one hundred percent of our students are learning language. Currently, we estimate that 45% of our students are minimally bilingual when they enter our school and 45% are monolingual in English, and 10% are monolingual English speaking.

Esperanza Elementary School has shown that dual immersion helps students become literate. SAGE English Language Arts scores have improved from 10% proficient in 2015, 15% proficient in 2016, and 19% in 2017.

Currently at Esperanza Elementary School we serve approximately 10% of our students by the Special Education Department.

5-2. Compare the description in 5-1 to the local school district of the existing entity.

Demographics of the target population in the Ogden School District is changing since they opened New Bridge School last school year and Leadership Academy recent opening, in the city of Ogden, the school age population as a whole consist of:

- 51% of students on October 1, 2014 were identified as Hispanic
- 49% of students qualified for free or reduced lunch
- 22% of students in the elementary schools were classified as ELs

5-3. Identify the target population of the proposed school, demonstrating a clear understanding of the students the school intends to serve including the percentage of students with disabilities qualifying for special education services, the percentage of economically disadvantaged students, the percentage of English Learners, whether the students will be primarily neighborhood or commuter, and current levels of academic performance.

We propose to serve 440 students in our first year, 495 in our second year, and 525 in our third year. Since we will target families who are interested in becoming biliterate and students in inner city Ogden, we anticipate that our students will be closer to the demographics currently at Esperanza Elementary School in West Valley City, Utah. We anticipate 80% of our students coming from the Latino/Hispanic community, 70% will receive free or reduced school lunch. While, 40% or more may be classified as English Language Learners, we will use the inclusion or push in model for all except those in high need, which will be 5% of our students. Since our 90/10 program is so unique in Utah, we expect to draw our students, not only from inner city Ogden, but also from Weber County School District, specifically South Ogden, North Ogden, Riverdale City, Washington Terrace, and Roy.

We will be fully prepared to welcome low performer students. We understand that students who are connected to their current schools will remain there. Low performing students will be our most likely recruits. We anticipate to draw families who are not content with their current neighborhood school. We expect our retention rate to fluctuate for the first two years as it did in West Valley City in 2014-2015 and 2015-2016, but fully expect to settle in our third year and beyond.

5-4. Describe the market analysis that supports the successful enrollment of the projected student count from the target population. Include what makes this school unique or needed.

There are no schools in Ogden targeting low performing students who want to be fully bi-literate. Our 90/10 has proven success in the last three years in serving this student population. We are fully aware of the new schools that have opened their doors in the last two years, but none of the new charter schools, and certainly none of the district schools have fully implemented a dual immersion program school wide and none have a 90/10 model. While Ogden School District have improved school district wide, we believe that our system educational system works with low income, Latino/Hispanic students.

5-5. Describe the enrollment practices, processes, and policies of the existing school.

Esperanza Elementary School welcomes all students who want to be biliterate without consideration to race, ethnicity, language ability, special education status, or where they live. All students enrolled in the school year are guaranteed a slot for the upcoming school year after they return the reenrollment form prior to April 1st of the current school year for the upcoming school year. Thereafter, all students are placed on a waiting list. Esperanza Elementary School randomly selects students for each grade band where students are needed. Siblings of students already enrolled at the school.

5-6. Describe the enrollment timeframe that will be implemented by the proposed school, to be shared with the public.

The first 440 students who enroll prior to February 28, 2019 will be given priority and thereafter students will be place on a waiting list. Esperanza Elementary School will conduct a random lottery to select students for each grade band on the last weekday of each month to fill any available slots until 440 are enrolled.

6. Facility Acquisition for New School

Attach the following information regarding the proposed location of the new school.

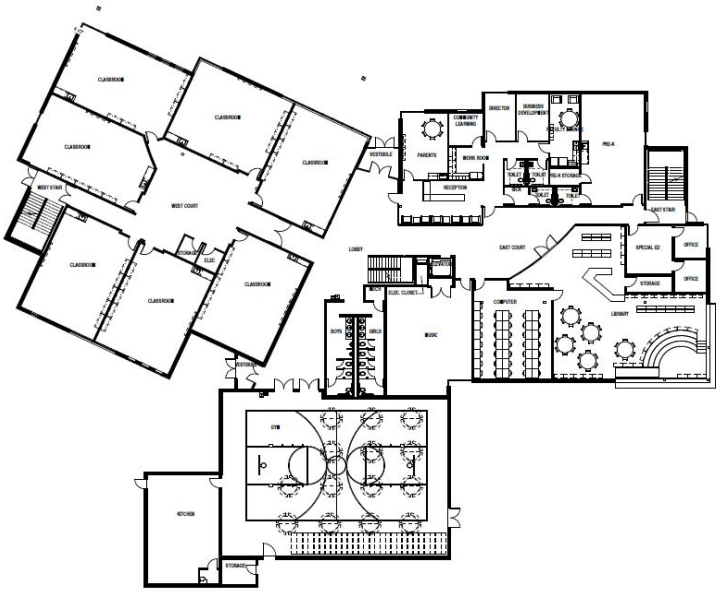
6-1. Identify the proposed municipality of the new school.

Esperanza will be located in either Ogden, or Weber School District. Currently the school is working with a Realtor, looking for locations in Washington Terrace, Riverdale, and Roy, with Roy being the preferred location. Esperanza is sensitive to the number of Charter Schools already located on the

north side of Ogden, and would like to focus on the southern end. There are also a number of Latino children in these areas.

6-2. Attach renderings or describe the facility size and layout suitable for implementing the Educational Plan.

While the final design of the school will be done upon approval of this application, included below are the rendering and floor plans of the school in West Valley. Esperanza would like to build a similar facility, as it was designed specifically for the school's target population, and has been a staple in the community. The facility is approximately 40,000 sq ft, and includes classrooms, gym, cafeteria, kitchen, administrative space, and more. Additionally, Esperanza will be looking for approximately 5 acres of land to build.



6-3. Describe the timeline for acquiring a suitable facility by the start date identified in Section 5.

Esperanza Elementary has successfully navigated this process before, as well as the school will work with professionals with prior experience in building charter schools. The school understands the narrow timeline for building a new charter school. While the process can be complicated at times, the basic timeline is as follows:

- April 2018 - Issue RFP for a Developer to team with on new school
- May 2018 - Work with Developer to put land under contract
- June - July 2018 - Due diligence on land
- July - October 2018 - Design the school, and obtain necessary permits
- November 2018 - Begin Construction
- July 15 - 2019 - Receive Occupancy Permit from Fire Marshall, apply for CofO with USBE, and move into school
- August 2019 - School begins

7. Educational Plan

To ensure that the charter contract for the new entity reflects the current practices of the existing entity, attach a clear, specific, and concise response regarding the existing Educational Plan. The expected page length for all five questions is no more than two pages.

✔ *Statement of Consistency:* By checking this box, I understand and agree that the Replication Application process requires the Educational Plan of the new entity to be consistent with the Educational Plan of the existing entity.

7-1. Provide a description of the sponsoring school's philosophical approach to improving pupil achievement. Include how this philosophy has impacted the success of the existing school. If a different population will be served in the new school, how does this philosophical approach apply?

There are numerous reasons for students not to achieve academic success and to eventually drop out, particularly for students with EL needs and other literacy and numeracy deficiencies. The 2014 Cohort Graduation Rate Highlights produced by the Utah State Office of Education illustrates the perpetual achievement gap for students of Latino origin, those with EL needs, and those who are economically disadvantaged in most schools in Utah. Ogden School District's lower overall graduation rate is reflective of the higher than average subgroups that tend to have lower graduation rates.

7-2. Describe the existing program of instruction of the current school, including methods of instruction and curriculum for the core academic content areas, which supports this philosophy and aligns to Utah Core Standards.

For the 90/10 model to work well, teachers need curricular materials that are available in both English and Spanish. Students will learn to read Spanish first, and then begin reading in English in second grade. However, books will always be available for students in both English and Spanish in every classroom. Because the mechanics of learning to read are universal, learning to read in a second language requires significantly less time and effort. Short and Fitzsimmons[1] presents compelling research in favor of learning to read in a child's native language. Learning to read is a complex process, requiring the student to utilize multiple parts of the brain at the same time. When students are required to learn a new language and learn to read it at the same time, they are, in essence, being required to do double the work of their native-speaking peers. If students are taught to read in their native language while acquiring language skills, their test scores in the long term are higher. Further, research shows that many students who are deemed "proficient" in English and are exited out of ALS services do not possess the academic language skills to be successful in the classroom, leading to lower achievement levels and higher dropout rates. The achievement gap is usually greater for ELs than for any other subgroup, both in Utah and nationally.

The academic program of Esperanza is that of a minority dominant language approach, also referred to as the 90/10 method. Students in kindergarten and first grade receive 90% of their instruction in Spanish and 10% in English. Each year this percentage is changed by 10%, until fifth grade, when the ratio is 50/50. Esperanza recognizes the challenges inherent in doing this with students in the upper grades during the initial operating years, as the majority (if any) of the students will not be coming from high quality dual immersion programs. To address the issue, Esperanza will initially teach more than 50% of the content in grades four through six in English, Depending on the needs of the students who enroll in the school during the first three years. We anticipate teaching Spanish as a second language for one hour a day and then in 4th grade add 30-60 additional minutes a day in social studies or other subject in Spanish. In fifth grade, during the first year, we anticipate adding only 30 minutes of additional instruction in Spanish. The first year, unless we are able to recruit Spanish speakers, we will limit Spanish instruction to just 60 minutes of Spanish as a second language. One of our pillars at Esperanza Elementary School is Invitational Education.

7-3. Present an explanation of how the implementation of the existing program of instruction meets the needs of the proposed target population.

This philosophy sets a positive environment in the school. Positive Behavior and Intervention Support (PBIS) is used to manage the few incidents of misbehavior that come up throughout the year. Esperanza Elementary School uses Sheltered Instruction Observation Protocol as our pedagogical structures to teach the curriculum. The curriculum comes directly from the Utah State Office of Education. Instructional materials are used to decrease teacher preparation needs. Esperanza Elementary School uses Reading Street/Calle de la Lectura to teach literacy skills. Additionally, to support Reading Street, Esperanza Elementary School uses Reading A-Z. Teaching also have access to other materials, including over three thousand books in English and over a thousand books in Spanish. Science and social studies is also supported by Reading Street/Calle de la Lectura. In math, teachers use Bridges in Mathematics and Engage New York curriculum materials. Khan Academy is also available to teachers. Several other online systems are available to support ELLs and special education classes.

7-4. List the *Contractual Agreement Goals* and describe the school's performance against the goals. Include goals identified in the Charter Fidelity Monitoring Report (if charter agreement signed prior to June 2016) or Exhibit A (if charter agreement was signed in June 2016 or later). If the school is not meeting all of its goals, describe the governing board's corrective action plan.

When the charter was written for Esperanza Elementary School was written, the founding board expected to recruit students who were proficient at higher rates than the actual students who enrolled. Thus, different goals were established from year one. In our fall testing (Year 1), Esperanza Elementary School discovered that students were less than 5% proficient in all three tested subjects. By the end of the year 1, students were 9% proficient in math, 10% proficient in English Language Arts, and 11% proficient in science. Those scores have doubled in the last three years. In 2017, students at Esperanza Elementary School scored 22% proficient in math, 19% proficient in English Language Arts, and 21% proficient in science. While our goals of 70% proficiency have not been met, we fully expect to double the current scores again within the next 3-5 years.

7-5. Describe how the school will provide, as required by state and federal law, special education and related services.

Esperanza Elementary School will contract with a director of Special Education with highly qualified licensure to support implementation of services as required by state and federal law. Additionally, a special education teacher will be contracted to be on campus daily to provide services and train special education instructional staff assistants as they provide services. We plan on contracting three teacher assistants to help the teacher provide the services identified by individualized education plan (IEP) team. Our objective is, not only to meet minimum requirements, but to surpass such minimum requirements. We expect ten percent of our students to need such services. Should more students

than 10% of our students need special education services, we will contract additional teachers and instructional assistants.

7-6. If your school serves a high school population, identify graduation requirements for the school that will meet State requirements. Describe the process and criteria for awarding course credit.

N/A

Required Exhibit:

- RDA scoring letters and APR letters. - Appendix D
- Executive summaries from UPIPS review for the past three years, if applicable. Not Applicable

8. Employee Plan

✔ *Statement of Consistency:* By checking this box, I understand and agree that the employee policies of the new entity should be consistent with the employment policies of the existing entity, including background check requirements, qualifications, evaluations, and nepotism.

8-1. Provide summary descriptions of administration, teachers, and other staff to be hired at the new entity.

One of the difficulties faced by 90/10 programs is finding enough teachers who can instruct students in the minority language. Esperanza Executive Director Eulogio Alejandre has worked with Weber State University in his capacity as Director at Esperanza to develop a training program for teachers. Under the agreement, the school hires bilingual and bi-literate college graduates to teach, and Weber State University then works with these teachers over two to three years to help them become certified teachers and provide them with support in best practices in a language immersion program.

Additionally, Executive Director, Eulogio Alejandre will be working with an educational entity in Puebla, Mexico to recruit highly qualified teachers who are bi-literate in Spanish and English. American School in Puebla, Mexico includes over 2,500 students and over one hundred professionals and paraprofessionals who are part of that entity.

Recruiting traditionally trained teachers or other professionals can be daunting for a 90/10 program. The experience and community connections of the Esperanza board make this task somewhat less intense. Mr. Alejandre currently recruits and hires for similar positions at Esperanza and has had great success working with local university employment centers (not specifically targeting education majors), employment service agencies, and Spanish media. The route to train these professionals starts immediately. University courses can begin before school starts. If teachers do not start training in the summer, they begin college classes as soon as school begins. Teachers take two classes in the fall and two classes in the spring, and then four classes in the summer after the first year of teaching. In the fall of the second year teachers take additional classes, and also do student teaching. Teachers are in classes twice a week. The primary focus in

the first classes is classroom management and curriculum development. Content curriculum development follows, then multicultural education, and special education.

Esperanza Elementary School recognizes the difficult task in finding highly qualified educators, but actions are now been taken to ascertain that the school in Ogden will be much more prepared and much more ready to teach as the faculty and staff were in West Valley City in 2014, even though results were high and continue to improve, Esperanza Elementary School knows it will not be easy. Instructional teacher assistants will be provided for each classroom in grades K-2nd. In grades 3rd-6th, teachers will share one teacher assistant for each three teachers. Additionally, the federal programs coordinator will serve both campuses.

Administration of Esperanza Elementary School in Ogden will include a principal and vice principal, a vice principal only for the existing school and the executive director will serve as the principal for the West Valley City campus.

9. Business Plan

The **Financial Performance Standard** gauges both near-term financial health and longer term financial sustainability. An existing entity that receives one or more "Falls Far Below Standard" and/or two or more "Does Not Meet Standard" on the CSPS financial performance expectations does not meet the SCSB's expectations and must submit additional information as part of its application.

Answer the following questions regarding the financial performance of the existing entity by checking the appropriate box and completing any additional information requested.

Does the financial performance of the existing entity meet the SCSB's financial performance expectations?

✔ Yes (Skip Section B) (verified with the 2016 Audit)

☐ No (Complete Section B)

Section B: Business Plan for Replication

Attach a clear, specific, and concise response regarding budgets and finances.

Required Attachments:

- **Financial Performance Information**: Address each Financial Performance Metric measure where the existing entity received a "Falls Far Below Standard" or "Does Not Meet Standard."
- **Start-Up Budget**: Provide a budget to cover expenses projected to occur during the start-up period (Until August 1 of the year the school opens).
- **Three Year Operational Budget**: Provide a budget to cover expenses projected to occur during the first three years of operation.
- **Assumptions**: For each budget, provide a separate document describing assumptions for each line item, to include disaggregated costs, and basis for determining for those costs. Demonstrate through

the assumptions that the amounts listed are viable and adequate for the start-up period and first three years of operation.

Note: Templates for the Budgets are provided as separate Excel files.

10. Startup and Implementation Grant Application

The purpose of the Start Up and Implementation Grant is to provide financial assistance for planning, program design, and initial implementation of new charter schools, including satellite and replication campuses. A replication or satellite school is authorized to receive a minimum of $137,500 and maximum of $200,000, based on enrollment (see table) and eligible funds, distributed over three years. Funding is based on projected and actual enrollment and paid out in two payments of 50% at the start of the year and again at mid-year.

The Startup and Implementation Grant is based on UCA §53A-1a-513.5 and USBE Rule R277-470-5.

	Base for up to 200 students	**Pupil Unit for students 201-599**	**Maximum Allocation for 600+ students**
Startup	$75,000	Enrollment x $85	$100,000
Implementation 1	$50,000	Enrollment x $42.50	$75,000
Implementation 2	$12,500	Enrollment x $42.50	$25,000
TOTAL	**$137,500**		**$200,000**

Applicant Instructions

Complete the Startup and Implementation section if the school wishes to be considered for Startup and Implementation funds. Do not include this section with the application if the school does not wish to be eligible for these grant funds.

Grant Assurances

Grant funds may only be used for the following:

- *Post-award planning and design of the educational program;*
- *Research-based professional learning activities for teachers, staff, and board;*
- *Informing the community about the school;*
- *Acquiring necessary equipment and educational materials and supplies;*
- *Acquiring, developing or aligning curriculum, and;*
- *Other initial operational costs, such as:*
    - *Costs associated with creating and implementing office functions;*
    - *Costs associated with the installation of computers, data systems, networks, and telephones;*
    - *Personnel expenses incurred either before or after the school's opening (not to exceed a total of $5,000 per month); and*

- *Rental or occupancy costs for the school facility for a reasonable period of time in preparation for the school's opening.*

The board understands that:

- Funding is based on projected authorized enrollment and corrected after the October 1 membership count.
- No funding level is guaranteed.
- If the school's October 1 enrollment falls below the projected enrollment, then the school may lose all or part of the 50% of remaining allocated funds depending on actual enrollment numbers.
- The school shall participate in monitoring activities, including attendance at mandatory trainings and compliance with statute and rule. Failure to comply may result in a loss of funds.
- A budget report on the expenditure of grant money is due to the SCSB at the end of each year and a final report is due at the end of the 2nd implementation year.
- Should the charter school change to non-charter status within ten years of receiving grant funds, grant funds must be reimbursed to SCSB.

Budget *- List total dollar amount required by category*

As long as the total amount budgeted in each category is the same at the end of the fiscal year, SCSB approval is not needed. However, if the school chooses to increase or decrease a category total, a new budget must be approved by the school's governing board and by SCSB staff.

Budget Categories	Startup Year	Implementation Year 1	Implementation Year 2	Total
Salaries (100)	$	$	$	$
Benefits (200)	$	$	$	$
P & T Services (300)	$	$	$	$
Property Services (400)	$	$	$	$

Other Services (500)	$	$	$	$
Travel (580)	$	$	$	$
Supplies and Materials (600)	$	$	$	$
Property (700)	$95,400	$62,537	$26,312	$184,249
Total	$	$	$	$

Budget Details *– List details of items to be purchased by category*

Budget Categories	Startup Year	Implementation Year 1	Implementation Year 2
Salaries (100)			
Benefits (200)			
P & T Services (300)			
Property Services (400)			
Other Services (500)			
Travel (580)			
Supplies and Materials (600)			
Property (700)	Esperanza will spend the entire amount of the start-up grant for IT equipment. The school will be purchasing Chromebooks for students, laptops for teachers, and desktops admin. Additionally, the school will also need to purchase a firewall, servers, server racks, and run data, The actual amount of the money to be spent on IT equipment in the start-up year will be about 130K. The school will pay for the difference through other means.	As noted in Section 5, Esperanza will be adding students to the school each of the first 3 years. The Implementation Grant will be used to buy additional IT equipment, as well as furniture for the additional students. Furniture will include such items as chairs, desks for students, desks for teachers, and whiteboards.	The final year of the grant will be spent in the same manner as the first 2. With a school of this size, it will take approximately 200k for IT, and 100k for FFE. Esperanza will use the entire grant to go towards these costs, and spread them out over 3 years, as enrollment grows. The difference between the grant, and the total amount needed will be made up through reserves, or the Revolving Loan.

Appendix A

BYLAWS

OF

GENERACIÓN FLORECIENTE

A UTAH NONPROFIT CORPORATION

ESPERANZA ELEMENTARY CHARTER SCHOOL

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ESPERANZA ELEMENTARY CHARTER SCHOOL

BYLAWS

OF

GENERACIÓN FLORICIENTE

ARTICLE I: OFFICES

Section 1.1 Business Offices. The principal office of the corporation will be located in Salt Lake City, Utah, and its initial principal office is located at 854 Elm Ave, Salt Lake City, Utah 84106. The corporation may have such other offices, either within or outside Utah, as the governing board of directors may designate or as the affairs of the corporation may require from time to time.

Section 1.2 Registered Office. The registered office of the corporation required by the Utah Revised Nonprofit Corporation Act (the "**Act**") may be, but need not be, the same as the corporation's principal business office in Utah. The initial registered office is 854 Elm Ave, Salt Lake City, Utah 84106, and the name of the corporation's registered agent at that address is Barbara McCauley. The corporation's registered office and registered agent are subject to change from time to time by the board of directors, by the officers of the corporation, or as otherwise provided by the Act.

ARTICLE II: MEMBERS

The corporation need not have members, but it may have such number and classes of members as the board of directors may designate by resolution.

ARTICLE III: BOARD OF DIRECTORS

Section 3.1 General Powers. The business and affairs of the corporation will be managed by its governing board of directors, except as otherwise provided in the Act, the articles of incorporation or these bylaws. The board shall have all the powers enumerated in these Bylaws, including but not limited to the following specific powers:

(a) To elect and remove directors.

(b) To elect and remove officers.

(c) To select a Director (Chief Executive Officer) for the charter school; to establish measurable goals and objectives for the Director; to support and evaluate the Director's performance; and, if necessary, remove the Director.

(d) To ensure the quality of the school and its continuous improvement through ongoing evaluation of clear, measurable goals and objectives; to prepare, in collaboration with the school Director, an annual set of measurable goals and objectives for the school and the nonprofit corporation.

(e) To establish procedures that ensure sound financial management and an efficient operation of the school.

(f) To approve reports consistent with those required by the Utah Legislature, the Utah State Charter School Board and the Utah State Board of Education.

(g) To conduct, manage and control the affairs and activities of the corporation, and to make rules and regulations.

(h) To maintain insurance on behalf of any of its directors, officers, employees or agents for liability asserted against or incurred by such person in such capacity or arising out of such person's status as such.

(i) To enter into any contract or execute and deliver any instrument in the name of or on behalf of the corporation.

(j) To borrow money, incur debt, and to execute and deliver promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations and other evidences of debt and securities.

Section 3.2 Number, Composition, Qualifications, Election and Tenure.

(a) The number of directors of the corporation may be specified from time to time by resolution of the governing board of directors, but will not be less than five, nor more than 12. Directors must be at least eighteen years old but, unless otherwise provided herein, need not be residents of Utah or a member of the corporation. The board may elect any person who in its discretion it believes will serve the interests of the corporation faithfully and effectively.

(b) The board shall elect directors by the vote of a majority of the directors.

(c) The term of each member of the initial board of directors shall be until June 30 prior to the first operational year of the school. Prior to the beginning of the first operational year, the board shall elect directors providing for staggered terms, by designating approximately one-third of the directors to one-, two- and three-year terms. Following the expiration of those designated terms, the term of each director shall continue for three years. Directors may be elected for successive terms. A decrease in the number of directors or in the term of office does not shorten an incumbent director's term. The Board of Directors recognizes the differences between the responsibilities of the founding board and those of the operational board and understand that once school's CEO is hired and doors are open to students, the Board will begin to make the transition from a hands-on managerial board to a governance board.

(d) Once the school is operational, two directors, with one-year terms, shall be parents of currently enrolled students and selected by the parent organization. One parent director shall be a native-Spanish speaker; the other parent director shall be a native-English

speaker. Parent directors may serve more than one term. These directors may be removed by a majority vote of the parent organization but not the board of directors.

(e) Once the school is operational, one teacher elected by the teaching staff shall be a non-voting director with a one-year term.

(f) Once the school is operational, one student elected by the student body shall be a non-voting director with a one-year term.

(g) Unless otherwise provided herein, the term of a director filling a vacancy expires at the end of the unexpired term that the director is filling, except that if a director is elected to fill a vacancy created by reason of an increase in the number of directors, the term of the director will expire on the term designated for the director at the time of the creation of the position being filled. Despite the expiration of a director's term, a director continues to serve until the director's successor is elected, appointed, or designated and qualifies there is a decrease in the number of directors. A director whose term has expired may deliver to the Utah Division of Corporations and Commercial Code for filing a statement to that effect.

Section 3.3 Resignation of Directors. A director may resign at any time by giving written notice of resignation to the corporation. A resignation of a director is effective when the notice is received by the corporation unless the notice specifies a later effective date. A director who resigns may deliver to the Utah Division of Corporations and Commercial Code for filing a statement that the director resigns.

Section 3.4 Removal of Directors. A director may be removed with or without cause by the vote of a majority of the directors then in office. A director elected by the board of directors to fill the vacancy of a director elected by the voting members may be removed without cause by the voting members but not the board of directors. A director who is removed pursuant to this Section 3.4 may deliver to the Utah Division of Corporations and Commercial Code for filing a statement to that effect..

Section 3.5 Vacancy. Unless otherwise provided herein, if a vacancy occurs on a board of directors, including a vacancy resulting from an increase in the number of directors, the board of directors may fill the vacancy, or if the directors remaining in office constitute fewer than a quorum of the board of directors, the remaining directors may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office. A vacancy that will occur at a specific later date by reason of a resignation effective at a later date may be filled before the vacancy occurs, but the new director may not take office until the vacancy occurs.

Section 3.6 Meetings.

(a) The board of directors may hold regular or special meetings in or out of this state. The board of directors may permit any director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may hear each other during the meeting. A director participating in a meeting by a means permitted under this Section 3.6 is considered to be present in person at the meeting.

(b) Meetings of the board of directors shall conform to the Utah Open Meeting Act.

Section 3.7 Action Without Meeting.

(a) Any action required or permitted by the Act to be taken at a board of directors' meeting may be taken without a meeting if each and every member of the board consents in writing to the taking of that action.

(b) Action is taken under this Section 3.7 only if the affirmative vote for the action equals or exceeds the minimum number of votes that would be necessary to take the action at a meeting at which all of the directors then in office were present and voted.

(c) Unless otherwise provided herein, a writing described in Subsection (a) above may be received by the corporation by electronically transmitted facsimile or other form of wire or wireless communication providing the corporation with a complete copy of the document.

(d) Action taken pursuant to this Section 3.7 will be effective when the last writing necessary to effect the action is received by the corporation, unless the writings describing the action taken set forth a different effective date. Before the last writing necessary to effect the action is received by the corporation, any director who has signed a writing pursuant to this Section 3.7 may revoke the writing by a writing signed and dated by the director describing the action and stating that the director's prior vote with respect to the writing is revoked.

(e) Action taken pursuant to this Section 3.7 has the same effect as action taken at a meeting of directors.

(f) Action taken pursuant to this Section 3.7 will be noted into the minutes of the next meeting.

Section 3.8 Notice of Meeting. Notice of and public participation in regular meetings of the board of directors shall comply with the Utah Open Meeting Act. Special meetings of the board of directors must be preceded by at least two days notice of the date, time, and place of the meeting, unless otherwise required by the Act.

Section 3.9 Waiver of Notice. A director may waive any notice of a meeting before or after the time and date of the meeting stated in the notice. Except as provided by this Section 3.9, the waiver must be in writing, signed by the director entitled to the notice, and be delivered to the corporation, although such delivery will not be a condition of the effectiveness of the waiver. A director's attendance at or participation in a meeting waives any required notice to that director of the meeting unless at the beginning of the meeting or promptly upon the director's later arrival, the director objects to holding the meeting or transacting business at the meeting because of lack of notice or defective notice and after objecting, the director does not vote for or assent to action taken at the meeting; or if special notice was required of a particular purpose under the Act or herein, the director objects to transacting business with respect to the purpose

for which the special notice was required, and after objecting, the director does not vote for or assent to action taken at the meeting with respect to the purpose.

Section 3.10 Quorum and Voting.

(a) Unless a greater or lesser number is required by these bylaws, a quorum of a board of directors consists of a majority of the number of directors in office immediately before the meeting begins.

(b) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors unless the vote of a greater number of directors is required by the Act or herein. For purposes of determining a quorum with respect to a particular proposal, and for purposes of casting a vote for or against a particular proposal, a director may be considered to be present at a meeting and to vote if the director has granted a signed written proxy to another director who is present at the meeting and authorizing the other director to cast the vote that is directed to be cast by the written proxy with respect to the particular proposal that is described with reasonable specificity in the proxy. Except as provided in this Section 3.10 and as permitted by Section 16-6a-813 of the Act, directors may not vote or otherwise act by proxy. Except as otherwise provided herein, a director may grant a proxy to a person who is not a director if permitted by the bylaws.

(c) A director who is present at a meeting of the board of directors when corporate action is taken is considered to have assented to all action taken at the meeting unless the director objects at the beginning of the meeting, or promptly upon the director's arrival, to holding the meeting or transacting business at the meeting, and after objecting, the director does not vote for or assent to any action taken at the meeting, the director contemporaneously requests that the director's dissent or abstention as to any specific action taken be entered in the minutes of the meeting; or the director causes written notice of the director's dissent or abstention as to any specific action to be received by the presiding officer of the meeting before adjournment of the meeting or the corporation promptly after adjournment of the meeting. The right of dissent or abstention as to a specific action is not available to a director who votes in favor of the action taken.

Section 3.11 Committees of the Board. Subject to Section 16-6a-906 of the Act, the board of directors may create one or more committees of the board and appoint one or more directors to serve on such committees. The creation of a committee of the board and appointment of directors to it must be approved by the greater of a majority of all the directors in office when the action is taken or the number of directors required by the bylaws to take action under Section 16-6a-816 of the Act. A committee of the board and the members of the committee are subject to Sections 3.6 through 3.10. Nothing in this Section 3.11 prohibits or restricts the corporation from establishing in its bylaws or by action of the board of directors or otherwise one or more committees, advisory boards, auxiliaries, or other bodies of any kind having the members and rules of procedure as the bylaws or board of directors may provide, established to provide the advice, service, and assistance to the corporation as may be specified herein the bylaws or by the board of directors, and established to carry out the duties and responsibilities for the corporation as set forth herein or by the board of directors.

Notwithstanding the preceding sentence, if any committee or other body established under has one or more members who are entitled to vote on committee matters and who are not then also directors, the committee or other body may not exercise any power or authority reserved to the board of directors in the Act or these bylaws.

Section 3.12 Compensation. Directors shall serve without compensation. However, the Board may approve reimbursement of a Director's actual and necessary expenses while conducting the business of the nonprofit corporation. The Board shall comply with Section 509(a) of the Internal Revenue Code so as to prevent the imposition of any liability under section 4941 of the Internal Revenue Code.

Section 3.13 Emergency Powers.

(a) In anticipation of or during an emergency defined in this Section 3.13, the board of directors may modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent; adopt bylaws to be effective only in an emergency; and relocate the principal office, designate an alternative principal office or regional office, authorize officers to relocate or designate an alternative principal office or regional office.

(b) During an emergency as defined this Section 3.13, unless emergency bylaws provide otherwise, notice of a meeting of the board of directors need be given only to those directors whom it is practicable to reach, and to the general public, and may be given in any practicable manner, including by publication or radio; and the officers of the corporation present at a meeting of the board of directors may be considered to be directors for the meeting, in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

(c) Corporate action taken in good faith during an emergency under this Section 3.13 to further the ordinary business affairs of the corporation binds the corporation and may not be the basis for the imposition of liability on any director, officer, employee, or agent of the corporation on the ground that the action was not an authorized corporate action.

(d) An emergency exists for purposes of this section if a quorum of the directors cannot readily be obtained because of a catastrophic event.

ARTICLE IV: OFFICERS AND AGENTS

Section 4.1 Number and Qualifications. The elected officers of the corporation shall be a chair, vice chair, secretary and treasurer. The board of directors may also elect or appoint such other officers as it may consider necessary. One person may hold more than one office at a time.

Section 4.2 Election and Term of Office. The elected officers of the corporation will be elected by the board of directors at each regular annual meeting. If the election of officers is not held at such meeting, such election will be held as soon as convenient thereafter. Each officer's term in one year. Officers may serve multiple and successive terms.

Section 4.3 Compensation. Officers shall serve without compensation. However, the Board may approve reimbursement of a Director's actual and necessary expenses while conducting the business of the nonprofit corporation. The Board shall comply with Section 509(a) of the Internal Revenue Code so as to prevent the imposition of any liability under section 4941 of the Internal Revenue Code.

Section 4.4 Resignation and Removal.

(a) The board of directors may remove any officer at any time with or without cause by a majority vote.

(b) An officer may resign at any time by giving written notice of resignation to the corporation. A resignation of an officer is effective when the notice is received by the corporation unless the notice specifies a later effective date. If a resignation is made effective at a later date, the board of directors may permit the officer to remain in office until the effective date and fill the pending vacancy before the effective date if the successor does not take office until the effective date, or remove the officer at any time before the effective date and fill the vacancy created by the removal.

(c) An officer who resigns, is removed, or whose appointment has expired may deliver to the Utah Division of Corporations and Commercial Code for filing a statement to that effect pursuant to Section 16-6a-1608 of the Act.

Section 4.5 Contract Rights with Respect to Officers. The appointment of an officer does not itself create any contractual right between the officer and the corporation. An officer's removal does not affect the officer's contractual rights, if any, with the corporation. An officer's resignation does not affect the corporation's contractual rights, if any, with the officer.

Section 4.6 Authority and Duties of Officers. The officers of the corporation will have the authority and will exercise the powers and perform the duties specified below and as may be additionally specified by the chair, the board of directors or these bylaws, except that in any event each officer will exercise such powers and perform such duties as may be required by law, including without limitation the duties according to the standards of conduct for officers set forth in Section 16-61-822 of the Act.

(a) Chair. Subject to Board control, the Chair has general supervision, direction and control of the affairs of the corporation, and such other powers and duties as the Board may prescribe. Specifically:

(i) As the senior volunteer leader of Generacion Floreciente, presides at all meetings of the Board of Directors and other meetings as required.

(ii) Works with the Executive Director and other board officers to develop the agendas for Board of Directors meetings.

(iii) Recognizes his or her responsibility to set the example for other board members by contributing financially at a level that is meaningful to him/her and by playing a major role in fundraising activities.

(iv) In conjunction with the Governance Committee, manages the development of the Board in order to help it work more effectively and efficiently.

(v) Works with the Executive Director and other board officers to develop both immediate and long-term goals and expectations for the board that support organizational priorities and governance concerns.

(vi) Communicates effectively with and supports the Executive Director in his/her job as manager of the school. In this capacity, focuses on ensuring that the board governs rather than manages.

(vii) Creates a safe environment for decision-making by inviting participation, encouraging varying points of view and stimulating a frank exchange of ideas in an effort to provide shared decision-making.

(b) Vice Chair. If the Chair is absent or disabled, the Vice Chair shall perform all the Chair's duties and, when so acting, shall have all the Chair's powers and be subject to the same restrictions. The Vice Chair shall have other such powers and perform such other duties as the Board may prescribe. Specifically:

(i) The Vice Chair is the secondary volunteer leader of the Charter School and as such, discharges the duties of the Chair as required in the Chair's absence. The Vice Chair

(ii) Supports the activities of the Chair including sharing responsibilities as appropriate.

(iii) Supports and challenges the Chair in all his/her responsibilities to ensure organizational priorities and governance concerns are addressed in the most effective and efficient manner.

(c) Secretary. Reports to the Chair and Board of Directors. Specific responsibilities:

(i) Provide direction and oversight for the keeping, at the principal office of the corporation or at such a place as the Board may determine, all organizational documents, including the articles of incorporation, the bylaws, adopted policies and a book of minutes of all meetings of the Directors and meetings of committees. Minutes shall record time and place of meeting, whether regular or special, how called, how notice was given, the names of those present or represented at the meeting and the proceedings thereof.

(ii) Present for approval by the Board copies of all minutes of meetings of the board.

(iii) In general, serves as the protocol and communications officer of the board, ensuring that the keeping and posting of meeting minutes, meeting notifications, and

committee report, the adherence to open meeting laws, and other procedural requirements are followed legally and ethically.

(d) Treasurer. Reports to the Chair and the Board of Directors. Supports the CEO and business management personnel. Specific responsibilities:

(i) Provides direction for the financial management of the school and facilitates the board in meeting its financial oversight responsibilities. Works in concert with business management personnel.

(ii) Provides direction for the oversight of the school's record keeping and accounting policies.

(iii) Ensures the presentation of timely and meaningful financial reports to the board.

(iv) Ensures the development of annual budget and its submission to the Board for its approval. Leads the monitoring of budget implementation.

(v) Oversees development and board review of financial policies and procedures.

(vi) Presents the recommendation of the auditor to the Board for their approval. Leads in reviewing the results of the audit including the management letter, develops a plan for remediation, if necessary, and presents the results to the Board.

(vii) Takes responsibility for designing an annual board education program so that all board members can effectively conduct oversight of the financial health of the organization.

ARTICLE V: INDEMNIFICATION

Section 5.1 Authority to Indemnify Directors. Except as otherwise provided in this Section 5.1, the corporation may indemnify an individual made a party to a proceeding because the individual is or was a director, against liability incurred in the proceeding if the individual's conduct was in good faith, the individual reasonably believed that the individual's conduct was in, or not opposed to, the corporation's best interests, and in the case of any criminal proceeding, the individual had no reasonable cause to believe the individual's conduct was unlawful. The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the director did not meet the standard of conduct described in this Section 5.1. The corporation may not indemnify a director in connection with a proceeding by or in the right of the corporation in which the director was adjudged liable to the corporation, or in connection with any other proceeding charging that the director derived an improper personal benefit, whether or not involving action in the director's official capacity, in which proceeding the director was adjudged liable on the basis that the director derived an improper personal benefit. Indemnification permitted under this Section 5.1 in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding.

Section 5.2 Mandatory Indemnification of Directors. The corporation will indemnify a director described in this Section 5.2 against reasonable expenses incurred by the director in connection with the proceeding or claim with respect to which the director has been successful. This Section 5.2 applies to a director who was successful, on the merits or otherwise, in the defense of any proceeding to which the director was a party because the director is or was a director of the corporation, or any claim, issue, or matter in the proceeding, to which the director was a party because the director is or was a director of the corporation.

Section 5.3 Advance of Expenses for Directors. The corporation may pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if the director furnishes the corporation a written affirmation of the director's good faith belief that the director has met the applicable standard of conduct described in Section 5.1, the director furnishes the corporation a written undertaking, executed personally or on the director's behalf, to repay the advance, if it is ultimately determined that the director did not meet the standard of conduct, and a determination is made that the facts then known to those making the determination would not preclude indemnification under Section 5.1. The undertaking required by this Section 5.3 will be an unlimited general obligation of the director, need not be secured, and may be accepted without reference to financial ability to make repayment. Determinations and authorizations of payments under this Section 5.3 will be made in the manner specified in Section 5.4.

Section 5.4 Determination and Authorization of Indemnification of Directors. The corporation may not indemnify a director under Section 5.1 unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in Section 5.1. The corporation may not advance expenses to a director under Section 5.3 unless authorized in the specific case after the written affirmation and undertaking required by Section 5.3 are received and the determination required by this Section 5.4 has been made.

(a) The determinations required by this Section 5.4 will be made by the board of directors by a majority vote of those present at a meeting at which a quorum is present if only those directors not parties to the proceeding are counted in satisfying the quorum, if a quorum cannot be obtained under this Section 5.4, by a majority vote of a committee of the board of directors designated by the board of directors and consisting of two or more directors not parties to the proceeding, or by persons listed in Subsection (b). The directors who are parties to the proceeding may participate in the designation of directors for the committee described in this Subsection (a).

(b) The determination required to be made by Subsection (1) will be made by a person described in this Subsection (b) if a quorum cannot be obtained in accordance with Subsection (a) and a committee cannot be established under Subsection (a), or even if a quorum is obtained or a committee is designated, a majority of the directors constituting the quorum or committee directs. If a condition described in Subsection (a) is met, the determination required to be made this Section 5.4 will be made:

(i) by independent legal counsel selected by a vote of the board of directors or the committee in the manner specified in Subsection (a), or if a quorum of the full board cannot be obtained and a committee cannot be established, by independent legal counsel selected by a majority vote of the full board of directors; or

(ii) by the voting members, but a voting member may not vote on the determination if the voting member is a director and at the time seeking indemnification.

(c) An authorization of indemnification and advance of expenses will be made in the same manner as the determination that indemnification or advance of expenses is permissible; provided, however that if the determination that indemnification or advance of expenses is permissible is made by independent legal counsel, authorization of indemnification and advance of expenses will be made by the body that selected the independent legal counsel.

Section 5.5 Indemnification of Officers, Employees, Fiduciaries and Agents. To the same extent as a director, an officer of the corporation is entitled to mandatory indemnification under Section 5.2. The corporation may indemnify and advance expenses to an officer, employee, fiduciary, or agent of the corporation to the same extent as to a director, and the corporation may indemnify and advance expenses to an officer, employee, fiduciary, or agent who is not a director to a greater extent if provided for herein, by a general or specific action of its board of directors; or by contract.

Section 5.6 Insurance. The corporation may purchase and maintain liability insurance on behalf of a person who is or was a director, officer, employee, fiduciary, or agent of the corporation, or while serving as a director, officer, employee, fiduciary, or agent of a the corporation at the request of the corporation, is or was serving as a director, officer, partner, trustee, employee, fiduciary, or agent of another foreign or domestic nonprofit corporation, other person, or an employee benefit plan; and against liability asserted against or incurred by the person in that capacity or arising from the person's status as a director, officer, employee, fiduciary, or agent, whether or not the corporation would have power to indemnify the person against the same liability under this Article 5. Insurance may be procured from any insurance company designated by the board of directors, whether the insurance company is formed under the laws of this state or any other jurisdiction of the United States or elsewhere, including any insurance company in which the corporation has an equity or any other interest through stock ownership or otherwise.

Section 5.7 Limitation on Indemnification. Notwithstanding any other provision of these bylaws, the corporation will neither indemnify any person nor purchase any insurance in any manner or to any extent that would violate the Act or jeopardize or be inconsistent with qualification of the corporation as an organization described in section 501(c)(3) of the Internal Revenue Code or would result in liability under section 4941 of the Internal Revenue Code.

ARTICLE VI: LIMITATION ON LIABILITY

No director or officer of this corporation will be personally liable to the corporation for civil claims arising from acts or omissions made in the performance of such person's duties as a director or officer, unless the acts or omissions are the result of such person's intentional misconduct.

ARTICLE VII: MISCELLANEOUS

Section 7.1 Account Books, Minutes, Etc. The corporation will keep correct and complete books and records of account and will also keep minutes of the proceedings of its board of directors and committees. All books and records of the corporation may be inspected by any director or such director's authorized agent or attorney, for any proper purpose at any reasonable time.

Section 7.2 Fiscal Year. The fiscal year of the corporation begins on July 1 of each year and ends on June 30 of the following year, subject to change by the board of directors.

Section 7.3 Conveyances and Encumbrances. Property of the corporation may be assigned, conveyed or encumbered by such officers of the corporation as may be authorized to do so by the board of directors, and such authorized persons will have power to execute and deliver any and all instruments of assignment, conveyance and encumbrance; however, the sale, exchange, lease or other disposition of all or substantially all of the property and assets of the corporation will be authorized only in the manner prescribed by applicable statute.

Section 7.4 Designated Contributions. The corporation may accept any designated contribution, grant, bequest or devise consistent with its general charitable and tax-exempt purposes, as set forth in the articles of incorporation. As so limited, donor-designated contributions will be accepted for special funds, purposes or uses, and such designations generally will be honored. However, the corporation reserves all right, title and interest in and to and control of such contributions, as well as full discretion as to the ultimate expenditure or distribution thereof in connection with any special fund, purpose or use. Further, the corporation will acquire and retain sufficient control over all donated funds (including designated contributions) to assure that such funds will be used to carry out the corporation's tax-exempt purposes.

Section 7.5 Conflicts of Interest. As used in this Section 7.5, "conflicting interest transaction" means a contract, transaction, or other financial relationship between the corporation and a director or officer of the corporation, a party related to a director or officer, or an entity in which a director or officer of the corporation is a director or officer or has a financial interest. The corporation may not enter into a conflicting interest transaction unless the material facts as to the director or officer's relationship or interest and as to the conflicting interest transaction are disclosed or are known to the directors entitled to vote on the conflicting interest transaction and the conflicting interest transaction is specifically authorized, approved, or ratified in good faith by a vote of the directors entitled to vote thereon, or the conflicting interest transaction is fair as to the corporation. A director with a conflicting interest shall recuse themselves from both the

vote on and the discussion of the conflicting interest transaction. Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or of a committee that authorizes, approves, or ratifies the conflicting interest transaction.

Section 7.6 Loans to Directors and Officers Prohibited. No loans will be made by the corporation to any of its directors or officers.

Section 7.7 References to Internal Revenue Code and the Act. All references in these bylaws to provisions of the Internal Revenue Code are to the provisions of the Internal Revenue Code of 1986, as amended, and will include the corresponding provisions of any subsequent federal tax laws. All references in these bylaws to the Act are to the Utah Revised Nonprofit Corporation Act, as amended, and will include the corresponding provisions of any subsequent revisions or provisions of the Act.

Section 7.8 Amendments. The board of directors may alter, amend or repeal these bylaws and adopt new bylaws at any time. Action by the board of directors to adopt or amend bylaws that change the quorum or voting requirement for the board of directors must meet the greater of the quorum and voting requirement for taking the action then in effect or proposed to be adopted.

Section 7.9 Severability. The invalidity of any provision of these bylaws will not affect the other provisions hereof, and in such event these bylaws will be construed in all respects as if such invalid provision were omitted.

Section 7.10 Execution of Instruments. Except as otherwise provided in these Bylaws, the Board may adopt a resolution authorizing any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of or on behalf of the corporation. Such authority may be general or confined to specific instances. Unless so authorized, no officer, agent or employee shall have any power to bind the corporation by any contract or engagement, to pledge the corporation's credit, or to render it liable monetarily for any purpose of any amount.

Section 7.11 Checks and Notes. Except as otherwise specifically provided by board resolution, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the corporation may be signed by the Chair, other directors and the school Director as designated by the board.

(END)

Appendix B

Esperanza Elementary

BOARD MEETING
6:00 – 7:30 PM, Thursday, October 26, 2017
Esperanza School Meeting Room * 4956 W 3500 S, West Valley City, UT 84119

MINUTES

Call to order: Meeting began at 6:15

MEMBERS PRESENT: Juan Freire, Cody Case, Patricia Matthews, Janet Christensen, Debby Bauman, María Parrilla de Kokal, Ángela Farías Zamora, Marty Banks

MEMBERS ABSENT: Challene Nuvan

OTHERS PRESENT: Eulogio Alejandre (Esperanza Director), Brian Cates (Red Apple), Chrystal Sanchez (Director's Secretary), Jessica Garay, Julia Barrientos (Vice-Principal),

WELCOME & INTRODUCTIONS

FINANCIAL REPORT – Brian Cates/Red Apple

1. Brian presented the financial summary through September 30, 2017 to the board to provide detail about revenue and expenditures.

ACTION ITEMS

1. Motion to accept the board minutes from 28 September 2017 with the amendment that Angela should be marked as present.
    a. Janet moved to approve / Juan second / vote in the unanimous
2. Patricia moved to approve the Fees Policy established by the Governance Committee with a clarification to the participation component.
    a. María second / vote in the unanimous
3. Motion for the Submission of the Replication to the Utah State Charter School Board
    a. Patricia moved to approve / Janet second / vote in the unanimous
4. Motion to approve the UCA planning tool including the K-3 Literacy Improvement Plan as far as the word "all" is removed from the title description
    a. Patricia moved to approve / Janet second / vote in the unanimous

COMMITTEE REPORTS

1) Financial Committee
    a) Patricia attended the financial meeting with Red Apple and school administrators
2) Academic Committee

a) Janet attended the school leadership meeting on Oct 11th. More to add in the principal's report

DISCUSSION / INFORMATION ITEMS

1. Two companies are making a bid to take over the 401K for the school as an alternative to UCA. The bids will be prepared and sent out electronically to the board for conversation and approval before the next board meeting.
2. Director / Principal's Report
    a. Eulogio shared a photo from the Salt Lake Community College Day of Service on August 17th. Around 150 student leaders attended Esperanza to clean the school, help teachers set up for the year and provide other services.
    b. Eulogio, Chrystal, Mr. Hyatt and Mrs. Shumway (teachers at Esperanza) attended the Invitational School Conference in Carlsbad, CO. Eulogio shared a video that explained the effective way that Esperanza smoothly melds Invitational Education with the philosophies of the 90/10 dual-immersion model.
    c. Julia Barrientos shared the assessment report with the board.
        i. IDEL (Indicadores Dinamicos del Exito en la Lectura), the equivalent of DIBELs in Spanish, is used to benchmark reading scores. It has the following limitations: only available for K3 & only assesses reading skills. Beginning of year results were shared.
        ii. DIBELS state reading assessment was shared. The BOY (beginning of year) report is as follows:
            1. K-3rd well above benchmark, 33%; at benchmark, 17%; below benchmark, 13%; well below benchmark, 37%
            2. 4-6th at or above benchmark, 37%; below benchmark, 21%; well below benchmark, 42%
        iii. Esperanza recently changed to the iReady math assessment that is more closely aligned with SAGE.
    d. Eulogio shared the C4L (Conditions for Learning) Report. Results were statistically similar to last fall.
    e. Eulogio shared information about the site visit from the Superintendent and the State School Board.
    f. Eulogio made an invitation to the Winter Concert on December 8th.
    g. Esperanza has a new music teacher, two choir groups: a performance choir and a training choir, a baile folklórico group, and students in chess.
        i. Four Esperanza students received awards at the last chess tournament.
    h. Reminder for board members to get their picture taken for the yearbook on Picture Retake Day, November 1st.
3. PTO report
    a. Ticket sales for the Fall Festival have begun. Early sales include 50 tickets for $20 where at the door only 40 tickets will be provided.
    b. PTO is participating in treat Friday sales

c. They have a goal to purchase 2 sets of goal posts for the playground.

ADJOURN at 7:30

ANNOUNCEMENTS:
Next parent meeting – TBD
Next board meeting – Thursday, November 30, 2017 * 6:00-7:30 PM

Appendix C

Service Agreement

WHEREAS Esperanza Elementary (Esperanza) desires to engage Red Apple Financial (Red Apple) to provide business and accounting services to its charter school located in Utah;

WHEREAS Red Apple desires to set forth the terms and conditions of the services that will be provided;

THEREFORE, both parties understand and agree to be bound by the following:

1. **Scope** Since it is not possible or practical to memorialize a complete listing of all of the specific services that Red Apple will provide to ESPERANZA within this writing, this document will outline the general scope of services included as part of the Service Agreement.

2. **Services** Red Apple will serve as the Business Manager of ESPERANZA. In addition to the services listed below, Red Apple may perform other duties as required to meet the changing business needs of the school. It is contemplated that the following services will fall within the scope of this Service Agreement:
   a. Accounts Payable and Receivable
   b. Program Accounting and Tracking
   c. Cash Management, Reconciliation and Analysis
   d. Annual Budget Development, Monitoring and Analysis
   e. Reporting – Internal, State, Federal and IRS
   f. Provide accounting, financial and budget support to school administration
   g. Risk Management
   h. Compliance – Charter Promises, Authorizer, Federal and IRS
   i. Audit Oversight
   j. Payroll
   k. Payroll and HR Reporting – State, Federal and IRS
   l. Employee Benefits Administration
   m. School Reporting Budget Assistance – UCA, Trust Lands, Title I, etc.
   n. General Consulting – Fiscal Policy, Financial Analysis, etc.
   o. General accounting and record keeping in accordance with Generally Accepted Governmental Accounting Standards and consistent with the needs of school leadership.
   p. CACTUS, with assistance from school administration

3. **Training and Advocacy** As requested, Red Apple may provide financial training to school administration or Board Members. Red Apple regularly advocates for charter schools at the state and national level. In addition to staying informed, Red Apple will work to keep ESPERANZA updated on statute or rule changes that may have a financial impact on the school.

4. **General Consulting** With its access to data and fiscal policies from other successful Utah charter schools, Red Apple may provide general consulting, analysis and comparisons to improve ESPERANZA's overall financial health.

Helping Charter Schools Succeed!

5. **Board Meetings** Red Apple will attend Board Meetings and Finance Meetings as invited.

6. **Setup Fees** **Although there will be some set-up services required, there will be no set-up fees charged to ESPERANZA.**

7. **Term** This Service Agreement shall commence on the date mutually signed by the parties below and shall continue for a period of one (1) year. Unless this agreement is terminated as referenced in Section 9 below, it shall automatically be renewed for one year terms thereafter.

8. **Ongoing Fees** ESPERANZA agrees to pay an ongoing monthly fee to Red Apple for the scope of services described herein. **The monthly fee of $5,500 shall be paid to Red Apple on the 1st day of each month through electronic draft, beginning July 1, 2014. The first month's fee may be delayed 31 days without penalty to allow the school time to receive its first allotment from the State.**

9. **Contract Amendment** The parties agree that this contract constitutes the full and complete agreement between the parties and may only be amended by mutual written agreement of the parties. The parties further agree that this agreement may be terminated by either party, for any reason or for no reason, by providing 60 days prior written notice to the other party. In such event, the parties will no longer have any further obligations under this agreement, and agree to cooperate in good faith in dissolving their business relationship.

10. **Indemnification** Both Red Apple and ESPERANZA agree to indemnify each other from any liability that may result from their respective actions. Such indemnification is to be secured by separate liability insurance policies of the respective parties.

11. **Cause or Action** In the event of any cause or action against either party, both agree to make a good faith effort to work together to obtain a resolution satisfactory to both parties.

Red Apple Financial	Esperanza Elementary
_____	_____
May 5, 2014	_____
Date	Date

Appendix D

Utah State Office of Education

Leadership...Service...Accountability

April 26, 2015

Mr. Eulogio Alejandre, Principal
Esperanza Elementary
4956 West 3500 South
West Valley City, UT 84120

Dear Mr. Alejandre,

The Utah State Office of Education, Special Education Services (USOE-SES) has the authority and responsibility of monitoring compliance with federal and state requirements under the Individuals with Disabilities Education Act of 2004 (IDEA) and the Utah State Office of Education Special Education Rules (USOE SER). This responsibility is administered within the framework of supporting positive results for students with disabilities. The USOE-SES must provide an Annual Performance Report (APR) to describe the progress of each Local Education Agency (LEA) and the State toward meeting targets on performance indicators established by the Office of Special Education Programs (OSEP). The USOE-SES considers multiple sources of data including student enrollment, monitoring activities, professional development, stakeholder input, personnel qualifications, use of funding, and any other public information, to identify an APR determination score and the level of monitoring and support required for each LEA. LEA determinations are made annually; therefore the determination about the status of each LEA and the criteria used will be reviewed and possibly modified each year by the USOE-SES. While each LEA is notified of their determination level, the USOE-SES is not required to inform the public, although public information requests must be honored. In making these determinations and in deciding on appropriate enforcement actions for the federal fiscal year (FFY) 2014 APR, the USOE-SES has considered all information available at the time of the determination, including the history, nature, and length of time of any reported noncompliance, and any evidence of correction. If the LEA provided data demonstrating correction of noncompliance in a timely manner within one year, the USOE-SES will consider the LEA to be in substantial compliance regarding that indicator. The SPP compliance indicators used in making the determinations based upon FFY 2014 APR (2014–2015) data were:

- **Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.
- **Indicator 2:** Percent of youth with IEPs dropping out of high school.
- **Indicator 4B:** Percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
- **Indicator 9:** Percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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- **Indicator 10:** Percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- **Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and the evaluation completed within 45 school days.
- **Indicator 12:** Percent of children referred by Part C prior to age 3 who were found eligible for Part B and who have an IEP developed and implemented by their third birthdays.
- **Indicator 13:** Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student's transition service needs.

Determinations for FFY 2014 (2014–2015) will also include results from Indicator 3: Statewide Assessments. Determinations for FFY 2015 (2015–2016) will also include results from Indicator 6: Preschool Environments. The UOSE-SES has re-conceptualized its accountability system to more effectively support LEAs in delivering compliant special education programs which lead to positive outcomes for students with disabilities. Several stakeholders were involved in the revision process and provided input and feedback regarding this process. As a result, the USOE-SES provides differentiated levels of monitoring and support to LEAs based on need. While the USOE-SES monitoring and technical assistance efforts will continue to address compliance issues, efforts will focus on working collaboratively with LEAs to develop and strengthen their capacity to implement and scale-up effective instructional practices resulting in readiness for career, college, and independent living.

The USOE-SES has completed the annual data review for the 2014–2015 school year. As a result of the data review, Esperanza Elementary has been placed in the USOE **Guiding Tier**, with an APR Determination of **Needs Assistance.** The data used in making this determination are enclosed. For more information on the USOE tiers, supports and activities, please visit http://schools.utah.gov/sars/Laws,-State-Rules-and-Policies/Compliance.aspx.

Esperanza Elementary must complete a Program Improvement Plan to address the areas of need and activities identified in the enclosed table, and any areas of need identified by Esperanza Elementary. The Program Improvement Plan must be submitted for review by June 30, 2016.

If you have any additional questions, please call Lindsey Adams at (801) 538-7806.
cc: Ms. Laura Sage Special Education Director
Ms. Julia Barrientos Vice Principal/Special Education Director

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Priority Area: High Expectations and Beliefs						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 1: Graduation State Target: ≥ 66.32% Data Year: 2013-2014 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA reported no graduates with disabilities in 2013-2014.	No required activities.
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 2: Dropout State Target: ≤ 39.90% Data Year: 2013-2014 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA reported no students in grades 9-12 as exiting special education during 2013-2014.	No required activities.
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 8: Parent Involvement State Target: ≥ 86.14% Data Year: 2014-2015 Data Source: Parent Survey	1	100.00%	YES	NA	The LEA meets or exceeds the State target.	No required activities.

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Priority Area 1: High Expectations and Beliefs cont'd						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 14: Post Secondary Outcomes						
State Target: 14A ≥ 25.25% Data Year: 2013-2014 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post High School Outcomes survey in 2014-2015.	No required activities.
State Target: 14B ≥ 70.67% Data Year: 2013-2014 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post High School Outcomes survey in 2014-2015.	No required activities.
State Target: 14C ≥ 84.83% Data Year: 2013-2014 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post High School Outcomes survey in 2014-2015.	No required activities.
Data	2015 Risk Score	Comments				Activities
Improvement Plan Focus on Student Outcomes	1	The LEA Improvement Plan includes a focus on student results based on desired outcomes identified in the LEA data analysis.				No required activities.

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Priority Area III: Content Knowledge and Effective Instruction						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 3: Numeracy Grades 3-8 State Target: ≥ 28.10% Data Year: 2014-2015 Data Source: SAGE, DLM, and UAA results	5	0.00%	NO	28.10%	The LEA is more than 15% below the State target.	1. LEA must conduct a self-assessment on access to general curriculum, teacher qualification, and effective instructional strategies. 2. LEA must apply results of the self-assessment to the development of at least one action step within the Program Improvement Plan. 3. LEA Action Steps must include procedures to implement formative assessment in mathematics for students with disabilities.
Indicator 3: Numeracy Grade 10 State Target: ≥ 17.07% Data Year: 2014-2015 Data Source: SAGE, DLM, and UAA results	NA	0.00%	NA	NA	The LEA did not enroll Grade 10 in 2014-2015.	No required activities.

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Priority Area II: Content Knowledge and Effective Instruction cont'd.						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 3: Literacy Grades 3-8 State Target: ≥ 25.64% Data Year: 2014-2015 Data Source: SAGE, DLM, and UAA results	5	0.00%	NO	25.64%	The LEA is more than 15% below the State target.	1. LEA must conduct a self-assessment on access to general curriculum, teacher qualification, and effective instructional strategies. 2. LEA must apply results of the self-assessment to the development of at least one action step within the Program Improvement Plan. 3. LEA Action Steps must include procedures to implement formative assessment in English language arts for students with disabilities.
Indicator 3: Literacy Grade 10 State Target: ≥ 21.75% Data Year: 2014-2015 Data Source: SAGE, DLM, and UAA results	NA	NA	NA	NA	The LEA did not enroll Grade 10 in 2014-2015.	No required activities.

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Priority Area II: Content Knowledge and Effective Instruction cont'd						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 7: Preschool Outcomes						
Positive Social Relationships Summary Statement 1: State Target: ≥ 90.72% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.
Positive Social Relationships Summary Statement 2: State Target: ≥ 51.40% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.

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Priority Area II: Content Knowledge and Effective Instruction cont'd						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 7: Preschool Outcomes						
Knowledge and Skills Summary Statement 1: State Target: ≥ 90.16% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.
Knowledge and Skills Summary Statement 2: State Target: ≥ 44.99% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.

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Priority Area III: Content Knowledge and Effective Instruction cont'd						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 7: Preschool Outcomes						
Ability to Meet Needs Summary Statement 1: State Target: ≥ 90.90% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.
Ability to Meet Needs Summary Statement 2: State Target: ≥ 63.17% Data Year: 2014-2015 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2014-2015.	No required activities.

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Priority Area III: Multi-Tiered System of Supports						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 4: Suspension and Expulsion						
Suspension and Expulsion of Student with IEPs State Target 4A: 0.00% Data Year: 2013-2014 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA did not enroll students with disabilities in 2013-2014.	No required activities.
Suspension and Expulsion of Students with IEPs Based on Race/Ethnicity State Target 4B: 0.00% Data Year: 2013-2014 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA did not enroll students with disabilities in 2013-2014.	No required activities.

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Prioritized Multi-Tiered System of Supports (MTSS)						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 5: Access to the General Curriculum						
Inside the Regular Class 80% or More of the Day State Target A: ≥ 57.23% Data Year: 2014-2015 Data Source: UTREx December Child Count	1	92.68%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Inside the Regular Class Less Than 40% of the Day State Target B: ≤ 13.50% Data Year: 2014-2015 Data Source: UTREx December Child Count	1	0.00%	YES	0.00%	The LEA is at or below the State target.	No required activities.
In Separate Schools, Residential Facilities, or Homebound/Hospital Placements State Target C: ≤ 3.00% Data Year: 2014-2015 Data Source: UTREx December Child Count	1	0.00%	YES	0.00%	The LEA is at or below the State target.	No required activities.

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Data	2015 Risk Score	LEA Data	Met Target?	Percentage Below Target	Comments	Activities
Indicator 6: Preschool Settings						
Students Receiving Special Education in Regular Programs State Target: ≥ 93.23% Data Year: 2014-2015 Data Source: UTREx December Child Count	1	100.00%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.
Data	2015 Risk Score	LEA Data	Met Target?	Percentage Below Target	Comments	Activities
Students Receiving Special Education in Special Class or School State Target: ≤ 43.56% Data Year: 2014-2015 Data Source: UTREx December Child Count	1	0.00%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.

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General Supervision						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 9: Disproportionality State Target: 0.00% Data Year: 2014-2015 Data Source: UTREx Year End	1	0.00%	YES	0.00%	There is no disproportionality suspected within the LEA.	No required activities.
Indicator 10: Disproportionality State Target: 0.00% Data Year: 2014-2015 Data Source: UTREx Year End	1	0.00%	YES	0.00%	There is no disproportionality suspected within the LEA.	No required activities.

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General Supervision cont'd						
Data	2015 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 11: Child Find/Initial Evaluation State Target: 100% Data Year: 2014-2015 Data Source: UPIPS	NA	NA	NA	NA	The LEA was not selected for sampling on this Indicator the 2014-2015 school year.	No required activities.
Indicator 12: C to B Transition State Target: 100% Data Year: 2014-2015 Data Source: TEDI	NA	NA	NA	NA	The LEA did not have any students who transitioned from Part C to Part B in 2014-2015.	No required activities.
Indicator 13: Secondary Transition Plans State Target: 100% Data Year: 2014-2015 Data Source: UPIPS	NA	NA	NA	NA	The LEA was not selected for data collection on this Indicator during 2014-2015.	No required activities. The LEA can expect data collection for this Indicator on an ongoing basis. Professional development on the design of effective and compliant transition plans is recommended.

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General Supervision cont'd			
Data	2015 Risk Score	Comments	Activities
Determination History	NA	The LEA has not received any prior APR determination.	No required activities.
Quality of PIP	NA	This data point will be scored for Program Improvement Plans submitted in 2016.	No required activities.
Progress on PIP	This area was not used in making tiered monitoring assignments for the 2014-2015 school year. It will be included in assignments for the 2015-2016 school year.		
Findings of Noncompliance	Na	The LEA was not open in 2014-2015.	No required activities.
Internal Monitoring	NA	The LEA was not open during the 2014-2015 school year.	No required activities.
Dispute Resolution	1	The LEA has no complaints or due process proceedings with findings.	No required activities.
Fiscal	1	The LEA has low fiscal risk, as identified by the 2013-2014 single audit or financial statement audit.	No required activities.
Data Timeliness	1	All USOE required reports were submitted on or before the deadline.	No required activities.
Prevalence of Students with Disabilities within the LEA	No Risk Score assigned for FFY 2014	13.41	NA

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Sydnee Dickson, Interim State Superintendent of Public Instruction

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April 11, 2017

Mr. Eulogio Alejandre, Principal
Esperanza Elementary
4956 West 3500 South
West Valley City, UT 84120

Dear Mr. Alejandre,

The Utah State Board of Education, Special Education Services (USBE-SES) has the authority and responsibility of monitoring compliance with federal and state requirements under the Individuals with Disabilities Education Act of 2004 (IDEA) and the Utah State Board of Education Special Education Rules (USBE SER). This responsibility is administered within the framework of supporting positive results for students with disabilities. The USBE-SES must provide an Annual Performance Report (APR) to describe the progress of each Local Education Agency (LEA) and the State toward meeting targets on performance indicators established by the Office of Special Education Programs (OSEP). The USBE-SES considers multiple sources of data including student enrollment, monitoring activities, professional development, stakeholder input, personnel qualifications, use of funding, and any other public information, to identify an APR determination score and the level of monitoring and support required for each LEA. LEA determinations are made annually; therefore the determination about the status of each LEA and the criteria used will be reviewed and possibly modified each year by the USBE-SES. While each LEA is notified of their determination level, the USBE-SES is not required to inform the public, although public information requests must be honored. In making these determinations and in deciding on appropriate enforcement actions for the federal fiscal year (FFY) 2015 APR, the USBE-SES has considered all information available at the time of the determination, including the history, nature, and length of time of any reported noncompliance, and any evidence of correction. If the LEA provided data demonstrating correction of noncompliance in a timely manner within one year, the USBE-SES will consider the LEA to be in substantial compliance regarding that indicator. Determinations for FFY 2015 (2015-2016) included results from all APR-SPP indicators.

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The USBE-SES has re-conceptualized its accountability system to more effectively support LEAs in delivering compliant special education programs which lead to positive outcomes for students with disabilities. Several stakeholders were involved in the revision process and provided input and feedback regarding this process. As a result, the USBE-SES provides differentiated levels of monitoring and support to LEAs based on need. While the USBE-SES monitoring and technical assistance efforts will continue to address compliance issues, efforts will focus on working collaboratively with LEAs to develop and strengthen their capacity to implement and scale-up effective instructional practices resulting in readiness for career, college, and independent living.

The USBE-SES has completed the annual data review for the 2015–2016 school year. As a result of the data review, Esperanza Elementary has been placed in the USBE **Guiding Tier**, with an APR Determination of **Needs Assistance.** The data used in making this determination are enclosed. For more information on the USBE tiers, supports and activities, please visit http://schools.utah.gov/sars/Laws/UPIPS.aspx

Esperanza Elementary must complete a Program Improvement Plan to address the areas of need and activities identified in the enclosed table, and any areas of need identified by Esperanza Elementary. If Esperanza Elementary wishes the USBE-SES to review their Program Improvement Plan, it must be submitted for review by April 30, 2017. Final Program Improvement Plans must be submitted by June 30, 2017.

If you have any additional questions, please call Lindsey Adams at (801) 538-7806.

cc: Ms. Laura Sage, Special Education Director
Ms. Julia Barrientos, Vice Principal/Special Education Director

Priority Area II: High Expectations and Beliefs						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 1: Graduation State Target: ≥ 69.59% Data Year: 2014-2015 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA reported no graduates with disabilities in 2014–2015.	No required activities.
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 2: Dropout State Target: ≤ 37.90% Data Year: 2014-2015 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA reported no students in grades 9–12 as exiting special education during 2014–2015.	No required activities.
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 8: Parent Involvement State Target: ≥ 79.52% Data Year: 2015-2016 Data Source: Parent Survey	3	70.00%	NO	9.52%	The LEA is 6% to 10% below the State target.	LEA must conduct a self-assessment to identify barriers to effective parental involvement.

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Priority Area 1: High Expectations and Beliefs cont'd						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 14: Post Secondary Outcomes						
State Target: 14A ≥ 26.00% Data Year: 2014-2015 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post School Outcomes survey in 2015–2016.	No required activities.
State Target: 14B ≥ 72.67% Data Year: 2014-2015 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post School Outcomes survey in 2015–2016.	No required activities.
State Target: 14C ≥ 87.83% Data Year: 2014-2015 Data Source: Indicator 14 Survey	NA	NA	NA	NA	The LEA did not have any students eligible to participate in the Post School Outcomes survey in 2015–2016.	No required activities.
Data	2016 Risk Score	Comments				Activities
Improvement Plan Focus on Student Outcomes	1	The LEA was not required to submit an improvement plan for 2015-2016.				No required activities.

Priority Area 1: Content Knowledge and Effective Instruction						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 3: Numeracy Grades 3-8 State Target: ≥ 17.60% Data Year: 2015-2016 Data Source: SAGE, DLM, and UAA results	5	2.33%	NO	15.27%	The LEA is more than 15% below the State target.	1. LEA must conduct a self-assessment on access to the general curriculum, teacher qualification, and effective instructional strategies. 2. LEA must apply the results of the self-assessment to the development of at least one SMART-C goal within the Program Improvement Plan. 3. LEA SMART-C goals must include procedures to implement formative assessment in mathematics for students with disabilities.
Indicator 3: Numeracy Grade 10 State Target: ≥ 7.08% Data Year: 2015-2016 Data Source: SAGE, DLM, and UAA results	NA	NA	NA	NA	The LEA did not enroll Grade 10 in 2015–2016 or did not have any students with disabilities participate in the 2015–2016 Math 10 assessment.	No required activities.
Indicator 3: Literacy Grades 3-8 State Target: ≥ 15.48% Data Year: 2015-2016 Data Source: SAGE, DLM, and UAA results	5	2.33%	NO	13.15%	The LEA is more than 10% below the State target.	1. LEA must conduct a self-assessment on access to the general curriculum, teacher qualification, and effective instructional strategies. 2. LEA must apply the results of the self-assessment to the development of at least one SMART-C goal within the Program Improvement Plan. 3. LEA SMART-C goals must include procedures to implement formative assessment in English language arts for students with disabilities.
Indicator 3: Literacy Grade 10 State Target: ≥ 8.50 Data Year: 2015-2016 Data Source: SAGE, DLM, and UAA results	NA	NA	NA	NA	The LEA did not enroll Grade 10 in 2015–2016 or did not have any students with disabilities participate in the 2015–2016 ELA 10 assessment	No required activities.

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Data	2015 Met Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 7: Preschool Outcomes						
Positive Social Relationships Summary Statement 1: State Target: ≥ 90.91% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015-2016.	No required activities
Positive Social Relationships Summary Statement 2: State Target: ≥ 51.60% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015-2016.	No required activities
Knowledge and Skills Summary Statement 1: State Target: ≥ 90.80% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015-2016.	No required activities
Knowledge and Skills Summary Statement 2: State Target: ≥ 81.19% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015-2016.	No required activities

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Priority Area II: Content Knowledge and Effective Instruction cont'd						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 7: Preschool Outcomes						
Ability to Meet Needs Summary Statement 1: State Target: ≥ 91.10% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015–2016.	No required activities.
Ability to Meet Needs Summary Statement 2: State Target: ≥ 63.37% Data Year: 2015-2016 Data Source: UPOD	NA	NA	NA	NA	The LEA did not enroll Preschool students in 2015–2016.	No required activities.

Priority Area III: Multi-tiered System of Supports						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 4: Suspension and Expulsion						
Suspension and Expulsion of Student with IEPs State Target 4A: 0.00% Data Year: 2014-2015 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA did not enroll students with disabilities in 2014–2015.	No required activities. USBE recommends a review of LEA data practices and the accurate recording of discipline data for students with disabilities.
Suspension and Expulsion of Students with IEPs Based on Race/Ethnicity State Target 4B: 0.00% Data Year: 2014-2015 Data Source: UTREx Year End	NA	NA	NA	NA	The LEA did not enroll students with disabilities in 2014-2015.	No required activities. USBE recommends a review of LEA data practices and the accurate recording of discipline data for students with disabilities.

Priority Area III: Multi-Tiered System of Supports cont'd

Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 5: Access to the General Curriculum						
Inside the Regular Class 80% or More of the Day State Target A: ≥ 57.66% Data Year: 2015-2016 Data Source: UTREx December Child Count	1	92.06%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Inside the Regular Class Less Than 40% of the Day State Target B: ≤ 13.43% Data Year: 2015-2016 Data Source: UTREx December Child Count	1	3.17%	YES	0.00%	The LEA is at or below the State target.	No required activities.
In Separate Schools, Residential Facilities, or Homebound/Hospital Placements State Target C: ≤ 3.00% Data Year: 2015-2016 Data Source: UTREx December Child Count	1	0.00%	YES	0.00%	The LEA is at or below the State target.	No required activities.

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Priority Area VII: Multi-Tiered System of Supports cont'd

Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 6: Preschool Settings						
Students Receiving Special Education in Regular Program State Target: ≥ 33.42% Data Year: 2015-2016 Data Source: UTREx December Child Count	1	100.00%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Students Receiving Special Education in Special Class or School State Target: ≤ 43.36% Data Year: 2015-2016 Data Source: UTREx December Child Count	1	0.00%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.

General Supervision						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage *Above* Target	Comments	Activities
Indicator 9: Disproportionality State Target: 0.00% Data Year: 2015-2016 Data Source: UTREx Year End	1	0.00%	YES	0.00%	There is no disproportionality suspected within the LEA.	No required activities.
Indicator 10: Disproportionality State Target: 0.00% Data Year: 2015-2016 Data Source: UTREx Year End	1	0.00%	YES	0.00%	There is no disproportionality suspected within the LEA.	No required activities.
Data	2016 Risk Score	LEA Data	Comments			Activities
Prevalence of Students with Disabilities within the LEA Data Year: 2016-2017 Data Source: Dec 1 2016 Child Count	1	11.04%	The LEA's prevalence rate of students with disabilities is between 8.00% and 11.5%.			No required activities.

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I.F. - General Supervision cont'd						
Data	2016 Risk Score	LEA Data	Meets Target?	Percentage Below Target	Comments	Activities
Indicator 11: **Child Find/Initial Evaluation** State Target: 100% Data Year: 2015-2016 Data Source: UPIPS	1	100.00%	YES	0.00%	The LEA meets or exceeds the State target.	No required activities.
Indicator 12: **C to B Transition** State Target: 100% Data Year: 2015-2016 Data Source: TEDI	NA	NA	NA	NA	The LEA did not have any students who transitioned from Part C to Part B in 2015–2016.	No required activities.
Indicator 13: **Secondary Transition Plans** State Target: 100% Data Year: 2015-2016 Data Source: UPIPS	NA	NA	NA	NA	The LEA was not selected for data collection on this Indicator during 2015–2016.	No required activities. The LEA can expect data collection for this Indicator on an ongoing basis. Professional development on the design of effective and compliant transition plans is recommended.

General Supervision (2)			
Data	2016 Risk Score	Comments	Activities
Determination History	2	The LEA is in meets requirements for 0 of the prior 1 years.	No required activities
Quality of PIP	2	The LEA has submitted a Program Improvement Plan. The plan addresses only areas of LEA selected focus or areas of USBE identified need.	No required activities.
Progress on PIP	1	The LEA provided evidence of progress toward achievement of all goals identified in the PIP.	No required activities.
Findings of Noncompliance	1	The LEA had no findings of noncompliance in the prior school year.	No required activities.
Internal Monitoring	4	The LEA used the UPIPS self-monitoring system (or other USBE-approved LEA system) to review less than 50% of a representative sample of IEP files in 2015-2016.	LEA must ensure a representative sample of files is reviewed annually.
Dispute Resolution	1	The LEA has no complaints or due process proceedings with findings.	No required activities.
Fiscal	1	The LEA had 0 areas of moderate/high concern as identified in the FICAM Risk Rubric.	No required activities.
Data Timeliness	1	All USBE required reports were submitted on or before the deadline.	No required activities.

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