

# **Charter Petition**

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## **Discovery Charter School II**

4021 Teale Ave.

San Jose, CA 95117

**Submitted to the San Jose Unified School District on December 7, 2012**



December 4, 2012

Dear Dr. Matthews, Members of the Board of Education,

Discovery Charter School has operated in the Moreland School District for the past six years. We are a K-8, parent participation school with a developmental, whole child philosophy. We have an extensive waiting list, high API scores, and strong reviews from the County Office of Education. This letter is to introduce you to Discovery and to inform you that recently our board voted to pursue a district charter in the San Jose Unified School District that we hope to open in the fall of 2013.

As you know, research consistently shows that one of the most significant predictors of a student's academic achievement is parental support for and involvement in their child's education. The California Department of Education has found that parent involvement is a more important predictor of student success than family income or the parents' level of education. Our mission at Discovery is to expand the available options for parents to be significantly involved in their child's education.

Parent education is the key to our success. Each parent who is new to our program receives training in Positive Discipline, the most widely used parenting program in the world that was created by Dr. Jane Nelsen. In addition to this training, parents receive ongoing training in teaching strategies for programs like Readers Workshop and Writers Workshop. These programs not only enable the parents to be effective classroom aides, but also aide the parents as they work with their own children at home.

Our academic intervention programs are an example of using trained parent volunteers to help provide intensive, personalized interventions for students under their teacher's direction. Training parents is the key to their success and we provide intensive instruction for parents who wish to provide academic interventions. For example, Barton Reading and Spelling Program tutors attend a full day of training before beginning, receive two or more additional trainings, coaching while tutoring, and additional video tutoring as they proceed with their student. Many parents of struggling students receive the training so that they can tutor their own children at home after school hours, so that their children don't have to miss any of the regular instructional time during the school day.

There is a high level of interest in Discovery Charter Schools from parents in the San Jose Unified School District. For the past three years we have received more than a hundred applications from San Jose Unified including 134 for the 2011-2012 school year and 114 for the 2012-2013 school year.

At Discovery we have a proven record of success. Our API score has been above 900 for each of the six years that we've been in operation, and we have received accolades from County Office administrators who have been assigned to review our program for compliance with state regulations and the MOU with the County. Our ELD program has been used as an example for other charter schools, and our special education program has been called "the most inclusive of all the charters in Santa Clara County" by the County Director of Special Education. We have developed a successful,

comprehensive, school-wide program that stands to benefit many children and families in the San Jose Unified School District.

We are excited about the possibility of serving students and families from across the San Jose Unified School District and the opportunity to provide a high quality, parent participation program to every family in the District who desires our model of learning for their child. We look forward to pursuing this effort with you.

If I can answer any questions please don't hesitate to contact me at [djones@discoveryk8.org](mailto:djones@discoveryk8.org) or (408) 243-9800 X123.

Sincerely,

Dale Jones  
Executive Director  
Discovery Charter Schools

Cc: Dr. Lucretia Peebles, County Director of Charter Schools

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# **I. CHARTER SCHOOL INTENT AND CHARTER REQUIREMENTS**

In 1992 the California Legislature enacted the Charter Schools Act of 1992. Section 47601 of the California Education Code states that:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

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

The Charter Schools Act (or “the Act”) (Education Code Section 47600, *et seq.*) requires each charter school to have a “charter” that outlines the mandatory items of the Act. The following provisions of this charter coincide with the requirements of a charter petition as required by Section 47605 of the Act.



## **II. AFFIRMATIONS/ASSURANCES**

As the authorized lead petitioner, I, Dale Jones, hereby certify that the information submitted in this petition for a California public charter school to be named Discovery Charter School II (“Discovery II,” or the “Charter School”), and to be located within the boundaries of the San Jose Unified School District (“SJUSD” or the “District”), is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Discovery Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities in Education Improvement Act of 2004.

- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)]
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. California Education Code Section 47605(c)]
- The Charter School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. California Education Code Sections 47605 and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Sections 47612(b), 47610]
- The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Ralph M. Brown Act. (See Attachment 1: Compliance with the Brown Act and the Public Records Act.)
- The Charter School shall meet or exceed the legally required minimum of school days. [Ref. Title 5 California Code of Regulations Section 11960]

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Dale Jones, Superintendent/Executive Director  
Lead Petitioner

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Date

### **III. INTRODUCTION**

#### **Term of Charter**

The Petitioners request a new charter school pursuant to Education Code Section 47605 for a term of five years from July 1, 2013 through June 30, 2018.

#### **Date of Opening and Students to Be Served**

On approval of the charter petition, the Petitioners plan to open Discovery II for instruction by no later than September 30, 2013, with authorization to offer instruction for kindergarten through grade eight.

#### **Notification upon approval**

Upon approval of the charter petition, the Petitioners will provide a written notice of the approval a copy of this document the Superintendent of Public Instruction and the State Board of Education.

#### **Facilities**

Discovery II will be located at one site within the boundaries of SJUSD. Should the charter be granted, the Petitioners acknowledge that any additional sites will require a request for a material revision to the charter, notification of affected districts, if applicable, and approval by the District Board at a public meeting.

#### **Founders**

The Founders of Discovery Charter School, a charter school authorized by the Santa Clara County Board of Education (“SCCBOE”) since 2005, are the same founders of Discovery II. The Founders represent a broad cross-section of parents and professionals. The Founders brought together the combined experience in the areas of education, legal, business, finance, non-profit administration, human resources, and technology. The Founders worked with a strong group of strategic partners in the areas of curriculum development, charter school finance, facilities, corporate and charter law, and charter development and operation. The Founders secured persons with expertise as needed to establish and sustain an excellent school and ensure the effective and responsible use of public funds.

A significant strength of Discovery Charter School is the continuity of leadership that has extended from the founders to the current Board. The current Board includes three founding members, Discovery Charter School’s former Executive Director, and one new Board member. It is this Board that is seeking to replicate and govern the Discovery Charter Schools. See Attachment 2: Discovery Charter School Board and Attachment3: Strategic Partners.

#### **Leadership Team**

The leadership team is comprised of teacher representatives from all grade levels and classified staff. The leadership team has been formed to facilitate shared governance and to serve as an advisory body to the Director, represent staff interests and employee relations, provide input to the school budget, and facilitate the execution of the annual development plan for the school. For more information refer to Attachment 4: Leadership Team.

\*Notes:

- Throughout the charter, in order to avoid awkward grammatical constructions, the use of grammatically masculine singular words such as “he”, “his”, “him”, and “himself” are used in the generic sense and include both male and female.
- This petition for Discovery II is for a new charter school, which intends to replicate the success of the original Discovery Charter School. Throughout this document, the new charter school will be referred to as Discovery Charter School II, the “Charter School”, or simply, Discovery II. We will use the terms “Discovery” or “Discovery Charter Schools” when referring to all of the Discovery campuses.

## **IV. BACKGROUND**

Research consistently shows that one of the most significant predictors of a student's academic achievement is parental support for and involvement in their child's education. Educators need the support and involvement of parents to help them address the varied and complex needs of the students in their classrooms. The California Department of Education has found that parent involvement is a more important predictor of student success than family income or the parents' level of education. Our mission at Discovery is to expand the available options for parents to be significantly involved in their child's education, and to make sure that every parent in Santa Clara County who wants a parent participation program for their family will have access to a high-quality parent participation school.

A central goal of Discovery Charter Schools is to build a vibrant learning community. We have created and support a culture of parental empowerment and "ownership" of the school, cooperation and regular communication between home and school, and the daily integration of a deep level of parent involvement in our program and the delivery of curricula. We have developed and support a culture of parent involvement with high expectations of our students' families, just as we want them to hold the school's professional staff to the highest expectations. We believe this formula of high expectations of all members of the learning community is crucial to the success of each student entrusted to our school, and a model for learning that can improve the quality of education across the District and Santa Clara County.

Parent education is a key to our success. Each parent who is new to our program receives training in Positive Discipline, the most widely used parenting program in the world that was created by Dr. Jane Nelsen. In addition to this training, parents receive ongoing training in classroom strategies for programs like Readers Workshop and Writers Workshop. These programs not only enable the parents to be effective classroom aides, but also aide the parents as they work with their own children at home.

Discovery provides a strong academic program for all students and an early intervention program for students struggling with foundational skills in math and reading. Using an RTI model of identification and remediation, we assess students who score below expected age and grade level norms or who have been identified as struggling by their parents or teachers. Struggling readers are given the Comprehensive Test of Phonological Processing (CTOPP) to assess their phonemic awareness skills. Lack of phonemic awareness is the most common cause of reading difficulties, or dyslexia. Identified students are given intensive 1:1 tutoring with trained parents and community volunteers using the Barton Reading and Spelling System.

In math we provide a similar system of early identification and remediation in small groups and if necessary with 1:1 tutors. Developing number sense and basic computational skills is the focus of our interventions in math, and we use a variety of programs depending on the needs of the students, including Scott-Foresman, Singapore Math, Holt math, Greg Tang and Marcy Cook materials, and teacher-made lessons.

Our program for English Learners (EL) uses the Santillana "Into English" program with parent volunteers who themselves learned English as a second or third language working with small groups of EL students on a regular basis.

These intervention programs are all successful examples of using trained parent volunteers to help provide intensive, personalized interventions for students under their teacher's direction. Again, training parents is the key to their success and we provide intensive instruction for parents who wish to provide academic interventions. For example, Barton tutors attend a full day of training before beginning, then receive two or

more additional trainings, coaching while tutoring, and additional video tutoring as they proceed with their student. Many parents of struggling students receive the training so that they can tutor their own children at home after school hours, so that their children don't have to miss any instructional time during the school day. A new charter school would enable us to provide these parent-assisted interventions to more families from across the District and Santa Clara County who want to be directly involved in helping their children, and the children of others, who struggle with foundational academic skills.

Our special education program has been very successful and accounts for why many families with special needs students enroll in Discovery. For the 2011-12 school year students with Individualized Education Plans (IEP's) made up 11.4% of our student population, and we anticipate that this percentage will continue to increase. We utilize a "Learning Center" model that provides integrated services to identified students. Our resource specialist, occupational therapist, speech and language pathologist, psychologist, a counselor, and specialized aides all work together to deliver services that address the total needs of the child. This comprehensive, "whole child" approach is much different than the pull-out, isolated services that most students receive. We would like to be able to provide this model of special education to students from across the District and County, and we hope to eventually add Special Day Classes in collaboration with the County Office of Education Special Education Department.

Many families in San Jose and Santa Clara County are looking for a parent participation school, but many are unable to enroll their child due to a lack of space. For the 2012-13 school year, Discovery Charter School had 648 applications for 82 openings. (We enroll 55 Kindergarten students and 27 new 6<sup>th</sup> grade students each year.) For the 2011-12 school year we had 646 applications, and for the 2010-11 school year we had 693 applications. Other similar parent participation schools like Washington Open in the Santa Clara School District, McAuliffe in the Cupertino School District, and Indigo School in the Oak Grove School District also have similar waiting lists. Clearly the demand for parent participation schools far exceeds the available openings. This is the primary reason that we are seeking to expand our program.

Our applicants come from 25 school districts across the County. For the past three years we have received more than a hundred applications from students in each school district of Santa Clara, Campbell, Moreland, and San Jose Unified. For the 2011-2012 school year we received 147 applications from Moreland, 134 from San Jose Unified, and 100 from Santa Clara. For the 2012-2013 school year we received 124 applications from Moreland, 114 from San Jose Unified, and 115 from Santa Clara.

At Discovery we have a proven record of success. Our API score has been above 900 for each of the six years that we've been in operation, and we have received accolades from County Office administrators who have been assigned to review our program for compliance with state regulations and the MOU with the County. Our ELD program has been used as an example for other charter schools, and our special education program has been called "the most inclusive of all the charters in Santa Clara County" by the County Director of Special Education. We have developed a successful, comprehensive, school-wide program that stands to benefit many children and families in Santa Clara County.

## V. EDUCATIONAL PHILOSOPHY AND 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 the program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.”- California Education Code Section 47605(b)(5)(A)(i)*

### A. Mission

Through direct parent participation, community learning, and developmentally based teaching, Discovery II will support the ‘whole’ child and develop lifelong learners prepared to meet the challenges of the future.

Discovery II is committed to:

Building an educational environment where developing, building, and engaging families and communities will provide a common vision for lifelong learning and student success;

Respecting the cognitive, emotional, social, and physical development of each child;

Partnering staff, students, parents, and community to create a unique, challenging, and individualized learning environment with high academic standards and expectations;

Building programs that foster thinking which is original, critical, collaborative, and reflective; and

Developing students who are self-motivated, self-disciplined, and socially responsible.

### B. Educational Philosophy and Instructional Design

Discovery II is a developmental, parent participation school open to all students. The instructional program is designed so that teachers work together to promote a high level of academic and behavioral success for all students. The school’s instructional design is built on the following core elements:

**Classes** are developmental and standards based.

**There are various instructional models:**

**Classes** are multi-age, developmental, hands-on, student-centered, and theme-based to accommodate individual learning styles and achievement levels.

**Classes** use a looping model (students stay with their teacher for two years) to provide an opportunity for teachers and students to develop a strong sense of community.

**Parent-led, small group instruction** allows teachers to differentiate the curriculum to meet the needs of each student.

**Collaboration and partnership of teachers, parents, and students** creates a sense of community that is supportive, nurturing, and student - centered.

**Curriculum** is designed by teachers using state standards, brain-based research, and best practices. Curriculum is constantly evaluated, adapted, and improved by teachers.

**We are a community of lifelong learners comprised of teachers, parents, and students.** Respect for one another as learners is a key component of our school. Students are encouraged to share their knowledge and expertise with others. Developing student independence is a priority, and students are valued as decision makers.

**Assessment** is done on a continual basis. Formative and summative on-going assessments are used to inform instruction. Students and teachers work to develop and monitor learning goals and share them with their parents during student-led conferences.

**Enrichments and Selectives** such as: gardening, art, cooking, drama, foreign language, and dance are strategically integrated to support the curriculum.

**Technology is integrated in the curriculum** and is used as a tool for teaching and learning. Students regularly utilize technology for research, analysis, communication, skill building, and self-expression.

**Field trips** extend the classroom experience by providing real-world experiential learning opportunities for each student.

A typical day for a kindergartener and for a sixth-grader at Discovery II are described in Attachment 5:A Day in the Life of a Kindergartener, and Attachment 6:A Day in the Life of a Sixth-Grader

### **How Learning Best Occurs**

Research shows that consistent high levels of student success are more likely to occur with long-term comprehensive parent involvement in schools. The California Department of Education states:

Comprehensive means that parents are involved at all grade levels in a variety of roles. Involving parents in supporting their children's education at home is not enough. To ensure the quality of schools as institutions serving the community, parents must be involved at all levels in the school.

See Attachment 7:California State Board of Education Policy 89-01 (1994): Parent Involvement in the Education of Their Children, and Attachment 8: California Department of Education – Charter School Division – Legal Opinion on Parent Participation. With this in mind, Discovery II asks families to make a commitment to the community and their child to volunteer in the classroom on a weekly basis.

Research shows that multi-age grouping promotes cognitive and social growth (Trevor Calkins) and the natural development of the child. The wider age spans promote an active learning environment where students are not expected to 'perform' at their 'age level,' but encouraged to perform to the best of their ability. The students learn from each other, from teachers, and from cross-age tutors.

Research shows that children learn by doing, and the hands-on learning approach will give students an opportunity to take learned skills and apply them to meaningful projects. These projects provide students an



opportunity to develop and demonstrate critical thinking skills, problem solving skills, and cooperative learning which will prepare them for the 21<sup>st</sup> century.

Research also shows that the brain is pattern-seeking and looks for connections between pieces of information (McBrien/Brandt, 1997). These connections lead to a stronger and more thorough understanding. Whenever possible, curriculum is designed around science, social studies, or literacy themes (Ostrow, 1995). Topics are studied from many different angles and viewpoints, allowing students to explore subjects deeply, employ higher level thinking skills, and make connections among various disciplines of thought (Jensen, 1998).

Children develop and grow at different rates in different skill areas. Teachers' strong understanding of child development and close working relationship with each child's parent allows them to design learning experiences so that each child's needs are met (Bingham, 1995). Curriculum is aligned with each child's developmental level to allow children to feel successful regardless of academic level.

Children also have different strengths and styles of learning. The teachers develop instructional programs incorporating the theory of multiple intelligences to build on each student's strengths and address diverse learning styles (Gardner, 1999).

Learning best occurs in a collaborative environment. Students have a higher motivation to learn when they have a real stake in their own learning. The teacher shares control of the classroom and students are allowed to explore, experiment, and discover on their own. The focus in these classrooms is on options, rather than uniformity. Learners are treated as co-creators in the learning process, as individuals with ideas and issues that deserve attention and consideration.

Learning best occurs in a climate where there are measurable goals and accountability. As Schmoker (1996) so simply states: "What gets measured gets done". Discovery II provides a continuous collection and application of data for students, parents, teachers, and administrators.

Research sources are listed in Attachment 9: Cited Curriculum References.

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

Advances in technology have touched everyone's lives. Today's youth are growing up in a world that is more technologically advanced than any other time in history. Through the Internet and television, our children quickly and easily learn about world events, its inhabitants, and its issues. The Internet literally brings a world of information right to our fingertips. The world our children will know as adults will undoubtedly be very different than the world we have today.

In spite of the many changes in our world, many fundamental characteristics of a well-educated person remain. A vital part of being a well-educated person is mastery of fundamental skills, concepts, and knowledge in history, math, science, reading, writing, art, and music and an appreciation for what those who have come before us have learned. For such knowledge to be useful, it must be supported by the ability to think critically, the ability to use reasoning, and coherent argument supported by evidence. The educated person can evaluate, organize, and use information from various sources and disciplines of thought. He is able to make logical and flexible connections with the newly acquired information. He is able to reflect on experiences, revise his understanding, and solve new problems. The educated person is competent using a variety of technology tools for analysis, communication, and presentation - these tools, coupled with knowledge of history, provide the ability to process and evaluate the changes encountered.

To become an educated person, a child needs support and guidance that comes from having positive relationships with parents, teachers, other adults, and children. Growing up in California's populous and diverse community, a child needs to experience new cultures and learn new languages. He must learn to communicate well and work effectively in groups and teams and to understand the moral responsibility to help others and the value of contributing to his community.

As a contributing citizen of the 21st century, an educated person is self-motivated and competent. Through years of working with teachers and other adults, he has learned how to assess his abilities and how to learn. The educated person has an appreciation for knowledge and views lifelong learning as an activity that is essential to keep pace with the constantly changing world. Discovery II seeks to enable pupils to become self-motivated, competent, and lifelong learners.

### **C. Students to be Served**

Discovery II will serve students in Transitional kindergarten (TK)<sup>1</sup> through eighth grade. We estimate that the Charter School will open with approximately 382 students. At full grade K-8th build out, we estimate that the Charter School will have approximately 490 students.

Discovery II attracts those who are seeking an alternative to their current educational system, desire an innovative approach, and share the vision of Discovery Charter Schools.

### **D. Curriculum**

Discovery II focuses on the education of the whole child through a core curriculum of English-language arts, mathematics, science, and history-social science including a complementary curriculum of performing arts, physical education, technology, and life skills education. California State Standards are used as the foundation to build curriculum and guide instruction. The Discovery II curriculum addresses the developmental needs of a diverse population. Students are encouraged to be active in the community through various community service projects. See Attachment 10:Sample Curriculum.

The Charter School recognizes that full implementation of the Common Core State Standards must be accomplished by the 2014-15 school year. The Charter School will adhere to the Common Core State Standards and the required implementation timeline. All references in the charter to adherence with the California State Content Standards will become adherence to the Common Core State Standards, in alignment with directives from the California Department of Education regarding implementation.

Language arts is integrated across all curricular areas and offers a rich diversity of activities and resources. The comprehensive curriculum includes daily opportunities for children to practice and improve reading, writing, listening, and speaking skills. A variety of teaching strategies are used to ensure that each student's needs are being met. Instruction is provided in large group, small group, and individual settings. Periodic classroom and school benchmark literacy assessments help teachers continue to align instruction with the needs of the students.

All students at all grade levels are engaged in challenging, hands-on math activities which involve thinking mathematically and using tools, techniques, and strategies to solve real world problems. Our program

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<sup>1</sup> If the Charter School receives apportionment for students in a transitional kindergarten program, it shall offer transitional kindergarten, the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

develops number sense and problem-solving skills through concrete experiences using manipulatives before moving on to more abstract concepts. Teachers use a variety of resources such as Scott Foresman Math, Holt, TERC Investigations, CPM (College Preparatory Math), Kathy Richardson, Marcy Cook and Greg Tang activities, and teacher-created materials. Math activities are integrated throughout the curriculum. Many math activities are multi-leveled and provide students with a variety of skill levels and opportunities for meaningful work. Both skill and problem solving assessments based on state standards are used throughout the year to help teachers continue to plan and implement appropriate and challenging math activities. Parents often lead concept or needs-based math learning centers.

The science program at Discovery II uses resources such as FOSS (Full Option Science System) kits and GEMS, hands-on science curriculum that integrates essential learning in the areas of earth, physical, and life sciences throughout the curriculum. Depth over breadth is emphasized in a thematic-based curriculum that is guided by student interest, as well as the state standards. Science at Discovery Charter School II includes real-life experiences with lab experiences, the scientific method, problem-solving, gardening, and cooking. Students also participate in field experiences off campus to supplement and solidify what they are learning in the classroom.

The social studies curriculum also ties in closely with other curricular areas such as language arts and science. Using resources such as the History Alive curriculum, content is based on the state standards and emphasizes living and working together in our diverse community.

Productive citizens of the 21st century must be able to work cooperatively as part of a team to accomplish a task. Cooperative learning techniques, used throughout the curricular areas, teach students to work collaboratively with others and allow them to develop their social and communication skills. Students learn to share their knowledge and skills, and respect the ideas and skills of others. Students at every grade level participate in service learning projects which are integrated into the curriculum.

In addition to the above core curriculum, students participate in activity-based physical education, health, foreign language, and visual and performing arts. Technology is used as a tool for teaching and learning. Students have access to technology for research, analysis, communication, skill building, and self-expression by using the classroom computers or the Apple mobile carts, which allow students to work independently or in a lab experience.

Through their work as part of the Discovery II community of learners, students develop skills that will enable them to pursue their own path of learning throughout their adult lives and become self-motivated, competent, and lifelong learners. Students learn study skills such as note taking, library research skills, and study strategies. Through self-evaluation and goal-setting, students learn to reflect on and evaluate their own learning and progress toward achieving a goal. During student-led conferences, students share their goals, class work, and activities that demonstrate their goals and reflect on their work with their parents. Project-based learning provides practice in reasoning, decision-making, and problem solving. Students learn to identify and use available resources and to articulate their thought processes to others.

### **Learning Environment**

Discovery II provides a productive, safe, enriching learning community in which children, parents, and teachers of different backgrounds, abilities, and needs work and learn together successfully. Discovery II

allows and encourages collaborative work between students and teachers and values cooperation and collaboration as important life skills. Learning at Discovery II takes place in many settings during the day.

Our primary grade classrooms are organized around two innovative organizational strategies based on resiliency factor research: the multi-age classroom and the opportunity to stay with one teacher for more than one year. In the multi-age classroom, children have the rare opportunity to learn from regular interactions with students who are older and/or younger than they are. Because the relationships developed with teachers are of key importance to student success, children stay with one teacher for two years, which leads to greater bonding, learning, and connection to the school.

Our upper grade classrooms are organized by grade level to ensure that teachers can meet the more structured curriculum standards. Some of the upper grade teachers use the organizational structure of looping to allow students to stay with one teacher for more than one year. Students work in mixed groups in weekly enrichment workshops to promote positive cross-grade relationships. Periodic groupings within grade levels allow students to benefit from the diverse and unique teaching styles of each teacher. Upper grade teachers use a variety of strategies including cooperative learning, research methods, hands-on experiences, and simulations.

As part of the learning community themselves, teachers must have time to work together, plan, discuss student needs, mentor one another, and observe other classrooms. The school day is structured so that staff members have time during school hours for professional development, grade level collaboration, and decision making. 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. Teachers are required to participate in ongoing staff development in order to stay current with research in best teaching practices. Professional development is provided at the site by experts and staff members. Teachers are also encouraged to attend classes or workshops in their area of focus off campus, and to share their learning and experience with the staff when they return to school.

The unique features and structure of the Discovery II curriculum and the instructional strategies outlined here are designed to maximize the learning opportunities of all students across a broad spectrum of abilities. Our parent participation model allows for small group instruction to address the multiple intelligences of all of our students.

### **E. Plan for Students Who Are Academically Low-Achieving**

At Discovery II, low-achieving students are those who fall below the 50<sup>th</sup> percentile on the adopted standardized test and/or fall below learning behavior, language acquisition, and fine and gross motor skills on a developmental continuum. At Discovery II at-risk students are students who achieve at or below the 40<sup>th</sup> percentile on adopted state tests who may or may not qualify for special education services, and whose achievement potential is not being realized.

The parent participation component of Discovery II provides the teacher with the ability to offer differentiated instruction. Students have the opportunity to work in small groups or individually with an adult for a large portion of the school day. Under the direction of the teacher, parents work with small groups or one-on-one to ensure that all children get the individual help and attention they need to succeed. Activities are differentiated so that students who are ready can move on without leaving any other student behind. Parents may be trained in certain interventions in order to help at-risk or low-achieving students in the classroom. Parent talents and skills are also used to provide enrichment and extension activities for students.

Early intervention is the key to effective remediation of academic difficulties. At Discovery II we assess students who teachers have identified as struggling with learning to read using the Comprehensive Test of Phonological Processing (CTOPP) and students found to have a cognitive deficit affecting their ability to read (as opposed to a delay in developmental readiness) are given intensive 1:1 tutoring using the Barton Reading and Spelling Program. In math we also assess struggling students as early as possible and provide leveled math groups, additional small group instruction and 1:1 tutoring under the Response to Intervention (RTI) model. Interventions may include help from our TLC (The Learning Center) team prior to (or without) formal identification as a student with a disability.

Multi-age classrooms give at-risk and low-achieving students continuity with one teacher for two years. Students have time to develop at their own rate and are presented with daily opportunities to learn at their own developmental level in each academic area. Flexible grouping across age groups allows students to work at an instructional level with others possessing the same skills. Teachers may group students in different ways to help build a certain skill set or learning behavior. All students have opportunities to take both leading and following roles in cooperative activities. This allows at-risk or low-achieving students to be successful in their school work each day and builds student confidence.

Hands-on, integrated curriculum provides concrete experiences to scaffold learning for at-risk students. Students have opportunities to follow interests and connect their previous knowledge to new concepts. Through broad themes, students are given an opportunity to broaden their knowledge of big concepts, giving them a strong base for adding and retaining new knowledge. Concrete learning experiences at every grade level give at-risk students opportunities to learn in a variety of modalities, helping them eventually to develop the learning strategies that work best for them.

Parents of at-risk or low-achieving students are included in the development of strategies to meet the specific needs of the student. Further support for such students includes intervention programs beyond the classroom, such as cross-age tutoring and student study teams.

## **F. Plan for Students Who Are Academically High-Achieving**

At Discovery II, students achieving above grade level in any academic area, possessing superior intellectual or leadership ability, have opportunities for more challenging work and leadership roles within the classroom and school. In addition, student strengths outside the core academic areas are fostered and celebrated in the classroom. Discovery II strives to provide differentiated educational experiences that maintain the interest and intrinsic motivation of gifted students, to nurture their self-esteem, and to nurture social development.

Multi-age classrooms give high-achieving students continuity with one teacher for two years. Students have opportunities to excel in their areas of strength while continuing to develop at their own pace in other areas. In each area of development, students are presented with daily opportunities to learn and work at an instructional level with others possessing the same skills. Teachers may group students in different ways to help build a certain skill set or learning behavior. High-achieving students are given opportunities to work cooperatively to solve problems and also opportunities to teach or lead a group in order to solidify concepts for themselves. All students have opportunities to be both a leader and a follower in cooperative activities. This allows high achieving students to be both successful and challenged in their school work each day and builds a positive attitude toward school.

Project-based learning provides opportunities for above grade level students to capitalize on their interests and knowledge of a particular subject, but also to practice problem solving and to use higher level thinking skills.

These students need opportunities to work collaboratively on a problem and to make decisions about the direction a project will go. Through broad themes students are given an opportunity to broaden their knowledge of big concepts, and to choose and follow a focus area in which they wish to learn more. Activities designed with the multiple intelligences in mind provide opportunities for students to use their strengths and continue to develop other learning modalities, all in a risk-free environment. Gifted program services will be available in conjunction with other differentiation strategies such as flexible grouping, tiered lessons/activities and a high level of questioning strategies that are currently practiced at Discovery II.

The parent participation component of Discovery II provides the teacher with the ability to have students working in small groups or individually with an adult for a large portion of the school day. Under the direction of the teacher, parents work with small groups or one-on-one to ensure that all children get the individual attention they need. The school forms the core of students' daily social and academic experiences. These everyday experiences, in turn, play a critical role in the students' social and emotional adjustment. At Discovery II under the direction of the teachers, parents interact with all the students, including the gifted, on a daily basis as aides in the classroom. Parents are trained to facilitate, rather than lead, cooperative learning groups so that students can take on the roles themselves. Parent talents and skills are also used to provide enrichment and extension activities for students. In order to ensure a positive environment, the Discovery gifted program with the help of the gifted parent support group, will provide workshops to help parents understand the social and emotional aspects of gifted children. See Attachment 11: Plan for Students Who Are Academically High Achieving.

### **G. Plan for English Learners**

Discovery II shall meet all legal requirements for English Learners (ELs) relative to annual notification to parents, student identification, placement, program options, English Learner and core content instruction, teacher qualifications and training, reclassification to Fluent English Proficient (FEP) status, monitoring and evaluation of program effectiveness, and standardized testing requirements. Discovery II shall implement policies to effectuate proper placement, evaluation, and communication regarding ELs and the rights of parents and pupils.

#### **Home Language Survey**

The Home Language Survey (HLS) is administered upon a student's initial enrollment into a California public school. If Discovery II is not a student's first California public school, then Discovery II receives a copy of the student's HLS from the prior school(s) of attendance. Nonetheless, all parents are required to complete the Home Language Survey.

#### **Annual Assessments**

Discovery II shall follow all California English Language Development Test (CELDT) testing timelines to ensure students who have indicated that English is not the primary language spoken at the home are assessed as to English fluency annually until redesignated as FEP to ensure these students receive proper instruction based upon current English proficiency levels. Discovery II shall comply with the applicable requirements of the No Child Left Behind Act with regard to English Learner students.

## **English Learners and Core Instruction**

Discovery II will offer Mainstream English instruction for all English Learners, as well as regular small group, intensive support in vocabulary and language development. That instruction is designed to ensure that students acquire English language proficiency and recoup any academic deficits that may have developed in other areas of the core curriculum. Mainstream English instruction contains the following components:

Well-articulated, standards-based, differentiated English Language Development (ELD) instruction, specifically designed for English Learners, using the Santillana Intensive English program and Rigby PM Guided Readers.

Well-articulated, standards-based, differentiated instruction in the core curriculum, with primary language support and/or Specially Designed Academic Instruction in English (SDAIE).

Structured activities designed to develop multicultural proficiency and positive self esteem.

Each EL is expected to make progress in English and in grade level academics.

## **Reclassification and Monitoring**

English learners are reclassified as “fluent” when they have sufficient English skills to learn in a regular classroom without extra assistance and perform in academic subjects at approximately “grade level.”

An English Learner in grades 2 - 8 must meet all of the following criteria to be reclassified from English Learner to FEP status:

- A minimum score of Basic (324) on the STAR/CAT6 in the areas of Total Reading, and Total Language
- Overall proficiency levels of Early Advanced or Advanced on CELDT with proficiency levels of intermediate or above in all three test components (listening/speaking, reading, and writing)
- Adequate performance on school progress report cards
- Teacher recommendation and evidence of successful performance in reading and writing in the classroom

Student progress is monitored annually. School level assessments, English Proficiency Reassessments using the CELDT, and classroom data and observation are used to determine English language proficiency, and evaluate students’ language growth and academic performance. Formative assessments to monitor students’ ELD progress are given by teachers throughout the school year in listening/speaking, reading and writing.

Reclassified students will be monitored each semester to ensure that they are making adequate academic progress through the following means: teacher/Director/student interview, a discussion of affective attitude toward learning, a review work samples and grades, and intervention if needed.

See Attachment 12: Plan for English Learners Table of Contents.

## **H. Plan for Special Education**

### **Overview**

Discovery II shall adhere to all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEA”), its amendments, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (“ADA”). All students are given equal access to the school, regardless of disabilities, and the school does not discriminate against any student based on his disabilities. We do not require the modification of an IEP or 504 plan as a condition of acceptance at the Charter School.

Discovery recognizes the importance of providing education opportunities to all students regardless of physical challenges or special needs. To that end, Discovery II pledges to ensure that enrolled students are served in accordance with applicable federal and state law.

Our program is based on the “Learning Center” model of service delivery, which is an integrated approach to meeting the needs of students with learning, behavioral, and social-emotional challenges. In the Learning Center model students receive “push-in” or “pull-out” support from our resource specialists, speech and language pathologist, occupational therapist, counselor, school psychologist, and trained aides, working together to address the unique needs of their students.

### **IDEA**

Discovery II shall be a public school of the Santa Clara County Board/Office of Education (“County”) for purposes of special education pursuant to Education Code Section 47641(b).

Discovery II and the County shall develop and execute an agreement regarding special education which specifies in detail the responsibilities for provision of special education services by the Charter School and the manner in which special education funding will flow through the County to the students of the Charter School.

The details of this arrangement, or a reasonable alternative to this arrangement, will be discussed and codified in a memorandum of understanding between the County and the Charter School. Discovery II seeks to extend a substantially similar agreement as already executed between Discovery Charter School I and the County to Discovery Charter School II’s operations. Nothing in this Section, however, shall be deemed to prevent the Charter School from seeking LEA status pursuant to Education Code Section 47641(a) or from contracting with a third-party to provide special education services.

The Charter School intends to provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the Special Education Local Plan Area (“SELPA”). The Charter School reserves the right to make written verifiable assurances that the Charter School shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEAs as a consortium, and the charter school plans to provide its own staffing and run its own special education program under the guidance and supervision of the County Office of Education.

The Charter School will follow County policies and procedures, and shall utilize County forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records. The



Charter School will comply with County protocol as to the delineation of duties between the County and the local school site in providing special education instruction and related services to identified pupils.

The Charter School plans to be designated the Local Educational Agency (“LEA”) serving Charter School students.

### **Staffing**

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code and the IDEA. It is the Charter School’s understanding that the Charter School will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired by the Charter School are qualified pursuant to District and SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

### **Notification and Coordination**

The Charter School shall follow County policies as they apply to all schools for notifying school personnel regarding the discipline of special education students. The Charter School shall assist in the coordination of any communications and immediately act according to County policies and education code relating to disciplining special education students.

### **Identification and Referral**

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement County policies and procedures and federal law to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

In the event that the Charter School receives a parent written request for assessment, it will work collaboratively with the parent to address the request. Unless otherwise appropriate pursuant to applicable State and Federal law, the Charter School and the District will provide the parent with a written assessment plan within fifteen days of receipt of the written request and shall hold an IEP within sixty days of parent’s consent to the assessment plan to consider the results of any assessment.

The Charter School will follow District child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

### **Assessments**

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. The District will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with general practice

and procedure and applicable law. The Charter School shall work to obtain parent/guardian consent to assess Charter School students.

### **IEP Meetings**

The Charter School shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings or as otherwise agreed upon by the District and Charter School: the Principal and/or the Charter School designated representative with appropriate administrative authority as required by the IDEA; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide of notice of parental rights.

### **IEP Development**

The Charter School understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the County and State and Federal law.

### **IEP Implementation**

The Charter School shall be responsible for all school site implementation of the IEP. The Charter School holds ultimate authority over implementation and supervision of services. As part of this responsibility, the Charter School shall provide the parents with timely reports on the student's progress as provided in the student's IEP, at least quarterly. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

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

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the District and the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time the Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law. In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district operating programs under the same special education local plan area of the Charter School within the same academic year, the District and the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal and state law. For students transferring to the Charter School with an IEP from outside of California during the same academic year, the

Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the District conducts and assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate, that is consistent with federal and state law.

### **Non-Public Placements/Non-Public Agencies**

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

### **Non-discrimination**

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

### **Parent/Guardian Concerns and Complaints**

The Charter School shall follow County, State, and Federal policies as they apply to all schools for responding to parental concerns or complaints related to special education services. The Charter School shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to the Charter School.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

The Charter School and the District shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

### **Due Process Hearings**

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

The Charter School shall have sole discretion to settle any matter in mediation or due process. The Charter School shall also have sole discretion to file an appeal from a due process hearing or take other legal action involving any Charter School student necessary to protect its rights.

### **SELPA Representation**

It is the Charter School's understanding that the District shall represent the Charter School at all SELPA meetings and report to the Charter School of SELPA activities in the same manner as is reported to all schools within the District.

### **Funding**

As its own LEA, the charter school shall receive funding through the County Office of Education and does not expect to receive any special education funding from the District.

The Charter School acknowledges that it may be required to pay for or provide Charter School students with placements at locations other than at the Charter School's school site in order to provide them with a free appropriate public education. Such placements could include, without limitation, programs or services in other public school districts within the SELPA, in a County Office of Education program, in a non-public school, at home, at a hospital, or in a residential program.

### **Section 504/ADA**

Discovery II shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of the school are accessible for all students with disabilities in accordance with the ADA.

Further, the Discovery Board has adopted and implemented a policy, which outlines the requirements for identifying and serving students with a 504 accommodation plan. Discovery II recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the school. Any student, who has an objectively identified disability which substantially limits a major life activity such as learning, is eligible for accommodation by the School and shall be accommodated. See Attachment 13: Board Policy on 504 Compliance.

## **VI. MEASURABLE PUPIL OUTCOMES AND METHODS OF PUPIL ASSESSMENT**

*“The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607.” - California Education Code Section 47605(b)(5)(B)*

### **A. Core Academic Skills**

Discovery II has developed Student Outcomes that are based on California State content and performance standards. In the areas of reading, writing, and mathematics we have identified the most essential standards. In subsequent years our focus will be on developing the most essential standards in history/social studies and science. In addition to state standards, Discovery II helps students develop skills as listed below:

#### **English/Language Arts**

Strong reading, writing, listening, speaking, and presentation skills, in multiple forms of expression which may include poetry, biographies, stories, non-fiction, and plays, which will enable them to comprehend and interpret multiple forms of expression, including literature from various time periods and cultures.

#### **Science**

The understanding and application of the major concepts underlying the various branches of science, which may include physics, biology, chemistry, ecology, astronomy, and earth sciences aligning with State Standards. This knowledge will enable students to make informed decisions in an increasingly technological world.

#### **History/Social Sciences**

An understanding of civics, history, geography, cultures, and languages so they can apply their knowledge and be responsible citizens of the 21st century.

#### **Mathematics**

The ability to reason logically and to understand and apply mathematical processes and concepts to solve problems requiring basic mathematics, algebra, geometry, statistics, and other math disciplines. These problem-solving skills will be integrated into other disciplines.

## **B. Lifelong Learning Skills**

Discovery II helps students develop skills that will enable them to pursue their own path of learning throughout their adult lives in becoming self-motivated, competent, and lifelong learners, including the following:

### **Study Skills**

Proficient study skills and habits including note taking, library research skills, and studying strategies.

The ability to reflect on and evaluate one's own and other's learning.

The ability to plan, initiate, and complete a project, including goal setting and self-assessment.

### **Cognitive Processing Abilities**

Cognitive processing abilities using complex and critical thinking skills.

The ability to identify, access, integrate, and use available resources and information.

The ability to reason, make sound decisions, problem solve, and analyze in a variety of contexts.

The ability to articulate their thought processes.

### **Foreign Language Skills**

A foundation in a language other than English.

A knowledge and understanding of other cultures.

An ability to function with people from other cultures or to participate in multilingual communities.

### **Technology**

Skills from a variety of technological sources for the purpose of research, analysis, communication, organization, and self-expression.

Ability to utilize computers and commonly used software applications.

### **Visual and Performing Arts Skills**

Knowledge of skills to express ideas and emotions through participation in various forms of the visual and performing arts which may include music, theatre, dance, two- and three-dimensional arts, puppetry, and applied arts.

### **Health Science/Physical Fitness**

Knowledge of pertinent issues of health, safety, and the development of behaviors that are a foundation of lifelong healthy living.

## **Social/Interpersonal Skills**

The ability to make responsible decisions, build confidence in one's ability to learn, and be a productive member of an increasingly diverse and technological society.

The ability to communicate clearly through oral, written, visual, and other forms of expression.

The ability to engage in responsible, compassionate peer relationships.

The ability to collaborate and work effectively with others in cooperative groups.

## **C. Academic Performance**

Discovery II has developed grade level benchmark assessments in reading, writing, and math. These assessments will be used to inform instruction and to measure student growth at the end of the year. Discovery II shall examine and refine student outcomes and performance goals over time to reflect the School's mission, curriculum, assessments, and any changes to state standards.

Discovery II shall strive to:

Increase the number of students performing proficient and advanced on mandated standardized tests by 1% in each of the subject areas in each year of this charter;

75% of the students in grades K-8 will receive a score of proficient or above on the progress report at the end of the academic year;

Meet the annual API growth target and Adequate Yearly Progress (AYP) criteria each year; and

Achieve a student attendance rate of at least 96.5%.

## **D. Methods of Assessment**

*"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 Discovery II and ensure that the goals of the charter are being met, Discovery II 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 shall administer nationally norm-referenced tests required by law in the state of California. The School may also administer supplemental standardized tests as appropriate.

**MARS (Math Assessment Resource System)** Discovery II will annually participate with the Math Assessment Collaborative of Santa Clara County and administer the MARS test to all students in

the second through eighth grades. This performance-based assessment allows teachers to see where there are gaps in students' understanding of the application of math skills and problem solving.

**Benchmark Assessments:** Benchmark assessments in reading, writing, and math are given in the fall and spring of each year. They are used as formative and summative assessments, which inform instruction and demonstrate growth over the year.

**Evidence Folder:** A systematic collection of student work collected over their school career that exhibits a student's work and progress. Evidence folders are used to measure student progress toward and mastery of school-wide benchmarks. Evidence folders follow the student as they move from grade to grade at Discovery II.

**Portfolios:** These are maintained in the classroom to be used at student-led conferences to demonstrate growth and understanding of subject content matter. Students use the portfolios to select evidence to demonstrate their growth and areas of improvement. 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.

**Developmental Reading Assessment (DRA):** Authentic assessment of children's reading skills in context will be completed by teachers. Students read books to determine their instructional reading level. The students then receive a reading level designation based on their degree of fluency, accuracy, comprehension, and critical thinking.

**Journals:** Student journals are used to reflect the student's own performance in academic areas and their use of the critical thinking skills.

**Projects:** Elementary and middle-school students 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 indicate students' mastery of skills.

**Teacher observations and documentation:** Teachers document student work and work habits in the classroom, noting skills that are mastered and those requiring continued instruction. Included in these observations are the student's attitudes and social behaviors.

**Teacher-designed assessments:** Teachers design appropriate tasks that measure understanding and mastery of grade level concepts on an ongoing basis. Data from these assessments will also be used by teachers to continue to design instruction and refine teaching strategies.

Student progress towards skill mastery is documented twice yearly using standards-based progress reports. Parent-teacher conferences are held twice a year and more often as needed. At Discovery II we believe student-led conferences are educationally meaningful for students and an extremely informative format for parents to learn about their child's goals and progress. Therefore the teacher and family meet together to give the student an opportunity to discuss their progress with their parents.

- Students direct the conference
- Students share evidence which best represents his/her growth to date



- Sharing of work is part of the learning process for the student
- Students, parents, and teachers set goals

The majority of the conference is spent reviewing and discussing the student’s work samples, celebrating accomplishments, and setting goals. These goals are designed so that everyone is involved in the student’s learning. Additionally, each teacher has an opportunity to provide the family with information about their student’s progress.

### **Pupil Outcomes, Benchmark Instruments, and Assessments**

<b>Measurable Pupil Outcomes</b>	<b>Local Benchmark Instruments</b>	<b>State-Level Year-End Assessments</b>
<ul style="list-style-type: none"> <li>• Achieve rating of E or M and/or A or B (per academic rubric or progress report) on the state content standards each year in core subjects</li> <li>• Meet or exceed grade-level standards each academic year, as evidenced by local benchmark assessments</li> <li>• Achieve at least a 96.5% student attendance ratio</li> <li>• Achieve Academic Performance Index (API) growth targets</li> </ul>	<ul style="list-style-type: none"> <li>• Student progress reports, portfolios, school designed content benchmark assessments</li> <li>• Math test designed by Data Director, Writing Assessments, DRA, SRI</li> <li>• Daily attendance reporting</li> <li>• Annual growth targets</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence folders, and progress reports</li> <li>• Current state accountability measures: e.g., STAR/CAT6, writing assessments</li> <li>• Calculated ADA rate</li> <li>• Current state accountability measures: e.g., STAR/CAT6, writing assessments</li> <li>• Self-Evaluation, Writing Samples, IEP, Performance Assessment, Teacher Observation</li> </ul>

#### **E. Use and Reporting of Data**

The assessments are designed to align to the mission, exit outcomes, and the curriculum. See Attachment 10: Sample Curriculum for sample assessments. Discovery II collects annual data from the assessments listed above and utilizes the data to identify areas for improvement in the educational program. The School develops an annual performance report based upon the data compiled. The report shall also include:

- Summary data showing student progress toward the goals and outcomes from assessment instruments and techniques as described in this section and an analysis of whether student performance is meeting the outcomes specified by this section. This data will be displayed on both a Charter school-wide basis and disaggregated by major racial and ethnic categories to the extent feasible without compromising student confidentiality;
- A summary of major decisions and policies established by the Discovery Board of Directors during the year, data on the level of parent involvement in the School’s governance (and other aspects of the school, if applicable), 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;
- Information demonstrating whether the School implemented the means listed in the Charter to achieve a racially and ethnically balanced student population;
- An overview of the School's admissions practices during the year and data regarding the number 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; and
- Other information regarding the educational program and the administrative, legal, and governance operations of the School relative to compliance with the terms of the Charter.

The School uses the information compiled in the annual performance report to evaluate and improve upon its educational programming as necessary.

Discovery Charter Schools and the District will jointly develop an annual site visitation process and protocol to enable the District to gather information needed to confirm the Charter School's performance and compliance with the terms of this charter.

Discovery II anticipates that the District will agree to receive and review the annual programmatic report of Discovery II and within two months of receipt of the annual review, the District will notify the Discovery Charter School Board as to whether it considers the Charter School to be making satisfactory progress relative to the goals specified in this charter. This annual notification will include the specific reasons for the District's conclusions regarding its assessment of the annual programmatic report of Discovery II.

## **VII. GOVERNANCE**

*“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**

Discovery II is operated by Discovery Charter School, a California non-profit public benefit corporation pursuant to California law and is recognized by the Internal Revenue Service as a 501(c)(3) tax-exempt organization. See Attachment 14: Articles of Incorporation and Attachment 15: 501(c)(3)Letter. Discovery II shall be governed pursuant to the Discovery Charter School Bylaws as adopted, as subsequently amended from time to time, which shall be consistent with this charter. See: Attachment 16: Discovery Charter School Bylaws.

Discovery II shall operate independently from the District, with the exception of the supervisory oversight as required by Education Code. Pursuant to the Education Code Section 47604(c), the District shall not be liable for the debts or obligations of the School, operated as or by a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the charter school as long as the District has complied with all oversight responsibilities required by law.

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

All Discovery Charter Schools are governed by one single Board of Directors (the “Board”) of the Discovery Charter School nonprofit public benefit corporation. The Board is ultimately responsible for the operation and activities of every School. Board members have a responsibility to solicit input from parents, faculty, and staff from each School regarding issues of significance, and to consider input carefully before taking action. The primary method for executing the Board’s responsibilities is the adoption of policies that offer guidance and interpretation of the charter and the oversight of the implementation of such policies by the Superintendent/Executive Director and each school Director. The Board will consist of at least five (5) and no more than eleven (11) members who will govern all Discovery Charter Schools. The make-up of the Board will consist of a minimum of one member representing each campus.

Additionally, in accordance with Education Code section 47604(b), the chartering authority may select a representative to sit on the Board.

New Board members are appointed by the Directors of the Board of Discovery Charter Schools. In selecting new Board members, the Board shall look for expertise in areas such as: school administration or operations, teaching, business, accounting, technology, legal, nonprofit, and fundraising. See Attachment 17: Board Member Development Plan. Board members shall include parent and community leader representatives appointed by the Board in accordance with the Bylaws.

The Board will meet on a regular basis (e.g. monthly). The responsibilities of the Board include but are not limited to:

- Upholding the mission and vision of each school;

- Overseeing the implementation of the charter;
- Creating external or sub-committees as needed, including, but not limited to, a nominating committee and an audit committee;
- Ensuring compliance with applicable law such as the Brown Act, the Public Records Act, and the Political Reform Act;
- Acting upon staff recommendation approving all operational policies and having oversight of the implementation of such policies through the Superintendent/Executive Director and each school Director;
- Approving and monitoring each school's budget and fiscal practices, including solicitation and receipts of grants and donations;
- Acting upon staff recommendation, approving all hiring, firing, and discipline of employees as well as all employee contracts and personnel policies at each school;
- Acting upon staff recommendation, approving student and parent policies, including, but not limited to, admissions, and disciplinary policies including suspension and expulsion at each school;
- Approving and monitoring management of each school's liabilities, insurance, health, safety, and risk-related matters; and
- Approving all contracts and expenses in excess of 1% of the annual operating budget of each school.

The Board has adopted policies and procedures regarding self-dealing and conflicts of interest. See Attachment 18: Conflict of Interest Code. The Board may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established. The Board may execute any powers delegated to it by law, and shall discharge any duty imposed by law upon it and may delegate to an employee of the School any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

### **C. Superintendent/Executive Director**

The Superintendent/Executive Director shall be the Chief Executive Officer (CEO) of the Discovery Charter School system. He is responsible for the effective operation of all the schools, general administration of all instructional, business, or other operations of the schools, and for advising and making recommendations to the Discovery Charter School Board with respect to such activities. He shall perform all the duties and accept all of the responsibilities usually required of a Superintendent as prescribed by the Education Code of the State of California, the rules and regulations of the Board of Regents and Commissioner of Education, the laws and regulations of the United States, statutes of the State of California, and the policies, rules, and regulations established by the Discovery Charter School Board. Additionally this individual will be responsible for the day-to-day operations of the original Discovery Charter School. In the capacity of a school Director will administer and supervise the school and its employees, lead development of educational program improvement, foster a culture of positive, engaged learners, and serve as a strong advocate for the school's developmental philosophy and parental involvement. See Attachment 26: Discovery Charter School Parent Agreement.

## **D. Director**

Under direction of the Superintendent/Executive Director, is responsible for the day-to-day operations of his/her Discovery Charter School. Serves as leader of educational programming and advises the Superintendent/Executive Director and the Discovery Board regarding budget decisions, board policies, programming, etc. In collaboration with the Superintendent/Executive Director successfully implements Board policies, administers and supervises the school and its employees, leads development of educational program improvement, fosters a culture of positive, engaged learners, and serves as a strong advocate for the school's developmental philosophy and parental involvement. See Attachment 23: Job Descriptions.

## **E. Parent Participation**

Parent participation at each Discovery Charter School is vital to the success of a program based on small group developmental instruction. Each family will make an educated decision to choose to enroll their child in the Charter School's program. Each family will be asked to complete a commitment form which specifies how the family will contribute to the success of the program.

The Discovery Board has adopted policies to specify the details of parent participation. Such policies will be included in the parent handbook provided to all parents. Through these policies Discovery II will strive to ensure that parents can participate in ways which reflect their own skills, interests, and talents, as well as taking into consideration classroom/program needs and the constraints of family, work, and other commitments outside of Discovery II.

In addition, Discovery II is committed to supporting parents in their participation by providing parent education through teacher-led meetings, speaker meetings, and a parent education library available to all parents.

## **F. Program Site Council**

The Program Site Council's (PSC) main function within the Discovery Charter School organization is to support the various school programs the Director and teachers have adopted to supplement classroom curriculum, enrich school life, and enhance the school community.

The PSC is a volunteer organization run by parents and teachers. Each parent-led program has a group of volunteers that works together to monitor and implement the specific requirements of each program. A volunteer coordinator from these committees can represent the group at monthly PSC meetings.

The PSC leadership consists of officers such as President, Vice President, Secretary, Treasurer, teacher representatives, the Director, Lead Classroom Coordinator, and one coordinator for each parent-led program. All Discovery parents and teachers are welcome to attend and participate in PSC meetings. The Program Site Council holds monthly meetings to discuss school activities. The Program Site Council is not a decision-making organization and reports to the Director. The PSC officers are selected through a nominating committee and voted on by the Discovery community.

Program Site Council oversees such programs as: Parent Participation, School Community Building, Parent-Led Enrichment Programs, After-School Activities, Library, and Parent Education.

The Program Site Council:

- Serves as a forum for the discussion of matters of interest and concern to the parents and teachers of the school in regard to school programs and community;
- Acts as a communication channel between parents, other individuals, and groups both within and outside of the school community, by means such as: Parent and Student Handbooks, school newsletter, and the school-wide Yahoo group;
- Works as an advisory body to the Director to assess school community support and interests by conducting annual parent/student surveys;
- Monitors parent-led programs;
- Reports directly to the Director and implements approved changes on behalf of the Director;
- Sponsors activities that enhance the intrinsic value of the School, contributes to the fulfillment of the School's mission, and builds community through activities such as summer events, festivals, and campouts; and
- Raises and manages funds to support student enrichment programs.

See Attachment 19: Program Site Council.

### **G. Leadership Team**

The Charter School will have its own leadership team comprised of teacher representatives from all grade levels, as well as at least one representative from the classified school staff. The leadership team will be formed to facilitate shared governance and to serve as an advisory body to the Director, represent staff interests and employee relations, provide input to the school budget, and facilitate the execution of the annual development plan for the school. For more information refer to Attachment 4: Leadership Team.

### **H. Student Government**

Annually the students at each school will hold an election to select officers to lead each Discovery Charter School's student government. In addition, student representatives are selected from each class, K through 8. They sit on committees and provide input on decisions such as student activities and staff selection.

## **VIII. HUMAN RESOURCES**

### **A. Discovery Charter School System**

The original Discovery Charter School site shall serve as the main office for all of the Discovery Charter Schools. The staff located at the main office will be responsible for both the over-site of the Discovery Charter School system, as well as the original Discovery Charter School.

The main office staff consists of the Superintendent/Executive Director, the Business Services Director, a Secretary, and an Office Clerk. The Superintendent/Executive Director will oversee the entire Discovery Charter School system and education program, as well as function as the Director of the original Discovery School. Reporting to the Superintendent/Executive Director and second in command is the Business Services Director. The Secretary and the Office Clerk will report to the Business Services Director.

Each new Discovery Charter School will employ an administration staff consisting of a school Director, an Office Manager, and a Secretary. The Director shall be the head of each school with school staff reporting to the school Director. Each school Director will report directly to the Superintendent/Executive Director. The Office Manager of each school will also report to the Business Services Director in regards to budget reporting and fiscal management.

### **B. Qualifications of School Employees**

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

Discovery II shall recruit professional and qualified personnel who believe in the philosophy of the school for all staff positions. In accordance with Education Code 47605(d), Discovery II shall be nonsectarian in its employment practices and all other operations. The Charter School shall not discriminate against any individual (employee or pupil) on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). See Attachment 22: Employee Recruitment Plan.

All employees should possess the personal characteristics, knowledge, and relevant experience consistent with the responsibilities and qualifications identified in the posted job description as determined by the Charter School. For job descriptions of the positions that will be hired at each replication charter, see Attachment 23: Job Descriptions.

All Charter School employees shall be fingerprinted and shall successfully pass all required Department of Justice/Federal Bureau of Investigations checks and background checks that provide for the health and safety of the School’s faculty, staff, and students prior to beginning work.

See Attachment 20: Employee Organization Chart.

## **Director**

Under direction of the Superintendent/Executive Director the Director supervises the teachers and non-instructional staff and shall operate as the chief executive officer managing the day-to-day functions of each School. The Director shall act as the instructional leader at the School and shall be responsible for helping the School's students achieve outcomes as outlined in the Educational Program.

Candidates for this position will possess:

- Excellent communication and community-building skills;
- Extensive knowledge of and experience with curriculum development and developmentally-based educational programs;
- A thorough knowledge of Special Education needs and issues;
- Strong leadership capabilities; and
- Experience in performance assessment.

This individual must meet all of the following minimum requirements:

- Bachelors Degree in education or related field (required)
- MA or equivalent (desirable)
- California Administrative and Teaching Credential (desirable)
- Teach or Experience in Related Field (desirable)

The Board reserves the right to consider candidates based upon a combination of education and experience

## **Teachers**

*“Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses. - California Education Code Section 47605(l).*

Teaching faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resources of the School.

Core, college-prep teachers will be responsible for, among other things:

- Core subject instruction in mathematics, language arts, science, and history/social studies;



Curriculum planning;  
Collaboration with fellow faculty and administrators;  
Student assessment; and  
Communication with parents.

Candidates for these positions will possess:

A commitment to students and learning;  
Knowledge about their subject material; and  
A willingness to be innovative and dynamic in their instruction methods.

These individuals must meet all of the following minimum requirements:

Bachelor's Degree and  
Valid California Teaching Credential(s), certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold as required for the relevant grade(s) and appropriate supplemental or multi-subject credential(s), as applicable.

In addition, core teachers shall meet the applicable definitions of the highly qualified requirements.

The Charter School will hire substitute teachers in accordance with applicable law.

### **Office Manager**

Under direction of the Director of Business Services, the Office Manager is responsible for the day-to-day operations at Discovery II including, but not limited to, fiscal services, reporting requirements, operations, enrollment, transportation, nutrition services, information technologies, purchasing/warehouse, and facilities. The Office Manager serves as an advocate for the school's developmental philosophy and parental involvement. Candidates for this position will possess knowledge, skills, and abilities in the following:

Principles and practices of public school services and administration;  
Personnel and finance administration and sources of information related to public school issues;  
Research methods and report writing; and  
Effective public relations techniques.

The candidate must meet all of the following minimum requirements:

Any combination of education and/or experience equivalent to completion of a Bachelor's Degree in Public or Business Administration or related field; and

Three (3) years related experience in fiscal services, administration, and human resources. Experience with a public school is preferred.

### **School Secretary**

Under direction of the Director, the School Secretary is responsible for the day-to-day operations at Discovery II including, but not limited to, enrollment, transportation, nutrition services, purchasing/warehouse, and facilities. The School Secretary serves as an advocate for the school's developmental philosophy and parental involvement.

Candidates for this position will possess knowledge, skills, and abilities in the following:

- Principles and practices of public school services and administration;
- Personnel and finance administration and sources of information related to public school issues;
- Research methods and report writing; and
- Effective public relations techniques.

The candidate must meet all of the following minimum requirements:

- Any combination of education and/or experience equivalent to completion of a Bachelor's Degree in Public or Business Administration or related field; and
- Three (3) years related experience in fiscal services, administration, and human resources. Experience with a public school is preferred.

### **C. Compensation and Benefits**

#### **Salary, Health, and Welfare Benefits**

Employees of Discovery Charter Schools shall receive compensation packages which are competitive with local public charter schools. Benefits shall include, but are not limited to, health, dental, and vision.

Revenues and expenditures will be reviewed annually, and a recommendation will be made to the Discovery Board for cost of living adjustments and incentive pay to remain competitive.

### **D. Other Terms and Conditions of Employment**

Discovery II will provide opportunities for teachers and other professionals to continue their professional development. See Attachment 24: Employee Development Plan.

Evaluation procedures will be conducted in a manner established by the administration and approved by the Discovery Board. Discipline and dismissal procedures for School employees will be developed by the administration and approved by the Discovery Board. See Attachment 25: Teacher Evaluation Process.

## **IX. HEALTH AND SAFETY**

*“The procedures that the school will follow to ensure the health and safety of the pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.” - California Education Code Section 47605(b)(5)(F)*

The Discovery Board has adopted and implemented a comprehensive set of health, safety, and risk management policies. These policies are incorporated as appropriate into the School’s student and staff handbooks and will be reviewed on an ongoing basis by the School’s staff and Board. These policies have been developed in consultation with the School’s insurance carriers and at a minimum will address the following:

### **Procedures for Background Checks**

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. All new employees must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Superintendent/Executive Director of Discovery Charter Schools shall monitor compliance with this policy and report to the Charter School Board of Directors on a quarterly basis. Each Discovery II Director shall monitor the fingerprinting and background clearance at his Discovery II Charter School. The Board President shall monitor the fingerprinting and background clearance of the Superintendent/Executive Director. All volunteers shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

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

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.

### **TB Testing**

Faculty and staff will be tested for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

### **Immunizations**

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

### **Medication in School**

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school.

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

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

## **Diabetes**

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
4. A description of treatments and prevention of methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

## **Emergency Preparedness**

The Charter School has adopted an Emergency Plan drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. See Attachment 21: Discovery Emergency Plan. This handbook includes, but shall not be limited to, the following responses: fire, flood, earthquake, terrorist threats, and hostage situations.

## **Blood Borne Pathogens**

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. Discovery II has established a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (“HIV”) and hepatitis B virus (“HBV”).

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

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

The Charter School shall function as a drug, alcohol, and tobacco free workplace.

## **Facility Safety**

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire

drills as required under Education Code Section 32001 and in conjunction with the District (if at District facilities).

### **Comprehensive Sexual Harassment Policies and Procedures**

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's sexual harassment policy.

### **Health Care and Emergencies**

Discovery II recognizes the importance of taking appropriate action whenever an accident or illness threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

To facilitate immediate contact with parents/guardians when an accident or illness occurs, the Charter School requires parents/guardians to furnish the school with current contact information.

## **X. RACIAL AND ETHNIC BALANCE**

*“The description of how the charter will ensure a racial and ethnic balance among its pupils that is reflective of the general population residing in the territorial jurisdiction of the district to which the charter petition is submitted.” - California Education Code 47605(b)(5)(G)*

Discovery II programs and activities shall be free from discrimination. Discovery II shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

Discovery II will strive to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District. Discovery II will implement a student recruitment strategy (see Attachment 29: Discovery Charter School Marketing and Community Outreach Plan) that includes, but is not necessarily limited to, the following elements or strategies:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process;
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the District;
- The appropriate development of promotional and informational materials in languages other than English to appeal to limited English proficient populations;
- Outreach meetings in several areas of the District to reach prospective students and parents; and

The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the District.

If this charter is approved by the District, the Charter School shall meet with the District and work collaboratively to ensure that the approval of the charter petition will not detract or undermine the District’s ability to fully comply with its federal court obligations under *Vasquez vs. San Jose Unified School District*.

## **XI. ADMISSION REQUIREMENTS**

*“Admission requirements, if applicable.” - California Education Code Section 47605(b)(5)(H)*

### **A. Student Admission Policies and Procedures**

Discovery II believes that all children should have the opportunity to receive educational services.

Discovery II shall maintain procedures which provide for the verification of all admissions requirements specified in law and in Discovery policies and regulations.

Discovery II shall strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District.

Students shall be considered for admission without regard to any of the characteristics described in Education Code Section 220.

Discovery II shall strive to achieve a student population from the District area who understand and value the Charter School’s mission and vision statements and are committed to the Charter School’s instructional and operational philosophy.

Discovery II shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the school. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except for in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parents.

The Charter School’s application process is comprised of the following:

1. Parent attendance at a school information meeting and school tour
2. Completion of a student registration packet

Registration packets for students who are admitted will also gather the following:

1. Enrollment Form
2. Proof of Immunization
3. Home Language Survey
4. Completion of Emergency Medical Information Form
5. Proof of minimum age requirements, e.g. birth certificate
6. Release of records

Admission to Discovery II requires a commitment from both students and parents to the mission and vision of the Charter School as set forth in the Charter. All parents or guardians shall be required to attend a school information meeting and a school tour. An application packet will not be considered to be complete until both of these meetings have been attended. The completed application packet shall include a signed agreement indicating they understand and will abide by the Charter School's philosophy, program, and policies concerning parent participation and fingerprinting and background checks. See Attachment 26: Discovery Charter School Parent Agreement.

Discovery shall admit all students who submit a complete enrollment application and wish to enroll in the school subject only to capacity. See Attachment 28: Enrollment and Admission Procedures.

### **Public Random Drawing**

Applications will be accepted during a publicly advertised open application period each year for enrollment in the following school year. Following the open enrollment period each year, applications shall be counted to determine whether any grade level has received more applications than availability. If the number of students applying for any grade exceeds the expected capacity for that grade, public random drawing shall be conducted for the oversubscribed grades for those applicants who submitted complete application packets during the open enrollment period. Existing students of the School are not subject to the public random drawing and are guaranteed admission in the following school year. See Attachment 27: Public Random Drawing Policy.

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

Admission preferences in the case of a public random drawing shall be given to the following students in the following order:

#### **Year 1:**

- A. Founding Families
- B. Children of paid Discovery staff
- C. ELL students of District
- D. Residents of District
- E. All other California residents

#### **Year 2:**

- A. Founding Families
- B. Siblings of currently enrolled students
- C. Children of paid Discovery staff



- D. ELL students of District
- E. Residents of District
- F. All other California residents

A waiting list of applicants at each grade level shall be maintained to fill vacancies that occur during the school year. Applicants who were waitlisted in the previous year will be given preference within their numbered priority group in a subsequent year's lottery.

Pursuant to federal and state guidelines, during any period of funding under the Public Charter Schools Grant Program ("PCSGP"), the following shall apply:

1. The public random drawing will be held as a single weighted public drawing.
  - a. Residents of the District will be given a 2:1 weighting factor, or as otherwise agreed upon with the District.
  - b. No other preferences other than for "residents of the District" shall be used during the PCSGP funding period.
2. The following categories of students will be exempt from the public random drawing:
  - a. Students already enrolled in the Charter School
  - b. Children of Charter School teachers and staff
  - c. Siblings of enrolled students
3. No other exemptions other than those listed above in 2.a through 2.c shall be used during the PCSGP funding period.
4. The sum of all exemptions for children of Charter School teachers and staff will not exceed 10% of total enrollment.
5. The sum of all exemptions for ELL children will not exceed the percentage of ELL students in the San Jose Unified School District.

During any period of funding under PCSGP, at the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

## **XII. FINANCIAL AUDITS**

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

The Discovery Board shall select an independent financial auditor and oversee audit requirements.

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

The Discovery Board shall select an independent auditor. The auditor shall have, at a minimum, a CPA and educational institution audit experience and shall be included on the State Controllers list of approved education auditors. To the extent required under applicable federal law, the audit scope shall be expanded to include items and processes specified in applicable federal Office of Management and Budget (“OMB”) Circulars. The audit shall be conducted in accordance with the requirements described within the State Board of Education Regulations and contained in the State Controllers approved audit guide as applicable to charter schools.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor’s findings will be forwarded to the District, the Santa Clara County Superintendent of Schools, the State Controller, and to the California Department of Education by December 15<sup>th</sup> each year. Discovery Charter School’s Superintendent/Executive Director along with the Director of Business Services will review any audit exceptions or deficiencies and report to the School Board with recommendations on how to resolve them. The Discovery Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process described in this section of the Charter. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (“EAAP”) in accordance with applicable law.

The independent financial audit of the Charter School is public record to be provided to the public upon request.

### **XIII. SUSPENSION/EXPULSION PROCEDURES**

*“The procedures by which pupils can be suspended or expelled.” - California Education Code 47605(b)(5)(J)*

Discovery II has developed and maintains a comprehensive set of student discipline policies. See Attachment 30: Pupil Suspension and Expulsion Procedures. These policies will clearly describe the Charter School’s expectations regarding, among other things, attendance, mutual respect, substance abuse, violence, safety, and work habits.

Each parent/guardian will be required annually to verify that they have reviewed the policies with their student/s and that they understand the policies.

The Charter School’s policies will provide all students with an opportunity or due process and will be developed to conform to applicable federal law regarding students with exceptional needs. The Charter School will notify the District of any expulsions and will include suspension and expulsion data in its annual performance report.

The Charter School acknowledges the responsibility of each student, parent, volunteer, faculty, staff, and administrator to contribute to the well-being of the community by demonstrating responsibility and accountability for individual and group actions. It is the Charter School’s goal to enhance the quality of relationships, the quality of learning, and the quality of the community through shared responsibility.

## **XIV. RETIREMENT SYSTEMS**

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

All certificated employees of Discovery II shall participate in the State Teachers Retirement System (“STRS”), except that employees changing from employment covered by Public Employees’ Retirement System (“PERS”) may choose to continue to be covered by PERS or to elect participation in STRS. Non-certificated staff will participate in the federal social security system and will have access to other school-sponsored retirement plans according to policies adopted by the Discovery Board of Directors.

Discovery II shall make all employer contributions as required by STRS, PERS, or Social Security, as applicable. The Director of Business Services shall be responsible for ensuring that appropriate arrangements for retirement coverage have been made. The County will cooperate as necessary to forward any required payroll deductions and related data to STRS and PERS. Discovery II shall also make contributions for workers compensation insurance, unemployment insurance, and any other payroll obligations of an employer.

## **XV. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

No pupil shall be required to attend Discovery II. Each student enrolled at Discovery II will be informed on admissions forms that the student has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in Discovery II, except to the extent that such a right is extended by the local education agency.

Students who reside within the District who choose not to attend the Charter School may attend school within the District according to District policy or at another school district or school within the District through the District’s intra and inter-district transfer policies.

## **XVI. DESCRIPTION OF EMPLOYEE RIGHTS OF RETURN**

*“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)*

No public school employee shall be required to work at Discovery II. Job applicants for positions at Discovery II will be considered through an open process, and if hired, will be individually contracted as approved by the Board.

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

## **XVII. 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)*

### **Charter School/Chartering Authority Dispute Resolution**

The Discovery Board and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. All parties shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

The intent of this dispute resolution process is to:

- Resolve disputes within the school pursuant to the school’s policies;
- Minimize oversight burden on the District;
- Ensure a fair and timely resolution to disputes; and
- Frame a charter renewal process and timeline so as to avoid disputes regarding renewal.

### **Disputes Arising From Within the School**

Disputes arising from within Discovery II, including all disputes between students, staff, parents, volunteers, advisors, partner organizations, and governing board members shall be resolved pursuant to the policies and processes developed by the School.

The District shall not intervene in any such internal disputes without the consent of the Board of Discovery and shall refer any complaints or reports regarding such disputes to the Board or the Superintendent/Executive Director of Discovery Charter Schools for resolution pursuant to the school’s policies. The District agrees not to intervene or become involved in an internal dispute unless the dispute has given the District reasonable cause to believe that a violation of this charter or laws or issues of student health or safety have occurred, or unless the Board of the School has requested the District to intervene in the dispute.

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

In the event of a dispute between Discovery and the District, the Board of the School and the District agree to first frame the issue in writing and refer the issue to a District representative and the Superintendent/Executive Director of Discovery. The written notification must identify the nature of the dispute and any supporting facts and the proposed resolution. In the event that the District believes that the dispute relates to an issue that could lead to the revocation of the charter under California Education Code Section 47607, this shall be specifically noted in the written dispute statement.

The Superintendent/Executive Director and the District representative 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 members from their respective Boards who shall jointly meet with the District representative and the Superintendent/Executive Director of Discovery Charter Schools. If this joint

meeting fails to resolve the dispute, the District representative and the Superintendent/Executive Director shall meet to jointly identify a neutral, third party mediator. Mediation shall occur before a mutually agreeable mediator who is skilled in the interest-based approach to mediating disputes in the public school setting. The format of the mediation session shall be developed jointly by the District representative and the Superintendent/Executive Director, and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. Each party shall bear its own costs and expenses related to the mediation. The mediator's fees and the administrative fees of the mediation shall be shared equally among the parties. Any recommendations of the mediator shall be non-binding, unless the Board of Discovery Charter School and the District jointly agree to bind themselves.

If mediation is not successful, then the parties agree to settle the controversy, claim, or dispute by arbitration conducted by a single arbitrator in accordance with the rules or guidelines of the American Arbitration Association. The arbitrator must be an active member of the California State Bar or a retired judge of the state or federal judiciary of California. Each party shall bear its own costs and expenses. However, any party who fails or refuses to submit to mediation shall bear all costs and expenses incurred by such other party in connection with arbitration of any controversy, claim, or dispute.



## **XVIII. EMPLOYEE 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).” - California Education Code Section 47605(b)(5)(O)*

Discovery Charter School is the exclusive public school employer of the employees of the Charter School for the purpose of the Education Employment Relations Act (“EERA”). Discovery Charter School shall comply with the EERA.

## **XIX. CLOSURE PROTOCOL**

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

The following procedures shall apply in the event the charter school closes. The following procedures apply regardless of the reason for closure.

Closure of the School shall be documented by official action of the Discovery Board. The action shall identify the reason for closure and shall delegate to the Superintendent/Executive Director the responsibility to manage the closure-related activities and dissolution process.

Should Discovery II close, the following procedures will be followed to ensure an orderly closing of the school:

- 1) Notification of the closure of the Charter School within 10 days to parents/guardians of students, students, the District, SCCOE, the Charter School’s SELPA, the State Teachers Retirement System, the Public Employees Retirement System, or any other qualified retirement system in which the school’s employees participate, and the California Department of Education, providing at least the following:
  - (a) The effective date of the closure;
  - (b) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
  - (c) The students’ school districts of residence; and
  - (d) The manner in which parents/guardians and students may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.
- 2) Provision of a list of students in each grade level and the classes they have completed, together with information on the students’ districts of residence, to the responsible entity.
- 3) As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of responsible entity, except for records and/or assessment results that the charter may require to be transferred to a different entity. Parents will be notified of placement options for their student(s). Employees will be notified of their rights for reemployment.
- 4) All transfers of student records shall be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. §1232g. All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law. The Charter School will ask the District to store original

records of Charter School students. All records of the Charter School shall be transferred to the District upon the Charter School's closure. If the District will not or cannot store the records, the Charter School shall work with the County to determine a suitable alternative location for storage.

- 5) Completion of an independent final audit within six months after the closure of the school that may function as the annual audit. Discovery II will pay for the final audit. The audit shall be prepared by a State-Controller-approved firm and qualified Certified Public Accountant selected by the Discovery Charter School Board and shall be provided to the District promptly upon completion. It shall include at least the following:
  - (a) An accounting of all financial assets, including cash and accounts receivable, and an inventory of property, equipment, and other items of material value.
  - (b) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.
  - (c) An assessment of the disposition of any restricted funds received by or due to the Charter School.
- 6) Disposal of any net assets remaining after all liabilities of the Charter School have been paid or otherwise addressed, including but not limited to, the following:
  - (a) Any assets acquired from the District or District property will be promptly returned upon the Charter School's closure to the District.
  - (b) The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.
  - (c) The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.
- 7) Completion and filing of any annual reports required pursuant to Education Code section 47604.33.
- 8) Identification of funding for the activities identified in sections 1) through 8) above.

On closure of the Charter School, all assets of the Charter School, including, but not limited to, all leaseholds, tangible and intangible personal property, and all ADA apportionments and other revenues generated by students attending the school, remain the sole property of the corporation and shall be distributed in accordance with the Charter School's articles of incorporation and applicable law upon dissolution of the Charter School. On closure, the Charter School shall remain solely responsible for satisfaction of all liabilities arising from the operation of the school.

As the Charter School is organized as a nonprofit public benefit corporation under California law, the Board shall follow the provisions set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation, and shall file all necessary filings with the appropriate state and federal agencies.

Additional policies and procedures will be determined as needed by the Discovery Board based on the needs of the school and the District.

## **XX. MISCELLANEOUS PROVISIONS**

### **A. Budgets**

*“The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.” - Education Code Section 47605(g).*

In Attachment 33: Discovery Charter School Multi-Year Financial Projections, please find the following:

- A projected first-year budget including startup costs and cash flow
- Budget assumptions
- Financial projections for the first three years of operation

These documents are based upon the best data available to the Petitioners at this time.

### **B. Financial Reporting**

The Charter School shall provide reports to the District as follows, and shall provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement.
2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31.
3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
4. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School’s receipts and expenditures for the preceding fiscal year.

The Discovery Board shall adopt and implement systems and processes, including establishment of a fiscal oversight committee and designation of a Discovery liaison to work with the District, to keep track of financial data and compile information in the prescribed format needed for the reports listed above, and to ensure that the above information is provided to the District in timely fashion.

### **C. Insurance**

The Charter School will maintain, at its own expense, its own insurance policies for the operation of the Charter School, including but not limited to, workers compensation, general liability, property, and errors and omission policies of the type and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts will be based on recommendations provided by the LEA in which the school is housed and the Charter School's insurer. That LEA's governing board shall be named as an additional insured on all policies of the Charter School. Prior to opening, the Charter School will provide evidence of the above insurance coverage to the LEA.

### **D. Administrative Services**

*"The manner in which administrative services of the school are to be provided." - Education Code Section 47605(g).*

Any charter-requested services from the District will be on a fee-for-service basis by mutual agreement in a separate written agreement. Mutually agreed upon fees must be in place prior to the charter-requested service. Discovery II will establish a competitive bid process balancing quality and price to outsource any of the services not handled in-house.

The statutory supervisory oversight fee of up to 1% of the Charter School's revenue will be paid to the District for actual costs of oversight in accordance with Education Code section 47613.

Subject to availability, Discovery II may request District services on a fee-for-service basis, including, but not limited to:

- Student health and human services, including access to school mental health and suicide prevention services, support from crisis team, and access to audiology services;
- Fingerprinting and criminal record processing;
- Processing of emergency credentials;
- Bilingual fluency testing;
- Non-stock requisition processing;
- Rubbish disposal;
- District purchasing contracts;
- Environmental health/safety consultation;
- Field trip transportation;
- School mail;
- Student information system;

- Food services;
- Risk management; and
- Attendance accounting.

## **E. Facilities**

*“The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.” - Education Code Section 47605(g).*

Classroom and ancillary space for Discovery II will be required to house at least 490 students in a minimum of 23 classrooms, including support and office space, for grades K – 8. Discovery II shall be located within the boundaries of the San Jose Unified School District.

Discovery II intends to submit a request for Prop 39 facilities within the District under the terms of California Proposition 39 and its implementing regulations. Discovery II requires a fully equipped, contiguous school site to successfully and safely operate its program under this charter. Discovery II reserves the right to find alternative facilities, and will inform the District of changes in its facility plans.

Under Proposition 39, passed by California voters on 11/07/2000, school districts are required to “make available to each charter school operating within the school district, school facilities sufficient for each charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the school district. In addition, the school district must make reasonable efforts to provide the charter school with facilities near to where the charter desires to be located.” (See Education Code section 47614(b)).

The school district may charge the charter school a pro-rata share (based on the ratio of space allocated by the school district to the charter divided by the total space of the district) for those district facility costs which the district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of district facilities. How this translates into actual cost to Discovery II will be decided in negotiations with the District in which Discovery II schools shall operate and in accordance with the State Board of Education Regulations implementing Proposition 39.

The petitioners shall discuss with the District the specific terms, rights, and responsibilities related to the location of the Charter School on a District facility pursuant to Education Code Section 47614 and its implementing regulations.

## **F. Transportation**

Since Discovery II is a school of choice, it will be the responsibility of parents/guardians to provide transportation of students to and from the school. Transportation will not be provided to and from school, except as required by law for students with disabilities in accordance with a student’s IEP.

## **G. Potential Civil Liability Effects**

*“Potential civil liability effects, if any, upon the school and upon the District.” - Education Code Section 47605(g).*

Discovery II shall be operated by a California non-profit public benefit corporation. Discovery II is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d. The central objective of the corporation is to provide public education for residents of the State of California, in accordance with the Charter Schools Act, California Education Code Section 47600, et seq.

As such, in accordance with Education Code Section 47604(c), if the District complies with all oversight responsibilities required by law, the District shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors, or omissions by the Charter School. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the School and the District shall enter into a Memorandum of Understanding (MOU), which shall provide for indemnification of the District for the actions of the Charter School under this charter.

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

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

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

## **H. Oversight, Reporting, and Renewal**

Discovery II and the District agree to work together to accomplish all tasks necessary to fully implement this charter, including, but not limited to, the submission of any necessary and duly-prepared waiver requests to the State Board of Education.

The District may inspect or observe any part of Discovery II at any time. Discovery II requests that the District provide notice to Discovery II at least three working days prior to the inspection or observation. If the District Board believes it has cause to revoke this charter, the District shall follow the process and procedures for charter revocation as set forth in Education Code Section 47607 and its implementing regulations.

The governing board of Discovery may request from the District Board a renewal of the charter at any time. The District Board agrees to hear and render a renewal decision pursuant to the timelines and processes specified in the California Education Code Section 47605(b) and California Education Code Section 47607 and its implementing regulations.



All official communications between Discovery and the District shall be in writing and shall be either hand delivered, sent by telecopy or facsimile, sent by U.S. Mail, postage prepaid, and addressed to those set forth below (except that a party may from time to time give notice changing the address for this purpose). A notice shall be effective either when personally delivered, on the date set forth on the receipt of a telecopy or facsimile, or upon the earlier of the date set forth on the receipt of registered or certified mail or on the fifth day after mailing.

Superintendent/Executive Director  
Discovery Charter Schools  
4021 Teale Ave  
San Jose, CA 95117

San Jose Unified School District  
855 Lenzen Ave.  
San Jose, CA 95126

## **XXI. ATTACHMENTS**

The following attachments are intended to provide additional information regarding Discovery II. These documents are intended for informational purposes only and to assist the District in understanding how Discovery II shall operate. These, as informational documents, do not constitute a legally binding contract or agreement, are not intended to govern the relationship of Discovery II and the District, and are not a part of the charter of Discovery II or any related agreements or memoranda of understanding.

**ATTACHMENT 1: COMPLIANCE WITH THE BROWN ACT AND THE PUBLIC RECORDS ACT**

**Discovery Charter School Compliance  
with the Brown Act and Public Records Act**

(As required by County Board Administrative Regulations 6230  
Section 2.0 subdivision (d) and subdivision (e).)

Public Records Act:<sup>1</sup>

Discovery Charter School (the “Charter School”) recognizes and shall comply with applicable requirements under the Public Records Act, California Government Code Section 6251 *et seq.*, including but not limited to the requirements to respond to requests for public records within 10 days and to provide public records within a reasonable amount of time thereafter as required by law. Additionally, Discovery Charter School recognizes that Education Code Section 47604.3 requires the Charter School to promptly respond to all inquiries, including, but not limited to, inquiries regarding its financial records from the chartering authority (i.e., the County Board of Education), and the Superintendent of Public Instruction. Discovery Charter School fully intends to comply with this Section as it relates to all records of the approved charter. However, it should be noted that the Charter School is cognizant of its responsibility to comply with the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. 1232g) under federal law and other privacy laws related to personnel records (i.e., confidential medical information, etc.).

The Brown Act:<sup>2</sup>

Discovery Charter School, as a parent and community driven effort, values the input from parents and community members regarding the educational design and operation of the Charter School. Discovery Charter School is committed to compliance with all applicable state and federal laws. Discovery Charter School shall comply with applicable requirements of the Brown Act, Government Code 54950 *et seq.* including, but not limited to the notice requirements, the open meeting requirements, and all requirements for giving the public an opportunity to be heard.

Furthermore, Discovery Charter School is committed to compliance with all state and federal laws preventing conflicts of interest.

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<sup>1</sup>Administrative Regulation Section 6230, Section 2.0(d) states: “A description of how the charter school will facilitate the sponsoring agency’s compliance with the Public Records Act.” Petitioner is not entirely clear what the County Board intended by this section. In Board Policy 6230 Section 2.1, the sponsoring agency is defined as the school district that denied the petition. We assume, however, for purposes of the charter petition, that the County Board would like a description of how the Charter School intends to comply with the Public Records Act. As such, the following description is intended to outline how the Charter School will comply with the Public Records Act.

<sup>2</sup>Administrative Regulation Section 6230, Section 2.0(d) states: “A description of how the charter school will facilitate the sponsoring agency’s compliance with the Brown Act.” Petitioner is not entirely clear what the County Board intended by this section. In Board Policy 6230 Section 2.1, the sponsoring agency is defined as the school district that denied the petition. We assume, however, for purposes of the charter petition, that the County Board would like a description of how the Charter School intends to comply with the Brown Act. As such, the following description is intended to outline how the Charter School will comply with the Brown Act.

## ATTACHMENT 2: DISCOVERY CHARTER SCHOOL BOARD

### **Barbara Eagle** - *Chairman of the Board of Directors and President Discovery Charter School*

Office of Development Manager, Stanford University. Experience: Founder Discovery Charter School, Co-Founder Eaglevision Productions, VP of Marketing & Business Development. Experience: Special Projects Director, Sun Microsystems, Inc.; Department Head Genigraphics Corp.; Marketing Manager, Sorcim. San Jose State University.

Term expires June 2013.

### **Stephen A. Fiss** - *Discovery Charter School Board Director*

Superintendent/Executive Director Discovery Charter School (Retired); Adjunct Faculty Member, Department of Educational Leadership, San Jose State University; Founder/Board Advisor - Communitas Charter High School; Superintendent (Retired) Scotts Valley Unified School District and Gridley Unified School District

Term Expires June 2013.

### **Joan McCreary** - *Discovery Charter School Board Director and Corresponding Secretary*

Owner, Joan McCreary Professional Organizer. Experience: Founder Discovery Charter School; Program Site Council President (Past), Discovery Charter School; Product Manager, Oratec Interventions; Clinical Research Associate, VidaMed Inc.; B.A. in International Relations and French, University of California at Davis.

Term expires June 2014.

### **Susan Michels** - *Discovery Charter School Board Director and Vice President*

Administrative Assistant, Berge & Berge Law Offices; Program Site Council President/Vice President, Discovery Charter School; PTO President, Easterbrook Discovery School; Corporate Communications associate, S3 Inc.; Corporate Communications Associate/Trade Show Manager, Adaptec, Inc.; B.A. in English, Central Michigan University.

Term expires June 2014

### **Raquel Watjen** - *Discovery Charter School Board Director*

Project Management, Finance, Apple; Marketing, 3Com; Certified Positive Discipline Parenting Educator; B.S., Business Management, San Jose State University.

Term expires June 2013.

## **ATTACHMENT 3: STRATEGIC PARTNERS**

### **Beginning Teacher Support and Assessment (BTSA)**

Beginning Teacher Support and Assessment (BTSA), is a state-funded induction program, co-sponsored by the California Department of Education (CDE) and the Commission on Teacher Credentialing (CCTC) designed to support the professional development of newly-credentialed, beginning teachers and fulfill the requirements for the California Clear Multiple and Single Subjects Credentials.

Discovery is using the Santa Cruz/Silicon Valley New Teacher Project which is a collaborative effort among the Teacher Education Program of the University of California at Santa Cruz, the Santa Cruz County Office of Education, and school districts in a five county region. Led by Ellen Moir, Executive Director of the New Teacher Center at UCSC, and Wendy Baron, Associate Director of the New Teacher Center at UCSC, the Project has supported more than 2,500 first and second year teachers since its inception in 1988.

### **California Charter Schools Association**

The California Charter Schools Association (CCSA) is a professional membership organization serving more than 500 public charter schools in the State of California. The CCSA mission is to increase student achievement by strengthening and expanding public charter schools throughout California.

The Association's vision is that by the year 2014, more than 10 percent of California public school students, representing over 670,000 students, will be attending high quality public charter schools.

The Association serves its membership and strengthens the charter school movement through its focus in the following areas:

#### *Advocacy*

The Association is the collective grassroots voice of California's charter schools and charter school stakeholders. CCSA aggressively advocates for increased flexibility and funding for all public charter schools.

#### *Leadership & Quality*

The Association focuses on leadership development and accountability in a manner that helps the charter school movement to grow. The goal is to bring high-quality charter schools to every community in order to bring about lasting reform.

#### *Membership Services & Products*

The Association provides an array of products, services, expertise, and financial tools to strengthen the member schools and allow them to focus on what matters most—educating students.

### **Charter Schools Development Center**

California Schools Development Center (CSDC), a 501(c)(3) non-profit corporation and Community Development Financial Institution (CDFI), promotes innovation and excellence in education by financing and developing facilities for great public charter schools nationally. As the only CDFI in the country focused exclusively on the facility and financing needs of charter school organizations, CSDC helps charter school entrepreneurs and leaders finance, build, expand, and replicate their school models, turning educational visions

into reality, with the goal of ultimately improving student achievement by increasing school choice and catalyzing competition within the American K-12 public education system.

### **EdTec, Inc.**

EdTec delivers high-value business, charter development, educational support, and technology services - *exclusively* to charter schools. Since inception in 2001, EdTec has assisted more than 150 charter schools and developers, allowing school leaders and staff to focus more of their limited resources on classroom instruction and improving student achievement.

EdTec provides charter schools with the expertise they require and has the economies of scale to hire senior experienced personnel who specialize in different areas of school management and can help develop benchmarks of best practices. Their offerings include: Finance and accounting, Business Services, and Human Resources. Additional offerings include: Charter Development, Renewals & Grant Writing, Facilities Assistance, Student Information & Assessment Systems, Governance Training, and Strategic Planning.

### **Hosaka, Rotherham & Company - Certified Public Accountants**

Hosaka, Rotherham & Company is an accounting firm founded in 1977. The firm specializes in financial audits of government entities. This includes fire protection, and water districts, charter schools, school districts, not-for-profit organizations, American Indian tribes, private enterprise entities, and other governmental projects.

### **Santa Clara County Office of Education**

The Santa Clara County Office of Education (SCCOE) is a champion of public education, serving as an exemplary regional resource to students, parents, school districts, community agencies and businesses.

The Santa Clara County Office of Education (SCCOE) provides instructional, administrative, human resources, business and technical support services to the county's 32 school districts. Centralizing services such as payroll, employee fingerprinting and Internet connections, to help districts to achieve greater efficiency and cost-savings.

SCCOE programs that provide direct instruction include Special Education, Head Start, Parkway, Environmental Education, Regional Occupational Programs and Alternative Schools. An additional program, Migrant Education, supports the special needs of migratory children.

Discovery works closely with the Santa Clara County Office of Education staff in a number of areas. SCCOE staff visits the Discovery Charter School campus and meets with staff to conduct requested audits of Discovery's programs and practices as required in the MOU. In addition, Discovery takes advantage of the expertise of County staff and resources in such areas as: curricular planning, ELL services and support, special education, textbook selection and fiscal services.

### **Young, Minney & Corr, LLP**

The Charter Law team of Young, Minney & Corr, LLP has been providing expert, effective, and responsive legal advice to California's charter school community since the inception of the Charter Schools Act of 1992. They are the leader in all areas of law that are most significant to the successful development and operation of a charter school such as: labor and employee matters, student discipline, constitutional claims, facilities, finance,

and nonprofit corporate issues. The firm has experience with representation before state and federal courts and administrative bodies.

Young, Minney & Corr has assisted hundreds of charter schools in the successful development and operations of charter schools. They currently represent more than half of California's charter schools, charter school associations, insurers, private schools, and businesses providing support services to schools in California.

Young, Minney & Corr emphasize a preventative approach to law by helping their clients anticipate legal difficulties, minimize exposure to legal claims and fees, and prevent operational disruptions. The legal team is well prepared to assist our charter school in every aspect of the school creation, expansion, and operation.

### **Chase Bank**

Chase is a financial services company, with a mission to provide exceptional customer service. They offer everything one may need from consumer and business banking to financial services, from home loans and insurance services to specialty lending products. Business Services include: treasury management, payment services, credit, loans, and more. Chase Bank has been a supporting business partner since Discovery's charter development began in 2004.

### **YMCA of Silicon Valley**

The YMCA of Silicon Valley is a leading nonprofit community service organization, serving Santa Clara County. YMCA enriches kids, adults, families, and communities through health, fitness & wellness programs, youth & family programs, camps, and other activities for people of all ages, incomes, and abilities. The YMCA's goal is to help build a healthy spirit, mind, and body for all - with core values of caring, honesty, respect, and responsibility at the heart of everything they do. Discovery Charter has partnered with the YMCA & the City of San Jose to provide parenting classes for Hispanic families in the surrounding Moreland School District area.

### **Media Partners**

#### **Bay Area Parent**

Bay Area Parent Silicon Valley features local issues, as well as local connections, resources and listings. Bay Area Parent magazine is part of a national network of local parenting publications. This magazine offers parents features with national scope and local relevance. Bay Area Parent has an excellent reputation as a resource and information guide for parents.

#### **El Observador**

El Observador is a weekly Spanish language newspaper serving Latinos in the San Francisco Bay Area. El Observador's focus is on the informational needs of the local Latino (Hispanic) community in Silicon Valley, which includes San Francisco, Oakland, and San Jose. An estimated 1,250,000 Latinos reside within this area. El Observador has provided information to this community since 1980.

#### **Silicon Valley Community Newspapers**

Silicon Valley Community Newspapers serves the neighborhoods and cities throughout the Santa Clara County area. These publications provide "fiercely local" news and feature stories about people, events, schools, businesses, sports, and government, with particular emphasis on the impact of local government decisions.

## ATTACHMENT 4: LEADERSHIP TEAM

The role of the Leadership Team is to:

- Represent Staff interests
- Serve as an advisory body
- Give input to the school budget
- Help with employee relations – salary, benefits

To be eligible for the Leadership Team you must:

- Be nominated, or add your name to the ballot
- Be a representative from your grade level or the classified staff
- Be in good standing

Terms of Service for the Leadership Team shall be:

- Position begins in June and will remain until June of the following calendar year
- Expected to work over the summer
- Attend monthly meetings
- Help create the agenda
- Facilitator will rotate
- Represent staff at board meetings on a rotating basis
- Represent staff at PSC on a rotating basis
- Must check in with grade level monthly

Accountability as a Team Member requires:

- Attendance at Leadership Team meetings
- Facilitator of Leadership Team meetings
- Board meeting representation
- Advocacy for grade level and school



## ATTACHMENT 5: A DAY IN THE LIFE OF A KINDERGARTENER

Sami is eager to get to school this morning. He wants to get to school early so that he has time to tell his teacher about the book on sharks that he checked out from the library. As he runs to the door he is happy to see that it is already open. He signs in and chats with his teacher about the book. Sami has become very interested in ocean life over the past few months because the classroom has been immersed in the study of the ocean. Much of the learning that is occurring in the classroom is centered on the ocean theme. Yesterday, the class participated in their weekly thematic centers, which integrate all the curricular areas around the ocean. The thematic centers were designed by the teacher to cover content standards and were facilitated by the teacher and parent volunteers. Sami worked in a center where he created a book about sharks, while other students built food chains, looked online to check the temperature of different oceans, and wrote math stories using ocean animals. Sami took his shark book home to read to his parents and then went to the library to get more information.

Sami's teacher blows a train whistle and Sami puts away their projects and joins his fellow students on the rug for the morning meeting. Together they sing and sign their favorite morning song. The students sit down and the teacher announces the schedule for the day and leads them in a chant about the days of the week. As the students listen, the student of the day passes out white boards so that they can write equations for the number of the day. The teacher has students come up to share their equations and they search together for patterns in the calendar. The teacher reads a book to the class, *Swimmy*, which is part of their current author study of Leo Lionni. Sami enjoys the story, but is waiting patiently for what he knows comes next... Writer's Workshop!

Sami is eager to write about what he has learned about sharks. The teacher gives the students a mini-lesson and the students are dismissed to write. Some of the students work on books they have already started about sea creatures, others start new ones. Some students work in their journals. Each table has a parent stationed at it to help students develop their ideas and move through the writing process. These parents have been specially trained to facilitate student writing without taking away student independence so students get exactly the right amount of support. The students in this K/1 class love to write and share their writing in the Author's Chair with their classmates!

After Writer's Workshop, the students move into Reading Centers. Sami is in kindergarten, but is reading above a first grade level already. He joins his reading group made up of Kindergarten and First Grade students who all read at the same instructional level. Each reading group is working with a parent or the teacher. Some groups are reading and responding to literature and one group is playing a spelling game. The room has a quiet buzz as children enjoy learning to read.

At recess, Sami hurries out to eat snack with his classmates. Sami's family has taken their monthly turn to bring snack for the class. Sami's mother is out at the table with the classroom snack helpers setting up the snack. Students eat community style, passing food and pouring water independently. Sami enjoys his healthy snack because his mother has brought his favorite, yogurt and fruit. As he finishes and throws his trash away, he sees his Fifth Grade reading buddy sitting nearby. He walks over and chats with his buddy, sharing a little about the sharks he read about in his book, since they were just like the ones he and his buddy were reading about together the week before. He says goodbye and runs off to find some of his classmates.

It's Friday, and Sami runs to line up at the room next door. Sami is excited because it's Friday Enrichment Clubs instead of the thematic literacy centers that students usually enjoy at that time. Each week the K/1

students mix and rotate through a variety of enrichment activities. Sami runs to meet his new friends from two other classes and tells them what he has been learning about sharks. Last week, Sami's group was in the Performing Arts Enrichment Club. They learned about different kinds of music and enjoyed acting out stories about fish and did a wiggly interpretive dance. Sami always looks forward to Performing Arts, but today is his group's day to cook! The teacher reads a book about food in Asia then goes over the giant recipe printed on the whiteboard. They are making sushi today! Groups of five students work with a parent to read the recipe, measure ingredients, mix, stir and pour. When they are done, the students clean up and then write in their cooking journals about the experience. They eat the sushi together and the teacher passes out a recipe to take home. Next door, Sami can hear the familiar music he remembers from a creative movement activity in the Performing Arts Enrichment Club. Next week, Sami's group will visit the Art Enrichment Club facilitated by a parent trained especially in the Spectra Art program. The group has been working on a multi-media art piece inspired by the children's artist and author, Eric Carle. Sami is trying to decide whether to display a weaving he created in the Industrial Arts Enrichment Club or his multi-media art piece inspired by Eric Carle for the upcoming art show. Either way, he can't wait to see his work on display!

While the kindergartners at most schools go home before lunch, Sami and his kindergarten friends have a longer school day. His teacher says that is because there is so much to learn, but Sami doesn't want to go home anyway. After lunch, the students come in to read from their own "just right" book collection, specially designed to meet each child's reading needs. Sami's teacher conferences with individual students and listens while they read their "just right" books. The teacher and student talk quietly then select new books to put in their book bins. It's Sami's turn and he has his library book about sharks. His teacher asks him to read from it and talks a little with Sami about what he has learned. She suggests that Sami might want to choose the great white shark as a topic for the animal projects students will begin later in the month. Sami thinks it might be hard to choose which shark is the most interesting!

The kindergarten bell rings and it is time to go home. Sami can't wait until he is a first grader and gets to stay an hour longer. He hears all about what the first graders do after the kindergartners leave—writing, reading, more math—and it all sounds like fun. Sometimes they share their work with the class the next morning and it always gives Sami good ideas. Sami says good-bye. His family has plans to visit the Aquarium this weekend. Sami can't wait to get back to school on Monday and tell everyone about what he learns there!

## **ATTACHMENT 6: A DAY IN THE LIFE OF A SIXTH-GRADER**

Angela arrives early today for school so she has some time to chat with her friends about the dance this Friday and the sixth grade field trip they took yesterday to participate in a Ropes Course. Angela's day begins in her homeroom. Her class is discussing Democracy, with a focus on the upcoming election. After the class learns about the process for placing a Proposition on the ballot in California, they break into small groups to draft Propositions for a future election, including pros and cons of such law, and the economic impact of each Proposition.

During math, the class breaks into small groups. Angela's math group will be going outside today with a parent volunteer to draw a number line on the blacktop including positive and negative numbers. Angela and her friends enjoy plotting ordered pairs on the number line. Then her group moves on to another math activity supervised by a parent, in which students use a cookie recipe to create a ratio table of the ingredients if the recipe is increased or decreased, while Angela's teacher supervises a separate group of students in another math activity.

After break, Angela's class divides into small groups for Language Arts. Working with a parent volunteer, Angela's group writes a review of the book, *Sea of Trolls*, by Nancy Farmer for the school newsletter. Another group of students is assisted by a parent in playing a card game involving idioms. Then students finish editing their essays describing the activities they liked most from yesterday's "Cave Day".

At first, Angela was a little surprised when she came to school and found her classroom completely dark for "Cave Day". Soon, however, she was excited to crawl underneath the tables that were covered over with blankets to simulate caves. Angela's favorite activity was painting pictographs on the walls of the caves. Her class also participated in different activities, from the scientific vocabulary and different formations of caves, the location of caves around the world, the importance of caves in the ecosystem, and the inhabitants of caves throughout history and in current times. As students explored these topics, they completed an assignment in their History Alive Interactive Notebooks.

Tomorrow, Angela and the other students will continue to rehearse for their presentation of the play "Who Was the Piltdown Man?" They will also map the migration of early hominids, and attempt to put fossils together to form a skeleton.


Angela is dismissed early today for lunch because it is her turn to help at the recycling station. After lunch and recycling, Angela hurries out to play soccer with her friends on the field.

After lunch, Angela and her friends are off to Selective classes. It was difficult for her to decide which Selective classes to take, but Angela chose two Selective classes: Service Learning, where the students are conducting a food drive, and Art, where they just completed a study of M.C. Escher and created tessellations.

Every other day, Angela takes P.E. and Spanish during the Selective periods. Next term, she will choose from a wide variety of Selective classes – Dance, Technology, Math Tutorial, Drama, Junior Achievement, Fitness, Native Art and Culture, or Communication.

Since Math is her favorite subject, Angela is enrolled in Math Club after school. Next semester, she might choose a different After School Enrichment – possibly acting, art, music, or chess. For now, Angela is focused on finishing her class projects and homework so she can go to the movies with her friends this week-end.

**ATTACHMENT 7: CALIFORNIA STATE BOARD OF EDUCATION POLICY 89-01 (1994): PARENT INVOLVEMENT IN THE EDUCATION OF THEIR CHILDREN**

	California State Board of Education Policy	POLICY #
		89-01
	SUBJECT	DATE
	<b>Parent Involvement* in the Education of Their Children</b>	September 1994
REFERENCES		
HISTORICAL NOTES		
Originally adopted January 1989. Revised September 1994		

A critical dimension of effective schooling is parent involvement. Research has shown conclusively that parent involvement at home in their children's education improves student achievement. Furthermore, when parents are involved at school, their children go farther in school, and they go to better schools.

From research studies to date, we have learned the following important facts:

1. Families provide the primary educational environment.
2. Parent involvement in their children's education improves student achievement.
3. Parent involvement is most effective when it is comprehensive, supportive, long-lasting, and well-planned.
4. The benefits of parent involvement are not limited to early childhood or the elementary level; there are continuing positive effects through high school.
5. Involving parents in supporting their children's education at home is not enough. To ensure the quality of schools as institutions serving the community, parents must be involved at all levels in the schools.
6. Children from low-income and culturally and racially diverse families have the most to gain when schools involve parents. The extent of parent involvement in a child's education is more important to student success than family income or education.
7. We cannot look at the school and the home in isolation from one another; families and schools need to collaborate to help children adjust to the world of school. This is particularly critical for children from families with different cultural and language backgrounds.

Schools that undertake and support strong comprehensive parent involvement efforts are more likely to produce students who perform better than identical schools that do not involve parents. Schools that have strong linkages with and respond to the needs of the communities they serve have students who perform better than schools that don't. Children who have parents who help

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\* "Parent involvement" refers to the efforts of any caregiver who assumes responsibility for nurturing and caring for children, including parents, grandparents, aunts, uncles, foster parents, stepparents, etc. Many schools are now using the alternative term "family involvement."

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California State Board of Education  
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them at home and stay in touch with the school do better academically than children of similar aptitude and family background whose parents are not involved. The inescapable fact is that consistent high levels of student success are more likely to occur with long-term comprehensive parent involvement in schools.<sup>1</sup>

The California State Board of Education recognizes that a child's education is a responsibility shared by school and family during the entire period the child spends in school. Although parents come to the schools with diverse cultural backgrounds, primary languages, and needs, they overwhelmingly want their children to be successful in school. School districts and schools, in collaboration with parents, teachers, students, and administrators, must establish and develop efforts that enhance parent involvement and reflect the needs of students and families in the communities which they serve.

To support the mission of California schools to educate all students effectively, schools and parents must work together as knowledgeable partners. All of the grade level reforms, Here They Come: Ready or Not!, It's Elementary, Caught in the Middle, Second To None, and other major initiatives such as Healthy Start (SB 620) and School Restructuring (SB 1274), emphasize parent and community involvement in school restructuring. The reform efforts support school based shared decisionmaking at the school site that includes all stakeholders, including teachers, administrators, students, parents, and other community members.

The State Board of Education will continue to support, through the California Department of Education, assistance to school districts and schools in developing strong comprehensive parent involvement. Comprehensive means that parents are involved at all grade levels in a variety of roles. The efforts should be designed to:

1. Help parents develop parenting skills to meet the basic obligations of family life and foster conditions at home which emphasize the importance of education and learning.
2. Promote two way (school-to-home and home-to-school) communication about school programs and students' progress.
3. Involve parents, with appropriate training, in instructional and support roles at the school and in other locations that help the school and students reach stated goals, objectives, and standards.
4. Provide parents with strategies and techniques for assisting their children with learning activities at home that support and extend the school's instructional program.
5. Prepare parents to actively participate in school decisionmaking and develop their leadership skills in governance and advocacy.
6. Provide parents with skills to access community and support services that strengthen school programs, family practices, and student learning and development.

<sup>1</sup> Henderson, Anne T. and Nancy Berla, A New Generation of Evidence: The Family is Critical to Student Achievement. National Committee for Citizens in Education, 1994.



SUBJECT

Parent Involvement in the Education of Their Children

POLICY # 89-01

DATE September 1994

These six types of parent involvement roles require a coordinated schoolwide effort that has the support of parents, teachers, students, and administrators at each school site. Furthermore, research indicates that home-school collaboration is most likely to happen if schools take the initiative to encourage, guide, and genuinely welcome parents into the partnership. Professional development for teachers and administrators on how to build such a partnership is essential.

The issue of parent involvement in the education of their children is much larger than improving student achievement. It is central to our democracy that parents and citizens participate in the governing of public institutions. Parent involvement is fundamental to a healthy system of public education.

**ATTACHMENT 8: CALIFORNIA DEPARTMENT OF EDUCATION – CHARTER SCHOOL DIVISION – LEGAL OPINION ON PARENT PARTICIPATION**

State of California

Department of Education

**M e m o r a n d u m**

To : Marta Reyes  
Charter Schools Division

Date : February 9, 2006

From : Michael Hersher  
Deputy General Counsel

Subject : Parent participation as charter school admission requirement

You have requested a legal opinion whether a charter school may require a parent to sign an agreement to perform certain hours of work for the benefit of the charter school, as a condition of admitting a student to the school. In my opinion, such a requirement is within the discretion of a charter school and does not prevent an authorizing entity from approving the charter.

With regard to who may enroll in a charter school, the Charter School Act has several provisions that refer to “admission requirements” and others that refer to “admission preferences.” The distinction appears to be that a “requirement” applies to an individual student’s eligibility to apply at all, while a “preference” allows certain categories of students to compete with each other when there are more applicants than spaces in the school. After applying the allowable preferences, if there are still more applicants than spaces, charter schools are authorized to conduct lotteries to select students for enrollment.

Education Code section 47605(b)(5)(H) states a charter petition must include a reasonably comprehensive description of the “admission requirements, if any.” This provision implies that a charter school may set reasonable limitations on which students may apply for admission. Section 47605(d)(2)(A), however, says “a charter school shall admit all pupils who wish to attend the school.” That provision seems to conflict with the previously quoted section in suggesting that all pupils are eligible to be admitted without limitation. It also conflicts with, or is limited by, the various preferences that charter schools may allow that limit the duty to “admit all pupils who wish to attend.” In order to harmonize these provisions of the overall statutory scheme, it seems reasonable to interpret Section 47605(d)(2)(A) as requiring that charter schools admit all students, regardless of residence, who meet the lawful criteria for admission and/or preference stated in the petition.

In terms of the criteria that are not lawful, Section 47605(d)(1) states a charter school’s admission policies must be nonsectarian, may not require tuition, may not discriminate on the basis of ethnicity, national origin, gender, or disability, and may not be based on the residence of the parents or guardians. However, specific preferences are allowed for pupils currently attending a converted charter school, pupils who reside within the attendance area of the former attendance area of that converted school, and pupils who reside in the school district of the converted school. In addition, a



charter school that is not a conversion school may also give preference to pupils from the school attendance area in which the charter school is located, if the public school in that area has more than 50 percent pupils eligible for free and reduced price lunches based on family income. (Educ. Code sec. 47605.3.)

In conclusion, the Charter School Act does not expressly address the issue of parent participation requirements for admission to a charter school. Parent participation is not one of the expressly prohibited criteria for admission or preference and is a factor that is relevant, if not integral, to the educational goals and philosophy of a charter school. Given the flexibility that was intended by the Charter School Act and the number of statutory limitations on admission that are already permitted, it is my opinion that a charter petition may lawfully include reasonable admission criteria, including a requirement that parents agree to do work for the charter school.

## ATTACHMENT 9: CITED CURRICULUM REFERENCES

Bingham, Anne A. *Exploring the MultiAge Classroom*. Stenhouse Publishers, Sept. 1, 1995.

Jensen, Eric. *Teaching with the Brain in Mind*. Alexandria, VA: Association for Supervision and Curriculum Development, April 1, 1998.

McBrien, J.L. and Brandt, R.S. *The Language of Learning: A Guide to Education Terms*. Alexandria, VA: Association for Supervision and Curriculum Development, 1977.

Ostrow, Jill. *A Room with a Different View*. Stenhouse Publishers, Sept. 1, 1999.

Tomlinson, C. *The Differentiated Classroom: Responding to the Needs of All Learners*. Alexandria, VA: Association for Supervision and Curriculum Development, April 1, 1999.

## **ATTACHMENT 10: SAMPLE CURRICULUM**

At Discovery Charter School the curriculum, instruction, and assessment are based on the California State Frameworks and Academic Content Standards of California Public Schools.

### **Beliefs about Reading**

At Discovery Charter School we believe:

- ★ teachers read rich literature aloud to students
- ★ students read independently every day
- ★ students have a choice of independent reading materials
- ★ students are exposed to a wide and rich range of literature
- ★ students study authors' writing style and craft
- ★ teachers model and discuss his/her own reading processes
- ★ instruction emphasizes comprehension, with an emphasis on phonics and phonemic awareness as students are learning to read
- ★ reading is taught as a process:
  - students use strategies that activate prior knowledge
  - students make and test predictions
  - students receive help during reading
  - teachers provide after-reading applications
- ★ time is made for social, collaborative activities with much discussion and interaction
- ★ grouping is flexible and done by reading level, interest, and/or book. choices
- ★ instruction takes place in the context of whole and meaningful literature
- ★ reading is done extensively in the content areas
- ★ evaluation is focused on holistic, higher-order thinking processes
- ★ success of the reading program is measured by students' reading habits, attitudes and comprehension

## Beliefs about Writing

At Discovery Charter School, we believe:

- ★ class time is spent writing original pieces:
  - for real purposes and audiences
  - with instruction and support for all stages of writing: prewriting (organizing thoughts through graphic organizers), drafting, revising, editing, conferencing and publishing
- ★ student ownership and responsibility for writing are taught by:
  - helping students choose their own topics and goals for improvement
  - using brief conferences with teacher, parent, or peer
  - teaching students to examine their own craft and conventions
- ★ teachers model and share writing as a fellow author through drafting, revising, and sharing
- ★ students learn grammar and mechanics in the context of mentor texts and original writing
- ★ young writers are encouraged to use inventive spelling throughout the writing process
- ★ older students are encouraged to use inventive spelling in the early stages of the writing process (prewriting, drafting and revision)
- ★ teachers create a supportive classroom setting by:
  - valuing students' ideas
  - using collaborative small-group work
  - using conferences and peer critiquing
- ★ students write across the curriculum, when appropriate
- ★ students write in different genres:
  - narrative
    - personal/memoir
    - descriptive
  - expository
    - informational (all about . . . , report, biography, etc.)
    - functional (letters, emails, lists, how to's, etc.)
    - persuasive
    - response to literature
  - poetry
- ★ evaluation is constructive and involves:
  - brief, informal, oral responses as students work
  - encouragement of risk taking and honest expression
  - focus on a few errors at a time
  - assessment of on-demand writing
  - thorough grading of just a few polished papers
  - cumulative review of growth and self-evaluation

## **Beliefs about Mathematics**

At Discovery Charter School we believe

- math curriculum follows a clear scope and sequence within each grade level
- mathematics is comprised of conceptual, skill based, and abstract elements; there is a developmental progression that moves from concrete (hands-on) to abstract thinking and problem solving
- instruction is differentiated according to ability and learning style; the individual needs of students are met with tiered instruction and extra support
- assessment should be formative, on-going and embedded into learning and instruction
- math learning and instruction should be guided by purposeful content and goals that:
  - ◆ make meaningful connections to real life
  - ◆ are integrated with other content areas
  - ◆ are relevant and applied
  - ◆ develop critical thinking.
- students need to be able to articulate how they approach solving problems; they may use words (written or oral), pictures and/or numbers to demonstrate understanding
- it is crucial to give students time to develop and understand how numbers work together, but once that understanding develops, students must strive for fluency with math facts in order to become proficient in higher order mathematical computation
- students discover mathematical rules
- students need many opportunities for individual practice
- students should use manipulatives at all levels to solve problems
- students need to develop their math vocabulary
- students demonstrate their knowledge through daily practice, projects, activities and a variety of assessments
- parents working with groups of students are an integral part of math learning and instruction
- meaningful resource materials for parents are important for a positive home and school connection

## Reading

Grade Level	Materials
K	Zoo Phonics A – Z reading Rigby, National Geographic, Newbridge level readers (fiction and nonfiction) Teacher and parent led differentiated literacy centers Author studies
1 Grouped in the afternoon by reading level	<i>Phonics and Word Study Lessons</i> by Fountas and Pinnell A – Z reading Rigby, National Geographic, Newbridge level readers (fiction and nonfiction) Guided reading Teacher and parent led differentiated literacy centers Author studies
2/3	Rigby, National Geographic, Newbridge level readers (fiction and nonfiction) Guided reading Teacher and parent led differentiated literacy centers Author studies
4	Rigby, National Geographic, Newbridge level readers (fiction and nonfiction) Guided reading, based on individual need Teacher and parent led differentiated literacy centers Literature circle groups Author studies
5	Rigby, National Geographic, Newbridge level readers (fiction and nonfiction) Guided reading, based on individual need Teacher and parent led differentiated literacy centers Literature circle groups Author studies
6	Prentice Hall Literature Series Literature circle groups Author studies Guided reading, based on individual need

Grade Level	Materials for Reading (continued)
7	Prentice Hall Literature Series Literature circle groups Author studies Guided reading, based on individual need
8	Prentice Hall Literature Series Literature circle groups Author studies Guided reading, based on individual need
Assessment	<b>Grades K – 1</b> ➤ Reading Assessment (fall and end of the year) <b>Grades K – 5</b> ➤ DRA (Developmental Writing Assessment, Fall, winter, end of year) ➤ running records ➤ classroom formative and summative assessments <b>Grades 2 – 8</b> ➤ SRI (Scholastic Reading Inventory – gives a lexile score) ➤ classroom formative and summative assessments

## Writing

Grade Level	Materials
K/1	Step Up to Writing Six Trait Writing <i>Units of Study for Primary Writing</i> by Lucy Calkins Writing Workshop model
2/3	Step Up to Writing Six Trait Writing <i>Units of Study for Primary Writing</i> and <i>Units of Study for Teaching Writing</i> (grades 3 – 5) by Lucy Calkins Writing Workshop model
4	Step Up to Writing Six Trait Writing
5	Step Up to Writing Six Trait Writing
6	Step Up to Writing Six Trait Writing
7	Step Up to Writing Six Trait Writing
8	Step Up to Writing Six Trait Writing
Assessment	<p><b>K – 8</b></p> <ul style="list-style-type: none"> <li>➤ Narrative prompt in September</li> <li>➤ 3 – 4 writing pieces taken through the process</li> <li>• K: 3 narrative or 2 narrative and 1 expository</li> <li>• Grade 1: 2 narrative and 1 expository</li> <li>• Grade 2: 2 narratives, and 1 expository</li> <li>• Grade 3: 1 narrative, 1 description and 1 expository</li> <li>• Grade 4: 1 narrative, 1 expository, 1 descriptive, and 1 summary</li> <li>• Grade 5: 1 narrative, 1 expository, 1 persuasive and 1 response to literature</li> </ul>
Assessment	<ul style="list-style-type: none"> <li>• Grade 6: 1 narrative, 1 expository, 1 persuasive and 1 response to literature</li> <li>• Grade 7: 1 narrative, 1 expository, 1 persuasive and 1 response to literature</li> <li>• Grade 8: 1 narrative, 1 persuasive and 1 response to literature</li> </ul>



## Mathematics

Grade Level	Materials
K/1	<p><i>Developing Number Concepts</i> by Kathy Richardson            Scott Foresman Teacher Resource Kit            TERC <i>Investigations</i> for Grade 1  <i>Box It, Bag It</i> by The Math Learning Center  <i>Math Excursions</i> by Allyn Snider, Donna Burk, Paula Symonds  <i>Math Their Way</i> by Mary Baratta-Lorton            Marcy Cook Mathematics</p>
2/3 Regroup according to math level	<p>Scott Foresman Teacher Editions and resources            TERC <i>Investigations</i>            Math activities and resources by Marilyn Burns  <i>Teaching Student-Centered Mathematics</i> by John Van            De Walle</p>
4 Regroup according to math level	<p>Scott Foresman Teacher Editions and resources            TERC <i>Investigations</i>            Teacher created hands-on activities</p>
5	<p>Scott Foresman Teacher Editions and resources            TERC <i>Investigations</i>            Teacher created hands-on activities            CPM (College Preparatory Mathematics)            ➤ Foundations for Algebra, Book 1 (Advanced)</p>
6	<p>CPM (College Preparatory Mathematics)            ➤ Foundations for Algebra, Book 1</p>
7	<p>CPM (College Preparatory Mathematics)            ➤ Foundations for Algebra, Book 2            ➤ Algebra Connections (Advanced)            ➤ Geometry Connections (Advanced)</p>
8	<p>CPM (College Preparatory Mathematics)            ➤ Algebra Connections            ➤ Geometry Connection            ➤ Foundations for Algebra (remedial)</p>
Assessment	<p><b>K – 1</b>            ➤ Mathematics Assessment (fall and end of year)  <b>2 – 8</b>            ➤ School Benchmark assessments (fall and spring)            ➤ Teacher created formative and summative                assessment            ➤ Publisher created assessments</p>

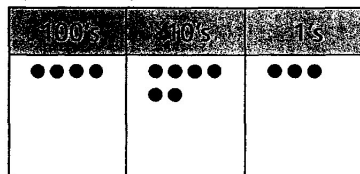
# Second Grade Sample Math Assessment

**Directions:** For each of the following questions, decide which of the choices is best and fill in the corresponding space on the answer document.

1. What is the place value of the 3 in 723?
- A. threes place
  - B. ones place
  - C. tens place
  - D. hundreds place

ItemID: DD.1006604

2. Look at the hundreds, tens and ones chart. Which number is represented by the dots on the chart?



- A. 403
  - B. 436
  - C. 443
  - D. 463
- ItemID: DD.1006606
3. What is the place value of the 4 in 648 ?
- A. ones place
  - B. fours place
  - C. tens place
  - D. hundreds place
- ItemID: DD.1007463

4. [What is another name for six hundred plus thirty plus nine?]
- A. 369
  - B. 396
  - C. 639
  - D. 693
- ItemID: DD.1007466

5. [Ruth did this subtraction problem. Which addition problem shows that she got the correct answer?]

$$\begin{array}{r} 75 \\ - 24 \\ \hline 51 \end{array}$$

- A.  $\begin{array}{r} 51 \\ + 75 \\ \hline \end{array}$
- B.  $\begin{array}{r} 24 \\ + 75 \\ \hline \end{array}$
- C.  $\begin{array}{r} 24 \\ + 24 \\ \hline \end{array}$
- D.  $\begin{array}{r} 51 \\ + 24 \\ \hline \end{array}$

ItemID: DD.1007474

6. [What is the solution to this problem?]
- $$\begin{array}{r} 625 \\ - 271 \\ \hline \end{array}$$
- A. 354
  - B. 454
  - C. 496
  - D. 896
- ItemID: DD.1007477

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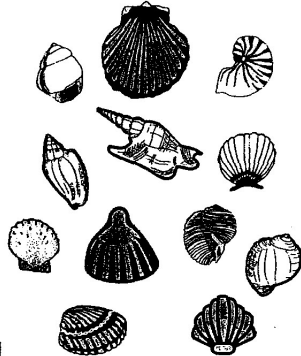
## Second Grade Math (cont.)

7. [Which of the following addition problems is the same as four times two?]

- A.  $4 + 2$
- B.  $2 + 2$
- C.  $2 + 2 + 2$
- D.  $2 + 2 + 2 + 2$

ItemID: DD.1007480

8. [Brian collected these seashells at the beach. How many groups of 4 can he



make?]

- A. 5
- B. 4
- C. 3
- D. 2

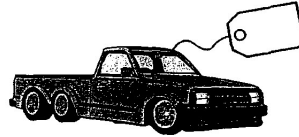
ItemID: DD.1007482

9. [Sarah divides her dolls into groups. Each group has one-fourth of all of her dolls. How many groups are there?]

- A. 2
- B. 4
- C. 5
- D. 8

ItemID: DD.1007498

10. [The toy truck costs eight dollars and ninety-five cents. What amount goes on the price tag?]



- A. \$0.95
- B. \$8.95
- C. \$9.58
- D. \$9.85

ItemID: DD.1007505

11. [Which of the following is about six inches long?]

- A. a crayon
- B. a pencil
- C. a baseball bat
- D. a streetlight pole

ItemID: DD.1007507

Go on to the next page >>

# Fourth Grade Math Sample Assessment

**Directions:** For each of the following questions, decide which of the choices is best and fill in the corresponding space on the answer document.

1. Which number is three million, eight hundred ten thousand, forty-five?

- A. 3,081,045
- B. 3,081,450
- C. 3,810,045
- D. 3,810,450

ItemID: DD.1008225

2. What place value is named by the 4 in 7,043,970?

- A. hundreds
- B. ten thousands
- C. tens
- D. thousands

ItemID: DD.1008230

3. What is 2,528,746 rounded to the nearest thousand?

- A. 2,530,000
- B. 2,529,000
- C. 2,528,000
- D. 2,520,000

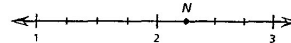
ItemID: DD.1008241

4. Yasir spent \$289 at the grocery store. If he had \$500 to spend, how much money does he have left?

- A. \$211
- B. \$221
- C. \$311
- D. \$389

ItemID: DD.1008276

5. What fraction is best represented by point *N* on the number line below?



- A.  $1\frac{1}{2}$
- B.  $2\frac{1}{4}$
- C.  $2\frac{1}{2}$
- D.  $2\frac{3}{4}$

ItemID: DD.1008262

6. Hiroshi cut a piece of rope into pieces 60 cm long. If he cut the rope into 870 pieces, how many total centimeters of rope does he have?

- A. 4,820 cm
- B. 5,220 cm
- C. 48,220 cm
- D. 52,200 cm

ItemID: DD.1008291

Go on to the next page >>

## Fourth Grade Math (cont.)

7. Which of the following numbers is a prime number? 11, 15, 25, 27

A. 11  
B. 15  
C. 25  
D. 27

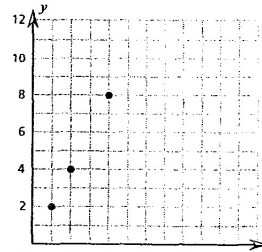
ItemID: DD.1008307

8. Naila has a total of 623 stamps and seven display cases. If she wants the same number of stamps in each display case, how many stamps will she put in each display case?

A. 80 stamps  
B. 82 stamps  
C. 87 stamps  
D. 89 stamps

ItemID: DD.1008300

9. Jackie plotted three points on the same



- line. Which of the following would connect the points in a straight line?

A. (4, 2)  
B. (5, 6)  
C. (3, 6)  
D. (7, 7)

ItemID: DD.1008348

10. Stan had three rocks in his collection that weighed 2.74 ounces, 6.18 ounces, and 4.87 ounces. About how much do the three rocks weigh altogether?

A. 13.6 ounces  
B. 13.7 ounces  
C. 13.8 ounces  
D. 13.9 ounces

ItemID: DD.1008399

Go on to the next page >>

## History/Social Studies

Grade Level	Materials
K	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
1	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
2	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
3	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
4	California Gold Rush Missions and Ranchos Other Teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Simulations</li> <li>• Field trips</li> </ul>
5	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Simulations</li> <li>• Field trips</li> </ul>

Grade Level	Materials for History/Social Studies (continued)
6	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>
7	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>
8	History Alive Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>

## Science

Grade Level	Materials
K/1	California Edition of FOSS (Full Option Science System) Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
2/3	California Edition of FOSS (Full Option Science System) Reading A – Z TeacherVision.com Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>

Grade Level	Materials for Science (continued)
4	California Edition of FOSS (Full Option Science System) Other Teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
5	California Edition of FOSS (Full Option Science System) GEMS (Great Explorations in Math and Science) Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> </ul>
6	GEMS (Great Explorations in Math and Science) <ul style="list-style-type: none"> <li>• Environmental Detectives</li> <li>• Plate Tectonics (Earth Science)</li> <li>• Ocean Currents</li> </ul> Holt Science Text Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>
7	<i>Life Science</i> by Holt Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>
8	<i>Physical Science</i> by Holt Other teacher/grade level created materials <ul style="list-style-type: none"> <li>• Cooperative group activities</li> <li>• Hands-on, concept-based projects and activities</li> <li>• Parent led, small group activities</li> <li>• Field trips</li> <li>• Simulations</li> </ul>



## ATTACHMENT 11: PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING

### Gifted Categories

The Discovery Gifted Program addresses categories that include:

1. **General intellectual ability:** Students possessing superior intellectual ability who need and can profit from specially planned educational services beyond those normally provided by the standard school program.
2. **Specific academic aptitude:** Students who have superior ability in a specific academic area to the extent that they need and can profit from specially planned educational services beyond those normally provided by the standard school program.
3. **Leadership ability:** Students possessing leadership ability who not only assume leadership roles, but also are accepted by others as a leader, to the extent that they need and can profit from specially planned educational services beyond those normally provided by the standard school program.

### Identification process

The identification process for the Discovery Gifted Program relies on multiple criteria, including cognitive abilities, academic achievement, learning characteristics, and behaviors. Additionally, it looks for inputs from multiple sources, which may include the present and past classroom teachers, special subject teachers, counselors, parents, peers, or the students themselves.

The following describes the identification process for the Discovery Gifted Program:

1. **Automatic Pathways**
  - a. To ensure equitable access to the Discovery Gifted Program, formal assessment will be given to all students who are recommended by their teacher or parents in the 1<sup>st</sup> grade.
  - b. Students in 3<sup>rd</sup> grade who have CST scores greater than 450 in math or language arts and are not yet in the Discovery Gifted Program will be given the formal assessment.
  - c. The formal assessment will also be given to students who join Discovery in subsequent grade levels provided they have CST scores greater than 450 in math, language arts, or science.

### Individualized GATE Plan (IGP)

A GATE Study Team meeting will be held with appropriate staff and parent(s) or guardian(s) in attendance, and the identified GATE student. The team will assess the student's needs, recommend gifted service options, and develop the IGP.

The IGP is a written plan that contains specific and detailed program modifications that will be needed to continue the gifted student's *academic progress and talent development, while meeting their social and emotional needs*. The goals of the IGP are to achieve the following:

1. To promote academic progress
2. To remediate academic weaknesses
3. To enhance psychological adjustment
4. To provide socialization opportunities

To achieve the above goals, the following information will be included in the IGP:

1. Identification of strong subject areas, and subject areas chosen to provide advanced study.
2. Identification of the student's learning strengths, learning preferences, personality characteristics, and in-school and outside interests.
3. Activities detailing instructional management and delivery, curriculum differentiation (see "Guidelines on Differentiation"), and acceleration (see "Guidelines on Acceleration"), including the persons responsible for implementing and monitoring the progress.
4. Actions needed to remediate any weaknesses or issues that the student may have, including academic, social, emotional, or motivational.
5. Provisions for psychological and social adjustment for meeting social and emotional needs of the gifted students. This may include enrichment, pull-out programs during school time, and/or after-school enrichment activities that allow group interaction with other gifted students.

The student's progress will be reviewed annually to determine if the service is still an appropriate match, or if other modifications need to be provided.

### **DISCOVERY GIFTED PROGRAM SERVICES**

The following Gifted Program Services will be available in conjunction with other differentiation strategies such as flexible grouping, tiered lessons/activities and a high level of questioning strategies that are currently practiced at Discovery.

#### **1. Acceleration**

Acceleration is a curricular option that allows a student to progress through school at a faster than usual rate/or younger than typical age. It allows curriculum matching to the student's ability.

Several forms of acceleration may be considered for an individual student, including:

##### **Content-based Acceleration**

- *Subject acceleration*, where a student is promoted to a higher level or grade for one or more subjects in which they excel.
- *Curriculum compacting*, a differentiation strategy that allows students who have already mastered parts of the curriculum to move on, work on alternate activities, and learn new things.
- *Dual enrollment*, where a student is allowed to enroll in higher level coursework when proficiency at grade level has been mastered. Dual enrollment may be available through a local public high school or approved online courses.

##### **Grade-based Acceleration**

- *Whole-grade acceleration/grade skipping*, where a student is promoted to a higher level for all subjects.
- *Grade Telescoping*, where a student is accelerated through more than one year's curriculum within one year in all academic areas.
- *Radical acceleration*, where highly or profoundly gifted students skip several grades, or experience several forms of acceleration during their school years.

#### **2. Clustering in Heterogeneous Classrooms**

Cluster grouping of gifted students places a group of five or more gifted learners at a grade level with a Discovery classroom teacher who has been trained to work with the gifted, while the remainder of the teacher's load includes a normal distribution of abilities. This model of grouping is one of the most effective ways to meet both the academic and social-emotional needs of the gifted on a daily basis. Clustering allows the teacher to spend a proportionate amount of instructional effort and curriculum

development time on the gifted cluster, which may not be possible when the classroom contains only one or two gifted students, and allows gifted students to learn from and be enriched by each other.

**3. Content and Curriculum Modification**

Identified GATE students will be provided appropriate curriculum in subjects of strength throughout the school day. Such curriculum includes advanced curriculum and multidisciplinary learning.

**4. Enrichment Pull-out Program**

An appropriate enrichment pull-out program will be developed by the Curriculum Specialist in collaboration with classroom teachers as a supplementary program and extension of the differentiated curriculum in the regular classroom. In Middle School, the enrichment pull-out group will be available as special Selective classes.

**5. Other Programs: Independent Study/Project, Mentoring, National Creativity Programs, and Talent Exhibition/Competition**

The student may initiate an independent study or project in subject(s) of strength. The classroom teacher, with the help of the Curriculum Specialist, may set up mentorship if needed.

**6. Advisory**

The Curriculum Specialist and Discovery Gifted Parent Support group will provide information and advise students on talent searches, scholarship, and academic competition, as well as advanced courses that are available through academic summer programs for the gifted.

**Training and Staff Development**

The first step to meeting the needs of gifted students is to build awareness and understanding among teachers, staff, and parents. The Discovery Gifted Program will seek opportunities for staff development, which may include workshops, seminars, webinars, and gifted conferences.

Discovery teachers will be encouraged to obtain certification in teaching the gifted.

**Social-Emotional Curriculum**

As a Positive Discipline school, Discovery Charter School since its inception has always been dedicated to educating and nurturing the whole child. However, due to the unique characteristics of the gifted students and the potential social and emotional issues that may arise from their giftedness, the Discovery Gifted Program will integrate the social-emotional learning that applies specifically to the gifted students into the daily curriculum. Additionally, there may be a separate Social Emotional Learning (SEL) instruction for the gifted students.

The goals of Social-Emotional Curriculum are as follows:

1. To help the gifted students learn and accept their over excitabilities and to help them develop strategies in modulating the expressions of their over excitabilities.
2. To promote positive achievement attitude and to promote growth mindset.
3. To build resiliency in gifted students.

The school forms the core of students' daily social and academic experiences. These every day experiences, in turn, play a critical role in the students' social and emotional adjustment. At Discovery under the direction of the teachers, parents interact with all the students, including the gifted, on a daily basis as aides in the classroom. In order to ensure a positive environment, the Discovery Gifted Program with the help of the

Gifted Parent Support group, will provide workshops to help parents understand the social and emotional aspects of the gifted children.

## **ATTACHMENT 12: PLAN FOR ENGLISH LEARNERS TABLE OF CONTENTS**

Discovery Charter School  
English Learner Plan

Our English Learner Plan was created in March 2008, approved by the ELAC Committee in September 2008 and reviewed by the Santa Clara County Office of Education in May and November 2008.

### **Table of Contents**

#### **Introduction**

#### **Initial Identification**

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- Initial Assessment
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- Parent Notification
- Parental Exception Waivers

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- English Learner Services
- English Language Development
- Transferability of Skills
- Time for ELD
- Progression through ELD Levels
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- SDAIE
- Catch-Up Annual Benchmarks for English Learners
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- English Proficiency Reassessments
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- Annual Review of Student Progress
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- Retention and Promotion of English Learners

#### **Staffing and Professional Growth**

- Staffing
- Training

**Committees and Parental Involvement**

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Implementation of the Site ELAC  
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Parent Education

**Funding**

General Fund  
Additional EL Support Programs

**Evaluation and Accountability**

Program Implementation  
Program Effectiveness

## ATTACHMENT 13: BOARD POLICY ON 504 COMPLIANCE

Discovery Charter School  
San Jose, California

Students

Board Policy

### IDENTIFICATION, EVALUATION AND EDUCATION UNDER SECTION 504

The Governing Board of the Discovery Charter Schools (“Discovery”) recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education and its legal responsibility to ensure that “no qualified person with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This policy and the related administrative regulation has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under section 504, are identified and evaluated and have access to a free, appropriate public education (“FAPE”).

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and /or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Students may be disabled and entitled to services under section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities in Education Act Improvement Act of 2004 (“IDEIA”). The identification, evaluation and education of students eligible for services under the IDEA are addressed under the policies and procedures of the Santa Clara County Office of Education.

The Superintendent/Executive Director shall ensure that this policy and set of procedures is implanted and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy’s administrative regulation.

A Section 504 Team will be convened to determine the student’s need for regular or special education and/or related aids and services. The 504Team will include persons knowledgeable about the Section 504 standards, the student’s individual needs and school history, the meaning of evaluation data, and placement options. The student’s parent/guardian shall be invited to participate in this 504 Team and shall receive notice of procedural safeguards guaranteed by law. If Discovery does not assess a student after a parent has requested an assessment, Discovery shall provide notice of the parent’s/guardian’s procedural safeguards.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student’s individual needs. The student’s parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. Discovery shall periodically review the student’s progress and placement.

Discovery will implement this policy through its corresponding Procedure.

A. Definitions

1. **Academic Setting** – the regular, educational environment operated by the Discovery Charter School (“Discovery”).
2. **Individual with a Disability under Section 504** – An individual who:
  - a. has a physical or mental impairment that substantially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.
4. **504 Plan** – is a plan developed to identify and document the student’s needs for regular or special education and related aids and services for participation in educational programs, activities, and school –sponsored events.
5. **Free Appropriate Public Education (“FAPE”)** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.
6. **Major Life Activities** - Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
7. **Physical or Mental Impairment** –
  - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
  - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
8. **504 Coordinator** – Each Director shall serve as his/her site’s Section 504 coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the 504 Coordinator at 408-243-9800.

B. Referral, Assessment and Evaluation Procedures

1. Discovery will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student’s file regardless of the final determination.



This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another Discovery employee will be forwarded to the Section 504 Coordinator.

3. Discovery has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.
4. The 504 Team convened by the Section 504 Coordinator will be composed of the student's parents/guardians and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.
5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.
6. The 504 Team will consider the following information in its evaluation of the student:
  - a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
  - b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
  - c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)
7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.

8. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.
9. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. 504 Plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a free, appropriate public education (“FAPE”).
2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
3. For each identified disabled student, the 504 Team will develop a 504 Plan describing the student’s disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.
4. The student’s teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student’s cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
5. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student’s needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.
6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed 50 school days in completing this process.
7. The parents/guardians shall be notified in writing of the final decision concerning the student’s identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.
8. If the 504 Team determines that the student is disabled but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
9. The 504 Plan shall include a schedule for annual review of the student’s needs, and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.

D. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:
  - Examine relevant records
  - Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
  - Have the right to file a Uniform Complaint pursuant to school policy
  - Seek review in federal court if the parents/guardians disagree with the hearing decision.
2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to Superintendent/Executive Director, 504 Coordinator c/o Discovery Charter School, 4021 Teale Ave, San Jose, CA 95117. Notifications shall advise that reimbursement for attorney's fees is available only as authorized by law.
3. The Superintendent/Executive Director shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with any district within the Santa Clara County Office of Education's SELPA or the County Office of Education in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:
  - The specific decision or action with which the parent/guardian disagrees.
  - The changes to the 504 Plan the parent/guardian seeks.
  - Any other information the parent/guardian believes is pertinent.

5. Within 5 calendar days of receiving the parent/guardian's request for a hearing, Discovery may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and Discovery. Alternative dispute resolution options include:
  - Mediation by a neutral third party.
  - Review of the 504 Plan by the Superintendent/Executive Director or designee.
6. Within 10 calendar days of receiving the parent/guardian's request, the Superintendent/Executive Director or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and Superintendent/Executive Director.
7. Within 35 calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These 35 days may be extended for good cause or by mutual agreement of the parent/guardian and Superintendent/Executive Director.
8. The parent/guardian and Discovery shall be afforded the rights to:
  - Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
  - Present written and oral evidence.
  - Question and cross-examine witnesses.
  - Receive written findings by the hearing officer.
9. The hearing officer shall issue a written decision within 10 calendar days of the hearing.
10. If desired, either party may seek a review of the hearing officer's decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.

**ATTACHMENT 14: ARTICLES OF INCORPORATION**

**ORIGINAL ARTICLES OF INCORPORATION**

2632136

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

APR 08 2005

ARTICLES OF INCORPORATION  
OF  
PARENT PARTICIPATION CHARTER SCHOOL, INC.

Article I

The name of the corporation is Parent Participation Charter School, Inc.

Article II

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

B. The specific purpose of this corporation is to manage, operate, guide, direct and promote a California public charter school.

Article III

The name and address in the State of California of the Corporation's initial agent for service of process is Peter W. Gumaer, 1901 S. Bascom Avenue, Suite 350, Campbell, California 95008.

Article IV


A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Internal Revenue Code § 501(c)(3).

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

Article V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated

exclusively for educational purposes and which has established its tax exempt status under Section 501(c)(3), Internal Revenue Code.

  
\_\_\_\_\_  
Karen Gumaer



AMENDED ARTICLES OF INCORPORATION

A nonprofit public benefit corporation is required to furnish an additional copy of a corporate document for forwarding to the Office of the Attorney General. One of your copies has been sent by this office in compliance with Section 5120(d), California Corporations Code.

0627842

State of California  
Secretary of State



*[Handwritten signature]*

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 10 2007



*[Handwritten signature of Bruce McPherson]*

BRUCE McPHERSON  
Secretary of State

See State Form CE-107 (REV 03/2005)

R0627842

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

MAY - 5 2005

**CERTIFICATE OF AMENDMENT OF  
ARTICLES OF INCORPORATION**

The undersigned certify that:

1. They are the president and the secretary, respectively, of Parent Participation Charter School, Inc., a California corporation.
2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:  
  
This name of the corporation is Discovery Charter School.
3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The corporation has no members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Dated: 5/4/05

Barbara Edgell  
Barbara Edgell, President

Cindy Helgeson  
Cindy Helgeson, Secretary





**ATTACHMENT 15: 501C3 LETTER**

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **SEP 19 2007**

DISCOVERY CHARTER SCHOOL  
C/O STEPHEN FISS  
4021 TEALE AVE  
SAN JOSE, CA 95117

Employer Identification Number:  
37-1509106  
DLN:  
17053291021006  
Contact Person:  
JENNIFER NICOLIN ID# 95152  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
June 30  
Public Charity Status:  
170(b)(1)(A)(ii)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
April 8, 2005  
Contribution Deductibility:  
Yes

*noted  
Jus  
9/24/07*

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)

Letter 947 (D0/CG)

**ATTACHMENT 16: DISCOVERY CHARTER SCHOOL BYLAWS**

**BYLAWS  
OF  
Discovery Charter School**

(A California Nonprofit Public Benefit Corporation)

**ARTICLE I  
NAME**

Section 1. **NAME.** The name of this corporation is Discovery Charter School (“Discovery” or “the Corporation”).

**ARTICLE II  
PRINCIPAL OFFICE OF THE CORPORATION**

Section 1. **PRINCIPAL OFFICE OF THE CORPORATION.** The principal office for the transaction of the activities and affairs of this corporation is 4021 Teale Avenue, in San Jose, California. The Board of Directors may change the location of the principal office. Any such change of location must be noted by the Secretary on these bylaws opposite this Section; alternatively, this Section may be amended to state the new location.

Section 2. **OTHER OFFICES OF THE CORPORATION.** The Board of Directors may at any time establish branch or subordinate offices at any place or places where this corporation is qualified to conduct its activities.

**ARTICLE III  
GENERAL AND SPECIFIC PURPOSES; LIMITATIONS**

Section 1. **GENERAL AND SPECIFIC PURPOSES.** The purpose of this corporation is to manage, operate, guide, direct and promote one or more California public charter schools (“Charter Schools”). Also in the context of these purposes, the Corporation shall not, except to an insubstantial degree, engage in any other activities or exercise of power that do not further the purposes of the Corporation.

The Corporation shall not carry on any other activities not permitted to be carried on by: (a) a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code; or (b) a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code. No substantial part of the activities of the Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

**ARTICLE IV  
CONSTRUCTION AND DEFINITIONS**

Section 1. CONSTRUCTION AND DEFINITIONS. Unless the context indicates otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural includes the singular, and the term “person” includes both a legal entity and a natural person.

## **ARTICLE V DEDICATION OF ASSETS**

Section 1. DEDICATION OF ASSETS. This corporation’s assets are irrevocably dedicated to public benefit purposes as set forth in the Charter Schools’ Charters. No part of the net earnings, properties, or assets of the corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or to any director or officer of the corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of the corporation shall be distributed to a nonprofit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes and that has established its exempt status under Internal Revenue Code section 501(c)(3).

## **ARTICLE VI CORPORATIONS WITHOUT MEMBERS**

Section 1. CORPORATIONS WITHOUT MEMBERS. This corporation shall have no voting members within the meaning of the Nonprofit Corporation Law. Any action that would otherwise require approval by a majority of all members shall only require approval of the Board of Directors (“Board”). All rights that would otherwise vest in the members shall vest in the Board.

## **ARTICLE VII BOARD OF DIRECTORS**

Section 1. GENERAL POWERS. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the articles of incorporation or bylaws, the corporation’s activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors (“Board”). The Board may delegate the management of the corporation’s activities to any person(s), management company or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.

Section 2. SPECIFIC POWERS. Without prejudice to the general powers set forth in Section 1 of these bylaws, but subject to the same limitations, the Board of Directors shall have the power to:

- a. Appoint and remove, at the pleasure of the Board of Directors, all corporate officers, agents, and employees; prescribe powers and duties for them as are consistent with the law, the articles of incorporation, and these bylaws; fix their compensation; and require from them security for faithful service.
- b. Change the principal office or the principal business office in California from one location to another.

- c. Borrow money and incur indebtedness on the corporation's behalf and cause to be executed and delivered for the corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.
- d. Adopt and use a corporate seal.
- e. To make disbursements from the funds and properties of the corporation as are required to fulfill the purposes of this corporation as are more fully set out in the Articles of Incorporation, and generally to conduct, manage, and control the activities and affairs of the corporation and to make rules and regulations not inconsistent with law, with the Articles of Incorporation, or with these Bylaws, as they may deem best.
- f. To the extent permitted by the exempt status of the organization, to carry on a business at a profit and apply any profit that results from the business activity to any activity in which it may legally engage.

Section 3. BOARD COMPOSITION. In accordance with the terms of the Corporation's charters, the number of Directors shall be no less than five (5) and no more than eleven (11), the precise number of seated Directors to be determined by Board action. All Directors shall be designated by the existing Board of Directors. All directors are to be designated at the corporation's annual meeting of the Board of Directors, or at a special meeting called for this purpose.

In selecting Board members, Directors shall look for parent and community representatives with expertise in areas such as school administration or operations, teaching, business, accounting, law, nonprofit organizations, and fundraising. Additionally, in accordance with Education Code section 47604(b), the charter authorizer may appoint a representative to the Board. All Directors shall be voting.

Section 4. DIRECTORS' TERM. Each director shall hold office for two (2) years, unless otherwise removed from office in accordance with these bylaws, and until a successor Director has been designated and qualified. Directors' terms of service shall be staggered to ensure continuity in governance. The staggering of Directors' terms shall be set by Board action.

Section 5. NOMINATIONS BY COMMITTEE. The President of the Board of Directors will appoint a committee ("Nominating Committee") to review applicants and designate qualified candidates for election to the Board of Directors in accordance with a timeline established by the Board. The nominating committee shall make its report in accordance with the timeline established by the Board and the Secretary shall forward to each Board member, with the notice of meeting required by these Bylaws, a list of all candidates nominated by committee. The Board of Directors shall not be limited in its consideration of candidates for Board Members to the list submitted by the Nominating Committee but may also nominate candidates.

Section 6. USE OF CORPORATE FUNDS TO SUPPORT NOMINEE. No corporation funds may be expended to support a nominee without the Board's authorization.

Section 7. EVENTS CAUSING VACANCIES ON BOARD. A vacancy or vacancies on the Board of Directors shall occur in the event of (a) the death, resignation, or removal of any director; (b) the declaration by resolution of the Board of Directors of a vacancy in the office of a director who has been

convicted of a felony, declared of unsound mind by a court order, or found by final order or judgment of any court to have breached a duty under California Nonprofit Public Benefit Corporation Law, Chapter 2, Article 3; or (c) the increase of the authorized number of directors.

Section 8. RESIGNATION OF DIRECTORS. Except as provided below, any director may resign by giving written notice to the President of the Board, or the Secretary, or to the Board. The resignation shall be effective when the notice is given unless the notice specifies a later time for the resignation to become effective. If a director's resignation is effective at a later time, the Board of Directors may elect a successor to take office as of the date when the resignation becomes effective.

Section 9. DIRECTOR MAY NOT RESIGN IF NO DIRECTOR REMAINS. Except on notice to the California Attorney General, no director may resign if the corporation would be left without a duly elected director or directors.

Section 10. REMOVAL OF DIRECTORS. A Director may be removed from office if any of the following has been found to have occurred:

- (a) The Director misses three or more consecutive Board meetings or one third of the meetings in calendar year without cause.
- (b) The Director becomes physically incapacitated or his or her inability to serve is established in the minds of a majority of the Board.
- (c) A conflict of interest is found to exist between the Director and the Corporation.
- (d) The Director is found to have engaged in activities that are directly contrary to the interests of the Corporation.
- (e) The Director is found to be engaged in the misrepresentation of the Corporation and its policies to outside third parties, either willfully, or on a repeated basis.
- (f) The Director has not served as required on a Board designated committee or completed the assignment.

Before any removal occurs, the Director will be advised of the allegation and the basis for the allegation, and will be given an opportunity to present to the Board any contrary evidence, or explanation he or she may have. Removal must be by the vote of the Board at a meeting held in accordance with the provisions of the Ralph M. Brown Act ("Brown Act"), Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code) and as said chapter may be modified by subsequent legislation.

Section 11. VACANCIES FILLED BY BOARD. Vacancies on the Board of Directors may be filled by approval of the Board of Directors or, if the number of directors then in office is less than a quorum, by (a) the affirmative vote of a majority of the directors then in office at a meeting held according to the Brown Act, or (b) a sole remaining director.

Section 12. NO VACANCY ON REDUCTION OF NUMBER OF DIRECTORS. Any reduction of the authorized number of directors shall not result in any directors being removed before his or her term of office expires.

Section 13. PLACE OF BOARD OF DIRECTORS MEETINGS. Meetings shall be held at the principal office of the Corporation. The Board of Directors may designate that a meeting be held at any place within California that has been designated in the notice of the meeting, subject to the requirements of the Brown Act.

Section 14. MEETINGS; ANNUAL MEETINGS. All meetings of the Board of Directors and its committees shall be called, noticed, held, and conducted in compliance with the provisions of the Ralph M. Brown Act ("Brown Act"). (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code) and as said chapter may be modified by subsequent legislation. All meetings of the Board of Directors shall be conducted under the most recent version of Robert's Rules of Order as of 1 May 2007. The version of Robert's Rules to be used by the Board may be changed by Board action.

The Board of Directors shall meet annually for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. This meeting shall be held at a time, date, and place as may be specified and noticed by action of the Board of Directors.

Section 15. REGULAR MEETINGS. Regular meetings of the Board of Directors, including annual meetings, shall be held at such times and places as may from time to time be fixed by the Board of Directors. At least 72 hours before a regular meeting, the Board of Directors, or its designee shall post an agenda at each School site as well as on the Corporation's website containing a brief general description of each item of business to be transacted or discussed at the meeting.

Section 16. SPECIAL MEETINGS. Special meetings of the Board of Directors for any purpose may be called at any time by the President of the Board of Directors, or the Vice President in the absence of the President. In the absence of the President and Vice President, any other presiding officer of the Board may call a special meeting. The party calling a special meeting shall determine the place, date, and time thereof.

Section 17. NOTICE OF SPECIAL MEETINGS. In accordance with the Brown Act, special meetings of the Board of Directors may be held only after twenty-four (24) hours' notice is given to the public through the posting of an agenda at each School site as well as on the Corporation's website. Additionally, Directors shall receive notice of special meetings as follows:

- a. Any such notice shall be addressed or delivered to each director at the director's address as it is shown on the records of the Corporation, or as may have been given to the Corporation by the director for purposes of notice, or, if an address is not shown on the Corporation's records or is not readily ascertainable, at the place at which the meetings of the Board of Directors are regularly held.
- b. Notice by mail shall be deemed received at the time a properly addressed written notice is deposited in the United States mail, postage prepaid. Any other written notice shall be deemed received at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or is actually transmitted by the person giving the notice by electronic means to the recipient. Oral notice shall be deemed received at the time it is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient

whom the person giving the notice has reason to believe will promptly communicate it to the receiver.

- c. The notice of special meeting shall state the time of the meeting, and the place if the place is other than the principal office of the Corporation, and the general nature of the business proposed to be transacted at the meeting. No business, other than the business the general nature of which was set forth in the notice of the meeting, may be transacted at a special meeting.

Section 18. QUORUM. A majority of the voting directors then in office shall constitute a quorum. All acts or decisions of the Board of Directors will be by majority vote based upon the presence of a quorum. Should there be less than a majority of the directors present at any meeting, the meeting shall be adjourned. Voting directors may not vote by proxy.

Section 19. TELECONFERENCE MEETINGS. Members of the Board of Directors may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:

- a. At a minimum, a quorum of the members of the Board of Directors shall participate in the teleconference meeting from locations within the boundaries of the school district in which the Charter School operates;
- b. All votes taken during a teleconference meeting shall be by roll call;
- c. If the Board of Directors elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;
- d. All locations where a member of the Board of Directors participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;<sup>3</sup>
- e. Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Board of Directors directly at each teleconference location; and
- f. The agenda shall indicate that members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call.<sup>4</sup>

Section 20. ADJOURNMENT. A majority of the directors present, whether or not a quorum is present, may adjourn any Board of Directors meeting to another time or place. If a meeting is adjourned for

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<sup>3</sup>This means that members of the Board of Directors who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any members of the public who wish to attend the meeting at that location.

<sup>4</sup>The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

more than twenty-four (24) hours, notice of such adjournment to another time or place shall be given, prior to the time schedule for the continuation of the meeting, to the directors who were not present at the time of the adjournment, and to the public in the manner prescribed by any applicable public open meeting law.

Section 21. COMPENSATION AND REIMBURSEMENT. Directors shall not receive compensation for their services as directors or officers but may receive reimbursement of expenses incurred in carrying out their duties as directors or officers that the Board of Directors has approved in advance and determined by action to be just and reasonable at the time the action is adopted.

Section 22. BOARD COMMITTEES. The Board, by Board action adopted by a majority of the directors then in office, may create one or more committees, each consisting of two or more voting directors and no one who is not a director, to serve at the pleasure of the Board. Appointments to committees of the Board of Directors shall be by majority vote of the directors. The Board of Directors may appoint one or more directors as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Board, to the extent provided in the Board of Directors' resolution, except that no committee may:

- a. Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;
- b. Fill vacancies on the Board of Directors or any committee of the Board;
- c. Fix compensation of the directors for serving on the Board of Directors or on any committee;
- d. Amend or repeal bylaws or adopt new bylaws;
- e. Amend or repeal any resolution of the Board of Directors that by its express terms is not so amendable or subject to repeal;
- f. Create any other committees of the Board of Directors or appoint the members of committees of the Board;
- g. Expend corporate funds to support a nominee for director if more people have been nominated for director than can be elected; or
- h. Approve any contract or transaction to which the corporation is a party and in which one or more of its directors has a material financial interest.

Section 23. MEETINGS AND ACTION OF COMMITTEES. Meetings and actions of committees of the Board of Directors shall be governed by, held, and taken under the provisions of these bylaws concerning meetings, other Board of Directors' actions, and the Brown Act, if applicable, except that the time for general meetings of such committees and the calling of special meetings of such committees may be set either by Board of Directors' resolution or, if none, by resolution of the committee. All meetings of Board committees shall be conducted under the rules established by the Board. Minutes of each meeting shall be kept and shall be filed with the corporate records. The Board of Directors may adopt rules for the governance of any committee as long as the rules are consistent with these bylaws. If the Board of Directors has not adopted rules, the committee may do so.



Section 24. NON-LIABILITY OF DIRECTORS. No director shall be personally liable for the debts, liabilities, or other obligations of this corporation.

Section 25. COMPLIANCE WITH LAWS GOVERNING STUDENT RECORDS. The Charter School and the Board of Directors shall comply with all applicable provisions of the Family Education Rights Privacy Act (“FERPA”) as set forth in Title 20 of the United States Code Section 1232g and attendant regulations as they may be amended from time to time.

## **ARTICLE VIII OFFICERS OF THE CORPORATION**

Section 1. OFFICES HELD. The officers of this corporation shall be a President, a Vice-President, a Treasurer, and a Secretary. The corporation, at the Board’s direction, may also have a Chairman of the Board, one or more Vice-Presidents, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed under Article VIII, Section 4, of these bylaws.

Section 2. NO DUPLICATION OF OFFICE HOLDERS. No officer may concurrently hold more than one office.

Section 3. ELECTION OF OFFICERS. The officers of this corporation shall be chosen annually by the Board of Directors and shall serve at the pleasure of the Board.

Section 4. APPOINTMENT OF OTHER OFFICERS. The Board of Directors may appoint and authorize the Chairman of the Board, the President, or another officer to appoint any other officers that the corporation may require. Each appointed officer shall have the title and authority, hold office for the period, and perform the duties specified in the bylaws or established by the Board.

Section 5. REMOVAL OF OFFICERS. The Board of Directors may, by a majority of the Directors in office, remove any officer with or without cause. An officer who was not chosen by the Board of Directors may be removed by any other officer on whom the Board of Directors confers the power of removal.

Section 6. RESIGNATION OF OFFICERS. Any officer may resign at any time by giving written notice to the Board. The resignation shall take effect on the date the notice is received or at any later time specified in the notice. Unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to any rights of the corporation under any contract to which the officer is a party.

Section 7. VACANCIES IN OFFICE. A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for normal appointment to that office, provided, however, that vacancies need not be filled on an annual basis.

Section 8. PRESIDENT. The President shall preside at all Board of Directors’ meetings. The President shall have such other powers and duties as the Board of Directors or the bylaws may require.

Section 9. VICE-PRESIDENTS. If the President is absent or disabled, the Vice-Presidents, if any, in order of their rank as fixed by the Board, or, if not ranked, a Vice-President designated by the Board, shall perform all duties of the President. When so acting, a Vice-President shall have all powers of and be subject to all restrictions on the President. The Vice-Presidents shall have such other powers and perform such other duties as the Board of Directors or the bylaws may require.

Section 10. TREASURER. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and transactions. The Treasurer shall send or cause to be given to directors such financial statements and reports as are required to be given by law, by these bylaws, or by the Board. The books of account shall be open to inspection by any director at all reasonable times.

The Treasurer shall (a) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as the Board of Directors may designate; (b) disburse the corporation's funds as the Board of Directors may order; (c) render to the President, Chairman of the Board, if any, and the Board, when requested, an account of all transactions as Treasurer and of the financial condition of the corporation; and (d) have such other powers and perform such other duties as the Board, job specification, or the bylaws may require.

If required by the Board, the Treasurer shall give the corporation a bond in the amount and with the surety or sureties specified by the Board of Directors for faithful performance of the duties of the office and for restoration to the corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Treasurer on his or her death, resignation, retirement, or removal from office.

Section 11. SECRETARY. The Secretary shall keep or cause to be kept, at the corporation's principal office or such other place as the Board of Directors may direct, a book of minutes of all meetings, proceedings, and actions of the Board and of committees of the Board. The minutes of meetings shall include the time and place that the meeting was held; whether the meeting was annual, regular, special, or emergency and, if special or emergency, how authorized; the notice given; and the names of the directors present at Board of Directors and committee meetings.

The Secretary shall keep or cause to be kept, at the principal California office, a copy of the articles of incorporation and bylaws, as amended to date.

The Secretary shall give, or cause to be given, notice of all meetings of the Board and of committees of the Board of Directors that these bylaws require to be given. The Secretary shall keep the corporate seal, if any, in safe custody and shall have such other powers and perform such other duties as the Board of Directors or the bylaws may require.

## **ARTICLE IX CONTRACTS WITH DIRECTORS**

Section 1. CONTRACTS WITH DIRECTORS. The Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest unless all of the following apply:

- a. The director with a material financial interest in the proposed contract or transaction fully

discloses his/her financial interest in such contract or transaction in good faith and said disclosure is noted in the Board of Directors meeting minutes.

- b. The director with a material financial interest in the proposed contract or transaction recuses himself/herself from any participation whatsoever in the proposed contract or transaction (i.e., the interested director who recuses himself/herself shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken).
- c. Such contract or transaction is authorized in good faith by a majority of the Board of Directors by a vote sufficient for that purpose.
- d. Before authorizing or approving the transaction, the Board of Directors considers and in good faith decides after reasonable investigation that the corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances.
- e. The corporation for its own benefit enters into the transaction, which is fair and reasonable to the corporation at the time the transaction was entered into.

This Section does not apply to a transaction that is part of an educational or charitable program of this corporation if it (a) is approved or authorized by the corporation in good faith and without unjustified favoritism and (b) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the educational or charitable program of this corporation.

## **ARTICLE X LOANS TO DIRECTORS AND OFFICERS**

Section 1. LOANS TO DIRECTORS AND OFFICERS. This corporation shall not lend any money or property to or guarantee the obligation of any director or officer. The corporation may advance money to a director or officer of the corporation for expenses reasonably anticipated to be incurred in the performance of his or her duties if that director or officer would be entitled to reimbursement for such expenses of the corporation.

## **ARTICLE XI INDEMNIFICATION**

Section 1. INDEMNIFICATION. To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Corporations Code Section 5238(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any “proceeding,” as that term is used in that section, and including an action by or in the right of the corporation by reason of the fact that the person is or was a person described in that section. “Expenses,” as used in this bylaw, shall have the same meaning as in that section of the Corporations Code.

On written request to the Board of Directors by any person seeking indemnification under Corporations Code Section 5238 (b) or Section 5238 (c) the Board of Directors shall promptly decide under Corporations Code Section 5238 (e) whether the applicable standard of conduct set forth in Corporations Code Section 5238 (b) or Section 5238 (c) has been met and, if so, the Board of Directors shall authorize indemnification.

## **ARTICLE XII INSURANCE**

Section 1. **INSURANCE.** This corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its directors, officers, employees, and other agents, to cover any liability asserted against or incurred by any director, officer, employee, or agent in such capacity or arising from the director's, officer's, employee's, or agent's status as such.

## **ARTICLE XIII MAINTENANCE OF CORPORATE RECORDS**

- Section 1. **MAINTENANCE OF CORPORATE RECORDS.** This corporation shall keep:
- a. Adequate and correct books and records of account;
  - b. Written minutes of the proceedings of the Board and committees of the Board; and
  - c. Such reports and records as required by law.

## **ARTICLE XIV INSPECTION RIGHTS**

Section 1. **DIRECTORS' RIGHT TO INSPECT.** Every director shall have the right at any reasonable time to inspect the corporation's books, records, documents of every kind, physical properties, and the records of each subsidiary as permitted by California and federal law. The inspection may be made in person or by the director's agent or attorney. The right of inspection includes the right to copy and make extracts of documents as permitted by California and federal law. This right to inspect may be circumscribed in instances where the right to inspect conflicts with California or federal law (e.g., restrictions on the release of educational records under FERPA) pertaining to access to books, records, and documents.

Section 2. **ACCOUNTING RECORDS AND MINUTES.** On written demand on the corporation, any director may inspect, copy, and make extracts of the accounting books and records and the minutes of the proceedings of the Board of Directors and committees of the Board of Directors at any reasonable time for a purpose reasonably related to the director's interest as a director. Any such inspection and copying may be made in person or by the director's agent or attorney. This right of inspection extends to the records of any subsidiary of the corporation.

Section 3. **MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS.** This corporation shall keep at its principal California office the original or a copy of the articles of incorporation and bylaws, as amended to the current date, which shall be open to inspection by the directors at all reasonable times during office hours.

## **ARTICLE XV BYLAW AMENDMENTS**

Section 1. **BYLAW AMENDMENTS.** The Board of Directors may adopt, amend or repeal any of these Bylaws by a majority of the directors in office at a meeting duly held at which a quorum is present,

except that no amendment shall change any provisions of the Charters operated by the Discovery Charter School nonprofit public benefit corporation, or make any provisions of these Bylaws inconsistent with that Charter, the Corporation's Articles of Incorporation, or any laws.

ARTICLE XVI  
FISCAL YEAR

Section 1. FISCAL YEAR OF THE CORPORATION. The fiscal year of the Corporation shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup> of each year.

\* \* \* \*

**CERTIFICATE OF SECRETARY**

I certify that I am the duly elected and acting Secretary of Discovery Charter School a California nonprofit public benefit corporation; that these bylaws, consisting of 12 pages, are the bylaws of this corporation as adopted by the Board of Directors on August 15, 2012, and that these bylaws have not been amended or modified since that date.

Executed on August 15, 2012 at San Jose, California.

(Signature is on original.)

Raquel Watjen, Secretary

## ATTACHMENT 17: BOARD MEMBER DEVELOPMENT PLAN

Recruiting Board members who can and will govern the school is vital. The Initial selection of individuals to the Board of Directors will begin with a strong set of qualifications. Members need to have understanding, skills, experience, and a willingness to contribute.

Five general qualifications that are necessary are:

- Commitment to and ownership of the school's mission
- Propensity to think in terms of systems and context
- Ability and eagerness to deal with values, vision, and the long term
- Ability to participate assertively and positively in deliberation
- Willingness to delegate and to allow others to make decisions

Quality governance and experience is vital. Board members will need to bring experience in a variety of applications such as, but not limited to, strategic planning, financial oversight, fundraising, endowment building, business management, education, human resources, audits, and administration.

Initial and ongoing training will be available. Initial training will include activity and program participation such as, but not limited to:

- Review and discussion of governance, policies, and Board bylaws.  
*Prospective members will need to understand the board's governance model, bylaws, policies, current conditions, and spending issues.*
- Training through a nonprofit services company such as Compass Point. *(A Bay Area company specializing in leadership services and executive transition and training.)*

Supplementing and building skills will include activity and program participation such as, but not limited to:

- Yearly participation in a class or executive training for nonprofit Board members
- Attending training held by the California Charter School Association
- Continuous reading and review on subjects of Board governance, public charter schools, and other relevant subjects
- Look for networking opportunities in the nonprofit and charter school areas

**ATTACHMENT 18: CONFLICT OF INTEREST CODE**

**DISCOVERY CHARTER SCHOOL  
CONFLICT-OF-INTEREST CODE**

**(Revised 08/13/2012)**

The California Political Reform Act (Govt. Code § 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 CCR § 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Exhibits A and B designating positions and establishing disclosure categories shall constitute the conflict of interest code of Discovery Charter School (“Charter School”), a California nonprofit corporation operating public charter schools.

Individuals holding designated positions shall fill out and return their Statements of Economic Interests (“Form 700”) to the Charter School’s Filing Official. If statements are received in signed paper format, the Charter School Filing Official shall make and retain copies and forward the originals to the County of Santa Clara Clerk of the Board of Supervisors. If statements are electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the Charter School’s Filing Official and the County of Santa Clara Clerk of the Board will receive notice and access to the e-filed statement simultaneously. Copies of all Forms 700s retained by the Charter School will be available for public inspection and reproduction pursuant to Govt. Code § 81008.

**EXHIBIT A**  
**DESIGNATED POSITIONS**

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Member of the Board of Directors	1
Executive Director	1
Director of Business Services	1
School Director	1
Consultant	2

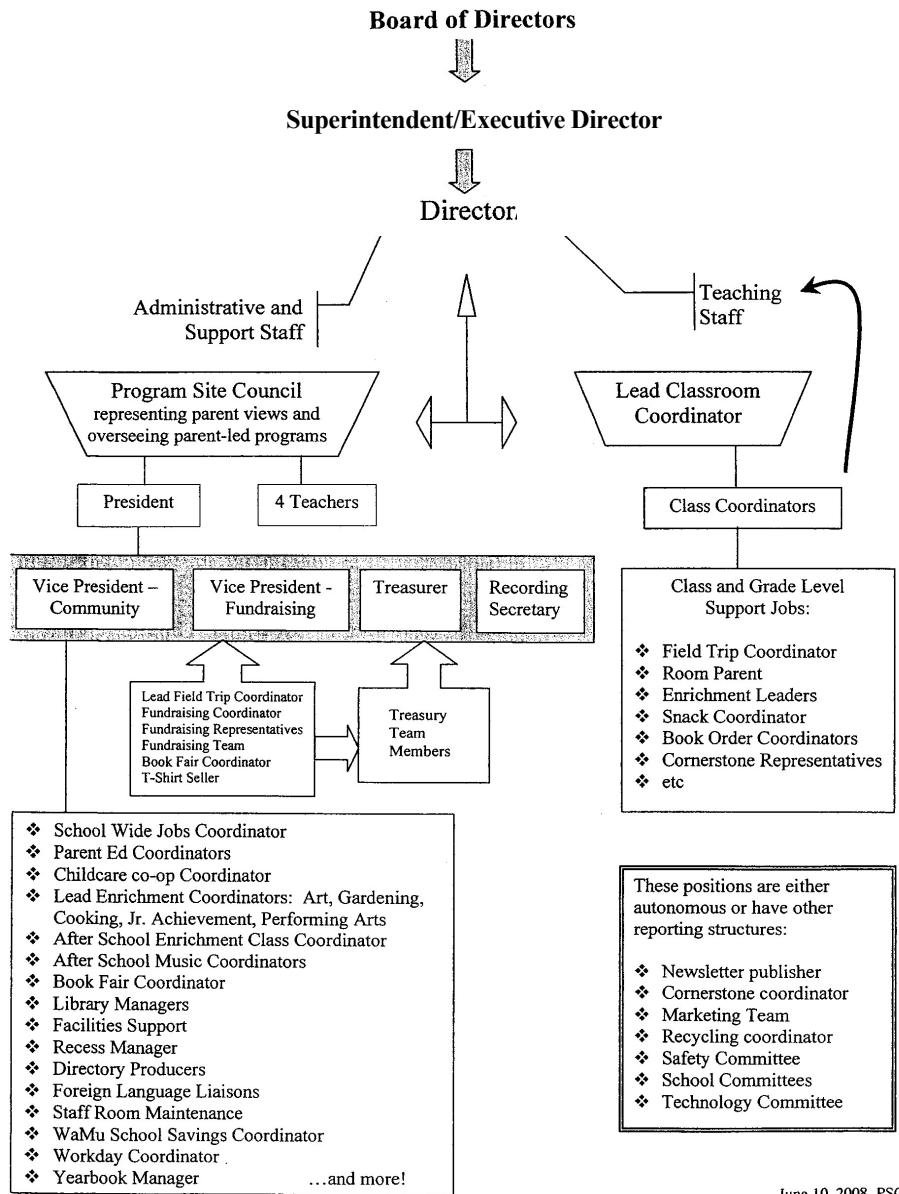
Adopted: August 15, 2012

Approved by County of Santa Clara Office Board of Supervisors: October 9, 2012

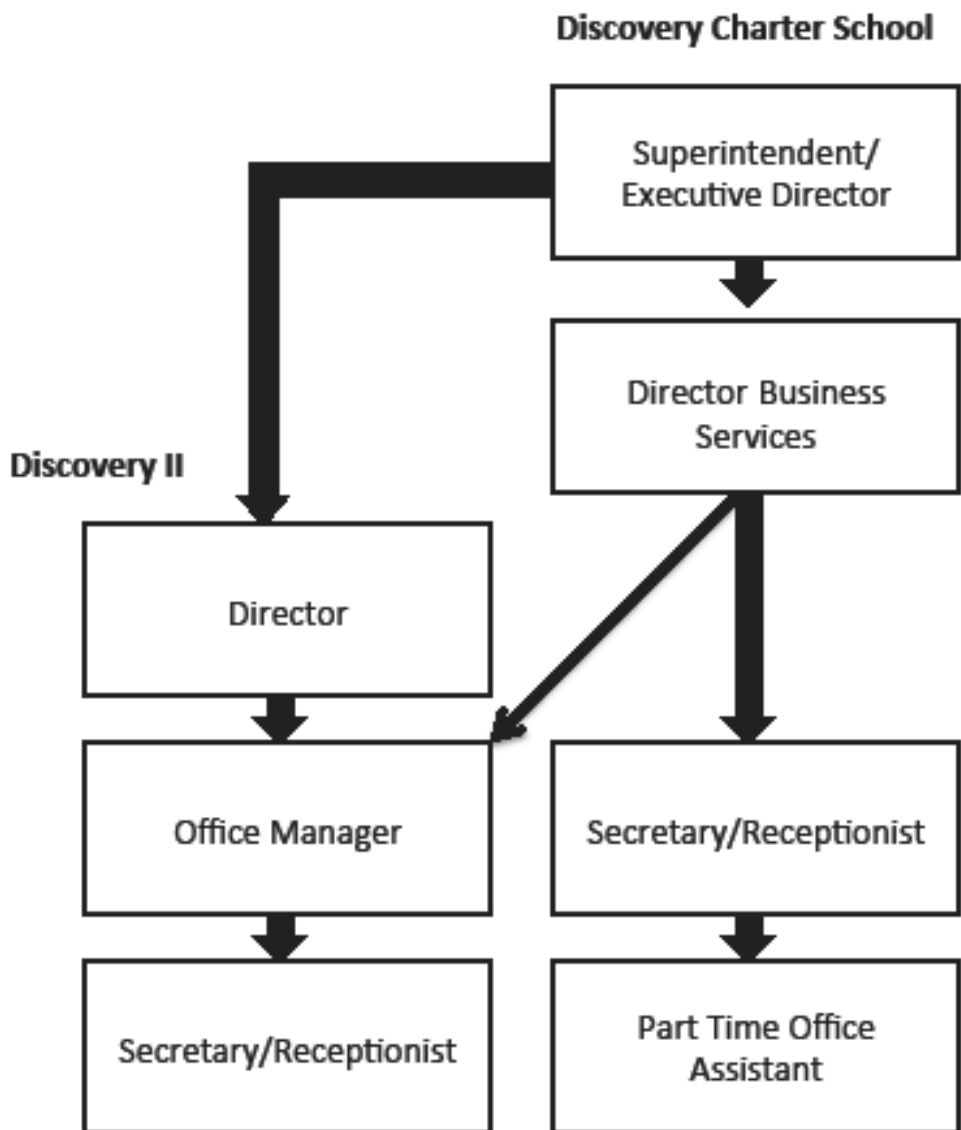


**ATTACHMENT 19: PROGRAM SITE COUNCIL**

# Discovery Charter School Program Site Council Flowchart



**ATTACHMENT 20: EMPLOYEE ORGANIZATION CHART**



**ATTACHMENT 21: DISCOVERY EMERGENCY PLAN**

**DISCOVERY CHARTER SCHOOL  
SAMPLE EMERGENCY PLAN**

Revised 06/18/12

**WALKIE TALKIE CHANNEL TO BE ON 3**

**CELL PHONE EMERGENCY NUMBERS:**

Superintendent/Executive Director	xxx-xxx-xxxx
Director of Business Services	xxx-xxx-xxxx
Director	xxx-xxx-xxxx
Office Manager	xxx-xxx-xxxx

**EMERGENCY TEAM**

**The Emergency Team will be composed of:**

- **Director**
- **Office Manager**
  - **Secretary**
  - **YMCA Director**

**ROOM CHECKERS**

Office Manager  
Secretary  
Custodian

**EMERGENCY SUPPLIES:**

Emergency Backpacks	Located in every room.
Food and Water	Located in Staff Room (2).
Emergency Tools	Located in Staff Room (2).
Major First Aid Supplies	Located in Staff Room (2).

**PROCEDURES (EXIT TO FIELD):**

1. Students should exit building without talking.
2. Proceed to the large field.
3. Teachers will bring with them:
  - a. EMERGENCY FOLDER containing the Red and Green Cards, class roster, school map, and emergency plan.
  - b. RED EMERGENCY BACKPACK
4. Once outside, teachers will take role and hold up GREEN CARD if all OK. Hold up RED CARD if missing a student

5. The campus will be checked by assigned personnel to be sure that all students are accounted for.
6. Support staff (RSP, PE, etc.) will deliver students to their homeroom teachers on the field.
7. The Emergency Team will check in with the Director in numerical order of the buildings that each checks.
8. When all students have been accounted for, the ED or Teacher in Charge will check with all teachers and will, in the case of a fire drill, signal the All Clear to return to the classrooms, or in case of actual fire, signal the next steps.
9. The Office Manager or Secretary will turn off the alarm.

**FOR ALL NATURAL DISASTERS, THE EMERGENCY TEAM WILL MEET AT THE EMERGENCY CENTER (THE ED'S OFFICE) AFTER ALL INITIAL RESPONSES HAVE BEEN COMPLETED.**

### **FIRE**

1. Teachers and classroom aides should accompany their students to the assigned evacuation areas being sure to take a GREEN AND RED CARDS, Emergency Folder with class roster, emergency plan, and school map.
2. Teachers also take the following items and close the classroom door and leave it unlocked. Be sure that students remain quiet and orderly.
  - a. EMERGENCY FOLDER containing the Red and Green Cards, class roster, school map, and emergency plan.
  - b. RED EMERGENCY BACKPACK
3. Once outside, teachers take role and account for any students who were not in the classroom at the time of evacuation. Show GREEN CARD for all is OK, RED CARD is for a MISSING STUDENT.
4. Designated personnel will check the campus.
5. Once checking is completed, the Director or Teacher-in-Charge will check with each teacher before signaling a return to the classroom.
6. In the event of an actual fire, students will be held at their evacuation locations until the buildings are secured and the situation is assessed. Depending on the time of the day, alternative dismissal plans may be implemented.

### **ALL CLEAR SIGNAL FOR FIRE:**

When the "ALL CLEAR" signal is given by the site administrator or designee, staff is responsible to:

1. Render first aid if necessary. Notify the Office regarding any injured students.
2. The ED or Teacher in Charge will assess the situation and determine whether the "First Aid Team" needs to be activated.
3. RED and GREEN CARDS: Place RED outside the door or in window if a life-threatening situation is in the room. Place the GREEN card if all are accounted for and no emergencies exist inside the room.

4. Teachers must account for the status of students by taking roll. DO NO PERMIT ANY STUDENT TO LEAVE THE CLASSROOM FOR ANY REASON.
5. Report any person whose whereabouts are unknown, or who is injured, to the administration.
6. Emergency personnel will notify staff and students of evacuation through personal contact or phone.

## **EARTHQUAKE**

### **If inside school buildings,**

1. All school staff and students should:
  - Get under desk or table or other shelter or against inside wall;
  - Assume the "duck, cover, and hold" position and be silent so directions can be heard;
  - Stay in the "duck and cover" position until earthquake is over and/or until further instructions are given.
  - If no instructions are heard and shaking stops, evacuate building.
2. After the initial shock and things settle down, teachers evacuate classrooms with GREEN and RED CARDS, Emergency Folder with emergency plan, class roster, and school map. Teachers should also take their BLUE first aid kit. When exiting, they should leave doors open, and be alert to the possibility of aftershocks.
3. Teachers will take students to assigned evacuation areas, account for all students, and remain there until re-entry to school buildings has been approved and/or wait for further directions.
4. After the students and school staff have evacuated and the facilities have been checked, the Emergency Team will report for further instructions.
5. The Director will establish communications with emergency agencies as necessary
6. Report any serious injuries to the Emergency Center by sharing classroom supervision and releasing a volunteer or, if necessary, a teacher or aide to make the report.
7. The Office Manager and the Secretary will set up the ED's Office as the Emergency Center. All students will be released to parents or approved adult at the Emergency Center unless their teacher is authorized to do so by the Director or designee.
8. The school will automatically become a Disaster Center and will remain open until every child has been released to an authorized person.
9. All personnel will be required to remain on campus until released by the Director or designee.

### **If outside the school building,**

1. All school staff and students should:
  - Get clear of all buildings, trees, exposed wires, or other hazards that may fall
  - Assume the "duck and cover" position until quake is over,

- Proceed to assigned evacuation areas and follow steps listed above.

### **ALL CLEAR FOR EARTHQUAKE**

When the "ALL CLEAR" signal is given by the site administrator or designee, staff is responsible to:

1. Render first aid if necessary. Notify the Office regarding any injured students.
2. The ED or Teacher in Charge will assess the situation and determine whether the "First Aid Team" needs to be activated.
3. RED and GREEN CARDS: Place RED outside the door or in window if a life-threatening situation is in the room. Place the GREEN card if all are accounted for and no emergencies exist inside the room.
4. Teachers must account for the status of students by taking roll. DO NOT PERMIT ANY STUDENT TO LEAVE THE CLASSROOM FOR ANY REASON.
5. Report any person whose whereabouts are unknown, or who is injured, to the administration.
6. Emergency personnel will notify staff and students of evacuation through personal contact or phone.

### **CODE BLUE/LOCKDOWN-STRANGER ON CAMPUS**

A Code-Blue Alert will be broadcast over the intercom or by the PA system.

1. Lock doors, close your windows and blinds, and move away from the windows and doors.
2. Keep students calm and go to drop position as you would for an earthquake drill.
3. Wait for additional instructions or all clear signal via walkie talkie, phone, or email.

### **INTRUDER, SHOOTING, AND HOSTAGE SITUATION**

#### **RESPONSIBILITIES OF STAFF IN DIRECT CONTACT WITH INTRUDER.**

1. Staff and students should sit quietly if the situation is in their presence. TRY to remain calm. If gun fire starts, dive to the floor, try to go under cover and lie STILL.
2. DO NOT ENGAGE IN A CONVERSATION OR TRY TO PERSUADE THE INTRUDER TO LEAVE YOUR CLASSROOM OR SCHOOL. Remember, you are in an illogical situation so any logical argument may go unheard
3. If the intruder speaks to you or to your students; then answer him/her. DO NOT PROVOKE HIM/HER. Students should be told not to whisper to one another, laugh, or to make fun of the intruder.
4. Students should be taught to respond on their own when threatened. Incidents can occur which leave no time for signals. If students are outside and are unable to find a barrier such as a tree or are unable to get into a room, they should run to a safe area (NOT A RESTROOM).
5. If and when possible, call the San Jose Police Department at 9-1-1 (If using a cell phone, dial (408) 277- 8911 or dial 0 for the operator, who will transfer you to 911 in the proper location) and give your name, location, and the situation. Provide as many details as possible.

**ALL CLEAR SIGNAL FOR CODE BLUE/LOCKDOWN:**

When the "ALL CLEAR" signal is given by the site administrator or designee, staff is responsible to:

1. Render first aid if necessary. Notify the Office regarding any injured students.
2. The ED or Teacher in Charge will assess the situation and determine whether the "First Aid Team" needs to be activated.
3. RED and GREEN CARDS: Place RED outside the door or in window if a life-threatening situation is in the room. Place the GREEN card if all are accounted for and no emergencies exist inside the room.
4. Teachers must account for the status of students by taking roll. DO NO PERMIT ANY STUDENT TO LEAVE THE CLASSROOM FOR ANY REASON.
5. Report any person whose whereabouts are unknown, or who is injured, to the administration.
6. Emergency personnel will notify staff and students of evacuation through personal contact or phone.

**CERTIFIED CPR/FIRST AID TRAINED PERSONNEL:**

Director  
Office Manager  
Secretary  
All Teachers  
(Staff is trained annually on CPR/First Aid, Epi-Pen, and allergy safety)

**STUDENT GUIDELINES FOR CODE BLUE ON CAMPUS  
STRANGER ON CAMPUS**

1. FOLLOW THE DIRECTIONS OF DISCOVERY TEACHERS, STAFF, OR VOLUNTEERS – THEY WILL TAKE CARE OF YOU.
2. STRANGER IN CLASS
  - The safe place is in the classroom.
  - CODE BLUE
3. OUTSIDE
  - Be aware of surroundings — Where would you go? (NOT BATHROOMS!)
4. RUN IN A WEAVING PATTERN WHEN RUNNING
5. REMEMBER TO TELL A DISCOVERY TEACHER OR STAFF MEMBER IF YOU SEE ANYONE ENGAGED IN SUSPICIOUS ACTIVITY OR IF YOU SEE SOMEONE YOU THINK SHOULD NOT BE ON OUR CAMPUS.

## **ATTACHMENT 22: EMPLOYEE RECRUITMENT PLAN**

The Discovery Charter School Board desires to employ the most highly qualified and appropriate person available for each open position in order to carry out the school's mission. Candidates are recruited for open positions based on an assessment of the school's needs for specific skills, knowledge, and abilities in compliance with NCLB requirements. A job description that accurately describes all essential and marginal functions and duties of each position is developed. Job postings are disseminated through various methods to ensure a wide range of candidates. Various methods may include participating in recruitment fairs and educational conferences, developing university contacts, establishing a student teacher program at the site, advertising in newspapers and professional journals, and postings on websites of the following organizations: California Charter School Association, Charter Schools Development Center, Ed-Join, and local universities.

The Superintendent/Executive Director is responsible to oversee the selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations, and recommendations from previous employers. Interview committees are established, as appropriate, to rank candidates and recommend finalists. Staff, parents, and students are invited to participate in the selection process. All discussions and recommendations are confidential in accordance with law.

During job interviews applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

The Superintendent/Executive Director is responsible to make final staffing recommendations to the Board based on input from the interview committee. The Board will approve all personnel actions.



## **ATTACHMENT 23: JOB DESCRIPTIONS**

**DISCOVERY CHARTER SCHOOL**

**Rev/Est: 7/11/12**

**Job Code: 9032**

**EEOC Category: Official/Administrator**

### **DIRECTOR**

#### **Job Summary:**

Under direction of the Superintendent/Executive Director, is responsible for the day-to-day operations of his/her Discovery Charter School. Serves as leader of educational programming and advises the Superintendent/Executive Director and the Discovery Board regarding budget decisions, board policies, programming, etc. In collaboration with the Superintendent/Executive Director successfully implements Board policies, administers and supervises the school and its employees, leads development of educational program improvement, fosters a culture of positive, engaged learners, and serves as a strong advocate for the school's developmental philosophy and parental involvement.

#### **Essential Functions:**

Under direction of and in collaboration with the Superintendent/Executive Director, performs the following:

#### **1. Educational Program Management**

- In collaboration with staff, designs, implements, and maintains educational program incorporating brain-based research (thematic learning, multiple intelligences), multi-age, standards-based, developmental program. Ensures incorporation of state standards and assessments in educational program.
- In collaboration with staff, regularly evaluates educational program and makes recommendations to the Discovery Board.
- Monitors and analyzes student performance data and prepares reports. Analyzes information and develops support systems for performance improvement.
- In collaboration with staff, creates and maintains programs to meet diverse student needs including, but not limited to, GATE, remediation, and special education.
- Provides input and guidance to school support committees including, but not limited to, finance, facilities, and Program Site Council.
- Advises the Discovery Board regarding current educational practices, trends, and research as well as legislative developments affecting education. Makes recommendations to the Discovery Board and staff.
- Explains and clarifies information received from various agencies including County Office of Education, California Department of Education, State Board of Education, and California Charter School Association (CCSA), and advises the Discovery Board accordingly of required actions.
- Works with staff and parents to plan and develop a parent education program.
- In conjunction with staff, develops and implements discipline policies.

#### **2. Operations Management/Supervision**

- Ensures compliance with all applicable State and Federal laws and regulations including, but not limited to, financial, record keeping, and employment.

- Researches, identifies, and recommends vendors to the Discovery Board for contracted services including, but not limited to, payroll, facilities, and physical education. Makes vendor recommendations and negotiates contract terms that are most cost effective for Discovery.
- Responsible for overall vendor management. Establishes procedures and oversees periodic performance reviews of services received to evaluate their effectiveness.
- Solicits and encourages input from staff regarding problem resolution, policy proposals, and overall advancement of Discovery programs.
- Develops, implements, and monitors work practices, systems, and methods that are effective, efficient, and consistent with school policies and procedures.
- Organizes and implements safety and emergency procedures.
- Responsible for preparation of annual performance audit.
- Directs staff in research and development of new programs including, but not limited to, after school enrichment and lunch programs.
- Attends and participates in Discovery Board meetings and committee meetings, including, but not limited to, Program Site Council, finance, facilities, and Discovery Educational Foundation.
- Implements Board policies.
- Develops accountability timelines for special projects and monitors to ensure timely project completion.
- Manages recruitment of staff and makes hiring recommendations to the Superintendent/Executive Director. Evaluates and coaches staff.
- Oversees the creation of the staff's Professional Development Plans and delivery of performance appraisals.
- Manages staff training; provides opportunities for staff collaboration on an ongoing basis; coordinates all teacher work, in-service, and training days.
- Supervises staff and fosters positive, team oriented working relationships. Encourages and fosters collaborative environment among staff in order to develop and retain high quality employees.

### **3. Marketing/Communications Management**

- Establishes and maintains professional and cooperative working relationships with all stakeholders: parents, students, staff, neighbors, and partners.
- Is a strong advocate for Discovery in the greater community and with the media. Promotes positive image and support for the school. Provides leadership in disseminating information to the public.
- Communicates issues, concerns, and needs of the Discovery community to the Discovery Board.
- Represents Discovery at district and county administrative meetings and other meetings as requested by the Discovery Board.
- Serves as liaison to the County and other outside agencies. Promotes and maintains a positive working relationship with the County. Responsible for reporting to and negotiating with the County regarding issues that directly impact Discovery.
- Maintains frequent and regular communications with parents through a weekly newsletter, school website, one-on-one meetings, etc., as appropriate.
- Fosters open and frequent communication with staff through staff letters, team meetings, classroom visits, coaching sessions, etc.

### **4. Fiscal Management**

- Develops annual budget. Manages budgets (general fund, facilities, etc.) and makes recommendations to the Discovery Board.

- Works with the Discovery Board to set economic objectives, financial and accounting policies, and other fiscal policies and practices as necessary.
- Advises Discovery committees of pertinent legislative changes.
- Provides financial reports to the Discovery Board, the County, and other agencies as mandated by law.
- Arranges for quarterly and annual audits with an outside independent auditor to ensure the soundness of Discovery finances.

Performs other duties as assigned.

**Employment Standards:**

Education & Experience: Bachelors Degree in education or related field (required); MA or equivalent (desirable); California Administrative and Teaching Credential (desirable); Teach or Experience in Related Field (desirable). The Board reserves the right to consider candidates based upon a combination of education and experience.

**Knowledge, Skills & Abilities:**

Knowledge of:

- Local, state and federal laws applying to public schools and current trends in public school management;
- Special education needs and issues;
- Developmentally based educational programs; and
- Budget preparation and control procedures.

Skilled in:

- Managing developmentally based parent participation educational programs;
- Planning, coordinating, and directing work and activities of teaching professionals and other personnel, and developing a collaborative-oriented environment;
- Managing budgets, prioritizing expenditures, and seeking innovative methods for providing school resources;
- Recognizing needs and initiating actions in order to develop more efficient systems and procedures or to solve problems;
- Establishing and maintaining effective working relationships with children, staff, parents, community, and school board members; and
- Marketing and promoting developmental based educational programs and services.

Ability to:

- Communicate ideas and directives clearly and effectively both orally and in writing;
- Operate various office equipment;
- Tolerate high levels of stress; and
- Perform the essential functions of the position.

**Working Conditions:**

- Regular requirement to stand, walk, talk, hear, see, read, speak, reach, stretch with hands and arms, stoop, kneel, and crouch;
- Lift and carry objects weighing up to 50 pounds;
- Occasional exposure to blood, bodily fluids and tissue;
- Occasional interaction with unruly children; and
- Occasional evening and/or weekend work.

## OFFICE MANAGER

### Office Manager

#### **Job Summary**

Under direction of the Director of Business Services, is responsible for the day-to-day operations at a Discovery Charter School campus including, but not limited to, fiscal services, reporting requirements, operations, enrollment, transportation, nutrition services, information technologies, purchasing/warehouse, and facilities. Serves as an advocate for the school's developmental philosophy and parental involvement.

The Office Manager will be responsible both for helping prepare for school opening and for helping run the school once open. The school Office Manager is a full time, exempt position that reports to the Director of Business Services initially, and then to the School's Director as the school opening nears and once the 2013-14 school year begins. Office Managers should always exhibit professionalism, treat people with respect, and be firm but compassionate in the way that they address the day-to-day problems of the school.

#### **Essential Functions:**

**During the school startup period Office Manager responsibilities will include:**

#### **Community Outreach and Student Recruitment**

- Work with the Discovery Director, Director Business services, and Communication Task Force and to build relationships with the community and inspire and motivate families to join the school.
- Ensure school opens with full enrollment – and a robust waitlist in every grade – by recruiting kindergarten through sixth grade students to form the student body in the school's first year.
- Partner with Discovery's main office in their student recruitment efforts.
- Assist with fall lotteries and answer questions related to applications and the lottery process.
- Assist School's Director during Welcome Meetings for families of accepted students.
- Collect enrollment documents from accepted students.
- Coordinate work with Parent Leaders/Task Force members to be involved in the startup process.
- Assist with the procurement process, including placing orders and receiving/tracking supplies.
- Attend any professional development (PD) sessions.
- Shadowing OM/Business Director at existing schools and completing small assignments in preparation for all the responsibilities of an OM at an active school.

**Once the school is open Office Manager responsibilities will include:**

#### **Parents and Community**

- Build strong working relationships with parents and families.
- Assist with the successful coordination of community meetings and events, either through delegating to parents or completing independently.
- Use established communication systems to send out school information as necessary.
- Work closely with teachers to identify parents and families who are not as invested in the school community and actively work to change this.

#### **Enrollment, Student Information, and Attendance**

- Run Mandatory Registration Day before the start of school to gather student information and complete other start-of-year tasks with families.
- Create and maintain complete and current student cumulative files and be familiar with contents and structure of student information files.
- Enter student information into PowerSchool student information system before the school year begins, and keep this information up-to-date throughout the school year as enrollment or information changes.
- Maintain the Absentee Log; contact parents on a daily basis regarding absent students; record updates to attendance data in PowerSchool.
- Coordinate the school's truancy process and communicate with parents as needed regarding truancy issues.

### **Personnel**

- Serves as custodian of confidential personnel records.
- Track Staff absences
- Collect Time Sheets and submit to Director of Business Services

### **Health, Safety and Discipline**

- Maintain emergency medical and contact information for all students.
- Maintain complete and current immunization records for all students.
- Administer basic first aid, distribute medication, maintain injury reports, and contact parents as necessary.
- Be knowledgeable of all content in school safety binder, including emergency procedures.
- Report all injuries and other school incidents to the main Discovery Office
- Supervise students sent to the office for discipline and health reasons.
- Maintain forms and records for workplace safety (OSHA and Worker's Comp).

### **Meals**

- Manage collection of free/reduced-lunch application forms from all families prior to the start of the school year.
- Collect lunch payments from parents

### **Finance**

- Submit purchase orders to Finance or place orders directly with vendor.
- Forward order receipts or delivery receipt to Finance/Director Business Services.
- Submit weekly deposits, including copies of receipts collected.

### **Facilities**

- Assist in managing and reporting day-to-day facilities problems.
- Schedule maintenance vendors and meet them as they arrive on campus.
- Execute responsibilities related to emergency situations as assigned by the Director.
- Ensure that all documents delivered or messages received are immediately given to main Discovery Office, as most issues are time sensitive.
- Maintain confidentiality regarding all information, oral and written, regarding students who receive special education services.
- Partner with specialists on a school site to arrange IEP or other meetings and as necessary or when needed.

### **Administrative**

- Perform general clerical duties including answering phones, taking and distributing messages, sorting mail and preparing general correspondence.
- Facilitate arrangements for school activities and arrange logistics for meetings, teacher development, parent ed and other activities.
- Provide support to the Director and teachers as necessary.
- Act as a Director, when necessary, when Director is off site.

Performs other duties as assigned.

**Employment Standards:**

Education & Experience: Any combination of education and/or experience equivalent to a Bachelor’s degree in Public or Business Administration or related field from an accredited school; plus three years of related experience in fiscal services, administration, and human resources. Experience with a public school is preferred.

**Knowledge, Skills & Abilities:**

Knowledge of:

- Principles and practices of public school services and administration;
- Personnel and finance administration and sources of information related to public school issues;
- Research methods and report writing; and
- Effective public relations techniques.

Skilled in:

- Interpreting, implementing, and explaining complex rules, regulations, contracts, policies, and procedures;
- Analyzing problems, developing and evaluating options, and making sound recommendations;
- Writing reports, documents, correspondence, and memoranda;
- Using a personal computer and associated software for word-processors, spreadsheets, and databases;
- Making formal presentations to diverse groups;
- Establishing and maintaining effective working relationships with a variety of people;
- Prioritizing assignments and workload appropriately and responding to deadlines effectively; and
- First aid and CPR certification is highly desirable.

Ability to:

- Organize, coordinate, and oversee office activities;
- Operate standard office equipment such as computer, telephone, facsimile, photocopier, and other equipment;
- Tolerate high levels of stress;
- Work independently and in a team environment;
- Maintain confidentiality;
- Perform the essential functions of the position; and
- Speak Spanish is highly desirable.

**Working Conditions:**

- Regular requirement to stand, walk, talk, hear, see, read, speak, reach, stretch with hands and arms, stoop, kneel, and crouch;
- Lift and carry objects weighing up to 50 pounds;
- Occasional exposure to blood, bodily fluids, and tissue;
- Occasional interaction with unruly children; and
- Occasional evening and/or weekend work.

**SCHOOL SECRETARY**

**Job Summary**

Under direction of the school site Director, is responsible for the day-to-day operations at a Discovery Charter School campus including, but not limited to, enrollment, transportation, nutrition services, purchasing/warehouse, and facilities. Serves as an advocate for the school's developmental philosophy and parental involvement.

The School Secretary will be responsible for helping run the school once open. The school Secretary is a full time, hourly position that reports to the Office Manager. The School Secretary is the first point of contact for parents and students when they come to school, as well as a resource to the school community. School Secretaries should always exhibit professionalism, treat people with respect, and be firm but compassionate in the way that they address the day-to-day problems of the school.

**Essential Functions:**

- Assist with fall lotteries and answer questions related to applications and the lottery process.
- Collect enrollment documents from accepted students.
- Coordinate work with Parent Leaders/Task Force members to be involved in the startup process.

**Once the school is open School Secretary responsibilities will include:**

**Parents and Community**

- Build strong working relationships with parents and families.
- Assist with the successful coordination of community meetings and events, either through delegating to parents or completing independently.
- Use established communication systems to send out school information as necessary.
- Run Mandatory Registration Day before the start of school to gather student information and complete other start-of-year tasks with families.
- Be familiar with contents and structure of student information files.

**Health, Safety, and Discipline**

- Administer basic first aid, distribute medication, maintain injury reports, and contact parents as necessary.
- Be knowledgeable of all content in school safety binder, including emergency procedures.
- Report all injuries and other school incidents to the Office Manager.
- Supervise students sent to the office for discipline and health reasons.
- Maintain forms and records for workplace safety (OSHA and Worker's Comp).

**Meals**

- Collect lunch payments from parents.

**Facilities**

- Assist in managing and reporting day-to-day facilities problems.
- Schedule maintenance vendors and meet them as they arrive on campus.



- Execute responsibilities related to emergency situations as assigned by the Director.
- Ensure that all documents delivered or messages received are immediately given to main Discovery Office, as most issues are time sensitive.
- Maintain confidentiality regarding all information, oral and written, regarding students who receive special education services.
- Partner with specialists on a school site to arrange IEP or other meetings and as necessary or when needed.

### **Administrative**

- Perform general clerical duties including answering phones, taking and distributing messages, sorting mail and preparing general correspondence.
- Facilitate arrangements for school activities and arrange logistics for meetings, teacher development, parent ed and other activities.
- Provide support to the Director, Office Manager, and teachers as necessary.

Performs other duties as assigned.

### **Employment Standards:**

**Education & Experience:** Any combination of education and/or experience equivalent to a Bachelor's degree in Public or Business Administration or related field from an accredited school; plus three years of related experience in fiscal services, administration, and human resources. Experience with a public school is preferred.

### **Knowledge, Skills & Abilities:**

Knowledge of:

- Principles and practices of public school services and administration;
- Personnel and finance administration and sources of information related to public school issues;
- Research methods and report writing; and
- Effective public relations techniques.

Skilled in:

- Interpreting, implementing, and explaining complex rules, regulations, contracts, policies, and procedures;
- Analyzing problems, developing and evaluating options, and making sound recommendations;
- Writing reports, documents, correspondence, and memoranda;
- Using a personal computer and associated software for word-processors, spreadsheets, and databases;
- Making formal presentations to diverse groups;
- Establishing and maintaining effective working relationships with a variety of people;
- Prioritizing assignments and workload appropriately and responding to deadlines effectively; and
- First aid and CPR certification is highly desirable.

Ability to:

- Organize, coordinate, and oversee office activities;
- Operate standard office equipment such as computer, telephone, facsimile, photocopier, and other equipment;
- Tolerate high levels of stress;

- Work independently and in a team environment;
- Maintain confidentiality;
- Perform the essential functions of the position; and
- Speak Spanish is highly desirable.

**Working Conditions:**

- Regular requirement to stand, walk, talk, hear, see, read, speak, reach, stretch with hands and arms, stoop, kneel, and crouch;
- Lift and carry objects weighing up to 50 pounds;
- Occasional exposure to blood, bodily fluids, and tissue;
- Occasional interaction with unruly children; and
- Occasional evening and/or weekend work.

## Discovery Charter School

Job Codes: 2021, 2022

EEOC: Professional

### TEACHER, K-8

#### Job Summary:

Under direction of Director, responsible for implementing developmental instructional programs for pupils in grades K-8.

#### Essential Job Functions:

- Develops instructional plans on a yearly and unit basis within the framework of the prescribed curriculum.
- Provides planned experiences that motivate pupils toward independent and original thought. Provide opportunities for student choice and decision-making.
- Develops a program to meet the needs of pupils with widely varying intelligence and capabilities by providing individualized and small-group instruction, multi-level materials, and independent study.
- Creates a functional and attractive environment for learning through displays, bulletin boards, and interest centers.
- Establishes and maintain standards of pupil behavior needed to provide an effective learning environment.
- Identifies pupil's needs and cooperate with other professionals to assess and help pupils solve health, attitude, and learning problems.
- Provides planned learning experiences which include leading pupils to reaching state goals and objectives.
- Develops and/or utilize appropriate evaluation systems and techniques which monitor pupils' progress toward mastering curricular objectives.
- Works cooperatively in measuring student growth; evaluate pupil's academic and social growth; keep appropriate records; prepare progress reports; and communicate with parents as needed on the pupil's progress.
- Uses student progress data to design classroom instruction and instructional intervention.
- Supervises pupils in out-of-classroom activities during the working day.
- Integrates field trips to enrich curricula.
- Shares in the responsibilities for school activities and participates in faculty committees.
- Instructs students in emergency procedures and supervises drills.
- Plans and pursues a program of personal professional growth; participates in appropriate School, county and statewide in-service education activities.
- Participates in the identification of School goals and objectives and the development of strategies for their implementation.
- Participates in curriculum improvement and other developmental programs within the school.
- Plans and coordinates the work of student teachers, aides, and other para-professionals, including parent volunteers.

- Works effectively with parent volunteers and help volunteers increase their understanding of teaching methodology and small group management skills.

Performs other duties as assigned.

**Employment Standards:**

Education& Experience: Possession of a Bachelor’s degree. Prior experience working with developmental based educational programs is highly desirable.

Credentials: Elementary level (K-5) teachers must possess a valid California Multiple Subject Teaching Credential. Middle school level (6-8) teachers must possess a valid California Multiple Subject Teaching Credential and/or Single Subject Teaching Credential, as well as, meet the NCLB “highly qualified teacher” requirements of core subject matter competency. Special Education Teachers must hold an appropriate credential.

**Knowledge, Skills & Abilities:**

- Knowledge of developmental based educational instructional strategies;
- Ability to communicate ideas and instruction clearly and effectively both orally and in writing;
- Ability to evaluate tests and measurements of achievement;
- Ability and desire to work effectively with classroom volunteers;
- Ability to work effectively as a team member;
- Ability to perform the essential functions of the position.

**Working Conditions:**

- Regular requirement to stand, walk, talk, hear, see, read, speak, reach, stretch with hands and arms, stoop, kneel and crouch;
- Lift and carry objects weighing up to 50 pounds;
- Occasional exposure to blood, bodily fluids and tissue;
- Occasional evening and/or weekend work.

## **ATTACHMENT 24: EMPLOYEE DEVELOPMENT PLAN**

### **PLAN FOR THE DEVELOPMENT OF FACULTY AND STAFF**

We believe that schools are only as strong and effective as their teaching faculty. One of our core goals at Discovery Charter Schools is to establish a culture of continuous learning not only for our students and parents, but for our staff as well. Teachers will collaborate to create curriculum and assessments and will be guided by professional development plans created jointly with administrators. In order to achieve this goal, teachers must be granted autonomy, while being supported and coached by administrators whose primary focus is student achievement. A leadership team, which includes grade level representatives, will meet monthly with the Director to plan grade level and staff meetings and address issues involving many aspects of school planning. Shared decision-making and consensus building are valued and inherent parts of our culture.

Discovery will implement a Professional Development Day before each school year begins. During the Professional Development Day teachers will work together to refine curriculum, create assessments, and define focus areas for the school year based upon the past year's student achievement data and parent survey results. In addition, teachers will have opportunities to attend workshops and conferences that are aligned with the school's goals and their professional development growth goals.

The school schedule and budget will support teacher learning by providing:

- A budget for each teacher to use on their own professional development during the school year;
- Weekly grade level and cross grade level meetings where staff will collaborate on curriculum, assessments, and teaching methods;
- Monthly staff meetings designed to discuss the latest research-based educational strategies and maintain a professional learning community among all Discovery staff; and
- A professional resource library and membership in a variety of professional organizations.

#### **How Does Professional Development Enhance our Mission?**

##### ***Meeting the Needs of the Whole Child***

Each teacher will be provided the time and resources to adapt and develop their instruction to meet the needs of their diverse student population.

##### ***Teachers as Learners***

We expect our teachers to continue to be learners. Each teacher will:

- Attend professional grade level meetings to discuss curriculum and assessment;
- Attend monthly staff meetings to collaborate on teaching practice, student behavior expectations, and other site-related issues; and
- Attend summer and winter professional development days.

## **Program Highlights**

### ***Professional Development Plan***

The Director and each teacher or staff member will meet each fall to develop mutually agreed upon goals which will be reviewed during the course of the year and used as part of their year-end evaluation. All staff will be responsible for attending professional growth opportunities throughout the year and ensuring that they continue to develop their skills and range of knowledge about teaching and child development.

### ***Teacher Observations***

The Director, using both formal and informal observations, will observe all faculty on an ongoing basis. Informal observations can occur during any instructional time and will include a post-observation conference. Formal observations will include a pre-observation conference as well as a post-observation conference. The pre-observation conference may be conducted in person or through written communication. Post-observation conferences will be in person and will occur within three (3) school days after the observation. During the school year, each teacher will have at least two (2) formal observations. Probationary teachers will receive four (4) formal observations per year. Results of formal and informal observations, consisting of the teacher's and the Director's observations and recommendations, will be put in writing and included in the teacher's personnel file.

## ATTACHMENT 25: TEACHER EVALUATION PROCESS

### Discovery Charter School Teacher Evaluation

Name: Year: Assignment:

#### ENGAGING AND SUPPORTING ALL STUDENTS IN LEARNING

Teachers build on students' prior knowledge, life experience, and interests to achieve learning goals for all students. Teachers use a variety of instructional strategies and resources that respond to students' diverse needs. Teachers facilitate challenging learning experiences for all students in environments that promote autonomy, interaction and choice. Teachers actively engage all students in problem solving and critical thinking within and across subject matter areas. Concepts and skills are taught in ways that encourage students to apply them in real-life contexts that make subject matter meaningful. Teachers assist all students to become self-directed learners who are able to demonstrate, articulate, and evaluate what they learn.

Meets the Standard: Needs Improvement:

#### CREATING AND MAINTAINING EFFECTIVE ENVIRONMENTS FOR STUDENTS

Teachers create physical environments that engage all students in purposeful learning activities and encourage constructive interactions among students. Teachers maintain safe learning environments in which all students are treated fairly and respectfully as they assume responsibility for themselves and one another. Teachers encourage all students to participate in making decisions and in working independently and collaboratively. Expectations for student behavior are established early, clearly understood, and consistently maintained. Teachers make effective use of instructional time as they implement class procedures and routines.

Meets the Standard: Needs Improvement:

#### UNDERSTANDING AND ORGANIZING SUBJECT MATTER FOR STUDENT LEARNING

Teachers exhibit strong working knowledge of subject matter and student development. Teachers organize curriculum to facilitate students' understanding of the central themes, concepts, and skills in the subject area. Teachers interrelate ideas and information within and across curricular areas to extend students' understanding. Teachers use their knowledge of student development, subject matter, instructional resources and teaching strategies to make subject matter accessible to all students.

Meets the Standard: Needs Improvement:

#### PLANNING INSTRUCTION AND DESIGNING LEARNING EXPERIENCES FOR ALL STUDENTS

Teachers plan instruction that draws on and values students' backgrounds, prior knowledge, and interests. Teachers establish challenging learning goals for all students based on student experience, language, development, and home and school expectations. Teachers sequence curriculum and design long-term and short-range plans that incorporate subject matter knowledge, reflect grade-level curriculum expectations, and include a repertoire of instructional strategies. Teachers use instructional activities that promote learning goals and connect with student experiences and interests. Teachers modify and adjust instructional plans according to student engagement and achievement.

Meets the Standard: Needs Improvement:

ASSESSING STUDENT LEARNING

Teachers establish and clearly communicate learning goals for all students. Teachers collect information about student performance from a variety of sources. Teachers involve all students in assessing their own learning. Teachers use information from a variety of ongoing assessments to plan and adjust learning opportunities that promote academic achievement and personal growth for all students. Teachers exchange information about student learning with students, families, and support personnel in ways that improve understanding and encourage further academic progress.

Meets the Standard:

Needs Improvement:

DEVELOPING AS A PROFESSIONAL EDUCATOR

Teachers reflect on their teaching practice and actively engage in planning their professional development. Teachers establish professional learning goals, pursue opportunities to develop professional knowledge and skill, and participate in the extended professional community. Teachers learn about and work with local communities to improve their professional practice. Teachers communicate effectively with families and involve them in student learning and the school community. Teachers contribute to school activities, promote school goals and improve professional practice by working collegially with all school staff. Teachers balance professional responsibilities and maintain motivation and commitment to all students.

Meets the Standard:

Needs Improvement:

Overall Evaluation meets the standard:

Needs Improvement:

Comments:

Goals for Next Year:

Signatures: \_\_\_\_\_  
\_\_\_\_\_

Date:  
Date:



## ATTACHMENT 26: DISCOVERY CHARTER SCHOOL PARENT AGREEMENT

### **Discovery Charter School Parent Agreement**

As the parent(s)/guardian(s) of \_\_\_\_\_ (“Student”), I/we desire to have Student enrolled in the Discovery Charter School (“Discovery”). We recognize and agree that parent participation is important for the education of our children. We further recognize and agree that such participation is an integral component of Discovery’s educational philosophy and program and is necessary for the successful functioning of Discovery’s educational program.

In signing this Agreement, we agree to support the Discovery educational philosophy and program in the following ways:

1. To ensure that the developmentally-based small group learning environment of the Discovery program can be effectively implemented, we agree that we will participate in a regularly scheduled shift of up to two (2) hours per week per child (with a maximum of 6 hours per family). In the event of family needs such as pregnancy, family emergency, or illness, an accommodation may be negotiated with the Director.
2. To ensure that we will be effective partners as classroom aides and on yard duty we will attend the mandatory Positive Discipline class held at Discovery. This requirement is a one-time only training and is required for all new families.
3. To ensure that we will be effective partners in our child’s education at Discovery we understand that we are required to, and will, attend all Parent Academy sessions, including all classroom parent meetings (PA101, PA102).
4. To ensure that we will be effective partners in our child’s education at Discovery we will participate in Back to School Night and all parent conferences.
5. To ensure that we will be effective partners in our child’s education at Discovery, our family will participate in a minimum of four (4) Parent Education Meetings during each school year. This requirement may be satisfied by attending Parent Education meetings (including Positive Discipline classes) at Discovery or by attending other Parent Education events off-site, with approval of the Director.
6. To help ensure that our child’s school has an environment conducive to learning, we will participate in at least one Work Day per year. This Work Day may be one of the regularly scheduled workdays, or special projects may be assigned at the staff’s discretion.
7. To help take care of the many tasks that need to be done at our school and to allow the Discovery teachers more time to focus on teaching our children, we will serve in at least one classroom or school-wide support position in addition to the regularly scheduled work shift.
8. To help maintain a safe and healthy school environment, we will submit TB verification prior to participating.
9. To ensure a safe school environment for the children attending Discovery, we agree that prior to participation, each volunteer will submit to be fingerprinted and have a background check made by an agency authorized by the Discovery Board. Results of such background checks will, at the discretion of the Director, be a basis for determining the scope and terms of participation.
10. To provide a consistent learning environment, in the event that we are unable to work on our scheduled shift, we will arrange for a person on the approved Discovery volunteer list (with TB verification, fingerprints, and background check on file) to substitute for us. We will notify the teacher of any substitution.

11. To support our children in learning by taking part in field trips, we will participate in a minimum of three (3) field trips per year per child as a driver or chaperone. We agree that if we normally work on a day and time when a field trip is scheduled, we will be expected to drive or chaperone.
12. In order to respect the privacy of the students, parents, and staff, we agree to abide by the confidentiality policies of Discovery.

The Director of Discovery has the authority and responsibility for the administration of this Agreement, including how and when we participate in the classroom or in other forms of participation.

In the event of inappropriate conduct by any of us on campus or during a school-sponsored activity, the Director has discretion to make an alternative plan for any volunteer's participation.

I/We understand that the Parent Agreement is signed on behalf of all individuals volunteering on behalf of this student and I/we will communicate its content and expectations to all such volunteers.

I/We also understand that the Parent Agreement will be renewed annually to reflect ongoing commitment to our participation.

I/We, the parent(s)/guardian(s) of \_\_\_\_\_, have read and understood the Discovery Charter School Parent Agreement. We agree to comply with the terms of the Parent Agreement as set forth herein.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

## ATTACHMENT 27: PUBLIC RANDOM DRAWING POLICY

### DISCOVERY CHARTER SCHOOL

**Board Policy: BP120711.1**

**Approved: 11 July 2012**

**Title: Admissions Drawing to Determine School Placement**

#### **Applicability**

This policy applies to all qualified applicants, as defined in the application packet, to Discovery Charter School (Discovery) during the Open Enrollment Period.

#### **Policy Statements**

1. If the number of students applying for any grade exceeds the expected capacity for that grade, an admissions drawing shall be conducted for the Open Enrollment Period applicants for the oversubscribed grades by an independent outside party to determine school placement. The date and location of the public random drawing will be posted on the Discovery website and in the school office.
2. The expected number of classes and class size for each grade will be specified by the Board and announced in advance.
3. Each family will be assigned a family number and each child in the family will be assigned a student number to create a child ID number. For example, the ID's for the children of Family 001 would be 001.1, 001.2, 001.3, and so on.
4. An "Applicant List" shall be prepared. Each applicant on the list will be assigned a Drawing ID in the following format:

Preference Group – Grade – Family# . Student# – Last name . First name

For example: A –K – 001.1 – Smith.John  
B – 2 – 003.1 – Jones.Michael  
C – 4 – 007.1 – Chavez.Emilio  
D– 6 – 007.2 – Chavez.Maria

Detailed explanation of each Drawing ID element:

#### **Preference Group**

Enrollment preferences shall be given in the following order:

#### **Year 1:**

- F. Founding Families
- G. Children of paid Discovery staff

- H. ELL students of District
- I. Residents of District
- J. All other California residents

**Year 2:**

- G. Founding Families
- H. Siblings of currently enrolled students
- I. Children of paid Discovery staff
- J. ELL students of District
- K. Residents of District
- L. All other California residents

**Grade**

The grade this student is applying for. Options are: K, 1, 2, 3, 4, 5, and 6 in year one; K through 7 beginning in year two; K through 8 beginning in year three.

**Family Number & Student Number**

Family Number is a sequential number of the enrollment application, e.g. 001, 002, 003, etc. Student Number is a sequential number of the student on that enrollment application, e.g. 1, 2, 3, etc. For a family with three students applying the construct would therefore be:

001.1, 001.2, and 001.3

Family is defined as children and parent(s)/guardian(s) living at the same address.

**Last Name & First Name**

Student's last and first name, e.g. Smith.John.

5. The "Applicant List" will be certified by signatures of two Discovery Charter School Board Members. The original will be kept in the office and 5 copies will be separately mailed via US Mail to Discovery Charter School prior to the date of the public random drawing. The envelopes will remain sealed until such time as a dispute arises between a family included in the public random drawing and Discovery Charter School, or the school year ends.
6. A single drawing ticket will be created for each family. The ticket will include the Abbreviated Drawing ID for all students from that family in the following format:

Preference Group – Grade – Family# . Student#

Definitions of the Abbreviated Drawing ID elements are equivalent to the definitions of the Drawing ID elements and are listed in bullet 4.

7. Families will be informed of their Drawing ID(s) prior to the admissions drawing by email via the email address provided on the enrollment application. Families that do not have email access will be notified by US Mail.
8. Prior to commencement of the admission drawing, two Discovery Charter School Board Members shall verify that the Abbreviated Drawing ID(s) on the drawing tickets match the information on the certified “Applicant List”, and that there is a 1 to 1 correlation.
9. The tickets shall be sorted by admissions preference category.
10. The Board shall choose an independent outside party to draw the tickets.
11. The admissions drawing will be structured by preference category in the order specified in bullet 4 under the Preference Group heading.
12. For each admissions preference category, tickets shall be drawn randomly to determine placement on the relevant grade list. A number showing the order in which the ticket was drawn shall be written on the ticket.
13. As each ticket is drawn, the Abbreviated Drawing ID(s) of all children on the ticket shall be announced and sequentially added to the relevant grade list.
14. After the admissions drawing is complete, Discovery shall post the public random drawing results on the Discovery website and in the Discovery school office.
15. The public random drawing result list will be used to fill available grade level spaces. The remaining applicants on the public random drawing list will form the wait lists for each grade.
16. Families who receive offers of acceptance for available spaces in a given grade level will receive registration forms via U.S. Mail. If the completed registration forms are not returned to Discovery by the date required in the offer letter, the admission slot will be forfeited and offered to the top wait-listed student in that grade.
17. It is the parent/guardian’s responsibility to update their contact information with Discovery. Discovery shall not be responsible for failure to contact the parent/guardian of either accepted or wait-listed applicants due to expired contact information.
18. A student placed on a wait list will remain on the wait list until either:
  - The student is accepted into Discovery Charter School, or
  - The parent/guardian requests in writing that the student be removed from the wait list, or
  - The school year ends at which time wait-listed students are transferred into an appropriate preference category pursuant to the charter.
19. In the event a situation arises that is not covered by this policy, no more than three Discovery Charter School Board Members present at the public random drawing will determine the fairest method for resolution of the issue.

## **ATTACHMENT 28: ENROLLMENT AND ADMISSION PROCEDURES**

### **Enrollment and Admission Procedures**

There will be one common admission application for all Discovery Charter School sites.

The Application for Enrollment document will be available from the Discovery main office and downloadable from the website. Paper copies are available at each office site, and in selected foreign languages.

Each Application for Enrollment document will list every Discovery school site, requiring the family to mark the appropriate school check box to indicate the school in which the family desires to enroll their child/children.

A family may apply to more than one Discovery Charter School site.

The Application for Enrollment and accompanying documentation are to be mailed or delivered to the Discovery main office.

The main office will review and distribute qualified applications to the individual school site's administration to organize and hold individual school site lotteries.

A qualified application is one in which the Application for Enrollment, accompanying documentation, and qualifying meeting and tour, if required, have been completed.

The Application for Enrollment packets that are received during Discovery's Open Enrollment Period will qualify for the public random drawing.

Public random drawings will be held separately for each Discovery school site, and each drawing will be run according to the Public Random Drawing Policy set by the Discovery School Board.

### **No transfers in any Discovery School's initial year**

In the initial year of a new Discovery II opening there will be no transfer offered to any family between sites. Should a family currently attending a Discovery Charter School wish to attend a new school in its first year of operation, then that family will be required to submit an Application for Enrollment as required for all new families.

Discovery Charter School will develop and adopt a transfer policy prior to the opening of the first Discovery II.

## **ATTACHMENT 29: DISCOVERY CHARTER SCHOOL MARKETING AND COMMUNITY OUTREACH PLAN**

### **Marketing Plan**

#### **Introduction**

Discovery Charter School is based on developmentally appropriate teaching methods that successfully integrate the whole child with respect to individual learning styles, developmental readiness, and rates of achievement.

Multi-age classrooms, small class sizes, team teaching, a high level of parent participation, and community involvement greatly contribute to developing Discovery Charter School into a world class learning community.

This school has built an educational environment where developing student achievement, building innovative programs, and engaging families and communities provide a common vision for lifelong learning and student success.

Discovery's innovative programs are designed to accommodate the diverse needs of all students, including those who are historically underachieving or academically disadvantaged, to challenge and engage students to master state academic content, and to meet or exceed state achievement standards.

#### **Executive Summary**

Discovery Charter School services grades K-8, and already has a proven program with an API ranking of 900+ in the first two years of operation. The school succeeds for various reasons. Many parents feel that there are not enough choices in education. There is a strong feeling in the surrounding community that an alternative a public school offering, (independent of neighborhood designation and responsive to family needs) is just what is needed. (*Reference: Seven Characteristics Present in Most Good Schools*) Discovery offers an alternative to the cookie-cutter approach of the traditional public school system. With the current shape of the State's economy many parents have indicated that, why they do not like the public school offerings, they cannot afford private school; therefore, Discovery Charter School is a strong choice. Discovery offers the price of public school with a private school type education: the combination of the best of two worlds. (*Reference: School Of Choice Benchmarks*)

In our research we have also found that while many parents are often comfortable enrolling their younger children in their neighborhood elementary school, they become nervous about their local middle school and start researching alternatives. We believe, and research supports, that early adolescence represents a critical transition in children's lives, and these young people ages 11-14, need a learning environment specially designed to meet the challenges and potential of the middle years. Adolescence is one of the exciting periods of intellectual, physical, social, and emotional development in the human life span. We feel traditional middle school models do not adequately address these challenges.

The State of California revenues provide for bare bones necessities at the public schools, therefore enrichment programs are either cut or scaled back. While parents wish to have their children do well academically, they also wish for their children to be exposed to a variety of enrichments that these days most public schools just don't have. The parent participation model and pledge drive support from the Discovery families enables the

program to offer a wide range of enrichments that are integrated for a maximum learning experience. So while parents may first be interested in Discovery for the API scores, many parents are then interested in the variety of enrichments and other offerings for their children. (*Reference: What Parents want in a School - Characteristics*)

Finally some families are looking for more than just a school. They are searching for a community of teachers, students, and parents that can support each individual child or a family in need. They wish to have input into policies and programs, to be part of something of value – to be heard.

Discovery is a Santa Clara County Charter school located within the boundaries of the Moreland School District. Discovery concentrates their marketing efforts within an 8-10 mile radius. However, word of mouth concerning the program gets around. Currently Discovery families come from as far south as Morgan Hill, and as far north as Los Altos and Milpitas. The school's history shows that if the program is right for the child and right for the family –they will come.

### **Marketing Discovery as a School of Choice**

It is extremely important to market Discovery. If public education is to survive and continue, it is necessary to have the support of the public, and Discovery is no exception. It is essential to communicate with the surrounding community. Communication leads to understanding. The questions one should ask concerning Discovery are:

1. If choice became a reality would Discovery be my school of choice?
2. Would I send my child, grandchild, niece/nephew to Discovery?
3. Is Discovery's teaching team equal to or better than the competition?
4. Are Discovery's "customers" satisfied?

If we at any time answer "no" then we need to make sure to take a look at the issue and make it better. Those individuals marketing for Discovery need to understand that the effort is not a one-time event. Commitment must be made in terms of people and finances. Everyone must understand that planning and marketing is an evolutionary process (but something visible needs to happen). Our organization must be flexible to adapt to changing environmental conditions, and Discovery must be customer-oriented.

To market we must:

1. Continue to stay focused on continuous improvement.
2. Be proactive to events, misinformation, and unfair attacks.
3. Share our successes as well as our challenges openly and honestly.
4. Work hard to create understanding.
5. Build Support for Discovery

### **Discovery Vision**

To provide a strong public educational choice helping students to fulfill their potential through a student, parent, and teacher partnership.

### **Discovery Mission**

Through strong family involvement, community learning, and developmentally based teaching Discovery Charter School will support the whole child and develop lifelong learners prepared to meet the challenges of the future.



## **Discovery Goals and Objectives**

We are committed to:

- Building an educational environment where developing, building, and engaging families and communities will provide a common vision for lifelong learning and student success;
- Respecting the cognitive, emotional, social, and physical development of each child;
- Partnering staff, students, parents, and community to create a unique, challenging, and individualized learning environment with high academic standards and expectations;
- Building programs that foster thinking which is original, critical, collaborative, and reflective; and
- Developing students who are self-motivated, self-disciplined, and socially responsible.

## **Marketing Goals/Objectives (External)**

- Increase awareness throughout the surrounding school areas that Discovery is a strong educational choice for families
- Market to diverse ethnic groups in surrounding areas
- Recognize why parents choose a school and market to those characteristics
- Be strategically proactive
- Continually look for marketing opportunities with media and strategic partners, as well as other organizations to increase exposure
- Advertise to build awareness and recruit those who may be interested in the program
- Seek, build, and maintain strategic partnerships
- Build a positive image
- Be consistent with branding, image, and messaging

## **Marketing Values**

- Recognize and truly believe that our students and their parents are our *customers*; Customer service is at the core of how we run our school, and how the community perceives Discovery
- Welcome all families
- Motivate employees to be dedicated champions for our students; employees must live the concepts of excellence of service
- Take our school message “on the road” – reach out to everyone in the community
- Parents and “word of mouth” communication is important
- Professional and polite office staff
- Take stock of changes in Education Markets

## **Marketing Strategies**

- Maintain a professional marketing website
- Optimize search engine, directories, educational websites, etc. to enhance Discovery’s exposure
- Create marketing materials such as flyers, postcards, newsletters, etc as needed to identified target markets
- Sponsor, produce, attend, or participate in community functions, fairs, and events
- Maintain contact with press, radio, and television for opportunities to optimize and/or leverage marketing opportunities
- Arrange open houses, tours, and exposure into school community
- Public Relations – press releases, promote press/article opportunities with local media
- Build business, government, and educational partnerships
- Promote “word of mouth” community recommendations

## **Marketing Objectives**

The main objective for Discovery marketing is to build/maintain a positive image for the school and its program. This in turn will promote a general interest for families to seek information concerning Discovery, and in turn offer an education choice that may or may not be right for a family.

- Increase number of inquiries concerning program
- Increase number of people attending Tours and Information Nights
- Fill all class levels and openings available
- Build waitlists
- Grow school and opportunities for the students and families

## **Research**

What Parents Want in a School - Characteristics \*

- Academically solid, but not so rigorous as to intimidate their children
- Accredited
- Competitive in academic test scores
- Recognized for excellence
- Above –average expenditures on pupil instruction
- Above –average teacher salaries
- Above average library & media services
- Small class size
- High expectations of students
- Results-oriented
- Special programs to meet students' needs
- Good curriculum for their students
- Open, warm atmosphere
- Accessible staff
- Positive communication
- Academic & athletic achievement
- Involved parents
- Safe Neighborhood
- Location convenient for parents
- Alumni speak well about the school

*\* SchoolMatch Research Survey*

## **Seven Characteristics Present in most Good Schools\***

- Responsiveness
- Flexibility
- Two-way Communication
- Shared Decision-making
- Accountability
- Adequate Resources
- Individual Recognition

*\* National School Public Relations Association Research*

## School of Choice Benchmarks\*

- High expectations for all students
- Realtors sell the most homes for parents to locate nearby
- Businesses decide to locate and the tax base increases
- Bureaucracy is minimal and decision-making is local and flexible
- Accountability is communicated
- Access to staff is easy
- Communication is responsive and two-way
- Community and parent involvement is the norm
- Recognition for both adults and children is a priority
- Alumni programs flourish
- Parents want their children to go to the school
- Students want to go to the school
- Teachers want to teach at the school

\* National School Public Relations Association Research

## Community Outreach Plan

### OBJECTIVE

Discovery is committed to recruiting and maintaining a diverse student population. Such diversity will afford our students a richer educational experience while promoting our core values of respect and community. A broad spectrum of backgrounds, cultures, and perspectives is essential to creating a school where creative thinking is valued and nurtured. It is our intention to establish a racial and ethnic balance amongst our students which is reflective of the student populations within the various School Districts of Santa Clara County.

### COUNTY STATISTICS AND EXPECTED ENROLLMENT

Discovery plans to open with grades K-6 in fall 2013. Expected enrollment is 382 students, based on 22 students per class K-3, and 27 students per class 4-6. For 2014-2015, two classes of 7<sup>th</sup> grade will be added, raising total enrollment to 436; for 2015-2016 two classes of 8<sup>th</sup> grade will be added bringing enrollment to 490. Discovery will strive to achieve a student population statistically similar to the enrolled student population in Santa Clara County as established below. All students will be considered for admission in accordance with California Education code 47605(d) and without regard to ethnicity, national origin, gender, or disability.

Data obtained from the California Department of Education indicates the following student enrollment demographics for Santa Clara County:

African American not Hispanic	7,190 (2.7%)
American Indian or Alaska Native	1,060(0.4%)
Asian	71,170 (26.7 %)
Filipino	12,330 (4.6)
Hispanic or Latino	101,625 (38.2%)
Pacific Islander	1,758 (.7%)
White not Hispanic	61,603 (23.1%)
Two or More Races	5,331 (2.0%)
Total Enrollment	266,256

## GENERAL PLAN

The Discovery Founders have established relationships with various community groups such as PACT, AACI, and Project Cornerstone, representing the Hispanic/Latino, Asian, communities and youth advocacy. We will identify opportunities to present information to parents of prospective students who might benefit from attending Discovery. These opportunities might include meetings, events, or special presentations. By aligning ourselves with community organizations, we can reach out continuously and pro-actively as we open additional schools. As our enrollment demographics become evident, we can focus outreach as needed by utilizing those established relationships.

The Discovery founders are also actively seeking opportunities to present information in various languages to libraries, community centers, businesses, and churches. Information meeting events will be conducted prior to enrollment in spring 2013. Translated materials and language support will be available to all attendees.

Additional outreach measures will include, but are not limited to:

- Distribution of promotional flyers in various languages
- Attendance and participation in local cultural events, with information tables and promotional materials staffed by speakers of various languages
- Advertising and/or press releases in local and community newspapers, both in English and other languages
- Visits to pre schools, community centers, religious organizations, community organizing groups, neighborhood association meetings, and social groups to promote Discovery

## TIME LINE

Plan Task	Date	Responsibility
Develop Promotional Materials/ Flyers	7/27/2012	Communications Task Force
Distribute /Post Flyers and Promotional Materials	Ongoing basis, weekly until enrollment is complete	Communications Task Force
Live web site deployment with Spanish Language Pages	9/15/2012	Communications Task Force
Discovery Charter School Information Meetings	Post charter approval, minimum of two, winter and early Spring 2012- 2013	Discovery Superintendent/Executive Director and Board
Participation in Community Center events, Information Table (Information in various languages)	Post charter approval, late summer and fall 2012, spring 2013	Communications Task Force
Spanish Language Parent Education /Positive Discipline Classes	Post enrollment, Summer 2013	Parent Education Task Force
Press, Media releases in Spanish and English updating School Progress	Post charter approval, Summer 2012 – Enrollment 2013.	Communications Task Force
Community Information/Presentation (Spanish and English)	Post charter approval, various public libraries, Fall 2012 thru enrollment 2013	Communications Task Force
Community Meetings, site area	Post Charter Approval and Site selection, Spring 2012	Communications Task Force
Establish a child care co-op for parents of enrolled students, so that parent can fulfill participation requirements	Post Enrollment 2013	Discovery Superintendent/Executive Director and Board

## **ATTACHMENT 30: PUPIL SUSPENSION AND EXPULSION PROCEDURES**

### **Pupil Suspension and Expulsion Policy and Procedure**

#### **BOARD POLICY #BP081512.1**

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

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

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

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

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, 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 school property.

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

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

A student identified as an individual with disabilities or for whom the 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 when federal and state law mandates additional or different procedures. The School will

follow Section 504, the IDEA, and all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the 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. The Charter School shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and work with the District to ensure that all applicable laws related to discipline for students with be provided with the procedural protections as outlined below in this policy.

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

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

#### B. Enumerated Offenses

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage, or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

- t) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened, or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including but not limited to, bullying committed by means of an electronic act (defined as the transmission of a communication, including but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager) directed specifically toward a pupil or school personnel. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  1. Placing a reasonable student (defined as a student, including but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
  2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Executive Director or designee’s concurrence.

2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:



- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Executive Director or designee's concurrence.

3. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage, or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened, or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including but not limited to, bullying committed by means of an electronic act (defined as the transmission of a communication, including but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an

electronic device, including but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager) directed specifically toward a pupil or school personnel. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
  2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Executive Director or designee’s concurrence.

4. Non-Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Executive Director or designee’s concurrence.

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

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon;

(C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Director or designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Director. The conference may be omitted if the Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

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

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

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

#### 2. Notice to Parents/Guardians

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

#### 3. Suspension Time Limits/Recommendation for Placement/Expulsion

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

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

#### D. Authority to Expel

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

#### E. Expulsion Procedures

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

In the event an administrative panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

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

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

5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

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

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

there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

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

#### G. Record of Hearing

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

#### H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

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

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in

Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

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

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

I. Written Notice to Expel

The Superintendent/Executive Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student;
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

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

This notice shall include the following:

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

Additionally, in accordance with Education Code Section 47605(d)(3), upon expulsion of any student, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.

J. Disciplinary Records

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

K. No Right to Appeal

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

L. Expelled Pupils/Alternative Education



Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

M. Rehabilitation Plans

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

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Superintendent/Executive Director and 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 Superintendent/Executive Director shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

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

1. Notification of District

The Charter School shall immediately notify the District and coordinate the procedures in this policy with the District for the discipline of any student with a disability or student who the Charter School or SELPA would be deemed to have knowledge that the student had a disability who is suspended for more than ten (10) school days during a school year.

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student

conduct, the Charter School, the parent, and relevant members of the IEP Team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

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

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

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

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

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim

alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

5. Special Circumstances

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

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

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

6. Interim Alternative Educational Setting

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

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

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

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

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

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

protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

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

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

Adopted: August 15, 2012

## **ATTACHMENT 31: IMPACT ON THE CHARTER AUTHORIZER**

This statement is intended to fulfill the terms of Education Code Section 47605(g) and provides information regarding Discovery Charter School's operation in and potential effects on the County. This document is intended for informational purposes only and to assist the County in understanding how the Charter School may affect the County. This, as an informational document, does not constitute a legally binding contract or agreement, is not intended to govern the relationship of Discovery and the County, and is not a part of the charter of the Charter School or any related agreements or memoranda of understanding.

### **A. Estimated Number of Students**

We estimate the Charter School to open with 382 students. At full grade K-8th build out, we estimate the Charter School will have approximately 490 students.

### **B. Support Services**

The Charter School's Director will assume the lead responsibility for administering the Charter School under the policies adopted by the Discovery Charter School Board of Directors. Discovery Charter Schools will provide or procure its own administrative services, including, but not limited to, financial management, legal, and personnel. As appropriate, Discovery Charter Schools may request to procure services for a fee from the county.

### **C. Process and Policies Between the School and the County**

In accordance with Education Code Section 47613, the County may charge for the actual costs of supervisory oversight not to exceed 1 percent of the revenue of the charter school to be increased to 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency. "Revenue" is defined in accordance with Education Code Section 47613(f) as the general purpose entitlement and categorical block grant, as defined in Education Code Section 47632(a) and (b).

"Supervisory oversight," as used in Education Code Section 47613 and Education Code Section 47604.32, shall include the following:

- All activities related to the Charter revocation and renewal and processes as described in Section 47607;

- Activities relating to monitoring the performance and compliance of the Charter School with respect to the terms of its Charter, related agreements, and all applicable laws;

- Participating in the dispute resolution process described in the Charter;

- Review and timely response to the Charter School's Annual Independent Fiscal and Performance Audit;

- Identify at least one Staff member as a contact person for the Charter School;

- Visit the Charter School at least annually;

Monitor the fiscal condition of the Charter School; and

Provide timely notification to the California Department of Education if any of the following circumstances occur:

A renewal of the charter is granted or denied;

The charter is revoked; or

The Charter School will cease operation for any reason.

**D. Charter Replication**

The Charter School's charter replication is requested for five years. During that period, the Charter School is responsible for demonstrating progress and meeting the goals of the Charter. Discovery may present a petition to renew or amend the Charter at any time and the County agrees to respond to such petitions pursuant to the process and timelines specified in Education Code Section 47605 and Education Code Section 47607 or its successors. Each Charter renewal shall be for a period of five years or longer as allowed by law. The progress and accomplishments of the Charter School shall be measured according to the criteria specified in the sections of the California Education Code on school performance.

**E. Facilities**

Discovery Charter School has submitted a request for Prop 39 facilities to the San Jose Unified School District for this new school under the terms of California Proposition 39 and its implementing regulations. Discovery Charter School reserves the right to find alternative facilities, and will inform the district of changes in its facility plans.

**F. Civil Liability**

The Charter School shall be operated as a California non-profit public benefit corporation, Discovery Charter School. Discovery is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d. The central objective of the corporation is to provide public education for residents of the State of California, in accordance with the Charter Schools Act, California Education Code Section 47600, et seq.

As such, in accordance with Education Code Section 47604(c), if the County complies with all oversight responsibilities required by law, the County shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors, or omissions by the Charter School. Further, the Charter School and the County shall enter into a Memorandum of Understanding (MOU), which shall provide for indemnification of the County.

**ATTACHMENT 32: DISCOVERY CHARTER SCHOOL MULTI-YEAR FINANCIAL PROJECTIONS**

**Discovery Charter School Budget Narrative  
Projections for 2013/14 through 2015/16**

The attached budget and cash flow projections are based on conservative estimates of the costs to operate Discovery Charter Schools.

**Discovery - New Charter**

Multiyear Budget Summary  
As of most recent monthly close

	<b>2012/13</b>	<b>2013/14</b>	<b>2013/14</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
	Startup Budget	Year 1 Budget	Total Budget (Including Startup)	Notes	Preliminary Budget	Preliminary Budget
<b>SUMMARY</b>						
<b>Revenue</b>						
General Block Grant	-	1,759,016	1,759,016		2,072,523	2,403,994
Federal Revenue	175,000	100,000	275,000		100,000	-
Other State Revenues	-	507,250	507,250		593,731	677,230
Local Revenues	-	-	-		-	-
Fundraising and Grants	-	231,110	231,110		263,780	296,450
<b>Total Revenue</b>	<b>175,000</b>	<b>2,597,376</b>	<b>2,772,376</b>		<b>3,030,034</b>	<b>3,377,674</b>
<b>Expenses</b>						
Compensation and Benefits	-	1,394,009	1,394,009		1,597,688	1,810,142
Books and Supplies	140,000	237,640	377,640		357,606	359,197
Services and Other Operating Expenditures	10,000	853,196	863,196		977,357	1,103,959
Capital Outlay	-	87,500	87,500		-	-
<b>Total Expenses</b>	<b>150,000</b>	<b>2,572,345</b>	<b>2,722,345</b>		<b>2,932,650</b>	<b>3,273,298</b>
<b>Operating Income (excluding Depreciation)</b>	<b>25,000</b>	<b>25,031</b>	<b>50,031</b>		<b>97,384</b>	<b>104,375</b>
<i>Operating Income (including Depreciation)</i>	25,000	95,031	120,031		79,884	86,875
<b>Fund Balance</b>						
Beginning Balance		-	-		120,031	199,915

(Unaudited) Audit Adjustment					
Beginning Balance (Audited)		-	-	-	-
Operating Income (including Depreciation)	25,000	95,031	120,031	79,884	86,875
<b>Ending Fund Balance (including Depreciation)</b>	<b>25,000</b>	<b>95,031</b>	<b>120,031</b>	<b>199,915</b>	<b>286,790</b>
<b>Recommended Reserve (5%)</b>			136,117	146,632	163,665

**Detail**

**Enrollment Breakdown**

K	55	55	-	55	55
1	55	55	-	55	55
2	55	55	-	55	55
3	55	55	-	55	55
4	54	54	-	54	54
5	54	54	-	54	54
6	54	54	-	54	54
7	-	-	-	54	54
8	-	-	-	-	54
<b>Enrollment Summary</b>	-	-	-	-	-
K-3	220	220	-	220	220
4-6	162	162	-	162	162
7-8	-	-	-	54	108
<b>Total Enrolled</b>	<b>382</b>	<b>382</b>	-	<b>436</b>	<b>490</b>

**ADA  
%**

K-3	95.7%	95.7%		95.7%	95.7%
4-6	95.7%	95.7%		95.7%	95.7%
7-8	95.7%	95.7%		95.7%	95.7%
<b>Average</b>	<b>95.7%</b>	<b>95.7%</b>		<b>95.7%</b>	<b>95.7%</b>

**ADA**

K-3	210.5	210.5	-	210.5	210.5
4-6	155.0	155.0	-	155.0	155.0
7-8			-		



7-8		0.0	0.0	-	51.7	103.4
		<b>365.6</b>	<b>365.6</b>	-	<b>417.3</b>	<b>468.9</b>
Total ADA				-		

**General Block Grant**

8015	Charter Schools General Purpose Entitlement - State Aid	-	1,300,586	1,300,586	Rates provided by SSC May Revise incl \$455/ADA cut	1,549,289	1,815,955
8019	State Aid - Prior Years	-	-	-	-	-	-
8096	Charter Schools in Lieu of Prop. Taxes (was 8780)	-	458,430	458,430	Rates provided by SSC May Revise incl \$455/ADA cut	523,234	588,038
		-	1,759,016	1,759,016	-	2,072,523	2,403,994

**8100 Federal Revenue**

8298	Implementation Grant	175,000	100,000	275,000	-	100,000	-
	<b>SUBTOTAL - Federal Income</b>	175,000	100,000	275,000	-	100,000	-

**8300 Other State Revenues**

8382	Special Education Reimbursement (State)	-	245,626	245,626	\$643/student (based on SCCOE funding in 11/12)	288,758	324,522
8560	State Lottery Revenue	-	53,008	53,008	\$145 per ADA per SSC	62,171	71,746
8592	Categorical Block Grant	-	144,267	144,267	\$395 per ADA per SSC; includes a proration factor of 0.77	169,154	195,516
0	Educationally Disadvantaged Block Grant	-	17,921	17,921	\$334 per ADA per SSC; includes a proration factor of 394.63	-	-
8593	New School Categorical				\$127 per		

		-	46,428	46,428	ADA Total	54,581	63,181
	<b>SUBTOTAL - Other State Income</b>	-	507,250	507,250	-	593,731	677,230
<b>8800</b>	<b>Donations/Fundraising</b>						
8801	Fund Drive (Donations - Parents)	-	231,110	231,110	\$605/student	263,780	296,450
	<b>SUBTOTAL - Fundraising and Grants</b>	-	231,110	231,110	-	263,780	296,450
<b>TOTAL REVENUE</b>							
		<b>175,000</b>	<b>2,597,376</b>	<b>2,772,376</b>	-	<b>3,030,034</b>	<b>3,377,674</b>
<b>EXPENSES</b>							
<b>Compensation &amp; Benefits</b>							
					Salaries increase 3%/year		
<b>1000</b>	<b>Certificated Salaries</b>						
1100	Teachers Salaries	-	960,000	960,000	16 FTE; ave salary 60k; add 2 teachers/year	1,112,400	1,273,772
1300	Certificated Supervisor & Administrator Salaries	-	100,000	100,000	1 FTE Principal	103,000	106,090
	<b>SUBTOTAL - Certificated Employees</b>	-	<b>1,060,000</b>	<b>1,060,000</b>	-	<b>1,215,400</b>	<b>1,379,862</b>
<b>2000</b>	<b>Classified Salaries</b>						
2400	Classified Clerical & Office Salaries	-	80,000	80,000	2 FTE; 30k Clerk + 50k Office Manager	82,400	84,872
	<b>SUBTOTAL - Classified Employees</b>	-	<b>80,000</b>	<b>80,000</b>	-	<b>82,400</b>	<b>84,872</b>
<b>3000</b>	<b>Employee Benefits</b>						
3101	State Teachers Retirement System, certificated positions	-	87,450	87,450	8.25% of certificated payroll	100,271	113,839
3301	OASDI/Alternative, certificated positions	-	15,489	15,489	-	17,756	20,155
3302	OASDI/Alternative, classified positions	-	6,134	6,134	-	6,318	6,507
3401	Health & Welfare Benefits - Certificated Positions	-	96,000	96,000	\$6000 per FTE per year. Growing at 9% per year.	124,260	149,701

3402	Health and Welfare Benefits - Classified Positions	-	12,000	12,000	\$6000 per FTE per year. Growing at 9% per year.	13,080	14,257
3501	State Unemploy. Insurance - Certificated Positions	-	8,568	8,568	3.60% per first ~\$7K of pay per person	6,300	5,292
3502	State Unemploy. Insurance - Classified Positions	-	1,008	1,008	3.60% per first ~\$7K of pay per person	756	504
3601	Worker's Comp Insurance - Certificated Positions	-	25,440	25,440	2.40% of payroll, per insurance quote for similarly sized school	29,170	33,117
3602	Worker's Comp Insurance - Classified Positions	-	1,920	1,920	2.40% of payroll, per insurance quote for similarly sized school	1,978	2,037
<b>SUBTOTAL - Employee Benefits</b>		-	<b>254,009</b>	<b>254,009</b>	-	<b>299,888</b>	<b>345,408</b>

<b>4000</b>	<b>Books &amp; Supplies</b>						
4100	Approved Textbooks & Core Curricula Materials	70,000	44,600	114,600	\$300 per Student	134,724	155,952
4200	Books & Other Reference Materials	-	28,650	28,650	\$75 per New Student	4,172	4,297
4300	Materials & Supplies	70,000	57,970	127,970	\$335 per Student	150,442	122,500
4330	Office Supplies	-	7,640	7,640	\$20 per Student	8,982	10,397
4352	Manipulatives and Kits (Activity 1)	-	19,100	19,100	\$50 per Student	22,454	25,992
4410	Classroom Furniture, Equipment & Supplies	-	53,480	53,480	\$140 per New Student	7,787	8,020
4420	Computers (individual items less than \$5k)	-	16,000	16,000	\$1000 per Teacher	18,540	21,218
4430	Non Classroom Related Furniture, Equipment & Supplies	-	7,200	7,200		7,416	7,638
4720	Other Food	-	3,000	3,000		3,090	3,183
<b>SUBTOTAL - Books and Supplies</b>		<b>140,000</b>	<b>237,640</b>	<b>377,640</b>	-	<b>357,606</b>	<b>359,197</b>

<b>5000</b>	<b>Services &amp; Other Operating Expenses</b>						
5200	Travel & Conferences	-	12,000	12,000	\$750 per Teacher	13,905	15,914
5300	Dues & Memberships	-	2,000	2,000		2,060	2,122
5450	Insurance - Other	-	22,920	22,920	\$60 per student based on current CCSA JPA rates	26,945	31,190
5515	Janitorial, Gardening Services & Supplies	-	41,280	41,280	\$215/room/month	42,518	43,794
5520	Security	-	4,000	4,000	Security equipment	-	-
5535	Utilities - All Utilities	-	50,351	50,351	Based on \$75k for current campus	57,469	64,587
5610	Rent	-	106,960	106,960	\$4 sq ft X 70 ft/student X enrollment (Prop 39 facility)	122,080	137,200
5615	Repairs and Maintenance - Building	-	3,000	3,000		3,090	3,183
5617	Repairs and Maintenance - Other Equipment	-	2,500	2,500	Copier	2,575	2,652
5803	Accounting Fees	-	8,750	8,750	Audit and 990 preparation	9,013	9,283
5809	Banking Fees	-	120	120	\$10 per Monthly Rate	124	127
5812	Business Services	-	104,532	104,532	For back office services including A/P, accounting, payroll, attendance reporting, and financial reporting support	122,375	137,835
5824	County Oversight Fees	-	19,212	19,212	1.0% of General & Categorical Block Grants	22,607	26,218
5836	Fingerprinting	-	760	760	\$40 per FTE	865	976
5843	Interest - Loans Less than 1 Year	-	4,000	4,000	Cash flow financing	2,000	2,000

5845	Legal Fees	5,000	5,000	10,000		5,150	5,305
5851	Marketing and Student Recruiting	-	5,000	5,000	Student outreach and recruiting	5,150	5,305
5857	Payroll Fees	-	1,560	1,560	\$130 per Monthly Rate	1,607	1,655
5863	Professional Development	-	24,000	24,000	\$1500 per Teacher	27,810	31,827
5869	Special Education Contract Instructors	-	401,100	401,100	\$1050 per Student Job posting, etc	471,534	545,833
5875	Staff Recruiting	-	750	750	\$15 per Student	773	796
5881	Student Information System	5,000	5,730	10,730	\$150 daily rate; 3.0% teacher absence rate	7,848	9,085
5884	Substitutes	-	12,960	12,960		14,580	16,200
5899	Miscellaneous Operating Expenses	-	5,000	5,000		5,000	-
5900	Communications	-	1,800	1,800	\$150 per Monthly Rate	1,854	1,910
5915	Postage and Delivery	-	1,910	1,910	\$5 per Student	2,245	2,599
5920	Communications - Telephone & Fax	-	6,000	6,000	\$500 per Monthly Rate	6,180	6,365
<b>SUBTOTAL - Services &amp; Other Operating Exp.</b>		<b>10,000</b>	<b>853,196</b>	<b>863,196</b>	<b>-</b>	<b>977,357</b>	<b>1,103,959</b>
<b>6000</b>	<b>Capital Outlay</b>						
6100	Sites & Improvement of Sites	-	75,000	75,000	Site work for facility	-	-
6400	Equipment	-	12,500	12,500	Copier	-	-
<b>SUBTOTAL - Capital Outlay</b>		<b>-</b>	<b>87,500</b>	<b>87,500</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL EXPENSES</b>		<b>150,000</b>	<b>2,572,345</b>	<b>2,722,345</b>	<b>-</b>	<b>2,932,650</b>	<b>3,273,298</b>
<b>6900</b>	<b>Total Depreciation (includes Prior Years)</b>	<b>-</b>	<b>17,500</b>	<b>17,500</b>	<b>-</b>	<b>17,500</b>	<b>17,500</b>
<b>TOTAL EXPENSES including Depreciation</b>		<b>150,000</b>	<b>2,502,345</b>	<b>2,652,345</b>	<b>-</b>	<b>2,950,150</b>	<b>3,290,798</b>



## **ATTACHMENT 33: KINDERGARTEN READINESS ACT OF 2010**

### **Kindergarten Readiness Act of 2010 (Transitional Kindergarten)**

#### **BOARD POLICY #BP081512.2**

Background: In 2010 the California Legislature passed the Kindergarten Readiness Act, which has become commonly known as “Transitional Kindergarten” or “TK.”

Over a three-year period from the 2011-12 school year to the 2013-14 school year the cut-off birth date for Kindergarten eligibility is being moved from December 1 to September 1, but students with birth dates between September 1 and December 1 will be eligible for voluntary enrollment in Transitional Kindergarten classes to prepare them for Kindergarten the following year.

Policy:

For the 2012-13 school year students enrolled in Discovery who have a birth date between November 2 and December 2, 2007 will be eligible for Transitional Kindergarten or “TK”, which will be held in one of our Kindergarten / 1<sup>st</sup> grade classrooms. TK students will receive an individualized curriculum with goals specific to their developmental level, but in every other way will be part of the K1 class, participating as a regular Kindergarten student. Parents and the child’s teacher will decide together whether or not the child should move to Kindergarten or 1<sup>st</sup> grade for the following school year. This decision will be made prior to the lottery date for the following year (usually around the first week in April). If there is a disagreement between the parents and the teacher regarding the following year’s grade level placement, the teacher will have the right to make the final decision.

Contingent upon the approval and opening of the second Discovery school, starting with the 2013-14 school year, Discovery will offer one Transitional Kindergarten class for students with birth dates between September 2 and December 2, 2008. This class will be housed at the new Discovery campus, or “Discovery Two.” A separate lottery will be held for these students.

Minimum enrollment for the Transitional Kindergarten class will be 11 students. Maximum enrollment will be 22 students. If enrollment falls between 22 and 33 students, then the Executive Director may create an “AM/PM” program with split enrollment and a short amount of combined time with all students so that each student receives a minimum of 200 instructional minutes per day.

If there are fewer than 11 applicants for Transitional Kindergarten in any year of the program, the students will be included in the regular Kindergarten lottery for that year and enrolled students will be placed in one of our regular Kindergarten or K/1 classrooms.

Students enrolled in a TK class will be automatically enrolled in Kindergarten for the following year at the Discovery campus selected by the parents, with the Executive Director’s approval. The Executive Director shall have the right to determine which Discovery campus the child attends, but will try to accommodate the parents’ request. If parents disagree with a school placement decision they may appeal to the Discovery Board of Directors.

Approved: October 17, 2012