

**Charter Renewal Petition**

**Submitted to the Oxnard Union High School District**

**October 10, 2012**

**Requested Charter Renewal Term:  
July 1, 2013 – June 30, 2018**

# TABLE OF CONTENTS

## AFFIRMATIONS/ASSURANCES

I.	INTRODUCTION	
A.	Success of the Initial Term of the Charter .....	3
B.	History and Overview .....	3
II.	EDUCATIONAL PHILOSOPHY AND PROGRAM .....	4
A.	Mission.....	4
B.	Whom the School is Attempting to Educate.....	4
C.	Definition of an “Educated Person in the 21 <sup>st</sup> Century” .....	5
D.	Curriculum and Instructional Design (“How Learning Best Occurs”).....	5
E.	Common Core Standards Implementation.....	5
F.	WASC Accreditation .....	5
G.	Plan for Students Who are Academically Low or High Achieving.....	8
H.	Plan for English Learners.....	10
I.	Serving Students with Disabilities .....	14
J.	High School Program.....	16
III.	MEASURABLE STUDENT OUTCOMES/METHODS OF MEASUREMENT OF PUPIL OUTCOMES .....	18
A.	School wide Outcomes / Methods of Measurement .....	18
B.	Performance Reporting .....	20
IV.	GOVERNANCE STRUCTURE .....	21
A.	Non-Profit Public Benefit Corporation .....	21
B.	Board of Directors.....	21
C.	The Director(s).....	23
D.	Parent Advisory Council.....	24
E.	Parent Involvement .....	25
V.	HUMAN RESOURCES .....	26
A.	Qualifications of School Employees .....	26
B.	Compensation and Retirement Benefits.....	28
C.	Employee Representation .....	28
D.	Health and Safety .....	28
E.	Dispute Resolution.....	28
VI.	STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION AND EXPULSION POLICIES .....	32
A.	Student Admission Policies and Procedures.....	32
B.	Non-Discrimination .....	33
C.	Attendance Alternatives .....	33
D.	Suspension and Expulsion Procedures.....	34

VII.	FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY .....	35
A.	Multi-year Fiscal Plan.....	35
B.	Financial Reporting.....	35
C.	Insurance.....	35
D.	Administrative Services .....	36
E.	Facilities.....	36
F.	Transportation.....	36
G.	Independent Fiscal Audits .....	36
H.	Closure Protocol.....	37
VIII.	IMPACT ON THE DISTRICT .....	40
IX.	CONCLUSION .....	41

APPENDIX A: SCHOOL ACCOUNTABILITY REPORT CARD

APPENDIX B: CURRICULUM

APPENDIX C: SCHOOL CALENDAR

APPENDIX D: BELL SCHEDULE AND INSTRUCTIONAL MINUTES

APPENDIX E: STUDENT NARRATIVE “TYPICAL DAY OF A CAPE STUDENT”

APPENDIX F: SECTION 504 BOARD POLICY AND PROCEDURE

APPENDIX G: ARTICLES OF INCORPORATION, CORPORATE BYLAWS, AND CONFLICTS CODE OF THE CHARTER SCHOOL.

APPENDIX H: ORGANIZATIONAL CHART

APPENDIX I: HEALTH AND SAFETY AND SEXUAL HARASSMENT POLICIES AND PROCEDURES

APPENDIX J: WASC CANDIDACY REPORT

APPENDIX K: STAR RESULTS

APPENDIX L: EL STRATEGIES, TECHNIQUES AND ACTIVITIES

APPENDIX M: MULTI-YEAR FISCAL PLAN

APPENDIX N: P2 ATTENDANCE REPORTS

APPENDIX O: TEACHER AND CAPE COMMUNITY CLIMATE SURVEYS

## AFFIRMATIONS/ASSURANCES

The Camarillo Academy of Progressive Education Charter School (“CAPE” or the “Charter School”) will follow any and all federal, state and local laws and regulations that apply to the charter school, including but not limited to:

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of the Camarillo Academy of Progressive Education for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Shall admit all students who wish to attend the Camarillo Academy of Progressive Education, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random lottery process. Admission to the Charter School shall not be determined by the place of residence of the student or his or her parents except as provided in Education Code Section 47605(d)(2). [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- Shall not discriminate on the basis of race, ethnicity, national origin, religion, gender, gender identity, gender expression, sexual orientation, perceived sexual orientation, home language, or disability. [Ref. Education Code Section 47605(d)(1)]
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(c)]
- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

- Shall at all times maintain all necessary and appropriate insurance coverage.
- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D)
- If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- Admission in the Camarillo Academy of Progressive Education shall not be determined according to the place of residence of a pupil, or of his or her parent or guardian, within the state. [Ref. California Education Code Section 47605(d)(1)]
- Will follow any and all other federal, state, and local laws and regulations that apply to the Camarillo Academy of Progressive Education including but not limited to:
  - The Camarillo Academy of Progressive Education shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
  - The Camarillo Academy of Progressive Education shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
  - The Camarillo Academy of Progressive Education shall comply with any jurisdictional limitations applicable to locations of its facilities.
  - The Camarillo Academy of Progressive Education shall comply with all laws establishing the minimum and maximum age for public school enrollment.
  - The Camarillo Academy of Progressive Education shall comply with all applicable portions of the No Child Left Behind Act.
  - The Camarillo Academy of Progressive Education shall comply with the Public Records Act.
  - The Camarillo Academy of Progressive Education shall comply with the Family Educational Rights and Privacy Act.
  - The Camarillo Academy of Progressive Education shall meet or exceed the legally required minimum of school days.

## I. INTRODUCTION

In the six years since the school's inception, Camarillo Academy of Progressive Education (CAPE) has evolved, expanded and celebrated great achievements. CAPE supports a comprehensive instructional plan by providing safe nurturing and intellectually engaging surroundings, where students are inspired to intrinsically value learning as they achieve social and academic success. Among the numerous successes experienced are the following achievements that have contributed to the growth and development of CAPE between 2007-2012.

- Awarded 2012 California Distinguished School
- Named California Top Ten Charter School by USC
- California Business for Education Excellence Honor Roll
- Candidacy for WASC accreditation
- 14 point increase in API in the past five years
- 98% of staff has been retained over the past 5 years
- Student teacher placement site for CSUCI
- Participation in Camarillo Academic Olympics
- Super Quiz Team placed 1<sup>st</sup> in citywide competition multiple years
- Annual participation in Ventura County Spelling Bee
- Robotics Team actively involved in First Lego League(FLL) and all local competitions
- Partnership with SEEDS Lab School (UCLA) implementing Project based Learning(PBL)
- Big and Little Buddy Program
- Artist and Composer of the Month
- Junior Optimist Club
- Partnership with Oxnard Union High School District to provide high school readiness for our 8<sup>th</sup> graders
- After-school athletics program (flag football, volleyball, basketball)
- Annual Participation in the Ventura County Geo Bee
- Annual Participation of 8<sup>th</sup> graders in the Ventura County Geo Bowl
- Annual Participation in the 3<sup>rd</sup> grade PVEF Speech Tournament
- Library of Congress Achieve-It-K12 School



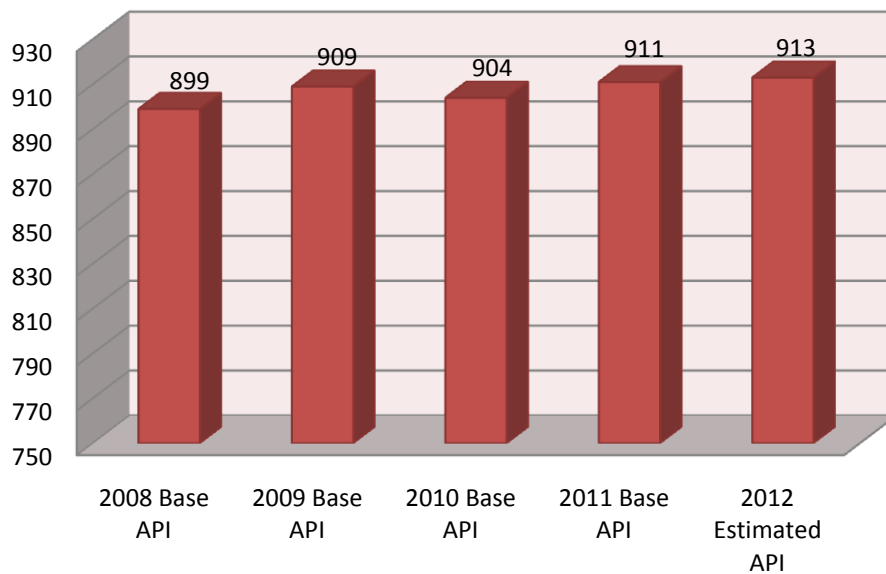
These achievements supplement the progress made, which have been successful in providing a rigorous, project-based educational program for all students. CAPE strives to provide an education that encourages students to become positive, responsible, contributing citizens who value themselves and others in their choices as they strive to become life-long learners.

**A. Success of the Initial Term of the Charter**

*The following shall serve as documentation confirming that CAPE exceeds the statutory criteria required for renewal set forth in Education Code Section 47607(b):*

1. CAPE has met or exceeded its API growth target in two of the last three years, or in the aggregate for the prior three years as required in Education Code Section 47607(b)(1).

**Camarillo Academy of Progressive Education (CAPE)**



Since the school's inception, CAPE's API growth scores have far exceeded the statewide performance target of 800. Therefore, CAPE scored high enough that the school was not assigned an API growth target and is noted to have met its target for each year of its existence. The table above provides CAPE's API scores since 2008 and its estimated API score for 2012 (as of the date of submission of the CAPE charter renewal petition, the California Department of Education has not released the official 2012 API scores).

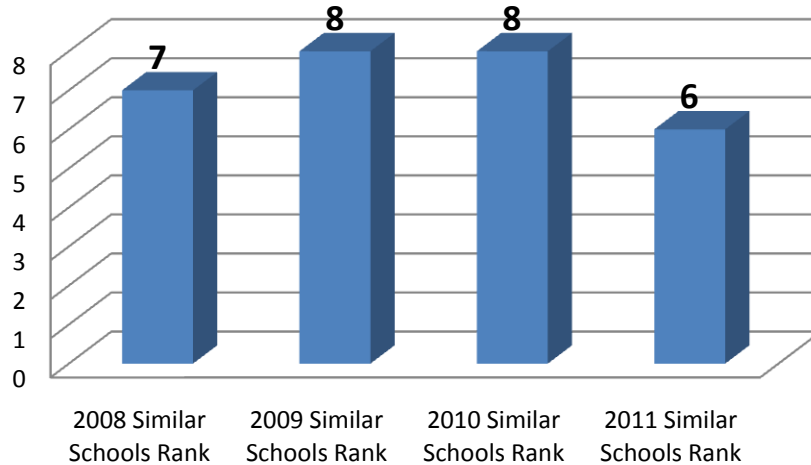
2. CAPE achieved a statewide API rank of 9 in the prior year or for two of the last three years, exceeding the minimum threshold rank of 4 required in Education Code Section 47607(b)(2).

### Camarillo Academy of Progressive Education (CAPE)



3. CAPE has also achieved a similar schools rank of 8 for two of the last three years, exceeding the minimum threshold rank of 4 required in Education Code Section 47607(b)(3).

### Camarillo Academy of Progressive Education (CAPE)



**Therefore, CAPE has exceeded the minimum criteria for renewal by meeting not one but three of the possible criteria.**



## **B. History and Overview**

CAPE was designed to replicate the successful education program of a pre-existing alternative public school, the Los Senderos Open School (“Los Senderos”), slated for closure at the end of the 2006-2007 school year by the Pleasant Valley Elementary School District after 31 years of successful education using the open philosophy of teaching<sup>1</sup>.

In response to the closure of Los Senderos, a group of parents began to research the feasibility of creating a charter program in order to ensure that the parents of Camarillo and their students had the choice of an open school philosophy. They were joined by a group of teachers with an exceptional knowledge of the open school philosophy and its application in creating students who are lifelong learners. The result was our initial charter petition meant to replicate the successful open philosophy education program at Los Senderos, in a public charter serving grades K-12 granted and overseen by the Oxnard Union High School District. The District approved the charter on May 22, 2007 to operate for one year and then was approved in May 2008 to operate under a five-year charter term from July 1, 2008 through July 1, 2013.



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<sup>1</sup> The school opened initially in 1976 under the name “Los Bedford Open School” as a K-5 eventually changing its name to Los Senderos in 2002 and expanding to 8<sup>th</sup> grade in 2004-2005.

## II. EDUCATIONAL PHILOSOPHY AND PROGRAM

*Governing Law:* A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21<sup>st</sup> century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. —California Education Code Section 47605(b)(5)(A)(i)

### A. Mission and Philosophy



The mission of Camarillo Academy of Progressive Education is to foster global, independent, creative thinkers who feel confident in themselves, are willing to take risks, and are able to work cooperatively. Together, teachers, students and parents create and sustain an environment in accordance with a progressive philosophy that sparks imagination, ignites a love for learning and encourages each individual to be and do the best that he/she can, enabling pupils to become self-motivated, competent, life-long learners, who are equipped for the challenges of the 21<sup>st</sup> century.

CAPE’s philosophy is based in part on research that reveals that children learn best when they are intrinsically motivated. Therefore, a child at CAPE is not encouraged to pursue extrinsic rewards such as individual recognition, a teacher’s approval, a sticker on a test, or even good grades. Instead children are motivated to learn because their interests have been sparked.

Standards-based curricula are brought to life through hands-on projects that make learning relevant. Students are challenged to ask questions, encounter problems, make mistakes and discover solutions through new ways of thinking.

Differentiation often occurs naturally because each student takes responsibility for learning at his or her own level. Teachers ask questions to guide children toward more sophisticated thinking until the students suddenly realize the need for some new piece of information or a new way of seeing things in order to overcome problems. In this way, students suddenly want to learn—in fact hunger to learn—in order to solve problems and be successful. Through this kind of process, the lessons the children learn become deeply embedded. And even more important, students acquire problem-solving skills, gain confidence and experience the joy of learning that can motivate them to be lifelong learners.

CAPE’s philosophy also takes into account the fluid nature of education. The teachers, administrators and parents are lifelong learners themselves, ready to implement and embrace new, evidence-based ideas into the curriculum as new research emerges. Teachers are also constantly reassessing students’ strengths, interests and gaps in learning. Therefore, at both the school-wide level and at the level of each individual child, CAPE’s philosophy is progressive and flexible to best meet the needs of each student.

**B. Whom the School is Attempting to Educate**



CAPE will educate students in grades kindergarten through twelve, beginning initially with grades kindergarten through eight. The school’s current enrollment is 576, with future growth to be determined in accordance with the facilities’ capacity and demand.

CAPE will admit all students who wish to enroll, subject only to capacity, at which point a random drawing shall be held to determine enrollment. CAPE will target all students and families seeking a progressive philosophy of learning and, as described below, will hold various outreach workshops throughout the district and surrounding communities to attract a population of students who reflect the racial and ethnic backgrounds of the territorial jurisdiction of the district. CAPE’s current enrollment and student demographic information is provided in the Appendix A.

**C. Definition of an “Educated Person” in the 21<sup>st</sup> Century**

An “educated person” in the 21<sup>st</sup> century is one who will continue the path of learning throughout his or her adult life. The progressive philosophy of CAPE allows each child to participate in his or her own education. Personal responsibility is emphasized, which builds self-esteem and self-motivation and is necessary to become a functioning citizen in the future. The active, cooperative partnership among parents, students and teachers creates an environment where learning occurs for its own sake— for its intrinsic value and sparks imagination, ignites a love for learning and encourages each individual to be and to do the best he or she can.

An “educated person” in the 21<sup>st</sup> century is well-versed in core subject areas. CAPE will provide instruction, using standards-based curricula, in the core subjects of language arts, mathematics, science and history/social science. Research also shows that exercise, nutrition, music and art all enhance brain activity that leads to better academic performance. Therefore, CAPE will also provide instruction in physical education and nutrition, music and art. At the middle-school level, students will participate in electives that are connected to skills and knowledge they will need to navigate their world today and in the future.

An “educated person” in the 21<sup>st</sup> century is a self-motivated and competent learner who functions well as a citizen of an ever-changing world. CAPE will stress the life skills necessary for self-motivation and competent learning, including citizenship and opportunities to mentor other students. Problem solving, conflict resolution and community service provides 21<sup>st</sup> century students with the experience and training needed to conduct themselves in a manner conducive to functioning in the quickly changing world in which they will grow. CAPE will foster global, independent and creative thinkers who: feel confident in themselves; are willing to put forth

opinions, thoughts and beliefs; and work cooperatively. Accountability enhances the personal responsibility necessary for the continued advancement of the student well beyond the promotion from CAPE.

#### **D. Curriculum and Instructional Design (“How Learning Best Occurs”)**

CAPE believes that learning best occurs when instruction is delivered in a manner consistent with a progressive philosophy. The premise of CAPE’s progressive education is to create a learning environment where students actively experience their education and are continually challenged in an ever-changing, yet organized setting. There is an active cooperative partnership among parents, students and teachers, where learning is for its own sake, for the joy of it, and for its intrinsic value. Each student is held accountable for his or her own progress while utilizing the support system of teachers and parents.

The CAPE philosophy encourages each child to actively participate in his or her education. Building self-esteem through personal responsibility is a primary focus. If children feel good about themselves, they will be more open to learning. CAPE shall provide safe, nurturing and intellectually engaging surroundings where students are inspired to intrinsically value learning as they achieve social and academic success. The instructional program shall conform to California Common Core State Standards.



The teachers and board of CAPE shall continuously assess the implementation of its curriculum. The goal of the school is to ensure that every child is successful. Strategies for accomplishing this goal include staff development and training, faculty meetings, articulation among staff members, observation of classroom instruction, parent surveys and a continuous review of assessment results.

Teachers will create classroom environments that challenge and support students’ learning of standards-based curriculum while promoting diversity, creativity, cooperation and individual learning styles. Parents and teachers work as partners to guide and encourage students to become positive, responsible, contributing citizens who value themselves and others in their choices as they strive to become life-long learners.

Attached as Appendix B, please find curriculum for the core subjects and the health, and visual and performing arts programs that is used at CAPE.

Some of the key instructional programs and methodologies are as follows:

- Project-based Learning – At CAPE, we believe that learning best occurs when utilizing project-based learning methodologies. Project-based learning is an instructional approach developed at the University of California Los Angeles that builds upon authentic learning activities that fully engage students in their areas of interest. These activities are designed to answer questions and solve problems. Project-based learning teaches students the 21st century skills describe above, while at the same time delivering content based on the state standards in core

areas. These skills include, but are not limited to, problem solving, citizenship, organization, time management, group participation and leadership skills. The student utilizes high-level thinking skills while the teacher facilitates and guides the learning toward more and more sophisticated questions and answers. Project-based learning is generally done in groups of students working together in teams, which allows students to express and listen to ideas and opinions, make team decisions, and consider and learn from project outcomes.

- Storyline – The storyline method is a structured approach to learning and teaching that was developed in Scotland. The storyline method asserts that: knowledge is complex and has many layers; learning is guided by one's prior knowledge and experience; and learners construct their own meaning through action and experience. This method of teaching builds on the key principle that learning, to be meaningful, has to be memorable, and that by using a learner's enthusiasm for story-making, the classroom, the teacher's role and learning can be transformed. The storyline method also allows teachers to bring all facets of the curriculum (including Science, Math, Language Arts and History) together as an integrated whole, while providing opportunities for active learning and reflection as essential parts of effective learning and teaching. Lastly, the storyline method gives learners a powerful sense of ownership of their learning.
- Everyday Mathematics – Everyday Mathematics is a research-based curriculum developed by the University of Chicago, School Mathematics Project for grades K-5, which was founded in 1983 during a time of growing consensus that our nation was failing to provide its students with an adequate mathematical education. Using the Everyday Mathematics curriculum, CAPE's students will learn math through a hands-on, practical approach that utilizes math games and parent involvement to promote higher-level thinking. Students will develop conceptual understanding and problem-solving skills in arithmetic, data, probability, geometry, algebra and functions; link mathematics to everyday situations; link past experiences to new concepts; participate in hands-on activities and explorations; and use and share multiple strategies.
- Information Literacy – By focusing on information literacy, CAPE will help students develop the ability to recognize when information is needed, locate and evaluate the credibility of the information, and effectively use information. Students will learn to research by using the Internet in a safe and effective manner. The teacher will utilize technological tools to guide students in judging sources, recognizing valid or invalid sources of information, and judging the source's accurate communication of the truth. A final product can be presented to the class with the students using PowerPoint and/or Microsoft Word software. Information literacy will be used to complement project-based learning. Through information literacy, CAPE will promote the skills, knowledge and attitudes that allow students to develop effective lifelong information awareness, including strategies for seeking, managing, and presenting information.

- Depth and Complexity – The teacher will differentiate his or her instruction within the scope of one lesson. Differentiated instruction is the manner in which each teacher will modify the core curriculum and design strategies to address the unique needs of each student. The teacher will modify what students will know (content); how students will think (critical, creative and problem-solving skills and processes); how students will access and use resources (research skills); and how students will summarize and share their learning (products). This educational approach is effective in teaching all levels of learning in one classroom.
- Physical Education – The standards-based physical education program at CAPE incorporates regular activity into the day and promotes physical health. Students experience a wide variety of movement skills and patterns and participate in challenging; developmentally appropriate activities that improve strength and endurance and help students understand the benefits of different types of exercise. Students are also encouraged to take positive risks, develop confidence and accept and appreciate the individual differences among classmates.

- Music – Research clearly shows a link between musical knowledge and understanding of academic concepts, particularly: spatial-temporal reasoning, ratios, fractions, proportions, thinking in space and time and reading. For example, experts in musical theater and choir could come to campus and teach weekly music lessons to individual classes that allow children to have hands-on experience with making and understanding music. Throughout the school year the children will perform for their parents and fellow students.



- Volunteer-driven enrichment programs – Within the constraints of the budget and willingness of the volunteers, the student's education will be further enriched through the following or similar programs:



- Jr. Great Books is a pull-out program in which the pupils read and discuss great works of literature. The program develops a love of reading, builds upon the child's personal experience, and allows for the development of a respect for the ideas of others within a group dynamic.



- Composer of the Month and Artist of the Month are programs in which volunteers introduce students to the biographies and work of the chosen composer and artist for each month. Each month, the students create a piece of art that uses the style and techniques of the chosen artist.
- Mini-courses are elective-type classes where parent and community volunteers come to the campus once a week for four weeks and teach courses reflecting the volunteers' interests. Past courses have included dance, cooking, the culture of India, rocketry, quilting, Hawaiian culture, paper crafts, scrap booking, meet the press and many CSI others. These courses serve to widen children's awareness, introduce them to new experiences and help them gain confidence by learning new skills or developing areas of expertise.

Attached please find as Appendix C, a school calendar for 2012-2013, as Appendix D a bell schedule, instructional minutes, and as Appendix E two narratives describing a typical day in the life of two CAPE students one in grade 2 and the other in grade 7.

#### **E. Common Core State Standards (CCSS) Implementation**

CAPE is dedicated to students' success. We believe the Common Core Standards (CCSS) will compliment with our current curriculum, assessment, and ongoing professional development plans. CAPE has created a CCSS steering committee to align instructional materials and curricular units to the CCSS and redesign data, assessment and accountability systems to reflect the expectations in the CCSS. We are also working on mobilizing supports for student with disabilities and general education students who require additional academic support. Through shared leadership, we will co-design self-sustaining practices that promote student-centered, inquiry-based learning. Our focus has always been on critical thinking and effective communication. These skills will serve as a gateway for CAPE students to become innovators in the 21st century workforce. We welcome the learning opportunities the Common Core Standards will bring to our school.

CAPE is following the recommended CCSS timeline set by the California Department of Education. Teachers will participate in professional development focused on understanding the intent and content of the new standards and focusing on instructional practices to prepare for full implementation of the CCSS. The CCSS steering committee will provide sample units and implantation strategies to the teaching staff during weekly collaboration time.

## **F. WASC Accreditation**

In the spring of 2013, CAPE will undergo an accreditation visit from WASC (Western Association of Schools and Colleges). To prepare for this visit we are completing an extensive self-study. Included in the self-study will be our school's Action Plan, which will govern our school improvement efforts for the next six years (2013-2019). The process has become a catalyst for growth as well as a rubric by which we will examine the integrity of our total school program. The self-study will give us the opportunity to collaborate, assess, plan, align, and modify our instructional and operational practices in order to ensure academic success for all our students. Attached as Appendix J is the WASC Candidacy Report.

## **G. Plans For Students Who Are Academically Low Or High Achieving**

Students who are academically low or high-achieving have unique needs that must be addressed by any successful program. CAPE will identify these students based on assessment data, teacher observations or recommendations, parent observations or recommendations, CST results and other observable academic factors.

The curriculum and instructional programs outlined below are designed to address the needs of **academically low-achieving students**:

- 1) Depth and Complexity - This program inspires lower achieving students to rise to their aspirations. Although the teacher differentiates the lessons, a student is not limited to an assigned group. The teacher tailors his or her lessons to meet the needs of all the levels represented in the classroom.
- 2) Project-based Learning – Project-based learning levels the academic playing field. Low-achieving students perform at their level while addressing the same assignments as the other students. A low-achieving student works on the same project as his or her classmates but conducts the project at his or her level of performance. A low-achieving student has the same opportunity to be successful as anyone else in the classroom. The hands-on nature of this form of learning captivates and holds the attention of the learner.
- 3) Storyline – The teacher takes a piece of curriculum and builds a story, or “living experience” around it. Experience has shown that this hands-on approach captures and keeps the attention of the lower achieving student, thus creating the best environment conducive to learning. The teacher begins by discovering what the low-achieving student already knows or has experienced. The teacher drives the program, creating key questions designed to inspire group or individual problem solving, and ensures that the California State Standards are taught at the same time. Since the program starts by utilizing the familiar— using examples from the students own life—and then uses the students’ questions to build the learning experience, it ensures the information’s relevance to the low-achieving student’s understanding and thus creates a tailored, ideal learning environment for that child.



An example was in a “toy store” storyline, in which the children worked together to create a toy store in their classroom. One problem was to create a “sliding door” that worked like a “real toy store door.” A child who had been designated as academically low-achieving was able to solve the mechanics of this dilemma, which earned him the respect of his peers. He was able to learn and contribute at his level within the storyline.

The curriculum and instructional programs outlined below are designed to address the needs of **academically high-achieving students**:

- 1) Depth and Complexity – Through depth and complexity, the higher achieving student is able to work at a higher cognitive level, synthesizing information in the manner described in Bloom’s Taxonomy. Due to the individualized nature of instruction, the higher achieving students have at their disposal the materials and information necessary to create work products at their level without being held back by the achievement levels of classmates.
- 2) Project-based Learning – High-achieving students perform at their level in addressing the same assignments as the other students. A high-achieving student works on the same project as his or her classmates but conducts the project at his or her level of performance.
- 3) Storyline– The teacher begins by discovering what the higher achieving student already knows or has experienced. The hands-on experience for this pupil takes this background and builds around it, allowing the high-achieving student to continue developing and learning at a higher level, unlimited by the constraints of the skill levels of fellow students. The teacher’s role is as facilitator, leaving the problem solving to be done by students. The high achiever is free to take the next step and apply his or her knowledge to real world situations.

An example was in a second-grade “community garden” storyline. A high achieving student with exceptional math skills volunteered to do the budget. He built on his knowledge and experience to create pie graphs, charts and scenarios; he was able to go beyond what the other pupils were doing, yet interact with this group in a positive fashion to move the project along.

- 4) Independent Contracts – Contracts between the higher achieving student and his or her teacher allow the child to complete extra projects, reports and study independently outside the classroom.

## **H. Plan For English Learners**

### **Overview**

CAPE is committed to closing the achievement gap between English learners (EL) and English-speaking students. In order to do so, CAPE plans to use several techniques, including intensifying for EL students the strategies used for the entire class. CAPE will provide after school intervention groups and pull out opportunities with a reading support specialist. CAPE will use extended activities during the day to give EL students additional opportunities to speak, read and write in English. When possible, CAPE will involve the parents in the process by making them stakeholders. If a child is eligible, we will apply for and use migrant education resources.

CAPE shall meet all applicable legal requirements for EL students as they pertain to annual notification of parents, student identification, student placement, program options, English-language and core content instruction, teacher qualifications and training, re-classification of students to fluent-English-proficient status, the monitoring and evaluation of program effectiveness and standardized testing requirements. CAPE will implement policies to ensure the proper placement and evaluation of EL students and proper communication regarding the rights of EL students and their parents.

### **Home Language Survey**

CAPE will administer the home language survey upon a student's initial enrollment, which is included on the enrollment forms.

### **California English Language Development Test**

Students who indicate that their home language is not English will be given the California English Language Development Test (CELDT) within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31 until re-designated as fluent-English-proficient.

CAPE will notify all parents of its responsibility to administer the CELDT and will give the results of each student's CELDT to his or her parents/guardians within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind (NCLB) Act for annual testing in English proficiency.

### **Reclassification Procedures**

In determining whether to classify a pupil as proficient in English, reclassification procedures utilize multiple criteria that include, but are not limited to, all of the following:

- 1) assessment of language proficiency using an objective assessment instrument including, but not limited to, the CELDT

- 2) participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil in evaluating the pupil’s mastery of the curriculum;
- 3) opinion and consultation of parent/guardians who will be notified of the language reclassification and placement process and their opportunity to participate and who will be encouraged to participate in the reclassification procedure by sharing their opinions and recommendations;
- 4) comparison of the pupil’s performance in basic skills against an empirically established range of performance in basic skills—based upon the performance of English-proficient pupils of the same age—that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English; and
- 5) assessment of results from the Student Oral Language Observation Matrix to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar.

### **Strategies for Instruction and Intervention for English Learners**

All CAPE teachers are trained to use Specially Designed Academic Instruction in English (SDAIE) techniques to meet the needs of English-language learners. SDAIE is a set of strategies that is used to make content instruction in English more comprehensible to English learners.

By using instructional strategies that provide multiple accesses to the core curriculum, SDAIE is a highly interactive and engaging teaching program that aligns itself to the academic needs of English learners. SDAIE strategies include, but are not limited to, the following:

- 1) Emphasis on the Academic Language – Emphasis on the academic language is the key instructional component in SDAIE. The goal is not to develop general English language skills, but to develop the use of, and proficiency in, the academic language of the content areas. This key component of SDAIE is the same for all students—English-only speakers and English learners. Teachers ensure that the academic language is mastered, thereby obtaining evidence of learning. To facilitate mastery, teachers implement two essential "best instructional practices"—posting the academic language and using the academic language. In posting, words are organized by categories of meaning, such as putting together the words “clean, tidy, neat, spotless, immaculate, impeccable, scrubbed, disinfected, sterilized, and pristine.” The teacher reinforces this by consciously and constantly using the academic language, and requiring that all students express themselves using the academic language, too.
- 2) Active Learning – Students constantly give the teachers evidence of learning by completing observable actions and behaviors that the teacher requests. Throughout the lesson, the teachers plan educational activities that give students

opportunities to: observe, recognize, locate, identify, classify, practice, collect, distinguish, categorize, repeat, match, show, select, construct, assemble, arrange, put things in order, name, recall, give examples, draw, organize, decide, describe, tell, imagine, restate, create, appraise, dramatize, contrast, compare, question, map, discriminate, list, underline, review, interpret, compose, dictate, point out, record, report, predict, express, plan, evaluate, relate, generalize, demonstrate, outline, summarize, suppose, estimate, judge, explain, debate, illustrate, infer, revise, rewrite, assess, interpret, justify and critique. The process of requesting these types of observable actions and behaviors are similar to the methods used by CAPE's faculty in implementing Everyday Mathematics as well.

- 3) Assessing/Tapping Prior Knowledge – Teachers become familiar with the background knowledge that students bring to the learning situation so they can emphasize what students already know, have experienced and are familiar with, and can build on that prior knowledge, experience and familiarity. Visuals, realia, posted academic language from previous lessons, various connections to prior knowledge, experience and familiarity are essential components of all lessons, and the bases of project-based learning, the storyline method and CAPE's commitment to depth and complexity.
- 4) Collaborative Problem-Solving and Cooperative and Other Groupings – Teachers plan instruction through educational activities that provide for flexible groupings of students to meet specific purposes, such as: pre-production, early-production, speech emergence, intermediate fluency, and fluent English speakers. Teachers implement varied instructional activities where heterogeneous students can work productively.
- 5) Cultural Affirmation and Multicultural Perspectives – English learners and English-only students all bring to each and every lesson their prior knowledge, their own experiences and their cultural backgrounds. Teachers acknowledge and affirm the value of each student to the cooperative effort of the lesson by acknowledging the individual contributions of each student. Teachers expand the limited experiences and knowledge of each student to include the contributions of many individuals from many backgrounds to the advancement of knowledge.
- 6) Demonstration and Modeling – The key role of the teacher is to demonstrate and model all the behaviors to be learned in the lesson, especially the verbal behaviors expected to be mastered by the students, which is the language of the content areas. Often the teachers are the only role models that students will ever come in contact with for the language of the content areas.
- 7) Graphic Organizers Prior to Reading – Prior to reading a passage or selection, the teacher facilitates the understanding of: the language of the content areas; the language of new reading selections the students are about to read; and all words students do not know that are used in what students are about to listen to or read. The teacher helps students acquire, practice, develop, learn, and master 95- to 100 percent of the new vocabulary prior to listening to or reading particular passages.

The teachers utilizes instructional activities that, through visuals, manipulatives, realia, dramatization, or other means, help students master the new academic vocabulary before the beginning of each lesson. Graphic organizers can be used to help students become aware of what they know and the new words they are about to learn. For younger English learners and for all young learners, graphic organizers can be used with pictures instead of printed words. Students are then ready to read the selected passage, and they will do so with 100 percent understanding the first time around.

8) Integrating Listening, Speaking, Reading and Writing Across the Curriculum – Listening, speaking, reading and writing are implemented through all instructional strategies described above, creating effective practices within SDAIE for all students, both English-only and English-language learners. The teachers also utilize program-specific storylines and project-based learning to supplement these SDAIE methods that allow students to:

- listen to the new academic language of the lesson as the teacher uses visuals, manipulatives, realia, and other means to physically convey the meaning of the academic language;
- speak the new academic language through active instructional activities;
- see—in posted graphic organizers or categories—the new academic language; and
- write about what they have learned through expressive writing and answer textbook questions in their own words.

9) Higher Order Thinking Skills – CAPE’s teachers look for evidence of these skills through observing active learning and through the use of depth and complexity.

10) Questioning techniques – The teachers promote all of the SDAIE strategies through questions and the students’ active responses thus creating an active learning environment. Through their questions, the teachers monitor the students’ use of the language of content areas. Questions are used to assess prior knowledge and allow teachers to provide new information to students while demonstrating and modeling the use of the academic language. Questions can be tailored to all levels of thinking skills and can give students the opportunity to listen and to speak. By choosing the right question appropriate for each student’s ability and rewording when necessary, teachers can promote learning while at the same time allow students to experience success. For example, the same question can be asked in four different ways for different cognitive levels:

- Who was the 22nd President of the United States?
- Who was the 22nd President: Nixon, Cleveland, John Quincy Adams or Zachary Taylor?
- Who was the 22nd President: Abraham Lincoln, Reagan, John Adams or Cleveland?
- Cleveland was the 22nd President of the United States, right?

- 11) The Teacher is a Facilitator of Learning – Teachers are constantly interacting with students in their primary role of facilitators. Using visual aids and manipulatives, and verbal and non-verbal cues, teachers guide students into practicing the academic language as they acquire the concepts represented by the words.

Attached as Appendix L is CAPE’s EL Strategies, Techniques and Activity Guide

## **I. Serving Students With Disabilities**

### **Overview**

CAPE shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA) and the Individuals with Disabilities in Education Act (IDEA).

CAPE shall be categorized as a “public school” within the district in conformity with section 47641(b) of the California Education Code. CAPE shall comply with a memorandum of understanding (MOU) between the district and CAPE related to the delineation of duties between the district and CAPE.

CAPE shall comply with all state and federal laws related to the provision of special education instruction and related services and all Special Education Local Plan Area (SELPA) policies and procedures, and shall utilize appropriate SELPA forms.

CAPE shall be solely responsible for its compliance with Section 504 and with the ADA. The facilities to be utilized by CAPE shall be accessible for all students with disabilities.

### **Section 504 of the Rehabilitation Act**

CAPE recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the school. Any student who has an objectively identified disability that substantially limits a major life activity, including, but not limited to, learning, is eligible for accommodation by the school.

For each student who is identified as possibly having a disability, a Student Study Team (SST) will be assembled by the director(s) and shall include the parent/guardian, the student (as appropriate) and other qualified persons who are knowledgeable about the student, the meaning of the evaluation data, placement options and accommodations. The SST will review the student’s existing records, including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the SST who will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the

educational program and/or activities. The SST may also consider the following information in its evaluation:

- 1) tests and other evaluation materials that have been validated for the specific purpose for which they are used and have been administered by trained personnel;
- 2) tests and other evaluation materials tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligent quotient; and
- 3) tests that are selected and administered to ensure that the results accurately reflect the student's aptitude, achievement level, or whatever factor the test purports to measure, rather than a student's impaired sensory, manual or speaking skills.

If during the evaluation, the SST obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the SST.

If the student is found by the SST to have a disability under Section 504, the SST shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education. In developing a 504 Plan for the student, the SST shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the school's professional staff. The plan shall describe the disability and any program accommodations, modifications or services that may be necessary.

All SST participants in a particular SST, including parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of the 504 Plan for that child. The director(s) will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he or she will review the 504 Plans with long-term substitutes. A copy of each 504 Plan shall be maintained in the respective student's file. Each student's 504 Plan will be reviewed at least once per year to determine its appropriateness, needed modifications, and continued eligibility.

Attached as Appendix F is CAPE's policy with regard to identification, evaluation and education under Section 504.

### **Services for Students under the Individuals with Disabilities in Education Improvement Act**

CAPE intends to provide special education instruction and related services in accordance with the IDEIA, the California Education Code, and applicable policies and practices of SELPA. CAPE shall remain, by default, a public school of the district for purposes of special education pursuant to section 47641(b) of the California Education Code. However, CAPE reserves the right to make written verifiable assurances that it shall become an independent local educational agency and join a SELPA pursuant to section 47641(b) of the California Education Code, either

on its own or with a group of other charter schools that are local educational agencies as a consortium.

As a public school of the district, solely for purposes of providing special education and related services under the IDEA pursuant to section 47641(b) of the California Education Code and in accordance with section 47646 of the California Education Code and 20 USC 1413 of the IDEA, CAPE seeks services from the district for special education students enrolled in CAPE in the same manner as is provided to students in other schools in the district. CAPE will follow the district's and SELPA's policies and procedures, and shall utilize SELPA's forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and maintaining the confidentiality of pupil records. CAPE will comply with district protocol as to the delineation of duties between the district's central office and the local school site in providing special education instruction and related services to identified pupils. An annual meeting between CAPE and the district to review special education policies, procedures, protocols and forms of the district and SELPA will ensure that CAPE and the district have an ongoing mutual understanding of district protocol and will facilitate ongoing compliance.

As long as CAPE functions as a public school of the district solely for purposes of providing special education and related services under the IDEA pursuant to section 47641(b) of the California Education Code, CAPE will anticipate that a MOU will be developed between the district and CAPE that spells out in detail the responsibilities for the provision of special education services and the manner in which special education funding will flow to the students of CAPE. CAPE envisions an ideal relationship for special education to follow the language and intent of section 47646 of the California Education Code and 20 USC 1413 of the IDEA as follows:

- 1) The district retains the special education funds for the students of CAPE;
- 2) The district provides services to the students of CAPE in the same manner as other students of the district; and
- 3) CAPE pays the district a pro-rata share of the overall district encroachment for special education.

**J. High School Program**

*Governing Law: If the proposed school will serve high school pupils, a description of how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements. —California Education Code Section 47605(b)(5)(A)(ii)*



## Overview

CAPE and the district will jointly develop the high school program to be offered by CAPE, and the district and CAPE shall jointly agree on the program and the start date prior to the implementation of the high school program.

## Course Transferability

CAPE will inform parents of course transferability through a parent/student handbook that includes specific information on course transferability and outlines school policies and expectations for all students and parents. Courses that meet University of California and California State University entrance requirements will be listed in the parent/student handbook as soon as they are available. All entering high school students and parents will be required to complete an orientation that will include a review of the handbook. In addition to the “A to G” admissions criteria and the approved course list for the University of California and the California State University, a statement regarding the transferability of courses to other district high schools will be included in the parent/student handbook. Both the “A to G” list and transferability of classes will be updated on a yearly basis. A state-certified high school diploma will be issued to all students who meet the CAPE graduation requirements.

## Graduation Requirements

CAPE and the district shall jointly agree upon graduation requirements.



### III. MEASUREABLE STUDENT OUTCOMES/METHODS OF MEASUREMENT OF PUPIL OUTCOMES

*Governing Law: The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. – California Education Code Section 47605(b)(5)(B)*

*Governing Law: The method by which pupil progress in meeting those pupil outcomes is measured. – California Education Code Section 47605(b)(5)(C)*

#### A. School wide Outcomes and Methods Of Measurement

CAPE shall meet all statewide standards and conduct pupil assessments required pursuant to sections 60605 and 60851 of the California Education Code and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-chartered public schools.

CAPE shall pursue the following outcomes measured by the corresponding method of measurement:

Targeted Students	Student Objectives/Outcomes/ Measurement of Growth	Instruments/Methods of Measurement	Timeline
All Students	CAPE shall make Adequate Yearly Progress (AYP) as defined by the No Child Left Behind Act.	Annual AYP determination	May of each year (Appendix K)
All Students	CAPE shall exceed the district-wide average for attendance and shall meet or exceed a 96 percent attendance rate.	Comparison of district-wide attendance data with CAPE attendance data at P2	June of each year (Appendix O)
All Students	CAPE shall meet its Academic Performance Index (API) growth targets school-wide and within reportable subgroups on an annual basis.	Annual API determination	May of each year (Appendix K)
CAPE Community	CAPE shall receive an average score of “satisfied” or “very-satisfied” on annual parent and teacher satisfaction surveys.	Annual parent and teacher satisfaction surveys	March of each year (Appendix N)
EL Students	At least 60% of the students will improve by at least 1 level each year. All EL students will demonstrate continuous progress on multiple measures until reclassifies as English proficient.	California English Language Development Test (CELDT Domain Levels)	Fall of each year
All Students	60% will score proficient or better on an analytic scoring rubric based on conventions, style, idea, and organization based on CA Language Arts Content Standards	As developed by grade level teams	At the end of each trimester
All Students	Students will demonstrate continuous progress towards meetings or exceeding benchmark assessment in number sense, problem solving, and geometry based on the CA Mathematics Content Standards	As developed by grade level teams	At the end of each trimester

In order to best serve our students and community, CAPE will continue to examine and refine its list of school wide outcomes. Please review Appendix K, N, O for outcomes achieved by CAPE.

CAPE will implement a cyclical feedback process to ensure that measurable outcomes of pupils are used to inform and guide instruction. Teachers will be trained to work with California's state standards and the chosen curricular program(s) to determine pupil outcomes and align assessments to those outcomes. The teachers and director(s) will also develop plans for each grade level that identify when each standard will be assessed during the course of the year.

The school will use DataDirector (or any comparable system) to compile and disaggregate assessment data by students' subgroups, and create a variety of instructive data reports. These reports will be used by teachers and other staff to collectively analyze student performance. CAPE will conduct a multi-year study of student performance by sub-groups and grade level. Each year of the study, the school's staff and its governing board will examine the findings and plan to make appropriate adjustments to ensure the success of all students in the school.

During teacher's collaborative meetings, teachers will use data from student conferences and other data analyses to identify students' academic strengths and weaknesses, and use that information to guide their instructional design. Teachers will be responsible for submitting the notes from these meetings to the director(s), who will use this process to constantly monitor the use of data to drive instruction. The data analysis process will also help the school staff to determine which students are in need of intervention or enrichment.



Student progress shall be measured through varied and diverse methods that include traditional forms, such as grades, unit tests and standardized tests, as well as on-going "authentic assessment" methods, such as demonstrations, performances and exhibitions.

Students will also be measured in non-curricular areas, such as class attendance and discipline, to ensure that they are meeting their social responsibilities. CAPE believes that students develop important life skills when they are held accountable for both performance and conduct.

CAPE will centrally manage scores from assessments and other meaningful quantifiable data so that students' progress within particular subjects and across all subjects and areas of interest can be monitored.

CAPE will provide the students and teachers with this progress data so that the school staff, students and parents can track individual student performance throughout the student's career at CAPE. Teachers and students shall be able to critically analyze student data, identify strengths and opportunity areas, and define goals for the students. Goals will be jointly set by teachers and students, and student progress will be tracked and discussed with both students and parents on a regular basis. Parent participation will be essential in setting up individual educational contracts when needed and managing the students as they successfully progress through their goals and objectives. This information will be used to identify areas of improvement for students, teachers and programs within CAPE's progressive educational program.

## **B. Performance Reporting**

CAPE will provide to the district an annual performance report. This report will include the following information:

- A summary of data showing student’s progress toward the pupil outcomes listed above;
- a summary of major decisions and policies set forth by CAPE’s board of directors during the year;
- data on parent involvement in the school’s governance and other facets of the school and summary data from a yearly parent and student satisfaction survey;
- data regarding the number of staff working at the school and their qualifications;
- a copy of the school’s health and safety policies and any major changes to those policies during the year;
- data showing whether CAPE implemented the means listed in the charter to strive to achieve racially and ethnically diverse student population reflective of the territorial jurisdiction of the district;
- a comprehensive view of CAPE’s admissions practices during the year, including information regarding the numbers of students enrolled, children on waiting lists and the students expelled and/or suspended; and
- any other information regarding the educational program and the administrative, legal and governance operations of CAPE, relative to compliance with the terms of the charter generally.



CAPE will develop any additional content, evaluation criteria, timelines and processes for the annual performance report as needed. CAPE will use the data in the performance report to assess and improve its educational programming as deemed necessary.

The above referenced annual performance report and the state-mandated School Accountability Report Card will be submitted to the district within the timelines agreed upon by the district and CAPE and made available to the public (please see Appendix A).

CAPE and the district will jointly develop a visitation process to enable the district to gather information needed to validate the school’s performance and its compliance with the terms of this charter. However, CAPE agrees and submits to the right of the district to make random and periodic visits and inspections in order to carry out its statutorily required oversight.

Pursuant to section 47604.3 of the California Education Code, CAPE shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from the district, the county office of education, and the state superintendent of public instruction.

#### IV. GOVERNANCE STRUCTURE

*Governing Law:* The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. — California Education Code Section 47605(b)(5)(D)

##### A. Nonprofit Public Benefit Corporation

CAPE is a directly funded, independent charter school and is operated as a California nonprofit public benefit corporation, pursuant to California law.

CAPE operates autonomously from the district with the exception of the supervisory oversight required by statute and other contracted services as negotiated between the district and CAPE. Pursuant to section 47604(c) of the California Education Code, the district shall not be liable for the debts and obligations of CAPE, which will be operated as a California non-profit benefit corporation, or for claims arising from the performance of acts, errors or omissions by CAPE as long as the district has complied with all oversight responsibilities required by law.

Attached as Appendix G is CAPE’s Corporate Bylaws and Conflicts Code.

##### B. Board of Directors

CAPE is governed by a corporate board of directors in accordance with its adopted corporate bylaws, which shall be consistent with the terms of this charter.



The board will consist of at least five voting members, including one community member, two teachers and a minimum of two parents. In addition, in accordance with section 47604(b) of the California Education Code, the district shall be entitled to a single representative on CAPE’s board of directors. If the district chooses to appoint a board member, CAPE will expand its board membership to seven members—to avoid an even number of board members—by adding a community member.

CAPE’s current board has five members, which consist of two parents, two teachers and one community member.

##### **Election of Community Representatives and Parents**

Community members and parent representatives will be elected by a simple majority vote of all parents and guardians of the current students at CAPE. The community members and parent members of the board cannot be an employee of CAPE or a direct relative of an employee of CAPE (including: spouse, parent, child, grandparent, sibling, aunt, uncle, cousin, niece, nephew). Parents that no longer have children attending CAPE must relinquish their seat on the board. CAPE shall seek community members with expertise in areas critical to the school’s success, including, but not limited to, education, school finance, fundraising, facilities, government, business and legal issues.

## **Election of Teachers**

Salaried teachers will be elected to the board by a simple majority vote by all full- and part-time employees of CAPE. No teacher serving as a director or serving as a bargaining unit representative, if applicable, can be elected to the board. Teachers no longer employed at CAPE must relinquish their seat on the board.

## **Terms and Elections**

Board members shall serve terms of two years each. No board member may serve more than three consecutive terms. After serving three consecutive terms, an individual must take one year off before running for election again.

Board election nominations will be held in November. Board elections will be held in December and results and board seating will take place in January. The board will appoint whenever necessary to fill an unexpectedly vacant board seat.

Board members' terms will be staggered as set by board resolution to ensure continuity.

## **Board's Duties**

The board of directors of CAPE will meet regularly, at least once a month, and in accordance with the Brown Act. The board of directors is fully responsible for the operations and fiscal affairs of CAPE including, but not limited to, the following:

- hiring, supervising, evaluating, disciplining and dismissing the directors of CAPE;
- approving all contractual agreements;
- approving and monitoring the implementation of general policies of CAPE, including effective human resource policies for career growth and compensation of staff;
- approving and monitoring CAPE's annual budget and budget revisions;
- acting as a fiscal agent, including the receipt of funds for the operation of CAPE in accordance with charter school laws and the receipt of grants and donations consistent with the mission of CAPE;
- contracting with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- establishing operational committees as needed;
- regularly measuring progress of both the students' and the staff's performance;
- involving parents and the community in school related programs.;
- executing all applicable responsibilities provided for in the California Corporations Code;
- conducting strategic planning;
- approving the school calendar and the schedule of board meetings;
- reviewing requests for out-of-state and overnight field trips;
- participating in dispute resolution procedures and complaint procedures when necessary;
- approving charter amendments as necessary and submitting material revisions as necessary for the district's consideration;

- approving the annual fiscal audit and performance report; and
- appointing an administrative panel or acting as a hearing body and taking action on recommended student expulsions.

The board may initiate and carry out any program and activity or may otherwise act in any manner as long as it is not in conflict with, inconsistent with, or preempted by any law, and it is not in conflict with the purposes for which the school is established.

CAPE has adopted a Conflicts Code that complies with the Political Reform Act, Corporations Code Conflicts of Interest rules, and any conflicts of interest regulations specific to charter schools. As noted above, the Conflicts Code is attached as Appendix G.

The board may execute any powers delegated to it by law and shall discharge any duty imposed upon it by law and may delegate to an employee of CAPE any of those duties with the exception of budget approvals and revisions, approvals of the fiscal and performance audits, and the adoption of board policies. The board, however, retains ultimate responsibility for the performance of those powers or duties so delegated. Such delegation will:

- be in writing;
- specify the entity designated;
- describe in specific terms the authority of the board of directors being delegated, any conditions on the delegated authority or its exercise, and the beginning and ending dates of the delegation; and
- require an affirmative vote of a majority of board members.

Newly appointed CAPE’s board of directors will attend an in-service for the purposes of training individual board members on their responsibilities, with topics to include at a minimum conflicts of interest, and the Brown Act.

### C. The Director(s)

The director(s) will be the leader(s) of CAPE. The director(s) will ensure that the curriculum is implemented in order to maximize students’ learning. The director(s) must report directly to CAPE’s board of directors, and is(are) responsible for the orderly operation of CAPE and the supervision of all employees of the school.



The director(s) is(are) assigned to perform assigned tasks directed from CAPE’s board of directors and is(are) required to undertake some or all of the tasks detailed below. These tasks may include, but are not limited to, the following:

- ensuring CAPE enacts its mission;
- supervising and evaluating teachers and staff;
- communicating with and reporting to CAPE’s board of directors;
- overseeing CAPE’s finances to ensure financial stability;

- participating in and developing professional development workshops, as needed;
- serving on, or appointing designees to serve on, any committees of CAPE;
- interviewing potential classified and certificated applicants
- hiring, promotion, discipline and/or dismissal of employees;
- ensuring compliance with all applicable state and federal laws and helping to secure local grants;
- communicating with parents, recruiting new families and students, and assuring families of academic growth;
- taking responsible steps to secure full and regular attendance of the students in accordance with policies established by the board of directors;
- completing and submitting required documents as requested or required by the charter and/or CAPE's board of directors and/or the district;
- identifying the staffing needs of the school and offering staff development, as needed;
- maintaining up-to-date financial records;
- ensuring that appropriate evaluation techniques are used for both students and staff;
- establishing and maintaining a system to handle organizational tasks, such as students' records, teachers' records, teachers' credentialing information, contemporaneous attendance logs, purchasing records, budgets and timetables;
- hiring qualified substitute teachers, as needed;
- ensuring the security of the school building;
- promoting and publishing CAPE's mission and philosophy in the community, promoting positive public relations and interacting effectively with news media;
- encouraging and supporting teachers in their on-going professional development;
- attending the district's administrative meetings, as requested by the district, and stay in direct contact with the district regarding changes, progress, etc.;
- attending meetings with the district's chief financial officer on fiscal oversight issues at least once monthly or as otherwise agreed upon with the district;
- providing all necessary financial reports, as required for proper average daily attendance reporting;
- developing CAPE's annual performance report and School Accountability Report Card;
- presenting a fiscal audit to CAPE's board of directors and, after review by the board, presenting the audit to the district's board of education and the county superintendent of schools, the state controller and the California Department of Education, in accordance with legal timelines;
- managing student discipline and, as necessary, participate in the suspension and expulsion process; and
- Participating in special education meetings, as necessary.

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the board of directors to a business administrator of CAPE, another employee, or to an appropriate third-party provider.



**D. Parent Teacher Student Organization**

All parents are voting members of the CAPE PTSO (parent, teacher, and student organization) and are encouraged to attend monthly meetings. PTSO is responsible for parent involvement in school activities, fundraising and advising CAPE on all matters related to the strengthening of the school community.

**E. Parent/Guardian Involvement**



CAPE asserts that parents/guardians play a vital role in their children's education and need to be partners in the process. Parents and other concerned family members shall have frequent opportunities to interact with CAPE's directors through monthly "chatter time" meetings and shall also be strongly encouraged to attend, and speak at, board of directors' meetings. CAPE's directors and board members will welcome ideas from parents/guardians and view families as team members in carrying out the mission and philosophy of the school.

Each family will also be strongly encouraged to contribute a minimum of 40 hours of volunteer work per academic year to CAPE. The director(s) shall maintain a comprehensive list of volunteer opportunities, including, but not limited to, the following: volunteering in the classroom/school; completing activities that can be done at home; tutoring; attending parent-teacher conferences; attending CAPE's board meetings; participating in planning, or attending, fundraising and/or academic/arts events; and participating in other activities. No child will be excluded from CAPE or from school activities due to the failure of his or her parent or legal guardian to fulfill the encouraged 40 hours of participation.

Attached as Appendix H is CAPE's Organizational Chart.



## V. HUMAN RESOURCES

### A. Qualifications of School Employees

*Governing Law: The qualifications to be met by individuals to be employed by the school. – California Education Code Section 47605 (b)(5)(E)*

Recruitment of faculty and staff will be consistent with the mission, philosophy, program and student needs of Camarillo Academy of Progressive Education. CAPE will recruit the highest possible quality faculty and staff.

#### Teachers

The Camarillo Academy of Progressive Education employs teaching staff who hold appropriate California teaching certificates, permits or other documents issued by the California Commission on Teaching Credentialing. Teachers must also meet NCLB “highly qualified” teaching standards. Teachers will meet the requirements for BCLAD or CLAD or other CCTC certification for teaching English Learners.

To be considered for employment at CAPE, a teacher must have:

- a Commission on Teacher Credentialing certificate, permit or other document equivalent to what a teacher in other public schools would be required to hold;
- knowledge of standards-based education;
- an understanding of progressive philosophy;
- grade-appropriate classroom design strategies and teaching strategies;
- knowledge of effective assessment strategies;
- knowledge of multiple intelligence theory;
- the ability to work collaboratively;
- a commitment to ongoing professional development;
- reflective teaching and learning practices;
- a CLAD, BCLAD or an equivalent California certification to serve English learners; and
- any applicable highly qualified requirements for teachers under the federal NCLB Act.



The desired qualifications of teachers at CAPE include having:

- a minimum of three years classroom experience; and
- demonstrated leadership roles
- previous experience with Storyline and/or Project Based Instruction

The hiring process is guided by the following National Board for Professional Teaching Standards:

- Teachers are committed to students and their learning.

- Teachers know the subjects they teach and how to teach those subjects to students.
- Teachers are responsible for managing and monitoring student learning.
- Teachers think systematically about their practice and learn from experience.
- Teachers are members of learning communities.

## **Director(s)**

### *Credential/Degree Requirements:*

Camarillo Academy of Progressive Education will employ Director(s) that will preferably have earned a graduate degree in educational administration and a California Administrative Services Credential.

Evaluation criteria/qualifications for school administrators are drawn from the *California Professional Standards for Educational Leaders, as follows*. The school Director(s) will have the ability to promote success of all students by:

- Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.
- Advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional growth.
- Ensuring management of the organization, operations and resources for a safe, efficient, and effective learning environment.
- Collaborating with families and community members, responding to a diverse community interests and needs, and mobilizing community resources.
- Modeling a personal code of ethics and developing professional leadership capacity.
- Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

The Director(s) of Camarillo Academy of Progressive Education is(are) supervised and evaluated by the Board of Directors. Evaluation of the Director(s)' performance will be based on a mutually agreed upon objectives relative to student achievement, compliance with provisions of the charter petition, fiscal and personnel management, school/community relations, and other indicators incorporated within the *California Professional Standards for Educational Leaders*.

## **Classified Employees**

Camarillo Academy of Progressive Education will employ classified employees for services to include, but not be limited to, secretarial/clerical, custodial/maintenance, playground supervision and kitchen staff.(see Appendix Classified Offer of Employment.) Classified employees will be supervised and evaluated by the administration team.

Along with meeting the qualifications outlined on their specific job descriptions, classified staff will also preferably have the following qualifications:

- Experience in a school setting,
- Ability to perform with initiative, independence and good judgment,
- Ability to plan and organized work

**B. Compensation And Retirement Benefits**

*Governing Law: The manner by which staff members of the Charter School will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security—California Education Code Section 47605(b)(5)(K)*



CAPE will structure its compensation and benefit packages to be competitive with surrounding school districts to attract candidates with desired skills and experience. CAPE teachers will participate in the State Teachers Retirement System (STRS). All non-certificated staff, working more than 20 hours, shall participate in the Public Employees Retirement System (PERS). All non-certificated staff shall participate in Social Security. CAPE shall forward any required payroll deductions and related data to STRS and PERS as required by section 47611.3 of the California Education Code. The Director(s) shall be responsible for ensuring the appropriate arrangements for coverage have been made.

**C. Employee Representation**

*Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. California Education Code Section 47605(b)(5)(O)*

CAPE shall be deemed the exclusive public school employer of its employees for the purposes of the Educational Employment Relations Act.

**D. Rights of School District Employees**

*Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. —California Education Code Section 47605(b)(5)(M)*

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the District, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred

to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

#### **D. Health and Safety**

*Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. California Education Code Section 47605(b)(5)(F)*

In order to provide safety for all students and staff, CAPE has adopted and implemented full health and safety procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts. Please see Appendix I for current board policy.

The following is a summary of the health and safety policies of CAPE:

##### Procedures for Background Checks

Employees and contractors of CAPE will be required to submit to criminal background checks and finish criminal record summaries as required by sections 44237 and 45125.1 of the California Education Code. A new employee not possessing a valid California teaching credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The director(s) of CAPE shall monitor compliance with this policy and report to CAPE's board of directors on a quarterly basis. The board president shall monitor the fingerprinting and background clearance of the director(s). A volunteer who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive a background clearance prior to volunteering without the direct supervision of a credentialed employee.

##### Role of Staff as Mandated Child Abuse Reporters

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, according to the same policies and procedures used by the district.

##### TB Testing

Faculty, staff and volunteers will be tested for tuberculosis prior to commencing employment and working with students as required by section 49406 of the California Education Code.

##### Immunizations

All CAPE students will be required to provide records documenting immunizations as is required at public schools, pursuant to sections 120325-120375 of the Health and Safety Code, and Title 17, sections 6000-6075, of the California Code of Regulations. All rising 7<sup>th</sup> grade students must be immunized with a pertussis (whooping cough) vaccine booster.

##### Medication in School

CAPE will adhere to section 49423 of the California Education Code regarding administration of medication in school.

### Vision, Hearing and Scoliosis Screenings

Students will be screened for vision, hearing and scoliosis. CAPE will adhere to section 49450 et seq. of the California Education Code as applicable to the grade levels served by the school.

### Diabetes

CAPE will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
4. A description of treatments and prevention of methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

### Emergency Preparedness

CAPE shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the fire marshal, utilizing the district's emergency response plan as a first draft. This handbook shall include, but not be limited to, responses to the following situations: fire, flood, earthquake, terrorist threats and hostage situations.

### Blood-borne Pathogens

CAPE shall meet state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the work place. The board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood-borne viruses, including the human immunodeficiency virus and the hepatitis B virus.

Whenever exposed to blood or other bodily fluids through injuries or accidents, staff and students shall follow the latest medical protocol for disinfecting procedures.

### Drug Free, Alcohol Free and Smoke Free Environment

CAPE shall function as a workplace free of drugs, alcohol and tobacco.

### Facility Safety

CAPE shall comply with section 47610 of the California Education Code by utilizing facilities that are compliant with either the Field Act or the State Building Code. CAPE agrees to test sprinkler systems, fire extinguishers and fire alarms annually at its facilities to ensure that they are maintained in operable conditions at all times. CAPE conducts fire drills monthly.

### Comprehensive Sexual Harassment Policies and Procedures

CAPE is committed to providing a school that is free from sexual harassment, as well as any harassment based upon factors such as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation and disability. CAPE has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at CAPE, including employee-to-employee, employee-to-student, and student-to-employee misconduct. Misconduct of this nature is very serious and will be addressed in accordance with the CAPE sexual harassment policy, which is attached as Appendix J.

#### **E. Dispute Resolution**

*Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. California Education Code Section 47605(b)(5)(N)*

In the event of a dispute between CAPE and the district, both parties agree that staff, employees and board members of CAPE and the district first frame the issue in a written format (dispute statement) and refer the issue to the superintendent of the district and the director(s) of CAPE. In the event that the district's board believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with section 47607 of the California Education Code, CAPE requests (but cannot require) that this be noted in the written dispute statement. CAPE understands and agrees that participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the district's ability to proceed with revocation in accordance with section 47607 of the California Education Code.

The director(s) and the district superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two board members from their respective boards who shall jointly meet with the superintendent and the director(s) of CAPE and attempt to resolve the dispute within 15 business days from receipt of the dispute statement. If this joint meeting fails to resolve the dispute, the superintendent and the director(s) shall meet to jointly identify a neutral, third-party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the superintendent and the director(s). Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the district and CAPE. If mediation does not resolve the dispute, either party may pursue any other remedy available under the law. The parties may agree verbally, to proceed to binding arbitration. All timelines and procedures in this section may be revised upon mutual written agreement between the district and CAPE.

## VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/ EXPULSION POLICIES

### A. Student Admission Policies and Procedures

*Governing Law: Admission Requirements, if applicable. – California Education Code Section 47605(b)(5)(H)*

Charter schools are schools of choice. CAPE shall admit all pupils who wish to attend the School up to capacity. Except as provided in Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this State. No test or assessment shall be administered to students prior to acceptance and enrollment into the school.

The Charter School shall be nonsectarian in its admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, disability, or upon any of the characteristics listed in Education Code Section 220.

The application process is comprised of the following:

- Parent attendance at a school orientation meeting\*
- Completion of a student enrollment form
- Parent signature of School Contract\*
- Proof of Immunizations
- Home Language Survey
- Completion of Emergency Medical Information Form
- Proof of minimum/maximum age requirements, e.g. original birth certificate



Applications will be collected during a publicly advertised open application period each Spring for enrollment in the following school year. Following the open application period each year, applications shall be counted to determine whether any grade level has received more applications than availability. In the event that this happens, CAPE will hold a public random drawing to determine enrollment for the impacted grade levels, with the exception of existing students who are guaranteed enrollment in the following school year.

Preferences in the public random drawing will be given in the following order of priority:

1. Currently enrolled CAPE students
2. Siblings of currently enrolled students at CAPE
3. Children of full-time employees
4. Residents of Ventura County

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\* Not a pre-requisite to admission but strongly encouraged as discussed below.



5. Residents of the District
6. Other California residents

Once a grade level is drawn to capacity, remaining lottery applications will continue to be in the lottery pool. This lottery pool will allow students the option of enrollment in the case of an opening during the school year. In no circumstance will lottery pool carry over to the following school year, interested applicants must submit a new lottery application each year.

Interested parents of prospective students are strongly encouraged to visit the school and meet with a staff member to learn more about CAPE's goals and philosophy. A designated staff member or volunteer will explain the program model to prospective parents, provide a tour of selected classrooms and deliver an overall orientation of expectations. Once a student has been enrolled in CAPE, a parent and /or guardian will be encouraged to sign a non-binding Parent Contract, which is a voluntary agreement between families, school, and student. As part of the Agreement, parents are asked to contribute a minimum of 40 hours per year, per family.

## **B. Non-Discrimination**

*Governing Law: The means by which the school will achieve racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted—California Education Code Section 47605(b)(5)(G)*



CAPE shall strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District.

The Charter School will implement an outreach plan that includes, but is not limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the Oxnard Union High School District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process.
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of District including Spanish language materials.
- Presentations and tables in multiple locations throughout the District in English and Spanish to generate interest throughout the District.

**C. Attendance Alternatives**

*The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. – California Education Code Section 47605(b)(5)(L)*

No student may be required to attend CAPE. Students who reside within the District who choose not to attend CAPE may attend school within the District according to District policy or at another school district or school within the District through the District’s intra and inter-district policies. Parents and guardians of each student enrolled in CAPE will be informed on admissions forms that the students have no right to admission in a particular school of an local education agency as a consequence of enrollment in CAPE, except to the extent that such a right is extended by the local education agency.

**D. Suspension and Expulsion Procedures**

*The procedures by which pupils can be suspended or expelled. – California Education Code Section 47605(b)(5)(J)*

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the noncharter schools’ list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

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

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

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

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

### **A. Grounds for Suspension and Expulsion of Students**

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

### **B. Enumerated Offenses**

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act (defined as the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager) directed specifically toward a pupil or school personnel. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including acts one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - 2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - 3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim

suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Director(s) or designee's concurrence.

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

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

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act (defined as the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager) directed specifically toward a pupil or school personnel. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including acts one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - 2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - 3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been



adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Director(s) or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

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

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

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

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

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

Suspension shall be preceded, if possible, by a conference conducted by the Director(s) or the Director(s)'s designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Director(s) or designee.

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

return to school for the purpose of a conference.

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

## 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

## 3. Suspension Time Limits/Recommendation for Expulsion

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

### **D. Authority to Expel**

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

### **E. Expulsion Procedures**

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

expellable offense.

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

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

- 1) The date and place of the expulsion hearing;
- 2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- 3) A copy of the Charter School's disciplinary rules which relate to the alleged violation;
- 4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
- 5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
- 6) The right to inspect and obtain copies of all documents to be used at the hearing;
- 7) The opportunity to confront and question all witnesses who testify at the hearing;
- 8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the expulsion hearing, the

complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.

4. The person or panel conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The person or panel conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person or panel conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

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

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other

support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **G. Record of Hearing**

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

### **H. Presentation of Evidence**

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

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

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

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

### **I. Written Notice to Expel**

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

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

## **J. Disciplinary Records**

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

## **K. No Right to Appeal**

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

## **L. Expelled Pupils/Alternative Education**

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

## **M. Rehabilitation Plans**

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

## **N. Readmission**

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

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

### **1. Notification of District**

The Charter School shall immediately notify the District and coordinate the procedures in this policy with the District of the discipline of any student with a disability or student who the Charter School or District would be deemed to have knowledge that the student had a disability.

### **2. Services During Suspension**

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

### 3. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary

procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

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

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

#### 5. Special Circumstances

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

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

- a) Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function;  
or
- c) Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

#### 6. Interim Alternative Educational Setting

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

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the



procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

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

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

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

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

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

## VII. FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY

### A. Multi-Year Fiscal Plan

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. – California Education Code Section 47605(g)*

Attached, please find a multi-year fiscal plan as Appendix M. This Plan includes but is not limited to the following:

1. An operational budget.
2. Cash flow and financial projections for the next five years of operation.
3. Proof of a reserve.

### B. Financial Reporting

CAPE shall comply with Education Code Section 47604.33 as described below and shall provide additional fiscal reports as requested by the District Superintendent:

1. By July 1, a preliminary budget for the current fiscal year.
2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.
3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
4. By September 15, a final non-audited report from the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

### C. Insurance

CAPE shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. CAPE is provided Liability and Property coverage by the Ventura County Schools Self-Funding Authority. Regular on-site inspections are conducted by the VCSSA. It is the intent of CAPE to continue using the services of the Ventura County Schools Self-Funding Authority, however if less expensive, comparable coverage is available the charter reserves the right to change services and will submit the change information to the District.

**D. Administrative Services**

*Governing Law: The manner in which administrative services of the School are to be provided. – California Education Code Section 47605(g)*

The Director(s) or designees of Camarillo Academy of Progressive Education shall provide site administrative services. Other administrative services, including but not limited to, fiscal, payroll, attendance accounting, Federal Reduced/Free Price Lunch Program, warehousing, insurance, facilities maintenance, may be contracted as appropriate. A complete SIS system will be used and supported by staff that participates in ongoing training in the requirements/needs for collection of data, system functions and timelines necessary to complete all State and Federal reporting requirements.

**E. Facilities**

*Governing Law: The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. – California Education Code Section 47605(g)*

The Charter School is currently housed in the facilities formerly known as Valle Lindo. The Charter school has an MOU with the Pleasant Valley School District. The Charter School will apply for Prop 39 annually.

**F. Transportation**

No transportation to and from school will be provided for students by CAPE except as required by law for students with disabilities or as otherwise agreed upon by the District and CAPE.

**G. Independent Fiscal Audit**

*Governing Law: The manner in which an annual, independent financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. – California Education Code Section 47605(b)(5)(I)*

An annual independent fiscal audit of the books and records of CAPE will be conducted as required under the Charter Schools Act, section 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers K-12 Audit Guide.



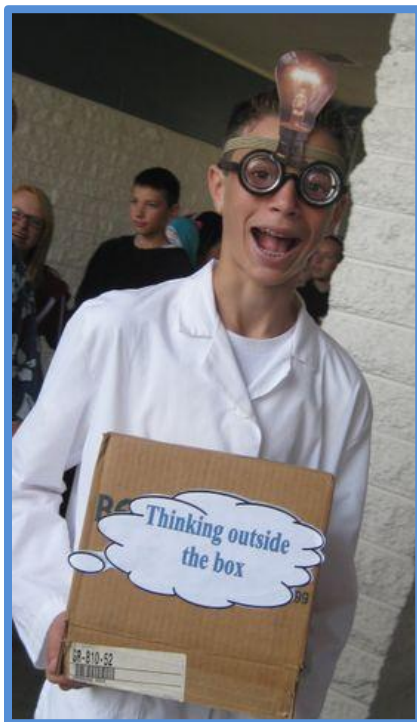
An audit committee will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Director(s), along with the audit committee, will review any audit exceptions or deficiencies, meet with the District to determine how to resolve the exceptions or deficiencies to the satisfaction of the District, and report to the Board of Directors with recommendations. The Board of Directors will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced herein, with the caveat that the petitioners recognize that the legal requirement is to resolve audit exceptions or deficiencies to the satisfaction of the District.

The independent fiscal audit of CAPE is public record to be provided to the public upon request.

#### **H. Closure Protocol**

*Governing Law: A description of the procedures to be used if the charter School closes, The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the School, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. – California Education Code Section 47605(b)(5)(P)*



Closure of the School will be documented by official action of the CAPE Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The CAPE Board of Directors will promptly notify parents and students of CAPE, the District, the Ventura County Office of Education, the School's SELPA, the retirement systems in which the School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet

graduation requirements.

The Board will ensure that the notification to the parents and students of CAPE of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity and person or persons responsible for closure-related activities.

As applicable, the School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The School will ask the District to store original records of Charter School students. All records of the School shall be transferred to the District upon School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred and maintained in accordance with applicable law.

As soon as reasonably practical, the School will prepare final financial records. The School will also have an independent audit completed within six months after closure. The School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the charter school.

The School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the School, all assets of the School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the School, remain the sole property of the CAPE and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another public educational entity. Any assets acquired from the District or District property will be promptly returned upon School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, CAPE shall remain solely responsible for all liabilities arising from the operation of the School.

As CAPE is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

The reserve fund and any remaining assets after liabilities were paid will be used to undertake the closure procedures identified above.

## VIII. IMPACT ON THE DISTRICT

*Governing Law: Potential civil liability effects, if any, upon the school and upon the district. – California Education Code Section 47605(g)*

CAPE shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code and section 23701d of the California Revenue and Taxation Code.

Pursuant to section 47604(c) of the California Education Code, an entity that grants a charter to a charter school operated by or as a nonprofit public benefit corporation shall not be liable for the



debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. CAPE shall work diligently to assist the district in meeting any and all oversight obligations under the law, including monthly meetings, reporting or other protocol requested by the district to ensure that the district shall not be liable for the operation of CAPE.

Further, CAPE and the district shall enter into a memorandum of understanding, wherein CAPE shall indemnify the district for the actions of CAPE under this charter.

The corporate bylaws of CAPE shall provide for indemnification of the school's board, officers, agents and employees, and CAPE will purchase general liability insurance, board members' and officers' insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts will be determined by recommendations by the district and by CAPE's insurance company for schools of similar size, location and student population. The district shall be named an additional insured party on CAPE's general liability insurance.

CAPE's board will institute appropriate risk-management practices as discussed herein, including screening employees, establishing codes of conduct for students and resolving disputes.

## IX. CONCLUSION

By approving this charter renewal, Oxnard Union High School District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanded learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of Charter Schools. CAPE shall work independently, yet cooperatively with the District to raise the bar for what a charter school can and should be. To this end, CAPE pledges to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal requesting a five year renewal term from July 1, 2013 through June 30, 2018.

