

# 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:

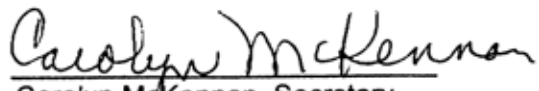
AYES:	Choi, Foster, Herder, Kennett, Kinoshita, Masuda, Panos
NOES:	None
ABSENT:	None
ABSTAIN:	None

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.

## APPENDIX A

### Experience and Background of Developers

#### Co-Directors

**Lynn Mitoma** holds a Masters degree in Education from San Francisco State University and Bachelors degrees in both Psychology and Spanish from the University of California at Berkeley. She holds Preliminary and Professional Clear Administrative Services Credentials as well as a Multiple Subject Professional Clear Teaching Credential with Spanish Bilingual/Cross-Cultural Emphasis. Lynn has over 17 years experience working in the field of education. She has held a wide range of teaching and administrative positions including Spanish Immersion Teacher, Head Teacher, Program Resource Teacher, Bilingual Resource Teacher/LEP Coordinator, Title VII Administrator, Site Administrator, and District Office Coordinator. She has been employed as an administrator and consultant in the Oak Grove School District since 1993, working with the Educational Services, Human Resources, and Business Departments. Her recent responsibilities have included budget development and oversight, teacher training and evaluation, grantwriting, program development and assessment, curriculum development, and special events coordination.

During her years as a Spanish Bilingual/Newcomer Teacher and Head Teacher for the Mission Education Center in the San Francisco Unified School District, she received extensive training in second language acquisition and primary language instruction. Here Lynn provided primary language instruction, intensive English as a Second Language, and orientation skills for living in the United States to newcomer students. She also supported training for newcomer parents.

Lynn has given workshops for staff, students, parents, and community members in areas including Bilingual Education Compliance, ESL for Adults, Conflict Managers, Transitional Reading, Cooperative Learning, Teacher Expectations and Student Achievement (TESA), Parents as Teachers, Cooperative Discipline, Peer Coaching, and Being a School Volunteer. She also has received extensive training in all core curriculum areas, as well as many other topics including: Bilingual/Special Education, Second Language Acquisition, Teaching Strategies for a Changing Student Population, Primary Language Instruction, Title VII Grant Administration, Hughes Bill Certification, and Closing the Achievement Gap.

Lynn is a member of the Association of California School Administrators and Phi Delta Kappa. She has also spent many hours volunteering in her son's preschool and elementary school.

**Dana Miller** holds a Masters degree in Physical Therapy from Boston University and a Bachelors degree in Human Performance/Athletic Training from San Jose State University. In addition to working in these fields for 11 years, she taught a course at SJSU and developed, coordinated and instructed several patient education programs at

Good Samaritan Hospital Physical Therapy. She has also worked with severely disabled children and adults. Dana has mentored students in physical therapy and athletic training as well as assisted in teaching continuing education courses. She has attended courses in Charter School Development and Charter School Governance offered by the Charter Schools Development Center.

For four years, Dana volunteered at the Morgan Hill Parent Child Nursery School, a non-profit preschool where parents play an integral part in the operation of the school. She served for two years as a member of the preschool's board of directors and has completed coursework in Positive Guidance and Discipline for Children. Dana also volunteered in her child's Kindergarten class, working for over three hours per week in the classroom. She and her husband, Mike, have volunteered for many years coaching youth sports for children ages 4–18 years.

### **Governing Board Development & SVCS Launch Board President**

**Mary Smathers** holds two Masters degrees – one in Education and the other in Educational Administration and Policy Analysis – from Stanford University, where she also received her Single Subject Teaching Credential and her Preliminary Administrative Services Credential. She also holds a Language Development Specialist Certificate. Mary speaks Spanish, which she studied at UC Berkeley, UNAM in Mexico City and Centro de Estudios Cultural in San Miguel de Allende, Guanajuato, Mexico. She earned her BA in Latin American Studies from UC Berkeley.

She has 16 years experience working in San Francisco Bay Area schools as a teacher and as a site and program administrator. She taught social studies and English at San Lorenzo High in the East Bay and Alisal High in Salinas. At Alisal High, Mary also worked in the bilingual program teaching Sheltered Social Studies and ESL. She served as Assistant Principal at Salinas High School. She coordinated a Healthy Start program for the Fremont Union High School District in Sunnyvale and Cupertino Union Elementary School District and also did grant writing, program development and wrote state mandated reports for the Fremont district. Most recently, Mary served as the coordinator for the Teenage Pregnancy Prevention Program in the Gilroy Unified School District for over three years.

Mary currently works as a Director of Educational Partners at WebLearning, an internet education company which she co-founded in 1997. Mary is a founding member of Teachers' Curriculum Institute (TCI), a curriculum development company producing innovative activities for social studies teachers. During her tenure with TCI, she trained teachers throughout the nation on innovative teaching strategies and curriculum design. She has also volunteered in elementary and preschools for seven years. She has served as President of the Morgan Hill Parent Child Nursery School, and also as Board Advisor.

### **Pre-Operations**

**Paige Cisewski** earned a Masters degree in Administration and Policy Analysis from Stanford University and a Bachelor of Science degree in Elementary Education from the University of Wisconsin-Madison. While at Stanford she was part of the prospective

principal's program to which only six students are admitted each year. During her undergraduate work, she was involved in an education program which focused on multicultural education. She also worked with Dr. Carl Grant, professor and author, helping to edit his book entitled "Bringing Teaching to Life." She completed her second tier for administrative credential at San Jose State where many of the classes focused on serving at-risk students and resiliency.

Paige has been working in the field in education for over 10 years. Six of those years were spent teaching at a variety of levels at elementary and middle schools in the Campbell Elementary School District. Her other four years of experience came from being an elementary principal in the Los Gatos Union School District.

While working as a teacher in the Campbell district, Paige was the lead negotiator for the teacher's union. As an elementary school principal, her responsibilities included serving on the School Site Council, facility improvements, working with the Home and School Club, overseeing the school budget, writing and implementing the technology plan, networking the school, writing grants, teacher hiring and evaluation. She also served on a variety of committees at the district level – the History/Social Science curriculum committee, Language Arts curriculum committee, two bond committees, a parcel tax committee, and the district facilities committee.

## **Educational Services**

**Marji McMillan** holds a Master's degree in Counseling and met the educational requirements for a school psychology credential from California State University Hayward. She also holds a Bachelors' degree in Human Services with minors in Psychology and Art and Art Therapy Specialization from Lesley College in Cambridge, Massachusetts. She obtained her License in Educational Psychology (LEP) in 1997 and holds a credential in Pupil Personnel Services in School Psychology.

Marji has over 15 years experience working in the field of Psychology spending the last nine years as a school psychologist. She is currently employed by the Morgan Hill Unified School District as a school psychologist working with grades 4 through 9. Marji is a member and past president of the Santa Clara County Association of School Psychologists. She also spends time volunteering at the Morgan Hill Parent Child Nursery School.

**Kathy Funke** earned a Bachelor of Science degree in Agricultural Education from the University of California at Davis. She holds Single Subject Credentials in Agriculture and Life Science and a Specialists Credential in Agriculture. For seven years, Kathy taught courses at Soquel High School for both the Santa Cruz Regional Occupational Program and Santa Cruz city schools. Subjects included Veterinary Science, Farm Management, Life Science, and Physical Science.

While teaching at Soquel High School, Kathy worked extensively to create a Parent Boosters Organization. This booster group teamed with the community to begin construction on the Agriculture Departments Farm Facilities. The combined efforts of

parents, students, and teachers resulted in the complete construction of a 900-square-foot large animal barn and a rabbit raising facility. Kathy also advised and supervised the FFA program and Student Occupational Experience Projects (SOEP) at Soquel High School.

Prior to teaching, Kathy was involved in 4-H youth leadership programs in Santa Clara County. Currently, Kathy works for the Santa Clara County Office of Education as a substitute teacher of the severely handicapped. Kathy has been actively involved with the Morgan Hill Parent Child Nursery School and serves Vice President of its board of directors.

## **Finance**

**Elaine Feeny** is a Certified Public Accountant and has a Masters in Business Administration from Golden Gate University and a Bachelors' degree in Accounting from Brigham Young University. She has over ten years of experience working in Public Accounting, Internal Auditing, and Consulting Services. Elaine is a current member of the Institute of Internal Auditors, San Jose Chapter and the American Institute of Certified Public Accountants.

## **Fundraising**

**Susan Vater** has two undergraduate degrees (BS in nursing and a BA in Fine Arts) and an active status R.N. license. She also does consulting work as a technical writer.

As the SVCS Fundraising Committee Chair, Susan enrolled in and completed a grant-writing course through Compasspoint, a support agency for non-profit organizations. During the last three months, she has attended fundraising seminars including Kim Klein's "Fundraising Basics" and a grant-writing workshop offered by the California Department of Education's Charter School Division. The CDE seminar was a designed primarily to assist charter school developers in applying for grants during the January 2001 Request for Applications timeframe. Susan has participated actively in school fundraising for the last 12 years: planning special events, participating in SCRIP sales, organizing merchandise sales, and writing for fundraising projects.

## **Site Development**

**Jayne Marsh** earned her Associate of Science in Interior Design from West Valley College in 1983, and passed the National Council for Interior Design Qualification (NCIDQ) exam in 1986. Her experience includes Project Consultant to various interior design and architectural firms in the greater Bay Area; Interior Design Instructor at West Valley College; Project Manager/Associate with Weske + Associates in Milpitas; Project Manager/Associate with Leason Pomeroy Associates in Santa Clara; and Project Designer with Ambiance Associates in Mountain View. Major projects Jayne has designed and managed include office, retail, health care and school space, amounting to approximately one million square feet.

**Rhonda Buss** graduated from the University of Southern California in 1988 with a Bachelor of Science in both Public Administration and Urban and Regional Planning. She

graduated with Honors and with the Recognition of the Senior Honors Program. Upon graduating, continuing education was pursued in Land Planning at the University of Irvine. Experience includes work for the City of Lawndale, CA Planning Department; Hopkins Development Corp., a commercial developer in Newport Beach, CA; Robert Bein, William Frost, and Assoc., a Planning/Engineering firm, Irvine, CA Project Manager/Coordinator; City of Golden, CO Planning Department- Planner. Major projects include the planning, processing, and project management of the 5,000 acre Coto de Caza, the largest private planned community in California, the writing of Area Plan Implementation Reports, (Environmental Documents), preparing Staff Reports and aiding in the preparation of the City of Golden General Plan.

### **Advisor/Documents**

**Vanessa MacLaren-Wray** holds a doctorate in Mechanical Engineering and Engineering-Economic Systems from Stanford University and has worked for over fifteen years in the electric utility industry. She currently works as an independent consultant. Her business focus is the development of specialized software for analyzing electric generation and transmission systems and for evaluating power markets.

Dr. MacLaren-Wray has also invested significant time over the past seven years volunteering in her children's schools. She has served as Treasurer for the parent-teacher organization and has worked on many fundraisers. She has supported teachers as a classroom worker for computer labs, math workshops, science projects, reading instruction, and student testing. She organized and ran a year-long after-school science program for G.A.T.E. students at Jackson Elementary and mentored a team of Jackson students for the Tech Challenge, an engineering design competition. She also serves as a photography instructor for Lyceum, an after-school enrichment cooperative for gifted children.

### **Legal**

**Ellen Fairey** attended the University of California at Berkeley, where she graduated with two degrees in Political Science (with Distinction) and Journalism (with Honors) in 1980. She obtained her Juris Doctorate degree from the University of California, Hastings College of the Law in San Francisco, in 1983. She is an eighth generation Californian, born and raised in Southern California. She is a descendant of Manuel Butron, a Spanish soldier who assisted Father Serra in establishing the mission at Carmel, and her passion is history and genealogy.

After earning her law degree, Ellen returned to Southern California to begin practicing law with the law firm of Booth, Mitchel, Strange & Smith where she was a litigator. She specialized in insurance and surety litigation, representing architects and bonding companies. In 1986, Ellen returned to Northern California, joining the San Jose office of the San Francisco-based law firm of Thelen, Marrin, Johnson & Bridges (now Thelen, Reid & Priest). There she specialized in construction litigation, representing owners, general contractors, and subcontractors on disputes involving the San Jose Convention Center and San Jose Arena, among other projects. She also specialized in interpretation of insurance contracts, environmental law and some unfair competition cases. Among

her clients was the City of Santa Clara's Electric Department, which convinced her to leave the field of litigation to perform transactional work for them in 1997.

Ellen is now a sole practitioner, working closely with the City of Santa Clara's electric utility in the field of fiber optics and electric deregulation.

## **Public Relations**

**Gaby Lefebvre** attended Post Secondary education at sera-Aquaristik GmbH in Heinsberg, Germany where she obtained her Business Management Certificate. She has over 15 years of business experience working for companies in Europe and Canada. Her responsibilities have included media relations, public relations, product marketing and packaging, managing and developing business partnerships, personnel management, product sales, financial forecasting and reporting, and developing customer relationships.

Gaby has received specialized training in Strategic Selling and Effective Negotiation. She speaks native German and is fluent in English. She has a general understanding of the French language.

## **Research, Resources & Website**

**Mary Chagnon** is a Senior Software Engineer with IBM Corporation and earned a Bachelor of Science degree in Applied Mathematics with a minor in Engineering from CSU Chico. She has over 17 years experience with IBM including application programming, data analysis, database development and design, product and customer engineering, product marketing, capital planning, IT systems integration and support, and project management.

Mary spent over 5 years volunteering as a youth advisor and working on fundraising campaigns for the South Valley Family YMCA in San Jose, California. She also served for three years on the board of directors for the Emergency Housing Consortium (EHC) of Santa Clara County. During that time she directed and implemented EHC's first direct marketing fundraising campaign. She also suggested and organized their first volunteer recognition event.

## APPENDIX B

### South Valley Charter School Board of Directors

- **Mary Smathers**, Board President; educator; Director, WebLearning/Project Achieve
- **Greg Sellers**, Morgan Hill City Council member
- **Mary Hoshiko**, Santa Clara Valley Program Director, YMCA
- **Lori Escobar**, El Toro Youth Center Site Manager, MACSA
- **Phil Alibrandi**, Director, Product Sales, US & Europe Rapid, KLA-Tencor
- **Michelle Kavanaugh**, Director/Teacher, Morgan Hill Parent Child Nursery School
- **Lisa Da Silva**, Director of Community and Resource Development, Community Solutions for Children, Families & Individuals, Inc.
- **Dana Miller**, volunteer Co-Director, South Valley Charter School
- **Claudette Beaty**, Assistant Superintendent, Morgan Hill Unified School District

### Additional Project Advisors

- **Maria Elena de la Garza**, Director of South Santa Clara County MACSA
- **Rachael Ruffalo**, Charter School Development Director, MACSA
- **Charlie Ross and Diane Luna Ross**, teachers in the Santa Clara County Office of Education, Alternative Schools Department. Currently teaching at Calero Community High School and previously at The Boys' Ranch, The Children's Shelter, and Juvenile Hall.
- **Jennifer Andaluz**, Executive Director of Across the Bridge Foundation (Downtown College Prep Charter School)
- **Greg Lippman**, Principal, Downtown College Prep
- **Felipe Galvan**, Coordinator/Advisor, Morgan Hill Community Adult School
- **Lauri Steel**, Director, Silicon Valley Essential Charter School
- **David Payne**, former principal Homestead High School, CEO WebLearning

## APPENDIX C

### Family-School Involvement Agreement Framework

**The following are guidelines intended only to clarify the developers' intent to create a school with a strong family involvement component. It is not intended to be all-inclusive. It is expected that the policy will be refined to specifically address the needs of both the families and the school. In no instance will a student or parent be required to sign a Family-School Involvement Agreement as a condition to school enrollment.**

**1. An introduction will be given to all families which will include:**

- a. An overview of the school's philosophy including the three components of school's mission.
- b. A description of how and why family involvement is important to the success of the student and the school.
- c. A description of the flexibility that is built into the system because the school recognizes the importance of respecting each family and its individual circumstances while holding the belief that all families can be involved in the education of their children.
- d. A description of the elements of a participation agreement: confidentiality, the family commitment to the child, the family commitment to the school, the student's commitment to family and school, the school's commitment to the family, and how the individualized agreements will be coordinated.
- e. A summary of some studies supporting the positive effect of family involvement in a child's education.

**2. Coordination of family participation:**

- a. The principal will have the responsibility of overseeing the coordination of the family participation. The principal may designate coordinators to assist with this responsibility to allow for maximum personalization and communication.
- b. At least one of the volunteer coordinators will be bilingual and trained in working with diverse populations (e.g. willing to make home visits; personal communication with families; knowledgeable about community support services)
- c. At the time of enrollment, each family will be given a complete overview of the participation expectations and will agree to work with school principal or volunteer coordinator to develop an individualized participation agreement that addresses the needs of both the school and the family.
- d. Prior to the student's first day of school, the coordinator will meet or speak with each family and together they will determine the specifics of the participation agreement for that year.
- e. The family will be strongly encouraged to fulfill its participation agreement to the best of its ability.
- f. The coordinator and family will communicate regularly and personal situations will be taken into consideration that may result in modification of the components of the agreement.

### **3. Confidentiality:**

- a. For a learning environment to be effective, it must be safe, accepting and supportive.
- b. It is the responsibility of the school's staff, principal or other associated professional to communicate to family members any observations, comments or concerns regarding all aspects of a student's education.
- c. Family members are expected to respect the rights of all students. Any discussion while volunteering, regarding a student's education or circumstances, is inappropriate unless the discussion is directly with the teacher, principal or other appropriate professional and in relationship to the work the family member is doing as a volunteer.

### **4. The school's commitment to the student and family.**

#### **The school:**

- a. Agrees to maintain a commitment to the school's mission and vision.
- b. Agrees to actively participate in collaborative decision making and consistently work with students, families and colleagues to make the school accessible and welcoming for all.
- c. Agrees to provide a learning environment that is mentally, emotionally, socially and physically safe and supportive.
- d. Agrees to communicate regularly with families about student progress.
- e. Agrees to provide or support educational opportunities for families.
- f. Agrees to provide ongoing professional development opportunities for staff that improve teaching and learning and support the formation of partnerships with families and the community. This will include training in working with families and volunteers.
- g. Agrees to provide information to families about ways to support the child at home
- h. Agrees to assist with educational or personal improvement opportunities (i.e. providing and/or finding translation services, assisting in finding adult education courses, offering parent support groups, assisting in finding and receiving needed health and/or social services, helping establish community connections).
- i. Agrees to respect the school, students, staff and families.

### **5. The student's commitment to the family and the school.**

#### **The student:**

- a. Agrees to come to school prepared to learn, participate and work to the best of his or her ability.
- b. Agrees to be responsible for necessary materials and completed assignments.
- c. Agrees to know and follow class and school rules.
- d. Agrees to communicate regularly with family and teachers about school experiences.
- e. Agrees to respect the school, classmates, staff and families.

### **6. The family commitment to the child.**

#### **The family:**

- a. Agrees to be informed about the student's studies.
- b. Agrees to be available to the student for support or assistance as needed.
- c. Agrees to assist the student in taking responsibility for his or her studies.

- d. Agrees to regular communication with the student's teacher. (In addition to scheduled family-teacher conferences, this may include: a parent-teacher journal that goes between the school and home, phone conversations, or parent site visits.)
- e. Agrees to participate in educational opportunities as offered by the school or pursue an alternative
- f. Agrees to respect the school, staff, students and families.

**Partial list of ways the family can support the child:**

- assisting with the formation of a study routine
- providing a time, place and materials necessary for successful studying
- making organizational suggestions such as putting the backpack in the same place every night
- reinforcing positive effort and attitude
- checking homework daily
- read all information sent home from the school and respond as necessary
- ensure that student is well rested and is provided with a nutritional diet

**Partial list of ways the family can participate in educational or alternative opportunities:**

- attending monthly educational lectures
- attending a monthly parent/family support group
- participating in ongoing training programs
- attending ESL or literacy classes
- attending counseling
- attending specialized support group meetings
- attending an adult education course
- summarizing an educational article or chapter of a book for the monthly newsletter
- participating in an alternative as agreed upon by both parties

**7. The family commitment to the school.**

**The family:**

- a. Agrees to support the needs of the school as specified in its family participation agreement.
- b. Agrees to respect the school, staff, students and families

**Partial list of ways families could fulfill their commitment to the school:**

- preparing class materials at home
- scheduling/coordinating field trips
- assisting teacher to implement class projects (at home, on or off site)
- functioning as a classroom representative
- providing translation or interpretation assistance
- assisting in implementing multi-age or buddy activities
- volunteering in the classroom
- volunteering in the library, technology lab, or other location

- advising the teacher on aspects of culture or tradition to be utilized by the teacher in lessons or projects
- functioning as a community/business liaison
- working as a member of a committee such as fundraising, maintenance, nominating...
- selling Scrip
- sharing information about their occupation with students either at the school or in the workplace
- providing food or supplies for bake sales or class parties
- typing/formatting a weekly calendar/update from teachers to home
- writing a monthly article for the school newsletter
- advising or assisting in the planning or teaching of topics in which the individual has experience or expertise
- coordinating a babysitting coop to assist parents who want to volunteer for certain activities
- coordinating school social events
- assisting with community service projects
- serving as officer of a Home and School Club
- serving on a school site council
- providing tutoring
- assisting with or providing enrichment activities/projects
- coordinating school portraits
- assisting with an after school program
- serving as a Parent Representative on the School's Board of Directors
- participating in any appropriate activity suggested by the family or school and agreed upon by both parties

## APPENDIX D

### Means to Achieve Racial/Ethnic Balance - detail

#### WHAT HAS BEEN DONE?

Information provided in Spanish

- South Valley Charter School General Information Sheet, and other key documents, including the school vision and mission statement
- South Valley Charter School website contains information in Spanish
- Spanish interpreters available at all general charter team meetings

**Key Developers, Launch Board, and Advisors** (see Appendices A and B, pages 33-39, for detailed background information)

- Several members with proficiency in Spanish and personal, educational, and professional backgrounds related to working with multicultural and multilingual communities; several MACSA directors serve as advisors or on the launch board
- Worked to recruit a long time Latino administrator in MHUSD with many ties into the Latino community to serve as the district liaison and/or district representative on the charter launch board

#### Outreach Efforts

May 2000

- Community Meeting at Britton Middle School to inform the community about the charter school project and to gauge community interest - flyers in English and Spanish distributed to all families in MHUSD and posted throughout the south valley community (downtown Morgan Hill and Gilroy, YMCA, library, day care facilities and preschools, community centers, etc.); presentation was available in English and Spanish. The audience asked many questions about charter schools in general and the project in particular, and several people asked how they could become involved immediately.

June 2000

- First General Charter Launch Team Meeting at the Commonwealth Credit Union in Morgan Hill to provide an orientation and begin work in committees

September 2000

- booth at Taste of Morgan Hill – all materials were provided in English and Spanish and a Spanish speaker was working at the booth at all times; over 20 Latino families were added to our “Keep Informed” list
- Spanish presentation at MACSA meeting at El Toro Youth Center; purpose of meeting – to inform members of the Latino community about the charter school project, gauge their interest, and ask for input on how to get Latino families involved in the development of the school and later, in attending the school and being active families in the school
  - Parents asked many questions about charter schools, the South Valley Charter School project, and how their children could become enrolled in the school. They

also asked for specific ways they could become involved in the development of the school and how the family participation agreement would work. Possible nontraditional school involvement activities were brainstormed, including working in creating and maintaining a school garden, assisting in translation/interpretation, assisting or teaching in a Spanish language program, and creating/providing materials for special projects, such as a play

#### October 2000

- Spanish presentation at St. Catherine Church's Consejo Hispano (Hispanic Council) meeting; purpose of meeting – same as MACSA meeting above
  - the presentation was followed by a discussion addressing their concern about how the families in their community would be able to be involved in the school due to difficult personal circumstances.
- initial contact made with St. Mary's Church in Gilroy regarding future communication with the church's Latino community

#### November 2000

- focus group meeting at MACSA El Toro Youth Center to meet again with interested families and brainstorm how to interest their community in the charter project and in attending the school
- established contact with a coordinator/advisor at Morgan Hill Community Adult School, who will advise and assist in recruitment of an ethnically/racially diverse student population

#### December 2000

- met with several South Valley MACSA leaders to discuss strategies for recruiting a diverse student population and how MACSA will support the school's efforts and assist the school in providing for the needs of this population
- developed an individualized and nontraditional Family-School Involvement Agreement Framework (Appendix C) that will support families in becoming more involved in their school and their children's education, no matter what the family's personal circumstances

### **WHAT DO WE PLAN TO DO?**

Below is a list of means to ensure a racially and ethnically diverse student population in South Valley Charter School. The intended strategies to recruit and retain a diverse student population may include, but are not limited to:

- Establishment of a School English Language Learner Advisory Committee (SELAC)
- Creation of a database to allow South Valley Charter School's diversity committee to continually monitor the demographics of the entire student population and applicant pool to highlight any racial, ethnic, or gender balance issues. If either the School's population or the applicant pool are not representative of the District's student population, the School will immediately develop and implement a plan to increase outreach and

recruitment in the underrepresented population and provide services which will attract the underrepresented population. The results of the implemented plan will also be monitored and the plan adjusted as needed.

- Retention records will be monitored for the entire student population, with particular attention paid to the reasons a family has left the school. A plan will be implemented to address any noted inequities.
- Multiple and ongoing opportunities will be provided for input and feedback from families, including satisfaction surveys in multiple languages as necessary. This information, along with ideas from family-teacher conferences and interaction with the School's parent liaison/volunteer coordinators and/or Principal will allow another means for the School to assess how the needs of specific racial and ethnic groups are being met.
- At least two weeks prior to the enrollment period, South Valley Charter School will advertise enrollment information in flyers written in both English and Spanish. This information will be distributed throughout the South Valley community (including preschools, day care centers, downtown Morgan Hill and Gilroy, public libraries, community agencies, churches, restaurants, stores and businesses, laundromats, and possibly within the public schools). School representatives will also seek invitations to community meetings that may be attended by interested families and share the information personally at such meetings. In all cases, information will include a summary of the school's mission, vision, and programs, requirements for enrollment in all public schools (age requirements, immunizations...), and a description of the enrollment process. School representatives will also have neighborhood meetings and coffees in such places as churches, apartment complexes, and with South County Housing residents. Additionally, personal contacts will be made with the community groups with whom we have established relationships (MACSA, YMCA, Community Solutions, Morgan Hill Parent Child Nursery School, Morgan Hill Adult Education, Leadership Institute for Diversity etc.) to ensure that the information is communicated personally and to solicit help in providing information directly to potentially interested families. All individuals who have signed petitions, attended previous meetings of the charter team, or asked to be on the "Keep Informed List" will be contacted directly to be sure that they are adequately informed. Finally, notices will be posted in local newspapers and on Morgan Hill's public access television channel.
- Ongoing efforts to expand the School's partnerships with community organizations such as The Center for Loving and Learning and the Girl/Boy Scouts
- Regular "coffee klatches" or other opportunities for Spanish speaking parents to engage in informal conversations with the Spanish-speaking parent liaison/volunteer coordinator and, if possible, the principal.
- Encourage parents with diverse backgrounds and parents of English Language Learners to serve on such decision-making committees as the school site council

- Ongoing efforts to recruit and retain qualified certificated and classified staff that reflects the student population and that has experience working with multicultural, multilingual populations. Some examples of how this would be achieved include: participating in recruitment fairs and educational conferences; developing university contacts; establishing a student teacher program at the site; recruiting locally, including within the school community; and supporting the training of future staff members
- Ongoing efforts to provide staff development and support in the area of working with a multicultural, multilingual student population and community
- Staffing plan to include Spanish speaking parent liaison, volunteer coordinator, or other support person; responsibilities will include assisting with individualized family-school involvement agreements, coordinating and/or teaching appropriate adult classes, interpreting at meetings and conferences, identification of barriers and the formation and implementation of a plan to address, making phone calls and home visits in Spanish, helping with Spanish translations of parent information, assisting with connecting families with community support services as needed
- Support services for families in need, possibly in such areas as:
  - 1) offering and/or providing information about available community services, including health, counseling, and legal services
  - 2) providing tutoring support
  - 3) offering and/or providing information about needed classes for parents
  - 4) offering extended day and year activities, both academic and extracurricular
  - 5) coordinating transportation for children
  - 6) coordinating translation or interpretation support
- Possible programs for English Language Learners (ELLs) and at-risk populations
  - 1) special instructional assistance (e.g. ELD, sheltered instruction, primary language support)
  - 2) instructional strategies of the school which support ELLs and at-risk students (e.g. project-based learning, extra adult support, flexible grouping and scheduling, cooperative learning, multiple intelligence approaches)
  - 3) family support services (e.g. bilingual parent liaison/advocate, connections with community services, family education programs, English as a Second Language (ESL), literacy, or computer classes for parents, outreach for families whose children aren't old enough for school, to educate them about the school system and support services)
- Review of various school district plans for working with English Language Learners
- Development of school plan to address issues related to English Language Learners and their families
- Hosting of social and fundraising events highlighting the multiculturalism and diversity represented in our school and community

## APPENDIX E

### PROPOSED SUSPENSION AND EXPULSION POLICIES AND PROCEDURES

- A. Definitions (as used in these rules and procedures):
- 1) “Day” means calendar day unless otherwise specifically provided.
  - 2) “Expulsion” means disenrollment from the charter school
  - 3) “Schoolday” means a day upon which the charter school is in session or weekdays during the summer recess.
  - 4) “Suspension” means removal of a pupil from ongoing instruction for adjustment purposes. However, “suspension” does not mean the following:
    - a. Reassignment to another education program or class at the charter school where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board of Directors for pupils of the same grade level.
    - b. Referral to a certificated employee designated by the Director to advise and or supervise pupils.
  - 5) “Pupil” includes a pupil’s parent or guardian or legal counsel or other representative.
  - 6) “School” means South Valley Charter School (SVCS).
- B. Grounds for Suspension and Expulsion of Students
- 1) A student may be suspended or expelled for any of the enumerated acts listed below if the act is related to school activity or school attendance occurring at SVCS or at any other school at any time including but not limited to: (a) while on school grounds; (b) while going to or coming from school; (c) during the lunch period, whether on or off the school campus; (d) during, going to, or coming from a school-sponsored activity.
  - 2) Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

- 3) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Director/Administrator or designee's concurrence.
- 4) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- 5) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 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.
- 6) Committed or attempted to commit robbery or extortion.
- 7) Caused or attempted to cause damage to school property or private property.
- 8) Stole or attempted to steal school property or private property.
- 9) Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
- 10) Committed an obscene act or engaged in habitual profanity or vulgarity.
- 11) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
- 12) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- 13) Knowingly received stolen school property or private property.
- 14) 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.
- 15) Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual batter as defined Penal Code 243.4.
- 16) 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.

- 17) Made terrorist threats against school officials and/or school property as defined in Education Code Section 48900.7.
- 18) Committed sexual harassment as defined in Education Code Section 212.5.
- 19) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code Section 233(e).
- 20) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

#### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

##### 1) Informal Conference:

Suspension shall be preceded by an informal conference conducted by the Director/Administrator or the Director/Administrator's designee with the student and his or her parent and, whenever practicable, the teacher, supervisor or school employee who referred the student to the Director/Administrator.

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

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

This conference shall be held within two 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. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2) Notice to Parents/Guardians:

At the time of the suspension, a Charter School employee 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. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3) Suspension Time Limits/Recommendation For Expulsion

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

Upon a recommendation by the Director/Administrator of expulsion, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Director/Administrator upon either of the following findings: 1) whether the pupil's presence will be disruptive to the education process; or 2) whether the pupil poses a threat or danger to others. Upon this determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled only by SVCS's Board of Directors upon the recommendation of a three member Administrative Panel to be empaneled by the Board as needed and will include teachers or retired teachers or administrators from outside the charter school to ensure an unbiased process. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense(s) listed above in the "Grounds for Suspension and Expulsion."

Except for expulsions for offenses listed under Education Code Section 48915(c), the SVCS Board of Directors may only expel a student upon the findings and recommendations of the Administrative Panel that the student committed the expellable offense and that at least one of the following findings may be substantiated:

- 1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

- 2) That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

E. Expulsion Procedure

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty (30) school days after the Director/Administrator or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The hearing will be presided over by the Administrative Panel who will make a recommendation to the Board of Directors. The hearing shall be held in closed session unless the pupil requests a public hearing in writing.

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. The notice shall include:

- 1) The date and place of the hearing;
- 2) A statement of the specific facts, charges and offense upon which the proposed expulsion is based;
- 3) A copy of SVCS 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 in SVCS to any other district in which the student seeks enrollment;
- 5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel;
- 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. 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.

G. 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 any of the acts listed in “Grounds for Suspension and Expulsion” above.

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses of whom the Advisory Council or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm and are exceptions to hearsay.

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 when testifying at a public meeting, as determined by the Advisory Council or designee would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, video-taped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit televisions.

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

H. Written Notice to Expel:

The Director/Administrator or designee following a decision of the Board of Directors to expel shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

- 1) The specific offense committed by the student for any of the acts listed in “Grounds for Suspension and Expulsion” above
- 2) Notice of the student’s or parent/guardian’s obligation to inform any new district in which the student seeks to enroll of the student’s status with the SVCS

The Director/Administrator or designee shall send written notice of the decision to expel to the Student’s district of residence and the County Office of Education. This notice shall include the following:

- a) The student’s name

- b) The specific offense committed by the student for any of the acts listed in “Grounds for Suspension or Expulsion” above.

I. Disciplinary Records

The Charter School shall maintain records of all suspensions and expulsions of Charter School pupils. Such records shall be made available for District review upon request.

J. Expelled Pupils/Alternative Education

Expulsion, for purposes of this policy is defined as disenrollment from the Charter School. Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within their school district of residence.

K. Reporting Student Offenses to Law Enforcement

Consistent with Education Code Section 48902, excluding the penalty provisions of that statute, the Director/Administrator shall report to law enforcement authorities pupil offenses as specified therein.

L. Rehabilitation Plans/Readmission

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Advisory Council and recommended by the Charter School Board of Directors at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan must include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

The decision to readmit a pupil shall be in the sole discretion of the Charter School Board of Directors following a meeting with the School Director, the pupil and 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 Director/Administrator shall make a recommendation to the Charter School Board of Directors following the meeting regarding his or her determination. The pupil’s readmission is also contingent upon the Charter School’s capacity at the time the student seeks readmission.