AFFIRMATIONS/DECLARATION

As the authorized lead petitioner, I, Terri Schiavone, hereby certify that the information submitted in this application for the renewal of Golden Valley Charter School currently authorized by the Mesa Union School District is true to the best of our knowledge and belief; we also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further, we understand that if awarded a charter, the Charter School:

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Shall declare that it shall be deemed the exclusive public school employer of the employees of the Golden Valley Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(6)]

- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- Shall admit all students who wish to attend the Golden Valley 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 lottery process. Except as required by Education Code Section 47605(d)(2) and Education Code Section 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or 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). [Ref. Education Code Section 47605(d)(2)(A)-(C)]

- 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). [Ref. Education Code Section 47605(d)(1)]

- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(c)]

- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is
required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. Education Code Section 47605(l)]

- Shall at all times maintain all necessary and appropriate insurance coverage.

- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D)

- If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. Education Code Section 47605(d)(3)]

- Shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]

- Shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs. [Ref. Education Code Section 47605(c)]

- Shall comply with any jurisdictional limitations to locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]

- Shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]

- 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”).

- Shall comply with the Public Records Act.

- Shall comply with the Family Educational Rights and Privacy Act.

- Shall comply with the Ralph M. Brown Act.

- Shall meet or exceed the legally required minimum of school days. [Ref. Title 5 California Code of Regulations Section 11960]

_______________________________________  ______________________________
Terri Schiavone, Lead Petitioner            Date
Introduction

This charter school shall be known as Golden Valley Charter School (“GVCS” or the “Charter School”). GVCS’s TK-12 program is fully accredited by the Western Association of Schools and Colleges. GVCS meets the legal requirements for renewal, as defined in Education Code Section 47607. In accordance with Education Code Section 47605(a)(5)(A), the charter school will be located outside the boundaries of the school district, but within the county in which the Mesa Union Elementary School District is located because the school has attempted to locate a single site or facility to house its program which is suitable within the Mesa Union Elementary School District, and no such site is available. GVCS has on file a certified document from a real estate agent that no such site is available. GVCS will be located at 3585 Maple St., Ste. 101, Ventura, CA. In order to be eligible for renewal, GVCS must meet at least one of the criteria for renewal set forth in Education Code Section 47607(b).

GVCS meets the criteria set forth in Education Code Section 47607(b)(2) by ranking in deciles 4 to 10, inclusive, on the API in the prior year. GVCS ranked in decile 6 in 2013, the most recent year an API score was reported.

The academic performance of GVCS students is also at least equal to the academic performance of students in Ventura County, the State of California, and the school district in which the charter school is located.
GVCS also meets the criteria of Education Code Section 47607(a)(3), which requires authorizers to consider increases in pupil academic achievement for all groups and subgroups as the most important factor in whether to grant a charter approval. The 2015 and 2016 CAASPP scores, below, provide evidence of increases in pupil academic achievement for all groups as subgroups.

### 2015 and 2016 CAASPP - ELA
Percentage of Students Meeting or Exceeding Standards
Schoolwide and Subgroup Data
Finally, GVCS’s annual programmatic report, which is submitted to the District directly, contains additional data that supports renewal.

Element 1: Educational Program Description

GVCS will be open to all students in grades TK-12, and will be nonsectarian in its programs, admission policies, employment practices, and all other operations. GVCS will specifically target students seeking a non-traditional educational setting in which parents have the ability to make choices related to the education of their children, and may educate their children at home. We will attract students whose parents desire to play a more important role in the child’s education, and seek a personalized curriculum in which their children will be challenged and motivated. GVCS will educate students with a wide range of learning strengths, styles, and needs by providing curricular choices and instructional methods and materials which reflect a student's learning style, are appropriate to the student's developmental level, and allows flexibility for the student to progress at his/her own pace, while challenging his/her capabilities.

GVCS shall not charge tuition, and shall not discriminate against any pupil 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).

Students who attend GVCS will be educated through individually designed curricula, which may include, but are not limited to, home-based learning programs, site-based learning programs, cooperative school programs and classes, apprenticeships, on-the-job training, community-based educational programs, group seminars, distance learning via current technology, and supplemental learning projects.

Parents who enroll their children in GVCS shall, through specific enrollment and curriculum contracts,
accept responsibility for their children’s education. GVCS will support its students and parents with appropriate educational materials, and with a team of Education Facilitators and Certificated Support Staff. GVCS Education Facilitators and Certificated Support Staff shall advise and assist parents and students in all aspects of student education pursuant to relevant contracts. Meetings between the GVCS Education Facilitator, students, and parents must be no more than 20 school days apart, and may be as frequent as once a week. Meetings will be in either the student’s home or other mutually agreed upon site, based on the desires of the parents. GVCS strongly prefers that these meetings occur in person, but the Executive Director or designee will consider telephone or video-conference meetings on a case-by-case basis.

Each minor student and at least one parent, and each adult student, with the assistance of GVCS Education Facilitators and Certificated Support Staff, shall design, consistent with GVCS student standards and policies, appropriate curricula based upon the student's educational needs and objectives, and shall sign one or more contracts with GVCS that clearly describes the student's individual educational goals and curriculum for each school year the student is enrolled with GVCS. All curricula shall describe the student’s course(s) of study, the chosen method(s) of ascertaining competence in designated course(s) of study, and if applicable, the credit(s) the student will receive upon successfully demonstrating competence and completing the course of study. Curricula and materials shall adhere to the Common Core State Standards, Next Generation Science Standards, and other applicable standards adopted by the State Board of Education.

For purposes of this charter, "parent(s)" includes guardian(s). Any parent(s) or legally responsible entity may designate an alternate party to act in place of the parent(s).

GVCS identifies an educated person in the twenty-first century as a person who is literate, can understand and function sufficiently in the world around him or her, has an overview of the history of mankind in all its diversity, has an understanding of United States Political Processes, has an ability to solve mathematical problems and to think scientifically, and has the values necessary to enhance the world in which he or she lives. This person is one who has realized his or her own special interests, talents, or abilities, whether it is in the arts, sciences, or other areas. It is the goal of this charter school to help students become educated individuals who are intrinsically motivated to learn, and who have diverse yet well-developed interests.

**Mission Statement**

Golden Valley Charter School, in partnership with our parents and our community, cultivates intrinsic motivation, diverse interests, and twenty-first century literacy in students through a Personalized Learning model. As an accredited TK-12 school, GVCS balances flexibility with accountability for students seeking a non-traditional educational setting.

This Charter School’s parents, students, and Education Facilitators believe that the best learning occurs when:

- Each curriculum is tailored to an individual student’s learning styles.
- One-to-one teaching is used as appropriate.
- Real life context-based learning is emphasized.
- There is supplemental enrichment through classroom instruction, independent learning, field trips, apprenticeships, and appropriate uses of technology, etc.
- Schooling is viewed as one aspect of an education.
- The entire community serves as the school campus.
- Interesting, worthwhile learning opportunities are provided that will stimulate the interests of each
Objectives of GVCS include, but shall not be limited to the following:

- GVCS students will perform and achieve as well as or better than students in traditional California public schools, based on annual state assessment scores.
- Students will be intrinsically motivated.
- Students will achieve competency in basic academic skills.
- Students will be enabled to become self-motivated, competent and lifelong learners.

Opportunities will be provided for students to explore their potential in the performing and living arts and in the appropriate use of technology. Students will recognize and use their strongest skills and abilities and improve in areas where they are weak. GVCS will operate on the understanding that all students have different learning styles, abilities and background experiences. As important as “what” students learn is “how” they learn. The former may be viewed as the end goal of education while the latter is the road leading to it. GVCS will support learning and assessment modalities based on current research that identifies best practices regarding how students learn.

The core academic subjects for Golden Valley Charter School are: English, Mathematics, Science and Social Science.

Accreditation and High School

GVCS will continue to pursue accreditation through the Western Association of Schools and Colleges (WASC) throughout the renewal term, and most, if not all, courses offered will be A-G approved. 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. GVCS high school students will receive information on the transferability of courses to other public high schools and how said courses meet college entrance requirements for the University of California and California State University through individual meetings with his/her assigned Education Facilitator. GVCS Education Facilitators will receive annual training in these requirements.

GVCS High School Graduation Requirements

GVCS requires a minimum of 205 credits on the high school transcript, in order to receive a high school diploma. The credits must be achieved through the following minimum requirements, within each of our 6 (six) growth areas:

1. English-Language Arts – 3 years (30 credits)
2. Mathematics – 2 years (20 credits) *Students must successfully complete Algebra 1, in high school or prior to entering high school. Algebra 1 completed prior to 9th grade does not count towards the 20-credit math requirement.*

History-Social Science – 30 credits
- World History – 1 year (10 credits)
- United States History – 1 year (10 credits)
- Economics – 1 semester (5 credits)
- American Government – 1 semester (5 credits)

3. Science – 2 years (20 credits)
   - 1 year (10 credits) must be a physical science (e.g. Chemistry, Physics, etc.)
   - 1 year (10 credits) must be a life science (e.g. Biology)
4. **Life Skills – 45 credits**  
Physical Education – 2 years (20 credits)  
Health – 1 semester (5 credits)  
Technology – 1 semester (5 credits)  
Life Skills Electives – 3 semesters (15 credits) *Life Skills Electives course titles include: Career Exploration; up to 5 additional credits of Computer/Technology, beyond the 5 credits required (for a total of up to 10 credits in Computer/Technology); Driver’s Education; Driver’s Safety & Awareness; Family Studies; First Aid; Keyboarding; Leadership; Life Skills; Nutrition; and Personal Finance. Health is a one semester, 5-credit class; no additional credits may be awarded for additional course work under the Health title. Additional PE credits beyond 20 and/or Computer/Technology credits beyond 10 will count as Special Interests Elective credits.*  
5. **Special Interests – 12 semesters (60 credits)**  
1 year (10 credits) must be a Language other than English or a Visual or Performing Art or Career Technical Education course  
All students must take at least one semester-length course utilizing an online curriculum. The online course may be taken in any subject area.

**English Language Learner Program**

All EL students will be ELPAC tested upon enrollment according to legal guidelines. GVCS believes that all students who are not proficient in the English language need every opportunity to be able to become proficient. GVCS will train its Education Facilitators to work with the parents and student to identify the student’s areas of weakness so that appropriate curriculum and resources can be provided to assist the student in becoming proficient throughout the educational process. GVCS will administer the ELPAC annually until the student is proficient.

**Special Education:**

GVCS and the Mesa Union School District pledge to work in cooperation with the Ventura Special Education Local Plan Areas (“SELPA”) to ensure that a free and appropriate public education is provided to all students identified as having exceptional needs, and qualifying for special education as outlined in the Individuals with Disabilities Education Improvement Act (“IDEIA”) and the California Education Code.

GVCS will function as a public school of the Local Education Agency (“LEA”) that granted the charter for purposes of providing special education and related services pursuant to Education Code Section 47641(b). Funds to provide services for identified students will be appropriated to GVCS through the SELPA based on the SELPA funding model. The Charter School and the district shall work in good faith to document the specific terms of this relationship in an annual Memorandum of Understanding.

**Element 2. Measurable Pupil Outcomes**

The measurable pupil outcomes or Expected Schoolwide Learning Results (ESLRs), for purpose of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program aligned with the California State Frameworks and content Standard. Students will demonstrate competency in six (6) growth area goals. The extent to which students achieve these goals is determined by mastery of the student standards
and by demonstrated proficiency on state mandated assessments and passing courses in the growth areas:

Growth Area #1 English-Language Arts

ESLR: Students read, write, listen and speak effectively.

1. **Growth Area Standards:**

- Reads actively and derives meaning from written media.
- Reads for a variety of purposes.
- Uses knowledge of word origins and relationships to determine the meaning of new words encountered in reading materials.
- Engages in literary response and/or analysis.
- Comprehends, analyzes, and uses information effectively.
- Writes with a command of standard English conventions.
- Uses correct spelling conventions.
- Supports statements using facts, theory, and/or opinion.
- Adjusts content, tone, and/or style of writing and/or speaking for purpose and audience.
- Speaks with a command of standard English conventions.
- Demonstrates appropriate listening and/or speaking strategies.
- Organizes ideas in a variety of ways.

Growth Area #2 Life Skills

ESLR: Students understand and function in their community and/or the world around them.

**Growth Area Standards:**

- Uses technology effectively.
- Participates in activities that develop strength, endurance, and personal fitness.
- Realizes the effects of healthful choices, habits and lifestyle.
- Demonstrates skills to develop, prepare for, and achieve life goals.
- Demonstrates involvement in his/her community, effectively using and/or replenishing community resources.

Growth Area #3 History-Social Science

ESLR: Students are literate in history and social sciences and comprehend democratic processes and civic values.

**Growth Area Standards:**

- Demonstrates knowledge and cultural understanding in history by:
  - Identifying relationships between past and present events or situations.
  - Identifying cause and effect – people, events or situations influencing an action or result.
  - Making comparisons.
  - Classifying events and situations as political, economic, social and/or intellectual.
  - Using information from the past and the present to draw conclusions about the future.
  - Understanding the extent of time.
- Demonstrates knowledge and cultural understanding in geography.
- Demonstrates knowledge and cultural understanding in economics.
Growth Area #4 Mathematics

ESLR: Students apply mathematical principles and operations to solve problems.

_Growth Area Standards:_

- Demonstrates knowledge of basic skills, conceptual understanding, and problem solving:
  - In number sense.
  - In operations.
  - In algebra and functions.
  - In measurement and geometry.
  - In statistics, data analysis, and probability.
  - In mathematical reasoning.
- Solves problems that make demands in one or more of these aspects of the solution process: problem formulation; problem implementation; and problem conclusion.
- Communicates his/her knowledge of basic skills, understanding of concepts and his/her ability to solve problems.

Growth Area #5 Science

ESLR: Students apply scientific concepts and skills to ask and answer questions about natural processes and/or phenomena.

_Growth Area Standards:_

- Has knowledge of scientific facts, concepts, principles, and theories related to the life sciences.
- Has knowledge of scientific facts, concepts, principles, and theories related to the physical sciences.
- Observes, compares, orders, and categorizes characteristics and behaviors.
- Makes predictions and/or inferences about unknown or unseen process based on observable factors.
- Applies knowledge and thought processes to explain his/her world and solve problems.
- Communicates ideas.
- Develops his/her abilities in investigation and experimentation while learning the methods and skills of scientific inquiry.

Growth Area #6 Special Interests

ESLR: Students explore and pursue their own special interests, talents, and abilities.

_Growth Area Standards:_

- Identifies and explores his/her own interests, talents and abilities.
  AND one of the following two (2) standards must be achieved:
Attains proficiency in listening to, speaking in, reading in, and writing in a language other than English.

OR

Participates in the visual/performing arts, emphasizing the following strands: artistic perception; creative expression; historical and cultural context; aesthetic valuing; and connections, relations, and applications.

Alignment of Outcomes to the Eight State Priorities

Pursuant to Education Code Section 47605(b)(5)(B), the Charter School’s school-wide and pupil outcome goals and performance targets aligned to the Eight State Priorities that apply for the grade levels served, or the nature of the program operated by the Charter School, and methods for measuring progress, can be found in the Charter School’s LCAP. The current LCAP is on file with the District and is also available on our website at [http://www.goldenvcs.org/about-us/required-documents](http://www.goldenvcs.org/about-us/required-documents).

Charter School Goals and Actions to Achieve the Eight State Priorities

Pursuant to Education Code Section 47605(b)(5)(A)(ii), the Charter School’s annual goals to be achieved in the Eight State Priorities school-wide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, can be found in the Charter School’s Local Control Accountability Plan (“LCAP”). The current LCAP is on file with the District and is also available on our website at [http://www.goldenvcs.org/about-us/required-documents](http://www.goldenvcs.org/about-us/required-documents).

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 shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

The LCAP and any revisions necessary to implement the LCAP shall not be considered a material revision to the charter, and shall be maintained by the Charter School at the school site.

Element 3: Methods of Measuring Student Progress

To ensure that students are achieving growth sufficient to meet at least one of the renewal criteria in Education Code Section 47607 and to ensure that students are meeting or exceeding standards on the California Assessment of Student Performance and Progress (“CAASPP”), the Charter School has established the aforementioned six growth areas that will be documented by the Education Facilitators during the monthly learning plan meetings.

The Charter School shall annually administer all mandated state assessments. These test results will be used to determine if the Charter School’s students meet or exceed the statewide average percentage of students meeting or exceeding standards in English Language Arts and Mathematics.

Certificated Education Facilitators shall consider each student’s individual abilities, interests, and talents in utilizing state assessment results to devise an educational plan that will result in growth on state assessments. The Charter School’s performance, as indicated by the applicable statewide accountability metric and growth targets, will be deemed evidence of the level of success associated with the Charter School’s educational program. The District recognizes that accuracy of a metric and performance on
growth targets in an individual year may be inconclusive, so it will examine these results as a whole for the five-year period of the charter to assess the relative success of the program.

Additionally, student progress will be assessed through a variety of the following:

- School administered assessments
- Monthly review of work
- Annual portfolios
- Parent, student, and Education Facilitator observation
- Norm and criterion referenced tests
- Student demonstrations
- Student grades
- Student work samples
- Student self-evaluation

Element 4: Governance Structure

This section meets the requirements of California Education Code Section 47605(b)(5)(D): The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

GVCS is a California Nonprofit Public Benefit Corporation pursuant to California Law. The Charter School will be governed pursuant to the corporate Bylaws, Charter, MOU, and policies and regulations established by the governing board. The governing board’s roles and responsibilities will include establishing and evaluating all major educational and operational policies in accordance with charter legislation and the elements of the charter petition, including, but not limited to, personnel, instructional program, budget, student welfare, facility oversight, dispute resolution, public relations, community outreach, and ongoing communication with the granting agency; selecting and evaluating the top administrative staff; approving all contracts; and approving the Charter School’s annual budget and overseeing the Charter School’s fiscal affairs.

Governing Board:
The membership of the GVCS governing board includes the following:

a. Two (2) parents of actively enrolled students
b. A representative designated by the Mesa Union School District
c. Two (2) representatives from the community

Each member shall have one vote. Said vote shall be cast only by the designated representative who is in physical attendance. No proxy or absentee votes shall be permitted. A vote of the majority of those members present at a meeting shall be sufficient to constitute action, provided a quorum is present.

All meetings of the governing board shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code), and be located within Ventura County. GVCS, its officers, and employees will comply with any and all prohibitions against conflict of interest, including but not limited to, Government Code Section 1090 and the Political Reform Act. The corporation’s bylaws and conflict of interest policy shall be amended to comply with the provisions of Government Code 1090. In the event of a conflict between the provisions of the charter and the provisions
of the bylaws, the charter shall prevail.

GVCS practices and policies will ensure parental involvement. Parents will have the ability to:

- Participate in developing instructional plans, including curriculum selection and methods for instruction.
- Participate in daily delivery of instruction.
- Provide input into schoolwide projects and decision making.
- Provide feedback on the educational program through an annual parent satisfaction survey.
- Participate on a school accreditation committee.
- Participate in and attend schoolwide events including fieldtrips, open houses, school spelling bees, and commencement exercises.

The day-to-day operation and management of GVCS will be provided by the administrative staff, as determined by the GVCS governing board, and pursuant to the current bylaws of the Charter School.

**Element 5: Qualifications to be Met by Individuals to be Employed by the Charter**

All Charter School students will be assigned to an Education Facilitator who shall hold an appropriate Commission on Teacher Credentialing issued credential, certificate, permit or other document for his/her teaching assignment. GVCS may hire additional certificated and non-certificated personnel to assist in providing supplementary instruction, and management and support services. All staff of GVCS will have the necessary qualifications, skills, and experience to fulfill their job descriptions. These documents and job descriptions shall be maintained on file at the Charter School headquarters and shall be subject to periodic inspection upon request by the chartering authority.

**Element 6: Health and Safety**

GVCS shall comply with all of the requirements of Education Code section 44237, 45125.1 and 45122.1 to ensure the safety of employees and students. GVCS will comply with all applicable laws, including the Family Education Rights and Privacy Act and those concerning immunization, health and safety, child abuse reporting and related issues for both employees and students. All employees of GVCS will furnish criminal record summaries and receive Department of Justice (“DOJ”) clearance and shall have tuberculosis clearance prior to beginning employment at GVCS.

**Element 7: Racial and Ethnic Balance**

The means by which GVCS will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition was submitted will consist of public announcements of the Charter School’s program that will neither encourage nor discourage any particular racial or ethnic group from gravitating to the Charter School. GVCS will maintain information concerning the ethnicity of all the Charter School students, and if the balance is not reflective of that of the sponsoring district, a committee of school parents, teachers, GVCS staff and a District representative may meet to discuss the imbalance and explore available options to remedy the situation, which may include additional outreach alternatives.

**Element 8: Admission Requirements**

Students will be considered for admission without regard to race or ethnicity, nationality, gender, gender identity, gender expression, religion, sexual orientation, or disability, or any other characteristic described
in Education Code Section 220. Students will be placed on a prospective student list once all required paperwork has been submitted, including, but not limited to, immunization and health report information. After admission, parents of special education students must either provide a copy of their child’s most recent IEP, or a copy of all assessment reports if a student does not have an IEP, but was evaluated for special education. Parents may provide the Charter School with a signed form authorizing the current school of placement to release a copy of the IEP or assessment reports in lieu of providing the IEP or assessment reports. Prior to enrollment, all parents and students must read the GVCS Charter and Independent Study Policy, and sign the Master Student Agreement indicating an agreement to abide by the charter’s philosophy, program, and other applicable requirements and responsibilities. Parents and students will sign the master student agreement for each semester of enrollment, which outlines the distribution of educational responsibilities, student educational goals, objectives, methods of evaluation, and additional rights and responsibilities of the parents and students, including special education services offered by the Charter School. All students’ continued enrollment shall be dependent upon compliance with the Master Student Agreement.

Charter schools are schools of choice. GVCS shall admit all pupils who wish to attend the Charter School. All students in the MUSD, neighboring districts, and TK-12 students residing in counties immediately adjacent to Ventura County are eligible to attend Golden Valley Charter School. If more students apply than can be admitted, the following admission processes will be followed:

In the event the number of students wishing to attend the Charter School exceeds the Charter School’s capacity, a lottery system will be used to determine those selected to attend. Admission preference will be given to siblings of current students and to those students residing within MUSD boundaries and then to students who live in other communities and counties. In order to serve a racially, economically, and geographically diverse population, GVCS will develop an admissions process designed to reach out to all families and to enable the Charter School to have a diverse student body.

GVCS will be open to all students, including those with special education needs. GVCS will support the administration of special education services at the school site and participate in the “search/child find” efforts of the SELPA. The staff of GVCS will be instructed regarding proposed Special Education “search/child find” efforts and referral procedures.

GVCS shall comply with all laws establishing minimum age for public school attendance. For a maximum age limit, the Charter School shall only allow pupils over 19 years of age to attend if they have been and are continuously enrolled in public school and are making satisfactory progress towards a high school diploma.

**Element 9: Audit of Financial Operations**

**Financial Audit:**

An audit firm selected by the GVCS Board of Directors will perform the GVCS financial audit. This audit will be paid for by GVCS. The audit will verify the accuracy of the GVCS financial statements, attendance and enrollment accounting practices, and review GVCS’s internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the GVCS charter. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the Chief Business Official of the MUSD, the County Superintendent of Schools, the State Controller, and the California Department of Education by December 15 of each year.
The GVCS business management will review any audit exceptions or deficiencies and report to the GVCS’s Board of Directors with recommendations on how to resolve them. The Board of Directors will report to the MUSD Board of Education regarding how the exceptions and deficiencies have been or will be resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute process contained in Element 14 and resolved to the satisfaction of the district.

In order for the MUSD to meet its fiscal oversight and reporting responsibilities, GVCS will adhere to the financial and budgetary reporting requirements, timelines, recommendations, annual business review, and reporting standards prescribed by the MUSD. The specific documents, timelines and work plan will be delineated as part of a separate oversight/business services memorandum of understanding.

Programmatic Audit:

The Charter School will compile and provide to the District an annual performance audit. This audit will, at a minimum, include the following data:

A. Summary of data showing student progress toward the goals and outcomes specified in the Charter using the assessment instruments and techniques listed in the Charter.

B. Information reflecting the Charter School has complied with any applicable high school exit examination.

C. Analysis of whether student performance is meeting the goals specified in the Charter. This data will be displayed on both a school-wide basis and dis-aggregated by major racial and ethnic categories to the extent feasible without compromising student confidentiality.

D. Data on the level of parent involvement in the Charter School’s governance (and other aspects of the Charter School, if applicable) and a summary of data from an annual parent and student satisfaction survey, together with a summary of actions taken or planned to correct deficiencies or improve results in the foregoing.

E. Data regarding the number of staff working at the Charter School and their qualifications.

F. A copy of the Charter School’s health and safety policies and/or a summary of any major change to those policies during the year, as well as a summary of all health and safety issues arising since the last report, and a summary of actions taken or planned to correct deficiencies or improve results in the foregoing.

G. Analysis and comparison of the racial and ethnic makeup of charter pupils as compared to the general population of residents within the territorial boundaries of the District, including outreach actions taken to strive to achieve the charter pupil population is reflective of the general population of the District.

H. Analysis of the Charter School’s admissions practices, data regarding the numbers of students enrolled, dis-enrolled, denied admission and the reasons therefore, the number on waiting lists, and information on any plans for expansion to accommodate more pupils, including those on the waiting lists.

I. Analysis of the effectiveness of the Charter School’s internal and external dispute mechanisms, and data on the number and resolution of disputes and complaints.
J. Other information regarding the educational program and the administrative, legal, and governance operations of the Charter School relative to compliance with the terms of the charter, generally.

GVCS and MUSD will jointly develop the content, evaluation criteria timelines, and process for the annual performance reports.

GVCS and MUSD will also jointly develop an annual site visitation process and protocol to enable the MUSD to gather information needed to confirm the GVCS performance and compliance with the terms of this Charter.

Element 10: Suspension and Expulsion Procedures

Students may be suspended or expelled from the Charter School according to the Charter School’s suspension and expulsion policy. (See attachment A.)

Element 11: STRS, PERS, and Social Security Participation

All employees leaving the MUSD to work at GVCS shall enjoy the same employee benefits as all other employees of GVCS with similar job classifications. GVCS provides STRS to certificated staff and provides PERS and Social Security to non-certificated staff.

Element 12: Public School Alternatives

Attendance at GVCS is entirely voluntary on the part of the students who enroll. Attendance at district of residence public schools shall be an option for all students who do not choose to attend this Charter School. Parents and guardians of each student enrolled in the Charter School will be informed that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

Element 13: Rights of Employees Leaving the District

Persons employed by GVCS shall not be deemed to be employees of the MUSD for any purpose whatsoever. Employees who leave the MUSD to work at GVCS have no rights of return to the MUSD and they are not being granted a leave of absence from their District employment unless the MUSD provides the employee with that option.

Element 14: Procedures for Resolving Disputes Relating to Provisions of the Charter

Any dispute between GVCS and the sponsoring district (collectively "the Parties") shall be resolved in accordance with the following procedure. The term dispute means any alleged violation, misinterpretation, or misapplication of a specific provision of this Charter or the MOU between the parties, which does not constitute a severe and imminent threat to the health and safety of pupils.

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

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

The Superintendent and Executive Director, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the Superintendent and Executive Director, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

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

**Element 15: Closure Procedures**

In the event that GVCS closes, the assets and liabilities of the Charter School will be donated to another California public charter school. The governing board members will attend to enumerating and disposing of the assets and liabilities as directed in the bylaws and the Board Treasurer shall ensure that a final audit of the Charter School’s assets and liabilities is performed. Parents or guardians of students will be provided with a printed transcript of their academic progress at the Charter School, along with other relevant information. Thus, in the event of a school closure, parents and students will possess an independent copy of potentially necessary pupil records.

The Charter School’s governing board shall transfer student records to the school district of residence. If no district of residence can be determined for some students after a good faith effort to do so, MUSD shall maintain the records. No student records shall be destroyed.

GVCS shall ensure that all procedures required under Title 5 California Code of Regulations Section 11962 are completed as part of the close out process. The costs of the close out process shall be paid out of the GVCS reserve fund.

**Impact on the District**

If GVCS is granted use of certain facilities located at the Mesa Union School, GVCS agrees to pay MUSD the actual supervision and oversight charges up to 3% of the GVCS revenue in return for rent free use of these facilities.

Details of any business or administrative services, special education services, costs, and funding between the District and the Charter School shall be detailed in a Memorandum of Understanding.
GVCS agrees to pay MUSD actual costs up to 1% of the GVCS revenue for supervisorial oversight if not utilizing rent free facilities from MUSD.

In the event of changes to state law or regulations applicable to charter schools enacted subsequent to granting this Charter, which are inconsistent with the terms of this Charter, the parties agree to amend this Charter and any applicable MOU provisions to accord with any such changes.

**Other Financial Requirements**

GVCS shall maintain in effect a comprehensive range of insurance coverage, commensurate with that of other public schools and/or nonprofit organizations of similar type and size, to protect both itself and the MUSD. Details of this policy will be outlined in a Memorandum of Understanding.

Contracts, purchase orders, loans or other financial transactions shall be unenforceable against the MUSD and shall be the sole responsibility of GVCS.

**Amendments of the Charter**

The GVCS charter may be amended by a written agreement of the GVCS Board of Directors and the MUSD Board of Trustees. A material revision to the charter may, at the election of the MUSD Board of Trustees, necessitate obtaining the consent and/or support of parents of at least one-half the current pupils, or at least one-half the current certificated staff.

**Term of the Charter**

The term of this charter shall be for five years and may be renewed for subsequent five-year terms by the MUSD Board of Trustees. The Board of Trustees must act to renew or not renew this Charter no later than six (6) months prior to the date this Charter expires or upon a mutually agreed deadline. The MUSD Board of Trustees shall not be required to take any action on renewal of the charter until it has been presented with a written request for renewal by GVCS.

The term of this charter shall begin on July 1, 2017, and if it is not renewed as provided herein, shall expire on June 30, 2022.

**Revoking the Charter**

The Board of Trustees may revoke the Charter if it finds that GVCS did any of the following:

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter or MOU;
2. Failed to meet or pursue any of the pupil outcomes identified in the Charter;
3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement;

Revocation procedures shall comply with applicable law.
Attachment A

**SUSPENSION AND EXPULSION PROCEDURES**

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

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School’s policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

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

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that these Policy and Administrative 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 Act ("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 regular education students except when federal and state law mandates additional or different procedures. The Charter School will follow Section 504, the IDEIA, and all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school
activity or school attendance occurring at 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.

   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 a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

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, 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. 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).

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.

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) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.

r) Made 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 a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

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 school site, 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, 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. 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).

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.
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.

   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 school employee who referred the student to the Executive Director.

      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 school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

      At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

      This conference shall be held within two (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 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 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 Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of for Expulsion by the Executive Director or Executive Director’s designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. 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 determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

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

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the 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 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 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 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 which shall be examined only by the 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 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 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 School must present evidence that the witness' presence is both desired by the witness and will be helpful to the 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 the 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 and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

If the expulsion hearing 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 to expel, shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student; and
2. 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 School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the District.

This notice shall include the following:

a) The student's name
b) The specific expellable offense committed by the student

J. Disciplinary Records

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

K. No Right to Appeal
The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board’s decision to expel shall be final.

L. Expelled Pupils/Alternative Education

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

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Executive Director 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 shall make a recommendation to the Board 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 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, whichever occurs first, unless the parent and the Charter School agree otherwise.

5. Special Circumstances

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

The 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 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 director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-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.