

Alder Grove Charter School Continuing Charter School Petition

Submitted to Eureka City Schools November 7, 2025

For the Charter Term July 1, 2026 to June 30, 2031

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AFFIRMATIONS AND DECLARATION

As the authorized lead petitioner, I, Tim Warner, hereby certify that the information submitted in this petition for renewal of a California public continuing charter school named Alder Grove Charter School ¹(“AGCS” and the “Charter School”), to be operated by Alder Grove Charter School (“AGCS”), a California nonprofit public benefit corporation, and to be authorized by Eureka City Schools (“ECS” or the “District”) is true to the best of my knowledge and belief; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments 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)]
- Alder Grove Charter School declares that it shall be deemed the exclusive public school employer of the employees of Alder Grove Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(c)(6)]
- The Charter School shall be non-sectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(e)(1)]
- The Charter School shall admit all students 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 to determine admission. Except as required by Education Code Section 47605(e)(2) and Education Code Section 51747.3, 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. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B)(i)-(iv). 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). [Ref. Education Code Section 47605(e)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, 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

¹ Through this petition, Alder Grove Charter School-2 or AGCS-2 is changing its name to Alder Grove Charter School. Upon approval of this charter petition, AGCS shall notify the California Department of Education, the Humboldt County Office of Education, and all other relevant entities of its name change. All references herein to Alder Grove Charter School are intended to include the Charter School’s historical name, Alder Grove Charter School-2. The historical data shown for AGCS-2 can be found online under the previous name of Alder Grove Charter School-2.

of the aforementioned characteristics). [Ref. Education Code Section 47605(e)(1)]

- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”) and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”).
- The Charter School 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)]
- The Charter School shall ensure that teachers in the Charter School hold the Commission on Teacher Credentialing (“CTC”) 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.[Ref. Education Code Section 47605(l)(1)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)- (D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including 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 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 requiring 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 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, legal guardians, and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(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 (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”).
- The Charter School shall comply with the California Public Records Act, Government Code Section 7920.000, *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”)
- The Charter School shall comply with Education Code Section 5174, *et seq.*, related to independent study, as applicable.

- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

Tim Warner, Lead Petitioner

Date

Introduction

Alder Grove Charter School was first authorized in 2006 by South Bay Union Elementary School District as an independent study charter school that provided a voluntary public educational choice for families of students who chose to educate their children in the home environment. AGCS supported and celebrated individual differences and the uniqueness of each child. The AGCS mission was to provide students with personalized learning and to support parental choice in education. Over the years, the Charter School has adjusted the mission statement to align better with how it serves its students. AGCS's commitment is to deliver personalized learning through strong family, educator, and community partnerships that empower students to achieve academic excellence and foster active citizenship.

Alder Grove Charter School admitted students in grades kindergarten through twelfth grade (K- 12) who resided in Humboldt County or adjacent counties. Independent study was offered to meet the unique personal and educational needs of those families who seek an established alternative instructional strategy. The student, parent/guardian, and a supervising credentialed teacher contracted as a team to facilitate this process.

In compliance with the Court of Appeal's decision in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, Alder Grove Charter School submitted a new charter petition in 2018 petition as AGCS – 2 to South Bay Union Elementary School District, to operate a new independent study charter school. The Charter School was authorized by and has been operating under the oversight of South Bay Union Elementary School District for the past 7 years. However, AGCS operates its resource center within the geographic boundaries of ECS. The purpose of this petition is to allow Alder Grove Charter School to continue operating its successful program, now as a continuing charter school, authorized by ECS.

Education Code Section 47612.7(a) prohibits the approval of a petition for the establishment of a new nonclassroom-based charter school. However, Education Code Section 47612.7(b) states that the prohibition shall not apply to a charter school granted approval of its petition and opened before October 1, 2019, under several circumstances. One circumstance, listed in Education Code Section 47612.7(b)(1), is if a charter school is required to submit a petition to the governing board of a school district in which its existing resource center is located in order to comply with Section 47605.1 as amended by Assembly Bill 1507, or to retain current program offerings or enrollment. (Indeed, such a school is not an establishment charter school at all, but a *continuing* charter school.)

Thus, this proposed charter is legally permissible and can be approved by Eureka City Schools, because it meets the exception listed in Education Code Section 47612(b)(1). The program offering and enrollment at Alder Grove Charter School can be one of the keys to success for the District. Approving the AGCS charter is legal and provides advantages for students within the District.

As the currently operating AGCS – 2 will become AGCS, operated by the same nonprofit and with the same leadership at the staff level, it is important to detail for ECS the history and accomplishments of this program, as a reliable indicator of future success for Eureka City Schools to consider. The Charter School has been showing significant progress across academic indicators, reflecting its commitment to student achievement. As documentation of past success, the Charter School has provided student performance data as measured by the California School Dashboard (“Dashboard”) and through verifiable data.

AGCS Dashboard State and Local Indicators (2024)

The following chart reflects the Charter School's 2024 Dashboard performance indicators and distance from the standard ("DFS"), as compared to the District and the State.

	AGCS	District	State
Chronic Absenteeism	0.3%	28.8%	18.6%
Suspension Rate	0%	7.4%	3.2%
English Learner Progress	n/a*	53.4%	45.7%
Graduation Rate	91.1%	88.3%	86.7%
College/Career Indicator ("CCI")	48.9%	39.8%	45.3%
ELA	-17 below standard	-38.5 below standard	-13.2
Math	-60.7 below standard	-76.5 below standard	-47.6

*fewer than 11 students – data not displayed for privacy

The Charter School outperformed the District and the State in Chronic Absenteeism and Suspension Rate. While the Charter School was in a lower performance category than the District and State in CCI, a higher percentage of students are prepared for college and career at AGCS, than both the District and the State. Additionally, the Charter School outperformed the District and the State's graduation rates. The Charter School was in the same performance category as the District in ELA and Math but its DFS was better than the District's.

Chronic Absenteeism

	2022	2023	2024
AGCS	0% "Very Low"	0.6%	0.3%
District	34.3% "Very High"	34.1%	28.8%
State	30% "Very High"	24.3%	18.6%

AGCS's chronic absenteeism rate was significantly lower than both the State and the District over the past three years. While AGCS saw a slight increase in absenteeism in 2023, the Charter School saw a decline the following year.

Students at the Charter School receive personalized learning plans with numerous supports to accomplish learning objectives and meet State Standards. As an independent study school, attendance is based on daily engagement and the time value of work completed. Students who show signs of struggle in the independent study model participate in the Attendance and Academic Intervention Meeting ("AAIM") process, a collaborative set of meetings organized to design solutions for barriers of learning and growth. Additionally, AGCS provides tutoring, Learning Labs, Pathway Advisement and Career Exploration ("PACE") Coaches, weekly teacher meetings, and parent/guardian guidance that contribute to the success of students' learning and work completion which is reflected in their

attendance.

Suspension Rate

	2022	2023	2024
AGCS	0% “Very Low”	0%	0%
District	6.9% “High”	8.2%	7.4%
State	3.1% “Medium”	3.5%	3.2%

AGCS has maintained a suspension rate of 0% over the past three school years, outperforming both the State and the District.

Because AGCS is an independent study charter school, students have the option to access the resource center, but are not required to do so. The majority of AGCS students do not choose to access the resource center, so class sizes are small and any student behavior issues are more manageable. AGCS always strives to work to support positive behaviors and offer non-suspension options for behavior intervention.

Graduation Rate

	2022	2023	2024
AGCS	97.9% “Very High”	96.1%	91.1%
District	95.8% “Very High”	87.5%	88.3%
State	87.4% “Medium”	86.4%	86.7%

The Charter School has maintained a high graduation rate, outperforming the State and District over the past three years. While AGCS’s graduation rate dipped slightly over the past two years, AGCS is proud of the continuous progress being made.

The Charter School graduation rate in 2024 dipped slightly due to four students who did not complete their graduation requirements during their cohort years. After exhausting all efforts to support the students in meeting their high school graduation requirements, the students left the Charter School and did not enroll in another school. This resulted in them being counted as drop-outs and negatively affecting the graduation rate. Since the Charter School’s annual graduation classes are typically forty (40) students or fewer, every missing graduate makes a dramatic difference. To further support students and help mitigate these circumstances, the Charter School implemented a PACE Coach support program. Every high school student receives personalized support through tailored guidance for academic and future planning, effective goal setting and career strategies, exploration of interests and post-secondary options, connection to vital Charter School and community resources, and development of essential skills for academic and life success.

AGCS English Language Arts Performance

Demographic	2022	2023	2024
AGCS	-23.8 “Low”	-20.4	-17
Students with Disabilities	-66.1 “Low”	-62.4	-55.4
White	-19.6 “Low”	-18.9	-18.7
Socioeconomically Disadvantaged (“SED”)	-34.2 “Low”	-21.7	-24.1
District	-42.6 “Low”	-45.1	-38.5
State	-12.2 “Low”	-13.6	-13.2

AGCS has demonstrated consistently strong English Language Arts (“ELA”) California Assessment of Student Performance and Progress (“CAASPP”) scores as evidenced by the DFS in the table above. The Charter School has continued to improve CAASPP scores across the board. While the SED DFS slightly increased in 2024, the Charter School has been working on increasing student performance in ELA by promoting standards-aligned curriculum that is also effective for independent study students. AGCS has also expanded support for struggling students by increasing quality 1:1 tutoring options, adding an early intervention reading program, adding online ELA intervention options, and offering CAASPP preparation courses. While the State’s DFS scores are better than the Charter School’s, AGCS is confident that the continuous improvement seen over the past three years will continue.

AGCS Math Performance

Demographic	2022	2023	2024
AGCS	-70.7 “Low”	-85.4	-60.7
Students with Disabilities	-129.3 “Low”	-136.5	-108.5
White	-68.8 “Low”	-77.2	-60.2
Socioeconomically Disadvantaged	-85.1 “Low”	-88.4	-64.7
District	-83 “Low”	-81.6	-76.5
State	-51.7 “Low”	-49.1	-47.6

While the Charter School saw a decrease in performance from 2022 to 2023, the Charter School showed a dramatic increase in 2024 when the DFS improved by more than 25 points from the year previously. The Charter School has seen an increase in student performance in Math by promoting

standards aligned curriculum for independent study students. AGCS has also expanded support for struggling students by increasing quality 1:1 tutoring options, adding more in-person math classes at our resource center, adding online math intervention options, and offering CAASPP preparation courses.

Local Indicators

The following chart reflects the Charter School’s 2024 Dashboard Local Indicators as compared to the District.

Indicator	AGCS	District
Basics: Teachers, Instructional Materials, Facilities	Standard Met	Standard Met
Implementation of Academic Standards	Standard Met	Standard Met
Parent and Family Engagement	Standard Met	Standard Met
Local Climate Survey	Standard Met	Standard Met
Access to a Broad Course of Study	Standard Met	Standard Met

Verified Data

The law also gives middle-performing charter schools the opportunity to provide data showing measurable increases in academic achievement, via verified data:

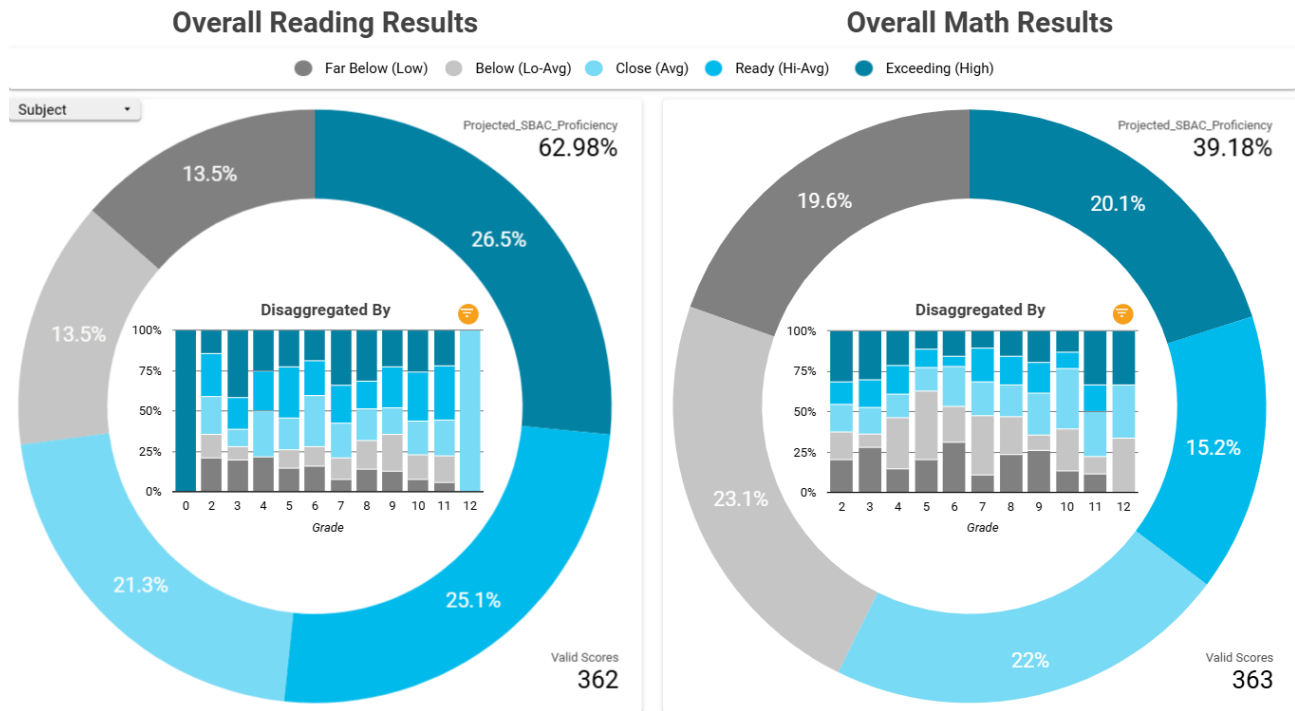
In addition to state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

- (A) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.
- (B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates, equal to similar peers.

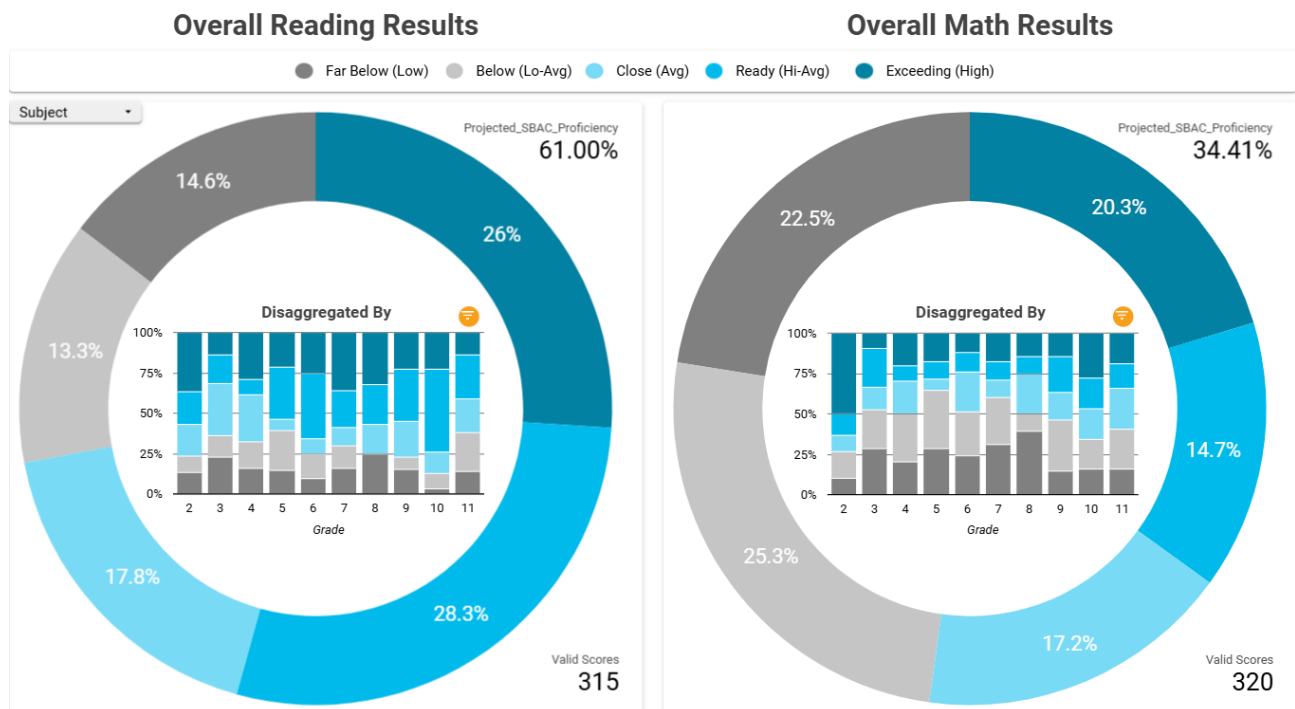
“Verified data” is defined in statute as “data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produces.” (Education Code Section 47607.2(c)(1).) In November 2020, the California State Board of Education approved the criteria to define “verified data” and the list of valid and reliable assessments and measures of postsecondary outcomes as required by Education Code Section 47607.2, and supplemented the list in May 2023. While again, this is not a renewal charter, AGCS’s verified data results are presented next, for ECS’s consideration of past performance.

The Charter School uses the Northwest Evaluation Association Measures of Academic Progress (“NWEA MAP”). According to PARSEC, "NWEA's MAP Growth assessments are aligned to the Common Core State Standards. Results from these assessments provide teachers with accurate, and actionable evidence to help target instruction for each student or groups of students regardless of how far above or below they are from their grade level."

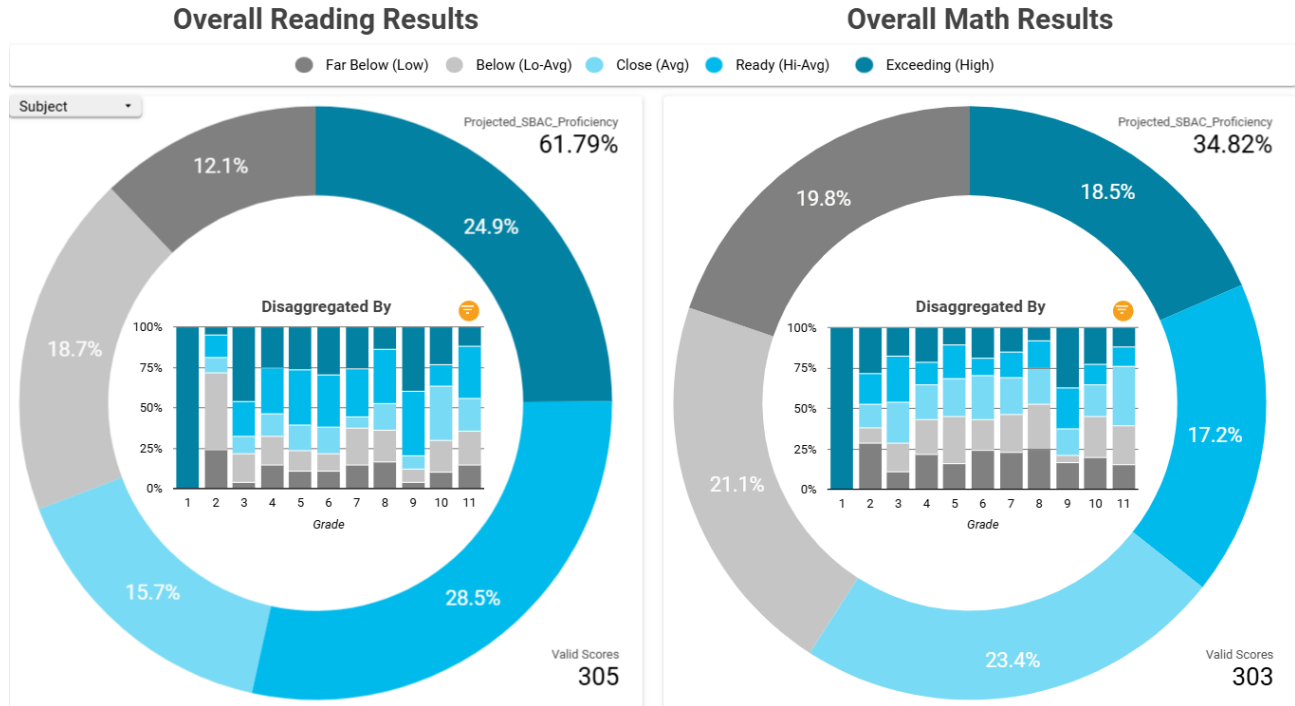
2024-25 Results



2023-24 Results



2022-23 Results



As evidenced above, schoolwide assessment data shows significant improvement in Reading and Math results in 2024-25 from the previous two years. We attribute this to expanded academic support programs such as tutoring, online programs, and test preparation, as well as focus on each student's personal academic growth.

The Charter School is working to increase tracking of postsecondary outcomes such as college enrollment, persistence, and completion rates. According to DataQuest, there has been improvement in college attendance up to 2022-23, the last year of available data:

2022-23:

Name	High School Completers	High School Completers Enrolled In College	College-Going Rate	Enrolled In College (In-State)	Enrolled In College (Out-of-State)	No Record of College Enrollment
Alder Grove Charter School 2	51	16	31.4%	29.4%	2.0%	68.6%
South Bay Union Elementary	51	16	31.4%	29.4%	2.0%	68.6%
Humboldt	1,306	727	55.7%	49.5%	6.1%	44.3%
State	442,474	290,577	65.7%	59.0%	6.6%	34.3%

2021-22:

Name	High School Completers	High School Completers Enrolled In College	College-Going Rate	Enrolled In College (In-State)	Enrolled In College (Out-of-State)	No Record of College Enrollment
Alder Grove Charter School 2	42	12	28.6%	28.6%	0.0%	71.4%
South Bay Union Elementary	42	12	28.6%	28.6%	0.0%	71.4%
Humboldt	1,303	652	50.0%	45.0%	5.1%	50.0%
State	456,167	282,972	62.0%	55.0%	7.0%	38.0%

2020-21:

Name	High School Completers	High School Completers Enrolled In College	College-Going Rate	Enrolled In College (In-State)	Enrolled In College (Out-of-State)	No Record of College Enrollment
Alder Grove Charter School 2	39	9	23.1%	23.1%	0.0%	76.9%
South Bay Union Elementary	39	9	23.1%	23.1%	0.0%	76.9%
Humboldt	1,238	626	50.6%	44.4%	6.1%	49.4%
State	435,202	270,876	62.2%	54.6%	7.6%	37.8%

What these charts do not show is recent effort to enroll and support students in dual and concurrent enrollment classes in college, volunteering/work experience opportunities, and CTE classes. Currently, out of 171 high school students, the Charter School has 42 students in dual enrollment classes, 50 students concurrently enrolled at College of the Redwoods or Cal Poly Humboldt, 10 enrolled in CR Work Experience, and 78 students enrolled in CTE courses. The Charter School has collaborated closely with Humboldt County Office of Education, The Jefferson Project, and the Ink People to bring expanded CTE programs to its students. Alder Grove continues to expand its CTE program and offers pathways in Plant and Soil Science, Design, Visual, and Media Arts, Game Design and Integration, Residential and Commercial Construction, Food Service and Hospitality, Patient Care, and Games and Simulations.

* * *

AGCS-2 met the legal requirement for renewal as a middle-performing charter school. We anticipate that that fact will give the District the assurance it needs to authorize AGCS as a continuing charter school.

Element 1. Educational Program

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

The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals. Education Code Section 47605(c)(5)(A)(ii).

If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(c)(5)(A)(iii).

Vision and Mission

We believe individual differences and the uniqueness of each child are to be supported and celebrated. Our mission is to deliver personalized learning through strong family, educator, and community partnerships that empower students to achieve academic excellence and foster active citizenship.

Educational Program

Alder Grove Charter School will enable students to become competent, productive, literate, self-motivated, lifelong learners by providing students and the student’s parents/guardians the opportunity to design a customized curriculum that is relevant, takes learning styles into consideration, embraces the students’ interests and addresses the Common Core State Standards (“CCSS”), Next Generation Science Standards (“NGSS”), History-Social Science Framework, English Language Development (“ELD”) Standards, and the remaining State Content Standards (collectively referred to herein as “State Standards.”) This approach is known as Personalized or Flex-Based Learning. AGCS will support and encourage parents/guardians to be the best teachers for their children by offering trainings, resources, and teacher guidance. The Charter School will provide unique enrichment opportunities and diverse resources, including technology, to students so they may develop their academic potential and discover and pursue their unique interests, talents, and passions in life.

The personalized learning model is an educational approach that recognizes that every student is an individual, with a distinct learning style, learning pace, learning path, and learning aspiration. Research confirms that children look to their parent/guardians as their primary role models for learning. Parent/guardians, in turn, are ultimately responsible for guiding their child’s learning and education. This model recognizes the value of parent/guardian involvement and participation in their children’s education and learning process, and the value of ongoing teacher development training.

The Charter School's academic program supports a collaborative relationship between parent/guardian, student, teacher, and school in creating an optimal learning process. AGCS will support a variety of learning choices and opportunities, both within and beyond the classroom, to address each student's individual learning needs and to optimize each student's learning potential.

AGCS will also aid in credit retrieval and graduation for motivated high school students who have not been successful in traditional education settings. Those students will meet more frequently with their assigned credentialed teacher for additional support as they work towards graduation. It is our goal to facilitate the learning necessary for high school graduation for all of our students by offering a personalized, relevant curriculum that supports those goals.

AGCS's program will include encouraging the use of different and innovative teaching methods and educational philosophies, developing varied forms of assessment, providing ongoing professional development for teachers and offering parent/guardian trainings. Alder Grove Charter School will hire qualified credentialed teachers and support staff who possess a love for children and a passion for individualized learning. AGCS will forge partnerships with parents/guardians, community organizations, and other educational institutions, including the District. Alder Grove Charter School will annually adopt a school calendar meeting all state requirements for instructional days. The number of instructional minutes for students enrolled in Alder Grove Charter School will meet or exceed those set forth in Education Code Section 47612.5(a)(1).

Target Student Population

Alder Grove Charter School is a personalized learning public charter school serving students in grades transitional-kindergarten ("TK")-12 throughout Humboldt County and adjacent counties. Humboldt County is a densely forested, mountainous and rural county in the northwest corner of California. The county contains over forty percent of all remaining old growth Coast Redwood forests, the vast majority of which is protected or strictly conserved within dozens of national, state, and local forests and parks, totaling approximately 680,000 acres. The unemployment rate for the county in August 2024 was 4.8%² and the median income was \$61,135 (2019-2023). 16.7% percent of the population lives below the poverty level.³

The county is comprised of 133,985 people (2023) and covers an area of 3,568 square miles.⁴

The school site is centrally located in the county seat of Eureka. Eureka is located on the coast about 100 miles south of the Oregon border and 270 miles north of San Francisco.

The original Alder Grove Charter School opened in the fall of 2006 with approximately 137 students and has had continuous growth since. Enrollment at the start of the 2014-15 school year was 312, the 2015-16 school year began with 350, and the school year 2016-17 began with 410. The table below shows the Charter School's enrollment since the last petition submission in 2018. The Charter School's enrollment is largely reflective of staffing and demand. During years like 2018-19, 2020-21,

²<https://labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Humboldt+County&selectedindex=12&menuChoice=localareapro&state=true&geogArea=0604000023&countyName=&submit1=View+Local+Area+Profile>

³ <https://www.census.gov/quickfacts/fact/table/humboldtcountycalifornia#>

⁴ <https://data.census.gov/profile?q=Humboldt%20County,%20California%20Lumbee>

and 2024-25, enrollment shows the success of having a full, well-trained teaching staff and the classified staffing to support higher enrollment numbers. AGCS has maintained an active waitlist since 2015.

	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Enrollment	477	449	472	457	429	438	476

As of the 2023-24 school year, about 71% of current Alder Grove Charter School-2's students qualified for free or reduced price meals. AGCS seeks to serve a similar student population.

AGCS seeks to educate students who are independent learners, and students who consider their future while receiving an education. Our focus is educating students for a career, or for college- readiness.

An Educated Person in the 21st Century

Alder Grove Charter School identifies an educated person in the 21st Century as a person who has achieved an optimum level of understanding of their own special talents and interests. This person has a level of literacy, communication skills and understanding that allows interaction with the world in a productive, positive manner. This person knows how to think and solve problems, understands and appreciates the diversity in our world and has a vision for life that includes the ability to be a lifelong learner. This person has mastered basic academic skills to the best of their ability.

This person is literate and has the following qualities:

- The ability to solve mathematical problems.
- The ability to think critically and determine the reliability of information.
- An overview of the history of humanity in all its diversity.
- An understanding of the United States political process.
- A scientific understanding of the world.
- An awareness of technology in the modern world.
- An appreciation for fine arts.

How Learning Best Occurs

We believe that learning best occurs when:

- Each student has their own personalized learning plan.
- Children feel safe, cared about, and respected.
- Children are encouraged to be themselves and to explore their individual talents to the fullest extent possible.
- Parents/guardians play an essential role in their children's education.
- Learning styles are taken into account.

- Students receive individualized instruction.
- Real life context based learning is emphasized.
- Students are offered relevant, challenging, and comprehensive curricula that allow them to pursue their interests.
- Enrichment is available through field trips, apprenticeships, community enrichment classes offered by local community partners (for example, martial arts, cooking, and art/music), community service and appropriate uses of technology.
- Academics are viewed as one aspect of education.
- The entire world serves as the Charter School's campus.

Independent Study Educational Program

Alder Grove Charter School will comply with all independent study laws as set forth in Education Code Sections 47612.5 and 51744, *et seq.* Students and parents/guardians will receive support from credentialed teachers, in addition to opportunities for tutoring, small classes, field trips, enrichment activities, such as music and drama, and technology. Educational materials will be checked out to parents/guardians and students and tracked through a library lending system.

Parents or guardians and their children will work with a California credentialed teacher to determine educational goals and objectives, and to create their personalized curriculum using the results of school-devised and other assessments, results of state mandated tests including the CAASPP, school records, and the students' interests as a guide. Parents or guardians will work with the credentialed teacher to determine the degree to which the credentialed teacher will be involved. This involvement may vary from advisory and assessment capacity to one of almost complete administration of the student learning process. The credentialed teacher will meet with the student(s) and parent/guardian(s) on a regular basis at least once every 10 school days. Additional meetings with the credentialed teacher may be required if the student is not making adequate academic progress. The written independent study agreement is a contract between the parent/guardian and the Charter School stipulating the distribution between the parent/guardian and the credentialed teacher of the following responsibilities:

- Giving assignments and instruction
- Selecting curriculum

The credentialed teacher is responsible for providing educational guidance and assistance requested by the parent/guardian. The credentialed teacher is the primary support person and the liaison between the parent/guardian and the Charter School.

The credentialed teacher will:

- Be responsible for the written agreement for independent study.
- Provide educational resources to each student.

- Assess the student's work, either orally or in written form.
- Assess the student's level of education, modify the curriculum as necessary and administer state mandated tests as required.
- Connect a student with academic support when needed.
- Document student learning and attendance.
- Maintain records of credits for each subject earned by all high school students, based on work successfully completed.
- Provide information to parents/guardians and students regarding the graduation requirements of Alder Grove Charter School.

Parents/guardians who enroll their children in the Charter School accept responsibility for their children's education. The parents/guardians become the primary facilitators in their children's learning program.

Parents/guardians will:

- Be committed to understand and use the independent study strategy appropriately.
- Transport student to all required statewide and schoolwide testing.
- Transport student to all specialized academic services as required by an IEP.
- Facilitate student's personalized learning program by checking for work completion and accuracy of work completed.
- Take steps to ensure the timely submission to the credentialed teacher of all student work, completed assignments, and accurate records necessary for the assessment of student progress and attendance accounting as specified in the written agreement.
- Attend regularly scheduled meetings with the credentialed teacher.
- Assume responsibility for supplied books, instructional materials and supplies and equipment.

Students will:

- Make regular, scheduled contact with the credentialed teacher with parent/guardian participation.
- Have all completed assignments available at meetings with student's credentialed teacher.

High School Program

The Charter School shall inform parents/guardians of the transferability of courses to other public high schools, and the eligibility of courses to meet college entrance requirements, in the student handbook, which is distributed or made available annually.

Serving Academically Low-Achieving Students

Students who have been identified as needing extra support using either CAASPP scores or our internal math, English language arts, and writing assessments are referred to the Charter School's mandatory academic support program. Students are supported through a variety of means, including math and writing labs, writing and reading support classes, one-on-one and small group help from a tutor, and online math and language arts programs.

Serving Academically High-Achieving Students

Because the Charter School offers a flexible, personalized learning program, high-achieving students can be challenged in many ways, including advanced curriculum, classes on campus and in the community, concurrent enrollment in college, and meetings with Director of Secondary Programs or designee, to plan for future educational needs of the student.

Serving English Learners

The Charter School will meet all applicable legal requirements for English Learners ("EL"), including long-term English Learners or English Learners at risk of becoming long-term English Learners, as they pertain to annual notification to parents/guardians, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents/guardians.

Home Language Survey

The Charter School will administer the home language survey upon a student's initial enrollment in a California public school (on enrollment forms).

English Language Proficiency Assessment

All students who indicate that their home language is other than English will be tested with the ELPAC. The ELPAC has four proficiency levels (Level 4: well developed; Level 3: moderately developed; Level 2: somewhat developed; and Level 1: minimally developed) and is aligned with the 2012 California ELD Standards.

The ELPAC consists of two separate assessments:

- Initial Assessment ("IA")

The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student's time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.

- Summative Assessment (“SA”)

ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

Both the ELPAC SA and IA are assessments administered in seven grade spans— K, 1, 2, 3–5, 6–8, and 9–12. In kindergarten and grade 1, all domains are administered individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually. The ELPAC IA and SA will be administered via a computer-based platform, while the ELPAC Writing Domain for Kindergarten through 2nd grade will continue to be administered as a paper-pencil test.

Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year.

The IA testing window will be year-round (July 1–June 30). Any student whose primary language is other than English as determined by the home language survey and who has not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year.

The SA testing window will be a four-month window after January 1 (February 1–May 31). The English language proficiency of all currently enrolled English Learners shall be assessed by administering the test during the annual assessment window.

The Charter School will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from the publisher. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of 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 basic skills relative to English proficiency using the Observation Protocol for Teachers of English Learners (“OPTTEL”) form and the pupil’s curriculum mastery.

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents’ opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation using the OPTEL form during the reclassification process.
- Comparison of the pupil’s performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

Strategies for English Learner Instruction and Intervention

The Charter School will provide EL students with support including weekly meetings with a credentialed teacher, appropriate curriculum, reading support, math and writing labs and classes, online support, and tutoring as needed.

Monitoring and Evaluation of Program Effectiveness

The Charter School evaluates the effectiveness of its education program for ELs by:

- Adhering to Charter School-adopted academic benchmarks by language proficiency level and years in program to determine annual progress.
- Monitoring teacher qualifications and the use of appropriate instructional strategies based on program design.
- Monitoring student identification and placement.
- Monitoring parental program choice options.
- Monitoring availability of adequate resources.

Serving Students with Disabilities

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504, the ADA and the IDEA.

The Charter School intends to be categorized as a public school of the District in accordance with Education Code Section 47641(b). In the event that the Charter School is not categorized as a public school of the District for purposes of special education, the Charter School shall seek to be its own local educational agency (“LEA”) and shall apply directly for membership in a Special Education Local Plan Area (“SELPA”) in conformity with Education Code Section 47641(a). The language that follows describes the special education program at the Charter School as a public school of the District, and alternatively, as an LEA.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

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

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. 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.

A 504 team shall be assembled by the Director of Special Services or designee and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team shall review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which shall evaluate the nature of the student's disability and the impact upon the student's education. This evaluation shall include 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 which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is 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 is made by the 504 team in writing and notice is 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, the 504 team obtains information indicating possible eligibility of the student

for special education per the IDEA, a referral for assessment under the IDEA shall be 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 are needed to ensure that the student receives a free and appropriate public education (“FAPE”). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School’s professional staff.

The 504 Plan shall describe 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, must have a copy of each student’s 504 Plan. The site administrator shall ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that the teacher review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan shall be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

Services for Students under the “IDEA” as a Public School of the District Pursuant to Education Code Section 47641(b)

*The following description regarding how special education and related services will be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition, and is not binding on the District. The specific manner in which special education and related services will be provided and funded shall be set forth in a Memorandum of Understanding (“MOU”), delineating the respective responsibilities of the Charter School and the District. **The language that follows is not meant to unilaterally bind the District, or to preclude alternative arrangements between the District and the Charter School as agreed upon in a MOU:***

The Charter School shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA. The Charter School shall remain, by default, a public school of the District for purposes of Special Education pursuant to Education Code Section 47641(b). However, the Charter School reserves the right to make written verifiable assurances that the Charter School shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEAs as a consortium.

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

As long as the Charter School functions as a public school of the District solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b), then we would anticipate that a Memorandum of Understanding (“MOU”) would be developed between the District and the Charter School which spells out in detail the responsibilities for provision of special education services and the manner in which special education funding will flow to the students of the Charter School.

The District shall be designated the LEA serving Charter School students. Accordingly, the Charter School shall be deemed a public school of the District pursuant to Education Code Section 47641(b) and 47646(a). The Charter School agrees to adhere to the requirements of the Local Plan for Special Education and to District policies. As a public school of the District, solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b),

in accordance with Education Code Section 47646 and 20 U.S.C. Section 1413, the Charter School seeks services from the District for special education students enrolled in the Charter School in the same manner as is provided to students in other District schools.

The Charter School acknowledges the importance of cooperating with the District so that the District can provide special education services to Charter School students. The Charter School agrees to promptly respond to all District inquiries, to comply with reasonable District directives, and to allow the District access to Charter School students, staff, facilities, equipment and records as required to fulfill all District obligations under this Agreement or imposed by law. The Charter School believes that the allocation of responsibility for the provision of services (including but not limited to referral, identification, assessment, case management, Individualized Education Program (“IEP”) development, modification and implementation) shall be divided in a manner consistent with their allocation between the District and its school sites.

Staffing

All special education services at the Charter School shall be delivered by individuals or agencies qualified to provide special education services as required by the Education Code and the IDEA. Charter School staff shall participate in District or SELPA in-service training relating to special education.

It is the Charter School’s understanding that the District will be 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 unless the District directs the Charter School that current District practice is for the individual school sites to hire site special education staff or the District and the Charter School agree that the Charter School must hire on-site special education staff. In that instance, the Charter School shall ensure that all special education staff hired by the Charter School is qualified pursuant to District and SELPA policies, as well as meet all legal requirements. The District may review the qualifications of all special education staff hired by the Charter School (with the agreement of the District) and may require pre-approval by the District of all hires to ensure consistency with District and SELPA policies. The District shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School shall adopt and implement policies relating to all special education issues and referrals.

Identification and Referral

The Charter School shall have the responsibility 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 implement District and SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs.

A pupil shall be referred for special education only after the resources of the general education program have been considered, and where appropriate, utilized.

It is the Charter School's understanding that the District shall provide the Charter School with any assistance that it generally provides its schools in the identification and referral processes, and will ensure that the Charter School is provided with notification and relevant files of all students who have an existing IEP and who are transferring to the Charter School from a District school. The District shall have unfettered access to all Charter School student records and information in order to serve all of Charter School's students' special needs.

In the event that the Charter School receives a parent written request for assessment, it will work collaboratively with the District and the parent to address the request. Unless otherwise appropriate pursuant to applicable State and Federal law, the Charter School and the District will provide the parent with a written assessment plan within fifteen days of receipt of the written request and shall hold an IEP within sixty days of parent's consent to the assessment plan to consider the results of any assessment.

The Charter School will follow District 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" shall have the same meaning as the term "evaluation" in the IDEA, as provided in Section 1414, Title 20 of the United States Code. The District shall determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with the District's general practice and procedure and applicable law. The Charter School shall work in collaboration with the District to obtain parent/guardian consent to assess Charter School students. The Charter School shall not conduct special education assessments unless directed by the District.

IEP Meetings

It is the Charter School's understanding that the District shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings as otherwise agreed upon by the District and Charter School: the Director of Special Services 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 a general education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the general education program at the Charter School and/or about the student. It is the Charter School's understanding that the District shall arrange 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 notice of parental rights.

IEP Development

The Charter School 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 District's IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the District and of the SELPA and State and Federal law.

The Charter School shall promptly notify the District of all requests it receives for assessment, services, IEP meetings, reimbursement, compensatory education, mediation, and/or due process whether these requests are verbal or in writing.

IEP Implementation

Pursuant to District policy and how the District operates special education at all other public schools in the District, the District shall be responsible for all school site implementation of the IEP. The Charter School shall assist the District in implementing IEPs, pursuant to District and SELPA policies in the same manner as any other school of the District. The District and Charter School will need to be jointly involved in all aspects of the special education program, with the District holding ultimate authority over implementation and supervision of services. As part of this responsibility, the Charter School shall provide the District and the parents with timely reports on the student's progress as provided in the student's IEP at least as frequently as report cards are provided for the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology unless directed otherwise by the District. The Charter School shall comply with any directive of the District as relates to the coordination of the Charter School and District for IEP implementation including but not limited to adequate notification of student progress and immediate notification of any considered discipline of special education students in such matters, the petitioners would notify the District of relevant circumstances and communications immediately and act according to District administrative authority.

Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to 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 the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the District and the Charter School 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 the District and the Charter School 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 the Charter School from a district operated program under the same special education local plan area of the District within the same academic year, the District and the Charter School shall continue, without delay, to provide services comparable to those

described in the existing approved IEP, unless the parent and the District agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the District and the Charter School 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 the District 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 the District, and develops a new IEP, if appropriate that is consistent with federal and state law.

Non-Public Placements/Non-Public Agencies

The District shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. The Charter School shall not hire, request services from, or pay any non-public school or agency to provide education or services to special education students without the prior written approval of the District. The Charter School shall immediately notify the District of 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 shall have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of their disability or due to the student's request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

The Charter School shall follow District policies as they apply to all District schools for responding to parental concerns or complaints related to special education services. The Charter School shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to the District unless otherwise directed by the District. The Charter School shall immediately notify the District of any concerns raised by parents. In addition, the Charter School and the District shall immediately bring to the other's attention any concern or complaint by a parent/guardian that is in writing and/or which involves a potential violation of state or federal law.

The District's designated representative, in consultation with the Charter School's designated representative, shall investigate as necessary, respond to, and address the parent/guardian concern or complaint. The Charter School shall allow the District access to all facilities, equipment, students, personnel, and records to conduct such an investigation.

The Charter School and the District shall timely notify the other of any meetings scheduled with parents/guardians or their representatives to address the parent/guardian concerns or complaints so that a representative of each entity may attend. The District, as the LEA, shall be ultimately responsible for determining how to respond to parent concerns or complaints, and the Charter School shall comply with the District's decision.

The Charter School and the District shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other

agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

Due Process Hearings

The District may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if the District determines such action is legally necessary or advisable. The Charter School agrees to cooperate fully with the District in such a proceeding. In the event that the parents/guardians file for a due process hearing, or request mediation, the District and the Charter School shall work together defend the case. In the event that the District determines that legal representation is needed, the Charter School agrees that it shall be jointly represented by legal counsel of the District's choosing.

The Charter School understands that the District shall have sole discretion to settle any matter in mediation or due process. The District shall also have sole discretion to file an appeal from a due process hearing or take other legal action involving any Charter School student necessary to protect its rights.

SELPA Representation

It is the Charter School's understanding that the District shall represent the Charter School at all SELPA meetings and report to the Charter School of SELPA activities in the same manner as is reported to all schools within the District.

Funding

The Charter School understands that it will enter into a MOU with the District regarding Special Education funding and cannot at this time unilaterally dictate the funding relationship between the District and the Charter School. The Charter School anticipates, based upon State and Federal law that the fiscal relationship could be summarized as follows:

Retention of Special Education Funds by the District

The District shall retain all state and federal special education funding allocated for Charter School students though the SELPA Annual Budget Plan, and shall be entitled to count Charter School students as its own for all such purposes.

Retention of ADA Funds by the District for Non-Public Placements

The Parties acknowledge that the District may be required to pay for or provide Charter School students with placements at locations other than at the Charter School's school site in order to provide them with a free appropriate public education. Such placements could include, without limitation, programs or services in other District schools, in other public school districts within the SELPA, in a County Office of Education program, in a non-public school, at home, at a hospital, or in a residential program. When such programs or services are provided at District expense, the District shall be entitled to receive from the Charter School the pro rata share of all funding received for such student, including, without limitation, all ADA funds, based on the number of instructional days or minutes per day that the student is not at the Charter School site.

Contribution to Encroachment

The Charter School shall contribute its fair share to offset special education's encroachment upon the District's general fund. Accordingly, the Charter School shall pay to the District a pro-rata share of the District's unfunded special education costs ("encroachment"). At the end of each fiscal year, the District shall invoice the Charter School for the Charter School's pro-rata share of the District-wide encroachment for that year as calculated by the total unfunded special education costs of the District (including those costs attributable to Charter School) divided by the total number of District ADA (including Charter School students), and multiplied by the total number of Charter School ADA. The Charter School ADA shall include all Charter School students, regardless of home district.

Services for Students under the "IDEA" as an LEA pursuant to Education Code Section 47641(a) or Through a "Pass Through" Agreement with ECS

The following description regarding how special education and related services will be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition, and is not binding on the District. The specific manner in which special education and related services will be provided and funded shall be set forth in an MOU, delineating the respective responsibilities of the Charter School and the SELPA. A copy of the MOU will be presented to the District upon execution.

Upon obtaining LEA membership in a SELPA in accordance with Education Code Section 47641(a), or upon reaching a pass through agreement with the District as a public school of the District for purposes of special education, the Charter School shall be solely responsible for providing services for special education students enrolled in the Charter School. The Charter School shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA.

The Charter School will provide services for special education students enrolled in the Charter School. The Charter School shall follow SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records.

The Charter School agrees to promptly respond to all District or SELPA inquiries, to comply with reasonable District or SELPA directives, and to allow the District or SELPA access to Charter School students, staff, facilities, equipment and records as required or imposed by law.

Staffing

All special education services at the Charter School shall be delivered by individuals or agencies qualified to provide special education services as required by the Education Code and the IDEA. Charter School staff shall participate in District or SELPA in-service training relating to special education.

The Charter School shall be 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. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School shall adopt and implement policies relating to all special education issues and referrals.

Identification and Referral

The Charter School shall have the responsibility 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 will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the general education program have been considered, and where appropriate, utilized.

The Charter School will 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” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. The Charter School shall determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

IEP Meetings

The Charter School shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings: the Director of Special Services or designee 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 a general education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the general education program at the Charter School and/or about the student. The Charter School shall arrange 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 notice of parental

rights.

IEP Development

The Charter School 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. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law.

IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP at least as frequently as report cards are provided for the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to 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 the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the Charter School 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 the Charter School 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 the Charter School from a district operated program under the same special education local plan area of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the District agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School 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 the Charter School 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 the Charter School, and develops a new IEP, if appropriate that is consistent with federal and state law.

Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

Non-discrimination

It is understood and agreed that all children shall have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of their disability or due to the student's request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

SELPA Representation

The Charter School's understands that it shall represent itself at all SELPA meetings.

Funding

The Charter School understands that it shall be subject to the allocation plan of the SELPA.

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), a reasonably comprehensive description of the Charter School's annual goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, in and aligned 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. Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is attached as Appendix A, which will apply to the

Charter School in its first year of operation. The Charter School 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. The Charter School reserves the right to establish additional and/or amend school-specific LCAP update. The Charter School shall submit the LCAP to the District annually on or before July 1, as required by Education Code Section 47604.33. The Charter School shall also present a report on the annual update to the LCAP and the local control funding formula budget overview for parents on or before February 28 of each year as part of a nonconsent item at a regularly scheduled Board meeting.

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 the Charter School at the school site.

Element 2. Measurable Pupil Outcomes

Governing Law: The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052 The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school. Education Code Section 47605(c)(5)(B).

and

Element 3. Methods of Assessment

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card. Education Code Section 47605(c)(5)(C).

The Charter School affirms that to the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

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), a reasonably comprehensive description of the Charter School’s annual goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, in and aligned 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. Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is attached as Appendix A, which will apply to the Charter School in its first year of operation. The Charter School 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. The Charter School reserves the right to establish additional and/or amend school-specific LCAP update. The Charter School shall submit the LCAP to the District annually on or before July 1, as required by Education Code Section 47604.33. The Charter School shall also present a report on the annual update to the LCAP and the local control funding formula budget overview for parents on or before February 28 of each year as part of a nonconsent item at a regularly scheduled Board meeting.

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 the Charter School at the school site.

Individual Outcomes

As stated above, each student will have a custom developed education program. Progress will be monitored and documented as per the written student agreement.

School-Wide Outcomes

It is a goal of Alder Grove Charter School for pupils to demonstrate age appropriate or grade- level mastery, aligned with the state standards, in the following core areas:

- **Mathematics:** Students will develop abilities to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, and other mathematical subjects aligned with the state standards.
- **Language Arts:** Students will demonstrate strong reading, writing, listening, speaking and presentation skills, with communication skills appropriate to the setting and audience. Students will demonstrate skills in multiple forms of expression, which may include including written, oral, or multi-media.
- **Science:** Students will successfully utilize scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physical, earth, environmental, and life sciences.
- **Social Studies:** Students will apply critical thinking skills to understanding historical and geographical knowledge in order to increase civic engagement, become active citizens, and have the opportunity to become a candidate for the State Seal of Civic Engagement.

In addition, students will have opportunities to pursue interests and develop skills in the following non-core areas:

- **World Language:** Students will be given the opportunity to gain proficiency in speaking, reading, writing, and listening comprehension in at least one foreign language. Students will have the opportunity to become a candidate for the State Seal of Biliteracy.
- **Fine Arts:** Students will explore their talents through the fine arts.
- **Special Interests:** Students will explore and develop additional talents and interests.

Expected Schoolwide Learning Outcomes

Alder Grove Charter School graduates are:

Aware and confident in their individual abilities, interests and talents and are able to use these individual interests, abilities and talents to successfully transition to the workforce or higher education.

Lifelong Learners who meet or exceed California graduation requirements, develop and utilize study and research skills, and demonstrate proficiency in state content standards.

Digital technology users who have the ability to critically evaluate information and use technological tools to enhance their personal and career life.

Effective problem solvers/critical thinkers who are able to research, identify, access and organize data effectively to arrive at informed conclusions and understand and apply principles of consumer economics.

Ready to transition to career or college, with an idea of how to learn what they need to have a happy, fulfilling life.

Grade Level Outcomes

CCSS aligned report cards have been developed and student progress toward meeting those standards will be assessed for grades K-6. These will be completed by the credentialed teacher with parent input once each semester. Students in grades 7-12 will be assessed using letter grades on courses enrolled in with a report card each semester. Courses that meet the University of California's A-G requirements have been and continue to be developed for those students wishing to enroll in a university in California. Alder Grove Charter School will maintain accreditation by the Western Association of Schools and Colleges ("WASC").

All students receiving a diploma of graduation from Alder Grove Charter School must complete the California State High School requirements as required for traditional public schools in Education Code Section 51225.3 as well as AGCS approved graduation requirements. It is reasonable to expect that high school credits earned at AGCS will be transferable to other public high schools.

In order to best serve our students and community, Alder Grove Charter School will continue to examine and refine its list of student learning objectives over time to reflect the Charter School's mission and any changes to state standards that support such mission. At any time prior to the expiration of the charter, AGCS's Governance Council may amend the learning objectives of this charter.

Element 4. Governance Structure

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

Non-Profit Public Benefit Corporation

The Charter School will be a directly funded independent charter school and will be operated by Alder Grove Charter School, a California non-profit 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 law 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 B, please find Alder Grove Charter School's Articles of Incorporation, Bylaws, and Conflict of Interest Code.

Governance Council

The Charter School will be governed by the Alder Grove Charter School corporate board of directors, known as the Governance Council (the "Council"), in accordance with its adopted bylaws, which shall be consistent with the terms of this charter.

The Governance Council shall consist of 5 to 9 Council members. In accordance with Education Code Section 47604(c), the District may appoint a representative to the Governance Council. If the District chooses to do so, the Charter School may appoint another member to ensure that the Council is maintained with an odd number of members.

Upon receipt of a petition for student representation that meets the requirements of Education Code Section 47604.2(b)(2), the Governance Council shall order the inclusion within its membership, in addition to the number of members otherwise prescribed, of at least one student member. A student member of the Governance Council shall have preferential voting rights as defined in Education Code Section 47604.2(b)(4).

Each council member shall hold office unless otherwise removed from office in accordance with these bylaws for three (3) years and until a successor council member has been elected and qualified. Council members shall be elected by sealed ballots no later than three (3) weeks before the Annual Meeting of the Governance Council of Alder Grove Charter School. The ballot shall contain the names of all qualified candidates submitted to the Charter School Superintendent/Executive Director. Each family unit with student(s) enrolled is entitled to one vote. Each Charter School staff member and each member of the Governance Council is entitled to one vote. In the event a staff member or council member is also a part of a family unit, that staff member or council member shall not be entitled to an additional vote for being a council member or staff member. In the event that students

from any family reside in different households, each household shall be considered a separate family unit for voting purposes.

The Governance Council 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 Governance Council shall be governed in its operations and its actions by the corporate bylaws of Alder Grove Charter School, which shall be consistent with the terms of the charter, the Charter Schools Act, and all other applicable laws. The Governance Council shall have final authority for all aspects of the Charter School's operation and educational program. The roles and responsibilities of the Governance Council include but are not limited to:

- Finance:
 - Monitor fiscal solvency and management.
 - Approve budgets/spending and fiscal policies.
- Educational Program:
 - Monitor student performance.
 - Ensure curriculum aligns with mission as outlined in charter.
- Personnel:
 - Hire/fire/evaluate the Superintendent/Executive Director.
 - Approve personnel policies.
 - Approve staffing recommendations and decisions.
- Facilities:
 - Enter into financing and building contracts.
 - Approve construction and remodeling of facilities.

The Charter School will comply with all federal, state, and local laws that are applicable to independent study public charter schools. The Charter School will maintain, general liability, errors and omissions, property and casualty, and workers compensation insurance.

The Governance Council may initiate and undertake any program or activity, and may otherwise act in any manner which is neither in conflict with, inconsistent with, nor preempted by any law, and which is not in conflict with the purposes for which charter schools are established.

Council members who attend training or are conducting authorized Council business may also receive reimbursement of expenses. All such costs shall be included in the Charter School's annual budget. Council members have the option to decline reimbursements in writing to the Superintendent/Executive Director at the annual meeting or the individual member's first meeting.

The Governance Council may execute any powers delegated by law to it and shall discharge any duty imposed upon it by law and may delegate to an officer or employee of Alder Grove Charter School or a third party any of those duties. The Governance Council, however, retains ultimate responsibility over the performance of those powers or duties so delegated. All meetings of the Governance Council will conform to the Brown Act. The Charter School has adopted 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.

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

Advisory Committees

The Charter School may have one or more advisory committees comprised of faculty, parents, community members or other members of the public with varying areas of expertise. The purpose of an advisory committee is to provide advice, expertise and resources related to Charter Schools, fund-raising, community relations, and other areas relevant to the success of the Charter School. The Superintendent/Executive Director and/or the Governance Council may consult with an advisory committee or its members when appropriate.

Superintendent/Executive Director

The Charter School Superintendent/Executive Director is to the Charter School Governance Council what the Superintendent is to the District Board of Trustees. The Charter School Superintendent/Executive Director will work full-time for the Charter School and the Charter School Superintendent/Executive Director's salary shall be paid for by the Charter School.

The Charter School Superintendent/Executive Director will communicate directly with the Governance Council and to the District Board of Trustees through its Superintendent or designee as necessary. The Charter School Superintendent/Executive Director is fully responsible for the daily administration of the Charter School. The responsibilities of the Superintendent/Executive Director shall be clearly delineated in the Charter School's personnel policy handbook, and will include, but not limited to, the following:

- Liaise with the Charter School and the District, parents, and the community.
- Remain current with legislation and educational trends that will benefit the Charter School.
- Draft the annual Charter School budget.
- Hire Charter School faculty and staff.
- Secure facilities as necessary for the Charter School.

School Leadership Team

The Alder Grove Charter School shall have a 5-9 person Leadership Team. The Leadership Team will be responsible for crafting the means to achieve the outcomes delineated and/or approved by the Governance Council. The Leadership Team will be composed of an equal number of faculty representatives and parents, as well as the Charter School Superintendent/Executive Director. The roles and responsibilities of the Leadership Team include but are not limited to:

- Finance:
 - Develop and recommend annual budget and/or major budget changes.

- Implement fiscal recommendations.
 - Review quarterly budget reports and audit report.
- Educational Program:
 - Review student performance data.
 - Research/develop student data collection system.
 - Develop/align standards, curriculum and assessment.
 - Develop school calendar.
 - Develop parent/student handbook.
- Personnel:
 - Conduct prospective employee interviews.
 - Develop and/or recommend personnel policies.
 - Develop/implement professional development plan.
- Facilities:
 - Conduct school site needs assessment.
 - Research school site, funding and facilities options.
 - Make recommendation on facility needs and policies.

The leadership team, consisting, in the first year of operation, of the leadership team from Alder Grove Charter School, shall be designated by the then-current leadership team.

District Oversight

The District shall have supervisory oversight of the Charter School. Such duties shall be performed in compliance with the Education Code.

Memorandum of Understanding

Alder Grove Charter School intends to enter into a memorandum of understanding with the District clearly delineating the supervisory oversight and administrative services provided by the District to AGCS and the fiscal and legal relationship between the two entities.

The MOU shall include, but not be limited to:

- Direct funding of the Charter School in accordance with Education Code Section 47651.
- Charter School authority to contract with third parties.
- Services to be purchased by the Charter School from the District if available, and the fee schedule of such services.
- Fiscal reporting requirements to the state.
- Oversight requirements of the District.

Parental Involvement in Governance

Parent/guardians are encouraged to become members of the LCAP Parent Advisory Committee (to give input on the LCAP), Community School Advisory Team (to give feedback and input on the Community Schools Grant), Community Engagement Initiative Team (to give input on the Community Engagement Initiative Grant's uses), School Leadership Team (to give input on policies, procedures, hiring, budgets, and other needs), and Governance Council (where input is gathered from students, families, and staff, and decisions for the Charter School are made).

Element 5. Employee Qualifications

Governing Law: The qualifications to be met by individuals to be employed by the charter school. Education Code Section 47605(c)(5)(E).

Superintendent/Executive Director Qualifications

The Superintendent/Executive Director and any other administrator at the Charter School shall possess leadership abilities and a comprehensive educational vision that is consistent with the Charter School's vision, philosophy and educational program. In addition, the Superintendent/Executive Director shall possess a valid California teaching credential and preferably a Master's degree, and have a minimum of three years teaching experience, preferably in an independent study charter school.

School Coordinator/Director Qualifications

The School Coordinators, including testing/academic support and college and career, shall possess a valid California teaching credential, and a minimum of three years teaching experience, preferably in an independent study/personalized learning charter school.

Teacher Qualifications

The Charter School teachers will hold the Commission on Teacher Credentialing certificates, permits, or other documents required for the teacher's certificated assignment pursuant to Education Code Section 47605(l)(1).

Instructional Support Staff Qualifications

The Charter School may also employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity. Instructional support staff will not serve as the teacher of record for individual pupils and may not assign grades or approve student work assignments.

Professional Development

Professional development will be required of the Charter School staff, both certificated and administrative. Included will be professional workshops, seminars, and programs. The Charter School staff will be diverse in thinking and encouraged to be creative with regards to alternative methods of teaching.

Professional development, which is viewed as a lifelong commitment to professional excellence, will be an integral part of the Charter School's structure. The staff at the Charter School will pursue professional development opportunities that will assist them in developing exemplary methods of teaching as well as developing new methods of student evaluation and assessment. Funds will be budgeted that will make it possible for the Charter School staff to participate in a meaningful professional development plan.

Element 6. Health and Safety Procedures

Governing Law: The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

- (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.*
- (ii) The development of a school safety plan, and the annual review and update of the plan, pursuant to Section 47606.3.
. Education Code Section 47605(c)(5)(F).*

In order to provide safety for all students and staff, the Charter School shall maintain full health and safety policies and procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts. These procedures will be incorporated into the Charter School's student and staff handbooks, attached as Appendix C, and will be reviewed on an ongoing basis by the Charter School's Superintendent/Executive Director and Governance Council. The Charter School shall ensure that staff are trained annually on the health and safety policies.

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

Procedures for Background Checks

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of 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 Superintendent/Executive Director of the Charter School shall monitor compliance with this policy and report to the Charter School Governance Council on a regular basis. The Council President shall monitor the fingerprinting and background clearance of the Superintendent/Executive Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall 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, the same policies and procedures used by the District. The Charter School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

Tuberculosis Risk Assessment and Examination

Employees, and volunteers who have frequent or prolonged contact with students, will be assessed and examined (if necessary) for tuberculosis prior to commencing employment and working with students, and for employees at least once each four years thereafter, as required by Education Code Section 49406.

Immunizations

All enrolled students who receive classroom-based instruction will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075. All rising 7th grade students must be immunized with a pertussis (whooping cough) vaccine booster.

Upon a student's admission or advancement to 6th grade, the Charter School shall submit to the student and their parent or guardian a notification that advises students to adhere to current immunization guidelines regarding human papillomavirus ("HPV") before admission or advancement to 8th grade, consistent with the requirements of Education Code Section 48980.4 and Health and Safety Code Section 120336.

Medication in School

The Charter School will adhere to Education Code Section 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; per AB 1651 (2023), the Charter School shall store emergency epinephrine auto-injectors in an accessible location upon need for emergency use and include that location in annual notices required by law. To the extent the Charter School maintains a stock of albuterol inhalers to respond to respiratory distress in students, the Charter School shall comply with the requirements of Education Code Section 49414.7, including with respect to training, notices, and the stocking of albuterol inhalers.

Vision, Hearing, and Scoliosis

Students will be screened for vision, hearing and scoliosis. The Charter School will adhere to Education Code Section 49450 *et seq.* as applicable to the grade levels served by the Charter School.

Diabetes

The Charter School shall make type 1 diabetes informational materials accessible to the parent or guardian of a pupil when the pupil is first enrolled in elementary school. The Charter School will provide 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 not be limited to, all of the following:

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

Suicide Prevention Policy

The Charter School shall maintain 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. Pursuant to AB 58 (2021-22), the Charter School will also review and update its suicide prevention policy to incorporate best practices identified by the California Department of Education's model policy, as revised.

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.

Menstrual Products

The Charter School shall stock the school's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom. The Charter School shall post a notice regarding the requirements of Education Code Section 35292.6 in a prominent and conspicuous location in every restroom required to stock menstrual products, as specified. This notice shall include the text of Education Code Section 35292.6 and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

All Gender Restrooms

On or before July 1, 2026, the Charter School shall provide and maintain at least one all-gender restroom for voluntary student use at each of its schoolsites that has more than one female restroom and more than one male restroom designated exclusively for student use. The restroom shall have signage identifying the bathroom as being open to all genders, it shall remain unlocked, unobstructed, and easily accessible by any student, and be available during school hours and school functions when students are present. The Charter School shall designate a staff member to serve as a point of contact and to post a notice regarding these requirements.

School Meals

The Charter School shall provide breakfast and lunch free of charge during each school day to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service provided. The meals provided under this paragraph shall be nutritionally adequate meals that qualify for federal reimbursement.

The Charter School shall provide each student adequate time to eat as determined by the Charter School in consideration of available guidance.

Recess

Except where a field trip or other educational program is taking place, if the Charter School provides recess, to the extent required by Education Code Section 49056, the Charter School shall provide supervised and unstructured recess, distinct from physical education courses and mealtimes, of at least 30 minutes on regular instructional days and at least 15 minutes on early release days. The Charter School shall not restrict a student's recess unless there is a physical safety of the student or one or more of their peers.

California Healthy Youth Act

The Charter School shall teach sexual health education and human immunodeficiency virus (“HIV”) prevention education to students in grades 7-12, at least once in middle school and at least once in high school, pursuant to the California Healthy Youth Act (Education Code Section 51930, *et seq.*).

Mental Health Education

If the Charter School offers one or more courses in health education to students in middle or high school the Charter School shall include in those courses instruction in mental health that meets the requirements of Education Code Section 51925, *et seq.*

Mental Health Information

The Charter School shall create and post a poster at the schoolsite identifying approaches and resources addressing student mental health in compliance with Education code Section 49428.5. The poster shall be displayed in English and the primary language(s) spoken by 15 percent or more of students enrolled at the schoolsite. The poster shall be prominently and conspicuously displayed in appropriate public areas that are accessible to, and commonly frequented by, students at the schoolsite. The poster shall also be digitized and distributed online to students through social media, internet websites, portals, and learning platforms at the beginning of each school year.

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 the following pursuant to Education Code Section 32282(a)(2)(A)-(O):

- a. child abuse reporting procedures
- b. routine and emergency disaster procedures
- c. policies for students who committed an act under Education Code Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or other mandatory expulsion recommendations
- d. procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- e. a discrimination and harassment policy consistent with Education Code Section 200
- f. provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel,” if applicable
- g. procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- h. a safe and orderly environment conducive to learning
- i. the rules and procedures on school discipline adopted pursuant to Education Code Sections 35291, 35291.5, 47605, and 47605.6
- j. procedures for conducting tactical responses to criminal incidents
- k. procedures for active shooter drills if included in the School Safety Plan

- l. procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at a an activity sponsored by the school, or on a schoolbus serving the school
- m. procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds
- n. procedures specifically designed to notify parents and guardians of pupils, teachers, administrators, and school personnel when the school confirms the presence of immigration enforcement on the schoolsite
- o. a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose

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.

Disaster procedures included in the School Safety Plan shall address and include adaptations for students with disabilities. To the extent an employee, parent/guardian, educational rights holder, or student brings concerns regarding the procedures to the principal and, if there is merit to the concern, the principal shall direct the School Safety Plan to be modified accordingly.

The Charter School shall develop an instructional continuity plan, consistent with Education Code Section 32282(a)(3), to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted due to an emergency pursuant to Education Code Sections 41422 or 46392(a).

Workplace Violence Prevention Plan

The Charter School shall establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan consistent with the requirements of Labor Code Section 6401.9.

Blood borne Pathogens

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Council shall adopt a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus and hepatitis B virus (“HBV”).

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

Drug-, Alcohol-, and Smoke-Free Environment

The Charter School shall function as a drug-, alcohol-, and smoke-free environment.

Facility Safety

The Charter School shall comply with Education Code Section 47610 by utilizing facilities that are either compliant with the Field Act or facilities that are compliant with the California Building

Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.

Comprehensive Anti-Discrimination and Harassment Policies and Procedures

The Charter School 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. The Charter School shall develop a comprehensive policy to prevent and immediately remediate any concerns about discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the 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 there is a new employee hired. The Charter School shall create a poster that notifies students of the applicable policy on sexual harassment in accordance with Education code Section 231.6, and shall prominently and conspicuously display the poster in each bathroom and locker room at the schoolsite and in public areas at the schoolsite that are accessible to, and commonly frequented by, pupils.

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.

Supporting LGBTQ Students

Through the completion of the 2029-30 school year, the Charter School shall use an online training delivery platform and curriculum to provide at least one hour of required LGBTQ cultural competency training annually to teachers and other certificated employees and maintain records of such training as required by Education Code Section 218.

SAFETY ACT

Pursuant to AB 1955 (2024), employees of the Charter School shall not be required to disclose any information related to a pupil's LGBTQ+ identity to any other person without the pupil's consent unless otherwise required by state or federal law. This provision shall not limit a parent's ability to

request school records on behalf of their child.

Homicide Threats

The Charter School shall comply with all requirements under Education Code Section 49390-49395 regarding mandatory reporting in response to homicidal threats. All employees and Board members who are alerted to or who observe any threat or perceived threat in writing or through an action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity shall make a report to law enforcement.

Gun Safety Notice

At the beginning of the first semester, the Charter School shall distribute a notice to the parents/guardians of each student addressing California's child gun access prevention laws and laws related to firearm safety utilizing the most updated model language published by the California Department of Education.

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.

Transportation Services

The Charter School shall comply with the requirements of Education Code Section 39875(c), if applicable, relating to background checks and testing for individuals providing transportation services for students.

Weather Policy

On or before July 1, 2026, the Charter School will develop, adopt, and implement a weather policy that includes protocols for extreme weather conditions, and incorporate the standardized guidelines developed by the CDE.

Element 7. Means to Achieve Student Population Balance

Governing Law: The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Education Code Section 47605(c)(5)(G).

The flexibility of the Charter School's program and the alternative educational options that it provides to students and their families attracts a diverse student population. The Charter School recruits students from a diverse range of racial, ethnic, linguistic, ability, and socioeconomic backgrounds, to ensure its student population is reflective of the general population of the District, including diverse racial and ethnic communities, home languages, and special education needs.

The Charter School may engage in the following recruitment and outreach activities, in addition to the word-of-mouth recommendations from families and referrals from the District and County Office of Education, which we anticipate will continue for AGCS :

- Distribute informational materials at local markets, public libraries, coffee shops, churches, and business. Materials will be available in English and Spanish.
- Host informational events at the Charter School's main office to meet and speak with interested families.
- Advertise in the local newspapers, such as The North Coast Journal, The Times Standard, and The Mad River Union.
- Include informational materials on the Charter School website and/or social media accounts.

Element 8. Admission Policies and Procedures

Governing Law: Admission policies and procedures, consistent with [Education Code Section 47605] subdivision (e). Education Code Section 47605(c)(5)(H).

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition or discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or their parent or legal guardian within the state, unless required by Education Code Section 51747.3. In accordance with Education Code Sections 49011 and 47605(e)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

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 all parents.

Prior to admission, the legal guardian and the student must sign an independent study parent/student agreement. These signatures indicate an understanding of the Charter School outcomes, philosophy, program, and requirements. AGCS urges all applicants to attend a new family orientation, preferably prior to admission, but in no case later than the time of enrollment.

Public Random Drawing

Applications will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period each year, applications shall be counted to determine whether any grade span has received more applications than availability. In the event that this happens, the Charter School will hold a public random drawing (or “lottery”) to determine admission for the impacted grade span, with the exception of existing students, who are guaranteed admission in the following school year. Admission preferences in the case of a public

random drawing shall be given to the following students in the following order:

- 1) Siblings of students admitted to or attending the Charter School;
- 2) Children and grandchildren of current Charter School teachers, staff, and Governance Council members;
- 3) Residents of the District; and
- 4) 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 Governance Council will take all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled by the designated lottery official (appointed by the Superintendent/Executive Director). Separate lotteries shall be conducted for each grade span in which there are fewer vacancies than pupils interested in attending. There is no weighted priority assigned to the preference categories; rather, within each grade span, 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.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

Public random drawing rules, deadlines, dates and times will be communicated in the application form and on the Charter School's website. Public notice for the date and time of the public random drawing will also be posted once the application deadline has passed. The Charter School will also inform all applicants and interested parties of the rules to be followed during the public random drawing process via mail or email at least two weeks prior to the lottery date.

The Charter School will conduct the lottery in the spring for enrollment in fall of that year, and as needed to fill independent study teacher rosters.

Element 9. Annual Financial Audit

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

An annual independent financial audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(c)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide.

The Charter School will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and will 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 County Superintendent of Schools, the State Controller, and the California Department of Education by December 15th of each year. Alder Grove Charter School's Governance Council will review any audit exceptions or deficiencies, and will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The independent financial audit of the Charter School is a public record to be provided to the public upon request.

Element 10. Suspension and Expulsion Policy and Procedures

Governing Law: The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that are consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(iv) A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. Education Code Section 47605(c)(5)(J).

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

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/guardians⁵ 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 Superintendent/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 IDEA or who is qualified for services under 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 requires 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 Education Code, when imposing any form of discipline on a student identified as an individual with disabilities, 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 or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays 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 and shall inform the student, and the

⁵ The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

student's parent/guardian of the basis for which the student is being involuntarily removed, and the student's parent/guardian's requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action before the effective date of the action to involuntarily remove the student.. If the student's parent/guardian 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 described below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study written agreement pursuant to Education Code Section 51747(c)(4).

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, including marijuana, and alcoholic beverage, or intoxicant of any kind. Students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, including marijuana, and 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, betel, and electronic cigarettes. This section does not prohibit the use of a student's own prescription products by a student. Students who voluntarily disclose their use of a tobacco product in order to seek help through services or supports shall not be suspended solely for that disclosure.
- 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 section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for 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 12, 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 12, 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 12, 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.
 - (1) 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.
 - (b) 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 Penal Code Section 31, 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 Superintendent/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 Superintendent/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, including marijuana, and alcoholic beverage, or intoxicant of any kind. Students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, including marijuana, and 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, betel, and electronic cigarettes. This section does not prohibit the use of a student's own prescription products by a student. Students who voluntarily disclose their use of a tobacco product in order to seek help through services or supports shall not be suspended solely for that disclosure.

- 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 12, 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 12, 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) rights by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
 - t) Obtained, possessed, or distributed pornographic material, including photographs, books, magazines, and videos.
 - u) 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.

- v) A student who aids or abets, as defined in Penal Code Section 31, 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).
- w) 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 Superintendent/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 Superintendent/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 Governance Council 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 bladed fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3 ½ 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 Superintendent/Executive Director or the Superintendent/Executive Director's 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 Superintendent/Executive Director or designee. The conference may be omitted if the Superintendent/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 the 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 pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. Penalties shall not 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 or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by email, 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 when the student may return to school following the suspension. 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 Superintendent/Executive Director or designee, the student and the student's parent/guardian shall be invited to a conference to determine if the suspension for the pupil 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 Superintendent/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 Charter School Governance Council following a hearing before it or by the Charter School Governance Council upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Governance Council as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the student nor a member of the Charter School Governance Council. 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 Governance Council 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 Superintendent/Executive Director or designee determines that the pupil has committed an expellable offense.

In the event an Administrative Panel hears the case, it will make a recommendation to the Council for a final decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under 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 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 him or her to the witness stand.
- 7) If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The 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 hearing room 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 Council 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 Governance Council, which will make a final determination regarding the expulsion. The final decision by the Governance Council shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Governance Council is final.

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

J. Written Notice to Expel

The Superintendent/Executive Director or designee, following a decision of the Governance Council to expel, shall send written notice of the decision to expel, including the Governance Council's 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 Superintendent/Executive Director or designee shall send a copy of the written notice of the decision to expel to the charting 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 Governance Council's decision to expel shall be final.

M. Expelled Students/Alternative Education

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

N. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Governance Council at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the 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 Governance Council following a meeting with the Superintendent/Executive Director or designee and the student and 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 Superintendent/Executive Director or designee shall make a recommendation to the Governance Council following the meeting regarding the Superintendent/Executive Director's or designee's determination. The Council 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 Section 49079 and the corresponding enumerated offenses set forth above.

Q. 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/guardian, 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 parent/guardian 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/guardian 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/guardian, 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 Superintendent/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.

Element 11. Retirement Systems

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605(c)(5)(K).

Faculty and staff at Alder Grove Charter School will participate in the federal Social Security system, State Teachers' Retirement System ("STRS") or the Public Employees' Retirement System ("PERS") and federal social security, depending upon each individual's eligibility. Additionally, certificated and classified staff members of Alder Grove Charter School shall retain all previously vested rights in their respective retirement systems. The Superintendent/Executive Director shall be responsible for ensuring that retirement coverage arrangements are made for all employees of the Alder Grove Charter School.

Element 12. Public School Attendance Alternatives

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(c)(5)(L).

No student may be required to attend the Charter School. 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 admission forms that students have no right to admission in a particular school of a local educational agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local educational agency.

Element 13. Employee Return Rights

Governing Law: The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(c)(5)(M).

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

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.

Element 14. Dispute Resolution

Governing Law: The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter. Education Code Section 47605(c)(5)(N).

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, the Charter School staff, employees and Council members of the Charter School and the District agree to first frame the issue in written format (“dispute statement”) and refer the issue to the District Superintendent and the Charter School Superintendent/Executive Director, or their respective designees. In the event that the District 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 specifically 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/Executive Director and Superintendent, 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 the receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two governing board members from their respective boards, who shall jointly meet with the Superintendent and the Director, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If the joint meeting fails to resolve the dispute, the Superintendent/Executive District and Charter School shall submit the dispute to a mediator. The Superintendent and the Superintendent/Executive Director, or their respective designees, shall agree in writing to the selection of the mediator and the procedure for the mediation. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The recommendations of the mediator are non-binding and advisory only. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. The cost of the mediator will be shared equally between 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 and Title IX policy and procedures, as required by state and federal law. Parents, students, Council 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.

Public Comments

The Charter School and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Element 15. Closure Procedures

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

Closure of the Charter School will be documented by official action of the Governance Council. 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 the Charter School, the District, the Humboldt County Office of Education, the Charter School's SELPA, the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The 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 Council's decision to close the Charter 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 the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the FERPA. The Charter School will ask the District to store original records of Charter School students. All student records of the Charter School shall be transferred to the District upon Charter 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 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 Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

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

On closure of the Charter School, 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 Charter 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 District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, 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 Council 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.

As specified by the Budget in Appendix D, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

Miscellaneous Charter Provisions

Budgets and Financial Reporting

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

Attached, as Appendix D, please find the following documents:

- Budget narrative
- A projected budget
- Financial projections and cash flow for three years of operation

These documents are based upon the best data available to the petitioners at this time.

The Charter School shall provide reports to the District and County Superintendent of Schools as follows in accordance with Education Code Section 47604.33, and shall provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year.
2. By July 1, a local control and accountability plan and an annual update to the local control and accountability plan required pursuant to Education Code Section 47606.5.
3. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, California Department of Education and County Superintendent of Schools.
4. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
5. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

The Charter School shall provide reporting to the District as required by law and as requested by the District including, but not limited to, the following: California Basic Educational Data System ("CBEDS"), actual Average Daily Attendance reports, all financial reports required by Education Code Sections 47604.33 and 47605(m), the School Accountability Report Card ("SARC"), and the LCAP.

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607.

Pursuant to Education Code Section 47604.3, the Charter School shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from the District.

Administrative Services

Governing Law: The manner in which administrative services of the charter school are to be provided. Education Code Section 47605(h).

The Charter School will provide or procure its own 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. The Charter School will utilize Delta Managed Services (“DMS”) as the qualified third-party contractor. DMS is an independent charter school administrative services firm located in Sacramento, California. Now in their 19th year, they provide a comprehensive set of back-office, administrative, and financing services to nearly 50 charter schools, assisting them in meeting the complex operational and compliance hurdles of successful charter school operation.

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.

Term of Charter

The Charter for Alder Grove Charter School shall be for the term of five years, commencing on July 1, 2026. The charter may be renewed for subsequent terms by the District, in accordance with Education Code Sections 47607 and 47607.2. Alder Grove Charter School shall submit its charter renewal petition prior to the expiration date. The District will act on the request in accordance with the standards and criteria of Education Code Sections 47605, 47607, and 47607.2.

Material Revisions

Any material revisions to this charter shall be made by the mutual agreement of the governing boards of the Charter School and the District. Material revisions shall be made pursuant to the standards, criteria, and timelines in Education Code Section 47605.

Facilities

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

Pursuant to Education Code Section 47605(a)(5)(A), “[a] charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

- (i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.
- (ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.”

AGCS currently operates a resource center at 714 F Street, Eureka, California, in accordance with Education Code Section 47605.1(c)(1). This resource center houses the school office, administration, meeting spaces, resource libraries for curriculum and materials, meal services, academic support programs, and classrooms.

AGCS intends to relocate the Charter School, or add an additional facility (for a maximum of two facilities in Eureka), once a site or facility is found that meets the needs of the Charter School, within ECS boundaries. The Charter School understands that the facility would be subject to inspection by ECS.

Potential Civil Liability Effects

Governing Law: Potential civil liability effects, if any, upon the charter school and upon the school district. Education Code Section 47605(h).

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

Conclusion

By approving this charter, the District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Petitioners are eager to work independently, yet cooperatively with the District to establish the highest bar for what a charter school can and should be. To this end, the Petitioners pledge to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal requesting a five year term from July 1, 2026 through June 30, 2031.