



# Olive Grove Charter School

**Olive Grove Charter School: Buellton  
Charter Petition**

**Submitted to the Santa Ynez Valley Union School District on October 2, 2017**

**Approved on Appeal by the State Board of Education on  
July 11, 2018**

**For the term: July 1, 2018 – June 30, 2023**

## INTRODUCTION

This charter petition proposes the establishment of the Olive Grove Charter School: Buellton. Under the new charter, the school will continue most operations of a predecessor charter school, the Olive Grove Charter School, authorized by the California State Board of Education. Olive Grove Charter School is an independent school governed by the Olive Grove Charter Schools, Inc. Board of Directors. Olive Grove Charter School shall be operated by Olive Grove Charter Schools, Inc., a California nonprofit 501(c)(3) public benefit corporation.

Under its previous charter, the Olive Grove Charter School functioned with four meeting spaces within Santa Barbara County and an additional facility in San Luis Obispo County. At these learning centers, Olive Grove Charter School anticipates preserving the educational program as it currently functions and providing additional support and enrichment opportunities to enhance its educational offerings. The school anticipates that most students enrolled in the predecessor school will enroll in the new school.

Olive Grove Charter School meets the needs of students that are looking for alternatives to the traditional educational system. Olive Grove Charter School serves a high at-risk student population, of over seventy percent. OGCS is, additionally, currently seeing an increase in students with special health considerations and students experiencing negative social/emotional responses to bullying/discrimination issues within their more traditional school setting. Olive Grove Charter School also supports students that must work to help support their families or are working in a professional setting, be it sports or entertainment. OGCS is also referred to students/families by school counselors, parole officers, and Child Protective Services/Child Welfare Services student advocates throughout Santa Barbara County; that feel students would be more successful in a setting where the student receives more individualized instruction and support and/or students who are getting into trouble/expelled and/or failing and falling behind their peers at their local district schools.

Olive Grove Charter School currently operates as an independent study program authorized by the California State Board of Education (SBE) with operations overseen by the California Department of Education (CDE). Students attend individualized meetings with a certificated teacher on a weekly basis. At this individualized meeting, the certificated teacher reviews previously assigned learning objectives and assignments, provides instructional support, delivers tests, and assigns learning objectives and assignments for the subsequent week. Parents of students in grades TK-8 will be encouraged to be present at every weekly meeting and parents of students in grades 9-12 will be encouraged to be present in one meeting a month (as parents are an integral part of the program's requirements and success). Support classes are offered for students in math and English-language arts and for completion of UC A-G approved laboratory

requirements in the science and visual arts classes. Additionally, Olive Grove Charter School offers enrichment labs for collaborative, hands-on, inquiry-based learning opportunities.

Currently, Olive Grove Charter School is in good standing with the CDE, SBE, and EDCOE SELPA. Enrollment for Olive Grove Charter School is currently just over five hundred students throughout all the currently operating learning centers with a staff of over forty employees. All teaching staff are certificated to teach in California and receive salaries consistent with nearby district salary schedules.

The impetus for this new charter petition is the result of a recent court decision that affects independent study charter schools throughout California, including Olive Grove Charter School. On October 16, 2016, the 3<sup>rd</sup> District Court of Appeals ruled in *AUHSD v. Shasta Secondary Home School* that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. Currently, Olive Grove Charter Schools, Inc. has four (4) resource centers located within Santa Barbara County that are affected by the ruling. These resource centers have been in operation and serving the needs of Olive Grove Charter Schools, Inc. students since the charter was approved by the State Board of Education in July 2015 and through the predecessor school, Olive Grove Charter Home School, since the 2001/2002 school year. Olive Grove Charter School created these resource centers in alignment with the direction provided by the California Department of Education (“CDE”) as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994, and has continued to operate these facilities in alignment with the Frequently Asked Questions regarding charter schools as published on the CDE website.

If these centers were to close, it would also jeopardize our current resource center in San Luis Obispo County, affecting another 100 students. Olive Grove Charter Schools, Inc. has no “out clauses” in our current leases to allow lease termination prior to the end of the term. The court’s ruling would thus cost the school millions of dollars in lease fees for facilities we cannot use for student instruction, essentially bankrupting the school. Additionally, the court’s ruling would jeopardize Olive Grove Charter Schools, Inc.’s ability to continue to employ over forty employees. Accordingly, this charter is necessary to allow the continued operation of Olive Grove Charter School’s existing resource center located in the District that provides the services and resources required under Education Code Section 51746 (required services and resources for independent study students, including but not limited to learning centers and instructional staff), intervention support for all students, direct instruction opportunities for all students, but also provides a location for Federally mandated special education services to allow the provision of a free appropriate public education (“FAPE”) to students who qualify under the Individuals with Disabilities in Education Act (“IDEA”), state mandated testing as required of charter schools

pursuant to Education Code Section 47605(c), and laboratory facilities to allow students to fulfill UC and CSU A-G requirements.

### **Background: California Charter Schools**

In 1992, the state legislature created charter schools to introduce, develop and encourage instructional innovation. Charter schools afford the community and pupils the opportunity to develop approaches outside the traditional classroom environment and were designed to provide teachers, parents, pupils, and community members with a vehicle to expand parental choice in educational options. California Education Code 47601 states that charter schools are intended to accomplish the following:

- Improve pupil learning.
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- Hold the schools established under this part accountable for meeting measurable pupil outcomes and provide the schools with a method to change from rule-based to performance-based accountability systems.
- Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

The Charter Schools Act of 1992, as subsequently amended, established fifteen required elements to be included in a charter petition. The fifteen required elements are as follows:

1. A description of the educational program.
2. Measurable pupil outcomes.
3. Methods to assess pupil progress.
4. Governance structure.
5. Employee qualifications.
6. Health and safety procedures.
7. Racial and ethnic balance.
8. Admission requirements.
9. Financial and program audits.
10. Pupil suspension and expulsion.
11. Retirement systems for staff.

12. Attendance alternatives.
13. Employee rights.
14. Dispute resolution process, oversight, reporting, and renewal.
15. School closure procedures.

## **LEGAL AFFIRMATIONS AND ASSURANCES**

As the authorized lead petitioner, I, Laura Mudge, hereby certify that the information submitted in this petition for a California public charter school to be named Olive Grove Charter School: Buellton (“OGCSB” or the “Charter School”), located within the boundaries of the Santa Ynez Valley Union High School District (“SYVUHSD” or the “District”) and approved by the State Board of Education (“SBE”) with oversight provided by the California Department of Education (“CDE”), is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, 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:

1. The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. (Ed. Code § 47605(c)(1).)
2. Olive Grove Charter Schools, Inc. declares that it shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. (Ed. Code § 47605(b)(6).)
3. The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. (Ed. Code § 47605(d)(1).)
4. The Charter School shall not charge tuition. (Ed. Code § 47605(d)(1).)
5. The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process subject to legally required or allowable preferences as set forth below. Except as required by Education Code Sections 47605(d)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). 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(d)(2)(C). (Ed. Code § 47605(d)(2)(A)-(C).)

6. 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 or association with an individual who has any of the aforementioned characteristics). (Ed. Code § 47605(d)(1).)
7. 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, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.
8. The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. (Title 5, California Code of Regulations (“5 C.C.R.”), §§ 11967.5.1(f)(5)(C).)
9. The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. (Ed. Code § 47605(l).)
10. The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
11. 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).
12. If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. (Ed. Code § 47605(d)(3).)
13. The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. (Ed. Code § 47612.5(a)(2).)
14. The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs. (Ed. Code § 47605(c).)

15. The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. (Ed. Code § 47605 and 47605.1.)
16. The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. (Ed. Code § 47612(b) and 47610.)
17. The Charter School shall meet or exceed the legally required minimum number of schooldays. (5 C.C.R. § 11960.)
18. The Charter School shall adhere to all applicable provisions of federal law relating to students who are English learners, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.
19. 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”).
20. The Charter School shall comply with the Public Records Act.
21. The Charter School shall comply with the Family Educational Rights and Privacy Act.
22. The Charter School shall comply with the Ralph M. Brown Act.

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Date

**ELEMENT 1: DESCRIPTION OF THE 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 21<sup>st</sup> century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(ii).*

*Governing Law: 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, or the nature of the program operated, by the charter school, 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(b)(5)(A)(ii).*

*Governing Law: 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(b)(5)(A)(iii).*

**Olive Grove Charter Schools, Inc. Mission Statement:**

- “Olive Grove Produces IDEAL Students”:
- I = Informed Critical Thinkers
- D = Dedicated and Responsible Citizens
- E = Effective Communicators
- A = Able Technology Users
- L = Learners, Motivated and Self-Directed

*The mission of the Olive Grove Charter School is to plan, monitor, and assist in the education of students TK-12 in a home or blended school learning environment enabling them to speak, read, write, use technology, and calculate effectively to become self-motivated, competent, and life-long learners. The Olive Grove Charter School will provide students with the necessary resources to achieve success and meet state standards in core academic subjects appropriate to their level. Additionally, students will become career/college ready upon completion of the*

*program. This will be achieved in a collaborative effort with parents as primary deliverers of the educational program, certificated teachers and the community.*

### **We the Community and Staff of Olive Grove Charter Schools, Inc. Believe:**

- Every student can learn and be successful.
- Every student can benefit from participating in a balanced curriculum of academics, technological application, arts, and physical education.
- Education is a shared responsibility requiring the active collaboration of all stakeholders.
- A successful learning environment is dependent upon respect, integrity, and equity.
- A safe and clean environment is essential for effective learning.
- Continuous fiscal solvency is critical to the success of the school.

### **We Care About Our Children**

The Olive Grove Charter School: Buellton provides a voluntary alternative public educational choice for families of students in grades TK-12 who choose to educate their students in a blended learning environment with certificated teachers, counselors, and parents working together to best educate each student according to his/her Individual Learning Plan (ILP) goals. The Olive Grove Charter School: Buellton enrolls a diverse population of students who understand and value the school's mission and are committed to the school's operational philosophy.

The Charter School provides guidance, support, assistance, and resource materials to enable parents, working collaboratively with certificated teachers, to succeed in meeting the individual academic needs of their students. The Charter School provides an alternative means for the delivery of a challenging comprehensive education program to students whose learning styles or family choice makes a non-traditional school environment preferable.

Through its predecessor charter school, Olive Grove Charter School; OGCSB has successfully served students and families for the past two years. The program has grown from a hundred students to over five hundred students, throughout the Olive Grove Charter Schools, Inc. network of schools, in the past two years. The Charter School is structured to meet the unique and changing needs of our families and their students in a flexible and creative manner. Within this supportive framework, we provide a quality, structured program and provide guidance and supervision from certificated teachers. Parents and students are provided the opportunity to work with a variety of educational programs that best suit each student's needs. Students who complete high school graduation requirements will receive a high school diploma. Our goal is that each student will be able to speak, read, write, calculate, use technology, and become a self-motivated, competent, life-long learner.

## **Students to be Served**

Olive Grove Charter School: Buellton will serve students in grades TK-12 seeking an alternative educational option. The expected ethnic profile of the Olive Grove Charter School: Buellton, (based on 09/09/2017 demographic enrollment data) is approximately 27% Hispanic or Latino, 59% White, 12% American Indian or Alaska Native, and 2% other. Additionally, (again based on 09/09/2017 demographic enrollment data) approximately 6% of students are expected to be classified as English Learners, 17% as students with a disability, 12% GATE, and about 51% are expected to qualify for the federal Free and Reduced Meal program.

Buellton is in the Santa Ynez Valley within the boundaries of Santa Barbara County. The Santa Ynez Valley houses the Chumash Indian Casino and OGCSB has a considerable population of Chumash Indians enrolled. The Santa Ynez Valley is also one of the most expensive areas to live within Santa Barbara County. Ronald Reagan's Rancho del Cielo is within the Santa Ynez Valley and many still-living celebrities also enjoy the ranch style living that the Santa Ynez Valley provides. While most families in the Santa Ynez Valley enjoy a high socio-economic standard of living, over half of OGCS: Buellton families qualify for the federal Free and Reduced Meal program.

Olive Grove Charter School: Buellton serves a high at-risk student population. Olive Grove Charter School: Buellton will complete and submit the Dashboard Alternative Schools Status participation form and submit supporting documents, as required by the CDE's DASS participation guidelines. Additionally, OGCSB expects that a larger percentage than average of students will require a fifth year of high school to graduate, based on the high percentage of students that enroll with credit deficiencies.

Olive Grove Charter School: Buellton seeks to serve families and students who see benefit in the option the school provides. This includes families and students with a wide range of needs. At the TK-8 level, the population is more heavily comprised of families wanting to educate their students using a home school model but with a strong connection to a supportive independent study teacher who is highly responsive to the student's and the family's needs. At the 9-12 level, the population is more heavily comprised of students who feel more suited to alternatives to the traditional school setting or who, for a multitude of reasons, benefit from a blended independent study model. This includes youths needing flexible schedules, pregnant and/or parenting teens, recovered dropouts, credit deficient students, homeless and foster youth, and students who have had challenging and even damaging social experiences at previous educational settings, expelled/suspended students; as well as students that work at a higher academic level and wish to dual enroll and/or work at a faster pace.

Enrollment and subgroup population percentages change month to month and year to year, as OGCSB has a highly mobile and at-risk student population. Educational supports are structured to support the varied needs of each student that enrolls in Olive Grove Charter School: Buellton to best serve their Individualized Learning Plans (ILPs). Many of these students have had unpleasant experiences at a traditional setting and frequently enter into OGCSB with little trust in themselves as students, adults, or the education system as a whole. They require assistance in their personal/social and college/career development areas. In a very short time, trust is built and self-esteem rises sufficiently so that students realize that educational success is well within their reach. Once this is achieved, students develop increased attendance, punctuality, positive self-image, assignment completion, and educational achievement.

### **What it Means to be an “Educated Person” in the 21<sup>st</sup> Century**

OGCSB views the following skills and qualities as important for an educated person in the 21<sup>st</sup> century:

- Proficient skills and content knowledge in English, mathematics, social studies, and science
- Proficient 21<sup>st</sup> century skills embedded in Common Core: communication, collaboration, creativity, and critical thinking
- Proficiency in basic technology applications
- Readiness to succeed in chosen college and/or career paths

OGCSB’s educational program will enable pupils to employ the above skills as self-motivated, competent, life-long learners.

### **How Learning Best Occurs**

OGCSB’s design reflects as a set of beliefs about how learning best occurs. The educational design and philosophy are consistent with the school’s vision, mission, and target population and are grounded in research on best practices in education. Learning occurs best when the following conditions exist:

- Students have flexibility to personalize their learning path
- Students’ relationship with teachers is supportive and nurturing
- Teachers facilitate customized and individualized learning plans according to each student’s learning needs and learning style, including connecting learning to the student’s individual interests
- Teachers approach learning with an open-ended, problem-solving mindset
- Students have access to an array of learning supports and supplemental resources

- Students receive one-on-one support and encouragement
- Students have access to multiple educational modalities
- Students feel safe and valued in their educational community

The core of our instructional program is the focus on personalized, differentiated instruction that is self-directed with customized supports to meet each student’s significant needs. Learning best occurs for students in an environment where their success is nurtured and allowed to develop, their safety and social-emotional needs are met, and where an instructional system is competency-based and adapts to the needs of every student.

Students learn *how* to learn by giving them the training to take initiative for their own learning experiences and access higher level thinking skills. Varying modalities of auditory, visual, and kinesthetic learning help keep students engaged. Teachers are encouraged to enhance lessons with varied activities and hands-on projects that implement collaborative learning techniques and connect student learning to the “real world.” As learning progresses, scaffolds are gradually removed so that students eventually are able to demonstrate comprehension independently.

### **Parent/ Teacher/ Student Master Agreement**

Pursuant to Education Code Section 51747, an agreement shall be signed by: (1) the pupil, (2) parent, guardian, or caregiver of each charter school pupil; (3) the certificated charter school employee who has been designated as having responsibility for the general supervision of independent study; and (4) all persons who have direct responsibility for providing assistance to the pupil. This agreement shall include all of the elements described in Education Code Section 51747(c).

Parents of OGCSB students are expected to commit to the following principles to ensure a better education for their children:

- Understand the educational plan of OGCSB, OGCSB’s operation, and the roles, rights, and responsibilities of parents and their children.
- Will be encouraged to attend a mandatory orientation meeting to learn about charter schools, OGCSB’s educational program, the Student/Parent/Teacher Master Agreement, and ways in which parents can contribute to the success of both their child and OGCSB.
- Complete and return all forms, questionnaires, and other requests for information that may be required by OGCSB as approved by the Board of Directors.
- Ensure the completion of homework and class projects.
- Reinforce the importance of education on a daily basis and discuss with each student what was learned at school.
- Understand the OGCSB Academic Probation Policy and Procedures
- Assure that each student arrives at school on time, dressed appropriately, and ready to learn.

- Attend Back-to-School Night and/or Open House each year.
- Keep informed about OGCSB through communication with the resource center staff and by materials regularly distributed to students and/or their families.

## **Curriculum and Instruction**

The purpose of OGCSB is to plan, monitor, and guide the education of TK-12 students in an independent learning environment, enabling them to become self-motivated, competent, life-long learners. Students will be taught core academic skills and knowledge in the subject areas of language arts and mathematics (California Common Core State Standards), science (Next Generation Science Standards), social studies (California content standards), personal development in the arts, and physical education.

Olive Grove Charter School: Buellton provides students with the resources necessary to achieve goals and meet State Standards in all subjects appropriate to their level. OGCSB teachers have made curriculum adaptations to teach to the Common Core State Standards, including emphasizing higher-level thinking skills, prioritizing problems with depth over breadth, using inquiry, and providing increased opportunities to communicate, including speaking with teachers, family, community members, and peers. Teachers' adaptations have extended to revising pacing plans and/or rewriting courses. Additionally, OGCSB uses technology as a tool to expand learning options and supports. For example, teachers are recording lessons to benefit students that cannot attend weekly support classes (due to work schedules, health issues, etc.) These students are able to access the videos online or by DVD format and can watch them at school or at home, depending on what is best for each student. Students that choose online classes are able to access videos and lessons online through several online curriculum choices that OGCSB offers, as well.

Students achieve in a collaborative effort with parents, certificated teachers as supervisors of the educational program, and the community as a resource for the educational program. Parents and students work with a certificated teacher to determine educational goals and objectives and create the student's Individualized Learning Plan (ILP) and master educational plan. Certificated teachers also determine the most effective teaching strategies. Parents are required to monitor learning daily and sign an affidavit on a regular basis to certify that they have monitored their child's learning daily. For all students in grades TK-12, parents sign weekly personalized learning plans that record student progress.

Each student's set of circumstances and abilities are unique. OGCSB understands that students learn best when they are motivated, involved, and appropriately challenged. OGCSB individualizes each student's educational program to his or her interests and ability levels to ensure that each student learns at his or her own optimal rate and level.

OGCS: Buellton is housed in the main downtown area of Buellton, with easy access to the 101 freeway, buses, food options, and the main local supermarket. OGCSB teachers work collaboratively to support student learning. Teachers all work in the same large common space area and students can access any OGCSB teacher (besides just their own assigned teacher) for educational support, depending on area of expertise. OGCSB provides a safe and nurturing atmosphere. Many students come several days a week to work on lessons and get additional teaching by certificated teachers, as needed. OGCS has computers for student access in the same open common space area that teachers work and also allows students to check out/ take home computers for individual use. Some students prefer to work in the OGCSB facility and some students prefer to work in the comfort of their own homes. Students can choose textbook and/or online curriculum and can attend extra support sessions to assist in student learning.

OGCSB teachers customize each student's learning program beginning with an intake assessment in English-language arts and Mathematics. At present, OGCSB uses Renaissance Learning's STAR assessments, which are aligned with Common Core State Standards and CAASPP testing expected outcomes. OGCSB staff use the results to identify student needs (for example, whether students need remedial help with fractions and decimals as they begin high school math courses). Teachers also examine the student's report card and/or cumulative record. Teachers review with students and parents the curricular options and determine any adjustments to the "default" curriculum that will be made to customize learning. Throughout the year, teachers monitor progress on assessments and adjust students' ILPs accordingly.

OGCSB's educational program is carefully designed to meet each individual student's needs. OGCSB will provide a student-centered grades TK-12 instructional program through a competency-based, personalized instructional model, designed to allow for flexibility while maximizing access to educational resources for every student. OGCSB will combine independent study with comprehensive and extensive services that include campus-based classes, labs, enrichments, counseling, psycho-social support and extracurricular activities. Every student will have a daily schedule targeting their individualized educational needs, while providing daily access to counseling, social supports and much needed post-secondary planning from day one.

Students learn using textbooks and supplementary materials, field trips, small group support classes, audio and visual technology (including computer based courses), and large group programs. For many students, learning will take place primarily in the home but will also occur at the school site and within the community. Students will have required weekly contact with the certificated teacher assigned to supervise and monitor student assignments and progress. Teachers are also available for additional assistance and educational support during regularly scheduled school hours. For some core high school courses, on-site support classes are offered with sessions occurring one to two times weekly, depending on the course and the content area. OGCSB also

makes available numerous online platforms, including Pearson Gradpoint, ALEKS Mathematics, Renaissance Accelerated Math, Renaissance Accelerated Reading, Renaissance Accelerated Reading Non-Fiction, and Khan Academy, as well as the OGCSB approved textbook's online teaching and curriculum supports. Additionally, OGCSB teaches students and parents to use resources provided to support student learning. Students without home access to technology are invited to study at the school location, utilizing OGCSB's technology and staff for additional educational support. There are also computers available for student check-out, when students have internet access at home.

At present, OGCSB uses the Wonders Program in English-Language Arts published by McGraw Hill (grades TK-6) and National Geographic Cengage (grades 7-8), which embeds options to provide additional challenge for high achieving students, to provide additional instruction and practice where students need it, and to provide access and instruction for English Learners. OGCSB offers Envision Mathematics and Aleks for Common Core-aligned math programs. Social Studies courses utilize Harcourt curriculum (K-5) and McDougal Littell (6-8). Additionally, OGCSB offers Pearson Gradpoint as an online option for students in grades 6-8. As the new Social Studies standards and approved textbooks are determined, OGCSB will update curriculum to align with the newer standards. Harcourt Science is used for K-5 and Holt Science for grades 6-8. OGCSB is creating NGSS hands-on learning kits for students and families and plans to adopt new NGSS aligned textbooks as they become available. OGCSB teachers draw on numerous options to meet students' needs, for example, resources for extra math practice or to develop skills in reading comprehension, grammar, handwriting, and so on. Students, teachers, and parents review embedded assessments at weekly meetings. Teachers create weekly calendars with assignments, classes, and dates pre-filled out for student and parent utilization during the week.

At grades 9-12, and in some cases at grades 6-8, OGCSB is structured as an independent study program, where students have increased responsibility to complete the learning program by drawing on the various learning support resources as needed. These resources include help from parents, help from teachers, supplemental resources, online and text-based resources, and on-site learning labs and tutoring.

Olive Grove Charter School: Buellton has a full UC A-G approved list of courses. High School students have the option of taking Pearson Gradpoint classes and/or textbook courses that are California standards aligned. OGCSB uses Envision Mathematics, Aleks, and Pearson Gradpoint for math options, Holt McDougal, Pearson ELA, Cengage Inside and Pearson Gradpoint for English-language arts options, Prentice Hall and Pearson Gradpoint for Social Science options, and Miller/Levine Biology, Pearson Chemistry and Pearson Gradpoint, with additional wetlab classes offered for High School Science. High school math and English courses have weekly on-site support classes. UC A-G approved science courses and art courses

include a required lab component for course completion. Teachers create weekly calendars with assignments, classes, learning objectives, and dates pre-filled out for student and parent utilization during the week for all high school students.

### **Independent Study Assurances**

OGCSB shall comply with all applicable independent study laws including, but not limited to, Education Code Sections 51745 *et seq.*, 47612.5, 47634.2; and Title 5, California Code of Regulations, Sections 11700-11705 and 19850-19854. These laws require, among other things, that OGCSB shall operate pursuant to an adopted independent study Board policy; each student will have a master agreement; and OGCSB must file for a funding determination as a condition of funding. OGCSB shall maintain written contemporaneous records that document all student attendance. An annual, independent audit of student records will be conducted by a state-approved certified public accountant and needs to be free of exceptions or qualifications. These records shall be made available for audit and inspection.

### **School Calendar**

OGCSB is committed to ensuring that the legally required minimum number of annual instructional minutes and annual school days are offered as required by Education Code Section 47612.5 and Title 5, California Code of Regulations, Section 11960. Thus, for each fiscal year, OGCSB will offer at a minimum the following number of minutes of instruction supervised by a certificated teacher:

1. To students in grade TK-K, 36,000 minutes
2. To students in grades 1 to 3, inclusive, 50,400 minutes.
3. To students in grades 4 to 8, inclusive, 54,000 minutes.
4. To students in grades 9 to 12, inclusive, 64,800 minutes.

### **Plan for At-Risk and Academically Low-Achieving Students**

OGCSB serves, in part, students who have not experienced success in previous educational settings, especially among high school students. OGCSB is designed with the requisites of this population of students in mind. Teachers assess students' needs on entry to the program and monitor progress throughout the year, working with students and parents to determine the resources and strategies that are most effective with each individual student. Supports for students may include one or more of the following interventions:

- Instructional activities and/or materials modified to accommodate different academic needs
- Instructional activities and/or materials modified to incorporate students' interests
- Additional help from teachers by virtual means or in person
- Structured labs and small group instruction for extra practice and skills remediation
- Supplemental instruction, including targeted academic interventions to raise skills to grade level
- Student Success Team meetings with school personnel and the parent or guardian for students still not achieving at grade-level standards to review the above strategies and plan for new ones
- Individualized Learning Plan development and implementation
- Individualized instruction
- Development of a master educational course plan for graduation (high-school specific)

Students who are struggling may be required to participate in supplemental instruction or remedial coursework. OGCSB teachers set up expectations with parents that they will need to assist with intervention if their students do not meet expected outcomes. Teachers indicate lack of progress to parents and provide specific steps to take to address the issues. Above all, OGCSB teachers continue to problem-solve and make adjustments to promote student success.

Olive Grove Charter School: Buellton is built on a foundation of trust, professionalism and continuous improvements. The one-on-one relationship between the teacher and student fosters a mutually trusting and respectful relationship and environment. OGCSB staff is committed to providing the best education possible for all students. Developing relationships with the students and providing a nurturing environment tailored to student success is one of OGCSB's greatest strengths.

At-risk and academically low-achieving students go through five stages on their path to educational success after enrolling in Olive Grove Charter School: Buellton. Stage one is where the students learn to trust themselves and their teacher, as well as learn life skills that enable them to become lifelong learners. Students learn to change attitudes, gain self-confidence, begin to experience educational success, and start buying into school again. During stage two, students formulate goals, continue to improve their positive self-image, plan their educational program, exhibit a positive attitude, improve attendance, punctuality and assignment completion. Stage three is where real learning occurs. Student achievement, meeting course requirements, and extra motivation is experienced during this stage. Stage four aligns with students meeting and exceeding their educational goals. Students begin to feel confident in themselves and look ahead towards college/career goals for their future. During stage five, students continue their educational and college/career goals postsecondary and achieve personal and social success.

At-risk and academically low-achieving students progress through these five stages with varying timelines. Olive Grove Charter School: Buellton supports students throughout these five stages, no matter what length of time is required and also provides individualized educational and social/emotional supports throughout the process.

Many of the high school students who start with the school at the high school level will be behind academically; both through ability and in credits. All students will have access to state standards based curriculum along with the support services offered by the school. The students will be assessed in reading by the Renaissance STAR assessment to determine their independent and instructional reading levels. The students who will be determined to be two or more grade levels below in reading will need of intensive intervention utilizing Renaissance Accelerated Reading and Non-Fiction Reading program and support classes for targeted grade level reading skills alignment. Along with the academic assessment, the student's transcripts will be analyzed to determine the shortcomings both in terms of grades received and number of credits completed.

The Renaissance STAR assessment will also determine if gaps exist in students' mathematical background. Teachers have the ability to fill the gap using Renaissance Accelerated Math program and/or the Aleks Math program, along with direct instruction and with the appropriate curriculum to support the student.

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

The school will also use authentic assessments to determine the academic level of students. Students will have access to experienced, qualified staff as needed to supplement the online programs, textbook options, support classes, as well as opportunities to participate in additional instructional experiences in the community. When students become deficient in their mastery of one or more standards, the entire system mobilizes to make sure that students will be identified and re-taught. At-risk students will need support with their daily work while catching up with skills and concepts that they do not understand. Each teacher consistently and effectively reteaches standards, skills, and concepts that have not been mastered and ensures students attend support classes or individualized one-on-one instruction with the appropriate single-subject certificated staff member.

Staff development that helps teachers effectively work with at-risk students as well as low achieving students will be a critical element of the educational program. The OGCSB language arts and mathematics experts will conduct staff development regularly to review specific students, as well as develop overarching strategies for teachers to employ to move students

towards proficiency. Staff development will include modeling the effective instructional strategies, using assessment results to guide instruction and intervention, ways to support language acquisition, and scoring and giving feedback on student writing, as well as how to more effectively using the online resources such as Aleks Math, Pearson Gradpoint, Renaissance Accelerated Reading, Renaissance Accelerated Non-Fiction Reading, and Renaissance Accelerated Math programs.

### **Multi-Tiered System of Supports (MTSS)**

Olive Grove Charter School: Buellton utilizes the Multi-Tiered System of Supports (MTSS) to ensure equitable access for all students in academic, behavioral, and social-emotional frameworks within Olive Grove Charter School: Buellton. Students in the bottom tier of the Olive Grove Charter School: Buellton Pyramid (Tier 1) are supported in their Common Core State Standards and Social-Emotional/Behavioral. Students and families are provided with OGCSB Student Success binders upon enrollment, are Renaissance tested for proper academic level placement, and taught how to access Olive Grove Charter School: Buellton's system of supports. If students are not successful with the many supports OGCSB offers, modifications and/or interventions are put in place (through the collaborative efforts of the student, parent, teacher, Learning Center Director, and other interested and appropriate stakeholders in a formal Student Success Team (SST) meeting). If modifications and/or interventions are successful after six to eight weeks, then students move back in Tier 1. If students are still not successful, then additional and/or different modifications/interventions are put into place for an additional six to eight weeks (through the collaborative efforts of the student, parent, teacher, Learning Center Director, and other interested and appropriate stakeholders in a formal Student Success Team (SST) meeting). If students are still not successful, then students move into Tier 3 of the Olive Grove Charter School: Buellton MTSS pyramid. At Tier 3, students are provided with more significant and intensive interventions to support their educational and/or social-emotional/behavioral needs (i.e. increased weekly one-on-one support time scheduled, individualized counseling, structured organizational skills training, collaboration with student's physician and/or mental health provider, etc.).

Anyone who has a concern for the educational and/or social-emotional/behavioral well-being of a student will be able to refer that student to a Student Success Team (SST) meeting. All interested and appropriate stakeholders will be included in the SST meeting to provide information to share about the student's strengths, specific concerns, and effective or ineffective strategies that have been used in the past. These people may include, but are not limited to: teachers, parents, counselors, doctors, administration, social works, law enforcement, or even the students themselves. The meeting will be designed to bring together a team of advocates who work together for the benefit of the student. After implementation of an SST plan and follow up,

if the problem persists after proceeding through the MTSS process, then the team may consider a referral for special education assessment or Section 504 assessment, as deemed necessary by the SST.

### **Plan for Academically High-Achieving Students**

OGCSB also serves many high-achieving students. OGCSB will offer a continuum of approaches and options to provide effective programs and curriculum for high achieving and gifted students. Renaissance STAR testing is used as a formative tool along with embedded assessments to determine areas in which the student excels. OGCSB's program is well suited to their needs because of the extent to which the curriculum can be customized to provide academic acceleration and a higher level of cognitive challenge. Cognitive challenge may be provided by assigning more difficult or complex work or even through whole courses. Students can also take Advanced Placement courses and/or courses at local community colleges. Some students are interested in OGCSB because they can accelerate their work and complete their courses in less time than they would take in a traditional site-based school program, since they don't lose time waiting for other students or due to the school day schedule: they work more efficiently. This allows them to pursue outside interests more intensely.

High achieving students will also be identified based on their grades and/or GATE designation from their previous schools, as well as interviews with the students and their parents and their CAASPP scores. Since all learning plans will be individualized, the students will be accelerated into a higher-level curriculum and courses. Students in the elementary level working above grade level will be given materials that are academically appropriate yet also appropriate for the age level. For instance, a 3rd grade student performing at the 6th grade level in mathematics will be provided with the support materials from Envision Math and Aleks online curriculum, as well as direct instruction from teachers and tutors. Such approaches will include a variety of options for acceleration. At the junior high school level, a gifted seventh grade math student might enroll in geometry. At the high school level, an eleventh-grade student may concurrently enroll in a credit bearing (college level) English class at Santa Barbara Community College or other post-secondary instruction and/or Advanced Placement courses. In all cases, state standards will be used to help guide academic Individualized Learning Plans.

### **Plan for English Learners**

English Learners (EL) will have full access to OGCSB's educational program. We believe that our EL students are best served through a Sheltered English Immersion program utilizing SDAIE (Specially Designed Academic Instruction in English) methods for English language development to assist students in successfully achieving English language proficiency at the

fastest possible rate. In addition to our SDAIE approach, we will offer EL students supplemental English instruction as needed that focuses exclusively on English language development skills. OGCSB hires CLAD certified, qualified teachers and will work with other EL specialists and bilingual instructional aides as appropriate. Our goal is to ensure a quality EL instructional program that enables OGCSB's EL students to attain English proficiency, achievement in all academic subject areas, and to have full access to the range of educational opportunities that OGCSB envisions for all of its students.

Identified EL students and their parents will be provided with additional educational supports and strategies to access curriculum. Newly approved curriculum offers designated ELD instruction through integrated, extended interactions, and scaffolding using CA ELD standards that develop English language development skills. Special support opportunities are offered for all EL identified students, including English Language students support classes, instructional assistance (on-on-one with teacher), supplemental materials offered through Wonders, Inside, Edge, Gradpoint, and Renaissance Accelerated Reading for both online and textbook support. Additionally, OGCSB provides enhanced EL speaking skills opportunities, which include field trips, collaborative group interactions, hands-on learning activities, learning labs, etc.

To assist parents of EL students, OGCSB will enhance communication during extended weekly meetings, bilingual Parent Square email and text, monthly newsletters, home visits (as needed), phone calls, and notes sent home, as necessary. OGCSB will educate parents in ways to assist their student with school work: on-line support through curriculum offerings, parent training events, bilingual parent workshops, etc. Opportunities will be available for parents to promote home language information and English literacy. Resources will be made available in both English and Spanish to help both support EL parents and students.

OGCSB will meet all applicable legal requirements pertaining to the identification, assessment and service of EL students. OGCSB will identify, serve and monitor the progress of EL students to ensure that they have full access to OGCSB educational programs and that they make appropriate progress toward English proficiency.

OGCSB will administer the home language survey as part of the enrollment process. All students who indicate that their home language is not English will be assessed using the English Language Proficiency Assessments for California (ELPAC) within thirty days of initial enrollment<sup>1</sup> and at least annually thereafter between July 1 and October 31 until re-designated as fluent English proficient.

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<sup>1</sup> The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been ELPAC tested. All other students who have indicated a home language other than English will continue with annual ELPAC testing based upon the date last tested at the prior school of enrollment.

OGCSB will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from publisher. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing. OGCSB will use annual ELPAC and SBAC data, teacher observations, and parent consultation to identify EL students, to determine their English Language Development (ELD) levels, and to reclassify EL students as English proficient when appropriate.

OGCSB will ensure that EL students have full access to their grade level curriculum by drawing on a range of strategies:

- Explicitly teach key vocabulary
- Embed hands-on activities
- Make literacy fun through engaging learning activities
- Use of technology
- Provide instructional material that includes scaffolding for EL students
- Provide instructional material at or near student’s reading level in native language and/or their reading level in English
- Emphasize literacy strategies such as anticipatory pre-reading of text, structured study of text, clarification of difficult words, and extra reading practice
- Provide instructional support in the home language or in accessible English for students with the lowest ELD levels, as is feasible

To help EL students attain English proficiency, OGCSB will use the following practices.

- Provide formal English Language Development instruction as needed
- Provide teachers and educational facilitators with professional development on using ELD standards as well as best practices in second language acquisition so they become skilled in strategies to meet the needs of EL students
- Align instructional materials and curriculum for ELs with ELD standards
- Monitor the progress of EL students

Teachers instructing EL students will hold a CLAD credential or a California Commission on Teacher Credentialing (“CCTC”) recognized equivalent.

The instructional model used at Olive Grove Charter School: Buellton will place heavy emphasis on differentiated instruction to meet the needs of the EL population based on academic and language readiness. Through the well-defined professional development plan that the school has in place, teachers will be trained on a variety of instructional strategies to be used specifically with EL students. These strategies will include integrating support materials for state-adopted materials, Academic Language Scaffolding, and arranging for individualized student support

with an English language learner expert. The EL expert will conduct regular staff development sessions with the staff to review current practices and develop strategies for each parent and student.

In order for the EL students to make the same academic gains as their peers, Olive Grove Charter School: Buellton will emphasize access to the state-adopted materials and online support to ensure that EL students will have the same core base of knowledge. Beyond that, the EL students will be provided with the supplementary materials as well as scaffolding devices and extended language learning opportunities, all of which leads to a better understanding of the curriculum.

Academic language scaffolding will be another important strategy that teachers use to show students (and their parents) the step-by-step processes they need to engage in in order to complete tasks on their own. Academic language scaffolding will include modeling academic language, contextualizing academic language using visuals, gestures, and demonstrations, and using hands-on learning activities that involve academic language. Because the students will be learning in the independent study model, the materials will be provided in a variety of methods including online and on DVD.

Because of the large number of EL students in Santa Barbara and surrounding counties, the Olive Grove Charter Schools, Inc. will also employ an EL Specialist to assist staff, students, and families with strategies and curriculum support. The specialist will also be responsible for the school-wide dissemination of best practices for individual teachers to use with their EL students and directs the process of reclassification. The EL Specialist will also conduct workshops for parents to better engage their children with academic content.

Reclassification procedures utilize multiple criteria to determine whether to classify a student as proficient in English. The guiding consideration is whether the student's performance in basic skills is comparable to that of English proficient students of the same age, such that the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English, including, but not limited to, the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to the ELPAC and the SBAC in English/Language Arts
- Teacher evaluation
- Parental opinion and consultation
- A comparison of the student's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age that demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

Once an EL student is reclassified as English proficient, OGCSB will continue to monitor the student's progress for at least two years using CAASPP scores and OGCSB assessments.

## **Plan for Special Education**

### ***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 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities Education Improvement Act ("IDEA").

The Charter School will be its own local educational agency ("LEA") and will apply directly for membership in the El Dorado County Charter Special Education Local Plan Area ("SELPA") in conformity with Education Code Section 47641(a).

Upon acceptance in a SELPA, the Charter School will provide the CDE evidence of membership. The Charter School's application and acceptance as an independent LEA member of a SELPA shall not be considered a material revision to this charter. As an LEA member of the SELPA, the Charter School will receive state and federal revenues directly, in accordance with the SELPA's allocation plan.

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 may request related services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

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.

Pursuant to Education Code section 51745, special education students who wish to enroll in the Charter School must have an IEP that clearly states that participation in an independent study (home study) program is an appropriate placement for that student (Ed. Code section 51745(c)).

### ***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. Any

student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Executive Director 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 will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 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 IDEIA, a referral for assessment under the IDEIA will 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 will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will 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 “IDEIA”***

*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 CDE/SBE. 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 SELPA. A copy of the MOU will be presented to the CDE upon execution.*

The Charter School shall provide special education instruction and related services in accordance with the IDEIA, 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 will 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 SELPA inquiries, to comply with reasonable SELPA directives, and to allow 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 will be delivered by individuals or agencies qualified to provide special education services as required by the California Education Code and the IDEIA. Charter School staff shall participate in SELPA in-service training relating to special education.

The Charter School 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. 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 will 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 regular 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 IDEIA, as provided in Section 1414, Title 20 of the United States Code. The Charter School will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with 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 Individualized Education Program (“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 Executive Director and/or the Charter School designated representative with appropriate administrative authority as required by the IDEIA; the student’s special education teacher; the student’s general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; the student’s parent/guardian; and other Charter School representatives who are knowledgeable about the regular 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 IDEIA, 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 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 Charter School 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 will 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 his/her 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 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 understands that it shall represent itself at all SELPA meetings.

### Funding

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

### ***Provision of Services***

As an LEA, Olive Grove Charter School: Buellton will provide and/or procure and manage all activities related to assessment, individualized education plan (IEP) development, and service provision. The Charter School will hire and/or contract special education personnel to provide services all services required by the IEPs of OGCSB students.

OGCSB plans to implement a “student success team” (SST) model to strategize ways to meet student needs within the regular instructional setting. Students who are not demonstrating success in academic classes will be referred to the SST process. The team will implement and monitor the success of varied strategies within the general education setting before initiating special education assessment.

OGCSB implement all special education and related services called for by the IEP as required by the SELPA.

A copy of each IEP shall be maintained at the school site. Service providers from other agencies who provide instruction or a related service to the individual shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

### **Course Transferability**

OGCSB will pursue WASC accreditation during the first year of operation to ensure that our courses are transferable to other public high schools. OGCSB has maintained WASC accreditation since its inception, and this history should make it straightforward to achieve WASC accreditation as a new school. We also dialogue regularly with other local school districts to demonstrate the academic transferability of our school’s academic courses to their other neighboring public schools. Parents are notified of the status of transferability of credits through such means as pre-enrollment conferences and information sessions, during parent conferences, in the Parent and Student Handbook, by letter, and on our school website.

### **College Entrance Requirements**

OGCSB students who would like to pursue admittance into the University of California or California State University campuses will have access to courses expected to meet the University of California’s “A-G” requirements. The courses were approved as OGCSB courses, so obtaining approval should be straightforward. Parents and students will be notified each year of both the prospective course eligibility for the UC/CSU and the courses as they are approved in the Parent and Student Handbook. We will also form ongoing relationships and engage in continuous dialogue with other colleges, community colleges, and universities that are not part of the California state system regarding their college entrance requirements, and we will inform parents of the transferability of our courses to these other higher education institutions through the means described above.

### **Charter School Goals and Actions to Achieve the Eight State Priorities**

Please see the section “Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities” in Element 2 of this charter for a description of the Charter School’s annual goals to be achieved in the Eight State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii).

#### Local Control and Accountability Plan

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 goals and corresponding assessments throughout the duration of the charter through the annual LCAP update. The Charter School shall submit the LCAP to the CDE and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

The LCAP and any revisions necessary to implement the LCAP shall not be considered a material revision to the charter, and shall be maintained by 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 purpose of this part, means that the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school. Education Code Section 47605(b)(5)(B).*

Olive Grove Charter School: Buellton holds the following pupil outcome goals for students upon graduating or exiting our school:

### 1. CORE ACADEMIC SKILLS. Appropriate age or grade-level mastery of:

- History/Social Studies: Students will understand and apply civic, historical, and geographical knowledge in order to serve as citizens in today’s world of diverse cultures.
- 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 which the staff and school’s governing board deem appropriate.
- Language Arts: Students will demonstrate strong reading, writing, listening, speaking, and presentation skills in multiple forms of expression (e.g., written, oral, multimedia), with communication skills appropriate to the setting and audience. They will comprehend and critically interpret multiple forms of expression, including literature from various time periods and cultures.
- 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 physics, chemistry, biology, ecology, astronomy, and earth sciences.

Embedded in the above core subject areas and/or through stand-alone coursework, students will develop other critical skills such as:

- Critical thinking skills: problem-solving, analyzing, and research and inquiry
- The ability to effectively use current technology
- Creative expression through various forms of the arts
- The development of physical fitness

- Lifelong learning skills, including study skills and habits, the ability to plan, initiate, and complete a project, and the ability to reflect on and evaluate one’s own and others’ learning

2. PERSONAL/INTERPERSONAL SKILLS.

- Students will develop a positive self-image, including self-esteem and self-confidence.
- Students will respect the rights of others.
- Students will be able to meet challenges and accept responsibility that is essential to personal and social development.
- Students will become self-motivated, competent, and lifelong learners.

3. “LIFE” SKILLS. Students will develop skills necessary for a healthy adult life, including:

- Job readiness and career development skills (e.g., developing resumes, interview skills)
- Higher education continuance skills (e.g., college applications, financial aid forms)

The above pupil outcomes are addressed in the Individualized Learning Plan (ILP) developed for each student at Olive Grove Charter School: Buellton. Goals for each student are cooperatively determined and then translated into measurable outcomes. The measurement of these outcomes determines the extent to which each student has progressed toward the attainment of the ILP goals. Emphasis will be placed on the ability of students to demonstrate integration of knowledge across major subject areas.

In addition to attaining specific content area and grade/skill-level standards, students will also demonstrate their overall progress toward graduation readiness through a series of “benchmark” performances at various points throughout their experience at the Olive Grove Charter School: Buellton.

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

Pursuant to Education Code Sections 47605(b)(5)(A)(ii) and 47605(b)(5)(B), the Charter School has established goals, actions, and measurable outcomes both schoolwide and for each subgroup of pupils, which address and align with the Eight State Priorities identified in Education Code Section 52060(d). Each of these goals addresses the unique needs of students including the Charter School’s numerically significant 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.

OGCSB schoolwide goals, actions and measurable outcomes that align with the eight state priorities are specified below:

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
Priority 1: Basic Conditions of Learning	<p>1. Ensure all teachers hold the appropriate California teaching credential</p> <p>2. Ensure OGCSB will provide students with Common Core aligned curriculum.</p> <p>3. Ensure no complaints on the quarterly Williams/Valenzuela Uniform Complaint Forms</p>	All pupils	<p>1. 100% of teachers will hold a California credential</p> <p>2. 100% of students will have Common Core aligned curriculum, assignments, and instructional materials.</p> <p>3. 100% of quarterly Williams/Valenzuela Uniform Complaint Forms will show 0 complaints.</p>	<p>1. Teaching staff must hold a California teaching credential prior to being hired at OGCSB.</p> <p>2. OGCSB staff will utilize Common Core aligned instruction materials to develop Common Core aligned curriculum, assignments, and support classes.</p> <p>3. All students will have required textbooks and instructional materials for all classes. Facilities will be in good repair and suitable for optimal student achievement.</p>
Priority 2: Implementation of State Standards	<p>1. Development of Next Generation Science Standards enrichment activities, curriculum, and lessons for grades TK-8 and development/implementation of high school UC A-G approved NGSS courses.</p> <p>2. Ensure OGCSB will provide students with Common Core aligned curriculum.</p>	All pupils	<p>1. 100% of students in K-8 will have NGSS grade level aligned enrichment activities, curriculum, and lessons. 100% of high school students will have access to NGSS aligned, UC A-G approved courses.</p> <p>2. 100% of students will have Common Core aligned curriculum, assignments, and instructional materials.</p>	<p>1. Creation of grade level specific and standards aligned (TK-8) lab-in-a-box supplies and instructions for family use and home school implementation. Pilot of monthly elementary science enrichment classes. Science credentialed teachers will develop and implement A-G approved high school science courses</p> <p>2. OGCSB staff will utilize Common Core aligned instruction materials to develop Common Core aligned curriculum, assignments, and support classes.</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
	<p>3. Ensure students have computer access</p> <p>4. Renaissance student data will help ensure individualized curriculum and supports align with student needs.</p>		<p>3. 100% of students will have computer access, as necessary, to complete required coursework and assignments.</p> <p>4. 100% of students will take Renaissance placement tests triennially to ensure student placement and supports align with student needs.</p>	<p>3. Teachers and counselors will work with students to determine computer access and needs. Every student that requires computer access to complete coursework and assignments will have access to computers at school and be provided with computers for home use (depending on the needs of the student).</p> <p>4. Teachers and counselors will work with students and families to properly place students in all courses and supports to best meet the student’s educational needs at OGCSB, based on Renaissance STAR assessment results, as well as include parent and student feedback.</p>
Priority 3: Parental Involvement.	Parents will report that they feel welcome to participate at OGCSB	All pupils	<p>1. At least 70% of parent responses will confirm they “welcome to participate at school” on the California Healthy Kids Parent Survey.</p> <p>2. At least 70% of parents will respond to the California Healthy Kids Parent Survey.</p>	<p>1. Parents will be asked to complete the annual California Healthy Kids Survey.</p> <p>2. Teachers will remind parents at weekly meetings and school newsletters to complete the annual California Healthy Kids Survey and will help ensure that at least 70% of parents respond.</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
			<p>3. Monthly newsletters will keep parents informed of what is happening and available at the school for increased student success.</p> <p>4. Monthly coffee socials will be held with the Executive Director and Learning Center Principal.</p> <p>5. Parents will be included in weekly meetings with teachers.</p>	<p>3. OGCSB will put out monthly newsletters that will be given to parents at parent meetings and will be send electronically through Parent Square.</p> <p>4. The Executive Director and Learning Center Principal will schedule monthly meetings to be available to families in person.</p> <p>5. Parents are encouraged to attend all students meetings for optimal student success.</p>
Priority 4: Pupil Achievement	<p>1. Students feel successful and engaged in learning.</p> <p>2. Utilize Renaissance achievement results for students. Students enroll in OGCSB after they are not successful in</p>	All Students	<p>1. “Overall supports and engagement” results on the Wested School Climate Report Card will score greater than 400. Additionally, OGCSB will score greater than the 80% SCI State Percentile and higher the 80% Similar School Percentile on the Wested School Report Card.</p> <p>2. Renaissance average student growth percentile points will measure greater than 35 average points increase in one year.</p>	<p>1. OGCSB staff will provide a safe and supportive learning environment for students that have not experienced previous academic success to maximize student achievement.</p> <p>2. Teachers will provide students with Renaissance tests triennially and will ensure supports and curriculum to ensure that students see gains of more than 35 average student</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
	<p>the traditional system and are more than two grade levels behind their peers.</p> <p>3. Ensure student attendance for the CAASPP Smarter Balanced math, ELA, and CAST tests.</p> <p>4. Ensure students that have been with OGCSB for a year or more show growth in CAASPP Smarter Balanced math and ELA tests.</p>		<p>3. Over 90% attendance for CAASPP Smarter Balanced math, ELA, and CAST tests.</p> <p>4. After the baseline is established and the SBE adopt DASS CAASPP criterion measures, OGCSB will align measurable outcomes to DASS criterion.</p>	<p>growth percentile points in one year.</p> <p>3. Teachers and Counselors will remind parents and students of all scheduled learning center administered CAASPP tests. Reminders will go out in newsletters and through Parent Square and individual phone calls will go out to parents. Makeup test administration dates will be scheduled to increase student participation in CAASPP test completion rates.</p> <p>4. Establish a baseline in year 1 for students in testing eligible grade levels. Individual students will be tracked year to year for CAASPP results and alignment to SBE adopted DASS CAASPP criterion.</p>
<p>Priority 5: Pupil Engagement</p>	<p>1. Schedule weekly support classes and labs.</p> <p>2. Schedule educational field trips for real world learning.</p>	<p>All students</p>	<p>1. 100% of high school English, math, art and science classes will have a support class scheduled weekly at the OGCSB learning center.</p> <p>2. Greater than 2 field trips will be scheduled per</p>	<p>1. Single subject credentialed teachers will develop and teach single subject support classes that align with California State Standards, including Common Core and NGSS at the OGCSB learning center.</p> <p>2. OGCSB staff will research, plan, and provide field trips to students for</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
	<p>3. Schedule hands-on learning labs.</p> <p>4. Purchase dynamic online curriculum options.</p>		<p>semester for real world learning opportunities.</p> <p>3. Each year OGCSB will add one additional weekly hands-on learning lab class elective to the learning center schedule.</p> <p>4. OGCSB will provide a minimum of 5 additional dynamic online curriculum course offerings annually.</p>	<p>real world learning opportunities that align with California State Standards.</p> <p>3. Hands-on learning promotes greater student engagement. Staff will develop, plan, and implement new hands-on learning class electives annually.</p> <p>4. OGCSB counselors and staff will research online classes, supports, and curriculum to optimize student engagement and achievement.</p>
Priority 6: School Climate	<p>1. OGCSB suspension rates</p> <p>2. School climate report card results</p> <p>3. School academic and socio-emotional Counselors will be</p>	All Students	<p>1. OGCSB will have fewer than 5% suspension rates.</p> <p>2. OGCSB will score higher than the 90<sup>th</sup> percentile for both the State Percentile and the Similar Schools Percentile on the WestEd School Climate Report Card annually.</p> <p>3. A Counselor will be available 100% of OGCSB learning</p>	<p>1. OGCSB staff will support students and will follow the OGCSB MTSS strategies to support student achievement and reduce suspension rates.</p> <p>2. OGCSB staff will ensure high expectations and caring relationships are established; that opportunities for meaningful participation occur; that school safety is high, that there is a feeling of school connectedness throughout the center, and that there is a no tolerance atmosphere for violence and substance use.</p> <p>3. OGCSB will hire a full-time Counselor to be</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
	<p>available for students and families.</p> <p>4. Ensure coffee socials are planned monthly.</p>		<p>center open hours (currently 8 hours per week day).</p> <p>4. Every month, a coffee social will be planned for staff, parents, and students to meet with the Executive Director and Learning Center Principal.</p>	<p>available 8 hours a day, 5 days a week.</p> <p>4. The Executive Director and the Learning Center Principal will coordinate monthly meeting times to be available to students and families.</p>
Priority 7: Course Access	<p>1. Ensure OGCSB offers a full UC a-g course list.</p> <p>2. Increase the percentage of students completing all UC a-g requirements.</p> <p>3. Ensure computer access for all students.</p>	All students	<p>1. OGCSB will offer a full UC a-g course list and will add at least one additional approved course annually.</p> <p>2. A baseline for the number of students completing all UC a-g course requirements for graduation will be established in the first year and will be increased by a minimum 5% annually.</p> <p>3. OGCSB will provide computer access to 100% of students.</p>	<p>1. Single Subject certificated teachers will work with the OGCSB Director of Curriculum and Student Services to create at a minimum of one additional UC a-g approved course annually.</p> <p>2. Counselors will work with OGCSB staff, students and parents to develop academic plans that include increased UC a-g course assignments.</p> <p>3. OGCSB will work with families to determine computer access needs. OGCSB will have learning center computers for students use, as well as chrome books available for students to take home for home use.</p>

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
	4. Schedule weekly support classes and labs.		4. 100% of high school English, math, art and science classes will have a support class scheduled weekly at the OGCSB learning center.	4. Single subject credentialed teachers will develop and teach single subject support classes that align with California State Standards, including Common Core and NGSS at the OGCSB learning center.
Priority 8: Other Pupil Outcomes	<p>1. OGCSB will increase graduation rates.</p> <p>2. Student retention rate</p> <p>3. Percentage of students applying to college or completing a CTE strand.</p>	All Students	<p>1. OGCSB will establish a baseline graduation rate in year one and increase the rate by 2% annually.</p> <p>2. OGCSB will establish a baseline student retention rate in year one and will increase the rate by 2% annually.</p> <p>3. OGCSB will establish a baseline of student college applications or complete a CTE strand and increase the rate by 2% annually.</p>	<p>1. OGCSB staff will work with students to encourage graduation completion annually.</p> <p>2. OGCSB teachers and counselors will monitor and support student needs and requirements for student success and retention.</p> <p>3. Counselors will work with students to develop 6 year plans that include college attendance or CTE strand completion.</p>
9. ELL Outcomes	Increase the number of English Learner students who advance in English Proficiency or are Re-designated English fluent (R-FEP).	ELL	Establishment of a baseline percentage of ELL students that advance at least one level or are re-designated English fluent. After the baseline year, OGCSB will	ELL team and staff professional training and collaboration for best practices and goals to help ELL students access curriculum and educational goals. Scheduled ELD support sessions for targeted English language

Related State and Local Priorities	Description of Goal	Applicable Pupil Subgroups	Measurable Outcomes	Actions and Services
			increase re-designation rates to 20% and increase rates of students that improve or maintain proficiency to 40% by the end of the 2020/2021 school year.	development and acquisition, as determined by ELPAC level placement.  Administer ELPAC and analyze data to determine student language proficiency.

OGCSB will set goals for proficiency in California Common Core State Standards, Next Generation Science Standards, and content standards in Social Studies as assessment data becomes available for new CAASPP assessments. Proficiency in these areas will be indicated by CAASPP scores, benchmark test scores, summative assessments (exams, performance assessments, etc.), grades, and teacher observation. Proficiency in non-core student outcome areas will be indicated by school-level assessments. In order to best serve our students and community, the Olive Grove Charter School: Buellton will continue to examine and refine its list of student outcomes and instructional programs over time to reflect the school’s mission and any changes to state or local standards that support such mission.

OGCSB shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools. The school will be held accountable according to state and federal law, including applicable targets as may be established in state and federal accountability systems, in the same manner as other California public schools.

**ELEMENT 3: METHODS TO ASSESS PUPIL PROGRESS**

*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(b)(5)(C).*

Olive Grove Charter School: Buellton will administer all state tests as mandated by charter law, including the California Assessment of Student Performance and Progress (CAASPP), Smarter Balanced Assessment Consortium (SBAC), and English Language Proficiency Assessments for California (ELPAC). In addition, OGCSB students will be assessed in each of the core academic skill areas by a combination of ongoing assessments. These assessments will be aligned to curriculum and statewide standards and will include, but not be limited to:

- Publisher/teacher/parent/student-designed tests
- Projects and reports
- Curriculum-imbedded assessments
- Electronic recordings
- Demonstrations (presentations) of mastery
- Pupil grades and transcripts of record to be prepared at the end of each semester

In addition, parents will provide daily work and test scores to the supervising teacher for assessment purposes, along with an ongoing dialogue regarding student progress.

Following is a chart outlining each of our pupil outcomes and the specific assessment measures to evaluate student progress toward achieving them:

**Methods to Assess Progress Toward Pupil Outcomes**

Outcome	Assessment
Proficiency in English/ language arts and, for English learner students, in English Language Development	<ul style="list-style-type: none"> <li>• California state tests (CAASPP/SBAC, ELPAC)</li> <li>• School-designed tests, quizzes, and homework assignments</li> <li>• Projects, reports, and demonstrations</li> </ul>
Proficiency in history-social science	<ul style="list-style-type: none"> <li>• California state tests, if available</li> <li>• School-designed tests, quizzes, and homework assignments</li> <li>• Projects, reports, and demonstrations</li> </ul>
Proficiency in mathematics	<ul style="list-style-type: none"> <li>• California state tests (CAASPP/SBAC)</li> </ul>

Outcome	Assessment
	<ul style="list-style-type: none"> <li>• School-designed tests, quizzes, and homework assignments</li> <li>• Projects, reports, and demonstrations</li> </ul>
Proficiency in science	<ul style="list-style-type: none"> <li>• California state tests, if available</li> <li>• School-designed tests, quizzes, and homework assignments</li> <li>• Projects, reports, and demonstrations</li> </ul>
Personal/Interpersonal skills	<ul style="list-style-type: none"> <li>• Teacher observations/narratives</li> <li>• Parent observations/narratives</li> <li>• Student self-evaluations</li> </ul>
“Life” skills	<ul style="list-style-type: none"> <li>• Projects</li> <li>• Presentations</li> <li>• Teacher and parent observations/narratives</li> <li>• Student self-evaluations</li> </ul>

Assessment for special education students will be defined and monitored appropriately according to the goals outlined in their Individualized Education Plans (IEPs).

The methods for measuring pupil outcomes are consistent with the way the school will report information on its school accountability report card. Numerous assessments are listed here that are not reported on the school accountability report card but which the school will use to gain a fuller picture of student achievement.

### Use of Data

The instructional staff will use assessment data in an ongoing process to examine the students’ performance and revise instructional practices to address observed needs. Teachers will use student data to design each student’s individual learning program, making adjustments to reflect methods and strategies that have helped the student make the most gains and trying new approaches where students have not progressed well. On an ongoing basis, the instructional staff will be supported to use informal and formal assessment data to adjust each student’s learning program according to his or her needs, identifying gaps in each student’s learning and planning for how the gaps will be addressed. Olive Grove Charter School: Buellton will use assessment data and analysis to foster continuous refinement/enhancement of the instructional program. Annually and at benchmark intervals throughout the school year, Olive Grove Charter School: Buellton staff will use data analysis to adjust and refine the school’s instructional program, individually and with teachers collaborating in teams.

Learning goals for individual students will be both standards-based with respect to the Common Core Standards in English-Language Arts and Mathematics, Next Generation Science Standards and Content Standards for History/Social Studies, including the mastery of below grade level prerequisite skills required to access grade-level standards. Olive Grove Charter School: Buellton believes each student can achieve mastery of the California Standards and will work accordingly with students to achieve this goal. Plans to assist students in meeting grade level standards will be monitored and modified according to assessment data. In the event that students are not meeting proficiency and outcome goals as determined by benchmarks, a Student Success Team (SST) will be convened to develop an intervention.

Olive Grove Charter School: Buellton will collect and analyze student performance data and create a variety of reports associated with the students' achievement, including disaggregated data by content strand, subgroups, grade-level, and classroom-level. Data collection and analysis will also include attendance rates and behavioral incidents/consequences as appropriate.

Oversight of the academic program is a core function of Olive Grove Charter School: Buellton's governing board. The board will set academic goals and monitor student progress throughout the year. Staff will present reports on achievement, identify strengths and areas of improvement, and describe planned actions for continual school improvement. The board will review the school's progress and the staff's analysis of areas for improvement and any proposed corrective plans.

## **ELEMENT 4: GOVERNANCE**

*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(b)(5)(D).*

### **Non-Profit Public Benefit Corporation**

The Olive Grove Charter School: Buellton is operated by Olive Grove Charter Schools, Inc., a nonprofit public benefit corporation formed and organized in accordance with the California Nonprofit Public Benefit Corporations Law, and is governed by its Board of Directors (“Board”). (See Articles of Incorporation.) Olive Grove Charter Schools, Inc. operates as a 501(c)(3) and has received tax-exempt status from the Internal Revenue Service and the California Franchise Tax Board.

The Charter School will operate autonomously from the SBE with the exception of supervisory oversight as required by statute. Pursuant to Education Code Section 47604(c), the CDE/SBE 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 CDE/SBE has complied with all oversight responsibilities required by law.

Attached, as Appendix 1, please find the Olive Grove Charter Schools, Inc.’s Articles of Incorporation and Bylaws.

### **Board of Directors**

The Charter School will be governed by a corporate Board of Directors in accordance with its adopted bylaws, which shall be consistent with the terms of this charter.

The Board holds ultimate authority for the Charter School’s operations and activities. The Board shall conduct and direct the affairs of the Charter School to fulfill and exercise its powers, subject to the limitations of the California Corporations Code, the Articles of Incorporation, the Board-adopted Bylaws (which may be amended from time to time pursuant to the process set forth therein), the OGCSB Charter, Charter School policies, and other applicable provisions of federal and state law. The powers of the Board are described in the Bylaws.

As set forth in the Bylaws, the Board shall be composed of at least three (3) and no more than eleven (11) members (a minimum of 4 seats will be reserved for representation by authorizing authorities, to be amended if additional seats are needed). In accordance with Education Code Section 47604(b), the authority that grants the charter to be operated by a nonprofit public

benefit corporation shall be entitled to a representative on the Board of Directors of the nonprofit public benefit corporation.

The following individuals currently serve on the Charter School's Board of Directors:

Jim Burke

Bill Anaya

Lisa Morales

Victor McConnell

New Directors will be sought who have strong ties and recognition in the local community through volunteer activities, philanthropy, public employment, or local business. Varied expertise within the Board will contribute to efficient and responsible oversight of school operations, and adherence to the mission of the charter and applicable state and federal law. Criteria for board membership includes, but is not limited to: commitment to the Charter School's mission, connection to the community the Charter School serves, diversity among directors that reflects the diversity of the area, availability to attend Board meetings, professional expertise and experience as it relates to the needs of the Charter School, touring school and meeting with school leadership. Directors shall have expertise and experience in one or more of the following areas: education, government, law, business, finance/accounting, fundraising, real estate, or public relations.

In addition to the powers enumerated in the Bylaws, the Board of Directors is responsible for the operation and fiscal affairs of the Charter School including but not limited to:

- Fiscal management of the Charter School, including approval and monitoring of the Charter School's annual budget.
- Development, amendment and adherence to the general policies and Bylaws of the Charter School.
- Operation of the Charter School in accordance with the OGCSB Charter, the Bylaws, any MOU between the Charter School and the CDE/SBE, and applicable law.
- Determining graduation requirements.
- Hiring and evaluation of the Charter School's Executive Director
- Communication, negotiation, and collaboration with the charter authorizer.
- Evaluation of Charter School programs.
- Overseeing the school's educational program and operations.
- Approving all major contracts.
- Approving the school's annual budget and overseeing the school's fiscal affairs.
- Participation in independent fiscal and programmatic audits.
- Long-term strategic planning.
- Receiving reports from and providing recommendations to the Executive Director.

Board members are required, during their three-year terms, to meet the standards laid out in the Bylaws, any policies adopted by the Board related to Board expectations, and any Board-adopted conflict of interest policy.

As set forth in the Bylaws, all meetings of the Board and shall be called, held, and conducted in accordance with the provisions of the Brown Act, including, but not limited to, those related to notice, agenda preparation and posting, and reporting.

The Board shall participate in training, which shall include, at a minimum, training in conflict of interest, and Brown Act training, and effective charter school governance. If more than one school is governed by Olive Grove Charter Schools, Inc., all meetings of the Board shall conduct business for one school, more than one school, or all schools governed by Olive Grove Charter Schools, Inc. The Board recognizes that each school has individual demographics and will view each school as a separate entity and will govern each school according to the identified needs and student composition of each school governed by Olive Grove Charter Schools, Inc. The Charter School Executive Director shall be responsible for the management and day-to-day operations of each school's program and ensuring all board directives, policies, and procedures are followed by each school governed by the Board. Each school shall have a Learning Center Principal that will report to the Executive Director. The Learning Center Principal operates under the policy direction of the Olive Grove Charter Schools, Inc. Board of Directors.

Olive Grove Charter Schools, Inc. will operate with an Administrative Office to support each independent school under the Board's governance. The Administrative Office will house all cumulative files, special education files, as well as all files maintained by the Olive Grove Charter Schools, Inc. Executive Director, Controller, and Registrars. Offices will also be maintained at the Administrative Office for use by the Executive Director, Controller, Registrars, and Special Education Support Facilitator.

OGCS, Inc. will conduct all administrative and business services on behalf of Olive Grove Charter School: Buellton on a percentage basis of all services and support rendered to Olive Grove Charter School: Buellton. This support includes back office, academic, special education (administrative support services), and executive management from OGCS, Inc. at its office located at 5075 Bradley Road, Suite 234, Orcutt, CA, 93455. (NOTE: Actual Special Education services expenses will be directly spent by Olive Grove Charter School: Buellton and are not included in the administrative support services conducted by OGCS, Inc.)

As a multi-school network organized as a single nonprofit corporation, Olive Grove Charter Schools, Inc. has developed appropriate accounting and budgeting policies and procedures to ensure that it remains in compliance with key federal and state laws and Generally Accepted Accounting Principles (GAAP). Olive Grove Charter School: Buellton and its non-profit

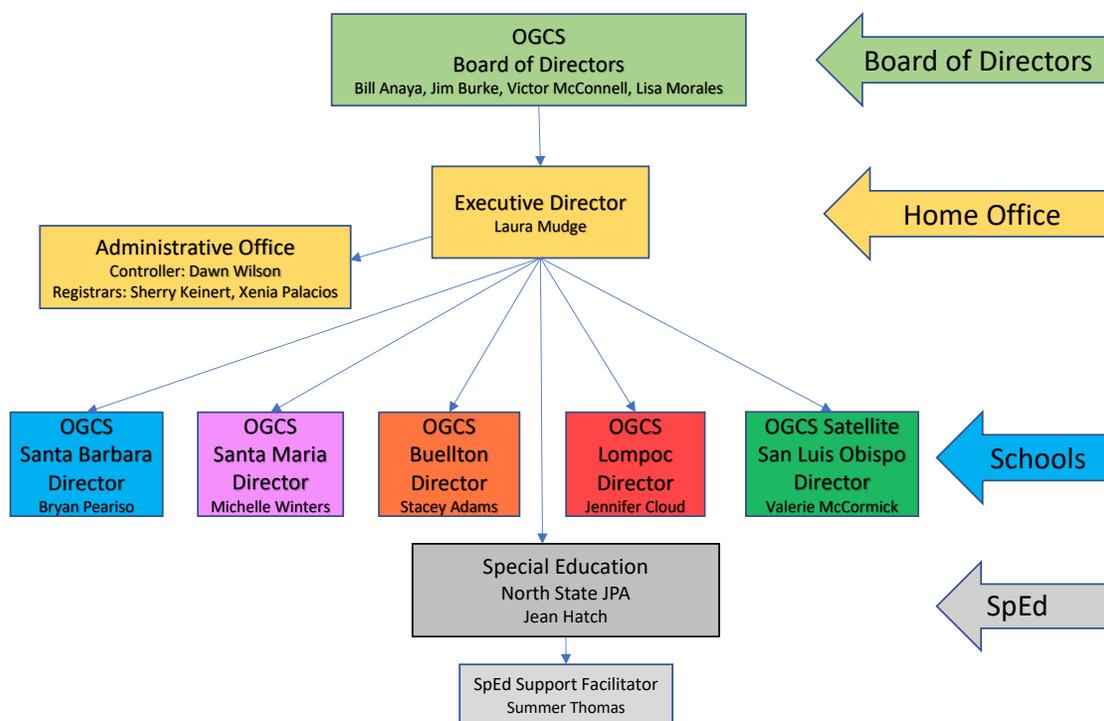
network home office, OGCS, Inc., will use GAAP to recognize revenues (State, Federal and Local) and expenditures directly through Olive Grove Charter School: Buellton.

Olive Grove Charter School: Buellton, as well as its network home office, OGCS, Inc. will generate legally compliant, GAAP aligned financial statements. While a complete treatment of these issues is beyond the scope of this document, the accounting practices we implement will permit the network to accomplish the following:

- Recognize, track, and expend revenues generated by “unduplicated” pupils under the Local Control Funding Formula at the Olive Grove Charter School: Buellton level, based on our specific demographic and attendance data. This will permit us to ensure that our budget and Local Control Accountability Plan demonstrates that the increase in the quality or quantity of services for unduplicated pupils grows commensurately with the growth in funding such students generate.
- Generate financial statements at the Olive Grove Charter School: Buellton level that enable us to submit GAAP-aligned forms to request a “determination of funding” under the laws governing nonclassroom-based schools.
- Recognize, track, and expend restricted grant revenues, if and as required by the terms of each specific grant, to ensure restricted funds are recognized and expended in alignment with the terms of applicable law and grant restrictions.

Based on discussions with our independent auditor, OGCS, Inc. will use the above data to generate financial statements that are specific to Olive Grove Charter School: Buellton, as well as a consolidated statement for network-wide purposes. Doing so will allow us to meet both state and federal requirements.

## Olive Grove Charter Schools, Inc. Organizational Chart



### Parent Participation in Governance of the Charter School

As the Charter School is being established to serve the needs of the students, the Board believes that it is imperative that they shall value the active involvement of families are actively involved. We will encourage the participation of parents in Olive Grove Charter School: Buellton’s Advisory Council, which will be established to facilitate communication between all members of the OGCSB community and to help meet the goals and objectives of the Charter School.

California law does not require charter schools to establish school site councils, however, OGCSB believes that they can provide an important forum for bringing together parents, teachers and students, to hold structured dialogue about the educational program. OGCSB will establish a school site council to provide input in school planning, including development of the LCAP. Required council composition shall include at least two parents, two staff members, and two students.

Parents of OGCSB students also have other opportunities for parent involvement, including:

- Parents participate in the annual development of their child's Individualized Learning Plan (ILP).
- Parents have daily access to their students' teachers via phone and email.
- Parents have the opportunity to serve on, as well as elect a representative as a member of, the Board of Directors.
- Parents are encouraged to attend all teacher-student meetings, as well as school activities and events.
- Parents will be involved in the development of the Charter School's LCAP each year.

## **ELEMENT 5: EMPLOYEE QUALIFICATIONS**

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

### **General Assurances**

OGCSB will recruit professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support positions. All employees will demonstrate OGCSB values and a belief in the mission, program design, instructional philosophy, and curriculum outlined in this Charter.

In accordance with Education Code 47605(d)(1), OGCSB shall be nonsectarian in its employment practices and all other operations. The Charter School shall follow all applicable state and federal non-discrimination laws.

OGCSB seeks to hire employees that possess the personal characteristics, knowledge base, and/or relevant experience with regard to the responsibilities and qualifications identified in the posted job description as determined by the Charter School. All employees must comply with employee processing policies and procedures (including, but not limited to: fingerprinting and criminal background checks as set forth in Education Code sections 44237 and 45125.1, proof of identity, right to work in the United States, and TB screening).

In addition to certificated core subject teaching staff, OGCSB may employ non-certificated, non-core instructional staff, clerical and other classified staff, a Learning Center Director, a Special Education Director, a Controller, and a Charter School Executive Director. It is recognized that the uniqueness of the OGCSB program requires that employees have a certain combination of skills and qualities that will maximize success for all students and families served by the Charter School.

### **Core Academic Teachers**

OGCSB core, college preparatory teachers include those teachers teaching grades TK-12 in the core areas of English/language arts, history/social science, science, and mathematics. Teachers of core, college preparatory courses at OGCSB shall be required to hold a Commission on Teacher Credentialing (“CTC”) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold in accordance with Education Code Section 47605(1). These documents shall be maintained on file at the Charter School and shall be subject to periodic inspection by the chartering authority upon request. OGCSB core academic

teachers will be responsible for overseeing students' academic progress and for monitoring grading and matriculation decisions as specified in the Charter School's operational policies.

Requirements and other qualifications for teachers of core academic subjects are as follows:

- A bachelor's degree
- State credential or Intern Certificate/Credential for no more than three years while actively working toward completion of their State credential
- Previous independent study/home school education experience is desirable, but not mandatory for employment.

### **Non-Certificated Instructional Staff**

Pursuant to Education Code Section 47605(1), it is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

Accordingly, the Olive Grove Charter School: Buellton may also contract with or employ qualified non-certificated instructors in such areas as the arts, physical education, and other subjects not deemed to be "core academic subjects" as defined above.

Thus, the requirements for non-core, non-college preparatory courses include at a minimum an undergraduate degree; the credential requirement is only applicable as may be required under California law for charter schools.

Previous independent study/home school education experience is desirable, but not mandatory for employment.

### **Clerical and Other Classified Staff**

Qualifications for clerical staff and other classified staff will include, but not be limited to, demonstrated experience or expertise in the work tasks or issues required of them. Previous independent study/ home school education experience is desirable, but not mandatory for employment. The best-qualified applicants for positions will always be selected.

### **Charter School Executive Director**

The Charter School Executive Director shall be responsible for the management and day-to-day operations of the Charter School's program. The role and responsibilities of the Executive Director are described in greater detail below:

- The Executive Director will be the leader of OGCSB.

- The Executive Director will ensure that the curriculum is implemented in order to maximize student-learning experiences.
- The Executive Director will report directly to the Board of Directors, and s/he is responsible for the orderly operation of OGCSB and the supervision of all employees in the Charter School.

In addition to those duties assigned by the Board, the Executive Director shall be responsible for the following:

- Supervision and evaluation of Learning Center Director, teachers and staff;
- Communication and reporting to the Board of Directors;
- Overseeing school finances and maintaining up-to-date financial records, annual budget, and LCFF documents to ensure financial solvency;
- Development and implementation of the Olive Grove Charter School: Buellton LCAP;
- Encouraging and supporting teacher professional development by participating in and developing professional development opportunities as needed;
- Employee hiring, promotion, discipline, and/or dismissal;
- Ensuring compliance with all applicable state and federal laws and working to secure grants;
- Communicating with parents and recruiting new families and students;
- Taking steps to ensure the full and regular participation by students and families in the Charter School's program in accordance with policies established by the Board of Directors;
- Completing and submitting required documents as requested or required by the Charter and/or Board of Directors and/or the Charter authorizer;
- Ensuring that appropriate evaluation and assessment tools are used for both students and staff;
- Representing Olive Grove Charter School: Buellton as the LEA EDCOE Charter SELPA CEO to supervise and direct the implementation of the EDCOE Charter SELPA Plan;
- Selecting, compensating, and determining the duties of the special education teachers, instructional aides, and other personnel as required to conduct the program specified in the EDCOE Charter SELPA Local Plan;
- Organizing and administering the activities of the IEP Teams, including the selection of the LEA Member staff who will serve as members of the IEP Team;
- Ensuring adherence to EDCOE Charter SELPA LEA Member Responsibilities and Duties;
- Establishing and maintaining a system to handle organizational tasks such as student records, teacher records, teacher credentialing information, contemporaneous attendance logs, purchasing, budgets, and timetables;

- Hiring qualified substitute teachers as needed.
- Ensuring the security of Charter School facilities;
- Promoting OGCSB in the community, promoting positive public relations, and interacting effectively with media;
- Serving as the Charter School representative and liaison with the CDE/SBE;
- Providing all necessary financial reports as required for proper attendance reporting;
- Developing the Charter School’s annual SARC report;
- Presenting the Charter School’s independent fiscal audit to the Board of Directors and, after review by the Board of Directors, presenting the audit to the County Superintendent of Schools, the State Controller, and the California Department of Education;
- Managing student discipline, and as necessary, participating in the suspension and expulsion process.

Requirements and other qualifications for the position of Charter School Executive Director are as follows:

- Demonstrated management and leadership skills
- Demonstrated understanding of instruction, curriculum and assessment in an independent study setting
- Working knowledge of special education processes and requirements
- Working knowledge of budgets
- Working knowledge of personnel procedures
- Working knowledge of independent study procedures, regulations and law
- Bachelor’s degree
- Three or more years teaching experience
- Three or more years of experience in school administration (preferred)
- Demonstrated understanding of student performance assessment and data analysis (preferred)
- Effective communication and community-building skills
- Curriculum development and independent/home study program development

### **Charter School Controller**

The Controller operates under the policy direction of the Olive Grove Charter Schools, Inc. Board of Directors and reports to the Executive Director.

#### Responsibilities

- Communicating and reporting to the Executive Director;

- Maintaining a documented system of accounting policies and procedures and human resources procedures;
- Managing outsourced functions, accounting, human resources, training;
- Overseeing the operations of the accounting department, designing department's goals and objectives;
- Overseeing the accounting operations of subsidiary corporations, control systems, transaction-processing operations;
- Maintaining the work structure by updating job requirements and job descriptions for all positions;
- Maintaining organization staff by establishing a recruiting, testing, and interviewing program; counseling managers on candidate selection; conducting and analyzing exit interviews; recommending changes;
- Preparing employees for assignments by establishing and conducting orientation and training programs;
- Ensuring that accounts payable are paid in a timely manner;
- Monitoring debt levels and complying with local, state, and federal government reporting requirements and tax filings;
- Processing payroll in a timely manner;
- Maintaining the chart of accounts;
- Maintaining an orderly accounting filing system;
- Maintaining a system of controls over accounting transactions;
- Coordinating the provision of information to external auditors for the annual audit;
- Ensuring planning, monitoring, and appraisal of employee work results by training managers to coach and discipline employees; scheduling management conferences with employees; hearing and resolving employee grievances; counseling employees and supervisors;
- Maintaining employee benefits programs and informing employees of benefits by studying and assessing benefit needs and trends; recommending benefit programs to management; directing the processing of benefit claims; obtaining and evaluating benefit contract bids; awarding benefit contracts; designing and conducting educational programs on benefit programs;
- Ensuring legal compliance by monitoring and implementing applicable human resource federal and state requirements; conducting investigations; maintaining records; representing the organization at hearings;
- Maintaining management guidelines by preparing, updating, and recommending human resource policies and procedures;
- Maintaining human resource records by designing a filing and retrieval system; keeping past and current records;
- Maintaining professional and technical knowledge by attending educational workshops; reviewing professional publications; establishing personal networks; participating in professional societies;
- Assisting with gathering data on students, scores, demographics;

- Supporting and backing up registrar, college & career readiness programs, and other administrative support, as requested.

### **Qualifications:**

- Bachelor’s Degree in accounting or business administration
- Three or more years of accounting or business administration (preferred)
- Effective communication and community – building skills
- Demonstrated management and leadership skills
- Working knowledge of budgets
- Working knowledge of personnel procedures
- Working knowledge of independent study procedures, regulations and law
- Demonstrated understanding of student performance assessment and data analysis (preferred)
- Experience in performance assessment

### **Charter School Special Education Director**

The Special Education Director operates under the policy direction of the Olive Grove Charter Schools, Inc. Board of Directors and reports to the Executive Director.

### Responsibilities

- Communicating and reporting to the Executive Director;
- Supervision of the special education support facilitator and the certificated special education teachers in the Charter School;
- Establishing and communicating school-wide philosophy of least restrictive environment for serving special needs students;
- Directing special education services for all students with disabilities and ensuring that students have access to the school’s core curriculum;
- Monitoring the development and implementation of all aspects of the special education program process;
- Assigning, collaborating, and monitoring all NPA contractors to coordinate related services for students programming;
- Responsible for Child Find activities and school referral activities;
- Collaborating with school administration regarding the discipline of students with disabilities;
- Supervising and evaluating daily activities of special education staff, relative to their assigned tasks;

- Monitoring, supervising, and managing all aspects of the ERMHS (Educationally Related Mental Health Services) budget for special education;
- Reviewing, identifying, and sharing federal and state legislation/regulations related to special education;
- Monitoring compliance with OGCS Board policies and regulations;
- Maintaining open lines of communication regarding special education with all interested parties; respond to concerns of parents, teachers, office administrators, and community members;
- Maintaining accurate files of former and current students served in special education;
- Maintaining an inventory of curriculum/equipment available to students with disabilities;
- Preparing/submitting reports and information for schools SELPA (Special Education Local Plan Area);
- Planning, implementing and facilitating professional development/in service for school staff assigned the responsibility of delivering and overseeing the special education services (Crisis Prevention Intervention);
- Serving as the school's liaison in all matters concerning special education;
- Assisting Human Resources with screening special education applicants as needed;
- Performing related work, as required.

### Qualifications

- Three or more years of experience in Special Education (preferred)
- Resource Specialist or Education Specialist teaching credential
- Effective communication and community – building skills
- Demonstrated management and leadership skills
- Demonstrated understanding of instruction, curriculum and assessment in an independent study setting
- Advanced knowledge of special education processes, laws, and requirements
- Working knowledge of personnel procedures
- Working knowledge of independent study
- Demonstrated understanding of student performance assessment and data analysis (preferred)

### **Charter School Learning Center Principal**

The Learning Center Principal operates under the policy direction of the Olive Grove Charter Schools, Inc. Board of Directors and reports to the Executive Director

### Responsibilities

- Communicating and reporting to the Executive Director;
- Supervision of certificated teachers in the Charter School;
- Ensuring the Learning Center has current curriculum supports necessary for the OGCSB educational program; including assignments, quizzes, test, pacing guides and answer keys for all grades TK–12;
- Ensuring curriculum is implemented in order to maximize student learning experiences;
- Working with certificated teachers to support student mastery of state standard;
- Supervising and evaluating teachers;
- Encouraging and supporting teachers' professional development by participating in and developing professional development opportunities, as needed;
- Ensuring compliance with all applicable state and federal laws;
- Recruitment of new families and students;
- Managing intake and enrollment procedures;
- Taking steps to ensure the full and regular participation by students and families in the Charter School's program in accordance with policies established by the Board of Directors;
- Completing and submitting required documents as requested or required by the OGCSB Board and/or Executive Director;
- Ensuring the security of the Charter School facilities;
- Managing the Learning Center emergency preparedness guidelines and ensuring that emergency binders are up to date;
- Promoting OGCSB in the community, promoting positive public relations, and interacting effectively with media;
- Managing student discipline, academic probation, and as necessary; participating in the suspension and expulsion process;
- Implementation of OGCSB exit interview process for families of students leaving OGCSB;
- Administration and compliance of all California state testing requirements;
- Participating in IEP and 504 meetings, as necessary;
- Overseeing all MTSS and RTI processes, as per OGCSB guidelines.

### Qualifications

- Effective communication and community – building skills
- Demonstrated management and leadership skills
- Demonstrated understanding of instruction, curriculum and assessment in an independent study setting
- Working knowledge of personnel procedures
- Working knowledge of independent study procedures, regulations and law

- Bachelors’ degree
- Three or more years teaching experience
- Three or more years of experience in school administration (preferred)
- Demonstrated understanding of student performance assessment and data analysis (preferred)
- Curriculum development and independent/home study program development

### **Hiring Process**

As a public charter school, OGCSB intends to attract educators and staff interested in working in an innovative, collaborative, alternative educational environment. The Charter School’s Board will develop policies and procedures for hiring Charter School staff that may include, as appropriate: a resume screen; interview with a hiring committee; demonstration lesson (for instructional staff), and reference checks.

### **Professional Development**

OGCSB will provide opportunities and encourage all staff members to participate in relevant professional development opportunities, including (but not limited to) SBCEO countywide professional development and professional organization memberships, conferences, and trainings. OGCSB believes that all teachers have a professional obligation to continue to further their pedagogic skills.

## **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 include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).*

The Olive Grove Charter School: Buellton’s Board shall adopt and implement comprehensive policies and procedures related to health, safety and risk-management issues. These policies will be incorporated as appropriate into the Charter School's student and staff handbooks and will be reviewed on an ongoing basis.

A summary of the Charter School’s health and safety procedures are described below:

### **Fingerprinting/Background Check Procedures**

Employees of the Charter School will be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall comply with Education Code Section 44830.1, related to the hiring of persons who have been convicted of a violent or serious felony. The Charter School Executive Director shall monitor compliance with this policy and report to the Board on a periodic basis. The Board President or other designee shall monitor the fingerprinting and background clearance of the 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.

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

Employees and volunteers who have frequent or prolonged contact with students shall be assessed and examined (if necessary) for tuberculosis prior to commencing employment and initiating initial volunteer assignments as required by Education Code 49406. Thereafter, an employee who has no identified risk factors or who tests negative for the tuberculosis infection shall be required to undergo the tuberculosis risk assessment every four years and, if risk factors are identified, the employee must undergo Tb testing and examination.

## **Vision/Hearing/Scoliosis**

The Charter School shall adhere to Education Code section 49450 *et seq.* regarding vision/hearing/scoliosis screening as applicable to the grade levels served by the Charter School.

## **Medication in School**

The Charter School will adhere to Education Code section 49423 and all other applicable provisions of law regarding administration of medication, including, but not limited to injectable medications, in school.

## **Immunizations**

All students and staff 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.

## **Epinephrine Auto-Injectors**

The Charter School will adhere to Education Code section 49414 regarding epinephrine auto-injectors availability and personnel training.

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

All OGCSB employees will be mandated child abuse reporters and will follow all applicable reporting laws. The Charter School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

## **Diabetes**

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but 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.

### **Emergency Preparedness**

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to address emergency preparedness issues that may arise at the Charter School. These handbooks shall include but not be limited to the following responses: OSHA policy compliance, fire, flood, earthquake, terrorist threats, and hostage situations, and shall include an evacuation plan, and general school safety, injury and illness prevention. The Charter School shall provide a copy of the Emergency Preparedness Handbook to the CDE.

Staff shall be trained on emergency and appropriate first aid response.

### **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 workplace. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (“HIV”) 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 Free/Alcohol Free/Smoke Free Environment**

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

### **Facility Safety**

The facilities to be utilized by the Charter School shall be in compliance with applicable State and local building codes in accordance with Education Code Section 47610. 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.

## **FERPA**

The Charter School, its employees and officers, will comply with the Family Educational Rights and Privacy Act (FERPA) at all times.

## **Student Records**

The Charter School will establish and adhere to procedures related to confidentiality and privacy of student records. The Charter School will keep student records in a locked file cabinet to which only designated staff will have keys, in accordance with policies to be adopted by the school's governing board. Student special education files will be kept in separate locked cabinets to which only staff designated to have access shall have keys. Electronic student information systems will use password protected accounts to ensure the same limits on access to student files. In the event that a student enters the school upon transfer from an existing district school, the student's records will be requested from the respective district.

## **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, pregnancy, physical or mental disability, childbirth or related medical conditions, 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 will 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 Charter School policies.

## ELEMENT 7: RACIAL AND ETHNIC BALANCE

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

All students who enroll in the Charter School will do so on a voluntary basis. The Olive Grove Charter School: Buellton shall be non-sectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, disability or upon any of the characteristics listed in Education Code Section 220.

The Olive Grove Charter School: Buellton is committed to serving all students who desire to be home schooled or participate in an independent study program and will follow the admission requirements for the Olive Grove Charter School: Buellton (*See Element 8 Admission Requirements, below.*) Methods of achieving racial and ethnic balance will be implemented through a multi-strategy approach.

The Olive Grove Charter School: Buellton will implement a student recruitment strategy that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the district.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the district.
- Outreach meetings in several areas of the district to reach prospective students and parents.
- Outreach meetings with local high school counselors.

## **ELEMENT 8: ADMISSIONS REQUIREMENTS**

*Governing Law: Admission requirement if applicable. Education Code Section 47605(b)(5)(H).*

OGCSB will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

OGCSB shall admit all pupils who reside in the State of California who wish to attend the Charter School subject to the provisions set forth below. No test or assessment shall be administered to students prior to acceptance and enrollment into the school. OGCSB will comply with all laws establishing minimum and maximum age for public school attendance in charter schools.

The Olive Grove Charter School: Buellton will enroll a diverse student population who understand and value the OGCSB mission and are committed to the OGCSB operational philosophy. Prospective students and their parents or guardians will be briefed regarding the Charter School's instructional philosophy and will be given a copy or summary of the Charter School's guidelines.

Admission to the Charter School: Buellton will require submission of an application form. It is essential that parents or guardians or a responsible adult designee be available to instruct, facilitate, monitor, review, and hold the student accountable for his or her work on a daily basis. The enrollment process will include submission of a completed enrollment/registration packet and an agreement signed by the parent, student, charter school teacher, and any person designated by the parent to teach their child. This agreement will include goals, objectives, guidelines, and reason(s) for dismissal to be followed for the time period specified in the contract. After enrollment, testing to determine each child's level of academic skills will assist OGCSB with course placement and supplementary supports, as needed.

### **Public Random Drawing**

Applications will be accepted during a publicly advertised enrollment period each year for enrollment in the following school year. If the number of applicants exceeds capacity, there shall be a random public drawing to determine admission for the impacted grade level, with the exception of existing students, who are guaranteed admission in the following school year.

Admission preference will be given (1) to siblings of Olive Grove Charter School: Buellton students; and (2) to students who reside in the District.

At the conclusion of the public random drawing, all students who were not granted admission due to over-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. Upon confirmation that a student has secured a spot at the Charter School, parents must complete and submit a registration/enrollment packet.

**Schedule for Application, Public Random Drawing (if needed), and Admissions**

The following estimated application, public random drawing, and admission schedule and process is proposed, and may be amended by the Charter School Board as necessary. In year one (1), if the charter is approved after the beginning of the timeline specified herein, the schedule proposed below will be pushed forward and abbreviated to ensure all steps are followed within a shorter timeframe.

- November – January: Recruitment of students (via referrals, networking, and holding informational meetings)
- January – March: Send re-enrollment forms to existing students to identify open seats. Conduct public random drawing, if needed. Hold informational meetings.
- March – May: Send acceptance letters and registration/enrollment packets to families of accepted students. Send wait list letters (if needed) to families of students not selected during public random drawing process.

## **ELEMENT 9: INDEPENDENT FINANCIAL AUDIT**

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

An annual independent financial audit of OGCSB will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of OGCSB will be kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit will employ generally accepted accounting principles. 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 be responsible for contracting with the independent auditor, who shall have, at a minimum, a CPA and educational institution audit experience and will be selected from the State Controller's Office published list of educational audit providers. 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.

OGCSB shall transmit a copy of its annual independent financial audit report for the preceding fiscal year to the California Department of Education, the County Superintendent of Schools, and to the State Controller by December 15 of each year. OGCSB will resolve audit exceptions and deficiencies, if any, to the CDE's satisfaction and in a timely fashion. All exceptions and deficiencies and their remedies will be communicated to the CDE in a timely matter.

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: PUPIL SUSPENSION AND EXPULSION PROCEDURES**

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

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

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School’s policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee’s use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

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

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

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

to such students.

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 or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, 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 suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

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

### **B. Enumerated Offenses**

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property.
  - g) Stole or attempted to steal school property or private property.

- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
  - 1) Except as provided in Education Code Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether

written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

- ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 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 pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, “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.
  - w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
  - x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
    - a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
    - b) Brandished a knife at another person.
    - c) Sold a controlled substance.
    - d) Committed or attempted to commit sexual assault.
    - e) Possessed an explosive
3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
    - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
    - b) Willfully used force or violence upon the person of another, except self-defense.
    - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
    - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property.
- 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) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) 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.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one

thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

- iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 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 pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, “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 pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
  - w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
  - b) Brandished a knife at another person.
  - c) Sold a controlled substance.
  - d) Committed or attempted to commit sexual assault.
  - e) Possessed an explosive

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous 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 pupil shall be provided due process rights of notice and a hearing as required in this policy.

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

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

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

1. Conference

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

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(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. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

## 2. Notice to Parents/Guardians

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

## 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Executive Director or Executive Director's designee, the pupil and the pupil's parent/guardian or representative will 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 pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Executive Director or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil

poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

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

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

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

#### **E. Expulsion Procedures**

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

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

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student 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 pupil.

- 1) The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
- 2) The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- 3) At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
- 4) The 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 he/she is normally in school, if there is no good cause to take the testimony during other hours.
- 6) Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the 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 his or her discretion

to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

- 8) The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
- 9) Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
- 10) Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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

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

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

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board 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 pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his

or her testimony heard in a session closed to the public.

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

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

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

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

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

### **J. Disciplinary Records**

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

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

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

### **L. Expelled Pupils/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.

### **M. Rehabilitation Plans**

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may

include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

## **N. Readmission**

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

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

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

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

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

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

### **3. Procedural Safeguards/Manifestation Determination**

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

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

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

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

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

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a 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 of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 USC 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 and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

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

## 5. Special Circumstances

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

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

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

## 6. Interim Alternative Educational Setting

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

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

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

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

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

**ELEMENT 11: RETIREMENT SYSTEMS FOR STAFF**

*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(b)(5)(K).*

Certificated staff will participate in the State Teachers' Retirement System and all other staff will participate in the federal Social Security system. OGCSB reserves the right to offer additional employee retirement plans (e.g., a 403(b) retirement plan) as may be approved by the OGCSB Board of Directors. The Charter School Executive Director will ensure that appropriate arrangements for the coverage in these systems have been made for all employees and will make all employer contributions as required. The Charter School will also make contributions for workers' compensation insurance, unemployment insurance, and any other payroll obligations of an employer.

**ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

No student may be required to attend the Charter School. Students who do not attend the school may attend their local school or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

Parents or guardians of each student enrolled in the Charter School will be informed upon enrollment and within the student/parent handbook that the student has no right to admission in a particular school or program of any local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

### **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 employment at a charter. Education Code Section 47605(b)(5)(M).*

Charter School staff are employees of the Charter School. 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 and vacation leave or service credit earned during previous employment will not carry over, nor accrue 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 PROCESS**

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

OGCSB is committed to working with the CDE/SBE in a spirit of cooperation. The Charter School recognizes that it cannot bind the CDE/SBE to a dispute resolution procedure to which the CDE/SBE does not agree. The following policy is intended as a starting point for a discussion of dispute resolution procedures. The Charter School is willing to consider changes to the process outlined below as suggested by the CDE/SBE.

The staff and Board of OGCSB agree to attempt to resolve all disputes between the CDE/SBE and OGCSB regarding this Charter pursuant to the terms of this Section. Both parties will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Any controversy or claim arising out of or relating to the Charter, except any controversy or claim that in any way related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below, until a resolution is reached. Once the CDE/SBE and OGCSB have exhausted the procedures below, each may pursue a remedy as entitled to them by law. Notwithstanding the foregoing, in the event that the SBE believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the SBE 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 SBE's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

### **Disputes Arising between the Charter School and the CDE/SBE**

In the event of a dispute between the Charter School and the CDE/SBE, Charter School staff, employees, and Board members of the Charter School and the CDE/SBE agree to first frame the issue in written format ("dispute statement") and to refer the issue to the SBE Executive Director and the OGCS Executive Director, or their respective designees.

The SBE Executive Director and OGCS Executive Director, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their

respective boards who shall jointly meet with the SBE Executive Director and OGCS Executive Director, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the SBE Executive Director and OGCS Executive Director, or their respective designees, shall meet to jointly identify a neutral third party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the SBE Executive Director and OGCS Executive Director, or their respective designees, and the mediation shall be held within sixty (60) business days of receipt of the dispute statement. All timelines and procedures in this Section may be revised upon mutual written agreement of the CDE/SBE and the Charter School.

The Charter School recognizes that the SBE cannot be pre-bound to a contractual obligation to split the cost of mediation or agree to mediation to resolve a dispute. The Charter School recognizes that the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.

Further, the Charter School recognizes that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.

**Disputes Arising from Within the Charter School**

Disputes arising from within the Charter School, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and Board members shall be resolved pursuant to internal dispute resolution policies and procedures adopted by the OGCSB Board.

The CDE/SBE shall not intervene in any such internal disputes without the consent of the Charter School Board and shall refer any complaints or reports regarding such disputes to the Board or Executive Director for resolution pursuant to the Charter School's policies. The CDE/SBE agrees not to intervene or become involved in the dispute unless the dispute has given the CDE/SBE reasonable cause to believe that a violation of this Charter or related laws has occurred, or unless the Charter School Board has requested the CDE/SBE to intervene in the dispute.

## **ELEMENT 15: SCHOOL 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 47604(b)(5)(O).*

In the event that the Charter School closes, the following procedures shall be utilized to ensure completion of a final audit of the Charter School to determine the disposition of all assets and liabilities of the Charter School, including plans for disposing any net assets and for the maintenance and transfer of pupil records. For six calendar months from the Closure Action or as the budget allows, whichever comes first, sufficient staff, as deemed appropriate by the Olive Grove Charter School: Buellton Board of Directors, will maintain employment to take care of all necessary tasks and procedures required for a smooth closing of the school and student transfers. Charter school closures should occur at the end of an academic year if it is feasible to maintain a legally compliant program until then.

### **Documentation of Closure Decision**

The decision to close the Charter School for any reason will be documented by an official action of the OGCSB Board of Directors. The action will identify the reason for the Charter School's closure (i.e. whether the Charter was revoked, not renewed, or the Charter School closed voluntarily) and the effective date of the closure, and will also identify an entity and/or person(s) responsible for closure-related activities. The designated entity or individual shall be known as the Authorized Closer.

### **Notification of Closure**

OGCSB will promptly notify parents and students of the Charter School, the District, the County Office of Education, 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.

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

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

### **Notification to Receiving Districts**

OGCSB shall promptly notify any school districts that may be responsible for providing education services to the former students of the Charter School. This notice will include a list of returning students and their home schools so that the receiving district may assist in facilitating student transfers.

### **Student and School Records Retention and Transfer**

The Charter School will facilitate the timely transfer of student records to each student's district of eligibility or school to which the student will transfer. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The Charter School will ask the CDE to store original records of the Charter School's students. All student records of the Charter School shall be transferred to the CDE upon the Charter School's closure. In the event that the Charter School is unable to transfer student records for any reason, the Charter School will maintain them in a safe and secure location and will provide authorized CDE employees with access to these records. The Charter School will maintain all school records, including financial and attendance records, for a reasonable period after the Charter School closure.

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.

### **Financial Close-Out**

OGCSB will have an independent audit completed within six months after the closure of the Charter School. This may coincide with the regular annual audit of OGCSB. The purpose of the audit is to determine the net assets or net liabilities of the Charter School. The final audit will include an accounting of all the Charter School's 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 cost of the audit will be considered a liability of the Charter School. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the CDE promptly upon its completion.

In addition to this final audit, the Charter School will also submit any required year-end financial reports in the form and time frame required pursuant to Education Code section 47604.33. These reports will be submitted as soon as possible after the closure action, but no later than the required deadline for reporting for the fiscal year.

### **Dissolution of Assets**

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 and, upon the dissolution of the nonprofit public benefit corporation shall be distributed in accordance with the Articles of Incorporation. 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 nonprofit public benefit corporation shall remain solely responsible for all liabilities arising from the operation of the Charter School.

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

OGCSB will utilize the Charter School's reserve fund to undertake any expenses associated with the closure procedures identified above.

**IMPACT STATEMENT**

*Governing Law: The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including start-up costs, and cash-flow and financial projections for the first three years of operation. Education Code Section 47605(g).*

**Facilities**

The Charter School shall operate at the following location:

- Buellton: 240 East Highway 246, Ste. 100, Buellton, CA 93427, or within the territorial jurisdiction of the District.

The Charter School may also maintain a resource center in San Luis Obispo County or another county adjacent to Santa Barbara County in accordance with Education Code Section 47605.1(c).

**Administrative Services**

OGCSB shall be responsible for providing, or, at its sole expense, contracting with a third party to provide, all of its own administrative services, including, but not limited to, payroll, accounting, and purchasing. OGCSB will be responsible for its own personnel salary and benefit plans, provisions, and costs. OGCSB currently contracts with Charter School Management Corporation (CSMC), a business and development company specializing in charter schools, for administrative and “back office” services including, but not limited to, the following:

- Complete Bookkeeping Services
- Budget Creation / Fiscal Planning Services
- Cash Flow Management
- Local, State, and Federal Reporting
- Audit and Compliance Preparation
- Payroll Services
- Employee Benefits
- STRS Setup and Management
- Planning & Management
- Payroll Tax Payments

- Audit Preparations & Support
- LEA Plans
- Compliance Reporting to County & State Grantors
- Attendance Reporting
- Food Program - Implementation & Claims Reporting
- Training - Charter School Finance, Accounting & Operation Functions, Budgets, Financial Reports
- Quarterly & Annual Filings of Tax Forms (IRS, EDD, etc.)
- Property Tax Exemptions Filings

### **Potential Civil Liability Effects**

The Charter School shall be operated by Olive Grove Charter Schools, Inc., a California nonprofit public benefit corporation. This corporation is organized and operated exclusively for public and 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(c), an entity that grants a charter to a charter school operated by or as a nonprofit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. The Charter School shall work diligently to assist the CDE/SBE in meeting any and all oversight obligations under the law, including meetings, reporting, or other authorizer-requested protocol to ensure the CDE/SBE shall not be liable for the operation of the Charter School.

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

Further, OGCSB anticipates it shall enter into a memorandum of understanding with the CDE/SBE, wherein OGCSB shall indemnify the CDE/SBE for the actions of OGCSB under this charter.

OGCSB shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts may be based on recommendations provided by the CDE/SBE and OGCSB's insurer. The CDE/SBE shall be named as an additional insured. Prior to opening, OGCSB shall provide evidence of the above insurance coverage to the CDE.

OGCSB shall institute appropriate risk management practices, including screening of employees, adopting a conflicts of interest policy for Board members, establishing codes of conduct for students, and dispute resolution.

### **Budget and Financial Statements**

The following documents for the Charter School are submitted with this petition:

- 3-year budget and cash flow statement
- Budget assumptions

OGCSB shall be a direct-funded charter school pursuant to provisions of the California Education Code. Any funds due to the Charter School that flow through the District shall be forwarded to OGCSB in a timely fashion. Following approval of this charter, OGCSB anticipates that the Charter School and the CDE/SBE will negotiate in good faith to develop a Memorandum of Understanding that establishes the specific financial and service relationship between the two parties.

OGCSB shall provide reports to the CDE and County Superintendent of Schools as follows in accordance with Education Code Section 47604.33, and will provide additional fiscal reports as requested:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code Section 47605(g) will satisfy this requirement.
2. By July 1, an annual update (LCAP) required pursuant to Education Code Section 47606.5.
3. By September 15, a final unaudited report for the full prior year.
4. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31.
5. By December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year.
6. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

Prior to claiming apportionment for independent study, OGCSB will adopt and implement written policies relating to independent study as required by Education Code Section 51747 and as specified in the California Code of Regulations, Title 5, Section 11701. OGCSB's Executive Director or designee will monitor teaching assignments throughout the year to ensure that

OGCSB maintains a ratio of independent study pupils to full-time certificated employees as required by Education Code Section 51745.6.

The Charter School shall provide reporting to the CDE as required by law and as requested by the CDE 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 CDE 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 CDE.

## **MISCELLANEOUS CLAUSES**

### **Amendments**

Any amendments to this charter shall only be made by the mutual agreement of the Charter School and the SBE. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47607 and 47605.

### **Severability**

The terms of this charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the Charter School and the CDE/SBE. The CDE/SBE and Charter School agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.