



Material Revision to the  
Charter Renewal Petition  
Effective July 1, 2019 through June 30, 2027

Approved by the Board of Education of the San Diego Unified School District  
on May 14, 2019

Material Revision  
Submitted February 9, 2024

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i. **AFFIRMATIONS AND DECLARATION**

Darnall Charter School (“Darnall” or the “Charter School”) will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

1. The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(d)(1)]
2. The Charter School declares that it shall be deemed the exclusive public school employer of the employees of Darnall Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(c)(6)]
3. The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)]
4. The Charter School shall not charge tuition. [Ref. Education Code Section 47605(e)(1)]
5. The Charter School shall admit all students who wish to attend the Charter School, unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(e)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parent or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(e)(2)(C). [Ref. Education Code Section 47605(e)(2)(A)-(C)]
6. The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(e)(1)]
7. The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
8. The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
9. The Charter School shall ensure that teachers in the Charter School hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher’s certificated assignment. [Ref. California Education Code Sections 47605(l) and 47605.4(a)]

10. The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
11. The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
12. If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(e)(3)]
13. The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code 47605(n)]
14. The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
15. The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. Education Code Section 47605(d)]
16. The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
17. The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
18. The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
19. The Charter School shall comply with the Public Records Act.
20. The Charter School shall comply with the Family Educational Rights and Privacy Act ("FERPA").
21. The Charter School shall comply with the Ralph M. Brown Act.
22. The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]
23. The Charter School shall adhere to each of the conditions in Education Code Section 47605(e)(4)(A)-(D), including: (A) not discouraging a student from enrolling or seeking to enroll in the Charter School for any reason; (B) not requesting a student's records or requiring a parent, guardian, or student to submit the student's records before enrollment; (C) not encouraging a student currently attending the Charter School to disenroll or transfer to another school for any reason; and (D) providing a copy of the California Department of Education ("CDE") notice regarding the requirements in Education Code Section 47605(e)(4)(A)-(D) to a parent/guardian or student if the student is 18 years of age or older: (i) when a parent/guardian or student inquires about enrollment, (ii) before conducting an

enrollment lottery, or (iii) before disenrollment of a student. [Ref. Education Code Section 47605(e)(4)(A)-(D)]



3.4.19

Consuelo Manriquez  
Associate Director of Communications & Operations

Date

## I. INTRODUCTION

### **BACKGROUND**

In September 2018, Darnall Charter School celebrated its 25<sup>th</sup> year as a California charter school. The Charter School's first charter was approved by the San Diego Unified School District on July 27, 1993 making it one of the first charter schools in the District. With subsequent approval by the State Board of Education on September 10, 1993, Darnall Charter School became the 33<sup>rd</sup> charter school in California. Over this time period, Darnall has successfully modified its academic focus to address changing academic standards and to increase student achievement.

In the last five years, Darnall has been approved by the Accrediting Commission for Schools, Western Association of Schools and Colleges ("WASC") to be a Candidate for Accreditation, added Transitional Kindergarten ("TK"), begun implementation of the California Scale-Up MTSS Statewide ("SUMS") initiative for a Multi-Tiered System of Support ("MTSS"), adopted a new Language Arts and English Language Development curriculum, and has been approved for funding for a five phase whole site modernization project.

### **2017-18 Darnall Charter School Student Demographics**

Ethnicity		Subgroups	
African American	10.8%	English Learners	58.1%
American Indian or Alaska Native	0.2%	Foster Youth	0.5%
Asian	6.1%	Homeless Youth	4.2%
Filipino	0.5%	Migrant Education	0.6%
Hispanic or Latino	76.6%	Students with Disabilities	12.8%
Pacific Islander	0.6%	Socioeconomically Disadvantaged	86.3%
White	2.0%	LCFF - Unduplicated Pupil	91.3%

		Percentage	
Two or More Races	3.3%		

### **Commitment to the Future**

This petition reflects our commitment to continued improvement through honest reflection and self-evaluation. The following major stakeholder engagement processes contributed to this revision:

- Local Control Accountability Plan (“LCAP”)
- Western Association of Schools and Colleges (“WASC”)
- Multi-Tiered System of Support (“MTSS”)

We are committed to building on our successes as we revise our goals and the strategies to achieve them in order to prepare our students to be college bound and career ready. Darnall Charter School requests that the Board of San Diego Unified School District renew this Transitional Kindergarten through Grade 8 Charter for the term July 1, 2019, through June 30, 2024. The charter term was extended, by operation of law, through June 30, 2027. (Education Code Section 47607.4.)

## **II. STANDARDS FOR RENEWAL**

Education Code section **47607(b)** requires that a charter school must meet at least one of the following renewal criteria before receiving a charter renewal:

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.
2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
3. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
5. Has qualified for an alternative accountability system pursuant to Education Code Section 52052.

The following shall serve as documentation confirming that the Charter School meets the statutory criteria required for renewal as set forth in Education Code Section 47607(b)(4)

**Darnall Charter School California Assessment of Student Performance and Progress (“CAASPP”) Scores, 2015-2018 Percentage of Students Meeting or Exceeding Standards**  
The percentage of Darnall Charter School students who Met or Exceeded standards on the CAASPP has increased in both ELA/Literacy and Math between 2015 and 2018.

	ELA Met or Exceeded	Math Met or Exceeded
2014-15	32%	25%
2015-16	31%	25%
2016-17	36.5%	26.6%
2017-18	38%	29%

**2017-18 CAASPP Comparison to Demographically Similar Schools in the District**

	Darnall	Central	Euclid	Fay	Ibarra	Joyner	Rosa Parks
ELA Met or Exceeded	38%	23.8%	36.3%	33%	33%	41.2%	35.2%
Math Met or Exceeded	29%	15.6%	33.5%	28.3%	31.9%	26.4%	29.4%

**2017-18 CAASPP Comparison to Schools that Darnall Students Would Otherwise be Required to Attend**

	Darnall	Mann Middle	Wilson Middle	Carver	Clay	Fay	Rolando Park
ELA Met or Exceeded	38%	33.9%	29.9%	41.5%	47.9%	33%	58.9%
Math Met or Exceeded	29%	23%	16.9%	34.5%	41.9%	28.3%	57.7%

### **CAASPP - Closing the Achievement Gap**

The percentage of Darnall Charter School students who scored Standard Not Met (Level 1) and the Average Distance From Standard has **decreased** in both ELA/Literacy and Math between 2015 and 2018.

	ELA Standard Not Met	ELA Average Distance From Standard	Math Standard Not Met	Math Average Distance From Standard
2014-15	38%	41.1	42%	60.9
2015-16	38%	39.9	39%	56.6
2016-17	32.46%	29.1	39.90%	50.7
2017-18	31.21%	28.1	38.92%	51.9

### **CAASPP - English Language Arts Subgroups**

The percentage of Darnall Charter School students who Met or Exceeded standards on the CAASPP has **increased** in ELA in four out of five subgroups between 2015 and 2018.

	Economically Disadvantaged	English Learners	Students with Disability	African American	Latino
2014-2015	32%	22%	5%	25%	27%
2015-2016	29%	18%	8%	20%	29%
2016-2017	37.83%	13.24%	4%	32.50%	33.76%
2017-2018	37.2%	16.67%	18.52%	32.65%	35.22%

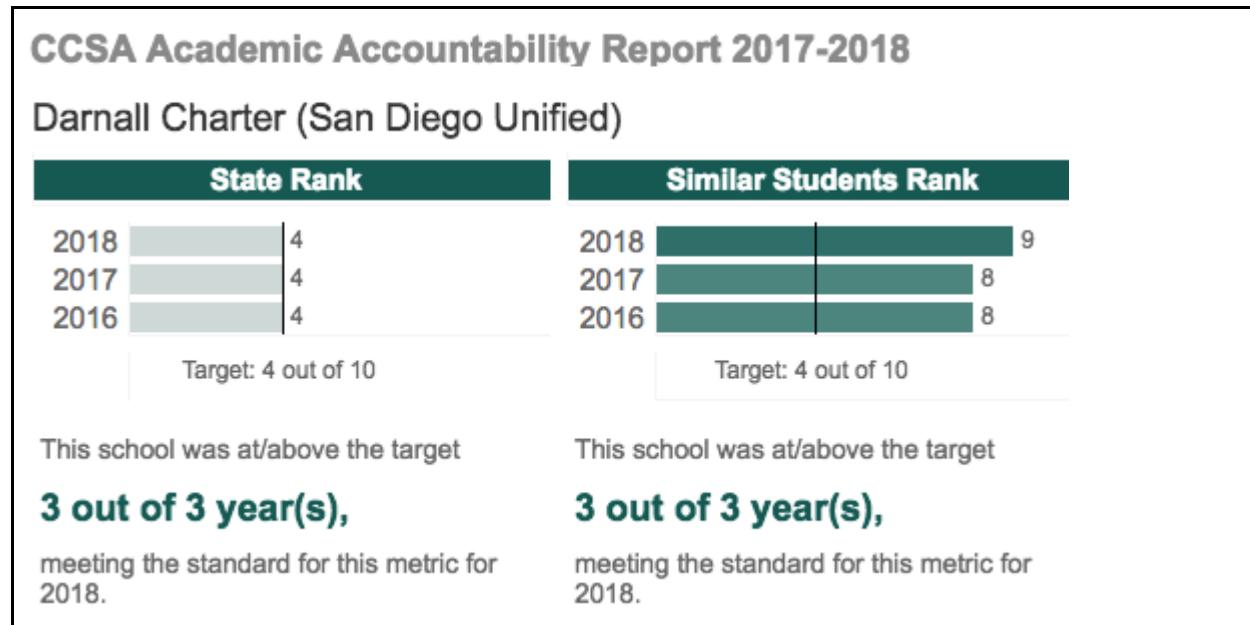
### **CAASPP - Math Subgroups**

The percentage of Darnall Charter School students who Met or Exceeded standards on the CAASPP has **increased** in Math in three out of five subgroups between 2015 and 2018.

	Economically Disadvantaged	English Learners	Students with Disability	African American	Latino
2014-2015	25%	20%	5%	20%	21%

2015-2016	24%	21%	11%	18%	22%
2016-2017	28.28%	17.96%	8%	15%	24.46%
2017-2018	29.03%	16.58%	7.28%	18%	26.73%

### California Charter School Association State and Similar Student Rankings



### State Priorities

This charter petition and Local Control and Accountability Plan (Appendix A) address the eight state priorities.

LCAP Goals	State Priority
Goal 1 - All students will have access to rigorous, well-rounded, standards-aligned curricula taught by highly qualified teachers.	1, 2, 7, 8
Goal 2 - Maintain high academic achievement expectations for all students and provide the support needed to meet those expectations.	4, 8
Goal 3 - Provide a safe and caring learning environment that promotes student engagement and supports teaching and learning.	1, 6
Goal 4 - Support student achievement and build a sense of community by providing opportunities for meaningful parent involvement through education, communication and collaboration.	3, 5

## **Parent Engagement**

The Darnall 2018-19 Fall Parent Survey was developed specifically to gather input from parents related to State Priority 3 - Parent Engagement and Darnall's LCAP Goal #4 - "Support student achievement and build a sense of community by providing opportunities for meaningful parent involvement through education, communication and collaboration."

1. Key findings related to seeking input from parents regarding decision making
  - a. 84.27% of parents replied Agree or Strongly Agree when asked if parents "have the opportunity to contribute to school-related policies and decision-making."
  - b. 70.00% of parents replied Agree or Strongly Agree when asked if "the school tries to get parent input before making important decisions."
  - c. 77.78% of parents replied Agree or Strongly Agree with the statement "I am satisfied with the opportunities for parent involvement."
2. Key findings related to promoting parental participation in programs
  - a. 90.36% of parents replied Agree or Strongly Agree when asked if they are "satisfied with the communication between the school and home."
  - b. 84.34% of parents replied Agree or Strongly Agree when asked if the school keeps them "informed about parent meetings and programs."

## **School Climate**

At Darnall Charter School, our motto is to: "Be Respectful, Be Responsible, Be Safe". These ideas define our commitment to provide a safe and secure learning environment for each and every child and adult on campus. Under the leadership of the Positive Behavior Interventions and Support ("PBIS") committee, our students and staff embrace the Eight Keys of Excellence and restorative practices every day. With these practices in place, we have created a school culture that nurtures the whole child.

### 2017-18 School Climate Survey Results

1. Summary Results
  - a. School Climate Survey Overall Positive Response Average: 74.95%
  - b. School Safety Positive Response Average: 70%
  - c. Connectedness Positive Response Average: 81%
2. Combined results from 4th - 8th grade students
  - a. 80.79% of students replied that they feel safe while at school.
  - b. 86.71% felt teachers treat them with respect.
  - c. 74.85% think teachers treat them fairly.
  - d. 96.98% know how to follow the school motto (Be respectable, responsible and safe).
  - e. 75.91% believe the school works with parents/guardians to help them do their best.
  - f. 78.29% look forward to coming to school each day.
  - g. 89.47% believe teachers provide them with a lot of chances to be a part of class discussions or activities.

- h. 90% of students feel their teacher really cares about them.
- i. The lowest positive responses were to questions about how students interact with each other (47.65%, 26.51% and 54.90%).

School safety and connectedness is a priority at Darnall. This survey is an example of how we use data to continually evaluate our practices and work toward improvement. Based on survey data, we will continue to focus on fostering positive student-to-student interaction and respect.

During the 2018-2019 school year, schoolwide suspensions increased 1.5%. The following are actions we have implemented, or have continued, to improve school climate and reduce suspensions (see Element 1- Educational Program for more detailed information):

- Continued Positive Behavior and Intervention System (PBIS) training and implementation
- Continued Restorative Practice training and implementation
- Continued Character Education - 8 Keys of Excellence
- Expanded Digital Citizenship instruction
- Adopted a new Social-Emotional Curriculum
- Hired a new counselor
- Partnered with an outside agency to support students and families

### **Projected Enrollment of Darnall Charter School**

In 2018-19, Darnall Charter began enrolling Transitional Kindergarten students. The following table reflects the **potential** enrollment impact of TK students and continues historical enrollment trends in other grades.

	2019-20	2020-21	2021-22	2022-23	2023-24
Grades TK-5	461	465	469	474	478
Grades 6-8	214	217	217	219	219
<b>Total</b>	<b>675</b>	<b>682</b>	<b>686</b>	<b>693</b>	<b>697</b>

### **III. CHARTER ELEMENTS**

#### **A. REQUIRED ELEMENTS**

##### **ELEMENT 1 - EDUCATIONAL PROGRAM**

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

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

##### **OUR MISSION**

We are committed to academic excellence by vigorously engaging students in a rigorous, student-centered learning environment that will foster the development of global citizens.

##### **OUR VISION**

Darnall Charter School students will embrace learning, opportunity, and responsibility, explore their unlimited potential, and create positive change.

##### **OUR CORE BELIEF**

All students will succeed in an inclusive, equitable and positive learning environment which includes:

- High quality, inclusive academic instruction based on standards
- High expectations for academic achievement
- Personalized learning opportunities to meet each student’s unique needs
- Opportunities to think critically and creatively
- Inclusive behavioral and social-emotional instruction and support
- A safe and caring learning environment
- Decisions informed by data

##### **BUILDING THE FRAMEWORK FOR OUR CORE BELIEF**

In 2017, Darnall was awarded the California Scale-Up MTSS Statewide (SUMS) Grant. The California Multi-Tiered System of Support (MTSS) is a continuous improvement framework that ensures that students' academic, behavioral, and social-emotional needs are being met through differentiated levels of instruction and support. Within this structure, universal supports (Tier 1) are provided for all students in academic, behavioral and social emotional instruction. Supplemental supports (Tier 2) are provided to some students and intensified supports (Tier 3) are directed toward the few students with the greatest needs. We use this framework to align our strength-based needs and monitor success using multiple data points. We continue to build and refine our educational program around the MTSS framework.

## **GOALS AND ACTIONS TO ACHIEVE THE EIGHT STATE PRIORITIES**

Pursuant to Education Code Sections 47605(c)(5)(A)(ii), a reasonably comprehensive description of the Charter School's annual goals and actions, both schoolwide and for each subgroup of pupils, in and aligned with the Eight State Priorities as described in Education Code Section 52060(d), can be found in the Charter School's Local Control and Accountability Plan ("LCAP"). Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is also available in Appendix A. The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. 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.

Darnall's LCAP was developed through an inclusive stakeholder input process and identifies our goals, measurable outcomes (see Element 2) and the specific actions to be taken to achieve those goals. While the content of the LCAP may change, our Core Belief will continue to be the foundation for our goals. The following table is a crosswalk between our current LCAP goals and the components of our Core Belief:

<b>2018-19 LCAP Goals</b>	<b>Core Belief Components</b>
Goal 1 - All students will have access to rigorous, well-rounded, standards-aligned	<ul style="list-style-type: none"><li>• Inclusive and equitable learning environment</li></ul>

curricula taught by highly qualified teachers.	<ul style="list-style-type: none"> <li>• High quality, inclusive academic instruction based on standards</li> <li>• Inclusive behavioral and social-emotional instruction and support</li> <li>• Decisions informed by data</li> </ul>
Goal 2 - Maintain high academic achievement expectations for all students and provide the support needed to meet those expectations.	<ul style="list-style-type: none"> <li>• Inclusive and equitable learning environment</li> <li>• High expectations for academic achievement</li> <li>• Personalized learning opportunities to meet each student's unique needs</li> <li>• Inclusive behavioral and social-emotional instruction and support</li> <li>• Decisions informed by data</li> </ul>
Goal 3 - Provide a safe and caring learning environment that promotes student engagement and supports teaching and learning.	<ul style="list-style-type: none"> <li>• Positive learning environment</li> <li>• Opportunities to think critically and creatively</li> <li>• A safe and caring learning environment</li> <li>• Inclusive behavioral and social-emotional instruction and support</li> <li>• Decisions informed by data</li> </ul>
Goal 4 - Support student achievement and build a sense of community by providing opportunities for meaningful parent involvement through education, communication and collaboration.	<ul style="list-style-type: none"> <li>• Positive learning environment</li> <li>• A safe and caring learning environment</li> <li>• Inclusive behavioral and social-emotional instruction and support</li> <li>• Decisions informed by data</li> </ul>

## **STUDENT POPULATION**

Darnall Charter School is a neighborhood public school that serves students who live in surrounding areas within and outside the District boundary. The Charter School is located in the College area of San Diego in a neighborhood of single family homes, apartments, and small businesses. Our students reflect the ethnic and linguistic diversity of the Redwood Village and surrounding areas within the District. The majority of students enrolled at the Charter school reside in attendance boundaries for Carver Elementary, Mann Middle school, outside the district boundary, Fay Elementary and Rolando Park.

As of November 2018, the Charter School serves approximately 658 students in grades TK-8. The majority of students are eligible for the free- or reduced-priced meal program and are categorized as socioeconomically disadvantaged. Approximately 60% of students are English Learners. The 2017-18 LCFF Unduplicated Pupil percentage was 91.3%. The table below summarizes the composition of the student population and comparable district schools.

## Student Population 2017-18

	Darnall	SDUSD	Mann Middle	Wilson Middle	Carver	Clay	Fay	Rolando Park
Hispanic or Latino	76.6%	46.5%	46.5%	80.7%	49.0%	37.1%	55.9%	51.2%
African American	10.8%	8.4%	8.4%	5.9%	15.3%	26.1%	18.2%	16.6%
American Indian or Alaska Native	0.2%	0.3%	0.3%	0.1%	0.5%	0.7%	1.1%	0.0%
Asian	6.1%	8.5%	8.5%	8.6%	20.4%	8.5%	16.5%	12.2%
Filipino	0.5%	4.9%	4.9%	0.3%	4.1%	0.7%	0.5%	0.0%
Pacific Islander	0.6%	0.4%	0.4%	0.1%	1.5%	0.0%	0.3%	0.5%
White	2.0%	23%	23%	1.2%	4.1%	13.7%	4.2%	9.8%
Two or More Races	3.3%	7.2%	7.2%	2.2%	4.6%	10.1%	1.9%	6.8%
Not Reported	0.0%	0.8%	0.8%	0.9%	0.5%	3.3%	1.4%	2.9%
English Learners	58.1%	22.4%	22.4%	36.7%	37.8%	29.3%	57.2%	26.3%
Foster Youth	0.5%	0.2%	0.2%	0.6%	0.0%	0.0%	0.3%	0.5%
Homeless	4.2%	5.6%	5.6%	8.6%	3.6%	2.3%	8.1%	8.3%
Migrant Education	0.6%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Students with Disabilities	12.8%	12.9%	12.9%	21%	13.8%	11.1%	9.5%	20.5%
Socioeconomically Disadvantaged	86.3%	58.8%	58.8%	97.8%	86.2%	83.4%	97.4%	87.3%

### **WHAT IT MEANS TO BE AN EDUCATED PERSON IN THE 21<sup>ST</sup> CENTURY**

Darnall Charter School believes that children in the 21st century must become literate and articulate, mathematically competent, and technologically adept. Darnall further believes that all children should have the opportunity to develop their social-emotional health, creative and physical abilities, curiosity and love of learning. Darnall recognizes its responsibility to generate enthusiasm and excitement for the lifelong process of learning by providing a curriculum that is relevant, integrated, and age appropriate, and that, at the same time, is aligned to the California state standards, which include the Common Core State Standards (“CCSS”), Next Generation Science Standards (“NGSS”), English Language Development (“ELD”) Standards, History-Social Science Framework, and all other applicable state content standards (hereinafter, collectively “State Standards”).

At Darnall, students in TK-8 engage in a challenging learning program that is tailored to their individual needs and is focused on equipping them for success in the 21<sup>st</sup> century. The Darnall curriculum and instructional programs emphasize core subjects in the timeless fundamentals

such as reading, writing, mathematics, science, and social studies; learning skills required for lifelong, continuous learning; and communication skills necessary to interact with adults and children of all ages.

Darnall also believes that the individualized and supported personalized learning educational program facilitates the development of self-direction and personal responsibility among its students. In these ways, Darnall will meet the objective of forming students who are self-motivated, competent, lifelong learners.

### **HOW LEARNING BEST OCCURS**

Darnall Charter School believes that children learn best in an inclusive, equitable and positive learning environment in which they are respected, accepted, valued, nurtured as unique individuals and challenged to achieve their full potential. From this, it follows that students learn best when their instruction is tailored to their unique needs and when they are supported by a Multi-Tiered System of Support and by adults who are committed to their success.

Family and community members are seen as partners and are given opportunities for meaningful involvement in students' education and the school. Studies also show that learning best occurs when parents actively participate in the educational program and are supported by a school that responds to family involvement in a culturally responsive manner. When parents are knowledgeable and informed by the Charter School, they are able to help their children and also be a part of the school community. This adds to the team and builds a strong supportive network. Strong family and community engagement is achieved through trusting family and community partnerships.

In addition to family and community support, student learning best occurs in a fully integrated educational framework that fosters a strong and positive culture in schools; with strong and engaged administrative leadership and solid educator support systems; under an inclusive policy framework that removes barriers to student access, combines multiple initiatives and fosters a collaborative relationship between the school and the Board of Trustees.

### **HIGH QUALITY INSTRUCTION**

Based on the MTSS framework, **all** students receive universal support through high quality academic, behavioral and social-emotional instruction. Instruction, curriculum and assessments are research and evidence based. Instruction is data driven and, at this foundational level of our Multi-Tiered System of Support, provides multiple sources of data used to determine if students need supplemental or intensified support (see the Plan For Below Grade Level And At-promise Students for more information regarding these supports).

Darnall Charter School has developed and will continue to refine an instructional program that provides optimal support for our students based on the expectation that students will develop skills and abilities that will prepare them for college and the workforce. Using early

identification, consistent progress monitoring, and through differentiated materials, instructional and learning strategies, and the use of adaptive software, the learning needs of individual students are supported. Our program is built on the premise that learning occurs best in supportive learning environments that foster active engagement.

The following are essential components of the Darnall's academic, behavioral and social-emotional instructional programs:

### **Differentiated Instruction**

Instruction is adapted based on the assessment of students' strengths and needs. Various differentiation strategies may be used to adapt the presentation of curriculum, materials used, learning activities, student grouping or the instructional setting.

### **Universal Design for Learning ("UDL")**

At Darnall, we continue to refine our teaching methods to remove any barriers to learning and give all students equal opportunities to succeed. By building in flexibility we adjust instruction to every student's strengths and needs. We are working toward structuring all lessons and assessments around the three UDL main principles which include; offering information in more than one format (representation), giving students more than one way to interact with the material and to show what they've learned (action and expression) and looking for multiple ways to motivate students (engagement).

### **Evidence-Based Instructional Practices**

Darnall Charter School uses and will consistently implement evidence-based instructional practices to meet the needs of all students including, but not limited to:

- Flexible and strategic grouping
- Flexible seating (at some levels)
- Collaborative learning such as pair share and partner talk
- Peer assisted learning
- Interactive notebooks
- Incorporating student choice
- Student presentations and debate
- Small group direct instruction or guided practice
- Differentiated small group or one-on-one instruction based on student needs
- Project-based learning
- Cross-age support
- Independent practice
- Systematic use of adaptive software

### **Grade Level Grouping**

Although TK - 6th grade classes are self-contained, or single subject in Middle School, it is our practice to provide flexible grouping within grade level teams in order to best meet the needs of our students. Just as we expect teachers to provide focused small group instruction within their classrooms, we support collaboration among grade level teams to provide focused instruction to homogeneous groups. The flexibility to reconfigure for specific purposes such as intervention or ELD ensures that teachers are able to collaborate on behalf of their students.

## **Culturally Responsive Teaching**

Culturally responsive teaching is used to ensure students feel a sense of belonging. Students are more engaged in the learning process when instruction is presented in the context of their personal experience or perspective.

### **1:1 Technology, Instructional Technology and Resources**

Darnall's primary goal for the use of technology, consistent with the principles of Universal Design for Learning (UDL), is to support the learning needs of all students. Technology is another option for providing students with a means to access the curriculum. It allows for the flexibility and responsiveness that UDL aims to facilitate for students in the classroom. This power and flexibility greatly enhances the ability to individualize and customize the learning experience and provide students with multiple avenues for learning: multiple means of representation, multiple means of action and expression, and multiple means of engagement. The following are some of the ways teaching and learning are enhanced with technology:

- Personalized Learning and Differentiated Instruction - Students do not learn the same material at the same pace or in the same way. Technology makes it possible for teachers to differentiate content delivery and student assignments, using a variety of teaching methods and tools.
- Enhanced Student Engagement and Ownership for Learning - The learning shifts from the more traditional instructor-led model to a more student-centered focus. Accessibility to online learning tools gives students options that naturally engage them in the learning process.
- Enhanced Opportunity For Collaboration - Students have access to resources beyond the classroom walls or the school day. Students are able to collaborate, communicate and problem-solve with their teachers and peers through a variety of tools.
- Improved Student Workflow - Students experience greater independence, greater task completion, and more efficient workflow with the ability to electronically manage and share tasks in a single environment.
- Ongoing Formative Assessment - Teachers are better able to monitor student work and progress. This facilitates ongoing feedback to students from teachers and formative assessment opportunities.

We are committed to the acquisition and support of effective educational technology that provides teachers and students with real-world contexts for learning, connections to larger learning communities, and opportunities to individualize and apply learning.

## **INCLUSIVE ACADEMIC INSTRUCTION**

Darnall provides inclusive academic instruction supported by California State Standards and Frameworks, Response to Instruction and Intervention (RtI<sup>2</sup>) and MTSS. Darnall Charter School is committed to meeting the needs of every child. Darnall Charter School has developed and will continue to refine an instructional program that provides optimal support for our students based on the expectation that students will develop skills and abilities that will prepare them for college and the workforce. Using early identification, consistent progress monitoring, and through differentiated materials, instructional and learning strategies, and the use of adaptive software,

the learning needs of individual students are supported. Our program is built on the premise that learning occurs best in supportive learning environments that foster active engagement.

## Curriculum

All students will have access to rigorous, well-rounded, standards-aligned curricula (LCAP Goal 1). Core curriculum, textbooks and supplementary programs go through a thorough adoption process to ensure they are standards-aligned, academically rigorous and research based. The following table shows the current core curriculum and supplemental programs.

Subject	Core Curriculum and Supplemental Programs
English/Spanish Language Arts and English Language Development	<p>Core Curriculum</p> <ul style="list-style-type: none"> <li>TK - Ready to Advance (Benchmark)</li> <li>K-6 - Benchmark Advance (Benchmark)</li> <li>K-2 - Benchmark Adelante - Spanish (Benchmark)</li> <li>7-8 - Ready Common Core (Curriculum Associates)*</li> </ul> <p>Supplemental Programs</p> <ul style="list-style-type: none"> <li>iReady Reading (K-8)</li> <li>Ready Common Core (K-6)</li> <li>IXL English Language Arts</li> <li>MobyMax Early Reading, Reading, Language and Writing</li> <li>Reading A-Z and Raz-Kids</li> </ul>
English Language Arts Intervention	<p>Core Curriculum</p> <ul style="list-style-type: none"> <li>2-6 - Steps to Advance (Benchmark)</li> <li>Rigor 1 Skill Bags (Benchmark)</li> </ul>
Mathematics	<p>Core Curriculum</p> <ul style="list-style-type: none"> <li>TK-1 - My Math (McGraw-Hill)</li> <li>K-2 - Mi Matemáticas (McGraw-Hill)</li> <li>2-6 - Ready Common Core (Curriculum Associates)</li> <li>7-8 - Springboard Mathematics (The College Board)</li> </ul> <p>Supplemental Programs</p> <ul style="list-style-type: none"> <li>iReady Mathematics (K-8)</li> <li>Ready Common Core (K-1)</li> <li>IXL Math</li> <li>MobyMax Mathematics</li> </ul>
History and Social Studies	<p>Core Curriculum</p> <ul style="list-style-type: none"> <li>K-5 - Reflections (Harcourt)*</li> <li>6-8 - History Alive! (TCI) <ul style="list-style-type: none"> <li>6th - History Alive! The Ancient World</li> <li>7th - History Alive! The Medieval World and Beyond</li> <li>8th - History Alive! United States Through Modern Times</li> </ul> </li> </ul> <p>Supplemental Programs</p> <ul style="list-style-type: none"> <li>MobyMax Social Studies</li> </ul>
Science	<p>Core Curriculum</p> <ul style="list-style-type: none"> <li>K-6 - California Science (Harcourt)*</li> </ul>

	<ul style="list-style-type: none"> <li>• 6-8 - Bring Science Alive! (TCI)</li> </ul> <p>Supplemental Programs</p> <ul style="list-style-type: none"> <li>• TK-5 - Mystery Science</li> <li>• MobyMax Science</li> </ul>
Health	<ul style="list-style-type: none"> <li>• 7-8 - Glencoe Health (McGraw-Hill)</li> </ul>

\* In the process of being replaced by new adoption

### **Implementation of Academic Standards & Access To A Broad Course Of Study**

#### **Reading/Language Arts**

Communication is key to the next generation of learners and Darnall Charter School is committed to fostering speaking, listening, reading, and writing skills in all learners and across all curricula. Our TK-5 program emphasizes Foundational Skills as described in the CCSS. In all grades, we will strike a balance between fiction and informational text for reading and writing knowing that student literacy needs to be well-rounded. Text and media provide the common experience from which teachers will draw to create learning opportunities that authentically engage students in collaboration and communication. We understand the value of student discourse in face-to-face settings and through the tools of social media. We believe that through discourse students will develop a deeper understanding of concepts as well as the ability to think creatively and critically, construct viable arguments and critique the reasoning of others, and develop social and cross-cultural skills. Likewise, a focus on student discourse authentically supports the academic language development of our ELs.

#### **Mathematics**

Implementation of the Eight Mathematical Practices provides the foundation of our mathematics instruction while fostering the 21<sup>st</sup> Century learning proficiencies of communication, and critical and creative thinking.

#### **History/Social Science, Science, and Technical Subjects**

In Transitional Kindergarten through Grade 5 History/Social Science and Science are integrated in the Reading/Language Arts curriculum. Students engage in literacy instruction and experiences that develop their skills and abilities to comprehend content material while learning about important events and people in history and foundational concepts in science. In grades 6-8 students engage in deep exploration of the State Standards in History/Social Science, Science, and Technical Subjects.

#### **Science**

Darnall Charter School has begun transitioning to the *Next Generation Science Standards (NGSS) for California Public Schools*. Students are asked to make sense of phenomena and problem-solve using the three dimensions of science: crosscutting concepts, science and engineering practices, and disciplinary core ideas. Darnall Charter plans to adopt a new Science curriculum for the 2019-2020 school year once the CDE issues its list of new Science adoptions.

#### **Bilingual Education - Spanish and English**

Darnall Charter School has a transitional Bilingual Program, more fully elaborated later in this petition. The Bilingual Program utilizes the student's primary language to teach academic content in order for students to access the core curriculum. The main goal of Darnall's Bilingual Program is English proficiency, while building upon unique cultural and linguistic attributes of our Spanish speaking students.

### **Physical Education**

Introducing fitness at a young age raises youth's awareness of the important role fitness plays in living a healthy lifestyle. At Darnall Charter School, all TK-6<sup>th</sup> grade students participate weekly and 7-8<sup>th</sup> grade students daily in standards-based physical education classes guided by the California Physical Education Framework and California Physical Education Standards. Our physical education program strives to provide instruction that increases fitness, develops physical skills, cognition, sport, and affective domains of attitude, interest, and cultural acceptance. Darnall Charter School's master schedule ensures that students receive the minimum number of physical education minutes recommended by the state.

### **Visual and Performing Arts**

Darnall Charter School students are given opportunities to think critically and creatively beyond academic areas. We offer students exposure to the visual and performing arts through weekly Art and Music classes. Students work independently and collaboratively on a variety of artistic endeavors and performances.

**Art:** Many TK and kindergartners arrive at school knowing how to operate tablets and smartphones before they can read. This phenomenon emphasizes the importance of learning through visual representation and our comprehensive art program provides this opportunity. Through lessons based on the California Visual and Performing Arts Standards, students learn such concepts as line, color, and composition and work with a variety of media while fine tuning their motor skills. Our art program enhances students' development of 21<sup>st</sup> Century learning by engaging students in creative expression, communication using artistic language, and decision making. Students study and are inspired by the work of classical and contemporary artists and have many opportunities to express themselves. Our students will develop an understanding and appreciation of art as a form of communication and its relationship to the outside world. We believe that it is important to foster a child's artistic creativity because creative thinking, problem solving, and questioning foster the development of a creative individual and prepares them for success in tomorrow's world.

**Music:** Our general music program is designed to expose students to the power and passion that listening to and creating music can ignite. Music lessons are based on standards for the Visual and Performing Arts and executed with an understanding and consideration of developmentally appropriate instruction. Students will develop rhythm and an understanding of melody and harmony through singing and instrumental lessons. They will learn basic skills for percussion, keyboards, and string instruments, while developing the 21<sup>st</sup> Century skills of collaboration, communication, and creativity. Students will deepen their understanding of music as a cultural phenomenon through listening to music from around the world and engaging in the study of music history. Further, students will have the opportunity to develop confidence and presence when performing for family and friends at school events.

## **Middle School Program**

Darnall's educational program for seventh and eighth graders was developed based on CDE's *Taking Center Stage Act II: Middle Grades Success*. We continue to refine and develop the program we provide to students based on the following twelve recommendations from *Taking Center Stage Act II*:

1. Rigor - Hold high expectations and provide numerous avenues of support so that each middle grades learner succeeds.
2. Instruction, Assessment, and Intervention - Engage middle grades students with challenging lessons and opportunities to think critically and demonstrate their learning in a variety of ways.
3. Time - Institute flexible schedules that provide the recommended and required instructional minutes for core academic classes and accelerated interventions.
4. Relevance - Meet the needs of middle grades students by developing a rich set of courses and enrichment opportunities that infuse learning with technology, visual and performing arts, career/real-world connections, service- and project-based learning, and multicultural experiences.
5. Relationships - Foster close relationships for accountability and engagement among students and with adults who share extended time through grade-level, subject-area, or interdisciplinary small learning communities.
6. Transitions - Work with elementary and high schools to inform students and families about academic and behavioral expectations and to promote seamless, articulated transitions.
7. Access - Provide all middle grades students equal access to a well-prepared, qualified, caring staff and a rich learning environment that includes grade-level standards-based instruction; academic interventions; learning resources; leadership and recognition opportunities; exploratory programs; sports, clubs, and enrichment activities; and, to the extent possible, placement in heterogeneous classes.
8. Safety, Resilience, and Health Evidence - Create and sustain a fair, safe, and healthy school environment through a policy of positive discipline; civic and character education; safe and engaging facilities; access to adult mentors and counseling; and school and community health and social services.
9. Leadership - Foster distributed leadership, collaborative decision making, and regular data analysis to realize and sustain a middle grades vision for focused learning and continual improvement.
10. Professional Learning - Build and sustain professional learning communities through recruitment, training, coaching, and interdependent collaboration.
11. Accountability - Organize all school and community stakeholders to hold high academic and behavioral expectations for all middle grades students.
12. Partnerships - Engage families, businesses, local and state agencies and organizations, higher education, and community members as partners in supporting middle grades student achievement.

The following are some of the ways we have implemented the recommendations:

- Sixth Grade Transition Classes - Self-contained sixth-grade classes begin to prepare students for the transition to seventh and eighth. For example, students are grouped together for school activities and teachers modify instruction and classroom procedures to highlight the change students will experience in the next two grades and high school.
- Middle School Courses - Students attend core classes and a core subject support class four days per week and electives and academic support the other day. Electives are planned every year to offer students a variety of choices.
  - Core Subjects - English Language Arts, Mathematics, History, Science, Physical Education and Health, Core Subject Support: Power Math (2018-19)
  - Electives (2018-19) - Band, Choir, Guitar, Media Arts, STEAM, Newspaper, Yearbook, Basketball and Track and Field
  - Electives (2017-18) - Band, Choir, Guitar, Media Arts, Leadership, Computer Science and Track and Field
- Academic Support - After school Extended Learning Support, Summer school, Saturday support. For more, see Plan for English Learners, Plan for Below Grade Level and At-Promise Students, Plan for High-Achieving Students and Plan for Students With Disabilities.
- Behavior Support - PBIS - For example, some students are matched with other staff members to check-in and check-out regarding their day. Students also participate in Restorative Practice circles.
- Social-Emotional Learning Support - During the 2018-19 school year, students will begin receiving social-emotional instruction with the Second Step Curriculum.
- Counseling - Darnall maintains a low counselor to student ratio. Counselors provide specific support to students in areas such as matriculation to high school, suicide prevention and individualized counseling.
- Associated Student Body
- Organized Sports Leagues (2018-19) - soccer, volleyball, basketball, cheer and flag football
- Clubs (2018-19) - chess, sustainability club, cheer, volleyball, Girl Scouts and PBIS Film Crew
- Middle School Only Events - select assemblies, achievement awards, dances and social events

## **INCLUSIVE BEHAVIOR INSTRUCTION**

Darnall has implemented PBIS, restorative practices, character education and a digital citizenship education program to provide inclusive behavioral instruction to all students. We will continue to develop our behavioral program by identifying and implementing a comprehensive assessment system; and providing universal, supplemental and intensified supports based on student needs.

### **Positive Behavior Interventions and Support**

In 2013, Darnall Charter began the implementation of PBIS as our approach to behavior management and to support school wide culture and well-being. The purpose of PBIS is to establish a climate in which appropriate behavior is the norm. Darnall Charter recognizes that one of the foremost advances in schoolwide discipline is the emphasis on school wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate

student behaviors to create positive school environments. Instead of using a piecemeal approach of individual behavioral management plans, a continuum of positive behavior support for all students within a school is implemented in areas including the classroom and non-classroom settings (such as hallways, buses, and restrooms).

Attention is focused on creating and sustaining universal, supplemental, and intensified systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all students by making targeted behaviors less effective, efficient, and relevant, and desired behavior more functional.

Our overarching expectations are described in our school motto: **Be respectful, Be responsible and Be safe.** This simple creed provides the foundation for an orderly campus and classrooms focused on learning and teaching.

### **Restorative Practices**

We continue to incorporate restorative practices into our school culture to “promote inclusiveness, relationship-building and problem-solving, through such restorative methods as circles for teaching and conflict resolution to conferences that bring victims, offenders and their supporters together to address wrongdoing. Instead of punishment, students are encouraged to reflect on and take responsibility for their actions and come up with plans to repair harm ” (iirp.edu). Teachers and staff have participated in Professional Development provided by the SDCOE Student Attendance, Safety, and Well-Being unit.

### **Character Education**

At Darnall, we use the 8 Keys of Excellence (8keys.org) to inspire students to model excellence in and out of the classroom. The 8 Keys of Excellence is a character education program that provides a common framework for both teachers and students to use.

Each month we focus on a different key:

1. INTEGRITY - Match behavior with values: Demonstrate your positive personal values in all you do and say. Be sincere and real.
2. FAILURE LEADS TO SUCCESS - Learn from mistakes: View failures as feedback that provides you with the information you need to learn, grow, and succeed.
3. SPEAK WITH GOOD PURPOSE - Speak honestly and kindly: Think before you speak. Make sure your intention is positive and your words are sincere.
4. THIS IS IT! - Make the most of every moment: Focus your attention on the present moment. Keep a positive attitude.
5. COMMITMENT - Make your dreams happen: Take positive action. Follow your vision without wavering.
6. OWNERSHIP - Take responsibility for actions: Be responsible for your thoughts, feelings, words, and actions. “Own” the choices you make and the results that follow.
7. FLEXIBILITY - Be willing to do things differently: Recognize what’s not working and be willing to change what you’re doing to achieve your goal.
8. BALANCE - Live your best life: Be mindful of self and others while focusing on what’s meaningful and important in your life. Inner happiness and fulfillment come when your mind, body, and emotions are nurtured by the choices you make.

## **Digital Citizenship**

In 2018, Darnall was recognized as a Common Sense Media School for our efforts in teaching digital citizenship to young people and engaging the entire school community in this important discussion.

Students are using the immense power of the Internet and mobile technology to explore, connect, create, and learn in ways never before imagined, both in and out of the classroom. But issues that emerge from this 24/7 "connected culture," such as cyberbullying, privacy lapses and uncertainty about which information to trust online are surfacing both in schools and at home.

Digital citizenship skills have become essential for students in the 21<sup>st</sup> century, especially in schools like ours that are using technology to transform learning. That's why we are committed to teaching our students how to think critically, behave safely, and participate responsibly. The recognition acknowledges our school's commitment to creating a culture of digital learning and citizenship. As a result, our students are better equipped to navigate the digital world and use devices for learning.

## **INCLUSIVE SOCIAL-EMOTIONAL LEARNING INSTRUCTION**

Social-emotional instruction teaches student to "effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions" (Collaborative for Academic, Social, and Emotional Learning, 2018). Darnall uses the California SEL Principles as a guide and Second Step and The Zones of Regulation curriculum to provide SEL instruction. We will continue to develop our social-emotional learning program by identifying and implementing a comprehensive assessment system; and providing universal, supplemental and intensified supports based on student needs.

In order to provide all students with opportunities to create connections to adults outside of the classroom and experience leadership and recognition opportunities, Darnall Charter provides exploratory opportunities such as sports, clubs, and enrichment activities. In 2018-19 we offered the following:

- Organized Sports Leagues - soccer, volleyball, basketball, cheer and flag football
- Clubs - chess, sustainability club, cheer, volleyball, Girl Scouts and PBIS Film Crew

## **PLAN FOR ENGLISH LEARNERS**

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

## **Home Language Survey**

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

## **English Language Proficiency Assessments for California (“ELPAC”)**

All students who indicate that their home language is other than English will be administered the ELPAC. Initial Assessment within thirty calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year. All ELs will take the ELPAC Summative Assessment annually thereafter between February 1<sup>st</sup> and May 31<sup>st</sup> until re-designated as fluent English proficient (“RFEP”).

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

## **Reclassification Procedures**

Students may be considered for reclassification from EL to RFEP status when they are on par with their grade-level English speaking peers. Academic achievement data are collected from multiple measures and are disseminated to the classroom teacher three times annually for evaluation of the student’s academic performance in the classroom. Reclassification may occur when a student successfully reaches the appropriate proficiency level on the ELPAC, receives a proficient score on the CAASPP English Language Arts or i-Ready Reading test, and obtains teacher recommendation in conjunction with parent/guardian communication. Parental input in the EL program will take place through parent meetings, parent-teacher conferences, and annual written notification of their child’s ELPAC score. When the reclassification process is completed, the parents/guardian will be notified.

Reclassification criteria developed by Darnall are based on guidelines provided by the California Department of Education and approved by the State Board of Education. EL students are considered for reclassification based on the following criteria:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC.
- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents’ opportunity to participate during parent teacher conferences, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil’s performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

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

Each year approximately 50% to 60% of Darnall students are English learners. Darnall is dedicated to providing our ELs with an exceptional education and transitioning them into English proficiency as soon as possible. Two programs are offered to English learners at Darnall: Bilingual Program (K-3) and English Language Mainstream (TK-8). New enrollment screening, the Home Language Survey, and information gathered during the initial intake are carefully considered to determine placement. Each student is deliberately placed in the program that will best fit his or her needs with the goal of facilitating academic success.

### **English Language Development Curriculum**

The ELD components of Benchmark Advance and Adelante are the primary curriculum used for ELD instruction. English Learner materials contain the same rigorous cognitive demands and content as native English-speaking students' materials have, with additional scaffolds and explicit language development to support their access to meaning making.

### **Staffing**

Darnall seeks to hire faculty who have an English Learner Authorization, a Cross-Cultural Language Acquisition Development ("CLAD"), or a Bilingual CLAD certificate and are knowledgeable about how to integrate strategies for second language learners into their instruction.

### **Bilingual Program**

The Bilingual Program at Darnall Charter School utilizes the primary language to teach academic content in order for students to access the core curriculum. The program is patterned after the transitional model that increases the amount of English instruction over time beginning in Kindergarten and ending in third grade. The main goal of Darnall's Bilingual Program is English proficiency, while building upon unique cultural and linguistic attributes of our Spanish speaking students. In all grades, students will be introduced to vocabulary and concepts in English and Spanish. Students will be closely monitored as they move through the program. In fourth grade, students will move as a cohort into a English Language Mainstream (ELM) class where, in addition to ELD instruction, English learners continue to receive additional and appropriate educational services in order to recoup any academic deficits that may have been incurred in other areas of the core curriculum as a result of language barriers. Based on individual needs, students will continue to receive support in Spanish as they transition to all English instruction. The primary goal of the program is to have every student performing at grade level in English by the end of fifth grade and reclassified as being fluent English proficient.

Research shows that knowledge gained through the primary language facilitates comprehension in the second language. Literacy skills developed in the primary language transfers fluently to the second language. The reason is simple: since one learns to read by reading, it is easier to learn to read and write in the language one understands. In general, once reading skills are developed in one language, they can be transferred to another (Cummins, 1985) (Smith, 1994) (Krashen, 1996).

To maintain the rigor and focus of the Common Core State Standards, the program will also use the Common Core State Standards California English/Spanish Language version as a guide. Developed through a CDE initiative, "This translated and linguistically augmented version

establishes a guide for equitable assessment and curriculum development, resulting in high levels of biliteracy.” The standards include linguistic augmentation which is meant to “address points of learning, skills and concepts that are specific to Spanish language and literacy, as well as transferable language learnings between English and Spanish...”

The Bilingual Program includes primary language instruction and support using highly contextualized language, ELD, sheltered content instruction, and research-based strategies and best practices to enhance EL achievement. As children become more proficient in English, less material is taught in the primary language, leading to readiness for instruction in English in fourth grade. Students in the Bilingual Program, and after they have exited, are provided access to all English Learner supports until they are fully proficient in English

### **English Language Mainstream (“ELM”)**

English Language Mainstream classrooms include ELs who receive core curriculum instruction in English using Specialized Academic Instruction in English (“SDAIE”) and sheltered English strategies to scaffold instruction in the content areas. Students also receive designated ELD instruction for 30 minutes or more each day with a focus on Language Arts standards to improve their proficiency in English. During designated ELD instruction, students are grouped homogeneously by language proficiency level as determined by multiple measures. Teachers plan and collaborate in teams to deliver systematic English language instruction for daily or academic situations depending on the needs of the students. In addition to ELD instruction, English learners continue to receive additional and appropriate educational services in order to recoup any academic deficits that may have been incurred in other areas of the core curriculum as a result of language barriers.

The strength of Darnall’s ELD program, and the subsequent academic success of our English Learners, is rooted in the fact that while ELD is taught systematically, the development of English proficiency is not seen as a separate, distinct goal. Rather, it is embedded and inherently integrated into the very design of every aspect of our school. Darnall ensures that all EL students have access to appropriate, grade-level, standards-based instruction that is intentionally taught in core content classes through the use of SDAIE teaching strategies such as pre-teaching of vocabulary, hands-on activities, cooperative learning, visual or non-linguistic representation, careful scaffolding, the building of and access to background knowledge, and the use of graphic organizers.

### **Monitoring**

The Associate Director/Assistant Principal monitors the implementation of our ELD program. The ELD progress of our ELs is regularly monitored by teachers, staff and the Associate Director/Assistant Principal. The Darnall Board reviews aggregate program data on a regular basis. All EL students are given the ELPAC at least once yearly to measure their progress towards proficiency. The progress of our ELs toward mastery of State Standards is monitored through teacher observation, explicit disaggregation of EL data on our standards-aligned benchmark exams every six weeks, detailed analysis of performance of our ELs on the i-Ready Diagnostic, administered three times annually, and the CAASPP assessments.

ELs are provided access to every intervention program available to students at Darnall with a heavy focus on ensuring they have access to support through the use of:

1. Academic language: the deliberate teaching of academic vocabulary throughout and across curricula to increase reading comprehension and access to higher level texts
2. Extended Day: an after-school tutoring program that provides small group targeted instruction to address individual student needs
3. Differentiated instruction: the strategic inclusion of scaffolds and supports during lessons to ensure that ELs are able to access core curricula and develop English language proficiency

### **Meaningful Parent Participation**

At Darnall, we recognize that many of our parents work and have busy schedules outside of school to provide for the well-being of their families. Informational meetings and parent workshops are scheduled to allow for optimal attendance. These meetings and workshops ensure that parent participation is specifically centered on how parents can support their child's education in meaningful ways at home to ensure academic success and ELD.

All parents or guardians of students classified as ELs are notified annually in writing of their child's classification. Also, Darnall ensures that all school-home communication is presented bilingually (Spanish-English) to ensure that parents of EL students can participate actively in their child's education and are involved in all processes related to the English Language Development of their child. Parents also receive regular information about the progress of their EL in a variety of ways, such as progress reports and during parent conferences.

### **PLAN FOR BELOW GRADE LEVEL AND AT-PROMISE STUDENTS**

Darnall continues to develop more comprehensive interventions and supports for students in need. Under the MTSS framework, supplemental academic, behavioral and social-emotional supports are provided to some students and intensified supports are provided to the few students with the greatest needs. Based on students' needs, students are provided temporary additional services or targeted support in order to access the universal instruction provided to all students. These supports utilize data to inform decisions; have clearly defined decision rules for access and exit; and are delivered by skilled and trained personnel.

Darnall continues to refine its comprehensive assessment (see Element 3) and data system to inform decisions about student needs and measure effectiveness. Data from universal screening and universal level assessments are used to identify those students requiring additional support as early as possible. Once students begin receiving support, effectiveness is measured through diagnostic assessments, progress monitoring data, student outcomes, implementation and fidelity data and aggregate data analysis.

### **Response to Instruction and Intervention**

Response to Instruction and Intervention is a multi-level prevention system designed to identify and support those students who may be at risk for poor learning outcomes. This approach is based on multiple levels of identification and prevention designed to maximize student achievement and reduce behavior problems. The four essential components of our RtI<sup>2</sup> framework are screening, progress monitoring, implementing a multi-tier prevention system, and

decision-making based on data.

Darnall Charter School uses RtI<sup>2</sup> to:

- Identify students at risk for poor learning outcomes
- Monitor student progress
- Provide evidence based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness
- Provide information as part of a comprehensive process for identifying students with learning disabilities

### **Supplemental Support**

Additional services are provided for some students who require more academic, behavioral and social-emotional support. Most of the focus is on skills that pose a barrier to the acceleration of student learning. In most cases, data is used to identify students with similar needs and evidence-based instruction is provided to students in a small group format. The frequency, duration and timeline are based on the identified needs of the student. Progress monitoring is frequent and intervention fidelity data is collected. See Element 3 for more information about how supplemental supports are measured.

### **Intensified Support**

Targeted services are provided for the few students with greater needs who require more intense academic, behavioral and social-emotional support. The purpose is to provide services to help students overcome significant barriers to learning. Narrowly focused, evidence-based interventions are provided to individual students or in very small groups. The frequency, duration and timeline are based on the identified needs of the student. Progress monitoring is frequent and intervention fidelity data is collected. See Element 3 for more information about how intensified supports are measured.

The universal screening process is used to identify students that may need supplemental and/or intensified support. The universal screening process continues to be refined to more accurately identify students' needs. Darnall is in the process of adopting universal screening tools to measure behavioral and social-emotional progress. The following screening tools are currently being used to measure academic progress:

- Kindergarten readiness screening
- i-Ready for Reading Foundations, Reading, and Mathematics
- Diagnostic Assessments for RLA
- Mathematics inventory tests
- Adaptive diagnostic assessments

In order to provide supplemental and intensified support, additional time beyond universal instructional minutes are needed. Darnall continues to research and plan programs and instructional activities to extend the school day and school year. The following are current programs used to provide support to students beyond the school day:

- Extended Learning Support (“ELS”) - The ELS program is an eight week after school intervention that runs two times per year in the Fall and Spring. Students are enrolled if they are two years or more below grade level or based on teacher recommendation. First and second graders attend one hour sessions, two days per week. Third through eighth grade students attend three days per week.
- Summer School - The Summer program is a four to six week intervention program for students two years or more below grade level, English Learners or based on teacher recommendation.
- Saturday School Academic Support - Currently a pilot program, this program is for seventh and eighth grade students that need academic support in specific content areas.

### **Student Support Team**

The Student Support Team is a collaborative group that examines an individual student’s academic, behavioral or social-emotional progress. The SST is comprised of a Parent, Teacher, School Counselor, Special Education Teacher, and the Associate Director/Assistant Principal. Other professionals such as the Speech and Language Therapist or School Psychologist may also attend as needed. At this meeting, the team focuses on brainstorming, evaluating, reviewing or recommending interventions and creating an action plan. At this time, if it is agreed that the possibility of specific learning disabilities need to be explored, parents will sign an assessment plan for psycho-educational testing.

### **PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH-ACHIEVING**

Darnall Charter School holds high expectations for academic rigor and achievement. We recognize that some students are more able learners and require accelerated or enriched curriculum to engage and support them in achieving their academic potential. High-achieving students are identified using the following measures:

- i-Ready for Reading and Mathematics
- Unit Assessments for RLA and Mathematics
- Adaptive diagnostic assessments

Students who are achieving at or above grade level will receive enrichment and support during the instructional day through:

- Project-based learning
- Differentiated materials and instruction
- Guided practice with teacher support
- Adaptive programs that challenge students at their level

### **PLAN FOR STUDENTS WITH DISABILITIES**

Darnall Charter School recognizes its responsibility to enroll and support students with disabilities who can benefit from its programs and who otherwise qualify for enrollment. Pursuant to Education Code Section 47641(a), we have joined El Dorado County Charter Special Education Local Plan Area (“SELPA”) to ensure that a free and appropriate education is

provided to all students with exceptional needs. Darnall Charter School will comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights enforced by the U.S. Department of Education Office for Civil Rights (“OCR”). Furthermore, Darnall Charter School will comply with AB 602, San Diego Unified School District guidelines, and all California laws pertaining to special education students. A change in LEA status or SELPA membership shall require a material revision of this charter.

All students with disabilities will be fully integrated into the programs of Darnall Charter School with the necessary materials, services, and equipment to support their learning, in compliance with all applicable laws and regulations. The Charter School will ensure that any student with a disability attending our school is properly identified, assessed and provided with necessary services and supports.

Darnall Charter School will meet all the requirements mandated within a student’s Individualized Education Program (“IEP”). The Charter School will seek to include all special needs students with non-disabled peers to the maximum extent appropriate according to their IEP. However, if the student’s needs as documented on the IEP require a program other than inclusion, the Charter School will work with El Dorado Charter SELPA to provide an appropriate placement and services.

Darnall Charter School will work with El Dorado SELPA to make time and facilities available to meet the needs of the student’s IEP. Darnall Charter School will actively participate in all aspects of the IEP to enable the student to be successful, including the appropriate individual tutoring schedule and classroom modifications, strategies, and techniques.

If a parent or faculty member feels the student’s educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to Darnall Charter School. The Charter School will encourage open communication between the parents and El Dorado for any items related to the special education services. Students at Darnall Charter School who have IEPs will continue to attend the Charter School, unless the IEP recommends otherwise.

In order to comply with Child Find requirements as specified by law, Darnall Charter School will establish a referral and assessment process that brings together the parent/guardian, student, and school personnel to address any problems that interfere with a student’s success at the Charter School. This process will entail Search and Serve, a Student Study Team, referral, assessment and IEP review.

### **Search and Serve**

Upon the commencement of Darnall Charter School’s school year, all students will be evaluated as a means of class placement. No assessment or evaluation will be used for admission purposes. Through collaboration between the members of the faculty, Counselors, and the Associate Director/Assistant Principal, Darnall Charter School will work to identify any students, who do not currently have an IEP but may be in need of a pre-referral intervention plan. For students who are identified as needing interventions, faculty members, the Associate Director/Assistant

Principal, and counselors and specialists will be responsible for identifying the student's needs and developing a plan to enable that student to be successful.

This includes, but is not limited to, the appropriate individual tutoring schedule, classroom modifications, strategies, and techniques to enhance that student's ability to be successful. The student's response to instruction and intervention as outlined in the plan will be systematically monitored.

Students possibly in need of special education can be screened from already available data (i.e. school tests, teacher observations, grades, etc.) regarding the student's progress or lack of progress within the general program and his or her response to intervention. Should a student not respond to instruction and intervention, the Student Study Team will meet regarding that student. The SST is composed of the student (when appropriate and with parent permission), the student's parent or guardian, the Associate Director/Assistant Principal, the student's teacher, and one or more faculty members from the Special Education Team. Should the SST find that the pre-intervention plan is not sufficient to meet the student's needs, they may recommend that student for a formal special education assessment. Darnall Charter School may also choose to refer a student for services through the provisions of a Section 504 Plan, if appropriate. Parents will be informed that special education and related services are provided at no cost to them.

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

If a student enrolls at Darnall Charter School with an existing IEP, Darnall Charter School will follow the steps as outlined in El Dorado SELPA's Procedural Guidelines. An IEP meeting will be convened within 30 days to review the existing IEP, discuss the student's present levels of performance and needs, and offer appropriate placement and services. Prior to such meeting and pending agreement on a new IEP, Darnall Charter School shall work with El Dorado to implement the existing IEP at Darnall Charter School.

### **Referral for Assessment**

The referral process is a formal, ongoing review of information related to students who are suspected of having special needs and show potential signs of needing special education and related services. Darnall Charter School's internal method for referral for assessment will be the SST. The parent of any student suspected of needing or qualifying for special education services may also make a request for an evaluation. In accordance with Education Code Section 56043, a Darnall Charter School designee will respond to parent requests within 15 calendar days to acknowledge receipt of the request, answer any questions the parent may have, and schedule an SST. Parents will be informed via a Darnall Charter School designee that special education and related services are provided at no cost to them.

If the SST concludes that an assessment is appropriate, the parent will receive a written Assessment Plan within 15 calendar days. The parent will be given at least 15 days to provide written consent to the Assessment Plan. Assessments will be done only upon receipt of written parent permission. The assessment will be completed and an Individualized Education Program meeting held within 60 calendar days of receipt of the parent's signed consent for assessment.

### **Assessment**

Darnall Charter School will assign a Case Manager the responsibility for gathering all pertinent information and sharing such information with El Dorado Charter SELPA. Information gathered will be used as tools to determine the student's disability, eligibility for services, and determining the nature and extent of required services. Assessment procedures will be conducted in the student's dominant language, and an interpreter will be provided if needed. The types of assessments that may be used for determining eligibility for specialized instruction and services will include, but are not limited to:

- Review of school records, reports, and work samples
- Data from student response to intervention
- Individual testing
- Teacher observations
- Parent input

Darnall Charter School will follow the assessment guidelines as described in El Dorado's policies and procedures.

Upon completion of the assessment, an IEP team will convene to review the results of the assessment and determine the student's need for special education. Darnall Charter School, in coordination with El Dorado SELPA will be responsible for scheduling, coordinating, and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting. Parents will be provided written notice of the IEP meeting, and the meeting will be held at a mutually agreeable time and place.

### **Development and Implementation of IEP**

Every student who is assessed by the Charter School will have an IEP that documents assessment results and eligibility determination for special education services.

Darnall Charter School, in collaboration with El Dorado SELPA, will ensure that all aspects of the IEP and school site implementation are maintained. Darnall Charter School will provide modifications and accommodations (outlined within each student's IEP) in the general education environment taught by the general education teacher. Students at the Charter School who have IEPs will be served in the Least Restrictive Environment (LRE).

Each student who has an IEP will have an IEP team that oversees the IEP development, implementation, and progress of the student. All decisions concerning the special education programs and services to be provided to a student with a disability are to be made by the IEP team. The IEP team must include all of the following members:

- The parent or guardian of the student for whom the IEP was developed
- The Student, if appropriate
- An Administrator or designee
- At least one special education teacher
- A General Education teacher who is familiar with the curriculum appropriate to that student, if the student is, or may be, participating in the general education environment
- If the child was recently assessed, the individual(s) who conducted the assessment(s) or who is qualified to interpret the assessment results

Others familiar with the student may be invited as needed. Darnall Charter School views the parent as a key stakeholder in these meetings and will make every effort to accommodate parents' schedules and needs so that they will be able to participate effectively on the IEP team. The Charter School will provide an interpreter if necessary to ensure that all parents or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the Charter School will ensure his or her participation using other methods, such as conferring by telephone or meeting at the parent's home.

A copy of the IEP will be given to the parent in accordance with state laws and El Dorado SELPA policies. Upon the parent or guardian's written consent, the IEP will be implemented by Darnall Charter School, in cooperation with El Dorado SELPA.

Upon the parent or guardian's written consent, the IEP will be implemented by Darnall Charter School. The IEP will include all required components and be written on El Dorado SELPA forms. The student's IEP will include the following:

- A statement of the student's present levels of academic achievement and functional performance
- The rationale for placement decisions
- The services the student will receive and the means for delivering those services
- A description of when services will begin, how often the student will receive them, who will provide them, and where they will be delivered
- The number of minutes or hours monthly or annually the student will receive services from each service provider
- Measurable annual goals and short-term objectives focusing on the student's current level of performance
- A description of how the student's progress toward meeting the annual goals will be measured and monitored and when reports will be provided
- Accommodations necessary to measure the academic achievement and functional performance of the pupil on state and district assessments
- Beginning in grade 7, the IEP shall include any alternative means and modes necessary for the pupil to complete the prescribed course of study and to meet or exceed Darnall Charter School's proficiency standards. Alternatively, the IEP shall include measurable postsecondary goals related to training, education, employment and independent living skills, along with transition services needed to assist the student in reaching those goals

IEP meetings will be held for the following purposes:

- Initial: After the student has received a formal assessment
- Annual: Yearly to review the student's progress and make any necessary changes
- Triennial: Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress
- Individual Transition Plan: Required at the appropriate age

- Manifestation: in cases of misconduct for which Darnall Charter School would suspend or remove a student for 10 or more days in order to determine if a student's misconduct was a manifestation of his or her disability
- By written parent request: consistent with state and federal law, an IEP meeting will be held within 30 days of a parent's request.

### **IEP Review**

The IEP team will formally review the student's IEP at least once a year to determine how the IEP is meeting his or her needs. In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years, in which the student is re-assessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

If a parent or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the Charter School. Once the request is received, Darnall Charter School will have thirty days, not including school vacations greater than five days, to hold the IEP meeting. Unless otherwise specified on the student's IEP, parents will be informed with the same frequency of all other students and parents at the Charter School of the student's progress toward meeting annual goals and whether the student is expected to meet his/her annual goals. The Goals and Objectives section of the IEP will be an attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured, the student's progress during the relevant period, the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review, and where needed, the reasons the student did not meet the goal.

### **Staffing**

Darnall Charter School will hold ultimate responsibility for providing Special Education services and is committed to ensuring that all IEPs are properly implemented and that all students requiring services are adequately supported.

It is the goal of Darnall Charter School to employ the appropriate staff with Special Education Credentials and itinerant service providers. The designated administrator will be the primary Darnall Charter School representative tasked with assuring that all aspects of the IEP are implemented. The designated administrator is responsible for assuring that 504 plans are properly implemented. All teaching staff at Darnall Charter School will also be involved in assuring that all IEPs and 504 plans are properly implemented.

Darnall's designated administrator, with the support of a member of the Special Education Team, coordinates and oversees the Special Education Program. Duties are to:

- Ensure that all aspects of the IEP are followed
- Arrange for the teacher of the student to attend the team meetings
- Ensure that case managers and service providers communicate with parents about progress made toward attaining the goals stated on the student's IEP, and inform them of due process procedures and rights

- Consult regularly with the Special Education Team to ensure that the objectives and goals of students with IEPs are being met
- Ensure that case managers and service providers complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP
- Maintain a central file with all special education evaluation material and IEPs in accordance with FERPA and IDEA guidelines
- Provide a report of student progress on the same schedule as students in general education

## **Reporting**

Darnall Charter School will collect and maintain the following information on disabled students as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, and category of disability, and the number of students with disabilities who are ELs
- The number of students provided with test modifications and the types and the number of students exempted from district assessments
- The settings in which students with disabilities receive their services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom
- The number of students with disabilities suspended "in-school" and "out of school", organized by disability and length of suspensions
- The basis of exit from Darnall Charter School of students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.)

All necessary procedures and practices to ensure confidentiality and accurate, timely reporting will be the responsibility of Darnall Charter School Administrators. An Administrator will ensure that a central file with all special education evaluation material and IEPs is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. An Administrator will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

## **Procedural Safeguards**

Parents or guardians of students with IEPs at Darnall Charter School must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

Any concerns raised by parents or disagreements will be acknowledged by the Charter School within five days, after which a meeting between the parent and school will be scheduled to address the concern or seek resolution of the disagreement. If a concern persists or a disagreement is not resolved, parents or guardians have the right to initiate a due process hearing

to challenge a decision regarding the identification, evaluation, or educational placement of their child.

The Charter School will provide the parent with a written Notice of Procedural Safeguards, which will include information on the procedure to initiate both formal and informal dispute resolutions, at least once per year. Darnall Charter School will utilize the Notice of Procedural Safeguards used by the SELPA in which it is a member.

### **Dispute Resolution**

In the event that a parent or guardian files a request for a due process hearing or request for mediation, Darnall Charter School shall follow the procedures as described in the SELPA's Procedural Guide. Darnall Charter School reserves the right to make arrangements for legal representation in, and resolution of, legal disputes pertaining to special education.

### **Complaint Procedures**

Parents or guardians also have the right to file a complaint with SDUSD and/or California State Department of Education if they believe that the Charter School has violated federal or state laws or regulations governing special education.

### **Special Education Strategies for Instruction and Services**

Darnall Charter School will comply with the federal mandate of the least restrictive environment, meaning that the Charter School will make every attempt to educate special education students along with their non-disabled peers. Darnall Charter School will mainstream all of its students as much as is appropriate according to each individual IEP, offering a comprehensive inclusion program that includes specialized individual tutoring. Each student's IEP requires different kinds of modifications for instruction and services, therefore, the educational strategies of the IEP will be built around the student's needs and how these fit within the general educational program of the Charter School. The instruction outlined in each student's IEP will be delivered by personnel qualified to do so.

### **Professional Development for Darnall Charter School Staff**

The Executive Director/Principal and administration, regular and special education teaching staff, as well as other appropriate faculty, and staff members will attend professional development or training meetings necessary to comply with state and federal special education laws, including those sponsored by the District or SELPA.

In addition to professional development offered by the SELPA, Darnall Charter School also intends to seek professional development opportunities for its staff through potential trainings facilitated by the County Office of Education, colleges or universities, and private companies or agencies.

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

Darnall Charter School shall be solely responsible for its compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. All facilities of the Charter School shall be accessible for all students with disabilities in accordance with the ADA.

Darnall Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits

of, or otherwise be subjected to discrimination under any program of Darnall Charter School. A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

A 504 Team will be assembled by the Associate Director/Assistant Principal or designee and shall include the parent or guardian, the student if appropriate, the classroom teacher, and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 Team will review the student's existing records, including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 Team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program or activities. The 504 team may also consider the following information in its evaluation:

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

The final determination of whether the student is eligible for 504 services is made by the 504 Team and written notice is given to parents or guardians along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 Team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the free and appropriate public education (FAPE). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

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

All 504 Team participants, parents, guardians, teachers, and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504

Plan. The Associate Director/Assistant Principal will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he or she reviews the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the Plan, and continued eligibility.

## **PROFESSIONAL DEVELOPMENT**

The development of teacher capacity is an integral component of Darnall Charter School's educational philosophy. The Associate Director/Assistant Principal who, in collaboration with faculty, plans and schedules Professional Development regularly into our annual calendar. Professional development occurs at three levels: TK-8, grade-level teams, and individually. We believe that this experiential learning provides teachers with the most authentic ways in which to understand the expectations that we have for students, and, in doing so, develop a deeper understanding of how to create robust learning experiences for our students. Over the next five years, we are committed to Professional Development in the following areas:

- MTSS and its components
- Universal, supplemental and intensive supports
- Strategies for differentiating instruction
- Universal Design for Learning
- Designated and integrated ELD instruction
- Restorative Practices
- Culturally responsive teaching
- State Standards with an emphasis on the NGSS
- Utilizing 1:1 technology and resources to support teaching and learning

Time for professional development is scheduled into our annual calendar by including one modified day each week. Approximately 75% of these days are dedicated to structured Professional Development activities where the entire teaching staff meets for presentations and discussions on relevant topics. In addition, professional development also occurs during weekly grade-level meetings. At these meetings, teams collaborate for up to 1½ hours, engaged in activities such as evaluating student data, comparing the results of instructional strategies, or revising instructional plans. Teacher expertise is also supported and developed through coaching and off-site workshops. In addition, we support individual teachers in pursuit of advanced degrees and National Board Certification.

## **ELEMENT 2 - MEASURABLE STUDENT OUTCOMES**

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

## **GOALS, ACTIONS, AND MEASURABLE OUTCOMES ALIGNED WITH THE EIGHT STATE PRIORITIES**

Pursuant to Education Code Sections 47605(c)(5)(A)(ii) and 47605(c)(5)(B), a reasonably comprehensive description of the Charter School’s annual goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, in and aligned with the Eight State Priorities as described in Education Code Section 52060(d), can be found in the Charter School’s Local Control and Accountability Plan. Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is also available in Appendix A. The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. The Charter School shall submit the LCAP to the District and the 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.

## **LCAP 2017-20 Goals and Annual Measurable Outcomes**

<b>Goal 1: All students will have access to rigorous, well-rounded, standards aligned curricula taught by highly qualified teachers.</b>	
<b>Expected Annual Measurable Outcomes</b>	<b>Actual Annual Measurable Outcomes</b>
<b>AMO 3</b> - 100% of students will receive standards-based science instruction based on CA History-Social Science standards and/or integrated Common Core State Standards.	
	California School Dashboard - Local Measures - Implementation of Academic Standards: History-Social Science 3 – Initial Implementation
<b>Goal 2: Maintain high academic achievement expectations for all students and provide the support needed to meet those expectations.</b>	
<b>Expected Annual Measurable Outcomes</b>	<b>Actual Annual Measurable Outcomes</b>
<b>AMO 1</b> - Based on ELA and Mathematic CAASPP scores, the California Dashboard Change for All Students will be marked Increased compared to the previous year. Student groups performing below All Students will have a higher Change rate than the All Students group. For a Status level of blue, the goal will be to Maintain.	<p><b>2017-18 ELA</b>            All Students: Maintained            SWD: Increased 26.8 points            African American: Increased 14.1 points</p> <p><b>2017-18 Math</b>            All Students: Maintained            SWD: Maintained            African American: Maintained</p>
<b>AMO 2</b> - The percentage of students meeting their i-Ready Growth Targets in English Language Arts and Mathematics will increase compared to the previous year.	<p><b>Reading</b>            2017-18: 55%            2016-17: 58%</p> <p><b>Math</b>            2017-18: 55%            2016-17: 58%</p>
<b>AMO 3</b> - The percentage of 5th and 8th grade students scoring proficient or advanced on the California Science Test (CAST) will increase compared to the previous year.	<b>2017-18 CAST</b> - Field test year - no scores reported.
<b>AMO 4</b> - 75% or more of 5th and 7th grade students tested with the CA Physical Fitness Test (PFT) will meet the Healthy Fitness Zone requirement in 5 out of 6 fitness standards.	<b>2017-18 PFT</b> : 76.4% (5th), 15.4% (7th) met 5 out of 6 fitness standards
<b>AMO 6</b> - The percentage of English Learners being reclassified will increase	<b>2017-18</b> : 28 (8%) students were redesignated

compared to the previous year. (local measure).	
<b>AMO 8</b> - The percentage of English Learners making progress toward proficiency will increase compared to the previous year. (ELPAC)	<b>2017-18 ELPAC</b> - First administration of the Summative assessment
<b>AMO 9</b> - Students exiting the Bilingual Program will demonstrate a mastery of the CCSS and English proficiency equal to or greater than English Learners enrolled in the ELM program for the same amount of time	<b>2017-18 CAASPP ELA</b> Bilingual English Learners - 17% Met Standard Non-Bilingual English Learners - 21% Met Standard  Bilingual RFEP Students - 67% Met Standard Non-Bilingual RFEP Students - 76% Met Standard

Darnall Charter School is committed to providing the best education for each and every one of its students and we recognize the value of setting specific and measurable goals. To that end, we have a system to monitor progress and establish goals at the student level and school level.

At the classroom level (universal supports), we use data to develop short-term standards-specific goals that support the learning needs of individual students. At the beginning of the year, grade level teams meet, review i-Ready results for their students, and establish learning goals aimed at moving students from the Low Average performance band to at least the High Average performance band while maintaining the proficiency level of students who have demonstrated mastery of the standard. Students in the Below Average range are followed closely through progress monitoring or Individual Education Programs. Teachers develop an instructional plan using the following criteria:

- Three to six weeks: depending on the complexity of the standard and skills involved
- Common instructional strategies – including, but not limited to:
  - Small group instruction
  - Individualized practice using technology tools and web-based programs
  - Graphic organizers
- Differentiated materials – including, but not limited to:
  - State approved intervention materials
  - Simplified text
  - Visual vocabulary
  - Theme-based texts at lexile ranges encompassing approaching and above grade level readers
- Formative and summative assessments
- Monitoring meetings in grade level teams and with the Associate Director/Assistant Principal

This cycle continues throughout the year, systematically monitoring and supporting student growth.

For students receiving supplemental and intensified support, specific measurable outcomes and individual progress is monitored based on student needs. See Element 1 - Plan For Below Grade Level And At-promise Students.

## **ELEMENT 3 – METHODS OF MEASUREMENT**

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

The Charter School affirms that to the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card. Refer to Methods of Assessment below and the Charter School Outcomes that Align with State Priorities for more detailed information. In accordance with Education Codes Sections 60605 and 47605(c)(5)(C), Darnall Charter School administers assessments to pupils consistent with those required of non-charter public school students.

### **Methods of Assessment**

Darnall Charter School recognizes and values assessment as a way to monitor and measure student learning and also as a means of supporting student achievement. We gather and document assessment data for individual students, subgroups, and our entire student population. Darnall Charter School has implemented a Multi-Tiered System of Support to systematically monitor student progress toward state and school goals. Darnall continues to develop and implement a balanced assessment system that provides teachers with actionable student achievement data to further inform curricular and instructional practices. Assessment methods, which measure student progress toward meeting the student outcomes specified above, fall into three categories defined by purpose:

<b>Purpose</b>	<b>Examples</b>
<b>Screening/Diagnostic*</b>	ESGI Kindergarten Readiness: readiness skills, speech, dominant language IPT Oral Language: English/Spanish (grade TK/K) i-Ready Diagnostic Reading and Math (grades K-8); three times annually IXL Reading and Math RLA: phonics, fluency, reading comprehension Algebra readiness: grade 6: beginning of the year
<b>Formative/Progress Monitoring</b>	i-Ready Diagnostic Reading and Math (grades K-8); three times annually RLA: phonics, fluency, reading comprehension Anecdotal observation: daily Weekly and Unit assessments Exit tickets: ongoing as needed Quick writes: ongoing as needed Math Journal Evaluation: (grades 7-8)
<b>Summative/Reporting</b>	i-Ready Diagnostic Reading and Math (grades K-8); three times annually Unit Tests: K every 3 weeks; Core Replacement every 3 weeks; 1-8 every 6 weeks ELPAC: annually CAST/CAA: Science (grades 5 & 8); annually SBAC/CAA English Language Arts/Mathematics: annually Physical Fitness Testing “Fitnessgram” (grade 5 & 7): annually

\*Darnall is in the process of adopting universal screening tools to measure behavioral and social-emotional progress.

Under the MTSS framework, assessments are used to monitor students' academic, behavioral and social-emotional progress. After analyzing assessment data, following are example questions used to evaluate the effectiveness of each level of support and inform decisions with regard to individual student needs:

#### **Universal Supports in the Classroom**

- What percentage of students are meeting grade level expectations?
- Which students demonstrate significant gaps when measured against grade level expectations?
- What is the relationship between classroom formative and benchmark assessments and performance on summative measures?

#### **Supplemental Supports**

- Which students continue to require supplemental supports based on an analysis of their current needs in relation to grade level performance?
- How should students be grouped for small group instruction?
- Which students are demonstrating a positive or poor response to instruction or interventions?
- Are the majority of students within a given supplemental group demonstrating a positive response?
- Which students may be ready to address other areas of need or stop receiving supplemental support?
- Which students may need more intensive services?

#### **Intensified Support (many of the supplemental support questions are applicable at this level)**

- Is the student appropriately matched to the intervention plan developed for the student?
- Does the support address the "whole student" in that it is likely the student has significant needs in more than one area (academic, behavioral or social-emotional)?
- If the student is demonstrating a positive response to interventions, is that reflected in their performance in the classroom?
- Does the student need to continue, need supplemental support or are they ready to stop receiving support?
- If the student is not progressing, is fidelity a concern?
- Does the student need a long-term (2 or more years) plan?

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

Assessment data are used for a variety of purposes and reported as appropriate to stakeholders. Federal, State, and site summative assessments are administered for school accountability purposes and provide stakeholders with information about student academic achievement overall and by subgroups (State Priority 4). Additionally, screening or diagnostic and formative assessments selected or developed by Darnall faculty members are used to facilitate and enhance the learning process by providing timely and discrete feedback to students and teachers.

Assessments are used to modify instruction, determine intervention, and provide feedback on program effectiveness. These assessments are used to:

- Ensure student learning
- Monitor student progress
- Drive instruction
- Provide timely information for teachers to:
  - identify students' areas of need
  - adjust curriculum delivery and grouping to meet individual needs
  - determine which interventions are necessary
  - determine if interventions have successfully accelerated the growth of underperforming students
  - determine if there is need to consider psycho-academic assessment for learning disabilities

Assessment results are reported to:

- Darnall Charter School Board of Directors
- Parents regarding their child's overall academic progress
- Students so they set learning goals and track their progress toward those goals

## **ELEMENT 4 - GOVERNANCE STRUCTURE**

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

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

The Charter School will be a directly funded independent charter school and will be operated as a California Nonprofit Public Benefit Corporation, pursuant to California law upon approval of this charter.

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

Attached in the appendices, please find the Charter School Corporate Bylaws, Articles of Incorporation, and Conflict of Interest Code.

### **Board of Trustees**

The Corporation will be governed by a Board of Trustees (“Board”), whose members have a legal responsibility for the operation of the Charter School in accordance with its adopted corporate bylaws (Appendix C), which shall be consistent with the terms of this charter. The purposes of the corporation are to manage, operate, guide, direct, support, and promote Darnall Charter School. The Corporation will be managed by the Executive Director/Principal, with duties and responsibilities as delegated by the Board.

The Board of Trustees has no less than five (5) and no more than nine (9) members with the exact number to be determined from time to time by a resolution of the Board. Board members will be selected to represent the community-at-large, the business community, parents, and educators. and representatives from full-time Darnall Charter School staff. The number of full-time staff members will be limited to two and the remaining seats will be reserved for community members and parents. Trustees will be selected with skills and experience to match their board responsibilities by a majority vote of the standing Board of Trustees through a nomination process as defined by Article IV, Section 3 of the Bylaws of Darnall Charter School. No more than 49% of the board may comprise paid employees, independent contractors, or interested parties of the Charter School.

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

The Charter School shall comply with the Brown Act and Education Code Section 47604.1(c).

The Charter School has adopted a Conflict of Interest Code (Appendix D) which complies with the Political Reform Act, Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1, and Corporations Code Conflicts of Interest rules, and which shall be updated with any charter school specific conflicts of interest laws or regulations. As required, the Conflict of Interest Code will be submitted to the County Board of Supervisors for approval.

The Board may delegate any of its roles and responsibilities to any committee, officer, or other person(s) to the extent permitted by law, provided the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, under the direction of the board.

The Board shall meet as frequently as necessary but at least once per trimester with one meeting designated as the annual meeting for organizing purposes. It will record all actions taken and make such actions available to the public in accordance with the California Public Records Act.

Contact information for all the governing body members for the Charter School will be provided to the District annually before the Charter School begins operation under the terms of this renewal. Contact information shall include names, mailing addresses, phone numbers and email addresses.

### **Duties of the Board of Trustees**

The Board of Trustees for Darnall Charter School will be responsible for:

- Upholding the mission and vision of the Charter School
- Monitoring the academic performance of the Charter School
- Measuring and monitoring the implementation of general policies of the Charter School
- Hiring and evaluating *and dismissing* the Associate Director/Assistant Principal of the Charter School
- Hiring, supervising, evaluating, disciplining, and dismissing the Executive Director/Principal of the Charter School
- Developing and monitoring an operational business plan that focuses on student achievement and financial viability
- Approving and monitoring the Charter School's annual budget, including hiring an external auditor to perform a comprehensive school audit as mandated by state regulations
- Eliciting parent participation and soliciting community partnerships that would support academic programs of the Charter School
- Executing all other responsibilities required by the California Corporations Code, the Articles of Incorporation, Bylaws and this charter necessary to ensure proper operation of the Charter School.

### **Executive Director/Principal**

The Executive Director/Principal is responsible for the overall guidance and direction of the organization, and ultimately for its performance.

### **Duties of the School Executive Director/Principal**

The Board delegates, through policies and resolutions, responsibilities and duties to the Executive Director/Principal in the following areas:

- Vision and Strategic Plan
- Academic Performance Monitoring
- Staffing and Personnel
- Parents, Student and Community Relations
- Finance and Budget
- Facilities
- Charter Performance and Renewal

The Executive Director/Principal creates a common culture of expectations around the use of skills and knowledge, holding the various pieces of the organization together in a productive relationship with each other, and holding individuals accountable for their contributions to the collective result. (Elmore, Richard F., Building a New Structure For School leadership).

### **Parent and Community Involvement**

Parents and community members have decision-making authority at Darnall Charter School as Board Trustees, and parents have representation on the School Leadership Council (“SLC”), School Site Council (“SSC”), English Learner Advisory Committee (“ELAC”) and the District English Learner Advisory Committee (“DELAC”), as identified below. The Board has the right to develop advisory committees to allow more opportunities for stakeholder engagement. Beyond participation in the Board of Trustees and SLC, Darnall Charter School will engage parents, teachers and community leaders to provide input regarding issues of importance at the Charter School (Education Code Sections 47605(c)(5)(D), 47605(d)(2), and 52060, State Priority 3).

The Charter School will hold several parent nights annually. These nights will provide opportunities for parents to interact with their children’s teachers, learn strategies to support their child’s success and opportunities for families to build community through socialization. Surveys will be used to measure the sense of school connectedness felt by parents, pupils and teachers (Education Code Section 52060, State Priority 6).

Parents are an integral part of every aspect of the Charter School’s success. Parents will be provided with opportunities to provide input around decisions related to school wide programs and programs for specific groups of students (Education Code Sections 47605(c)(5)(D), 47605(d)(2), and 52060, State Priority 3). Each family is encouraged to volunteer throughout the school year in a variety of different capacities. Beyond opportunities to participate in the governance of the Charter School, they are encouraged to participate as classroom volunteers, organize and implement classroom and community events, and myriads of other activities that engage parents in the success of their child.

Darnall will use technology to make teachers and administrators more accessible to parents by improving two-way communication between home and school. Information concerning volunteer opportunities is provided to parents at the beginning of the year or at the time of registration and is updated throughout the school year.

## **School Site Council**

The School Site Council is a group of teachers, parents, and classified employees that works with the school to develop, review and evaluate school improvement programs and school budgets. The membership of the SSC shall represent all major stakeholders in compliance with applicable law and in order to provide a forum for stakeholder voice and input on school development as it relates to building community, accomplishing school goals, and reaching the mission of the Charter School. The SSC will also provide feedback and input on the LCAP and the LCAP Federal Addendum.

## **English Learner Advisory Committee**

The ELAC is a committee comprised of parents, staff, and community members specifically designated to advise school officials on English Learner program services. The ELAC will assist the Charter School in the development of the Charter School's needs assessment, annual language census, and ways to help parents become aware of the importance of regular attendance. The Charter School will follow all applicable requirements regarding the composition of the ELAC, elections, and training. The ELAC will also provide feedback and input on the LCAP and the LCAP Federal Addendum.

## **District English Learner Advisory Committee**

The DELAC (District English Learner Advisory Committee) It is a committee required by California state law for school districts with a significant number of English Learner (EL) students. The purpose of DELAC is to advise the district's governing board (school board) on programs and services for English Learner students.

The DELAC committee is composed of parents or guardians of English Learner students, as well as representatives from various stakeholder groups such as teachers, administrators, and community members. The committee meets regularly to discuss topics related to English Learner education, including but not limited to:

- Reviewing and providing input on the district's Master Plan for English Learner education.
- Providing feedback on programs and services designed to support English Learner students in achieving academic success.
- Sharing concerns and suggestions from the English Learner community regarding language acquisition, cultural competence, and educational equity.
- Collaborating with the district to ensure that English Learner students and their families receive appropriate support and resources.

Overall, DELAC serves as a forum for meaningful communication and collaboration between the district and the English Learner community, aiming to improve the educational experiences and outcomes for English Learner students.

## **School Leadership Council**

The role of SLC is to make recommendations regarding curricular and instructional issues, review and recommend school-wide student programs and provide feedback to the Executive Director/Principal and/or Board of Trustees. The SLC meets at their discretion, after school hours while the Charter School calendar is in session. The Executive Director/Principal may call

special meetings when it is deemed necessary. SLC is made up of elected members representing school grade-level teams and at least one parent and/or a non-certificated staff liaison.

## **ELEMENT 5 - EMPLOYEE QUALIFICATIONS**

*“The qualifications to be met by individuals to be employed by the charter school.” Education Code Section 47605(c)(5)(E).*

Service at Darnall Charter School is regarded as a distinction and a privilege. Given the level of effort and commitment required to maintain Darnall Charter School’s exemplary qualities and given the special characteristics of the current Darnall Charter School staff and in order to maintain the integrity and coherence of the current staff, applicants for positions must measure up to the highest of professional standards.

Within the provisions of the law, Darnall Charter School reserves the right to recruit, interview and hire anyone at any time who has the best qualifications to fill any position. Darnall will conduct background checks on employee candidates. Employees will meet qualifications for employment as outlined in their job descriptions.

The Charter School will continue its current employee hiring practices and comply with Education Code 47605(l) and with any applicable State and Federal legal requirements in addition to all applicable CTC regulations. As such, all teachers shall hold the Commission on Teacher Credentialing Certificate, permit, or other document required for the teacher’s certificated assignment. In accordance with applicable law, the Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher’s certificated assignment.

### **Statement of Non-Discrimination**

The Charter School does not discriminate against any applicant or employee on the basis of the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, pregnancy, physical or mental disability, childbirth or related medical conditions, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance, or regulation.

### **Executive Director/Principal**

The Executive Director/Principal will be responsible for the day to day operations of the Charter School in accordance with the delegated duties described in Element 4. =The job description for the Executive Director/Principal is attached as Appendix I.

### **Minimum Qualifications:**

- Teaching credential, five (5) years teaching experience including K-8

- Documented leadership experience
- Master's degree in education
- 2 years experience as district or site supervisor preferred
- Cleared Administrative Services Credential (desired)
- Experience with diverse populations of English learners

Preferred Qualifications: Charter background; National Board Certification; practice in primary, elementary, and middle school grade levels; bilingual English/Spanish

### **Requisite Abilities**

- Must be willing to work with and lead in a collaborative decision making model
- Operate standard office equipment and related software applications
- Communicate effectively orally and in writing
- Establish and maintain effective working relationships with others
- Plan, organize, and execute work in a timely manner
- Analyze situations accurately and adopt an effective course of action
- Maintain records and prepare reports
- Work independently with little direction
- Read, interpret, apply, and explain rules, regulations, policies, and procedures
- Knowledge of social media guidelines and policies
- Oversees social media accounts

### **Associate Director/Assistant Principal**

The Associate Director/Assistant Principal is responsible for articulating and communicating the mission of the Charter School; coordinating and supervising day-to-day operations; and implementing and monitoring work practices, systems, and methods that are effective, efficient, and consistent with Darnall's human resource policies and procedures. The Associate Director/Assistant Principal assumes other leadership roles as necessary in the absence of the Executive Director/Principal. The job description for the Associate Director/Assistant Principal is attached as Appendix I.

**Minimum Qualifications:** Minimum five years of successful teaching or related school experience in a school/district, experience with MTSS, RTI, Special Education, Academic Instruction, and SST programs.

### **LICENSES AND OTHER REQUIREMENTS:**

- Valid California Administrative Services Credential (desired)
- Valid California special education teaching credential, Mild/Moderate Clear Ed. Specialist Credential (desired)
- Possession of a valid California driver's license and availability of private transportation may be required (mileage expense allowance provided).
- Bilingual Preferred

### **Requisite Abilities**

#### **KNOWLEDGE OF:**

- Modern theories, techniques, and methodologies of instruction, school operation and industry standards.
- Educational technology facilities and equipment.
- Budget tracking and reporting.
- Oral and written communication skills.
- Principles and practices of administration, supervision, and training.
- Applicable laws, codes, regulations, policies, and procedures.
- Interpersonal skills using tact, patience, and courtesy.
- Student Data Systems
- Principles and practices of data management and database systems

#### **ABILITY TO:**

- Provide leadership and direction to assigned programs.
- Plan, organize, administer assigned programs.
- Train and evaluate the performance of assigned staff.
- 

#### **HR Business Officer**

The Human Resources/Business Officer is responsible for performing a variety of human resource services including monitoring credentials, information services, recruitment, and classified and certificated staffing. The HR/Business Officer will review, update, and process all employee personal data and employee job assignment information and process payroll and benefits as assigned. This position is also responsible for working with the Charter School's back office provider to plan, organize, and direct the Charter School's finances.

**Minimum Qualifications:** Any combination of training, experience, and/or education equivalent to graduation from a recognized college or university with a bachelor's degree in personnel, public, or business administration or other directly related field and two years of recent, paid office-clerical experience including the application of established personnel rules and regulations in a public or large private organization.

#### **LICENSES AND OTHER REQUIREMENTS:**

- Possession of a valid California driver's license and availability of private transportation

#### **Requisite Abilities**

#### **ABILITY TO:**

- Organize and analyze data; maintain records
- Develop and maintain recordkeeping systems
- Prepare correspondence and reports
- Communicate effectively orally and in writing
- Read, apply and explain rules, regulations, policies, and procedures
- Plan and organize tasks to meet schedules and timelines

- Prepare correspondence and reports
- 
- 

The following summarize key qualifications for Teachers and other positions:

### **TEACHER QUALIFICATIONS**

Darnall Charter School employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the California Commission on Teacher Credentialing. Teachers will meet all requirements for employment set forth in applicable provisions of state and federal law.

The Charter School will avail itself of any and all credentialing methods approved by the State of California, as needed. Also within the provisions of law, the Charter School reserves the right to use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district..

Darnall Charter School maintains a current copy of teacher certificates on file and ready for inspection. If a teacher holds an emergency credential, the Charter School supports the teacher to quickly transition his or her credentials to permanent status.

Teachers provide an educational program for students in grades K-8 or a combination thereof, and assist in other school programs as assigned. Teachers are responsible for overseeing student academic progress and for monitoring grading and matriculation decisions.

The *California Standards for the Teaching Profession* (“CSTP”) will be used as a guide to hire new candidates and as a basis for evaluating teachers:

*Teaching is a professional endeavor, one in which effective practice is driven by an understanding of knowledge in the field and a commitment to all students and their families. Excellent teaching requires knowledge, skills, artistry, passion, and commitment. Effective teachers integrate the following: (1) ethical concern for children and society; (2) extensive subject matter competence; (3) thoughtfully selected pedagogical practices; and (4) a depth of knowledge about their students, including knowledge of child and adolescent development and learning; an understanding of their individual strengths, interests, and needs; and knowledge about their families and communities.*

The CSTP are intended to provide a common language and a vision of the scope and complexity of the profession by which all teachers can define and develop their practice. The standards seek to serve and support professional educators in fulfilling their professional roles and responsibilities in the following areas:

1. *Engaging and Supporting All Students in Learning*
2. *Creating and Maintaining Effective Environments for Student Learning*
3. *Understanding and Organizing Subject Matter for Student Learning*
4. *Planning Instruction and Designing Learning Experiences for All Students*
5. *Assessing Students for Learning*
6. *Developing as a Professional Educator*

The CSTP provide a set of interrelated guideposts for teachers across the professional continuum to examine their practice, seek support and resources for continuous improvement, and affirm their talents and accomplishments in support of children.

Minimum Qualifications for Teachers:

- Credential: Valid teaching credential as required by California law, English Language Authorization/CLAD certificate required.
- Education: Bachelor's degree, including all courses needed to meet credential requirements.
- Experience: Successful completion of one verifiable year of elementary teaching. May include student teaching, substitute teaching, classroom experience, or any combination thereof.

### **Other Staff Members**

Darnall Charter School recruits and employs professional, effective and qualified personnel for all administrative, instructional, and non-instructional support positions. All employees must demonstrate and adhere to our Charter School's mission, program design, instructional philosophy, and curriculum documented in this charter. Staff members will meet certification or degree requirements, and have experience and expertise as appropriate, for their position within the Charter School as outlined in their job descriptions.

## **ELEMENT 6 - HEALTH AND SAFETY**

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

- (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.*
- (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (K), inclusive, of paragraph (2) of subdivision (a) of Section 32282. For schools serving pupils in any of grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (L) of paragraph (2) of subdivision (a) of Section 32282.*
- (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.” Education Code Section 47605(c)(5)(F).*

In order to provide safety for all students and staff, the Charter School has adopted and implemented full health and safety procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts, including the District’s School Police. The Charter School’s health and safety policies are on file at the Charter School site. Part of the information that will be used to determine the effectiveness and implementation of health and safety policies will be collected during a survey that asks pupils, parents and teachers to share their sense of safety at the Charter School.

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

### **Procedures for Background Checks**

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Associate Director/Assistant Principal of the Charter School shall monitor compliance with this policy and report to the Charter School Board of Directors on a regular basis. The Executive Director/Principal shall monitor the fingerprinting and background clearance of the Associate Director/Assistant Principal. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

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

All employees are “mandated child abuse reporters” as that term is used in Penal Code Section 11166 and follow all applicable reporting laws as set forth in Penal Code Sections 11164-11174.3. The Charter School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

## **Tuberculosis Risk Assessment and Examination**

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

## **Immunizations**

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

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

## **Medication in School**

The Charter School adheres to Education Code Section 49423 regarding administration of medication in school. The Charter School adheres to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members. Per AB 1651 (2023), the Charter School shall store emergency epinephrine auto-injectors in an accessible location upon need for emergency use and include that location in annual notices required by law. To the extent the Charter School maintains a stock of albuterol inhalers to respond to respiratory distress in students, the Charter School shall comply with the requirements of Education Code Section 49414.7, including with respect to training, notices, and the stocking of albuterol inhalers.

## **Vision, Hearing, and Scoliosis**

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

## **Diabetes**

The Charter School shall make type 1 diabetes informational materials accessible to the parent or guardian of a pupil when the pupil is first enrolled in elementary school. The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.

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

### **Workplace Violence Prevention Plan**

As of July 1, 2024, the Charter School shall establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan consistent with the requirements of Labor Code Section 6401.9.

### **Bloodborne Pathogens**

The Charter School shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (“HIV”) and hepatitis B virus (“HBV”). Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

### **Suicide Prevention Plan**

The Charter School maintains a Suicide Prevention Policy on student suicide prevention in accordance with Education Code Section 215. The Charter School shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy. Pursuant to AB 58 (2021-22), the Charter School will also review and update its suicide prevention policy by January 1, 2025 to incorporate best practices identified by the California Department of Education’s model policy, as revised.

### **Prevention of Human Trafficking**

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

### **Menstrual Products**

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

### **All Gender Restrooms**

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

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

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

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

The Charter School receives food services, including reporting, through the District's participation in the National School Lunch Program, including breakfast, lunch, and snacks. The District manages the preparation kitchen at the Charter School. Darnall Charter reserves the right to transfer its food services and reporting from the District to another entity, which may include use of the preparation kitchen, by providing a minimum of 90-day written notification to the District.

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

### **Recess**

As of the 2024-25 school year and except where a field trip or other educational program is taking place, pursuant to Education Code Section 49056, the Charter School shall provide supervised and unstructured recess, distinct from physical education courses and mealtimes, of at least 30 minutes on regular instructional days and at least 15 minutes on early release days. The Charter School shall not restrict a student's recess unless there is an immediate threat to the physical safety of the student or one or more of their peers.

### **California Healthy Youth Act**

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

### **Mental Health Education**

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

### **Mental Health Information**

Beginning in the 2023-24 school year, the Charter School shall create and post a poster at the schoolsite identifying approaches and resources addressing student mental health in compliance with Education Code Section 49428.5. The poster shall be displayed in English and the primary language(s) spoken by 15 percent or more of students enrolled at the schoolsite. The poster shall be prominently and conspicuously displayed in appropriate public areas that are accessible to, and commonly frequented by, students at the schoolsite. The poster shall also be digitized and

distributed online to students through social media, internet websites, portals, and learning platforms at the beginning of each school year.

### **School Safety Plan**

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

- child abuse reporting procedures
- routine and emergency disaster procedures
- policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- a discrimination and harassment policy consistent with Education Code Section 200
- provisions of any schoolwide dress code that prohibits students from wearing "gang-related apparel," if applicable
- procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- a safe and orderly environment conducive to learning
- the rules and procedures on school discipline adopted pursuant to Education Code Section 35291, 35291.5, and 47605
- procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a schoolbus serving the school
- procedures for conducting tactical responses to criminal incidents
- a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose

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

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

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

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

### **Facility Safety**

Darnall Charter is located at a District-owned site at 6020 Hughes Street, San Diego, California, through a written agreement for a five-year term, governed by a Multiyear Facilities Use Agreement. As a District facility, the Charter School's facilities will comply with the building codes and Federal American Disabilities Act. Darnall Charter School will work with the District to assure the structural integrity of the physical plant, the aesthetic appeal of the surroundings and maintain school facilities in good repair.

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001 and other natural disaster drills, and maintains on file records documenting such compliance which shall be available for inspection.

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

Darnall Charter is committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of as race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or

regulation. The Charter School shall maintain a comprehensive policy to prevent and immediately remediate any concerns about discrimination or harassment at the Charter School (including employee-to-employee, employee-to-student, and student-to-employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's discrimination and harassment policies.

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

### **Bullying Prevention**

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

### **Supporting LGBTQ Students**

Commencing with the 2025-26 school year and ending with completion of the 2029-30 school year, the charter school shall use an online training delivery platform and curriculum to provide at least 1 hour of required LGBTQ cultural competency training annually to teachers and other

certificated employees and maintain records of such training as required by Education Code Section 218.

### **Homicide Threats**

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

### **Gun Safety Notice**

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

### **Athletic Programs**

The Charter School shall comply with all applicable laws related to health and safety policies and procedures surrounding athletic programs at charter schools, including but not limited to providing information to athletes regarding sudden cardiac arrest and annually providing each athlete an Opioid Factsheet for Patients.

In the event the Charter School participates in any interscholastic athletic programs, it shall comply with all applicable requirements, including, but not limited to, adopting a written emergency action plan for sudden cardiac arrest or other medical emergencies related to athletic programs, and acquiring at least one automated external defibrillator. Further, Charter School's emergency action plan shall describe the location of emergency medical equipment and include a description of the manner and frequency at which the procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness will be rehearsed. By July 1, 2024, coach training shall include recognition of the signs and symptoms of and responding to concussions, heat illness, and cardiac arrest.

In the event the Charter School participates in the California Interscholastic Federation it shall, on or before April 1, 2025, post on its website a standardized incident form as developed by the CDE to receive complaints of racial discrimination, harassment, or hazing alleged to occur at high school sporting games or sporting event and shall include instructions on how to submit a completed incident form consistent with Education Code Section 33353.

### **Transportation Services.**

Effective July 1, 2025, the Charter School shall comply with the requirements of Education Code Section 39875(c), if applicable, relating to background checks and testing for individuals providing transportation services for students.”

The Charter School will review and update its health and safety policies annually and update as needed.

## **ELEMENT 7 - STUDENT POPULATION BALANCE**

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

Darnall Charter School shall comply with Education Code section 47605(e) and shall not discriminate against a student on the basis of characteristics listed in Education Code section 220. The Charter School engages in the following activities to achieve a balance of racial, ethnic, special education, and English learner students that is reflective of the general population residing within the territorial jurisdiction of the District:

- Provide a welcoming, safe, and nurturing learning environment for students of all backgrounds and abilities. The student body is not only reflective of the population residing within the community, but also recognized as a school that honors and welcomes diversity.
- Strive to achieve racial, ethnic, special education, and English learner balance among its student population through outreach efforts to diverse populations within the community.
- Commit to developing promotional and informational materials as well as informational presentations in languages other than English in an effort to appeal to limited English proficient populations and address concerns specific to that population.
- Commit to an enrollment timeline and process that allows for a broad-based recruiting and application process.
- Review yearly Darnall’s student population balance and these policies to determine which policies and practices are the most effective in achieving a diverse student population.
- Announce the Charter School's interest in seeking applications in publications the District provides for such purposes.
- Post on the school’s website and in social media to encourage a broad outreach to parents and community members.
- Expend at least 20 hours of staff time annually in community and regional outreach efforts, including presence at public meetings outside the Charter School neighborhood, to recruit applicants of diverse backgrounds.
- Expend at least \$1,000 annually on print and electronic media, flyers and direct mail to recruit applicants of diverse backgrounds.

Information about the application period, admissions process and, if necessary, lottery procedures will be made available to the public in student recruitment materials, advertisements and forms, and the Charter School’s website (See Element 8: Admission Policies and Procedures).

The Charter School will maintain auditable records of the above activities and expenditures. The Charter School will also maintain an accurate accounting of the ethnic, racial, special education, and English learner balance of students enrolled in the Charter School.



## **ELEMENT 8 - ADMISSION POLICIES AND PROCEDURES**

*“Admission policies and procedures, consistent with [Education Code Section 47605] subdivision (e).” Education Code Section 47605(c)(5)(H).*

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

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

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

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

The Charter School shall require students who wish to attend the Charter School to complete an application form. After admission, a parent or guardian must complete and/or provide all documents required for enrollment in a public school including, but not limited to, immunization records, proof of residency, enrollment form, release of records, emergency medical information form, and a home language survey.

### **Public Random Drawing**

Applications will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period, applications shall be counted to determine whether any grade level has received more applications than availability. In the event that this happens, the Charter School will hold a public random drawing to determine admission for the impacted grade level, with the exception of existing

students, who are guaranteed admission in the following school year. Admission preferences in the case of a public random drawing shall be given to students in the following order:

1. Siblings of students admitted to or attending the Charter School
2. Students who reside in the former attendance area
3. Children of employees and Board trustees (not to exceed 10% of student enrollment)
4. Students who reside in the District
5. All other applicants permitted by law

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

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

- All interested parties will know, prior to the holding of the lottery, how many openings are available in the Charter School for each grade served by the Charter School.
- The lottery will take place on the Charter School's campus in a facility large enough to allow all interested parties to observe the drawing, or at another public venue near the school large enough to accommodate all interested parties.
- During an open enrollment period, interested parties will complete an application with the name, grade, and contact information of their students in order to participate in the lottery, if one is needed.
- The lottery will take place on a weekday, within 30 days of closing the open enrollment period.
- Lottery spaces are pulled in order of grade level by the designated lottery official (appointed by the Executive Director/Principal). Separate lotteries shall be conducted for each grade in which there are fewer vacancies than pupils interested in attending. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level.
- Within each grade level, students will be drawn from pools beginning with all applicants who qualify for the first preference category, and shall continue with that preference category until all vacancies within that grade level have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference category until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above.
- An adult citizen of good standing, not employed by the Charter School, will testify in writing, under penalty of perjury, that he or she personally witnessed the lottery pursuant to the above, and that it was random, public and fairly executed as described above. This documentation will be on file in the Charter School main office and available upon request.

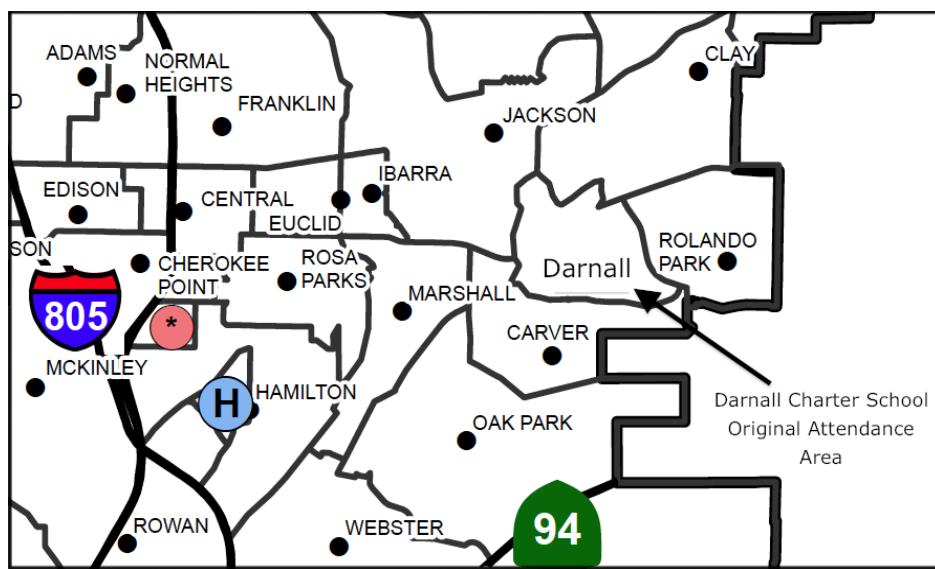
- All applicants who are admitted to the Charter School will receive notification in writing by U.S. mail and will receive three business days to respond to the Charter School either in writing, in person, by phone, or e-mail of their intention to accept or decline the offer for enrollment. If there is no response after three business days, at least one phone call will be made to the prospective applicant and then the vacancies will be considered declined and the application will be withdrawn and will be offered to the next student on the waiting list.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a waiting list according to their draw in the lottery. Those who apply after the lottery deadline are added to the end of the lottery waitlist in the order they are received. Vacancies that occur during the school year are filled according to the waitlist.

When a vacancy occurs during the school year, families are contacted in the order of the waitlist and typically are given a reasonable amount of time, but not less than 48 hours, to decide whether or not to accept a space at the Charter School. In the event that no such wait list exists where the space is available, the space is made available on a first come, first served basis to the next interested student at the appropriate grade level.

All waiting lists extinguish annually at the end of the Charter School's formal academic year, or as otherwise determined by the Charter School Board of Trustees. Applications are only valid for the current year. In no circumstance will a waitlist carry over to the following school year. Applicants must re-apply for the lottery annually if the Charter School is unable to offer them admission for the current year.

The following map shows the school's original attendance area. A more detailed map and street listing for the former boundary for Darnall E-Campus is available in the Charter School administrative office.



## **ELEMENT 9 - ANNUAL, INDEPENDENT, FINANCIAL AUDITS**

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

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

Each year, the Governing Board of the Charter School will select an independent auditor and oversee the completion of an annual audit of the school’s financial affairs. The auditor will have, at a minimum, a CPA and educational institution audit experience and will be approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Executive Director/Principal, along with the audit committee, if any, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District, along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (“EAAP”) in accordance with applicable law.

The independent financial audit of the Charter School is a public record and available on request.

## **ELEMENT 10 - SUSPENSION AND EXPULSION POLICY**

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

- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil’s side of the story.*
- (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:*
  - (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil’s basic rights.*
  - (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.*
- (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil’s parent or guardian or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child’s educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child’s attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child’s tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil’s parent or guardian, the homeless child’s educational rights holder, the foster child’s educational rights holder, attorney, and county social worker, or the Indian child’s tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil’s parent or guardian, the homeless child’s educational rights holder, the foster child’s educational rights holder, attorney, or county social worker, or the Indian child’s tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).*
- (iv) A foster child’s educational rights holder, attorney, and county social worker and an Indian child’s tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.” Education Code Section 47605(c)(5)(J).*

## **POLICY**

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 non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal. The Executive Director/Principal is the designated school official responsible for ensuring the Charter School follows this policy.

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, expulsion, and involuntary removal, 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 annually as part of the Parent 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<sup>1</sup> are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Charter School administrative office.

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

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

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<sup>1</sup> The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent/guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent/guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed,

transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

## **PROCEDURES**

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

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

### **B. Enumerated Offenses**

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Section 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.

- g) Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this 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.
- p) Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- q) 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.

- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) “Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

- c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. An act of cyber sexual bullying.
  - a. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

- u) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director/Principal or his/her 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 destructive device unless, in the case of possession of any device of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Executive Director/Principal or his/her designee's concurrence.
- b) Brandishing a knife at another person.
- c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, *et seq.*

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

3. Discretionary Expellable Offenses: Students may be recommended for expulsion 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, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this 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.

- p) Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- q) 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.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

- iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) “Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
  - i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - a. For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - b. For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director/Principal or his/her 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 destructive device unless, in the case of possession of any device of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Executive Director/Principal or his/her designee's concurrence.
- b) Brandishing a knife at another person.
- c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d) Committing or attempting to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4

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

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

## **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/Principal or his/her designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Executive Director/Designee or designee.

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

## 2. Notice to Parents/Guardians

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

## 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Executive Director/Principal or designee, the pupil and the pupil’s parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil’s parents, unless the pupil and the pupil’s parents fail to attend the conference.

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

#### 4. Homework Assignments During Suspension

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

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

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

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

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

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

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

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

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

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

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

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

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

7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## **G. Record of Hearing**

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

## **H. Presentation of Evidence**

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

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

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

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

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

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

The Executive Director/Principal or his/her 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: (a) Notice of the specific offense committed by the student; (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

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

### **J. Disciplinary Records**

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

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

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board'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 Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

## **N. Readmission**

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

## **O. Notice to Teachers**

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

## **P. 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

who the Charter School or 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 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

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

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

#### 5. Special Circumstances

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

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

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;

- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
  - c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.
6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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

## **ELEMENT 11 - RETIREMENT SYSTEMS**

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

Employees of Darnall Charter School participate in the State Teachers’ Retirement System (“STRS”), the Public Employees’ Retirement System (“PERS”), and/or federal Social Security, based on their job description, certification, and other eligibility requirements set by the state and federal programs.

If Darnall Charter School requests such service, the District agrees to include the Charter School's monthly STRS and PERS reports with the District's reports for submission to STRS and PERS. The Charter School will provide the data in the District required format with all required information. Furthermore, Darnall Charter School will bear full responsibility for monitoring and reporting membership information. The District will bear no responsibility for any reporting errors or omissions. The Human Resources/Business Officer will be responsible for ensuring appropriate arrangements, including employer contributions, are made for these retirement systems.

## **ELEMENT 12 - PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

Darnall Charter School is a school of choice. No student is required to attend the Charter School. Subject to the attendance policies of their school district of residence, students who choose not to attend Darnall Charter School may seek enrollment at other schools in their district of residence, or pursue intra- or inter-district transfer requests in accordance with District policy. Parents and guardians of each student enrolled in the Charter School will be informed on admissions forms that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

The Charter School will provide information about attendance alternatives to inquiring students, parents or guardians

## **ELEMENT 13 - EMPLOYEE RETURN RIGHTS**

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

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

Sick or vacation leave accumulated at the District or any other school district will not be transferred to Darnall Charter School. Employment by Darnall Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

## **ELEMENT 14 - DISPUTE RESOLUTION**

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

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

Both San Diego Unified School District and Darnall Charter School will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a prerequisite to the District’s ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

In the event of a dispute between Darnall Charter School and the District regarding terms of this charter or any other issue regarding the Charter School and the District relationship, both parties agree to apprise the other in writing of the specific disputed issues(s) (“dispute statement”), which shall include relevant facts, and to refer the issue to the District Superintendent and Executive Director/Principal of the Charter School, or their respective designees. In the event that the District believes that the dispute relates to an issue that could lead to revocation of the Charter, the Charter School requests shall be specifically noted in the written dispute statement the District provides the Charter School, although it recognizes it cannot legally bind the District to do so.

Within 30 calendar days of sending the dispute statement, or longer if both parties agree, a Charter School representative and a District representative shall meet and confer in an attempt to resolve the dispute. If this meeting fails to resolve the dispute, two representatives from each organization will jointly meet at a mutually agreed upon date, in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the Charter School representative and the District representative shall meet again within 15 calendar days, or longer if both parties agree by mutual agreement, to identify a neutral, third party mediator to assist in dispute resolution. The format of the third party mediation process shall be developed jointly by the District and Charter School representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The finding or recommendation of any mediator shall be non-binding, unless the governing authorities of the Charter School and District jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third party mediator shall conclude within 45 calendar days from initiation of the mediation process. The cost of mediation will be shared equally by the Charter School and the District. All other costs incurred by the Charter School, including, but not limited to, attorney’s costs and fees, will be the sole responsibility of the Charter School.

Following mediation, if the matter cannot be mutually resolved, 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.

### **Disputes Arising from Within the Charter School**

Disputes arising from within the Charter School, whether among or between students, staff, parents, partnering organizations or governing board members, shall be resolved pursuant to internal dispute resolution policies and procedures developed by the Charter School and in

accordance with the law. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers and staff at the Charter School shall be provided with a copy of the Charter School's policies and internal dispute resolution procedures. San Diego Unified School District will not be involved in any such dispute unless it has reasonable cause to believe that there has been a violation of the charter or any related laws or agreements. The District shall promptly refer any complaints or reports regarding disputes to the Charter School or Darnall Board of Trustees for resolution pursuant to the Charter School's policies.

## **ELEMENT 15 - PROCEDURE FOR CLOSING**

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

In the event of closure, Darnall Charter School will comply with Education Code 47605(c)(5)(O) and applicable California Code of Regulations to the extent they are applicable. Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

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

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

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

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

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified

Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

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

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the nonprofit public benefit corporation. Upon the dissolution of the non-profit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled "Relief for Certain Participants in § 414(d) Plans" or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

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

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

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

## **MISCELLANEOUS PROVISIONS**

*“The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.” Education Code Section 47605(h).*

### **Facilities**

Darnall Charter School is currently located at a District-owned site at 6020 Hughes Street, San Diego, CA 92115. The Charter School requests a Multiyear Facilities Use Agreement for the term of the charter.

### **Administrative and Optional Services**

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

Darnall Charter School may choose to purchase services from the District, which may include, but are not limited to, mail, food services or transportation. The specific terms and costs of these services shall be the subject of an annual Memorandum of Understanding (“MOU”) separate from this charter, one that establishes more specifically the financial and service relationship between the two parties. All such services would be sought on a fee-for-service basis. If SDUSD is unable to provide such services, or if Darnall Charter School chooses not to purchase any services from the District, this shall not negate the operational independence of the Charter School from the District. Breach of the MOU shall not necessarily constitute violation of this charter.

### **Potential Civil Liability Effects**

The Charter School shall be operated as a California nonprofit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d).

Pursuant to Education Code section 47604(d), an authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting,

or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

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

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

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

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

### **Insurance**

In order to mitigate both the potential legal and fiscal liabilities of the Charter School, Darnall Charter School will have in force at all times prepaid liability insurance. The Charter School will purchase and maintain, as necessary, general liability, automotive liability, errors and omissions, property, workers' compensation, unemployment and other insurance policies commensurate with that of other public schools and/or nonprofit organizations of similar type and size to protect both itself and the District. The minimum coverage will be equivalent to or more than the District's recommended minimum for charter schools. The Charter School will develop, implement, and ensure compliance with health, safety and risk management guidelines in consultation with its insurance carriers and risk management experts. The San Diego Unified School District Board of Education will be named as an additional insured on all policies of the Charter School. The Charter School will provide the SDUSD with certificates of insurance signed by an authorized representative of the insurance carriers.

### **Budgets and Financial Reporting**

The Charter School will receive funding directly from the State of California through the County Treasurer and the San Diego County Office of Education in accordance with applicable laws and the State's block grant program for charter schools. The District agrees it will transfer funds from the Charter School's Treasury account to the District only with explicit, written permission from the Charter School. The District agrees to forward the Charter School's full share of in-lieu property tax aid to the Charter School's account as the County Treasurer by the 15th of each month as required under Education Code Section 47635.

Current and projected operating budgets and cash flow projections can be found in Appendix G.

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

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

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

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

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

## **Oversight**

Pursuant to California law, the District shall be required to provide oversight as required by Education Code section 47604.32. In accordance with Education Code Section 47613(a), the District may charge for the actual costs of supervisorial oversight of the Charter School not to exceed one (1) percent of the revenue of the Charter School. The District may charge up to three (3) percent of the revenue of the Charter School if the Charter School is able to obtain substantially rent-free facilities from the District. Pursuant to Education Code Section 47613(f), "revenue of the charter school" is defined as the amount received in the current fiscal year from the local control funding formula calculated pursuant to Education Code Section 42238.02, as implemented by Education Code Section 42238.03.

## **Student Transportation**

The Charter School will not provide student transportation to and from school, except as required by law for students with disabilities in accordance with a student's IEP.

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