

# South Valley Charter School

## Charter Petition

November 13, 2000

revised January 22, 2001

**Charter  
of the  
South Valley Charter School:  
A California Public Charter School**

**Whereas** the Board of Trustees of the Morgan Hill Unified School District received a valid charter petition on November 13, 2000, duly signed by authorized parents and submitted pursuant to Education Code Section 47605, and


**Whereas** the Board of Trustees of the Morgan Hill Unified School District, after holding a public hearing on December 11, 2000 and considering the level of parent and staff support, has determined that the applicants have assembled and presented a valid and meritorious charter petition;

Resolved that the Board of Trustees of the Morgan Hill Unified School District hereby approves and grants this charter petition by a vote of 7 to 0 on January 22, 2001.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on January 22, 2001 by the following vote:

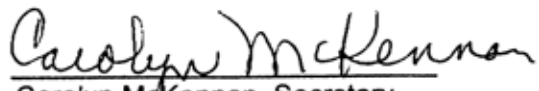
AYES:	Choi, Foster, Herder, Kennett, Kinoshita, Masuda, Panos
NOES:	None
ABSENT:	None
ABSTAIN:	None

DATED: January 22, 2001

SIGNED:   
\_\_\_\_\_  
J.C. Foster, President  
Board of Education

I, Carolyn McKennan, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on January 22, 2000, which resolution is on file in the office of said Board.

DATED: January 22, 2001

SIGNED:   
\_\_\_\_\_  
Carolyn McKennan, Secretary  
Board of Education

**South Valley Charter School  
Charter Petition  
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## **Affirmations**

- South Valley Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability.
- South Valley Charter School shall admit all pupils who wish to attend the School subject to capacity.
- In no instance will a student or parent be required to sign a Family-School Involvement Agreement as a condition to School enrollment.
- All meetings of the Board of Directors of South Valley Charter School shall be held in compliance with the Brown Act.
- South Valley Charter School shall comply with all state and federal laws in serving students with disabilities including, but not limited to, Section 504 of the Americans with Disabilities Act and the Individuals with Disabilities in Education Act.

## **I. Educational Program**

*A description of the educational program of the School, designed, among other things, to identify those whom the School is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.*

*-- California Education Code Section 47605 (b) (5) (A)*

### **A. Mission and Vision of South Valley Charter School**

**Through strong family involvement, community interaction and project-based learning, South Valley Charter School will develop lifelong learners prepared to be innovative participants in the global community.**

The School is committed to:

- developing K-8 students who are self-motivated, self-disciplined and socially responsible
- partnering staff, students, parents and community to create a unique, challenging and individualized learning environment with high academic standards and expectations
- applying academic learning to real-life activities through project-oriented programs
- providing advanced opportunities in science, technology, languages and the arts
- building programs that foster thinking which is original, critical, collaborative and reflective
- respecting diversity and whole child development - cognitive, emotional, social and physical

This mission statement reflects the vision developed by the original Charter School Launch Team. This vision identified three elements critical to developing educated children who are well prepared for the 21st century: strong academics, community interaction, and family involvement. The result will be an academically demanding, community-connected elementary and middle School program with strong family involvement. To implement this vision requires eight components that address one or more of these key elements:

- **Standards** – Children excel when standards are high and when academic achievement is valued. All students will be expected to perform at their highest level and to excel in the content areas outlined in the state curriculum standards.

- **Family Participation** – Children understand the importance of learning when they experience their family investing time in supporting that effort. Families will contribute in a variety of significant ways to support both their own children’s efforts to excel and to enhance the learning experiences of all students at the School.
- **Project-based Learning** – Knowledge is best retained when it is used. Students will develop and acquire new skills by participating in interactive projects, hands-on learning activities and field trips into the community. Project oriented programs allow students to learn and apply academics to real-life activities so that knowledge is meaningful, long lasting and effective.
- **Technology** – In today’s society, technology plays a significant role in everyday life and global affairs. Every student will have ready access to technology and will learn to use it for research, analysis, communication, organization and self-expression.
- **Formal Enrichment Activities** -- All students will benefit from regular exposure to a variety of programs such as foreign language, life skills, physical education, music and other fine arts.
- **Community Connection** – Public schools must produce knowledgeable and involved citizens. Students will learn to understand their connection to the community and their responsibilities as members. The curriculum will incorporate community service projects and community-based, hands-on activities.
- **Diversity** – Citizens of the 21<sup>st</sup> century need a concrete understanding of the diversity of language and culture in both their immediate community and the world.
- **Personalization** – At South Valley Charter School each student will be well known and valued as an individual with his/her specific needs taken into consideration.

## **B. Curriculum and Content**

The School will have a strong language arts, mathematics, science, history/social science, and technology focus. It will provide an enrichment curriculum that includes art, music, physical education and foreign language. Students will be expected to be active in the community through various community service projects.

Additionally, the curriculum at South Valley Charter School will be aligned with the standards and goals adopted by the School and aligned with the standards outlined by the state. Students will not only be expected to meet the state standards, but to exceed them. The following process will be used by South Valley Charter School when adopting curriculum materials:

- A committee composed of staff and parents will review curriculum materials and make a recommendation to the Board of Directors.
- Materials will be available to the public for review.
- The Board of Directors will receive comments from the public.
- A final decision for adoption of materials will be made by the South Valley Charter School Board of Directors.

### C. Student Needs and Instructional Strategies

The staff of South Valley Charter School will continually seek new and innovative strategies and materials to meet the needs of each student. The following instructional strategies will be utilized in the classroom:

- **Project-based Learning:** Project-based learning will be used to teach and to reinforce basic skills. Children learn by doing and the hands-on learning approach will give students an opportunity to take skills that they have learned and to apply them to meaningful projects. These projects will give students an opportunity to develop and demonstrate critical thinking skills, problem solving skills and cooperative learning.
- **Cooperative Learning:** Productive citizens of the 21st century must be able to work cooperatively as part of a team to accomplish a task. Cooperative learning techniques will teach students to work collaboratively with others and allow them to develop their social and communication skills. Students will learn to share their knowledge and skills and acknowledge and respect the ideas and skills of others.
- **Flexible Grouping:** Teachers will use flexible grouping to meet the needs of their students. Students may be grouped and regrouped based on such factors as skills they need to master, knowledge they need to share, reading abilities, and the need to be encouraged to obtain the next level of understanding.
- **Differentiated Instruction:** Children have different strengths and styles of learning. The teachers will use theories of multiple intelligences in the classroom to build on each student's strengths and to address diverse learning styles.
- **Technology:** Computers will be used as a tool for teaching and learning. Students will have access to technology for research, analysis, communication, skill building and self-expression.
- **Community Interaction:** Students will be involved in a variety of activities to enhance their understanding of how a community functions. This includes community service and

establishing ongoing relationships with businesses, local government, and community organizations. Community members will be invited into the School to share their knowledge and expertise. Emphasis will be placed on students being connected to their community and becoming contributing members of society.

- **Flexible Scheduling:** To be most effective, teachers must have time to work together, to plan, to discuss student needs, to mentor one another, and to observe other classrooms. The school day will be structured such that staff members have time during schools hours to work collaboratively and so that special programs and projects may be accommodated. To permit this flexibility, the length of the school year and/or the length of the school day may be extended beyond the state-mandated minutes.
- **Staff Development:** Students will benefit from instruction from teachers who have ongoing staff development that promotes and supports the School's vision. The staff development plan will be designed to meet the needs of each staff member as well as the needs of the School. This will be an ongoing process in which teachers receive both training and follow-up support.

## II. Measurable Pupil Outcomes

*The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purpose of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.*

*-- California Education Code Section 47605 (b) (5) (B)*

Students of the South Valley Charter School will demonstrate the following skills upon graduation:

- Students will become self-motivated, competent and lifelong learners;
- Students will meet or exceed California State content and performance standards in the areas of English-Language Arts, History-Social Science, Math, and Science;
- Students will exhibit effective communication through listening, speaking, reading and writing in a critical, reflective, and responsible fashion using a variety of media;
- Students will master age appropriate principles of mathematics and logical reasoning and be able to apply them to real life situations;
- Students will utilize scientific research and inquiry methods to understand and apply major concepts underlying various branches of science. This includes the ability to hypothesize, evaluate data, and define and solve problems through observation, analysis, construction, testing and communication of findings using appropriate methods, materials and tools of technology;
- Students will demonstrate skills from a variety of technological sources for the purposes of research, analysis, communication, organization and self-expression;
- Students will have general knowledge of civics, history and geography;
- Students will exhibit healthy social-emotional skills and self-esteem by demonstrating respect for diversity and making positive choices for themselves and in interpersonal relationships;
- Students will demonstrate fundamental skills in speaking, reading, writing and listening comprehension of a foreign language and will understand key aspects of that culture;
- Students will demonstrate cognitive processing abilities utilizing complex and critical thinking skills by identifying , accessing, integrating and utilizing available resources and information to: reason, make sound decisions, solve realistic problems in a variety of contexts, and articulate their thought process;

- Students will apply lifelong learning skills including: goal setting, study skills, planning, implementing and completing tasks, and the ability to reflect on and evaluate one's own learning;
- Students will understand what it means to be socially responsible and will participate in their school and their community;
- Students will be responsible for working cooperatively and collaboratively in a variety of situations;
- Students will demonstrate their physical skills to enable them to participate in individual and team activities. They will recognize and pursue healthy habits of fitness, hygiene and safety.

Initially, the School will adopt the California State content and performance standards. This will allow comprehensive standards to be utilized while the staff and administration of the School review and modify the standards to address the specific requirements of the School in a thorough and thoughtful way. The School will follow the State Frameworks adoption timeline.

The students' exit outcomes will be further subdivided into a list of specific classroom-level standards required at different grade and skill levels. These specific grade and skill-level standards will incorporate those included in the California state content and performance standards. In addition to attaining specific content area and grade/skill-level standards, students will also demonstrate their overall progress toward graduation readiness through a series of benchmark performances at various points throughout their experience at the South Valley Charter School.

### III. Methods to Assess Pupil Progress towards Meeting Outcomes

*The method by which pupil progress in meeting those pupil outcomes is to be measured.*

*-- California Education Code Section 47605 (b) (5) (C)*

To measure the progress of the students at South Valley Charter School and ensure that the goals of the charter are being met, South Valley Charter School will adhere to statewide standards with mandated standardized tests and conduct additional performance-based assessments. Student performance on these measures will help the School community make informed decisions about instruction and program modifications.

The following assessment approaches may be included in the School's measurement of outcomes:

- **Standardized Tests:** The School will administer nationally norm-referenced tests required by law in the state of California. (Currently AB265, SB430, AB3488, AB748 and SB376 or STAR, the Standardized Testing and Reporting Program.) The School may also administer supplemental standardized tests as appropriate.
- **Portfolios:** A systematic collection of student work over a period of time that exhibits a student's work and progress will be gathered. Portfolios will be used to measure student progress towards and mastery of statewide standards using school-wide rubrics. Portfolios will help students develop critical thinking skills by providing the opportunity for them to assess their own learning, to reflect critically and thoughtfully about their own work, to set goals for improvement, and to be aware of their accomplishments. This will provide the staff and parents with an authentic picture of the student's progress over time, while simultaneously giving information for future instruction and student needs.
- **Videos:** Both video records of student work (e.g., showing a child reading aloud) and videos created by the students will serve as indicators of the students' progress towards and mastery of skills in designated areas.
- **Running records:** Authentic assessment of children's reading skills in context will be completed by teachers. Students will be given passages of different levels of difficulty, based on grade, and will be scored based on their degree of fluency and accuracy, as well as their ability to respond appropriately to comprehension questions.
- **Journals:** Student journals will be used to reflect the student's own performance in academic areas and their use of the critical thinking skills.
- **Projects:** Intermediate and middle-school students will complete projects that represent a cumulative show of the student's learning. These may be written and oral and may include the use of various media. Eighth grade students will work with advisors to complete their exit projects. Rubrics will indicate students' mastery of skills.

- **Teacher observations & documentation:** The instructors will document student work and work habits in the classroom, noting skills that are mastered and those requiring continued instruction. Included in these observations will be the student's attitudes and social behaviors.
- **Teacher-created tests:** Teachers will design appropriate tasks that will measure understanding and mastery of classroom work.
- **Report cards, including narrative:** Documentation of student progress towards mastery of skills will be included in report cards, which will be distributed at regularly-scheduled intervals during the school year. All report cards will include a narrative component, with the skills for each learning area that were taught during that reporting period indicated, and the child's progress towards mastery of those skills noted. Upper grade report cards will also include letter grades. Grades will be based on teacher-prepared assessment instruments, projects, and portfolios.
- **Conferences:** Parent-teacher conferences will be held throughout the year at regularly scheduled times. At these conferences, the parents will share their expectations and views of the educational program, the teacher will report the child's academic accomplishments and social achievements, and together both will set goals for the child. Upper grade students will be involved in these conferences to reinforce their participation in the learning process, with student-led conferences held occasionally.

## **IV. Governance Structure of School**

*The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.*

*-- California Education Code Section 47605 (b) (5) (D)*

### **A. Legal Status**

The South Valley Charter School will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. The School shall not charge tuition and shall not discriminate on the basis of race, ethnicity, national origin, gender, or disability.

South Valley Charter School will constitute itself as a California Public Benefit Corporation pursuant to California law. The School will be governed pursuant to the bylaws adopted by the incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws.

### **B. Board of Directors**

A Board of Directors consisting of seven members will govern South Valley Charter School. The Board's composition will include:

- two parents - elected by the parent members of the School
- two staff members - one to be elected by the faculty members and one to be the administrative representative (with limits on voting in such areas as salary, benefits, negotiations, arbitration)
- three community representatives - elected by all members
- one Morgan Hill Unified School District representative - the representative, appointed by the District, will sit on the Board as an ex-officio member who facilitates communications and mutual understanding between the School and the District

The South Valley Charter's Board of Directors shall:

- Uphold the mission and vision of the School
- Oversee the implementation of the Charter
- Hold regular public meetings that are in compliance with the Brown Act

- Approve all major educational and operational policies and work with the School administration to implement these policies, including but not limited to the those listed below:

**fiscal policies** - approving and monitoring the school budget and how the school's vital fiscal practices are carried out, solicitation and receipt of grants and donations consistent with the mission of the School

**instructional program policies** - as defined in the Charter and the school design documents

**personnel policies** - the board will approve all hiring and dismissal of school personnel

**student and parent policies** - these include recruiting (ensures that the recruitment policy addresses ongoing efforts to achieve racial/ethnic balance), admitting (ensures that the admissions policy is adhered to), disciplining (reviews and approves the discipline policy), suspending ( will be kept apprised of any suspensions by the School administration) and expelling ( will conduct expulsion hearings).

**legal policies** - how the School manages its liability, insurance and other health, safety and risk-related matters; approving all major contracts

**internal board policies** - regularly assess and clarify any ambiguities in the bylaws

**informal policies** - establish understandings regarding the respective roles and responsibilities of the board versus administrative staff and how it will ensure that these roles are complementary

## C. Family Participation

South Valley Charter School will communicate with each family, prior to the first day of instruction, to discuss and develop any specific details of the child's education plan and the Family-School Involvement Agreement. The purpose of the agreement is to help support both the family and the school so that each child will have a successful educational experience. This agreement will outline the family, school and student responsibilities for the upcoming school year. Each family will be strongly encouraged to sign a participation agreement which will be individualized and will take into account the needs of the student, the School, and the family circumstances.

See Appendix C, page 42, for the Family-School Involvement Agreement Framework.

## **D. Special Education**

The South Valley Charter School and the Morgan Hill Unified School District pledge to work in cooperation with all Local Education Agencies (LEAs) and Special Education Local Plan Areas (SELPAs) to ensure that a free and appropriate education is provided to all students with exceptional needs in accordance with all state and federal regarding provision of special education services.

During its first year of operations, the School intends to function as a “public school of the local education agency that granted the charter” for purposes of providing special education and related services pursuant to Education Code Section 47641 (b). For the 2001-2002 school year, the District will provide a Resource Specialist Program and Speech and Language Services Program operated at the School site, to serve the special needs of those children identified with handicapping conditions. For those children requiring a more specific or intensive educational program beyond the scope of services provided at the School, the School will collaborate with the District and Santa Clara County Office of Education to utilize the services available through their programs in meeting the needs of those children. Excess costs associated with these expanded services and programs will be the responsibility of the School. During each school year during which the School operates as an arm of the District for special education purposes, the District shall retain all state and federal apportionments provided for the provision of Special Education services. In addition, South Valley Charter School will pay its share of the District’s excess costs associated with Special Education programs and services. The District shall provide the School, in cooperation as necessary with the SELPA and the County Office, with all services reasonably necessary to ensure that all students with exceptional needs who attend the School are provided a free and appropriate education.

There is an understanding and acknowledgement of the challenges of finding qualified personnel. The School, therefore, will work in partnership with the District to find appropriately qualified personnel to meet Resource Specialist Program and Speech needs for the students at the School. In the event that staffing is unavailable or if the number of identified students with disabilities is too low to warrant a program at the School, the School may use District services at a District school site, with the School providing transportation to the site.

The Charter School and the District shall annually, and in good faith, negotiate and enter into a written agreement to more clearly specify the desired mix of special education funding and services to be provided. The School shall enjoy reasonable flexibility, subject to the resources of the District, to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646 (b). The School and the District shall work in good faith to document the specific terms of this relationship in the Annual Operational Agreement contract.

After its first year of operations, the School shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641 (a) and the District shall not hinder or otherwise impede the efforts of the School to do so. In the event that the School opts not to establish independent LEA

and/or SELPA status, it shall remain an arm of the District for special education purposes as required by Education Code Section 46741 (b), and shall continue to receive funding and services pursuant to the terms of this section and the annual agreement.

## V. Employee Qualifications

*The qualifications to be met by individuals to be employed by the school.*

*-- California Education Code Section 47605 (b) (5) (E)*

South Valley Charter School will retain or employ teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These documents will be maintained on file at South Valley Charter School and shall be subject to periodic inspection by the chartering authority. These teachers will teach the core academic classes of mathematics, language arts, science, and history/social studies. These teachers will be responsible for overseeing the students' academic progress and for monitoring grading and matriculation decisions as specified in the School's operational policies. The School will hire substitute teachers in accordance with charter school law.

South Valley Charter School may also employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity. Instructional support staff will not assign grades or approve student work assignments without the approval of a teacher, except in non-core courses and activities. All non-instructional staff will possess experience and expertise appropriate for their position within the School as outlined in the School's staffing plan and the School's adopted personnel policies.

The School is committed to recruiting staff with a wide range of skills and qualities, teaching and administrative experience, cultural and ethnic backgrounds, and to having a staff as reflective of the Morgan Hill community as possible. Other desired qualities and qualifications include: a commitment to the mission and vision of the School, an ability to work effectively on a team with colleagues, students, families and community members, experience with a variety of instructional approaches including project-based learning, interest or expertise in technology, bi- or multilingual skills, experience working with a diverse student population, and a commitment to their own professional growth.

The following is an estimated staffing plan for South Valley Charter School in its first year of operations:

- 1.0 FTE principal
- 1.0 FTE clerical position
- 5.5 FTE teachers
- 36 hours/week extracurricular instructors paid hourly

## **VI. Health and Safety Procedures**

*The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school record summary as described in Section 44237.*

*-- California Education Code Section 47605 (b) (5) (F)*

Prior to commencing instruction, the South Valley Charter School will adopt and implement a comprehensive set of health, safety and risk management policies. These policies will be developed in consultation with the School's insurance carriers and, at a minimum, will address the following topics:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- Policies and procedures for response to natural disasters and emergencies, including fires and earthquakes.
- Policies relating to preventing contact with blood-borne pathogens.
- A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.
- Policies relating to the administration of prescription drugs and other medicines.
- A policy that the School will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard.
- A policy establishing that the School functions as a drug, alcohol and tobacco free workplace.
- A requirement that each employee of the School submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.

These policies will be incorporated into the School's student and staff handbooks and reviewed on an ongoing basis in the School's staff development efforts and governing board policies.

## **VII. Means to Achieve Racial/Ethnic Balance Reflective of District**

*The means by which the school will achieve racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.*

*-- California Education code Section 47605 (b) (5) (G)*

South Valley Charter School will adopt and implement a policy, including an outreach program, which will focus on achieving and maintaining a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the Morgan Hill Unified School District.

The Governing Board of the School shall annually appoint a committee who will evaluate the racial and ethnic makeup of the School and compare and contrast it with the population of the District. If it is determined by the committee that the makeup, to any substantial degree, does not reflect the general population of the District, the committee shall review its policy, outreach programs, and services and implement a plan to attempt to remedy the discrepancy. Such a plan might include additional outreach programs or new and enhanced services to attract a broader base of students. The committee will also be responsible for assessing the quality and effectiveness of the School's relationships with the various community organizations with whom the School has established partnerships.

See Appendix D, page 46, for a detailed description of the specific actions taken to date and the plan to be implemented in the future.

## **VIII. Admission Requirements**

*Admission requirements, if applicable.*

*-- California Education code Section 47605 (b) (5) (H)*

South Valley Charter School will actively recruit a diverse student population from the District and surrounding areas. Admission to the School shall be open to any resident of the State of California. Prospective students and their parents or guardians will be briefed regarding the School's instructional and operational philosophy. It is the School's hope that enrolling students and their families will understand and value the School's mission and be committed to the School's instructional and operational philosophy.

The School's annual open enrollment period will be held every spring for the upcoming school year. The enrollment period will be widely and thoroughly publicized before and during this time. In the event that there are more applicants than spaces available per grade level, a public random drawing for enrollment, except for returning students to the School, will be conducted in stages as follows:

1. Children of Launch Team members and staff working 50% or more residing in the District
2. Siblings of existing School students
3. Children of staff working 50% or less residing in the District
4. Children of all other District residents
5. Children of Launch Team members and staff working 50% or more residing outside the District
6. Children of staff working less than 50% residing outside the District
7. Children residing outside the District

## **IX. Financial and Programmatic Audits**

*The manner in which an annual, independent, financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.*

*-- California Education Code Section 47605 (b) (5) (I)*

### **A. Financial Audit**

The South Valley Charter School's Board of Directors will form an audit committee each fiscal year to oversee selection of an independent auditor and the completion of an annual audit of the School's financial affairs. The audit will verify the accuracy of the School's financial statements, attendance and enrollment accounting practices, and review the School's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the School. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars. It is anticipated that the annual audit will be completed within six months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the chief financial officer of the Morgan Hill Unified School District. The South Valley Charter School's audit committee will review any audit exceptions or deficiencies and report to the School's Board of Directors with recommendations on how to resolve them. The Board of Directors will report to the Morgan Hill Unified School District regarding how the exceptions and deficiencies have been, or will be, resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this charter agreement.

### **B. Program Audit**

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

- A summary showing student progress toward the pupil outcomes (listed in part two of the charter) using data from the assessment instruments and techniques (listed in part three of the charter).
- A summary of major decisions and policies established by the School's Board of Directors during the year.
- Data on the level of parent involvement in the School and summary data from an annual parent and student satisfaction survey.
- Data regarding the number of staff working at the School and their qualifications.

- A copy of the School's health and safety policies and/or a summary of any major changes to those policies during the year.
- An overview of the School's admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists and the number of students expelled and/or suspended.
- Analyses of the effectiveness of the School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.
- Other general information regarding the educational program and the administrative, legal and governance operations of the School relative to compliance with the terms of the charter.

## **X. Pupil Suspension and Expulsion**

*The procedures by which pupils can be suspended or expelled.*

*-- California Education Code Section 47605 (b) (5) (J)*

The Pupil Suspension and Expulsion policy and its rules and procedures have been established in order to promote learning and protect the safety and well-being of all students. When these policies and proposed rules and procedures are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students and accord all students due process. These disciplinary rules and procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Proposed rules and procedures are attached. A Student Handbook will be developed and copies will be forwarded to the District.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, the use of alternative educational environments, suspension and expulsion.

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 district property.

The Director/Administrator shall ensure that students, upon their enrollment and their parents/guardians are notified in writing of all discipline policies, rules, and procedures. The notice shall state that these disciplinary rules and procedures are available on request at the Director/Administrator's office.

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

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("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 regular education students except to the extent where federal and state law mandates additional or different procedures. SVCS will follow Section 504 of the Rehabilitation Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the 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.

For proposed Suspension and Expulsion Policies and Procedures see Appendix E, page 50.

## **XI. Retirement System**

*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.*

*-- California Education code Section 47605 (b) (5) (K)*

South Valley Charter School plans that staff will participate in the federal social security system and will have access to other School-sponsored retirement plans according to policies developed by the Board of Directors and adopted as the School's employee policies. The School retains the right for its Board to elect to participate in the State Teachers Retirement System (STRS) and/or Public Employees Retirement System (PERS) and coordinate such participation, as appropriate, with the social security system or other reciprocal systems in the future. If the School should opt to participate in the STRS or PERS systems, the District shall cooperate as necessary to forward any required payroll deductions and related data.

## **XII. Attendance Alternatives**

*The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.*

*-- California Education code Section 47605 (b) (5) (L)*

Students who opt not to attend South Valley Charter School may attend other District schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

### **XIII. Description of Employee Rights**

*A description of the rights of any 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.*

*-- California Education Code Section 47605 (b) (5) (M)*

Charter School staff who have left permanent status employment in the District to work at South Valley Charter School shall not have the right to return to a comparable position in the Morgan Hill Unified School District during the initial term of this charter.

The School will establish a detailed personnel policy in accordance with all state and federal laws.

## **XIV. Dispute Resolution**

*The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.*

*-- California Education Code Section 47605 (b) (5) (N)*

The staff and Board of Directors/Trustees of South Valley Charter School and the Morgan Hill Unified School District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

### **A. Disputes Arising from within the School**

It is the intent of the District and the School that complaints and disputes be resolved quickly and informally in an atmosphere of cooperation whenever possible.

Complaints regarding the operation of the School which do not involve District liability or issues of student health or safety will be forwarded to the School for processing according to procedures adopted by the School, prior to being addressed by the District. School procedures shall include reasonably expeditious time lines and a full opportunity for parents/guardians of any students directly affected to express their concerns. The District will not address the dispute if the School is able to fully resolve the problem unless the School requests the District's involvement.

### **B. Disputes between the School and the Charter-Granting Agency**

In the event that the South Valley Charter School and the Morgan Hill Unified School District have disputes regarding the terms and conditions of this charter or any other issue regarding the School and grantor's relationship, both parties agree to follow the process below:

In the event of a dispute between the South Valley Charter School and the Morgan Hill Unified School District, the staff and Board of Directors/Trustees of the School and District agree to first frame the issue in written format, then refer the issue to the Superintendent of the District and Principal of the School. In the event that the grantor believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.

The principal and superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two governing board members from their respective boards who shall jointly meet with the superintendent and principal and attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the superintendent and the principal shall meet to jointly identify a neutral, third party mediator.

The principal and superintendent are required to meet at least once, but may mutually agree to meet more than once if it appears that further meetings may successfully resolve the issue. If the Parties do not successfully resolve the dispute by this informal meeting, then the Party finding the informal meeting unsatisfactory shall provide written notice to the other Party, demanding mediation. The demand for mediation may not be given prior to the first informal meeting, and shall not be given any later than ninety (90) calendar days following the completion of the first informal meeting. The demand for mediation shall be sent certified mail-return receipt requested to the other Party, and shall set forth all of the issues that Party deems outstanding that must be submitted to mediation. The Party in receipt of the demand for mediation shall respond within twenty (20) business days listing any issues it deems appropriate for submission to the mediator.

Within twenty (20) calendar days or less of the written Request for Mediation, the Parties shall agree on one mediator. If the Parties cannot agree on a mediator, they will request appointment of a mediator by the Superior Court or by the Judicial Arbitration and Mediation Service (JAMS). The costs of mediation shall be borne by the Parties equally. Recommendations from the mediator shall be non-binding.

Any such controversies (except those for which the appropriate remedy should be injunctive relief) shall be mediated within sixty (60) calendar days of the date on the written demand for mediation, or the soonest date thereafter that the mediator is available.

### **C. Oversight, Reporting, Revocation and Renewal**

Morgan Hill Unified School District may informally inspect or observe any part of the School at any time. The District agrees to provide a minimum of three working days notice to the principal of South Valley Charter School prior to any formal observation or inspection that will require either the time of any School employee, or the gathering of information pertinent to the inspection. Any formal visitation may occur with less than three working days notice if mutually agreed on by both parties.

If the governing board of the District believes it has cause to revoke this charter, the District agrees to notify the School and grant the School reasonable time to respond to the notice and take appropriate corrective action prior to revoking the charter, unless the governing board has made a written determination that a severe and imminent threat to the health or safety of pupils exists.

The Morgan Hill Unified School District agrees to receive and review the annual fiscal and programmatic audit and annual performance reports. Within two months of the receipt of this annual review, the charter-granting agency must notify the Board of Directors of South Valley Charter School as to whether it considers the School to be making satisfactory progress relative to the goals specified in this charter. This annual notification will include the specific reasons for the charter-granting agency's conclusions.

The governing board of South Valley Charter School may request from the District Board a renewal of the charter at any time during the fourth year of the term of the charter. Requests for renewal will be presented by the School no later than 120 days prior to expiration. The District Board agrees to hear and render a renewal decision pursuant to the timelines and processes specified in the Education Code Section 47605.

## **XV. Labor Relations**

*A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.*

*-- California Education Code Section 47605 (b) (5) (O)*

South Valley Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Education Employment Relations Act. The School will accept all responsibilities associated with the recruitment, hiring and dismissal of employees and the determination of all salary and benefit schedules.

## **XVI. Additional Miscellaneous Clauses**

### **A. Annual Operational Agreement**

The School and District will negotiate in good faith on an annual basis to develop an Annual Operational Agreement/Memorandum of Understanding establishing the specific financial, operational and service relationship between the two parties. Additionally, it may address other matters of mutual interest not otherwise resolved within the terms of the School's charter.

### **B. Severability**

The terms of this charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the Morgan Hill Unified School District Board of Trustees and South Valley Charter School's Board of Directors.

### **C. Cooperation**

The Morgan Hill Unified School District agrees to cooperate with South Valley Charter School in all matters related to the implementation of this charter and interactions with the California State Board of Education.

### **D. Term of Charter**

The term of this charter shall begin on January 22, 2001 and expire January 22, 2006.

### **E. Amendment of Charter**

Any amendments to this charter shall be made by the mutual agreement of the governing boards of Morgan Hill Unified School District and South Valley Charter School. South Valley Charter School may present a petition to amend the charter at any time, and the Morgan Hill Unified School District agrees to respond to such petitions pursuant to the process and timelines specified in Education Code Section 47605 or its successors.

### **F. Funding**

The South Valley Charter School will receive funding pursuant to Education Code Section 47613.5 and its successors and will opt to receive its funding directly from the state. An account for the School will be maintained at the Santa Clara County Office of Education. Any funds due to the School that flow through Morgan Hill Unified School District shall be forwarded to the School as soon as practical.

## **G. Transportation**

Transportation for all general and special education students to and from the School will be the responsibility of the parents or guardians unless otherwise dictated by a student's individualized education plan (IEP). Assistance will be given in arranging carpools, or finding other alternatives, if required.

## **H. Insurance**

The School agrees to carry insurance for general liability, property, errors and omissions, and workers' compensation coverage in the amounts specified by the District in the Annual Operational Agreement/Memorandum of Understanding. If the School has not obtained appropriate insurance by May 15, 2001, the School will not begin operation in September 2001, unless the parties mutually agree otherwise. The District shall not unreasonably withhold its agreement in order to delay the operation of the School.

## **I. Operational Powers and Liabilities**

The School shall be fiscally responsible for its own operations and shall manage its operations efficiently and economically within the constraints of its annual budget.

The School shall have no authority to enter into a contract that would bind the District, nor to extend the credit of the District to any third person or party without the express written consent of the District. Subject to the laws related to Charter Schools, consistent with Article XVI, section 18 of the California Constitution, the School shall not enter into any agreement or contract that gives rise to a multiple fiscal year direct or indirect debt or other financial obligation as defined in the article whatsoever on the part of the School without the prior written consent of the District.

The School shall clearly indicate to all vendors and other entities and individuals outside the District with which or with whom the School enters into an agreement or contract for goods or services that the obligations of the School under such an agreement or contract are solely the responsibility of the School and are not the responsibility of the School District.

To the extent not covered by insurance or otherwise barred by the California Tort Claims Act, the School agrees to indemnify and hold the District and its officers, agents and employees harmless from all liability, claims or demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other losses of any kind whatsoever which arise out of or are in any manner connected with the School's operations, or which arise from the provisions of this Charter itself, with the exception of the acts of the District, its officers, agents and employees in relation to any services provided by the District to the School pursuant to this charter or any subsequent operational agreement. The foregoing provision shall not be deemed a relinquishment or waiver of any kind of applicable limitations of liability provided by the California Tort Claims Act.