

**Astronaut Jose' M. Hernandez Academy  
(Formerly known as Delta Bridges Charter  
School)**

A California Public Charter School

A MATERIAL REVISION TO THE RENEWAL PETITION

Renewal Term:

July 1, 2019 – June 30, 2026

Material Revision Submitted to:

New Jerusalem Elementary School District Board of Trustees

March 8, 2022

Material Revision Effective Date: July 1, 2022

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## AFFIRMATIONS AND DECLARATION

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As the authorized lead petitioner, I, Jose Rodriguez, hereby certify that the information submitted in this petition for the renewal of a California public charter school formerly known as Delta Bridges Charter School and now known as the Astronaut Jose' M. Hernandez Academy, operated by El Concilio California Academies, a California nonprofit public benefit corporation (the "Corporation"), which is authorized by the New Jerusalem Elementary School District ("District" or "NJESD"), is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter renewal, the Charter School shall follow any and all other 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 assessment required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(d)(1)];
- That it is declared that the Corporation shall be deemed as the exclusive public-school employer of the employees of Astronaut Jose' M. Hernandez Academy for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(c)(6)];
- Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)];
- Shall not charge tuition. [Ref. Education Code Section 47605(e)(1)];
- Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(e)(1)];
- Shall admit all pupils who wish to attend the charter school unless the charter school receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing with preferences provided in accordance with Education Code Section 47605(e)(2)(B)(i)-(iv) to determine admission. Except as required by Education Code Section 47605(e)(2), admission to the charter school shall not be determined according to the place of residence of the student or of that student's parent or legal guardian within the state. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school in accordance with Education Code Section 47605(e)(2)(C), and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand. [Ref. Education Code Section 47605(e)(2)(A)-(C)];
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and Title II of the Americans with Disabilities Act of 1990 ("ADA");
- 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 the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment. [Ref. Education Code Sections 47605(l) and 47605.4(a)];
- Shall always maintain all necessary and appropriate insurance coverage;
- Shall notify the superintendent of the school district of the pupil's last known address within 30 days if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information

to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. [Ref. Education Code Section 47605(e)(3)];

- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)];
- The Charter School shall on a regular basis consult with its parents and teachers regarding the charter school's educational programs. [Ref. Education Code Section 47605(d)];
- The Charter School may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)];
- The Charter School shall adhere to each of the conditions in Education Code Section 47605(e)(4)(A)-(D), including: (A) not discouraging a student from enrolling or seeking to enroll in the Charter School for any reason; (B) not requesting a student's records or require a parent, guardian, or student to submit the student's records before enrollment; (C) not encouraging a student currently attending the Charter School to disenroll or transfer to another school for any reason; and (D) providing a copy of the California Department of Education ("CDE") notice regarding the requirements in Education Code Section 47605(e)(4)(A)-(D) to a parent/guardian or student if the student is 18 years of age or older: (i) when a parent/guardian or student inquires about enrollment, (ii) before conducting an enrollment lottery, or (iii) before disenrollment of a student. [Ref. Education Code Section 47605(e)(4)(A)-(D)];
- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1];
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610];
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act, as reauthorized and amended by the Every Student Succeeds Act;
- The Charter School shall comply with the California Public Records Act, Government Code Section 6250, *et seq.* ("CPRA");
- The Charter School shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, 34 CFR Part 99 ("FERPA");
- The Charter School shall comply with the Ralph M. Brown Act, Government Code Section 54950, *et seq.* ("Brown Act");
- The Charter School shall comply with Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1 ("Section 1090");
- The Charter School shall comply with the Political Reform Act, Government Code Section 81000, *et seq.* ("PRA"); and,
- The Charter School shall meet or exceed the legally required minimum number of school days as required in Title 5 California Code of Regulations Section 11960 and legally required annual instructional minutes for the grade levels being served as required by Education Code Section 47612.5(a)(1)(A)-(D).

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## INTRODUCTION

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### **Who We Are? Astronaut Jose' M. Hernandez Academy**

Astronaut Jose' M. Hernandez Academy serves students in grades TK-8 who seek new site-based schooling opportunities and dual-language immersion in Spanish and English. The school supports student learning through both book-based curriculum and individualized instruction led by qualified teachers. Astronaut Jose' M. Hernandez Academy is an educational opportunity that offers California standards-aligned curriculum, instruction designed to maximize the growth of all students, and a goal-oriented program of helping every student realize his or her potential.

### **Astronaut Jose' M. Hernandez Academy: Meeting the Needs of the Community**

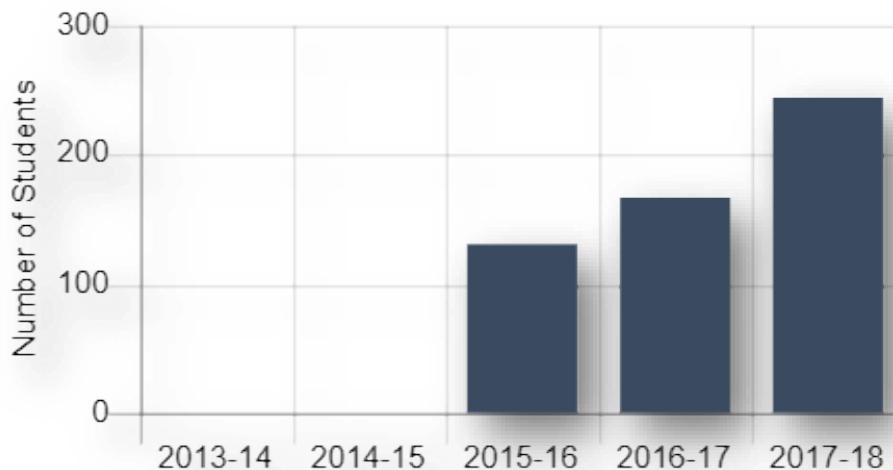
Students attending Astronaut Jose' M. Hernandez Academy typically enroll after unsuccessfully navigating the traditional system or having never entered a traditional setting. Astronaut Jose' M. Hernandez Academy complements the public schools in the region by filling a popular option for families.

Students at all grade levels require formal instructional support from certificated teachers to supplement education at Astronaut Jose' M. Hernandez Academy by committed parents. This support ensures results equal to or better than the surrounding schools.

Families who choose Astronaut Jose' M. Hernandez Academy have the support of credentialed teachers at Astronaut Jose' M. Hernandez Academy as they work toward the goal of having the students reach proficient or advanced levels in the core subject areas, as supported by data from a triangulation of measures.

### **Student Enrollment**

Astronaut Jose' M. Hernandez Academy has enjoyed consistent enrollment since its initial opening in Fall 2015.



### **Grade Level Enrollment**

The enrollment continues to grow in all grade levels. As of Tuesday, March 5, 2019, the enrollment was 241 students.

# Delta Bridges

3/5/2019  
8:11:05 AM

2018-2019

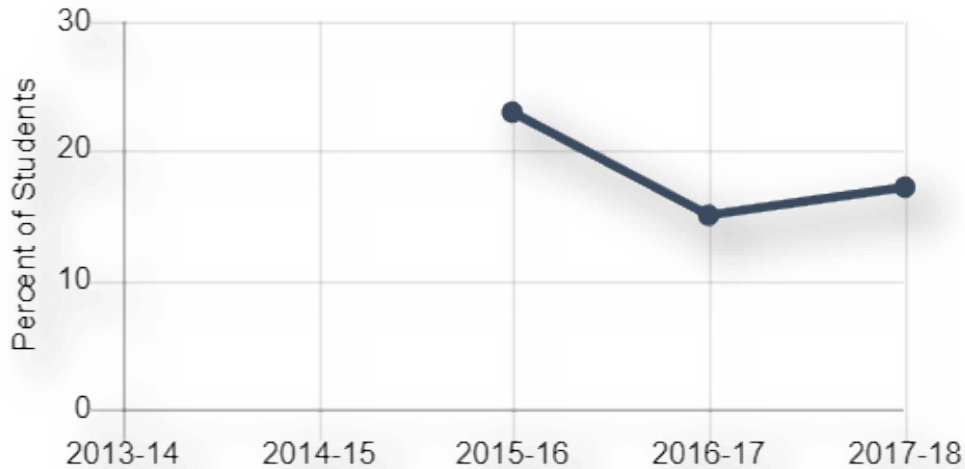
## Active Students Report

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SC	School	PS	TK	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
5	Delta Bridges		7	31	34	44	28	33	18	12	18	16					241
District Total:			7	31	34	44	28	33	18	12	18	16					241

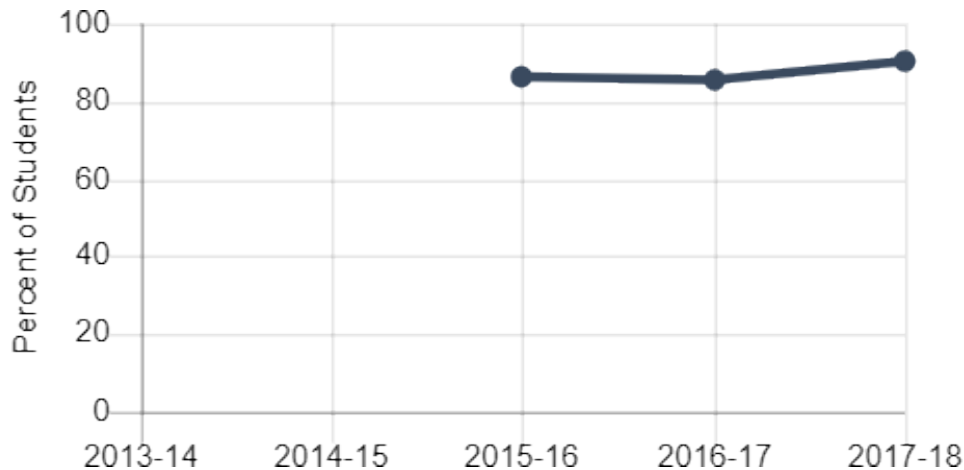
### English Learners

Astronaut Jose' M. Hernandez Academy takes pride in serving English Learners ("EL"). In 2018-2019, 25% of the student population is classified as English Learner.



### Socio-Economic Level

There are two indicators for identifying socioeconomic status. The primary indicator of socio-economic status is the number of students who would be eligible for free or reduced lunches. The other indicator used to identify socio-economic status is the education level of parents. There is a wide-range of educational backgrounds within the school community. Nearly 100% of Astronaut Jose' M. Hernandez Academy students qualify as socio-economically disadvantaged.



### Special needs

Astronaut Jose' M. Hernandez Academy provides high quality services and support to students with special needs. All

Individualized Education Programs (IEPs) are compliant with state and federal laws and regulations. Astronaut Jose' M. Hernandez Academy is part of the El Dorado County Office of Education Charter Special Education Local Plan Area (SELPA). Astronaut Jose' M. Hernandez Academy provides its own special education services and supports. Astronaut Jose' M. Hernandez Academy has full-time Resource Specialists who provide specialized academic instruction, a School Psychologist who conducts all assessments and provides counseling services, and a School Nurse who conducts health assessments.

### TK through 5th grade Curriculum

The Transitional Kindergarten program is a site-based program where parents can choose to bring their students for half a day or a full day, depending on the child's needs. All curriculum is taught in the morning and enrichment activities such as art, music and science are presented in the afternoons. Benchmark is taught for Language Arts and Go Math is the curriculum used for mathematics.

During the Fall, Winter and Spring, all students are assessed, utilizing the Northwest Evaluation Association's (NWEA) Measures of Academic Progress (MAP) to measure academic growth.

The curriculum in grades Kindergarten through 5th grade consists of state-adopted texts supplemented with individualized student materials to support standards-based learning. Students have access to Benchmark, Reading A-Z, Readers and Writers Workshop, Epic, and Moby Max in Language Arts. For math, students have access to Go Math, Eureka, Zearn, Moby Max. Clever is an online hub that houses core and supplemental curriculum for math and reading.

### 6th grade through 8th grade Curriculum

The curriculum used in Grade 6 consists of Go Math for Math and Benchmark for English Language Arts. The curriculum used in 7th and 8th grade includes Collections and Edgenuity for English Language Arts and Go Math for Math. Students that require intensive intervention in Language Arts or Math, as identified by the NWEA MAP assessment, are given individualized student support in the appropriate learning areas.

### Dual-Language Immersion Program

The Charter school will be implementing a dual-language immersion program beginning in the 2022-23 school year, as described below.

### Case for Renewal

Based on the NWEA data used as alternative measures to show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups, Astronaut Jose' M. Hernandez Academy demonstrates the charter school is academically successful and should thus be granted a five-year renewal term pursuant to the California Education Code 47607.

	Fall 2018 Mean RIT	Winter 2018 Mean RIT	Difference (+/-)	Spring Mean RIT 2019	Difference (+/-)	School Yr. Overall (+/-)
<b>Reading</b>						
TK	126.4	133.3	+6.9	131.8	-1.5	+5.4
K	133.3	141.8	+8.5	143.6	+1.8	+10.3
1	143.7	151.4	+7.7	157.4	+6.0	+13.7
2	151.1	159.8	+5.7	169.1	+9.3	+18.0
3	175.7	178.8	+3.1	176.5	+2.3	+0.8
4	187.9	186.0	-1.9	194.6	+8.6	+6.7
5	193.7	194.2	+0.5	195.5	+1.3	+1.8
6	193.9	197.9	+4.0	194.0	-3.9	+0.1
7	204.2	201.6	-2.6	207.6	+6.0	+3.4
8	209.1	205.2	-3.9	212.0	+6.8	+8.9

	Fall 2018 Mean RIT	Winter 2018 Mean RIT	Difference (+/-)	Spring Mean RIT 2019	Difference (+/-)	School Yr. Overall (+/-)
<b>Math</b>						
TK	124.0	132.7	+8.7	135.0	+2.3	+11.0
K	129.7	137.7	+13.7	144.2	+6.5	+14.5
1	147.6	156.3	+8.7	166.5	+10.2	+18.9
2	163.3	167.5	+4.2	167.8	+0.3	+4.5
3	176.5	181.0	+4.5	181.1	+0.1	+4.6
4	186.7	192.9	+6.2	196.6	+3.7	+9.9
5	190.6	198.3	+7.7	199.5	+1.2	+8.9
6	196.8	196.8	0	208.7	+11.9	+11.9
7	203.5	204.7	+1.2	202.9	-1.8	-0.6
8	215.2	210.1	-5.1	215.2	+5.1	0.0

### **Astronaut Jose' M. Hernandez Academy's Plans to Improve**

Astronaut Jose' M. Hernandez Academy continues to successfully build the foundations of a solid academic and enrichment program. Over the next five years, the staff would like to create more opportunities including college- and career-ready courses.

Astronaut Jose' M. Hernandez Academy staff will strive to increase the number of English Learners eligible for reclassification.

The staff will continue to recognize the importance of parental communication. It will increase parent outreach through a greater emphasis on communication in English and in the Bridges language of the families.

### **A Strong Foundation for Astronaut Jose' M. Hernandez Academy**

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## ELEMENT A: EDUCATIONAL PHILOSOPHY AND PROGRAM

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### **Mission**

The School believes in educating each of its students for the 21st century by providing individualized learning opportunities and biliteracy and bilingualism in Spanish and English, through dual-language immersion, in small learning communities that incorporate meaningful parental participation, choice, and involvement with curricula emphasizing personalized learning environments.

### **Description of an Educated Person in the 21st Century**

An educated person in the 21st century global economy is an individual that is a self-motivated, competent, and lifelong learner. The educated person can read, write, speak, and problem solve both independently and collaboratively in a variety of settings, in multiple languages. The goal of Astronaut Jose' M. Hernandez Academy helps instill in students a desire to use their acquired knowledge and skills to benefit their local community as well as the world in which they live. The educated person will reach proficiency in the California state standards from grades Transitional Kindergarten through the 8th grade.

Astronaut Jose' M. Hernandez Academy supports high expectations of all students. Students of all levels and abilities respond well to high expectations coupled with positive interaction from caring and well-trained mentors and thus achieve greater academic success in this model.

Astronaut Jose' M. Hernandez Academy shall provide all students the opportunity to take the courses. It offers learning opportunities that best fit the students helping them to reach their goals while making them successful as 21st century educated individuals. The teacher, the parent and the entire staff shall support the students in all courses and subject areas. Astronaut Jose' M. Hernandez Academy expects every student to have a choice in the educational decisions that are appropriate to their long-term learning goals from Transitional Kindergarten through grade 8. Hence, parents and students shall utilize school resources to ensure that standards-based knowledge and skills are addressed at every grade level. For instance, students will have the opportunity to pursue the arts, music, science, math, and history in individual courses. The goal will be for each student to reach academic proficiency.

### **How Learning Best Occurs**

Astronaut Jose' M. Hernandez Academy staff believe learning best occurs when a variety of modes and methods of instruction are implemented so all students are held to high academic and behavioral standards. Efforts made by parents, teachers, administrators, and the community will help achieve the goal of preparing 21st Century learners. Astronaut Jose' M. Hernandez Academy's basic educational methodologies to maximize learning include:

- One-to-one teaching through student-tailored, state standards-based curriculum;
- 90/10 dual-language immersion in English and Spanish through a "two way" model;
- Students take the NWEA/ MAP test in fall, winter, and spring. Test scores are used to create student specific work through Rasch Unit (RIT) scores and direct one-on-one support from teachers;
- Students are encouraged to work at the most rigorous pace that their schedule allows and to take advantage of the support systems in place that help expedite learning and create self-motivated learners;
- Students utilize curriculum that best suits their learning style; and,
- Informal networks are developed throughout the school between teachers, students, parents, staff, and other stakeholders as academic opportunities arise.

### **Objectives of Astronaut Jose' M. Hernandez Academy**

The objectives of Astronaut Jose' M. Hernandez Academy include, but shall not be limited to, the following:

- Astronaut Jose' M. Hernandez Academy serves students from all social and economic groups;
- Astronaut Jose' M. Hernandez Academy provides a personalized education experience that offers a distinctly different choice in public education for families;
- Students learn through a variety of mediums including textbooks, online resources, virtual classes, and one-to-one teacher support; and,

- Astronaut Jose’ M. Hernandez Academy enables students to become self-motivated, competent, and lifelong learners

### **Targeted School Populations: Astronaut Jose’ M. Hernandez Academy’s Students**

Astronaut Jose’ M. Hernandez Academy staff believe that all students should have access to individualized learning regardless of barriers and current abilities. With a clear and focused vision for every student, the school offers resources that actively support students’ needs by finding their current academic level rather than teaching from a general overview. The school fits the student rather than asking the student to fit the school. Most importantly, Astronaut Jose’ M. Hernandez Academy accepts students in grades TK-8, allowing individuals a unique, family-focused learning experience.

The educational program identifies and builds on the strengths of our students and incorporates those strengths into all areas of their academic and social pursuits. By focusing on the strengths of the students, the school steers students towards successful choices for post-secondary educational opportunities.

Astronaut Jose’ M. Hernandez Academy educates students that reflect California’s diversity. Astronaut Jose’ M. Hernandez Academy conducts outreach to students through word of mouth and local publications if a group is not reasonably represented.

### **Curriculum and Content; Dual-Language Immersion Program**

The course of study at Astronaut Jose’ M. Hernandez Academy focuses on the traditional curriculum areas of mathematics, English, science, history, and the arts. The entire program is designed to meet students at their current level and then to ensure their grade level proficiency with the state standards as a gauge.

Teachers shall meet the credentialing requirements contained in Education Code Sections 47605(l) and 47605.4(a).

The Charter School intends to implement a dual language immersion (“DLI”) program in Spanish and English in the 2022-23 school year, for all students enrolled in traditional kindergarten and kindergarten, and to expand each academic year to include the next grade level. According to a 2017 study by the RAND Corporation, students enrolled in DLI programs outperform their peers on standardized testing in reading by 13% as of fifth grade and by 22% as of eighth grade; English learners enrolled in DLI programs also tend to experience higher proficiency in English, sooner. ([https://www.rand.org/pubs/research\\_briefs/RB9903.html](https://www.rand.org/pubs/research_briefs/RB9903.html).) The CDE Global California 2030 initiative set a goal that by the year 2030, “half of all kindergarten through grade twelve students will participate in programs leading to proficiency in two or more languages, either through a class, a program, or an experience” and encourages California public schools to implement DLI programs. (<https://www.cde.ca.gov/sp/el/er/multilingualedu.asp#:~:text=The%20CDE%20has%20set%20specific,a%20program%2C%20or%20an%20experience.>)

The Charter School will implement a 90/10 two-way immersion (“TWI”) model. TWI is a specific type of language education that allows students to learn a second language while continuing to develop their first language. Under the TWI model, two languages are used for instruction at different ratios as students progress from one grade level to the next. Typically, particular course subjects are taught exclusively in one language, e.g., math in Spanish and social studies in English. TWI programs promote bilingualism and biliteracy, greater academic achievement, and cross-cultural learning.

Under the 90/10 model, when fully implemented, the ratio of Spanish to English instruction will gradually decrease over a student’s progression at the Charter School. Students in transitional kindergarten, kindergarten, and first grade will receive 90% of their instructional time in Spanish and 10% in English, and each year thereafter, instructional time in Spanish will decrease by 10% and instructional time in English will increase by 10% until a ratio of 50%/50% is attained by the fifth grade, at which that ratio will remain through graduation.

The design and implementation of the DLI program specific to the Charter School, including scheduling, staffing, curriculum, and professional development will be determined by the Principal of the Charter School, in consultation with the District Superintendent, the Charter School’s teachers and parents, and subject to the oversight of and powers vested in the Charter

School's governing board as specified in Element D, below.

Teachers at the Charter School will receive initial and ongoing professional development, resources, and support in implementing the DLI/TWI model. The Charter School will recruit teachers who are bilingual and biliterate in Spanish and English and who possess or are working towards the Bilingual, Crosscultural, Language and Academic Development ("BCLAD") certificate.

#### **Annual Calendar**

The school will offer instruction for at least 175 days a year and meeting the required annual instructional minutes minimum. The calendar will be like other schools under NJESD.

#### **Informing Parents About Transferability of Courses and Eligibility for Meeting College Entrance Requirements**

Since Astronaut Jose' M. Hernandez Academy serves grades TK-8, this component of a California Charter School petition does not apply.

#### **Transitional Kindergarten**

Parents of transitional kindergarteners and the Charter School's teachers work together to find curriculum that best fits the needs of each early learner. Using California Common Core State Standards for Kindergarten) and early benchmark testing, teachers can find the best individualized curriculum for every TK learner.

#### **Technology**

Astronaut Jose' M. Hernandez Academy uses technology to support and enhance student learning. As the Smarter Balanced Assessment Consortium continues to move forward, students are trained in using the tools required by the standardized test. The school utilizes software programs and resources aligned with the state standards. The programs include NWEA MAP and Edgenuity's solutions.

As technology advances, programs listed will be complemented with new products or even replaced with improved ones. In addition, students use desktop programs including the Microsoft Office suite (Word, Excel, and PowerPoint).

#### **Plan for Students who are Academically Low Achieving**

All students have access to state standards-based curriculum along with the support services offered by the school. The students are assessed in reading by the NWEA MAP assessment to determine their independent and instructional reading levels. Students two or more grade levels below in reading are placed in intervention. Along with the academic assessment, the students' report cards will be analyzed. NWEA MAP assessments also determine if gaps exist in students' academic background.

The staff interviews students and parents to determine whether other factors will interfere with the academic progress expected at the school. These same measures to determine whether a student is at at-risk will also be used to exit the student from this category once the student closes the gap in both learning and performance.

The school uses authentic assessments to determine the academic level of students. Students are provided experienced, qualified tutors as needed who are available to supplement the online programs in addition to their qualified teachers, as well as opportunities to participate in additional instructional experiences in the community. When students become deficient in their mastery of one or more standards, the entire system mobilizes to make sure that students are identified and re-taught. Low performing students are provided support with their daily work while catching up with skills and concepts that they do not understand. All Astronaut Jose' M. Hernandez Academy students will remain competitive with their peers at the traditional public schools while maintaining a focus on their future goals. Therefore, it is imperative that each teacher consistently and effectively expose Common Core Content Standards and aligns curriculum accordingly and reteaches standards, skills, and concepts not mastered.

Staff development that helps teachers effectively work with at-risk students as well as low achieving students is a critical

element of the educational program. Staff development includes modeling effective instructional strategies, using assessment results to guide instruction and intervention, ways to support language acquisition, and scoring and giving feedback on student writing, as well as how to more effectively use online resources.

### **Response to Intervention (RTI) and Multi-Tiered System of Support (MTSS)**

Astronaut Jose' M. Hernandez Academy teachers and staff utilize the Response to Intervention Model (RtI) and the Multi-Tiered System of Support (MTSS) to ensure learning occurs even when students do not have success within the current instruction. After an appropriate RtI process, students requiring further modifications other than additional instruction and re-teaching will trigger the Student Study Team (SST). The SST uses a systematic problem-solving approach to assist students; it clarifies problems and concerns; develops strategies and organizes resources; provides a system for school accountability; and, serves to assist and counsel the parent, teacher, and student. An SST is a general education function, but at Astronaut Jose' M. Hernandez Academy, the special education personnel are involved for continuity.

Many students benefit from an SST, including, but not limited to, those students achieving below or above grade level and students who have experienced emotional trauma, have behavioral issues, or are having trouble in language acquisition.

### **Plan for Students Achieving Above Grade Level**

To provide effective programs and curriculum for high achieving and gifted students, Astronaut Jose' M. Hernandez Academy offers a continuum of approaches and options that meets a wide range of abilities, interests, and learning styles. The NWEA MAP assessment is used as a formative tool along with embedded assessments to determine the areas in which the student will be excelling in the curriculum. Teachers can build advanced learning goals using a variety of tools including individualized instruction, concurrent enrollment, supplemental curriculum, and online age-appropriate support for the student.

High achieving students are also identified based on their grades from their previous schools, as well as interviews with the students, their parents, and their CAASPP scores. Since all learning plans are individualized, the students are accelerated into a higher-level curriculum and courses.

### **Plan for English Learners**

Astronaut Jose' M. Hernandez Academy is committed to supporting ELs. Astronaut Jose' M. Hernandez Academy meets all applicable legal requirements for ELs as it pertains to annual notification of parents, student identification, placement, program options, ELD and core content instruction, teacher qualification and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing modifications. Astronaut Jose' M. Hernandez Academy implements policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents. New Jerusalem Elementary School District offers EL training and updates through an English Learner Specialist, which the Charter School shall utilize as applicable.

### **Home Language Survey**

Astronaut Jose' M. Hernandez Academy administers the home language survey at the time of a student's initial enrollment. Charter School personnel shall audit all language surveys against CALPADS for accuracy to support every student eligible for EL support.

### **English Language Proficiency Assessments for California (ELPAC) Testing**

All students who indicate that their home language is other than English are ELPAC tested within 30 days of the initial enrollment if entering a California public school for the first time, or if they have never taken the ELPAC test for another reason.

### **Reclassification Procedures**

Reclassification procedures utilize multiple criteria to determine whether to classify a pupil as proficient in English including, but not limited to, the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC;
- Participation of the pupil's teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery;
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and student's next placement. Parents or guardians are given a description of the reclassification process and are encouraged to participate in the school district's reclassification procedure;
- Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills of English proficient pupils of the same age that demonstrates that the pupil will be sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English; and,
- A measure of progress in reading comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Astronaut Jose' M. Hernandez Academy notifies parents of its responsibility for ELPAC testing and of ELPAC results within 30 days of receiving results. The team uses the ELPAC to fulfill any requirements at the state or federal level.

### **Strategies for EL Instruction and Intervention**

The instructional model used at Astronaut Jose' M. Hernandez Academy places heavy emphasis on differentiated instruction to meet the needs of the EL population based on academic and language readiness. Through the well-defined professional development plan that the school has in place, teachers are trained on a variety of instructional strategies to be used specifically with EL students.

For the EL students to make the same academic gains as their peers, Astronaut Jose' M. Hernandez Academy emphasizes access to the state-adopted materials with ELD Standards embedded and online support to ensure that EL students will have the same core base of knowledge. Beyond that, the EL students are provided with the supplementary materials as well as scaffolding devices and extended language learning opportunities, all of which lead to a better understanding of the curriculum.

Academic language scaffolding is another important strategy that teachers use to show students (and their parents) the step-by-step processes they need to engage in to complete tasks on their own. These strategies are shared with the parents as well. Academic language scaffolding includes collaborative, interpretive and productive supports such as modeling academic language; contextualizing academic language using visuals, gestures, and demonstrations; and using hands-on learning activities that involve academic language.

EL students have access to an EL Specialist to assist with strategies and curriculum support. The specialist responsible for the school-wide disseminates the best practices for individual teachers to use with their EL students and directs the process of reclassification.

As indicated by research, the Charter School's intended DLI program is expected to provide considerable benefits to EL students and accelerate their progress towards English language fluency, and is part of the Charter School's strategy to meet the needs of EL students.

### **Plan for Students with Disabilities Overview**

Astronaut Jose' M. Hernandez Academy complies 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 Education Improvement Act (IDEA).

Astronaut Jose' M. Hernandez Academy is a member of the El Dorado Charter Special Education Local Plan Area (SELPA) in accordance with Education Code Section 47641(a) and hereby acknowledges its responsibility as an LEA. Astronaut Jose' M. Hernandez Academy receives state and federal revenues directly, in accordance with the SELPA's allocation plan. Astronaut Jose' M. Hernandez Academy complies with all applicable state and federal laws in serving students with disabilities,

including, but not limited to, Section 504, the ADA and the IDEA. Astronaut Jose' M. Hernandez Academy complies with all state and federal laws related to the provision of special education instruction and related services. Astronaut Jose' M. Hernandez Academy ensures that all children with disabilities enrolled in Astronaut Jose' M. Hernandez Academy receive special education and designated instruction and services in a manner that is consistent with their individualized education program and in compliance with the IDEA. Astronaut Jose' M. Hernandez Academy is solely responsible for its compliance with Section 504 and the ADA. The facilities utilized by Astronaut Jose' M. Hernandez Academy shall be accessible for all students with disabilities.

#### **Services for Students under the "IDEA"**

Astronaut Jose' M. Hernandez Academy provides special education instruction and related services in accordance with the provision of special education instruction and related services in accordance with the IDEA and Education Code requirements.

Astronaut Jose' M. Hernandez Academy has a memorandum of understanding (MOU) with El Dorado Charter SELPA (EDC SELPA).

Astronaut Jose' M. Hernandez Academy provides services for special education students enrolled in Astronaut Jose' M. Hernandez Academy. Astronaut Jose' M. Hernandez Academy developed policies and procedures for seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and for maintaining the confidentiality of pupil records. Astronaut Jose' M. Hernandez Academy is exclusively responsible for the provision of services (including, but not limited to, referral, identification, assessment, case management, Individualized Education Program (IEP) development, modification and implementation).

#### **Staffing**

All special education services at the Charter School are delivered by individuals or agencies qualified to provide special education services as required by the Education Code and the IDEA. The Charter School is responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists, but may contract with NJESD for such services as mutually agreeable to the Charter School and the District and delineated in a memorandum of understanding. The Charter School shall ensure that all special education staff hired for Astronaut Jose' M. Hernandez Academy will be qualified pursuant to SELPA policies, as well as meets all legal requirements. Subject to any memorandum of understanding between the Charter School and the District, the Charter School is responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Astronaut Jose' M. Hernandez Academy students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists. Documentation of qualifications is maintained on site for inspection.

#### **Response to Requests**

Astronaut Jose' M. Hernandez Academy promptly addresses all requests it receives for assessment, services, complaints, IEP meetings, reimbursement, compensatory education, mediation, and/or due process, whether these requests are verbal or in writing.

#### **Identification and Referral**

Astronaut Jose' M. Hernandez Academy is responsible to identify, refer, and work cooperatively in locating charter school students who have or may have exceptional needs that qualify them to receive special education services. The Charter School shall adopt and implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil is referred by Astronaut Jose' M. Hernandez Academy for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

Astronaut Jose' M. Hernandez Academy shall follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

### **Assessments**

The term “assessments” has the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. Astronaut Jose’ M. Hernandez Academy shall determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. Astronaut Jose’ M. Hernandez Academy shall work to obtain parent/guardian consent to assess charter school students when it suspects the student may have a qualifying disability under the IDEA.

### **IEP Meetings**

Astronaut Jose’ M. Hernandez Academy arranges and provides notice of the necessary IEP meetings. IEP team membership in the meetings complies with state and federal law. Astronaut Jose’ M. Hernandez Academy is responsible for the following individuals to be in attendance at the IEP meetings: the Principal and/or the charter school designated representative with appropriate administrative authority as required by the IDEA; the student’s special education teacher; the student’s general education teacher if the student is or may be in regular coursework; the student, if appropriate; and other charter school representatives who are knowledgeable about the regular education program at the charter school and/or about the student. Astronaut Jose’ M. Hernandez Academy arranges for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide the notice of parental rights.

### **IEP Development**

Astronaut Jose’ M. Hernandez Academy understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. All eligible charter school students are provided programs, services, and placements in accordance with the policies and procedures of the SELPA and requirements of state and federal law

### **IEP Implementation**

Astronaut Jose’ M. Hernandez Academy is responsible for implementation of IEPs and supervision of services. The charter school provides the parents with timely reports on the student’s progress as provided in the student’s IEP at least as frequently as report cards for the charter school’s non-special education students. Astronaut Jose’ M. Hernandez Academy also provides all Bridges-school coordination and information. Astronaut Jose’ M. Hernandez Academy shall also be responsible for providing all curriculum, classroom materials, and modifications and accommodations.

### **Interim and Initial Placements of New Charter School Students**

Astronaut Jose’ M. Hernandez Academy shall comply with Education Code Section 56325 about students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in Astronaut Jose’ M. Hernandez Academy from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, Astronaut Jose’ M. Hernandez Academy shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time Astronaut Jose’ M. Hernandez Academy shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into Astronaut Jose’ M. Hernandez Academy from a district operated program under the same special education local plan area of Astronaut Jose’ M. Hernandez Academy within the same academic year, Astronaut Jose’ M. Hernandez Academy shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and Astronaut Jose’ M. Hernandez Academy agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to Astronaut Jose’ M. Hernandez Academy with an IEP from outside of California during the same

academic year, Astronaut Jose' M. Hernandez Academy shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until Astronaut Jose' M. Hernandez Academy conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by Astronaut Jose' M. Hernandez Academy, and develops a new IEP, if appropriate that is consistent with federal and state law.

#### **Non-Public Placements/Non-Public Agencies**

Astronaut Jose' M. Hernandez Academy is solely responsible for selecting, contracting with, and overseeing all non- public schools and non-public agencies used to serve special education students. Astronaut Jose' M. Hernandez Academy immediately addresses all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

#### **Non-discrimination**

It is understood and agreed that all children have access to Astronaut Jose' M. Hernandez Academy and no student shall be denied admission nor counseled out of Astronaut Jose' M. Hernandez Academy due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

#### **Parent/Guardian Concerns and Complaints**

Astronaut Jose' M. Hernandez Academy shall adopt policies and procedures for responding to parental concerns or complaints related to special education services.

#### **Due Process Hearings**

Astronaut Jose' M. Hernandez Academy may initiate a due process hearing or request for mediation with respect to a student enrolled in Astronaut Jose' M. Hernandez Academy if it determines such action will be legally necessary or advisable. If the parents/guardians file for a due process hearing, or request mediation, Astronaut Jose' M. Hernandez Academy shall defend the case. In the event Astronaut Jose' M. Hernandez Academy determines that legal representation will be needed, it shall select appropriate legal counsel.

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

Astronaut Jose' M. Hernandez Academy recognizes its legal responsibility to ensure that no qualified person with a disability shall, based on disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of Astronaut Jose' M. Hernandez Academy. A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

The Principal assembles a 504 team and including the parent/guardian, the student (when appropriate) and other qualified persons knowledgeable about the student to discuss the meaning of the evaluation data, placement options, and accommodations. The 504 team reviews the student's existing records, including academic, social and behavioral records, and is responsible for deciding as to whether an evaluation for 504 services will be 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 is conducted by the 504 team and will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation includes consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those designed to provide a single general intelligence quotient.

Tests that are selected and administered to ensure that when a test will be administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability will be made by the 504 team in writing and notice will be given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation of the student, the 504 team obtains information indicating possible eligibility for special education per the IDEA, a referral for assessment under the IDEA is made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services will be needed to ensure that the student receives a free and appropriate public education (FAPE). In developing the 504 Plan, the 504 team considers 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 charter school's professional staff.

The 504 Plan is described the Section 504 disability and any program accommodations, modifications, or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. The student's file contains a copy of the 504 Plan. Each student's 504 Plan is reviewed at least once per year to determine the appropriateness of the plan, needed modifications to the plan, and continued eligibility.

#### **Instructional Process for Students with Disabilities**

Upon enrollment, students that identified as requiring special education services will have their enrollment packet forwarded to the Charter School's designated special education coordinator ("Special Education Coordinator"). Typically, the Special Education Coordinator requests the special education file for the student. During this time, the Special Education Coordinator arranges an IEP to ensure the placement will be appropriate for the student. The IEP is held and specific plans will be put into place for the student, with the school offering additional services to the special education students specific to the benchmarks outlined in the IEP.

Teachers of students identified as having gaps in their learning but not identified as special education will have modifications completed using the Student Study Team pre-modification packet as the first step with the Response to Intervention (RtI). The teacher records the specific changes that the students make and any progress or lack of progress that occurred during the following 4-6-week period. Students that do not make improvement with adjusted direct instruction and curriculum are referred to either the Student Study Team for further modifications or the special education team for testing and an initial IEP. Students that qualify for special education are processed through the SEIS system and the students will begin using the agreed upon curriculum and instructional techniques. When students require more resources than available at Astronaut Jose' M. Hernandez Academy, this is addressed in the IEP, with resolution to this need determined at that time as agreed upon by the IEP team and outlined in the Parent Handbook.

Staff development for all the teachers regarding special education include the various appropriate interventions for SSTs. In addition, the teachers work individually with the Special Education Coordinator to develop individual strategies for specific cases based on the IEP benchmarks. Students with IEPs have the benchmarks assessed monthly to ensure adequate progress will be occurring and the progress forms will be forwarded to the Special Education Coordinator for review and documentation for the next IEP meeting.

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## ELEMENT B: MEASURABLE STUDENT OUTCOMES

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Astronaut Jose' M. Hernandez Academy meets all statewide standards and conducts all required state mandated student assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools. The standards include but are not limited to the CAASPP, CAST, ELPAC, PFT, and any other requirements that are applicable under state and federal law.

Astronaut Jose' M. Hernandez Academy's schoolwide and pupil outcomes align with the mission, curriculum, and assessment systems of the school. The Astronaut Jose' M. Hernandez Academy program is designed to help all students achieve a high level of academic success. Students demonstrate the core academic and lifelong learning skills described in the tables below, which are developed to align with the state standards, including the Common Core State Standards, the Next Generation Science Standards and to align with the Eight State Priorities in compliance with California Education Code sections 47605(c)(5)(B) and 52060(d). The assessments developed by Astronaut Jose' M. Hernandez Academy faculty and administration are subject to review by the New Jerusalem Elementary School District Board of Trustees, the governing body of the school.

Teachers measure progress in the traditional manner, including quizzes, essays, projects, performances, portfolios, exhibitions, tests, benchmark assessments, and exams.

There are additional academic and non-academic pupil outcomes and qualities, however, which, while not objectively measurable, will still be considered vitally important. Specifically, students will:

- Demonstrate an understanding of their place in the world through cultural and historical knowledge by applying knowledge from field trip experiences provided by Astronaut Jose' M. Hernandez Academy to written and oral assignments and projects;
- Demonstrate an understanding of their place in nature through scientific and mathematical knowledge garnered through hands-on coursework and seminars;
- Apply mathematics as a language which helps us understand natural phenomena and the role of mathematics in human endeavors through the science and math programs offered by Astronaut Jose' M. Hernandez Academy;
- Communicate effectively, both orally and in writing, as evidenced by writing assessments, external assessments, and performance and competitions such as school-wide writing tasks and oral competitions;
- Demonstrate understanding that appropriate behavior will be required in a diverse community of scholars by interacting with individuals from all backgrounds both at the school site and on field trips organized by the school;
- Develop a sense of responsibility for their community by continual interaction with community members;
- Demonstrate the use of research skills to study topics in depth;
- Apply technological literacy to access, organize, research, and present information and knowledge;
- Establish and defend a thesis or argument; and,
- Demonstrate academic competencies on core subject benchmark assessments to ensure students advance in their academic readiness for the next grade.

### **Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities**

Pursuant to Education Code Sections 47605(c)(5)(A)(ii) and 47605(c)(5)(B), Astronaut Jose' M. Hernandez Academy's goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, which address and align with the Eight State Priorities as described in Education Code Section 52060(d), can be found in the Charter School's Local Control and Accountability Plan ("LCAP").

The current LCAP is on file with the District. Astronaut Jose' M. Hernandez Academy shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. Astronaut Jose' M. Hernandez Academy reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter through the annual LCAP update. Astronaut Jose' M. Hernandez Academy shall submit the LCAP to the District and county superintendent of schools annually on or

before July 1, as required by Education Code Section 47604.33.

The LCAP and any revisions necessary to implement the LCAP shall not be considered a material revision to the charter and shall be maintained by Astronaut Jose’ M. Hernandez Academy.

**Outcomes to Achieve State Priorities**

State Priority #1. The degree to which teachers are appropriately assigned (E.C. §44258.9) and fully credentialed, and every pupil has sufficient access to standards-aligned instructional materials (E.C. § 60119), and school facilities are maintained in good repair (E.C. §17002(d))		
ANNUAL GOALS TO ACHIEVE PRIORITY #1	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>All students will be instructed by fully credentialed teachers in appropriate subject matter.</li> <li>All students will utilize instructional materials that are standards aligned.</li> <li>All students will learn in a safe and secure environment.</li> </ul>	<ul style="list-style-type: none"> <li>School administration will verify evidence of appropriate credentials and authorizations held.</li> <li>School administration will oversee the implementation of standards-aligned instructional materials.</li> <li>School administration will monitor standards-aligned lessons through conferences with teachers.</li> <li>School administration will oversee the building and grounds maintenance to provide a safe and secure physical environment for students and staff.</li> </ul>	<ul style="list-style-type: none"> <li>School personnel files will verify all teachers meet state requirements for credentialing and authorizations.</li> <li>ASTRONAUT JOSE’ M. HERNANDEZ ACADEMY will keep a well- maintained school environment as evidenced by clean maintenance and repair records, and fire department audit records.</li> </ul>

State Priority #2. Implementation of Common Core State Standards, including how EL students will be enabled to gain academic content knowledge and English language proficiency		
ANNUAL GOALS TO ACHIEVE PRIORITY #2	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>Astronaut Jose’ M. Hernandez Academy will implement the CCSS.</li> <li>All students will receive instruction based on the state adopted CCSS and EL students will receive additional support including scaffolding and differentiation to access content and increase English language proficiency.</li> </ul>	<ul style="list-style-type: none"> <li>School staff will be provided professional development regarding the implementation of CCSS.</li> <li>School administration will maintain collaboration through focused staff meetings to encourage the refinement of instructional practices and adoption of CCSS.</li> <li>Teachers will provide accommodations and modification for EL students as necessary.</li> <li>A data management system will be utilized to monitor student performance, including the</li> </ul>	<ul style="list-style-type: none"> <li>All students will receive instruction in CCSS, as evidenced by:</li> <li>Adopted curriculum that is Common Core aligned.</li> <li>Agendas for staff development showing CCSS related professional development.</li> <li>EL students will make measurable progress in language proficiency and have access to the content areas, as evidenced by:</li> <li>CELDT scores</li> </ul>

	<p>subgroup of EL students.</p>	<ul style="list-style-type: none"> <li>• Teacher-created formal and informal observations and records.</li> <li>• Performance, formative, and summative assessments.</li> </ul>
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**State Priority #3. Parental involvement, including efforts to seek parent input for making decisions for schools, and how the school will promote parent participation**

ANNUAL GOALS TO ACHIEVE PRIORITY #3	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• Students, parents, and the community will be encouraged to take advantage of activities and events that bring the school and community together.</li> <li>• School administration and staff will strengthen relationships between the school and students/families.</li> </ul>	<ul style="list-style-type: none"> <li>• The school will regularly communicate with students, parents, and the community through newsletters and the school website to engage the school community in daily school activities.</li> <li>• Incoming families to the school will be invited to the school for an orientation with the principal.</li> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will seek support from parents and families for school fundraising initiatives.</li> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will actively seek support for student recognition and community incorporation activities and events.</li> </ul>	<ul style="list-style-type: none"> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will demonstrate parent involvement and participation as evidenced by:               <ol style="list-style-type: none"> <li>a. Personalized Learning Plan meetings</li> <li>b. New family orientation sign-in sheets.</li> <li>c. Documentation of parents involved in school committees.</li> <li>d. Documentation of parent meetings held</li> </ol> </li> </ul>

State Priority #4. Pupil achievement, as measured by all of the following, as applicable:

- A. Statewide assessments (STAR, or any subsequent assessment as certified by SBE)
- B. The Academic Performance Index (API)
- C. Percentage of pupils who have successfully completed courses that satisfy UC/CSU entrance requirements, or career technical education
- D. Percentage of ELs who make progress toward English language proficiency as measured by the CELDT
- E. EL reclassification rates
- F. Percentage of pupils who have passed an AP exam with a score of 3 or higher
- G. Percentage of pupils who participate in and demonstrate college preparedness pursuant to the Early Assessment Program (E.C. §99300 et seq.) or any subsequent assessment of college preparedness

ANNUAL GOALS TO ACHIEVE PRIORITY #4	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• Students, including those in numerically significant subgroups, will show measurable progress on state assessments.</li> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will demonstrate continuous growth for API.</li> <li>• English Learners will show gains in language proficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• School administration will ensure the school meets the participation rates for statewide assessments and implements testing according to state regulations.</li> <li>• School administration will ensure the CELDT and/or other applicable state assessment is administered according to state regulations.</li> <li>• School administration will conference with teachers both one-on-one and at staff meetings regarding student achievement data and school targets to meet or exceed state requirements for API and high-stakes assessment.</li> <li>• Teachers will use formal and informal assessments to monitor students' progress in language proficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will demonstrate annual growth towards the API target.</li> <li>• English Learners will show consistent gains towards language proficiency as evidenced by:               <ul style="list-style-type: none"> <li>a. CELDT assessment</li> <li>b. Measures of Academic Progress assessments</li> </ul> </li> </ul>

State Priority #5. Pupil engagement, as measured by all of the following, as applicable:

- A. School attendance rates
- B. Chronic absenteeism rates
- C. Middle school dropout rates (EC §52052.1(a)(3))
- D. High school dropout rates
- E. High school graduation rates

ANNUAL GOALS TO ACHIEVE PRIORITY #5	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• Students will demonstrate positive engagement in learning.</li> <li>• School staff will foster the academic and emotional wellbeing of students.</li> </ul>	<ul style="list-style-type: none"> <li>• School administration will monitor student attendance and employ strategies to increase the attendance rate. These strategies may include, but are not limited to, parent education regarding attendance, student attendance awards, and home visits.</li> <li>• School administration and staff will maintain a fair and consistent behavior management system, which includes a learning environment where students feel safe and respected.</li> <li>• School staff will serve as models for positive interactions through their daily contacts with the school community.</li> </ul>	<ul style="list-style-type: none"> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will achieve a minimum of 90% ADA rate.</li> </ul>

State Priority #6. School climate, as measured by all of the following, as applicable:

- A. Pupil suspension rates
- B. Pupil expulsion rates
- C. Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness

ANNUAL GOALS TO ACHIEVE PRIORITY #6	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will foster high expectations in regard to learning, behavior and respect for each other.</li> <li>• Students will embrace and celebrate inclusivity and cultural diversity.</li> </ul>	<ul style="list-style-type: none"> <li>• School administration will ensure that parents and students understand ASTRONAUT JOSE' M. HERNANDEZ ACADEMY's behavior expectations and consequences through parent orientations and meetings.</li> <li>• Student will be supported and encouraged to plan, participate in, and contribute to both school and community projects/events.</li> </ul>	<ul style="list-style-type: none"> <li>• ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will show a positive school climate as evidenced by:               <ol style="list-style-type: none"> <li>a. Surveys</li> <li>b. Orientations</li> <li>c. Interviews</li> <li>d. Conferences</li> <li>e. Documentation of school-to- community events.</li> </ol> </li> </ul>

State Priority #7. The extent to which pupils have access to, and are enrolled in, a broad course of study, including programs and services developed and provided to unduplicated students (classified as EL, FRPM-eligible, or foster youth; E.C. §42238.02) and students with exceptional needs.

“Broad course of study” includes the following, as applicable:

Grades 1-6: English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other as prescribed by the governing board. (E.C. §51210)

Grades 7-12: English, social sciences, foreign language(s), physical education, science, mathematics, visual and performing arts, applied arts, and career technical education. (E.C. §51220(a)-(i))

ANNUAL GOALS TO ACHIEVE PRIORITY #7	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• All students will receive a rigorous and relevant education.</li> <li>• Students requiring differentiated instruction and/or modifications will have their needs accommodated.</li> </ul>	<ul style="list-style-type: none"> <li>• School administration will ensure instructional staff has the necessary resources to plan for instruction.</li> <li>• School administration will ensure student progress is monitored through the use of data analysis.</li> <li>• School administration will be visible and available for student and teacher visitations.</li> </ul>	<ul style="list-style-type: none"> <li>• All ASTRONAUT JOSE’ M. HERNANDEZ ACADEMY students, including numerically significant subgroups, will participate in a broad course of study. This will be measured by school wide data relating to:               <ul style="list-style-type: none"> <li>a. Progress report analysis</li> <li>b. Student summative assessments</li> <li>c. Measures of Academic Progress assessments</li> </ul> </li> </ul>

State Priority #8. Pupil outcomes, if available, in the subject areas described above in #7, as applicable.

ANNUAL GOALS TO ACHIEVE PRIORITY #8	ACTIONS TO ACHIEVE ANNUAL GOALS	MEASURABLE OUTCOMES AND METHODS OF MEASUREMENT
<ul style="list-style-type: none"> <li>• Students will demonstrate mastery of a broad course of study.</li> <li>• Students will demonstrate college and career readiness skills as outlined in the CCSS.</li> </ul>	<ul style="list-style-type: none"> <li>• School administration will ensure implementation of the adopted academic program.</li> <li>• School administration will ensure multiple measures are used to measure student achievement.</li> </ul>	<ul style="list-style-type: none"> <li>• All ASTRONAUT JOSE’ M. HERNANDEZ ACADEMY students, including numerically significant subgroups, will participate in a broad course of study. This will be measured by school wide data relating to:               <ul style="list-style-type: none"> <li>a. Smarter Balanced Assessment</li> <li>b. Measures of Academic Progress assessments</li> <li>c. Performance assessments</li> <li>d. Teacher observations of students</li> <li>e. Curriculum-based assessments</li> </ul> </li> </ul>

## **Overview of Subject Matter Competencies**

Astronaut Jose' M. Hernandez Academy expects its students to demonstrate a mastery of specific subject competencies. The following is a list of initial subject matter competencies that will continue to be revised and improved.

For Mathematics CCSS (Adopted by the California State Board of Education August 2010 and modified January 2013), students will:

1. Make sense of problems and persevere in solving them
2. Reason abstractly and quantitatively
3. Construct viable arguments and critique the reasoning of others
4. Model with mathematics
5. Use appropriate tools strategically
6. Attend to precision
7. Look for and make use of structure
8. Look for and express regularity in repeated reasoning

For English Language Arts and literacy in History/Social Studies, NGSS Science, and Technical Subjects CCSS (Adopted by the California State Board of Education August 2010 and modified March 2013), students will, in summary:

1. Demonstrate independence in comprehending and evaluating complex texts, constructing
2. arguments, and effectively seeking out resources
3. Build strong content knowledge through purposeful reading, listening, research, study, and sharing
4. Respond to the varying demands of audience, task, purpose, and discipline as warranted by the
5. reading, writing, speaking, listening or language use task
6. Comprehend as well as critique by questioning an author's or speaker's assumptions and
7. premises and assessing the soundness of the reasoning
8. Value evidence when offering an oral or written interpretation of a text
9. Use technology and digital media strategically and capably to acquire useful information efficiently and enhance their communication goals
10. Come to understand other perspectives and cultures through reading and listening and through communicating and collaborating effectively with people of varied backgrounds

## **Lifelong Learning Skills**

Astronaut Jose' M. Hernandez Academy believes students need to become self-motivated, competent, and lifelong learners through a mastery of the following skills:

- **Character Development:** To understand and accept the centrality of integrity in all aspects of life and learning and to appreciate the nature and value of moral courage as a necessary instrument of an ethical life.
- **Communication:** The ability to listen, speak, read, and write as appropriate to the intended audience in school, at Bridges, in the workplace, or in the community.
- **Cooperation:** The ability to work productively with school peers, family members, coworkers, and community members to complete assigned projects.
- **Critical Thinking:** The ability to form a reasonable opinion on matters requiring the active assessment and comparison of data, such as those contained in newspapers, election material, and other sources available and pertinent to socially aware citizens.
- **Caring and Respect:** The ability to accept and demonstrate kindness and appreciation for cultural, linguistic, and socio-economic differences among peers and community members.
- **Citizenship:** The ability to plan and implement a project in service to the school and/or the larger community.
- **Conflict Resolution:** The ability to resolve differences of opinion in a civil and fair manner.
- **Responsibility:** The ability to maintain the highest personal standards in studies, character development, and citizenship.
- **Study Skills:** The ability to utilize note-taking strategies, questioning strategies, library and Internet research skills, time management, and test taking strategies.
- **Technological Literacy:** The ability to make effective and responsible use of technology to enhance learning and academic performance.

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**ELEMENT C: METHODS TO ASSESS STUDENT PROGRESS TOWARDS MEETING OUTCOMES AND OTHER USES OF DATA**

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The academic progress of students is tracked through a range of formal and informal assessments. The formal assessments will include the CAASPP assessment system (e.g., the Smarter Balanced Assessments, California Alternate Assessments (CAAs), and the California Science Test (CAST)), the Physical Fitness Test (PFT), and the English Language Proficiency Assessments for California (ELPAC). Students receive progress reports regularly through tools that complement the Master Agreement and semester final grade reports. Astronaut Jose' M. Hernandez Academy also utilizes a wide range of internal assessments to ensure students are learning including NWEA MAP and embedded assessments.

Please refer to the table in Element B (Measurable Pupil Outcomes) for a description of the assessments Astronaut Jose' M. Hernandez Academy utilizes in its educational program, which are aligned to the Eight State Priorities and demonstrate multiple measures for each subject area.

Astronaut Jose' M. Hernandez Academy affirms that its methods for measuring pupil outcomes for the Eight State Priorities, as described in Element B of this Charter is consistent with the way information will be reported on a School Accountability Report Card as required by Education Code Section 47605(c)(5)(C).

#### **Formative Assessments**

Teachers use a variety of assessment techniques to monitor student learning informally, including benchmark assessments, oral assessment, quizzes, tests, essays, journals, multimedia presentations, group projects, debates, portfolios, lab books, and performance tasks. Rubrics are used to inform students of the course, assignment, or project objectives and expectations. Students are assessed by standards in language arts, mathematics, and the sciences, and testing systems such as Illuminate and MAP (NWEA) to collect and analyze the data. The standards-based assessments will be instrumental in identifying the areas in which students require re-teaching.

#### **Use and Reporting of Data**

The results of assessments are used in four different ways. First, assessment results provide individual students and their families with a clear idea of how well the student will be mastering the academic materials and the requirements of each course. Students requiring extra assistance and/or time have several resources available to them. Teachers meet regularly online or one-on-one with their students. Astronaut Jose' M. Hernandez Academy offers support to students with individual needs as determined through assessments. Astronaut Jose' M. Hernandez Academy matches EL students with tutors fluent in the student's primary language as needed.

The second way assessments are used is to inform Astronaut Jose' M. Hernandez Academy staff of the mastery of content by students, the effectiveness of instruction, and when additional and/or different instruction will be needed. This use of assessment data will occur on multiple levels. The first level will be to assist Astronaut Jose' M. Hernandez Academy in identifying the progress of individual students, providing staff the opportunity to recognize and respond appropriately to student's individual progress. Teachers use the CAASPP data along with other data to provide specific assistance to each student as needed. This includes counseling students on accelerated/enrichment learning opportunities. By triangulating multiple measures, including CAASPP, MAP, informal, and formal assessments, an optimal learning plan is identified.

Thirdly, assessment data is used to identify situations during the school year where groups of students are not meeting expectations in a specific course or subject area. Teachers and/or departments will use assessment data to identify these situations and determine what steps are needed to provide additional instruction or re-teach to address the shortcomings.

The fourth use of assessment data is to evaluate and continually improve the educational program through a review of the curriculum, instructional strategies, and evaluation practices. For example, assessment results that show a broad lack of mastery in a specific topic or skill triggers an evaluation by teachers, a department or the entire school of the instructional effectiveness and resources used by staff. At all times, the staff reflects upon student progress through cycles of inquiry and modifies as needed to maximize student achievement.

#### **Active Monitoring to Drive Instruction**

Astronaut Jose' M. Hernandez Academy uses a variety of tools to monitor standards-based instruction effectiveness and guide re-teaching for students throughout the year. A combination of online tools and embedded assessments simplify

delivery, aggregation, and disaggregation of data, providing teachers and administrators with timely information that allows them to make better decisions and design more individualized learning programs. Astronaut Jose' M. Hernandez Academy will actively provide the following monitoring actions:

- Report the results of statewide pupil assessment programs in aggregate and disaggregate forms for analysis by administrators and teachers to plan for improved pupil achievement
- Quickly identify achievement gaps
- Link results of assessments to instructional strategies that will be aligned to state-adopted content standards and the curriculum frameworks
- Provide information that will be tailored to individual pupils, school, and /or state level data
- Establish effective teacher planning with consolidation of data
- Align instruction to address academic deficiencies and strengths identified by both standardized and criterion referenced academic assessments

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**ELEMENT D: GOVERNANCE STRUCTURE**

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**Non-Profit Public Benefit Corporation**

The Charter School will be a directly funded independent charter school and will be operated by , a California non-profit El Concilio California Academies public benefit corporation, pursuant to California law upon approval of this charter.

The Charter School will operate autonomously from the District, with the exception of the supervisory oversight as required by statute and other contracted services as may be negotiated between the District and the Charter School. Pursuant to Education Code Section 47604(d), the District shall not be liable for the debts and obligations of the Charter School, operated by a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the Charter School, as long as the District has complied with all oversight responsibilities required by law.

Attached, as Appendix A, please find El Concilio California Academies' Articles of Incorporation, Bylaws, and Conflict of Interest Code.

**Board of Directors**

The Charter School will be governed by the Board of Directors ("Board" or "Board of Directors") of the Corporation in accordance with its adopted bylaws, which shall be consistent with the terms of this charter.

The Board shall have no fewer than five (5) and no more than nine (9) directors. All directors shall be designated by the existing Board of Directors. All directors are to be designated at the Corporation's annual meeting of the Board of Directors.

Each director shall hold office unless otherwise removed from office in accordance with the Bylaws for two (2) years and until a successor director has been appointed or elected as required by the position as described below.

The current Board of Directors is as follows:

<u>Name</u>	<u>Category</u>	<u>Term</u>
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Board members shall have experience in one or more of the following areas: education, government, law, business, finance/accounting, fundraising, facilities, or public relations.

In accordance with Education Code Section 47604(c), the District may appoint a representative to sit on the Board of Directors. If the District chooses to do so, the Charter School may appoint an additional member to ensure that the Board is maintained with an odd number of directors.

**Board Meetings and Duties**

The Board of Directors of the Charter School will meet regularly, at least once a month (except during the summer) and in accordance with the Brown Act and Education Code Section 47604.1(c). The Board of Directors is fully responsible for the operation and fiscal affairs of the Charter School including, but not limited to, the following:

- Hire, supervise, evaluate, discipline, and dismiss the Executive Director of the Charter School (or if there is no Executive Director, the Principal);
- Hire, promote, discipline and dismiss all employees of the Charter School after consideration of a recommendation by the Executive Director (or if there is no Executive Director, the Principal);

- Approve all contractual agreements;
- Approve and monitor the implementation of general policies of the Charter School. This includes effective human resource policies for career growth and compensation of the staff;
- Approve and monitor the Charter School's annual budget and budget revisions;
- Act as a fiscal agent. This includes but is not limited to the receipt of funds for the operation of the Charter School in accordance with applicable laws and the receipt of grants and donations consistent with the mission of the Charter School;
- Contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- Establish operational committees as needed;
- Regularly measure progress of both student and staff performance;
- Involve parents and the community in school related programs;
- Execute all applicable responsibilities provided for in the California Corporations Code;
- Engage in ongoing strategic planning;
- Approve the school calendar and schedule of Board meetings;
- Review requests for out of state or overnight field trips;
- Participate in the dispute resolution procedure and complaint procedures when necessary;
- Approve charter amendments as necessary and submit requests for material revisions as necessary to the District for consideration;
- Approve annual independent fiscal audit;
- Appoint an administrative panel or act as a hearing body and take action on recommended student expulsions.

The Board may initiate and carry on any program or activity or may otherwise act in a manner which is not in conflict with or inconsistent with or preempted by any law and which are not in conflict with this charter or the purposes for which schools are established.

The Charter School shall comply with the Brown Act.

The Charter School shall adopt a Conflict of Interest Code that complies with the Political Reform Act, Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1, and Corporations Code conflict of interest rules, and which shall be updated with any charter school-specific conflict of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Appendix A. As required, the Conflict of Interest Code will be submitted to the County Board of Supervisors for approval.

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of the Charter School any of those duties with the exception of budget approval or revision, approval of the fiscal audit and the adoption of Board policies. The Board however, retains ultimate responsibility over 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.

The Charter School Board of Directors will attend an annual in-service for the purposes of training individual board members on their responsibilities with topics to include, at minimum, conflicts of interest and the Brown Act.

#### **Executive Director**

The responsibilities of the Executive Director or their designee may include, but are not limited to, the following:

- Attend District Administrative meetings as necessary and maintain contact with District
- Make recommendations to the Board regarding the hiring, discipline, supervision, evaluation and dismissal of all employees of the School
- Provide timely performance evaluations of all Charter School employees and report all potential employee

disciplinary actions to the Board

- Communicate with School legal counsel and any outside consultants
- Stay abreast of school laws and regulations
- Participate in the dispute resolution procedure and the complaint procedure when necessary
- Establish and execute enrollment procedures and be the custodian of records
- Provide all necessary financial reports as required for proper ADA reporting
- Administer the budget in accordance with generally accepted accounting principles
- Work with the Chief Business Officer or equivalent to present a quarterly financial report to the Board
- Aid and coordination to the faculty in the development of curriculum
- Oversee parent/student/teacher relations
- Attend IEP meetings when necessary
- Supervise student disciplinary matters
- Coordinate the administration of standardized testing
- Plan and coordinate all activities related to enrollment
- Attend all Board meetings as the charter representative
- Establish procedures designed to carry out Board policies.

If the Charter School does not employ an Executive Director, the above duties of the Executive Director shall be vested in the Principal. All references in this charter petition to matters vested in the Executive Director shall be vested in the Principal in the absence of an Executive Director.

### **Principal**

The Principal supervises the campus teachers and non-instructional staff and reports to the Executive Director, and if no Executive Director is employed by the Charter School, the Board. The Principal is the instructional leader at the school and will be responsible for helping students achieve outcomes. The Principal is responsible for executing Board policies, the conduct of educational activities, and the recruitment, training, and evaluation of teaching and support staff under the supervision and direction of the Executive Director (or the Board, in absence of an Executive Director).

The responsibilities of the Principal include, but are not be limited to, the following:

- Oversee the implementation of an educational program consistent with the Astronaut Jose' M. Hernandez Academy mission and vision
- Develop EL, Gate, STEM, academic support, and accelerated programs unique to San Joaquin County and surrounding counties to enhance the educational opportunities for the students
- Oversee the development and implementation of curriculum in alignment with the state content standards
- Monitor and evaluate student achievement and develop strategies with staff to ensure academic progress
- Lead the teacher and staff hiring process
- Provide timely performance evaluations of all employees
- Participate in the dispute resolution procedures and complaint procedure when necessary
- Develop annual performance target goals
- Oversee the recommendation and implementation of Individualized Education Program (IEP) and attend said IEP meetings upon the request of any involved party
- Handle student disciplinary matters in accordance with policies and procedures
- Plan and coordinate student orientation
- Facilitate open house events
- Oversee all parent/student/teacher relations
- Remain current on education laws and legislation
- Implement site safety procedures in compliance with all applicable laws
- Create and appoint committees to assist in the execution of certain planning and administrative functions.
- Establish and execute enrollment procedures
- Manage and coordinate all budgeting activities for the Charter School in line with Board policies
- Plan and implement all accreditation and external evaluations
- Supervise all employees and volunteers

- Communicate at least weekly with Executive Director

### **Parental Input Regarding the Educational Program**

As required by Education Code Section 47605, Astronaut Jose' M. Hernandez Academy uses a range of methods to consult with and receive parental input.

All staff have cellular phones and school email access with the expectation that they return all calls and emails from students and parents within 24 hours. In addition, staff will use Aeries, Outlook, and other digital solutions to communicate with parents with the most current academic information.

Parents and students are surveyed at least annually to determine their satisfaction with Astronaut Jose' M. Hernandez Academy. This reflective survey helps the school make program modifications to better serve the students. The faculty, administration, and the Board review the results of the surveys to determine how Astronaut Jose' M. Hernandez Academy compares to other schools in the region. In addition to the satisfaction survey, the families are surveyed for purposes of the LCAP.

Parents will also participate in daily activities with their children, which include opportunities with clubs and events at the school site.

### **Parent Advisory Council**

Parents will be encouraged to form a Parent Advisory Council ("PAC") to be responsible for parent involvement in school activities, fundraising, and advising the Charter School Board of Directors on any and all matters related to the strengthening of the Charter School community. Parent participation will play a vital role in the effectiveness of our program. We would encourage the parents to continue the efforts of the PAC at the same level of support to the Charter School in terms of program enhancement and fundraising.

### **Parent Involvement in Governance**

In addition to maintaining a Parent Advisory Council, parents will be strongly encouraged to volunteer at the Charter School each year. The Principal shall maintain a comprehensive list of volunteer opportunities including but not limited to the following: volunteering in the classroom/school (including at-home assistance); tutoring, attending parent-teacher conferences; attendance at Board meetings; participation in the planning of, or attendance at, fundraising or academic/arts events; or, other activities. No child will be excluded from the Charter School or school activities due to the failure of his or her parent or legal guardian to volunteer at the Charter School.

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## ELEMENT E: EMPLOYE QUALIFICATIONS

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### Hiring Process and Employee Qualifications

The Charter School recruits professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that believe in the instructional philosophy outlined in its educational philosophy. In accordance with Education Code 47605(e)(1), The Charter School is nonsectarian in its employment practices and all other operations. The Charter School does not discriminate against any individual (employee or pupil) based on ethnicity, national origin, sexual orientation, gender, gender expression, gender identity, disability, or upon any of characteristics prohibited by state and federal law.

All employees of Astronaut Jose' M. Hernandez Academy are employees of the Corporation and will be at-will employees working under an employment agreement with a yearly salary determination. NJESD shall not require any employee of the District to work at Astronaut Jose' M. Hernandez Academy.

Employee qualifications for all key employees of Astronaut Jose' M. Hernandez Academy are listed below.

Astronaut Jose' M. Hernandez Academy believes that the quality of professional staff determines the quality of education offered at the school. It is therefore the responsibility of the administration to locate and recruit the best candidates to meet the school's educational needs.

Astronaut Jose' M. Hernandez Academy teaching staff must fulfill their individual responsibilities and work in concert with the other members of the educational team.

The administration will be responsible for advertising available jobs and soliciting applications from qualified candidates. A search committee of administrators, and when appropriate, teachers and/or outside experts, may be used to screen all applicants and make recommendations for the candidate pool and possibly interview a small subset of candidates. The Executive Director will be ultimately responsible for establishing parameters for the interview process.

Astronaut Jose' M. Hernandez Academy is committed to retaining/employing individuals who are best qualified for the job without regard to race, sex, religion, or disability to the job. Astronaut Jose' M. Hernandez Academy will adhere to relevant California and federal laws in its hiring practices. It is the administration's responsibility to obtain a criminal history check of all school employees and to obtain proof of eligibility to work in the United States.

The Board shall consider and determine whether to act on the Charter School Executive Director's recommendations regarding hiring of staff and their placement on the salary schedule. The figure for initial salary shall depend on the academic degrees of the employee, their previous professional experience, and/or their expertise as appropriate to the position.

Administrators will hold an appropriate California Administrative Services Credential. The school may request the Department of Education to expedite the certification of persons qualified to teach by education and experience. Beyond the guarantee of professional preparation offered by certification, Astronaut Jose' M. Hernandez Academy will seek professional staff that agree with and committed to the mission, goals, and educational approach of the school, as outlined in this document.

To continue being creative and flexible in providing an optimal learning environment, the District maintains the following standards:

#### **Executive Director**

The Executive Director must hold a valid California Administrative Services Credential and possess at least a master's degree in Education or related field. A Doctoral degree in Education of related field is preferred. The Executive Director shall have a criminal background check performed pursuant to Education Code Section 44830.1.

#### **Principal**

The Principal must hold a valid California Administrative Services Credential or be enrolled in an administrative

credentialing program with the ability to obtain a California Administrative Services Intern Credential. The Principal shall have a criminal background check performed pursuant to Education Code Section 44830.1.

### **Counselor**

The Counselor must hold a valid California Pupil Personnel Services Credential or be enrolled in a pupil personnel services credentialing program with the ability to obtain a California Pupil Personnel Services Intern Credential. The Counselors shall have a criminal background check performed pursuant to Education Code Section 44830.1.

### **Teachers**

Teachers must hold valid California Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. They are employed by the Corporation and report to the Principal. Teachers shall have a criminal background check performed pursuant to Education Code Section 44830.1.

### **Classified Personnel**

All classified personnel must meet the qualifications and standards established for employment and are responsible to the Charter School Executive Director. All classified employees shall have a criminal background check performed pursuant to Education Code Section 44830.1.

ASTRONAUT JOSE' M. HERNANDEZ ACADEMY will abide by relevant statutes and regulations governing employees who work with students.

### **Staff Evaluation**

As part of the evaluation procedure, the Executive Director specifies clearly defined criteria for performance review. These criteria include:

- Commitment to the ASTRONAUT JOSE' M. HERNANDEZ ACADEMY mission and goals
- High level of professionalism
- High level of accomplishment
- Effective participation on the ASTRONAUT JOSE' M. HERNANDEZ ACADEMY team

The Executive Director also specifies tools to be used in the evaluation process. Special contributions by the ASTRONAUT JOSE' M. HERNANDEZ ACADEMY staff to the school's program will also be an element in the performance review.

### **Professional Development Opportunities**

Among the guarantors of student achievement are high teacher motivation and quality of professional development opportunities. ASTRONAUT JOSE' M. HERNANDEZ ACADEMY seeks out professional opportunities which emphasize both content and pedagogy, help teachers develop leadership roles, and include contact with practitioners and researchers as well as other teachers. In addition to specific training opportunities, programs which put teachers into contact with community resources will be pursued.

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## **ELEMENT F: HEALTH AND SAFETY PROCEDURES**

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To provide safety for all students and staff, Astronaut Jose' M. Hernandez Academy implements full health and safety policies and procedures and risk management policies in consultation with its insurance carriers and risk management experts. A complete copy of these procedures will be available to NJESD upon request.

The following will be a summary of the health and safety policies of Astronaut Jose' M. Hernandez Academy:

### **Procedures for Background Checks**

Employees and contractors of Astronaut Jose' M. Hernandez Academy are required to submit to a criminal background check and finish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees must complete the LiveScan fingerprinting process with the California Department of Justice for obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Principal shall monitor compliance with this policy. The Board will monitor the fingerprinting and background clearance of the Principal. Volunteers who meet students without the direct supervision of a credentialed employee will be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

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

All employees will be mandated child abuse reporters and will follow all applicable reporting laws. Astronaut Jose' M. Hernandez Academy shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

### **Tuberculosis Risk Assessment and Examination**

Astronaut Jose' M. Hernandez Academy follows the requirements of Education Code 49406 in requiring tuberculosis risk assessments and examinations (if necessary) of all employees and volunteers who have frequent or prolonged contact with students prior to commencing employment and working with students, and for employees at least once each four years thereafter.

### **Immunizations**

Astronaut Jose' M. Hernandez Academy adheres to all laws related to legally required immunizations for entering students pursuant to Health and Safety Code 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075. All rising 7<sup>th</sup> grade students must be immunized with a pertussis (whooping cough) vaccine booster.

### **CPR/First Aid Training**

Designated employees are CPR/First Aid trained.

### **Medication in School**

Astronaut Jose' M. Hernandez Academy will adhere to Education Code 49423 regarding administration of medication in school. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members.

### **Vision/Hearing/Scoliosis**

Astronaut Jose' M. Hernandez Academy adheres to Education Code 49450, et seq. as applicable to the grade levels served by the school.

### **Diabetes**

Astronaut Jose' M. Hernandez Academy provides an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all the following:

- A description of type 2 diabetes
- A description of the risk factors and warning signs associated with type 2 diabetes
- 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

- A description of treatments and prevention methods of type 2 diabetes
- A description of the different types of diabetes screening tests available.

#### **Oral Health Examinations**

Astronaut Jose' M. Hernandez Academy requires its students to comply with all oral health examinations pursuant to Education Code 49452.8.

#### **Suicide Prevention Policy**

The Charter School shall adopt a policy on student suicide prevention in accordance with Education Code Section 215. The Charter School shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.

#### **Prevention of Human Trafficking**

The Charter School shall identify and implement the most appropriate methods of informing parents and guardians of students in grades 6 through 12 of human trafficking prevention resources.

#### **Feminine Hygiene Products**

Effective as of the 2022-23 school year, the Charter School shall stock all women's restrooms and all-gender restrooms, and at least one men's restroom with an adequate supply of menstrual products, available and accessible, free of cost and shall post a notice of the requirements of Section 35292.6 in a prominent and conspicuous location in each of these restrooms

#### **Nutritionally Adequate Free or Reduced Price Meal**

The Charter School shall provide each needy student, as defined in Education Code Section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code Section 49553(a), during each schoolday.

#### **California Healthy Youth Act**

The Charter School shall teach sexual health education and human immunodeficiency virus ("HIV") prevention education to students in grades 7-8, at least once in the middle school gradespan pursuant to the California Healthy Youth Act (Education Code Section 51930, *et seq.*).

#### **Bullying Prevention**

The Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying. The Charter School shall annually make available the online training module developed by the CDE pursuant to Education Code Section 32283.5(a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with children.

#### **School Safety Plan**

The Charter School shall adopt a School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the Charter School's procedures for complying with applicable laws related to school safety, including the development of all of the following pursuant to Education Code Section 32282(a)(2)(A)-(J):

- child abuse reporting procedures
- routine and emergency disaster procedures
- policies for students who committed an act under Education Code Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- a discrimination and harassment policy consistent with Education Code Section 200
- provisions of any schoolwide dress code that prohibits students from wearing "gang-related apparel," if applicable
- procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- a safe and orderly environment conducive to learning
- the rules and procedures on school discipline adopted pursuant to Education Code Sections 35291, 35291.5, and 47605
- procedures for conducting tactical responses to criminal incidents

The School Safety Plan shall be drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. Staff shall receive training in emergency response, including appropriate "first responder" training or its

equivalent.

### **Blood Borne Pathogens**

Astronaut Jose' M. Hernandez Academy meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Charter School will establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including HIV and hepatitis B virus ("HBV"). This plan includes the training of staff.

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students will follow the latest medical protocol for disinfecting procedures.

### **Drug Free/Alcohol Free/Smoke Free Environment**

Astronaut Jose' M. Hernandez Academy maintains a drug, alcohol, and smoke-free environment.

### **Comprehensive Anti-Discrimination and Harassment Policies and Procedures**

Astronaut Jose' M. Hernandez Academy is committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation. Astronaut Jose' M. Hernandez Academy shall adopt policies regarding discrimination harassment (including employee to employee, employee to student, student to employee, and student to student misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's anti-discrimination and harassment policies.

A copy of the policy shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable, and to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

### **School Facility Safety**

Astronaut Jose' M. Hernandez Academy complies with Education Code 47610 by either utilizing facilities that will be compliant with the Field Act or facilities that are compliant with the California Building Standards Code. Astronaut Jose' M. Hernandez Academy will adhere to laws specific to charter schools on the local and state level regarding facilities. Astronaut Jose' M. Hernandez Academy agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they will be maintained in an operable condition always. Astronaut Jose' M. Hernandez Academy will conduct fire drills monthly.

### **Athletic Programs**

The Charter School shall comply with all applicable laws related to health and safety policies and procedures surrounding athletic programs at charter schools, including but not limited to providing information to athletes regarding sudden cardiac arrest and annually providing each athlete an Opioid Factsheet for Patients. In the event the Charter School participates in any interscholastic athletic programs, it shall comply with all applicable requirements, including, but not limited to, adopting a written emergency action plan for sudden cardiac arrest or other medical emergencies related to athletic programs, and acquiring at least one automated external defibrillator.

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**ELEMENT G: MEANS TO ACHIEVE A BALANCE OF RACIAL AND ETHNIC PUPILS, SPECIAL EDUCATION PUPILS, AND ENGLISH LEARNER PUPILS, INCLUDING REDESIGNATED FLUENT ENGLISH PROFICIENT PUPILS**

Astronaut Jose' M. Hernandez Academy strives, through recruitment and admissions practices, to achieve a balance among its pupils as contemplated by Education Code Section 47605(c)(5)(G) that is reflective of the general population residing within the territorial jurisdiction of the New Jerusalem Elementary School District and/or San Joaquin County and the adjacent surrounding counties. Students are considered for admission without regard to ethnicity, national origin, gender, gender expression, gender identity, disability, sexual orientation or any of the characteristics listed in Education Code Section 220, including immigration status. Astronaut Jose' M. Hernandez Academy implements a recruitment strategy that includes, but will not necessarily be limited to, the following elements, which focus on achieving and maintaining a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils that is reflective of the general population residing within the territorial jurisdiction of NJESD:

- 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 materials that reach out to all the various racial and ethnic groups represented in the territorial jurisdiction of San Joaquin County and the surrounding adjacent counties, as well as families of special education students and English learners
- Press releases and other communications with local print and broadcast news media
- Posting of notices or banners in libraries and other public buildings and spaces, as well as with local businesses and religious institutions

As part of its outreach to Spanish speakers, Astronaut Jose' M. Hernandez Academy translates into Spanish:

- General information sheets and other key documents, including the school vision and mission statement
- Communication with Charter School personnel

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## ELEMENT H: ADMISSION POLICIES AND PROCEDURES

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Astronaut Jose' M. Hernandez Academy is nonsectarian in its programs, admission policies, and all other operations, and does not charge tuition nor discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status or association with an individual who has any of the aforementioned characteristics). Astronaut Jose' M. Hernandez Academy complies with all applicable legally required minimum and maximum age requirements. Astronaut Jose' M. Hernandez Academy admits all pupils who wish to attend the Charter School. No test or assessment is administered to students prior to acceptance and enrollment into Astronaut Jose' M. Hernandez Academy.

In accordance with Education Code Section 47605(e)(4)(A), the Charter School shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605(e)(2)(B)(iii), including pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. Similarly, in accordance with Section 47605(e)(4)(C), the Charter School shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to the academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605(e)(2)(B)(iii), as listed above.

Pursuant to Education Code Section 47605(e)(4)(D), the Charter School shall post a notice developed by the CDE on the Charter School website, outlining the requirements of Section 47605(e)(4), and make this notice available to parents.

### **Open Enrollment**

The recruitment activities extend to all students in grades kindergarten through grade eight in the surrounding counties and to promote a diverse student base. In addition, an informative website is available and regularly updated with information about Astronaut Jose' M. Hernandez Academy and our admission process. An information brochure is available in both English and Spanish.

A copy of the Astronaut Jose' M. Hernandez Academy handbook is provided to each student annually at the beginning of the school year.

Enrollment at Astronaut Jose' M. Hernandez Academy is open to any resident of California who is committed to completing an academically rigorous program. Astronaut Jose' M. Hernandez Academy is a school of choice and no student is required to attend the charter school. Enrollment is not based on prior academic achievement. Astronaut Jose' M. Hernandez Academy is a partnership between the school, the student, and the student's family. In this partnership, each party has responsibilities. As part of the admission process, after acceptance into the Charter School, all three parties—Astronaut Jose' M. Hernandez Academy, the student, and their parent or guardian—must meet with the Astronaut Jose' M. Hernandez Academy Principal or his/her designee. The parent and student then sign the agreements that outline the expectations of all the stakeholders. In addition, enrollment is ongoing unless staffing prevents additional students from being enrolled.

In accordance with Education Code Section 47605(e)(4)(B), the Charter School shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the Charter School before enrollment.

### **Public Random Drawing**

Astronaut Jose' M. Hernandez Academy admits all students who wish to enroll, subject to capacity. If the number of students wishing to attend exceeds the Astronaut Jose' M. Hernandez Academy capacity, a public random drawing consistent with the provisions of Education Code 47605(e)(2)(B) is used to admit students, except for existing students, who will be guaranteed admission in the following school year. Admission preferences in the case of a public random drawing is given to the following students in the following order:

- Siblings of students admitted to or attending the Astronaut Jose' M. Hernandez Academy
- Students of Astronaut Jose' M. Hernandez Academy teachers and staff

- Transferring students currently enrolled within NJESD network schools or any El Concilio affiliated pre-schools, in accordance with Education Code Section 47605(e)(2)(B)(ii)
- Residents of the District
- All other applicants

The Charter School and the District agree to adhere to the requirements related to admission preferences as set forth in Education Code Section 47605(e)(2)(B)(i)-(iv).

The Board will take all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled in order of grade level by the designated lottery official (appointed by the Executive Director). Separate lotteries shall be conducted for each grade in which there are fewer vacancies than pupils interested in attending. All lotteries shall take place on the same day in a single location. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. There is no weighted priority assigned to the preference categories; rather, within each grade level, students will be drawn from pools beginning with all applicants who qualify for the first preference category and shall continue with that preference category until all vacancies within that grade level have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference category until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above.

This public random drawing is conducted in a public setting at a time and place (e.g., the main school site) made known in advance to the community. The public random drawing process is used to determine who will be offered enrollment and the order of the waiting list.

A waiting list of applicants is maintained to fill vacancies that occur during the school year. When a drawing will be necessary after an enrollment period has ended, it is conducted in accordance with the preferences and procedures established herein.

Any applicant that filed false information on any form to gain entrance to Astronaut Jose' M. Hernandez Academy will not be admitted. If at any subsequent point it has been factually determined that an applicant filed false information to gain admission into Astronaut Jose' M. Hernandez Academy, then that student may be expelled from Astronaut Jose' M. Hernandez Academy in accordance with the Charter School's discipline policy and procedures.

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**ELEMENT I: ANNUAL FINANCIAL AUDITS**

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An annual independent fiscal audit of the books and records of Astronaut Jose' M. Hernandez Academy is conducted as required under Education Code Sections 47605(c)(5)(I) and 47605(m). The books and records of Astronaut Jose' M. Hernandez Academy are kept in accordance with the generally accepted accounting principles and, as required by applicable law, the audit will employ generally accepted accounting procedures for public schools in the state of California. The audit is 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.

The Charter School Board will select an independent financial auditor through a request for proposal format and will oversee the independent audit directly. The auditor will have, at a minimum, a CPA and educational institution audit experience and shall be 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.

The annual audit will be completed and forwarded to the District, the San Joaquin County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. A review of each year's audit occurs at a Board of Directors meeting. The Executive Director, along with the audit committee (if applicable), will review any audit exceptions or deficiencies and then report to the Board with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies corrected by the time of the audit submission, along with supporting documentation. Additionally, Astronaut Jose' M. Hernandez Academy informs NJESD of any outstanding exceptions or deficiencies at the time of audit submission and how they are resolved to the satisfaction of NJESD along with an anticipated timeline for the same. Typically, all audit exceptions or deficiencies are addressed within six months. Any disputes regarding the resolution of audit exceptions and deficiencies are referred to the dispute resolution process referenced in Element N of this charter or, if applicable, referred to the Education Audit Appeals Panel process in compliance with Education Code Section 41344.

The independent fiscal audit of Astronaut Jose' M. Hernandez Academy is a public record and is provided to the public upon request.

In accordance with Education Code 47604.3, Astronaut Jose' M. Hernandez Academy promptly respond to all reasonable inquiries of the chartering authority. Astronaut Jose' M. Hernandez Academy recognizes the right of the chartering authority to inspect or observe any part of Astronaut Jose' M. Hernandez Academy at any time.

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## ELEMENT J: PUPIL SUSPENSION AND EXPULSION PROCEDURES

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The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at noncharter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Student Handbook which 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 this 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 and involuntary removal policies and procedures. The notice shall state that this Policy and its Procedures are available upon request at the Executive Director'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 Improvement 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 applicable provisions of 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.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform the student, the student's parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student's parent/guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If a student's parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

### Procedures

## **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 any time 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; or d) during, going to, or coming from a school-sponsored activity.

## **B. Enumerated Offenses**

1. Discretionary Suspension Offenses. Students may be suspended when it is determined the student:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, 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, which includes but is not limited to, electronic files and databases.
  - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
  - 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 a student's own prescription products by a student.
  - 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) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
  - l) 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.
  - m) 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.
  - n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
  - o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "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 their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 8, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or 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 the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "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 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:
    - i. 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 their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.
    - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:

- (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
      - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
    - iii. An act of cyber sexual bullying.
      - (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
      - (b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
  - 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
  - u) A student 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 student 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)(a)-(b).
  - v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student 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 Executive Director or designee’s concurrence.
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion when it is determined the student:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee’s concurrence.
  - b) Brandished a knife at another person.
  - c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
  - d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.
3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.

- c) Unlawfully possessed, used, 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, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- 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 a student's own prescription products by a student.
- 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) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) 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.
- m) 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.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "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 their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 8, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or 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 the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "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 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:
    - i. 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 their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.
    - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
      - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
    - iii. An act of cyber sexual bullying.
      - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student

to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student 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 student 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 (3)(a)-(b).

v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student 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 Executive Director or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:

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

b) Brandished a knife at another person.

c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.

d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm 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 destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

- 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 any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or

incendiary charge of more than one-quarter ounce; (E) mine; or (F) 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 Executive Director or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Executive Director or designee.

The conference may be omitted if the Executive Director 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 student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student 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 student for failure of the student's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/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(s) committed by the student as well as the date the student may return to school following the suspension. In addition, the notice may also state the 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 Executive Director or designee, the student and the student's parent/guardian or representative will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the Executive Director or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

#### **4. Homework Assignments During Suspension**

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

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

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

#### **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 Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

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 student confidentiality rules under the Family Educational Rights and Privacy Act ("FERPA")) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled 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 student. 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 and/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 student.

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 their right to (a) receive five (5) days notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness 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 entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The entity 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 entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness 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 entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness 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 entity 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 their discretion to remove a person from the hearing whom they believe 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 student being expelled, the complaining witness shall have the right to have their 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 entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances 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 or Administrative Panel 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 student, 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 their testimony heard in a session closed to the public.

### **I. Expulsion Decision**

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

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

### **J. Written Notice to Expel**

The Executive Director or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) 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 Executive Director or designee shall send a copy of the written notice of the decision to expel to the chartering authority. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

### **K. 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 chartering authority upon request.

### **L. No Right to Appeal**

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

### **M. Expelled Students/Alternative Education**

Parents/guardians of students 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.

### **N. Rehabilitation Plans**

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors 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 (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

### **O. Readmission or Admission of Previously Expelled Student**

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Executive Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the Executive Director's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

### **P. Notice to Teachers**

The Charter School shall notify teachers of each student who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

### **R. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities**

#### **1. Notification of SELPA**

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA 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 (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment 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 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/guardian 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/guardian, 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 direct 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/guardian 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/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if 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, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

## 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 Executive Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school 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 U.S.C. Section 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 U.S.C. Section 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/guardian 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 that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

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**ELEMENT K: EMPLOYEE RETIREMENT BENEFITS**

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All new and existing employees participate in State Teachers' Retirement System (STRS), Public Employees' Retirement System (PERS), and Social Security, as appropriate.

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**ELEMENT L: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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No pupil shall be required to attend the Astronaut Jose' M. Hernandez Academy. Students who reside within the District who choose not to attend the Charter School 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 transfer policies. Parents and guardians of each student enrolled in the Charter School will be informed on admissions forms that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

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**ELEMENT M: EMPLOYEE RETURN RIGHTS**

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**Rights of School District Employees**

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.

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.

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## ELEMENT N: DISPUTE RESOLUTION

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### **Disputes Between the Charter School and the District**

The Charter School and the District will be encouraged to attempt to resolve any disputes amicably and reasonably without resorting to formal procedures.

In the event of a dispute between the Charter School and the District, Charter School staff, employees and Board members of the Charter School and the District agree to first frame the issue in written format (“dispute statement”) and to refer the issue to the District Superintendent and Executive Director of the Charter School, or their respective designees. In the event that the District Board of Education believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. However, 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 Education Code Section 47607 and its implementing regulations.

The Superintendent and Executive Director, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) 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 Executive Director, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and Executive Director, or their respective designees, 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 Executive Director, or their respective designees. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the District and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.

### **Internal Disputes**

The Charter School shall have an internal dispute resolution process to be used for all internal disputes related to the Charter School’s operations. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy of the Charter School’s policies and internal dispute resolution process. The District shall promptly refer all disputes not related to a possible violation of the charter or law to the Charter School.

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**ELEMENT O: CLOSURE PROTOCOL**

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Closure of the school will be documented by official action of the Board. 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 Charter School will promptly notify parents and students of ASTRONAUT JOSE' M. HERNANDEZ ACADEMY, the District, the County Office of Education, the Charter 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 way parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Charter School will ensure that the notification to the parents and students of the charter school 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 Charter School 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 it will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and NJESD 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. NJESD will store original records of charter school students. All records of ASTRONAUT JOSE' M. HERNANDEZ ACADEMY shall be transferred to the NJESD 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 to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit of ASTRONAUT JOSE' M. HERNANDEZ ACADEMY's financial records completed within six months after closure. The Charter School will pay for the final audit.

The audit will be prepared by a qualified Certified Public Accountant selected by the Board. 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 ASTRONAUT JOSE' M. HERNANDEZ ACADEMY.

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

On closure of ASTRONAUT JOSE' M. HERNANDEZ ACADEMY, all assets of the Charter 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 nonprofit public benefit corporation. Upon the dissolution of the nonprofit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled "Relief for Certain Participants in § 414(d) Plans" or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof. . Any assets acquired from the NJESD or NJESD property will be promptly returned upon school closure to NJESD. 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, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

As the Charter School is operated by a non-profit public benefit corporation, should the Corporation dissolve with the closure of the Charter 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 Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

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## MISCELLANEOUS CHARTER PROVISIONS

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### **Additions, Deletions, and Modifications of the Charter**

Any material revisions of the charter must be approved by the NJESD Board of Trustees consistent with Education Code Sections 47605 and 47607.

Any element of the charter that, through legislation or legal ruling, is deemed to be outside the intent of existing charter school legislation, should be removed from the charter. Such a situation would not render the remaining portions of the charter invalid nor result in the loss of the charter.

### **District Oversight**

Pursuant to California law, the District will be required to provide oversight and performance monitoring services, including monitoring school and student performance data, reviewing the school's audit reports, performing annual site visits, engaging in any necessary dispute resolution processes, and considering charter amendment and renewal requests. In accordance with Education Code Section 47613(a), the District may charge for the actual costs of supervisory oversight of the Charter School not to exceed one (1) percent of the revenue of the Charter School. The District may charge up to three (3) percent of the revenue of the Charter School if the Charter School is able to obtain substantially rent free facilities from the District. Pursuant to Education Code Section 47613(f), "revenue of the charter school" is defined as the amount received in the current fiscal year from the local control funding formula calculated pursuant to Education Code Section 42238.02, as implemented by Education Code Section 42238.03.

### **Transportation**

Astronaut Jose' M. Hernandez Academy will be a school of choice and therefore it will be the responsibility of the parents/guardians to provide transportation of students to and from the school, except as required by law for students with disabilities in accordance with a student's IEP.

### **Facilities**

Astronaut Jose' M. Hernandez Academy is located at 703 E. Swain Road in Stockton, pursuant to Education Code Section 47605(a)(5).

### **Insurance**

The Charter School 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. Coverage amounts will be based on recommendations provided by the District and the Charter School's insurer. The District Board of Education shall be named as an additional insured on all policies of the Charter School.

### **Administrative Services**

The Charter School will provide or procure administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

At any time the Charter School may discuss the possibility of purchasing administrative services from the District. If the District is interested, the specific terms and cost for these services will be the subject of a memorandum of understanding between the Charter School and the District and subject to District availability and willingness to provide such services.

### **Potential Civil Liability Effects**

The Charter School 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 California Revenue and Taxation Code Section 23701(d).

Pursuant to Education Code Section 47604(d), an authority that grants a charter to a charter school operated by or as a non-profit 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. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School intends to enter into a memorandum of understanding with the District, wherein the Charter School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of the Charter School shall provide for indemnification of the Charter School's Board, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officers insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts shall be determined by recommendation of the District and the Charter School's insurance company for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance of the Charter School.

The Charter School Board shall institute appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.