

MAGNOLIA SCIENCE ACADEMY-SANTA CLARA

COUNTYWIDE CHARTER SCHOOL PETITION
By Magnolia Educational and Research Foundation

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INTRODUCTION

The organizers of Magnolia Science Academy-Santa Clara (MSA-Santa Clara) are pleased to submit this countywide charter school petition to replicate one of California's most successful math, science, and technology oriented charter school in the heart of the Silicon Valley.

MSA-Santa Clara is a joint effort of a successful charter school operator; a highly qualified local founding group which includes over 40 research scientists and technology specialists mostly with PhDs working at well-known High-Tech companies in the Silicon Valley; and faculty members of Stanford University, University of California-Berkeley and other area universities.

The founding group held numerous meetings with local supporters and residents over the last 10 months, conducted extensive research about the need for this great educational opportunity, and collected over 150 signatures from the "meaningfully interested parents" who plan to enroll their children in the prospective school in Fall 2009.

The founding group also identified a potential school facility, initiated the school's high-tech industry connections and planned internships and mentorships, and through its university connections set up educational programs which will present opportunities to secondary school students to engage in active scientific research.

Please see Appendix F-Biographies for more information about the founding group.

THE FOUNDATION

The Magnolia Educational & Research Foundation ("Foundation") is a non-profit organization established in August 1997. The Foundation is granted tax-exemption status (501(c)(3)) by the IRS and the State of California. The headquarters of the Foundation is located in Los Angeles, California.

In 1998, the Foundation began organizing volunteer tutors for middle and high schools, especially in math, science and computer technology areas by utilizing their connections to major research universities throughout Southern California.

In 1999, the Foundation organized and implemented a joint program with Culver City District to provide tutoring for students all around the city. It also started a free tutoring program in the Sherman Oaks/Van Nuys Area of the San Fernando Valley. These programs resulted in cooperation with school districts to develop partnerships to support educational initiatives.

In the fall term of 2002, the Foundation established the first charter school, Magnolia Science Academy ("MSA"), in the San Fernando Valley. Throughout the years, the Foundation has established another five charter schools to provide the innovative and high-quality education to the nearby community in Southern California.

MAGNOLIA SCIENCE ACADEMY-SANTA CLARA CHARTER SCHOOL

To continue its success, the Foundation respectfully submits this petition for MSA-Santa Clara, a countywide charter school in accordance with Education Code Section 47605.6, for the creation of school sites throughout Santa Clara County serving grades 6-12. During the 2010-2011 school year, the Foundation seeks to commence instruction at one school site in the city of Santa Clara, which will attract students from many different school districts.

Future growth of additional schools under this charter shall be managed strategically and in accordance with any conditions established by the Santa Clara County Board of Education in its approval of this charter and in accordance with Education Code Section 47605.6. Under this charter petition, the Foundation anticipates opening three (3) sites of

MSA-Santa Clara over the next 3 years.

Instructional services for similar student populations described in the charter will be essentially similar at each school site and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.

Each MSA-Santa Clara site will start with 250 students (150 6th graders and 100 7th graders) and eventually will have 140-160 students at each grade level in grades 6-8 and 100-120 students at each grade level in grades 9-12. At full capacity, each site will have approximately 450 middle schoolers and 430 high schoolers.

THE NEED

The Foundation bases its educational program on the understanding that our nation's economic future will require a highly trained workforce in math, science, and technology. According to a 2003 report from the National Science Board, "The Science and Engineering Workforce; Realizing America's Potential" analyses of current trends indicate serious problems lie ahead that may threaten our long-term prosperity and national security.

These include:

- *Flat or reduced domestic student interest in critical areas, such as engineering and the physical and mathematical sciences,*
- *Large increases in retirement from the science and engineering (S&E) workforce projected over the next two decades,*
- *Projected rapid growth in S&E occupations over the next decade, at three times the rate of all occupations,*
- *Anticipated growth in the need for American citizens with S&E skills in jobs related to national security, following September 11, 2001.*

The report further indicates that S&E talent, particularly from foreign nationals, has become problematic for the United States. *The future US S&E workforce is imperiled by two long-term trends:*

- *Global competition for S&E talent is intensifying, such that the United States may not be able to rely on the international S&E labor market to fill unmet skill needs;*
- *The number of native-born S&E graduates entering the workforce is likely to decline unless the Nation intervenes to improve success in educating S&E students from all demographic groups, especially those underrepresented in S&E careers.*

In order to sense the scale of the risk in S&E workforce for the US and California it is important to define the extent of S&E workforce. It includes all jobs that require science and engineering skills even though the jobs themselves are classified as non-S&E jobs. Using this definition, a pre-college teacher with baccalaureate degree in a science field, a technical manager, a practitioner with a two-year degree or certificate in science, engineering and technology fields, and Ph.D.s appointed as postdoctoral scholars are all considered within the S&E workforce¹.

In 2005, National Academies re-emphasized this need strongly with the release of a report: "Rising Above the Gathering

¹ <http://www.nsf.gov/nsb/documents/2003/nsb0369/>

Storm: Energizing and Employing America for a Brighter Economic Future”². The report’s conclusions are serious, noting that there is a serious risk that the United States may soon and irrevocably lose its lead in science and technology.

Among the recommendations of the report is:

“Statewide specialty high schools. Specialty secondary education can foster leaders in science, technology, and mathematics. Specialty schools immerse students in high-quality science, technology, and mathematics education; serve as a mechanism to test teaching materials; provide a training ground for K–12 teachers; and provide the resources and staff for summer programs that introduce students to science and mathematics.”

California is a state that has an economy highly dependent on high technology, and therefore the future of S&E workforce in California is a big concern. In 2005, Governor Schwarzenegger asked the California Council on Science and Technology (CCST) to prepare a response to the report released by the National Academies, “Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future”. CCST formed Task Forces to address the recommendations made by the National Academies report. The report “Shaping the Future: California’s Response to “Rising Above the Gathering Storm” released by CCST recommends to the governor to “Increase the number of Science, Technology, Engineering, and Mathematics (STEM) graduates at all levels, especially among Hispanics who represent the fastest growing and soon to be largest segment of California’s population.”³

The vision of the Foundation is, therefore, “to inspire students to choose career paths in science and technology.” Santa Clara County will be the focal point of the shortage mentioned above. Magnolia Science Academy-Santa Clara will help fill this gap where help is needed most, the Silicon Valley. Magnolia Science Academy-Santa Clara will attract students from all backgrounds and all parts of the county as shown in section 1.2.

The Significance of Secondary Education

The National Science Foundation describes the importance of middle and high school education as follows:

“Our 4th-grade students perform as well in mathematics and science as do their peers in other nations, but in the most recent assessment (1999) 12th graders were almost last among students who participated in the Trends in International Mathematics and Science Study. Science and engineering education has a unique hierarchical nature that requires academic preparation for advanced study to begin in middle school⁴. In contrast, the decision to pursue a career in law or business typically can wait until the junior or senior year of college, when students begin to commit to postgraduate entrance examinations.”

Consequently, the Foundation wishes to open MSA-Santa Clara, a 6-12 countywide charter school.

COUNTYWIDE CHARTER SCHOOL AND ITS BENEFITS

The Foundation respectfully seeks this countywide charter to facilitate the provision of instruction in a multi-site setting.

Most school districts in Santa Clara County are geographically small. As schools of choice, Magnolia Foundation schools enroll students from wide residence areas including remote locations. Therefore, each MSA-Santa Clara site will enroll students from many different school districts, private schools and home-schooling families. Although each MSA-Santa

² http://www7.nationalacademies.org/ocga/testimony/Gathering_Storm_Energizing_and_Employing_America2.asp

³ <http://www.ccst.us/publications/2006/GSTFrecs.pdf>

⁴ http://www7.nationalacademies.org/ocga/testimony/Gathering_Storm_Energizing_and_Employing_America2.asp

Clara facility will be located within the geographical boundaries of a school district by nature, by law all County residents will be given equal opportunity for enrollment in MSA-Santa Clara's sites. In the case of there are more applicants than capacity, enrollment will be determined by public random drawing with preference given to County residents. The residents of any one school district will not be given an enrollment preference for enrollment at any MSA-Santa Clara site. Outreach for students at each MSA-Santa Clara site will be widespread throughout the County to ensure that every student in the County is aware of and has the opportunity to attend a MSA-Santa Clara site. Outreach is further described below in Element 8 of this charter.

Magnolia Foundation's school model falls under the "bridge schools" category as defined by the California Department of Education ("CDE") since they serve students in grades 6 through 12. The Foundation's 6-year experience showed that in order to achieve its goals 100% and to have students, especially minority students, reach their maximum potential, Magnolia should enroll them early on, in 6th grade, if possible. Middle School grades constitute the backbone of the Foundation's programs, especially Technology Integrated Education through which minority students gain self-confidence and feel prepared for a healthy, successful college education.

As this model requires, Magnolia enrolls students from both elementary and high school districts. Considering grade spans served by school districts and funding models such as basic aid vs. revenue limit makes it very difficult for a single school district to handle a charter school enrolling students from all over the county. School districts approach reluctantly to a charter school with a wide range like Magnolia Science Academy because of inconveniences and funding concerns.

Signatures of meaningfully interested parents submitted with this petition show that MSA-Santa Clara will enroll students from all over the county and from all school districts.⁵

District	# of Interested Parents
Alameda City Unified	1
Alum Rock Elementary	13
Berryessa Elementary	3
Charter Schools	4
Cupertino Union School District	18
Evergreen Elementary	5
Franklin-McKinley Elementary	4
Fremont Unified	3
Gilroy Unified	1
Livermore Valley	1
Milpitas Unified	2
Moreland Elementary	4
Morgan Hill Unified	3
Mountain View	1
Mt. Pleasant	3

⁵ Magnolia Foundation submits signatures of "meaningfully interested" teachers as part of the legal charter petition process. Meaningfully interested parent signatures are also submitted to show genuine interest of Santa Clara County parents in enrolling their children in the proposed Magnolia Foundation school, **not** to meet legal requirements.

Oak Grove Elementary	6
Orchard Elementary	1
Palo Alto Unified	1
Portola Valley	1
Private Schools	24
Ravenswood Elementary	1
Redwood City Elementary	1
San Jose Unified	21
San Lorenzo Unified	1
San Mateo-Foster City Elementary	3
Santa Clara Unified	23
Saratoga Union Elementary	3
Sunnyvale	2
Union Elementary	1
TOTAL	155

Through this countywide charter, the Foundation proposes a unique educational program that will provide instructional services of countywide benefit that cannot be provided by a charter school operating in only one school district:

1) Help meet Santa Clara County's projected need for a growing Science and Engineering Workforce (Benefiting the County, Local Community, and Students Attending MSA-Santa Clara)

As indicated in the introduction part of this petition, Santa Clara County, home to the Silicon Valley, will be the focal point of a dire need for more S&E specialists over the next few decades. Magnolia Foundation will help the county by, at its planned capacity, graduating at least 300 students annually (more with additional sites if approved), who will be equipped and inspired to complete a 4-year college science and engineering (S&E) major.

Students complete an internationally acclaimed curriculum through Magnolia's Technology Integrated Education ("TIE") © and receive the International Computer Driving License ("ICDL") and optionally Microsoft Office certificates. Students will qualify for some S&E jobs even before going to college.

2) Address the County's Shortage of Math, Science Teachers by International Teachers (Benefiting the County and Local Community)

The report "California's Science and Math teachers: A critical path analysis" released by CCST finds that "California produces only half the math and science teachers it needs."⁶ One of the recommendations made to the governor in the CCST's report is to *develop, recruit and retain the best and brightest students, teachers, scientists and engineers from within the United States and throughout the world.*

As most other parts of California, Santa Clara County has been suffering from shortage of quality math, science teachers. At least one school district in the County even built teachers' apartments which would be rented for 50 percent below market value to entice teachers.⁷

Magnolia has so far recruited over 40 international math, science and computer teachers and has been very successful with these talented educators. Magnolia has recently interviewed over 100 new international math, science and computer

⁶ <http://www.ccst.us/publications/2007/2007TCPA.php>

⁷ http://www.education-world.com/a_admin/admin/admin204.shtml

teachers and is training them in collaboration with local colleges in their home countries. The majority of these quality teachers will be ready for Magnolia to hire within two years.

3) Provide a Research-based Replicable Education Model and Support Implementation (Benefiting the County, the Pupils to Attend MSA-Santa Clara, and the Local Community)

Through Accord Institute, Magnolia designs, implements and refines its successful education model using scientific and research tools. Magnolia will not only use this highly successful program but will also make it available for other schools with all implementation tools and professional training opportunities. Some school districts and charter management organizations have already contacted Accord Institute to implement its Education Model fully or partly. During the meeting in which Magnolia's four new charter schools were approved, Los Angeles Unified School District Board Members discussed how to effectively implement some Magnolia programs at LAUSD schools such as home visits and asked the superintendent to work on it.

MSA-Santa Clara schools will be models for other schools, where they can come and see the model at work.

4) Raise Interest in Math, Science throughout the County (Benefiting the County, the Pupils to Attend MSA-Santa Clara, and the Local Community)

Magnolia's first International Olympiad Medalist was met with great enthusiasm by math circles, study groups and University Professors, and he also caused a schoolwide pride and interest in science majors to develop.

MSA-Santa Clara will bring the joy of participating in national and international competitions and science fairs back to public schools in Santa Clara County. In collaboration with Accord Institute, MSA-Santa Clara will organize math and computer programming competitions for elementary and middle school students. With various activities, competition days become a special day that elementary and middle school teachers use to arouse interest in sciences among their students.

5) Collaboration with Universities and Businesses (Benefiting the County, the Pupils to Attend MSA-Santa Clara, and the Local Community)

The Foundation has formed a network of effective collaborations with faculty members at CalTech, UCLA, CSU-Northridge, Pepperdine University and Santa Monica College in Los Angeles and with San Diego State University in San Diego. By means of collaboration, local colleges offer elective courses in arts and drama for Magnolia's high school students; engineering courses in middle school at Magnolia schools; dual enrollment; provide college counselors to high school students; and handle teacher professional training on certain subjects.

The Foundation also formed collaboration with High Tech companies in Los Angeles. They sponsor and provide mentors for Magnolia's Robotics clubs.

To serve communities in Bay area with new charter schools, the Foundation has recently formed collaborations with faculty members of Stanford University, University of California-Berkeley, San Francisco State University and the University of California-Davis. These collaborations have not yet been effectively put into practice since Magnolia has not opened schools in these areas. The Foundation will continue to develop more collaboration with California's universities and colleges. These collaborative relationships will serve MSA-Santa Clara.

As indicated by support letters from High Tech companies of the Silicon Valley, the Foundation has established

collaborations and formed an active team of engineers and High Tech professionals who are eager to provide support in all possible areas including assisting with school start-up and providing mentoring and internships for students.

Through Magnolia's countywide charter school, students in the urban school districts will benefit from these collaborations substantially and the communities will flourish with universities and businesses taking an active role in K-12 education.

6) A Comprehensive all-around education for minority and socio-economically disadvantaged populations (Benefiting the County, the Pupils to Attend MSA-Santa Clara, and the Local Community)

Magnolia's comprehensive education program and after-school support; frequent adjustments through Results Driven Instruction; effective character education and college counseling sessions; after school tutoring; and home visits offer a multi-faceted program which works especially well for minority and socio-economically disadvantaged students.

Through Technology Integrated Education, minority and socio-economically disadvantaged students feel ready for college and gain self-confidence.

7) Enrollment Preferences (Benefiting the County, the Pupils to Attend MSA-Santa Clara, and the Local Community)

MSA-Santa Clara seeks to serve a cross-section of the entire County and not concentrate its enrollment in one school district. A charter school approved by a school district must give a preference for enrollment to the students residing in that school district (Education Code Section 47605(d)), while a countywide charter allows equal footing for admission to all students in the County. (Education Code Section 47605.6(d)(2)(B))

As it can be seen, the countywide benefits listed above cannot be accomplished through district approved charters. Students' needs for alternative programs and local school district politics do not always coincide. In the case of a single district authorized charter, the unique terms of chartering at each venue may significantly alter the programs under each approved charter. A countywide charter will assure the consistency in programming necessary to ensure the accomplishment of the countywide benefits described above.

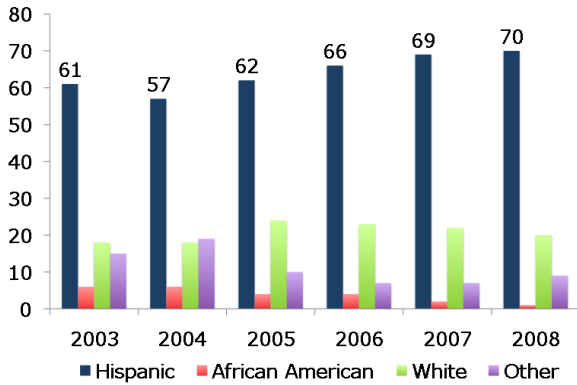
For the Foundation to make the investments necessary to provide the benefits described above, including the credentialing program, it must know with certainty that it has the authorization to open schools at the scale described in this charter. As such, the only way that these countywide benefits can be delivered is within the context of this countywide charter application.

CURRENT FOUNDATION CHARTER SCHOOLS

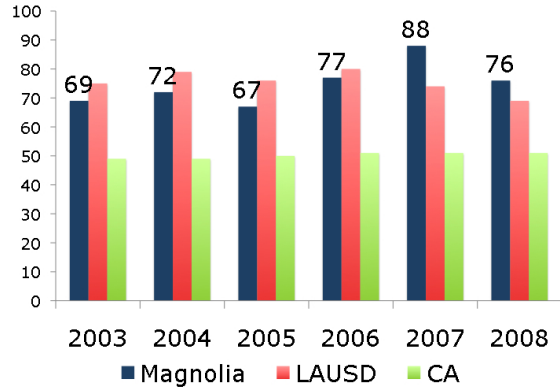
The Foundation’s current list of Schools consists of the following:

Magnolia Science Academy Reseda (“MSA Reseda”) - Founded in 2002, granted by the Los Angeles Unified School District (“LAUSD”), the MSA Reseda serves grades 6-12. The following charts display the diversity of the student population at MSA Reseda, and the academic performance reporting data:

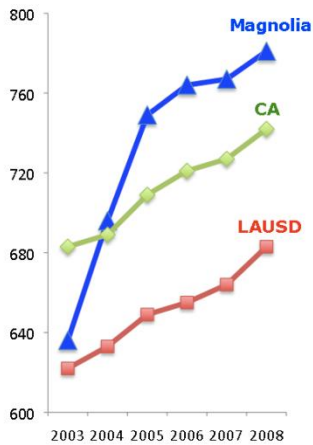
MSA-Reseda Demographics



Free and reduced lunch ratio



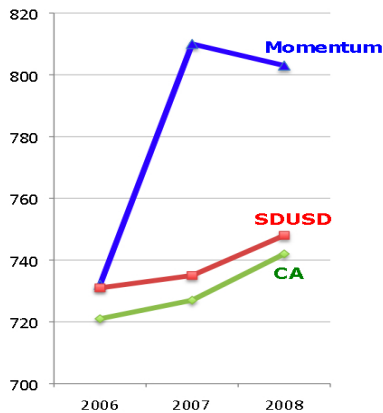
MSA-Reseda- API scores



Similar Schools Rank	
2003	8
2004	10
2005	10
2006	10
2007	10

- Momentum Middle School – Founded in 2005, granted by San Diego Unified School District, Momentum Middle School serves grades 6-8. The following charts display the diversity of the student population at MSA San Carlos, and the academic performance reporting data:

Momentum Middle School -API Scores



Demographics	
Free-reduced Lunch	39%
White	59%
Hispanic	22%
African American	12%
Filipino	2.2%
Other	5.1%

Similar Schools Ranking: 10

- Magnolia Science Academy Valley (“MSA – Valley”) – Founded in 2007, granted by LAUSD, the MSA Valley serves grades 6-8. The following chart displays the diversity of the student population at MSA Valley:

Asian	3.1%
Hispanic	71.4%
White	14.3%
African American	5.6%
Filipino	3.1%
Other	2.5%

- Magnolia Science Academy Gardena (“MSA Gardena”) – Founded in 2008, granted by LAUSD, the MSA Gardena serves grades 6-7. The following chart displays the diversity of the student population at MSA Gardena.

Asian	0.9%
Hispanic	48.7%
White	3.0%
African American	45.2%
Other	2.2%

- Magnolia Science Academy Venice (“MSA Venice”) – Founded in 2008, granted by LAUSD, the MSA Venice serves grades 6-7. The following chart displays the diversity of the student population at MSA Venice.

Asian	0.0%
Hispanic	36.5%
White	20.6%
African American	27.0%
Filipino	3.2%
Other	12.7%

- Magnolia Science Academy Hollywood (“MSA Hollywood”) - Founded in 2008, granted by LAUSD, the MSA Hollywood serves grades 6-7. The following chart displays the diversity of the student population at MSA Hollywood.

Asian	6.3%
Hispanic	62.5%
White	4.7%
African American	10.9%
Other	15.6%

UNIQUE ACCOMPLISHMENTS OF FOUNDATION SCHOOLS TO DATE:

API Scores: MSA Reseda increased its API score by a total of 147 points over the past six years, surpassing the LAUSD and the California averages in the second year of its operation.

High School Graduation: MSA Reseda's high school graduation rate has been 100% for all years with a drop-out rate of 0% (Magnolia serves a high-need area of the LAUSD). All of our graduates were enrolled in a college and 44% of them were first generation college attendees.

Promising Practices: MSA Reseda was

- selected as a case study for the LAUSD study of charter school innovative and promising practices in 2004
- selected as a highly improving charter school by Pacific Research Institute in 2005
- selected for USC's Compendium of Promising Practices by USC, Dept. of Education in 2006 (one of two programs in math, science)
- qualified for Title I Academic Achievement Award in 2007

Math, Science Competitions: MSA-Reseda students have won more than 60 awards in nationwide math competitions, science competitions, and science fairs such as USA Computer Olympiad, American Computer Science League, American Mathematics Competitions and Los Angeles County Science Fair.

First in LAUSD: MSA Reseda students participated in the 55th Los Angeles County Science Fair in 2005 with 16 projects, which constituted more than 10% of the total projects (142) from LAUSD. Magnolia Science Academy received the highest number of awards among all LAUSD schools at the 55th Los Angeles County Science Fair in 2005. (2 gold medals, 1 silver medal and 3 honorable mentions among 733 participants in about 30 categories.)

First in California: Magnolia Science Academy was the first school in California to participate in the American Computer Science League, in which students from 200 schools throughout the US compete in computer programming. Magnolia Science Academy was the region winner of the junior division at the American Computer Science League in 2004 among all schools participating from Texas, New Mexico and California.



First in Charter School History: Zarathustra Brady, an 11th grader at MSA-Reseda, won the gold medal at the 2006 International Mathematical Olympiad (IMO)⁸, the most prestigious and the most difficult international math competition for high school students. He became the first charter school student to qualify for the US National Math Team. The Los Angeles Unified School District Board of Directors presented a letter of recognition to Zarathustra, the first Southern Californian to win after a decade, on September 26, 2006.

Grants: Magnolia Foundation has raised so far \$5.5M in start-up grants from Federal Grant Programs, Walton Family Foundation, other private foundations and personal donors.

Replicating Success: Momentum Middle School achieved an impressive API of 810 in its second year. Momentum Middle School students won awards in nationwide competitions such as Math Olympiads for Elementary and Middle Schools.

⁸ http://imo2006.dmfa.si/results_itd.html

Spreading the Education Program: Magnolia Foundation formed a coalition with the best math, science charter schools of Arizona and Nevada (Sonoran Science Academy and Coral Academy of Science, respectively) and institutionalized its education program. Accord Institute for Education Research (a non-profit founded in 2007) conducts research and improves the joint education program of these best science schools of their states. Accord Institute is currently serving schools in California, Nevada, Arizona, Utah and Colorado.

AFFIRMATIONS/ASSURANCES

As the authorized lead petitioner, I, Omer Oralkan, hereby certify that the information submitted in this petition for a California public charter school to be named Magnolia Science Academy-Santa Clara, and to be located various sites within Santa Clara County as a countywide charter school, 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:

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of the Magnolia Science Academy-Santa Clara for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Shall admit all students who wish to attend the Magnolia Science Academy-Santa Clara, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random lottery process. 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. [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools 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)]
- Shall at all times maintain all necessary and appropriate insurance coverage.
- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D)
- If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address

within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]

- Will follow any and all other federal, state, and local laws and regulations that apply to the Magnolia Science Academy-Santa Clara including but not limited to:
 - Magnolia Science Academy-Santa Clara shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
 - Magnolia Science Academy-Santa Clara shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
 - Magnolia Science Academy-Santa Clara shall comply with any jurisdictional limitations to locations of its facilities.
 - Magnolia Science Academy-Santa Clara shall comply with all laws establishing the minimum and maximum age for public school enrollment.
 - Magnolia Science Academy-Santa Clara shall comply with all applicable portions of the No Child Left Behind Act.
 - Magnolia Science Academy-Santa Clara shall comply with the Public Records Act.
 - Magnolia Science Academy-Santa Clara shall comply with the Family Educational Rights and Privacy Act.
 - Magnolia Science Academy-Santa Clara shall comply with the Ralph M. Brown Act.
 - Magnolia Science Academy-Santa Clara shall meet or exceed the legally required minimum of school days.

Omer Oralkan, Lead Petitioner

Date

ELEMENT 1: EDUCATIONAL PROGRAM

Governing Law: A description of the educational program of the school, designed, among other things, to identify pupils whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605.6(b)(5)(A)(i).

If the proposed charter school will enroll high school pupils, a description of the manner in which the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools. Education Code Section 47605.6(b)(5)(A)(ii).

If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause. Education Code Section 47605.6(b)(5)(A)(iii).

1.1 EDUCATIONAL PHILOSOPHY AND MISSION

The mission of the Foundation is to serve 6–12 grade students by:

- Preparing students to become responsible, educated citizens who have the skills and understanding to participate and work productively in a diverse, multicultural, globally oriented environment and who are ready to carry the torch of knowledge, freedom, and prosperity that has been passed from one generation to another in this great country.
- Providing a sound educational plan with emphasis on math, science, and technology.
- Providing a rigorous, innovative, and challenging enhanced curriculum with a focus on preparing students to attend the universities of their choice.

As the sociologist Francis Fukuyama stated, our economy has shifted from an industrial base to a technology base, with the digital exchange of information being the cornerstone⁹. It has become apparent that our nation's economic future will require a technologically competent and highly adaptable workforce. Problems facing our society at all levels are increasingly scientific and technological in nature. To address these concerns effectively, Americans need to be science literate. A good science education will help students acquire a whole set of necessary intellectual habits and attitudes that might well be called “scientific habits of thinking,” an important component of critical thinking.

The founders of MSA-Santa Clara believe that educated citizens of the 21st century must have a solid background in science and math as well as in history and literature. With such knowledge, they not only will be able to keep up with the rapid growth of science and technology but they also will be able to contextualize it and understand what it means.

⁹ F. Fukuyama, *The End of History and the Last Man*, New York, NY: Avon Books, 1992.

Educated citizens of the 21st century must have a love of learning that will enable them to be self-motivated lifelong learners so that they can adapt easily and quickly to changes. They must be able to work productively and cooperatively in a multicultural environment. In addition, educated citizens must be effective language users, adept at writing and speaking, and they must be committed to the intellectual virtues of objectivity, honesty, critical thinking, and social and moral awareness.

MSA-Santa Clara graduates will have an understanding of the world and be confident of the roles that they will accept in life. They will be competent researchers, able to investigate questions they will face in college and throughout their careers.

Learning best occurs when students are actively involved in the learning process, have direct experiences with the physical world, and relate these experiences to what they are learning in school^{10,11}. Our rigorous standards-based educational program will use inquiry-based activities to help students acquire core academic knowledge, critical thinking, and problem-solving skills. Furthermore, MSA-Santa Clara will offer health and life skills courses designed to help students attain organizational and study skills, which are crucial to enable students to become **self-motivated, competent, and lifelong learners**.

Students must be given opportunities to construct their knowledge, sometimes through multiple encounters with a new concept. To develop conceptual understanding in constructivist settings, teachers assume the role of facilitators of meaningful learning experiences. Students build on existing knowledge as facilitated experiences help them discover the underlying concepts for themselves. This process deepens students' knowledge and stimulates their curiosity and passion for learning. Students will discover how to learn, and develop the skills to become self-empowered learners.

The balance between academic and enrichment programs promotes a love of learning and positive feeling about the school experience. MSA-Santa Clara will offer a rigorous standards-based curriculum from which students gain life-long knowledge and skills. Experiential methods will engage each student and facilitate understanding of core concepts. Magnolia Science Academy-Santa Clara's after school programs will offer academic assistance to students who need it and provide a safe place for academic and non-academic enrichment outside the regular school day.

New knowledge and skills must build on the old, using a combination of independent study and collaborative activities. Students must be highly motivated, and learning occurs best when that motivation is intrinsic rather than extrinsic. Thus, teachers and parents play a critical role in developing the inner desire to know and to discover. When teachers and parents do not cooperate to build intrinsic motivation, students become bored and listless; education becomes a chore. The learning environment also must be one that is highly structured and generously flexible, allowing students to set off on their individual voyages of discovery. Moreover, learning occurs best when that environment sets very high standards that challenge students to reach beyond their own expectations. Indeed, the ideal learning environment consists of a "community of scholars" in which teachers and students learn together through the open exchange of ideas and information.

Parent participation is an important element in Magnolia Science Academy-Santa Clara's educational philosophy. Students whose parents are involved in their education generally have higher grades, better attendance, higher homework submission rates, higher graduation rates and a better chance of continuing with their education after

¹⁰ D. Fortus et al, "Design-based science and student learning," *Journal of Research in Science Teaching*, vol. 41, no. 10, pp. 1081-1110, 2004.

¹¹ S. B. Mertens and N. Flowers, "Middle school practices improve student achievement in high poverty schools," *Middle School Journal*, pp. 33-43, Sep 2003.

graduation. This is especially true for predominantly minority and/or lower income communities .

Teaching methodologies at MSA-Santa Clara will place the study of content areas into topical units that incorporate relevant activities and lessons. Associations between expository writing and careers, mathematical proofs and space science, and science laboratory experimentation with chemical engineering will be clear to students studying these topics. Guest speakers and field trips will emphasize the links between study and practical application. Teacher-designed units will allow students to make necessary study-to-life correlations.

In order to be responsible members of society, students need to provide service to the community. Engaging in “real life” projects that are related to the curriculum will help students move from adolescence and school to adulthood and society. Therefore, MSA-Santa Clara students will be actively involved in various community service projects.

1.2 TARGET STUDENT POPULATIONS

MSA-Santa Clara will attract students from all parts of Santa Clara County and serve an economically and ethnically diverse student population. The school will attract low-achieving students from especially low income and socio-economically disadvantaged families with its free after-school tutoring and home visits programs, and high-achieving students with its Advanced Studies Program which include AP Classes, academic after-school clubs such as Robotics and SimCity and Math, Science Olympiad Program (MSOP) © through which students prepare for nation-wide and international competitions. The school’s distinguishing Technology Integrated Education (TIE) © and free college counseling and SAT/ACT preparation classes appeal to all students and parents across the board.

The overall profile of the prospective student population will likely represent the demographics of Santa Clara County:

- 75 % students of color
- 35 % free-reduced lunch ratio
- 26 % English Learners

The prospective student populations of each site will likely represent the demographics of nearby neighborhoods and school districts. Please see Element 4 for a detailed description of area demographics and schools for each location.

As described before, each MSA-Santa Clara site will start with 250 students (150 6th graders and 100 7th graders) and eventually will have 140-160 students at each grade level in grades 6-8 and 100-120 students at each grade level in grades 9-12. At full capacity, each site will have approximately 450 middle schoolers and 430 high schoolers.

1.3 SCHOOL YEAR AND DAY

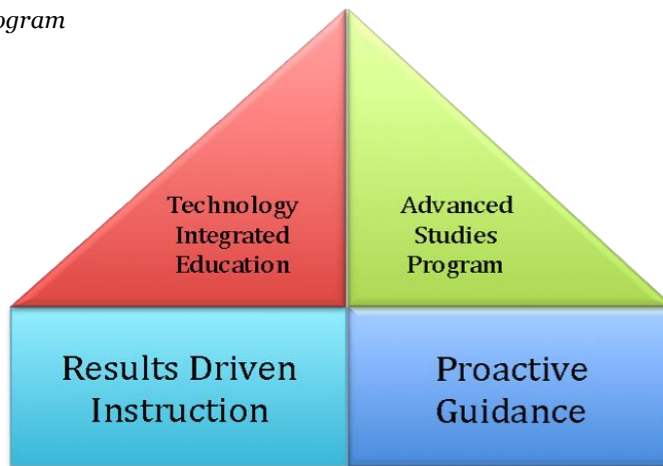
The school will offer, at a minimum, the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school. The school calendar will have at least 176 days of instruction with 369 minutes on Monday through Thursday and 319 minutes on Fridays for middle school students, not including the lunch times and after school activities. High school students will have at least 176 days of instruction and 369 minutes every day, Monday through Friday. Therefore, MSA-Santa Clara will have at minimum 63,194 instructional minutes for middle school students and 64,944 instructional minutes for high school students during the school year.

1.4 INSTRUCTIONAL DESIGN

MSA-Santa Clara will implement Accord Institute’s education program. This research-based, proven educational

program has been shaped by highly successful math, science charter schools of California, Nevada and Arizona. MSA-Santa Clara will receive services related to educational program and teacher evaluation from Accord Institute, a non-profit research institution based in Tustin, CA, aiming to improve the common educational practices by conducting scientific research and forming a replicable educational model. The program has four major components, which are summarized below: Results Driven Instruction, Technology Integrated Education, A Proactive Guidance Program and Advanced Studies Program.

Figure 1- Education Program



While through Results Driven Instruction and Proactive Guidance, we make sure our students make steady progress towards successful high school graduation and college acceptance; we sharpen their skills and prepare them to pursue a high profile career (preferably a STEM career) through our Technology Integrated Education and Advanced Studies Programs.

1.4.1 Results Driven Instruction

Standards-based state tests are conducted at public schools through the end of the year and results are announced near the beginning of the next school year, which is too late to make academic adjustments and serves only statistical purposes.

Students need to be tested in the beginning of the school year and several times during the year with a standards-based and large-scaled test and necessary adjustments to the instruction should be made based upon scores. MSA-Santa Clara will implement an effective method to help its low-achieving students as explained below:

A. Identifying Low-Achieving Students Through Computer Adapted Tests

In addition to state tests, MSA-Santa Clara will employ a non-profit organization, The Northwest Evaluation Association (NWEA), which offers computer-adapted tests, called Measures of Academic Progress (“MAP”) to schools and school districts to evaluate student learning and make necessary suggestions to teachers for individual students.

These campus-wide tests are used to measure individual levels of student performance reflected in the individual State Content Standards. The questions also measure various skills, such as analytic ability, critical thinking, and synthesis. While the MAP testing is not used as a basis of yearly promotion, it provides a valuable resource to identify students in

need of remediation and intervention.

Computer-adapted tests are administered 3 times every academic year. With a large norm reference group (more than 2 million), MAP reports will provide highly accurate feedback as how MSA-Santa Clara students perform compared to their peers throughout the nation. The assessment adapts to the student's ability, accurately measuring what a child knows and needs to learn. MAP measures academic growth over time, independent of grade level or age.

The first MAP test of the year is implemented in the first two weeks of the school year. NWEA provides test results within 24 hours of the test allowing the school administration and the teachers to plan necessary interventions for the low achieving students. MAP test results are used to: Identify the skills and concepts individual students have learned, diagnose instructional needs, monitor academic growth over time, make data-driven decisions, and place new students into appropriate instructional programs.

Student test results are maintained for previous tests, so teachers and parents can monitor the growth of individual students over time. Students are tested in four main subject areas: Reading, Language Usage, Mathematics and Science.

B. Differentiated Instruction

MSA-Santa Clara is very well-equipped to respond to the needs of students who are lagging academically. Through the MSA-SANTA CLARA placement process, these students will be provided with the curriculum materials and teaching resources that are appropriate to their achievement level as a starting point for learning, with the goal of attaining at least one year's academic progress within the school year.

Students who are achieving substantially below grade level will be identified through multiple measure assessments including MAP Tests, sample CST questions (as provided by the California Department of Education's website), Saxon Publishers' placement tests, and teacher-designed tests. For students achieving substantially below grade level, we use educational materials that provide review and reteach programs. McGraw Hill's Acuity program software allows teachers to monitor the progress of students who are achieving below grade level and provides software generated tests and instruction based on California content standards / framework which have not been achieved. Individual and small group tutoring as well as homework clubs are available to students who are not achieving at grade levels. Low achieving students' progress will be quantitatively measured through standards based assessments several times a year through MAP and Acuity Tests.

For details of how differentiated instruction is implemented on English Language Learners, please see section 1.9 English Learners.

C. Department And Grade-Level Meetings

Staff meetings at MSA-Santa Clara will be organized so that teachers teaching the same subject and the same grade level meet biweekly and discuss necessary changes in instruction such as reviewing some topics and implementing new strategies to help individual students according to MAP test results, parent conferences and home visits. With the approval of the school administration, these changes are put into practice.

D. Early Intervention

We believe that early intervention is a must. Waiting for the end of the academic year, and intervening based on the end-of-year course grades (usually through summer schools) is not effective. During the academic year, all students are

together, and many times students are inspired by and learn from each other.

MSA-Santa Clara quickly identifies the socio-economically disadvantaged and low-achieving students in the first weeks of the academic year, and implements an early intervention program. While continuous free tutoring, additional resources given by teachers, and after school programs enhance the academic progress of the students; home visits, sleepovers, motivational guest speaker programs, parent meetings, university and college visits, and field trips are planned to shape the educational vision of the student and the family.

First step is to invite parents to meet the teachers of the students to discuss possible intervention methods, and how parents will participate in their child's education. The main goal here is to give an orientation to parents so that they learn how they can participate in their child's education. Home visits (explained below), and follow-up meetings will follow parent-teacher meeting on campus.

The students who require early intervention will be placed in obligatory free tutoring and after-school programs, even in the first month of classes.

MSA-Santa Clara will have a small class size. This certainly enhances each teacher's ability to give individual attention to students. This is critical for socio-economically disadvantaged and low-achieving students. Teachers can very effectively monitor the progress of the students in a classroom with 28 students.

E. After-School Tutoring

MSA-Santa Clara will build an educational environment that involves both in-class and after-class individual attention. After-class individual attention occurs as part of the after-school tutoring program. Students receive tutoring from the faculty and also from volunteers from area universities.

MSA-Santa Clara after-school tutoring program is structured to fit individual student needs to maximize each student's potential. Thus, some students may require tutoring one afternoon a week, whereas others may require daily tutoring. The tutoring program also benefits students who are not classified as low achievers. Tutors are available to students performing at or above grade level upon request. These tutoring sessions generally occur after school, but some may be scheduled in the weekends, depending on student and parent preferences.

McGraw Hill's Acuity program will also be utilized in order to provide students with personalized worksheets adjusted according to the student's needs.

1.4.2 Technology Integrated Education (TIE) ©

Technology Integrated Education (TIE) is a distinguishing program of Magnolia Science Academy, which integrates Math, Science, Social Science and Language Arts classes with technology education in a fun and comprehensive way.

Every student completes at least 5 years of computer classes, 5 hours per week at Magnolia schools between the grades 6 through 12. This unique program includes:

- a. Finishing an internationally acclaimed technology curriculum that gives necessary tools to students, which then leads to acceptance to and graduation from a 4-year S&E major.
- b. Accomplishing core class integration projects that align with the California Content Standards and require higher order learning and improving critical thinking skills.

TIE consists of:

1. Comprehensive and detailed technology curriculum
2. Teaching materials and assessment tools
3. Professional training for computer and core class teachers

TIE Curriculum is based on the National Educational Technology Standards for Students (NETSS) and International/European Computer Driving License (ICDL/ECDL), California is yet to adopt a set of standards for Technology Education. The IC DL is the world's leading credential to obtain a job, improve job performance and promotion opportunity.

TIE is designed and developed with a constructivist approach that accommodates different learning theories and practices such as project-based learning, student-centered learning, and differentiated instruction.

An effective professional training component is a must for any successful educational program. TIE provides an in-depth professional training program to teachers who will implement it.

Differences of TIE from the traditional practices

In our contemporary era of technology, every school has computers and claims to use computers in education. However, the important question is how effectively it is used. As research indicates the use of technology in education will result in "good" learning only through successful implementation¹².

All students complete a multi-year, comprehensive, and detailed technology curriculum based on the International Computer Driving License in TIE. Whereas in the traditional public school setting, only some students in vocational programs pursue a multi-year comprehensive technology curriculum.

Traditionally, technology is used as *conveyors of information, communicators of knowledge, or tutors of students*. In this method, students are supposed to receive the conveyed information and recall it later when asked and provide the expected response. Students use pre-designed and ready-made technology products such as tutoring software, online flash applets and games and online courses. Other than the classes of a few exceptional teachers, integration projects are confined to "writing a report" and "making a presentation", that are usually random and do not require any advanced technological standards in terms of variety, quality or quantity.

Majority of research on the effectiveness of the traditional way of using technology in education, or as we call it here "technology assisted education", have produced "no significant differences" in learning as a result of these interventions¹³.

Technology Integrated Education (TIE) is a significant departure from the traditional way technology in education is used. Technology is employed as cognitive tools in TIE as described by Dr. David H. Jonassen¹⁴. Cognitive tools refer to

¹² Papert, S. & Turkle, S. (1993). Styles and voices. *For the Learning of Learning of Mathematics*, 13, 49 - 52.

¹³ Jonassen, D. H. (n.d.). *Technology as Cognitive Tools: Learners as Designers*. Retrieved from <http://itech1.coe.uga.edu/itforum/paper1/paper1.html>

¹⁴ <http://itech1.coe.uga.edu/itforum/paper1/paper1.html>

the technologies that enhance the cognitive powers of human beings during thinking, problem solving, and learning. Accord Institute is one of the few institutions worldwide working extensively on developing tools for implementation and professional training.

Cognitive Tools, not Instructional Media

As the famous saying goes, the best way to learn something is to teach it; the only people who significantly benefit from the design and the use of instructional materials are the designers, not the learners¹⁵. “*Rather than using technologies by educational communications specialists to constrain the learners' learning processes through prescribed communications and interactions, the technologies should be taken away from the specialists and given to the learner*”. In TIE, students use technology as cognitive tools to access information, analyze their findings, interpret and organize their personal knowledge, and present what they have learned to others.

Benefits of TIE

a- Critical Thinking and Higher Order Learning

Technology Integrated Education facilitates **critical thinking and higher order learning through assignments and projects in** spreadsheets, databases, multimedia/hypermedia construction, and computer programming. Students build knowledge bases, analyze their findings using analytical tools, represent what they understand using mental models, and present them with advanced presentation techniques.

b- Generative Processing Of Information

TIE engages **generative processing of information**¹⁶ through online research projects that involve creation of students' own media to present the information processed. While working on these projects, students learn the research topic at a higher order by developing appropriate mental models, using them to interpret new information, *assimilating new information back into those models, updating the models according to the new information, and finally using those updated models to explain, interpret, or infer new knowledge*¹⁷. When Internet is used as a cognitive tool, online research results in knowledge acquisition and integration as a constructive process that engage learners in knowledge construction rather than knowledge reproduction.

c- Student-centered

*TIE actively engages learners in creation of knowledge that reflects their comprehension and conception of the information rather than focusing on the presentation of objective knowledge. It is learner controlled, not teacher or technology-driven*¹⁸.

¹⁵ Perkins, D.N. (1986). Knowledge as design. Hillsdale, NJ: Lawrence Erlbaum.

¹⁶ Wittrock, M.C. (1974). Learning as a generative activity. Educational Psychologist, 11, 87-95.

¹⁷ Rumelhart, D.E., & Norman, D.A. (1978). Accretion, tuning, and restructuring: Three modes of learning. In J.W. Cotton & R.L. Klatsky (Eds.), Semantic factors in cognition. Hillsdale, NJ: Lawrence Erlbaum.

¹⁸ <http://itech1.coe.uga.edu/itforum/paper1/paper1.html>

d- Project-based, hands-on learning

In project-based learning, students use technology and inquiry to engage with issues and questions that are relevant to them, which is intended to bring deeper learning. TIE naturally provides students with hands-on learning opportunities through its technology integration projects.

e- Differentiated learning

Differentiated learning promotes an environment where all students can learn effectively regardless of differences in ability¹⁹. TIE makes use of the fact that classrooms that utilize technology provide the possibility of assigning differentiated tasks to students based on their individual needs.

f- Autonomous, life-long learning

Students must be self-motivated, autonomous, life-long learners to keep up with the rapidly advancing technology. TIE activities transform students into autonomous learners with its tutorial-based structure while teachers act as facilitators and provide students with individual assistance.

g- Higher student motivation

TIE activities have a fun side attracting students into the integrated content, which helps place students back on track, who may otherwise have been lost in core classes.

TIE Curriculum

TIE Curriculum covers the technology skills that are essential for a 4-year S&E major and the basic skills that lead to various IT related careers. The curriculum not only covers the technology skills but also integrates them with Math, Science, English, and History through hands-on activities.

The set of essential technology skills are derived from the syllabus of International Computer Driving License (ICDL). The ICDL is the world's largest end-user computer skills certification program, with more than 20,000 test centers, 8.5 million candidates in 148 countries including the United States. It is a globally recognized credential that certifies an individual as competent in using computers and covers all the computer skills that students need to have to be successful in college and at work. It provides a superior syllabus that is uniquely validated to ensure that it is always relevant, up-to-date, and meaningful.

Majority of students –especially from minority backgrounds- start 6th grade with almost no significant technology skills. As they progress into 8th grade and high school, they gain autonomy in choosing and advancing in the right tools for their projects.

The 8th grade curriculum briefly introduces the topics that are taught at high school level through entry-level projects.

High school TIE courses include Digital Art, Web Authoring, Desktop Publishing, Introduction to Programming, AP

¹⁹ Tomlinson, Carol (2001). *How to Differentiate Instruction in Mixed-Ability Classrooms* (2 ed.). Alexandria, VA: Association for Supervision and Curriculum Development.

Computer, and Advanced Office, which aims to provide students with perspective to understand the IT careers such as Computer Programmer, Graphic Designer, Web Developer, Computer Scientist, etc.

In addition, Accord's Math Science Olympiad Program (MSOP) offers in-depth advanced algorithms and programming studies for more interested and gifted students. The MSOP program inspires students to pursue graduate studies in Computer Science as well as other S&E areas since through this unique program students already master most undergraduate-level computer science topics in high school and start taking advanced level or masters courses even in the beginning of their college education.

Design

6th And 7th Grades

MSA-Santa Clara will have 5 periods of computer classes per week for each student. Students will work on TIE activities that teach essential technology skills through integration with content from Math, Science, English, and History.

8th Grade

Students will have 5 periods of computer classes in which they will work on entry-level projects that introduce the topics of high school computer courses, as well as integration projects that involve content from core classes. After completing these classes, students make informed decisions on selecting high school computer courses.

High School

High school computer courses introduce advanced topics that relate to IT careers. Students are required to complete at least four of the following six courses:

- Digital Art
- Web Authoring
- Desktop Publishing
- Introduction to Programming
- AP Computer
- Advanced Office

At high school level, integration continues at an advanced level using skills such as programming, animation, and web authoring as cognitive tools.

Integrating Computers into Core Classes

As mentioned above, integration projects address NETSS and California content standards and will lead students to higher order learning. For example,

- students create a flash animation of DNA replication
- students create an interactive flash simulation of springs in a space with gravity

- students use digital art to make a poster of complex molecules
- students use online survey tools to collect information about other students' favorite celebrities and form a database to analyze their roles in students' way of dressing
- students collect data from recent census records into a database and plot demographic and other changes on maps using colors
- students write a program that simulates spread of a disease
- students write a program that produces pattern images of multiple-slit light interference through simulation of light as particles based on parameter values given by the user.

1.4.3 Proactive Guidance Program

Every student has the potential to learn and excel. However, not all students have the vision to excel, or the means to do so. Socio-economically disadvantaged students (those with parents who do not have high school diploma or those who are eligible for free and reduced lunch programs) are prone to fail because of lack of vision, or because they do not have necessary assistance and guidance required of their families. The instructional design at MSA-Santa Clara is prepared so that socio-economically disadvantaged students have role models around them, motivation and focus on lessons and self-confidence with the discovery of their potential.

MSA-Santa Clara has a well-detailed guidance program aligned with American School Counselors Association (ASCA)'s National Model for School Counseling Programs. This program includes following effective means of counseling students in addition to responsive services and individual student planning.

A. High Expectations

Numerous research studies have shown that high expectations yield better results at schools. Students must be held accountable to high expectations. The No Child Left Behind Act of 2001 (NCLB) requires states, districts, and schools to hold high expectations for all students and work to improve outcomes for low performing groups.

MSA-Santa Clara expects its graduates to:

- Attend a 4-year college and pursue a high-profile career.
- Possess the qualities and character of valuable citizens of the 21st century.

To prepare students for these goals, MSA-Santa Clara will ask its students to complete:

- A High School Planning project in 8th grade including a web site and a presentation to be made to an audience including classmates and parents on their high school planning and coursework.
- A college and career planning project again to be presented to classmates and parents in 10th grade.

B. Guidance Classes

1. Character Education

Magnolia uses Accord's Get Ready for Life (GRL) program for Character Education in middle school. This program contains topics on Life Skills, Study Skills, Test Taking Skills, Drug Prevention, Environmental Issues, Career Awareness

and Character Education.

The United States Congress, recognizing the importance of this concept, authorized the Partnerships in Character Education Program in 1994. NCLB renews and re-emphasizes this tradition, and substantially expands support for it. The family is the most important place for character and moral education, but public schools are partners with the family. We share, as public school educators, the responsibility to reinforce the shaping of moral behavior that families are trying to encourage.

The Character Education course offered at Magnolia Science Academy is one period per week in each grade of middle school. During the year, we put into practice a well-structured character education plan through the Character Education Class, announcements, quotes displayed on the board, special events and activities, and curriculum integration.

Lesson plans include exemplary stories, effective PowerPoint presentations on character traits such as trustworthiness and integrity, skits by students and community projects such as nursing home visits. Parents are regularly informed about the topic of the week to ensure that they also be involved in our effort to inspire positive principles of conduct in our future leaders.

2. College Prep And Counseling

MSA-Santa Clara's Educational Program focuses on strengthening basic academic skills in order to build a solid foundation for the college preparatory program to be offered later on in MSA-Santa Clara. The College Counseling Program, which coincides with the college preparatory program, includes the following:

- Special programs to prepare students for the SAT and ACT tests
- Individualized one-on-one tutoring sessions
- Continuous career counseling
- Comprehensive college counseling
- Advanced Placement Courses

MSA-Santa Clara will prepare students for college admission tests such as SAT I and SAT II Subject tests. This includes special after-school classes and tutoring.

MSA-Santa Clara will offer electives for students interested in pursuing particular disciplines in science and technology. For example, students who plan to pursue a career in engineering have the chance of taking high-level math classes.

Students at MSA-Santa Clara are encouraged to begin thinking about professional opportunities early through continuous career counseling and exposure to possible careers. In addition, individual tutoring will help identify and nurture the special interests and talents of each student, thereby enhancing the counseling process. When students are able to identify career areas early and when the school can provide a focused curriculum that enables them to pursue their interests, their motivation grows.

Students are encouraged to take Advanced Placement Classes, which can be counted as credit in College.

C. Home Visits

Research has shown that one of the keys to successful teaching and schooling is creating personal connections with

students inside and outside of school. Knowing the students' outside interests, families, and home routines, and then using this information to connect in meaningful, individualized ways can have huge rewards in helping to create happier, healthier, and smarter kids. Recognizing these facts, MSA-Santa Clara made "Home Visits" as one of the important features of its education program to not only improve student and school performance, but also to identify and intervene early with low-achieving students.

MSA-Santa Clara teachers will visit students at their homes to enhance student learning and involvement. Family visits offer invaluable insights about students. They can provide new understanding about students' learning styles. Visits might also reveal the emotional and social needs and behaviors of students. It is helpful to know if they react to problems with tears, anger, or withdrawal, and how they socialize with peers. Through family visits, teachers can identify students' latest interests or concerns, such as a new hobby, an upcoming trip, or a change in the family.

More than 450 visits to student homes by teachers were conducted during 2007-08 academic year at the existing three Magnolia schools (total number of student homes is 550 and the total student population at three schools is 720). 225 of 276 student homes were visited at MSA-Reseda, some were visited twice.

D. Field Trips And Guest Speakers For Motivation

Field trips are intended to allow our students gain insight, information, or knowledge that cannot be adequately developed through regular classroom instruction. Field trips, therefore, will be an integral part of the curriculum and are as essential to the instructional process as textbooks, equipment, and other instructional devices and teaching/learning strategies. Since not all children learn in the same way, field trips will allow students the opportunity to expand their intelligence in ways different from those typically available inside the classroom.

Visiting a research laboratory, a university campus, and meeting with scientists during these field trips or through guest speakers on campus will motivate the students. Especially when some of these guest speakers or people they meet during field trips share the same culture with students, students will have found new role models.

While most field trips are directly related to specific, academic curricula, they also may address the need for intra- and inter- personal growth in children, and thus may be designed to promote social and emotional development and to provide for the development of the "whole" child.

1.4.4 Advanced Studies Program

MSA-Santa Clara strives to provide students with means to reach their full potential.

A. Academic Clubs

Academic clubs are an important extension and integral part of MSA-Santa Clara's program. Students participate in regional and nationwide contests such as:

Math

- American Mathematics Competitions, International Mathematical Olympiad, MathCounts, Math League, Math Olympiads for Elementary and Middle Schools

Science

- Science Fairs, Lego® Robot Design, Chemistry Olympiad, Craftsman/NSTA Young Inventors Awards,

ExploraVision, Intel International Science and Engineering Fair, Science Olympiad, Team America Rocketry Challenge, National Science Bowl

Computer and Technology Related

- ThinkQuest Internet Challenge, USA Computing Olympiad, Lego® Robot Design, FIRST Robotics Competition, SimCity Future City Design

B. Advanced Placement (AP) Courses

MSA-Santa Clara will offer most math, science and technology and additional social sciences and art AP courses to its students. AP courses are college-level courses, taught with college textbooks and exams that can give students college credit in the form of advanced standing when they enter their freshman year. Students have to pass the corresponding AP test in order to get college credit.

C. Math, Science Olympiad Program (MSOP) ©

MSOP is MSA-Santa Clara's program for highly gifted students. Students prepare for the International Olympiads in which a group of 4 or 6 students represent each country. The International Olympiads are the most prestigious and most difficult competitions in which high school students can participate.

MSA-Santa Clara students prepare for the following competitions:

- International Mathematics Olympiad
- International Olympiad in Informatics
- International Physics Olympiad
- International Chemistry Olympiad
- International Biology Olympiad
- Intel Science Talent Search

1.5 CURRICULUM

MSA-Santa Clara has a science and math oriented curriculum which is aligned to California Content and student performance standards. The curriculum concentrates on a hands-on approach to math and science while providing a solid education in humanities and social science.

Our curriculum immerses students in the scientific method and encourages them to use computers and the Internet to plan and organize projects, hypothesize, analyze data, and draw conclusions from tests they create. In the process, students become self-reliant, independent problem-solvers. In keeping with the math, science and technology emphasis at Magnolia Science Academy-Santa Clara, advanced courses are available in these subjects.

1.5.1 Textbooks, Instructional Materials and Activities

Textbooks are specified in the Course Description Guide included as Appendix C for MSA-Santa Clara.

1.5.2 Middle School Curriculum

In the middle school, including grades 6 through 8, students will be required to take core courses in Mathematics, Science, English-Language Arts and History-Social Science. In addition, students will be required to take courses such as Computers and Technology, Technology Integration to Core Courses, Physical Education and Health in order to accomplish the goals set forth by the school. Silent Sustained Reading and Character Education classes will also be a part of the program.

Please see:

Appendix C for more information about “Curriculum and Course Descriptions”

Appendix D for more information about “Technology Integrated Education”

Appendix E for more information about “Math, Science Olympiad Program”

1.5.3 High School Curriculum

One of the cornerstones of MSA-Santa Clara’s academic vision is the understanding that science is a central factor in understanding the world around us. Science has the power to help students discover interesting and exciting facts about the world and also about themselves. As a college-preparatory school, the school must consider the various factors that lead to student success at the university level. Two reliable predictors are high school achievement in advanced science and math courses and writing ability.

Magnolia Science Academy-Santa Clara’s high school curriculum meets all California State Minimum Course Requirements for high school graduation and the a-g requirements of the University of California system.

High school curriculum will offer courses on core subjects such as Mathematics, Science, History-Social Science, and English-Language Arts. In addition to the core subjects, students are required to take Physical Education and Foreign Language courses. Students who wish to apply for higher education at any college or university will have to take two courses in Computer and Technology. They also need to take Visual and Performing Arts and College Prep Electives for at least one year. All MSA-Santa Clara high school students will undertake a community service project. Silent Sustained Reading will also be a part of the program.

1.5.3.1 Electives

Students will have the opportunity to take electives in several areas. Magnolia Foundation partners with local universities for elective courses.

1.5.3.2 Foreign Languages

The decision of which foreign languages will be offered will be made in consultation with parents once the school is ready to admit students to 9th grade.

1.5.3.3 Computer and Technology

In addition to the three technology courses in the middle school curriculum, students will be required to take at least two more years of Computer and Technology courses as a part of TIE. Topics in these courses will include:

- Graphic design and applications
- Using several operating systems and software applications

- Programming methodology with an emphasis on problem solving, algorithm development, and data structures

1.5.3.4 Life Skills

High school students will be required to take a life skills course, which consists of a community service project and soft skills development.

1.5.3.5 Community Service

Students will engage in community service to develop and demonstrate crucial life skills. Students will be required to finish at least one community service project before graduation. These projects will be curriculum-related and will help students gain “real life” experience and develop responsibility, caring and respect for the community. Students will be required to present the results of their community service projects to parents, teachers, students and other members of the school community.

1.5.3.6 Physical Education/Health

Students will be given the chance to engage in an array of physical activities that are fun, culturally appropriate, and challenging. In the Health portion of the curriculum, students will have the opportunity to develop the skills necessary for maintaining a healthy lifestyle.

Please See Appendix C for more information about “Curriculum and Course Descriptions”

1.6 SERVING STUDENTS WITH DISABILITIES

MSA-Santa Clara shall comply with all applicable requirements of federal and state law concerning the education of children with disabilities, including the requirements of the Individuals with Disabilities in Education Improvement Act (“IDEIA,” 20 U.S.C. § 1401 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*). The School shall implement a Student Study Team Process (SST), a regular education function, to monitor and guide referrals for Section 504 and Special Education services. The School shall send written notice to the SCCOE at least ten (10) days prior to each upcoming SST meeting.

The school will negotiate in good faith with the SCCOE SELPA for a possible purchase of special education services from the SCCOE. The School may also apply to any Special Education Local Plan Area (SELPA) in the state to operate as a local educational agency within the SELPA. If the School is admitted to a SELPA, and submits evidence of such admission to the SCCOE by March 15th, the School shall be designated as a local educational agency within that SELPA for the coming school year. Otherwise, the School shall be designated as a public school of the SCCOE. Any change in the School’s SELPA affiliation or LEA status for purposes of special education after March 15th shall constitute a material change and shall require written notification to and approval from the SCCOE. MSA-Santa Clara petitioners have already contacted the El Dorado County Charter SELPA Director Emi Johnson for a possible SELPA membership as an LEA. Ms. Johnson stated that MSA-Santa Clara could join the El Dorado Charter SELPA. The proposed budget includes special education teachers’ salaries under classified teachers’ salaries and other expenses under related line items.

The facilities to be utilized by MSA-Santa Clara shall be accessible for all students with disabilities. All students will be given equal access to the MSA-Santa Clara regardless of disabilities. MSA-Santa Clara will not discriminate against any student based upon disabilities. MSA-Santa Clara will offer a free appropriate public education (“FAPE”) to all students.

1.6.2 Section 504 of the Rehabilitation Act

MSA-Santa Clara 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 MSA-Santa Clara. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the School.

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

Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent quotient.

Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

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

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

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at

least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

1.6.3 Supervision

Each affiliate site will be required to comply with MSA-Santa Clara's SELPA Local Plan and state and federal law in identifying, assessing, and serving its eligible special education students. All eligible students under the IDEIA will have an Individualized Education Program ("IEP") which meets all applicable legal requirements and is reasonably calculated to confer educational benefit in the least restrictive environment. MSA-Santa Clara will ensure its affiliate sites maintain strict compliance and perform all corrective actions deemed necessary by Magnolia Science Academy-Santa Clara charter school managers and/or the SELPA. The oversight of the special education programs at MSA-Santa Clara affiliate sites will be provided by MSA-Santa Clara's special education director, who will have extensive administrative experience in the area of special education service delivery and in state and federal statutes and regulations. Additionally, each affiliate site will be required to demonstrate an adequate capacity to provide special education students with a free and appropriate public education. Working in close collaboration with MSA-Santa Clara staff, each affiliate site will develop an annual special education budget, hire necessary personnel, contract for appropriate services and document the qualifications and competency of site administrative staff to meet special education quality and compliance requirements.

MSA-Santa Clara's Special Education director will be accessible to the sites through personal school site visits/reviews as well as video and telephone conferencing. Specific and targeted staff development opportunities will also be provided by MSA-Santa Clara staff and the MSA-Santa Clara's SELPA during the summer professional training workshops hosted by Magnolia Foundation. Additionally, the California Special Education Management Information System (CASEMIS) information will be reviewed by MSA-Santa Clara's Special Education Director at least monthly for each affiliate school site to insure compliance with state and federal statutes, reporting requirements, and timelines. Periodic staff development will also be provided to affiliate schools to address local needs, review changes in the law, and introduce promising educational interventions.

All affiliate sites of MSA-Santa Clara will comply with the following assurances:

1.6.4 Most Appropriate and Least Restrictive Programs

Magnolia Science Academy-Santa Clara will comply with the federal requirement of offering and maintaining the least restrictive environment (LRE) for students with disabilities. This means that, to the maximum extent appropriate, children with disabilities are educated with non-disabled children. Special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of accommodations, modifications, and related services is no longer reasonably calculated to provide a free appropriate public education.

1.6.5 IEP Design, Implementation and Review

The school will have a Student Study Team ("SST") as part of the general education program and as part of the IDEIA child search/find requirements, as a vehicle of exhausting all general education possibilities before a student is referred for a special education evaluation by school personnel. However, the SST shall not be used to delay assessment of a pupil after parent request.

The primary method of identifying students eligible for special education services is through the registration process,

after a student has been accepted for enrollment. Students are also eligible for special education identification and eligibility determination through a “child find” process. Each affiliate site shall assure that all students with disabilities are identified, located and evaluated in accordance with applicable law.

Instructional staff will be instructed about the characteristics of special education handicapping conditions and referral procedures. If a student is receiving special education services, his or her IEP will be reviewed in an IEP meeting at least once a year to determine how well it is meeting student needs. In addition, every three years, student progress will be reassessed and the IEP reviewed in accordance with applicable law unless otherwise agreed upon by MSA-Santa Clara and the parent/guardian. Magnolia Science Academy-Santa Clara shall, prior to the placement of the individual with exceptional needs, ensure that the regular teacher or teachers, the special education teacher or teachers, and other persons who provide special education, related services, or both to the individual with exceptional needs shall be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained at the school site. Service providers from other agencies who provide instruction or a related service to the individual off the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

If a parent or teacher has concerns that the educational needs of students already enrolled in special education are not being met, either the parent or the teacher may request a reassessment or an IEP meeting to review the IEP anytime during the school year.

1.6.5 Procedural Safeguards

MSA-Santa Clara shall ensure that parents receive procedural safeguards as required by law to ensure parents are informed of their rights under state and federal law.

1.6.6 Confidentiality

Each affiliate site shall assure that the confidentiality of personally identifiable data shall be protected at collection, storage, disclosure and destruction.

1.6.7 Personnel Standards

Each affiliate site shall assure that it will make good faith efforts to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities.

1.6.8 Participation in Assessments

Each affiliate site shall assure that students with disabilities are included in general State-wide assessment programs with appropriate accommodations, when required by applicable law.

1.7 LOW ACHIEVING STUDENTS

A distinguishing feature of the MSA-Santa Clara program is that early intervention will be provided as needed. This intervention is designed specifically to support the academic progress of low-achieving students. Please see section 1.4.1, Results Driven Instruction.

1.8 HIGH ACHIEVING STUDENTS

MSA-Santa Clara will offer a broad range of academic learning opportunities to high-achieving, gifted, and talented students. Our students will be engaged in advanced projects and activities in the areas of Math, Science, Technology,

Social Studies and Language Arts. These projects and activities may be supported by the school staff, volunteer college and graduate students, and parents. Funding for these endeavors will be provided partially by the school and through grants, donations and fundraising. Students will participate in competitions listed in section 1.4.4.A.

High-achieving students will also learn computer programming and will be able do science fair projects. Besides recreational after school clubs, there will be tutoring groups on advanced math and science available for high achieving students.

1.9 ENGLISH LEARNERS

MSA-Santa Clara will meet all requirements of Federal and state laws as they pertain to providing equal educational opportunities for English Learners (EL). By June 30th prior to the beginning of the subsequent fiscal year, the School will submit its EL plan.

MSA-Santa Clara's EL program includes following components

- 1- Identification: The MSA-Santa Clara registration forms will request information regarding the language spoken at home.
- 2- Assessment: Students from homes where a language other than English is spoken will be evaluated first through the first MAP test of the year (administered in the first two weeks of the school year with results arriving in 24 hours) to determine their level of proficiency in English, and with the California English Language Development Test (CELDT) (within thirty²⁰ days of enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient), unless the school has proper documentation of the student's re-designation as Fluent English Proficient. The CELDT will also be used for the annual assessment of each student's ELD level, along with scores on California Standards Test (CST) in English-Language Arts (ELA), Measures of Academic Progress (MAP) tests, teacher observation, and optional parent input as secondary factors.
- 3- Parent Notification: The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.
- 4- Placement: Depending on the assessment results, MSA-Santa Clara's EL Coordinator determines the most appropriate support strategies with the help of the student's parents and the teachers.
- 5- Implementation: When the assessment results and the EL Coordinator's plan indicate that a student could benefit from additional academic and linguistic support, MSA-Santa Clara will provide qualified bilingual instructors, tutors, part-time specialists, and/or trained volunteers on an as-needed basis according to the EL population. All teachers providing specialized academic instruction for ELL students at MSA-Santa Clara must hold a CLAD or BCLAD credential or other CDE certification authorizing teaching to English Language Learners.

For English language learners, the MSA-Santa Clara ELL strategy provides a content-based ELL program during whole class instruction. Teachers draw on the ELL components of Language Arts curriculum. During whole class instruction

²⁰ The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

teachers utilize materials within the curriculum and engage students by using thematic planning and SDAIE strategies. Manipulatives, visuals, graphic organizers, and interactive communication are just a few of the ways teachers create an educational environment that fosters language acquisition through content based lessons. Small group intervention is provided. All teachers will be trained in Specifically Designed Academic Instruction in English (“SDAIE”) techniques.

Teachers work on simplifying classroom materials using SDAIE methods in a predominantly English speaking setting. When needed, teachers work one-on-one with students to ensure that beginning English speakers progress at an accelerated rate. Depending on the needs of the ELL students, MSA-Santa Clara will use proven strategies, such as peer mentoring, multi-sensory experiential activities, modeling and tutoring, cooperative learning, and use of media and visuals, to provide effective oral language, literacy and content area instructions.

Professional Training

The August Professional Training sessions will include above-mentioned well-known and proven strategies for teachers of English Language Learners.

Supplementary Reading Program

Scholastic, Inc.’s Read 180 program will also be used as a supplement. Read 180 is a research-based, intensive reading intervention program designed to meet the needs of students in grades four and above whose reading achievement is below the proficient level. Instruction and practice are customized according to each student’s abilities but the program is delivered in a group setting utilizing top rated technology, direct instruction, and graded reading level materials that access both reading for pleasure and subject matter materials. Read 180 is supported by a comprehensive in-service and professional development plan that includes training from Scholastic, Inc.

During the implementation of this program, English Learners will benefit from the following opportunities:

- Cooperative learning activities, conducted in English, in all classes that serve to immerse students in the language while giving them opportunities to practice listening, comprehension, and speaking skills
- Bilingual aides and tutors
- Frequent writing assignments in all classes that give students opportunities to practice writing and editing in English
- After-school programs and tutoring
- Collaborative learning experiences through club projects

Benchmarks and Measuring Progress of English Learners

EL students’ progress will be measured through satisfactory grades and scores in the following table:

Beginning of Year	Weekly	Quarterly	Year-End
<ul style="list-style-type: none"> ▪ Home Language Survey ▪ MAP Test-1 ▪ CELDT 	<ul style="list-style-type: none"> ▪ Classroom assessment in ELD and in the content areas ▪ Weekly Tests and Quizzes ▪ McGraw Hill-Acuity’s 	<ul style="list-style-type: none"> ▪ Progress Reports with grades and teacher comments ▪ MAP Tests 	<ul style="list-style-type: none"> ▪ California Standards Test (CST)

	standards-based formative assessments (Grades 6-8)		
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1.10 COMMUNICATION TO PARENTS AND STUDENTS REGARDING THE TRANSFERABILITY OF COURSES

MSA-Reseda was fully accredited by the Western Association of Schools and Colleges (“WASC”) in 2007 and the courses offered at all Foundation schools meet the University of California’s a-g requirements. MSA-Santa Clara will seek WASC accreditation no later than its second year of operation. MSA-Santa Clara will inform parents and students through the school newsletters and school meetings about the transferability of the courses taken at MSA-Santa Clara to another institution. The annual student/parent handbook for each site will also inform parents and students of transferability of courses.

1.11 REPLICATION

Magnolia Foundation has already successfully replicated its educational program and philosophy at five new locations. The following steps are taken for successful replication:

Magnolia Foundation Executive Office (MFEO) Support and Supervision: Please see section 5.2.

Professional training and Follow-up by Accord Institute: A month-long teacher workshop will be held in August.

Seed administrators and teachers: As was done at existing Magnolia schools, some existing administrators and teachers at pre-existing Foundation schools will transfer to the new schools to implement the Foundation’s education program at their new locations. These successful teachers desire to move to new Magnolia locations, to serve as teachers and to help ensure a smooth transition as Magnolia continues to grow and expand to many new locations.

Policy and document transfer: All policies and documents will be made available to the new school staff.

Magnolia Foundation’s weekly meetings: School principals and Magnolia Foundation officers will hold weekly meetings to oversee the entire replication process.

ELEMENT 2: MEASURABLE PUPIL OUTCOMES

Governing Law: 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. Education Code Section 47605.6(b)(5)(B).

To better serve the students and the community, MSA-Santa Clara will continue to examine and update the following list of measurable student outcomes over time to reflect the school's mission and any changes to state or local standards that support such a mission. Should any changes to the measurable pupil outcomes be made, MSA-Santa Clara will submit those changes to the SCCOE as an update to the charter. MSA-Santa Clara shall pursue the following measurable pupil outcomes:

- A similar school ranking of 8 or above for each site
- 100 graduates from each site annually
- 100% graduation rate with 0% drop-out.
- 100% passage rate at CAHSEE.
- 100% college enrollment with at least 60% going to 4-year colleges.
- Meet or exceed the academic performance index growth target annually.
- Meet adequate yearly progress ("AYP") as defined under the No Child Left Behind Act ("NCLB").
- Additional targets as detailed in sections 2.4 , 2.5, 2.6 and 2.7.
- MSA-Reseda was fully accredited by the Western Association of Schools and Colleges ("WASC") in 2007 and the courses offered at all Foundation schools meet the University of California's a-g requirements. MSA-Santa Clara will seek WASC accreditation no later than its second year of operation.

2.1 GRADING, PROMOTION, AND GRADUATION

At MSA-Santa Clara, traditional grades on a four point scale will be used except for AP courses. Students will be able to get a top grade of 5.0 in an AP course. A grade of "Incomplete" can be issued if the student is absent from school for a legitimate purpose (excused absence). In this case the teacher is obligated to assign some additional work for the student to complete the class and become eligible to receive the letter grade for that course.

2.2 MATRICULATION REQUIREMENTS

The criteria for promotion are minimum scores on the reading, language arts, and mathematics teacher grades, combined with school-designed tests. Teacher grades are a mark of "C" or better in 8th grade English or an English Language Development class and in 8th grade mathematics. Teacher marks are combined with a passing mark on school designed tests administered during the spring semester to determine whether a student will be promoted to the 9th grade. Every student is required to complete the core curriculum described in the curriculum section of this petition successfully.

2.3 GRADUATION REQUIREMENTS

Table 1- List of required high school courses for graduation

Subject Area	Mandatory Courses	Elective Courses
Math	Algebra 1 Algebra 2 Geometry	Trigonometry (1/2) Probability and Statistics (1/2) Pre-Calculus (1/2) Calculus (1/2) AP Calculus AB AP Calculus BC AP Statistics
Science	Biology (with Lab) Chemistry (with Lab) Physics (with Lab)	Scientific Method Science Fair Project Robotics AP Biology AP Chemistry AP Physics B AP Physics C
Language Arts	English 9 English 10 English 11 English 12	Creative Writing Public Speaking AP English Language AP English Literature
Social Sciences	Life Skills (1/2) World History US History American Government and Civics (1/2) Economics (1/2)	Sociology AP US History AP World History
Computers	For new students (exemption available through proficiency exam): Computer Literacy (Concepts of IT, Operating System, Internet, Multimedia, Word Processing, Presentation, Spreadsheets) For existing students: 2 years of courses from the list on the right	Desktop Publishing (1/2) Web Design (1/2) Digital Imaging (1/2) Databases (1/2) Computer-aided Design (1/2) Macromedia Flash (1/2) Pre-AP Computers (1/2) AP Computers A AP Computers AB Scientific Computing (1/2)
Foreign Language	Foreign Language-1 Foreign Language (same)-2	Foreign Language-3 Foreign Language-4 Foreign Language Literature Foreign Culture
Physical Education	Physical Education Health and Safety (1/2)	
Art/Music	Visual Arts	Music Appreciation
TOTAL	18	Minimum 5

2.4 ACADEMIC PERFORMANCE INDEX

MSA-Santa Clara is aware of the importance of meeting API targets. It will aim to increase the API continuously by at least the amount required by the state and NCLB. To reach this goal, MSA-Santa Clara will strive for continuous school-wide improvement. As discussed above, MSA-Santa Clara has a standards-based curriculum, which will help bolster student performance on California Standards Tests. MAP Tests will help MSA-Santa Clara refine instruction to achieve its targets.

2.5 SCHOOLWIDE GOALS

MSA-Santa Clara recognizes that student academic achievement and growth are significantly influenced by student conduct, attendance, parental involvement, and the dropout rate. We plan to have a well-disciplined school with extensive parental involvement and our expectation is to maximize our class attendance average of 95% or higher, and we plan to keep the dropout rate at less than 5%. Factors that influence academic achievement and growth are illustrated in Table 2.

2.6 ACADEMIC SKILLS

Table 2 Academic Skills

Factors that influence academic achievement and growth

Curricular Focus	Measurable Outcomes	Assessment Tools
Academic Student Outcome Goals	<ul style="list-style-type: none"> Students will demonstrate improvement on standardized tests and will compare favorably with schools that have similar student populations in terms of race, gender, and socio-economic status 	<ul style="list-style-type: none"> State-mandated tests (e.g., CST) (all grades) California Assessment Test 6th Edition (CAT-6) (Grade 7) School-designed tests (all grades)
Core Academic Skills (Science)	<ul style="list-style-type: none"> A grade of “C” or better (which is equivalent to a “proficient” performance level) in the content areas outlined in the California Content Standards. Work individually and on a team, using scientific inquiry and skills and the scientific method to ask and answer questions about the physical world. Use critical thinking skills to analyze scientific problems and reach conclusions. Effectively communicate results verbally and in writing. Be aware of the range of careers available in science. 	<ul style="list-style-type: none"> Assignments, tests and activities designed by the teacher or using published materials and sometimes scored using rubrics. State-mandated tests aligned to standards (e.g., CST) (grades 6 – 11) Portfolios of student work, reports and/or exhibits scored by the teacher using rubrics.
Core Academic Skills (Mathematics)	<ul style="list-style-type: none"> A grade of “C” or better (which is equivalent to a “proficient” performance level) in the content areas outlined in the Curriculum Content Standards for California Ability to solve text-based as well as real-world problems using a variety of mathematics tools and procedures Implement a variety of problem-solving strategies. Develop fluency in basic computational/procedural skills. Communicate precisely about quantities and logical relationships. 	<ul style="list-style-type: none"> Assignments, tests and activities designed by the teacher or using published materials and sometimes scored using rubrics. State-mandated tests aligned to standards (e.g., CST) Portfolios of student work, reports and/or presentations scored by the teacher using rubrics. MAP Testing

Curricular Focus	Measurable Outcomes	Assessment Tools
	<ul style="list-style-type: none"> Make connections among mathematical ideas and between mathematics and other disciplines. Be aware of the range of careers available in mathematics. 	
Core Academic Skills (Language Arts)	<ul style="list-style-type: none"> Grade-level and critical reading skills. Knowledge of a coherent body of literature from the traditional canon. Effective and accurate writing skills. Effective verbal communication skills. Critical-thinking skills. 	<ul style="list-style-type: none"> Assignments, tests and activities designed by the teacher or using published materials and sometimes scored using rubrics. State-mandated tests aligned to standards (e.g., CST) Portfolios of student work, reports and/or presentations scored by the teacher using rubrics.
Core Academic Skills (History - Social Science)	<ul style="list-style-type: none"> Ability to analyze, explain, and evaluate world, US and world history. Ability to link events in one historical period to another. Effective writing and verbal communication skills. Critical-thinking skills. Critical-reading skills. Understanding of cause and effect. Understanding the importance of belief systems. 	<ul style="list-style-type: none"> Assignments, tests and activities designed by the teacher or using published materials and sometimes scored using rubrics. State-mandated tests aligned to standards (e.g., CST) Portfolios of student work, reports and/or presentations scored by the teacher using rubrics.
Core Academic Skills (Computers and Technology)	<ul style="list-style-type: none"> Use the Internet for research and information retrieval. Use technology for data acquisition. Use technology for communication. Effectively use applications such as word processors and spreadsheets. Write code to solve simple problems. 	<ul style="list-style-type: none"> School- and/or teacher-developed assignments, tests, and activities Portfolios, presentations and/or exhibits of student work
Core Academic Skills (Visual and Performing Arts)	<ul style="list-style-type: none"> Understand the history of art Appreciate art and artistic expression Understand the connections among the different forms of artistic expression Use materials to create art. Demonstrate artistic skills to express and communicate imaginative responses to experiences. Apply design elements and principles. 	<ul style="list-style-type: none"> School- and/or teacher-developed assignments, tests, and activities Portfolios, presentations, peer competitions and/or exhibits of student work
Core Academic Skills (Foreign Language)	<ul style="list-style-type: none"> Proficiency in speaking in the foreign language Proficiency in reading standard texts in the foreign language Proficiency in writing in the foreign language Understanding of the culture and society 	<ul style="list-style-type: none"> Publisher-developed assignments and tests School- and/or teacher-developed assignments, tests, and activities
Core Academic Skills (Physical Education /Health)	<ul style="list-style-type: none"> To be competent in many movement activities and use these to enhance his or her skills. Achieve and maintain a health enhancing level of physical fitness. Exhibit a physically active lifestyle and will understand that physical activity provides opportunities for enjoyment, challenge, and self-expression. Demonstrate responsible personal behavior while participating in movement activities. 	<ul style="list-style-type: none"> Demonstration of basic abilities in selected activities Evidence of maintaining physical fitness Peer competitions Teacher-developed assignments, tests, portfolio and/or activities State-mandated tests, such as the Physical Fitness Test (grades 7 and 9)

Curricular Focus	Measurable Outcomes	Assessment Tools
	<ul style="list-style-type: none"> Demonstrate responsible social behavior while participating in movement activities. 	

Expected outcomes and assessment tools are very important to track the school's performance closely. The school principal, staff, and teachers will be held accountable to the Magnolia Foundation Board of Directors for meeting the school outcome goals. Benchmark skills and specific classroom-level skills will be developed and updated annually.

2.7 NON-ACADEMIC SKILLS

Table 3 Non-academic Skills

Skills	Measurable Outcomes	Assessment Tools
Leadership, Collaboration and Cooperation	<ul style="list-style-type: none"> Incorporate personal management skills on a daily basis. Effective participation in group decision-making processes. Work cooperatively with others and be a team player in achieving group goals. Ability to assume leadership in group tasks. 	<ul style="list-style-type: none"> End of semester teacher evaluations on student behaviors. Teachers' comments entered into the Student Information System, MagnoXP Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. Portfolios of student work, reports and/or exhibits including group assignments.
Self-assessment and Reflection	<ul style="list-style-type: none"> Describe, analyze and prioritize personal skills and interests that they want to develop. Describe and effectively use the personal qualities they possess that make them successful members of their school and community. Recognize their intelligence types and personal learning styles and employ those styles in their learning and personal development. 	<ul style="list-style-type: none"> End of semester teacher evaluations on student behaviors. Teachers' comments entered into the Student Information System, MagnoXP Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. Portfolios of student work, reports and/or presentations scored by the teacher using rubrics.
Goal Setting	<ul style="list-style-type: none"> Set positive academic and non-academic goals. Apply goal-setting skills to promote academic success. Set post-secondary goals with action steps, timeframes, and evaluation criteria. Identify the skills and credentials required for a particular profession and prepare accordingly. 	<ul style="list-style-type: none"> End of semester teacher evaluations on student behaviors. Teachers' comments entered into the Student Information System, MagnoXP Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. Portfolios of student work, reports and/or presentations scored by the teacher using rubrics.
Critical Thinking and Problem Solving	<ul style="list-style-type: none"> Implement stop, think, and act strategies in solving daily life problems. Generate alternative solutions to problems and predict possible outcomes. Apply the steps of systematic decision-making in school and life. 	<ul style="list-style-type: none"> End of semester teacher evaluations on student behaviors. Teachers' comments entered into the Student Information System, MagnoXP Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. Portfolios of student work, reports and/or presentations scored by the teacher using rubrics.

Skills	Measurable Outcomes	Assessment Tools
Self-discipline	<ul style="list-style-type: none"> ▪ Implement a plan to meet a need or address a challenge based on personal strengths and available support from others. ▪ Explore career opportunities based on their identified interests and strengths. ▪ Show self-esteem based on accurate assessment of self. 	<ul style="list-style-type: none"> ▪ End of semester teacher evaluations on student behaviors. ▪ Teachers' comments entered into the Student Information System, MagnoXP ▪ Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. ▪ Portfolios, presentations and/or exhibits of student work
Citizenship	<ul style="list-style-type: none"> ▪ Personal honesty and integrity. ▪ Courage to express their views. ▪ Love, respect and loyalty to the United States of America. ▪ Understanding and tolerance towards other societies in the world. ▪ Participate in multicultural and cross-cultural activities. 	<ul style="list-style-type: none"> ▪ End of semester teacher evaluations on student behaviors. ▪ Teachers' comments entered into the Student Information System, MagnoXP ▪ Assignments, tests and activities in Character Education, Life Skills, College Prep and other classes. ▪ Portfolios, presentations, peer competitions and/or exhibits of student work

ELEMENT 3: METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605.6(b)(5)(C).

MSA-Santa Clara will use multiple measures to assess the students' and the school's progress towards meeting the outcome goals described in the previous section. Assessments will be aligned to the school's mission, exit outcomes and the curriculum. This section describes these assessment methods. Results of these assessments will be used to facilitate continuous improvement of the programs offered at the school. MSA-Santa Clara will meet all statewide standards and will conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or assessments applicable to students in non-charter public schools.

3.1 ACADEMIC AREAS

The measures that will be used to assess student progress include all state-mandated standardized tests such as the Standardized Testing and Reporting (STAR) tests. MAP testing will be utilized to measure student progress at least three times a year. Teachers will also, with the help of published materials, create standards-aligned formative assignments and tests that will be evaluated using rubrics. Individual and team projects will be evaluated using rubrics, and students will be required to demonstrate research and critical thinking skills.

3.2 STANDARDIZED TESTS

MSA-Santa Clara will use state-mandated tests to monitor each student's performance and academic growth. State-mandated tests will be administered as required by law. Other standards-aligned assessment tools (such as teacher-designed tests, publisher-designed tests, portfolios, presentations, etc) will also help teachers evaluate students.

MSA-Santa Clara will use STAR assessment tools including CST produced for public schools and California Achievement Tests, Sixth Edition (CAT/6) in reading, language and mathematics, CELDT, and CAHSEE.

MSA-Santa Clara will continue over time to examine and refine its methods for assessing student outcomes to reflect the school's mission and any changes in statewide student assessments that may become applicable to charter schools.

3.3 COMPUTER ADAPTED TESTS

Please see section 1.4.1.A about MAP testing.

3.4 USE AND REPORTING OF DATA

The results of STAR assessments, along with school-specific assessment data, will be used to evaluate progress. The school's academic committee, formed by the dean of academics and the subject teachers, will collect, analyze and review the results of schoolwide assessment and recommend modifications, if they are needed, to the school's curriculum and other programs at the end of every semester. Parents will be kept apprised of their students' progress with quarterly report cards. The school will utilize computers to record grades, attendance, homework, and student progress reports online, and the school will attempt to provide regular access to the same to parents. For those parents without access to a

computer, MSA-Santa Clara will have at least one computer on campus available for parent use.

Teachers will use standards-aligned formative assessments to continually monitor student progress and to make adjustments on the curriculum and instructions when such is necessary and appropriate.

The progress of EL students will be monitored using the CELDT, CST scores, teacher evaluations (based on teacher-designed tests and performance on class work and homework), and parent input. Students who have been re-designated as English proficient will be monitored for at least two years following their re-designation.

3.5 MAGNOXP: MAGNOLIA'S SCHOOL INFORMATION SYSTEM

MagnoXP is Magnolia's home-made internal school information system (SIS). Aside from providing a very effective online communication tool for teachers, students and parents (for course material, homework assignments, projects, course grade statistics and records of student grades), the system enables Magnolia administrators to create and print any reports within seconds. The system can produce more than 70 pre-designed reports including CA State ADA and CSIS reports as well as empowering administrators to easily design reports according to their needs through pivot reports tool.

MagnoXP is a great asset to Magnolia such that:

- MagnoXP empowers central office staff to supervise schools easily from anywhere. Central Office staff can take a snapshot of any schools any time in any aspect including past data
- This custom-made system is highly adjustable according to Magnolia's needs and it's being developed to meet the Foundation's and its schools' needs
- Longitudinal studies can be performed using MagnoXP

The system is very cost-effective, considering the number of custom-designed reports.

ELEMENT 4: PROPOSED LOCATIONS OF SCHOOL SITES

Governing Law: The location of each charter school facility that the petitioner proposes to operate. Education Code Section 47605.6(b)(5)(D).

MSA-Santa Clara will commence operation at one school site in the city of Santa Clara. The school will eventually have three sites throughout the County serving students from all around the county. As shown by meaningfully interested parent signatures and support letters from high tech companies and engineers, there is a demand for MSA-Santa Clara from all areas of the county. Magnolia Foundation has been successful at locations which have similar demographics to those of the proposed sites.

Figure 1 Locations of MSA-Santa Clara sites on a map showing statewide performance levels of secondary schools²¹



SITE 1

Site-1 will open in the city of Santa Clara in Fall 2010. This first site will attract students from all over the county and some other parts of Bay area as shown by the number of signatures from meaningfully interested parents.

At full capacity, this site will attract students mainly from Santa Clara Unified, Sunnyvale, San Jose Unified, Fremont

²¹ <http://schoolperformancemaps.com/ca/>

Union High, Campbell Union High, Campbell Union Elementary, Cupertino Union school districts, private schools and home-schooling families.

A potential school building has been identified. The potential building in the city of Santa Clara, Santa Clara Unified School District, which has approximately 35,000 square feet, including classrooms, and administrative areas. The building has enough space for the first two years of the site's operations considering the option of renting nearby Mission Community College's sports fields. Upon approval from the SCCOE, Magnolia Foundation will secure this building. Magnolia Foundation will make a second building ready for the third year of MSA-Santa Clara in order to accommodate increasing number of students at MSA-Santa Clara Site-1.

In accordance with Education Code Section 47610, the facilities of the Charter School shall meet the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the facility is otherwise exempt under Education Code Section 47610.5.

Magnolia Foundation has secured state licensed Realtors and is working with local developers for its campuses. Members of the founding team are working with the MFEO, and school officials will work with an architect to design every building that will meet the necessary requirements to implement all aspects of the academic program described in this petition.

Magnolia Foundation will draw on its experience of designing, building, financing and operating school facilities. Many elements found in other Magnolia facilities will be incorporated into the MSA-Santa Clara schools.

Table 4 Secondary Schools in Close Proximity²²

School	District	Asian	Filipino	Hispanic	African American	White	Other	2008 API	2007 Similar Schools Rank
A. Wilcox High	Santa Clara Un.	22.9%	7.2%	30.2%	4.5%	31.2%	4.1%	739	7
Santa Clara High	Santa Clara Un.	16.1%	10.4%	28.0%	5.6%	33.2%	6.7%	726	8
Fremont High	Fremont Un. High	16.8%	11.9%	40.3%	4.1%	24.8%	2.1%	739	4
Del Mar High	Campbell U. High	7.2%	3.6%	42.5%	5.4%	26.6%	14.6%	682	2
A. Lincoln High	San Jose Unified	6.2%	1.7%	62.7%	3.2%	24.2%	2.0%	723	6
Cupertino High	Fremont Un. High	52.0%	1.5%	8.9%	1.9%	34.4%	1.3%	817	2
Columbia Middle	Sunnyvale Elem.	9.9%	15.8%	59.8%	2.5%	10.1%	2.1%	706	3
Cabrillo Middle	Santa Clara Un.	16.7%	9.3%	39.5%	4.8%	21.9%	7.8%	705	1
Peterson Middle	Santa Clara Un.	28.0%	3.0%	20.5%	4.1%	35.8%	8.7%	826	9
Buchser Middle	Santa Clara Un.	9.8%	11.6%	34.4%	4.9%	31.3%	8.0%	734	6
Hoover Middle	San Jose Unified	3.7%	1.9%	78.2%	4.2%	9.6%	2.4%	656	2
Sunnyvale Middle	Sunnyvale Elem.	24.5%	4.4%	29.8%	4.7%	34.8%	1.8%	822	2

²² <http://dq.cde.ca.gov/dataquest/>

Lawson Middle	Cupertino Union	79.0%	0.6%	2.3%	0.5%	16.4%	1.2%	954	10
Monroe Middle	Campbell U. Elem.	8.8%	4.1%	49.5%	6.1%	26.8%	4.7%	728	5

SITE 2

Site-2 will be located within the boundaries of Milpitas Unified School District and start operations in Fall 2013. At full capacity, this site will mainly enroll students who would otherwise attend Milpitas Unified, Alum Rock Elementary, East Side Union High, San Jose Unified, Berryessa Elementary, Orchard Elementary school districts, private schools and home-schooling families.

Table 5 Secondary Schools in Close Proximity²³

School	District	Asian	Filipino	Hispanic	African American	White	Other	2008 API	2007 Similar Schools Rank
Milpitas High	Milpitas Un.	39.0%	21.7%	18.3%	3.9%	12.7%	4.4%	778	7
Piedmont Hills High	East Side U. H.	46.7%	11.1%	21.2%	5.1%	13.8%	2.0%	795	6
Independence High	East Side U. H.	35.8%	18.6%	35.3%	3.5%	5.1%	1.7%	727	4
San Jose High Aca	San Jose Un.	7.2%	3.0%	75.1%	2.5%	9.5%	2.7%	665	3
James Lick High	East Side U. H.	7.2%	5.1%	76.1%	2.3%	8.0%	1.1%	632	4
Morrill Middle	Berryessa El.	42.9%	22.8%	24.1%	3.5%	5.3%	1.4%	792	7
Rancho Milpitas	Milpitas Un.	35.1%	21.5%	24.5%	4.0%	11.1%	3.7%	823	9
Orchard Elem. (K-8)	Orchard Elem.	44.0%	6.6%	28.3%	8.1%	12.0%	1.1%	729	1
Sierramont Middle	Berryessa El.	55.4%	10.8%	18.7%	3.5%	9.5%	2.0%	835	3
T. Russel Junior High	Milpitas Un.	40.8%	20.7%	15.9%	5.0%	13.6%	4.1%	849	8
Piedmont Middle	Berryessa El.	41.7%	14.1%	28.8%	3.7%	9.8%	1.8%	777	1
Sheppard Middle	Alum Rock El.	31.1%	14.5%	47.1%	4.1%	2.9%	0.4%	710	5
Peter Burnett Middle	San Jose Un.	5.1%	2.4%	81.3%	1.7%	8.0%	1.6%	639	2
Pala Middle	Alum Rock El.	8.7%	11.9%	72.1%	1.1%	3.4%	2.8%	658	6

SITE 3

Site-3 will be located within the boundaries of East Side Union High School district and start operations in 2013. At full capacity, this site will mainly serve students who would otherwise attend East Side Union High, San Jose Unified, Oak Grove Elementary, Evergreen Elementary, Mt. Pleasant, Franklin-McKinley Elementary, Campbell Union High, Campbell Union Elementary, Cambrian Elementary school districts, private schools and home-schooling families.

²³ <http://dq.cde.ca.gov/dataquest/>

Table 6 Secondary Schools in Close Proximity²⁴

School	District	Asian	Filipino	Hispanic	African American	White	Other	2008 API	2007 Similar Schools Rank
Yerba Buena High	East Side U. H.	29.3%	7.1%	58.3%	2.1%	2.2%	1.1%	647	3
Willow Glen High	San Jose Unified	5.1%	1.5%	59.2%	3.5%	28.6%	2.2%	740	6
Andrew P. Hill High	East Side U. H.	29.2%	4.8%	58.1%	3.2%	3.8%	0.9%	676	2
W. C. Overfelt High	East Side U. H.	8.3%	7.7%	77.8%	2.3%	1.5%	2.5%	655	9
San Jose High Academy	San Jose Unified	7.2%	3.0%	75.1%	2.5%	9.5%	2.7%	665	3
Macsa Academia	East Side U. H.	0.0%	0.0%	98.6%	0.5%	0.5%	0.5%	517	3
Silver Creek High	East Side U. H.	41.5%	12.7%	34.8%	4.1%	5.0%	1.8%	761	7
A. Lincoln High	San Jose Unified	6.2%	1.7%	62.7%	3.2%	24.2%	2.0%	723	6
Del Mar High	Campbell U. High	7.2%	3.6%	42.5%	5.4%	26.6%	14.6%	682	2
Gunderson High	San Jose Unified	10.0%	2.9%	56.3%	11.1%	16.1%	3.6%	688	6
Branham High	Campbell U. High	6.5%	0.7%	19.0%	2.4%	54.4%	17.0%	775	9
J. W. Fair J. High	Franklin-McKinley Elem.	25.6%	5.8%	64.1%	1.8%	1.6%	1.2%	668	3
Willow Glen Middle	San Jose Unified	5.1%	1.5%	59.2%	3.5%	28.6%	2.2%	740	6
Sylvandale J. High	Franklin-McKinley Elem.	28.5%	3.2%	61.3%	3.5%	2.6%	0.9%	683	2
C. L. Fischer Middle	Alum Rock El.	4.7%	4.1%	86.3%	1.4%	0.9%	2.8%	640	6
G. V. Leyva Interm.	Evergreen Elem.	25.6%	12.3%	53.2%	3.8%	3.7%	1.4%	766	8
John Muir Middle	San Jose Unified	13.1%	3.6%	46.2%	6.1%	26.5%	4.4%	756	4
Lee Mathson Middle	Alum Rock El.	6.4%	5.2%	86.0%	1.9%	0.3%	0.3%	677	10
H. Hoover Middle	San Jose Unified	3.7%	1.9%	78.2%	4.2%	9.6%	2.4%	656	2
Peter Burnett Middle	San Jose Unified	5.1%	2.4%	81.3%	1.7%	8.0%	1.6%	639	2
Price Charter Middle	Cambrian Elem.	10.9%	2.7%	25.2%	4.5%	54.6%	2.0%	840	7
Ocala Middle	Alum Rock El.	8.4%	13.0%	74.0%	1.7%	2.3%	0.7%	665	8
Caroline Davis Elem.	Oak Grove Elem.	22.6%	3.2%	55.1%	5.8%	12.1%	1.3%	746	5
Monroe Middle	Campbell U. El.	8.8%	4.1%	49.5%	6.1%	26.8%	4.7%	728	5
August Boeger J. H.	Mt. Pleasant Elem	7.3%	7.0%	76.3%	3.1%	5.0%	1.3%	700	4

²⁴ <http://dq.cde.ca.gov/dataquest/>

ELEMENT 5: GOVERNANCE STRUCTURE OF THE SCHOOL

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed to ensure parental involvement. Education Code Section 47605.6(b)(5)(E).

5.0 NONPROFIT PUBLIC BENEFIT CORPORATION

MSA-Santa Clara will be a directly funded independent charter school and will be operated by the Magnolia Education and Research Foundation (as already designated herein as “Foundation”), a California Nonprofit Public Benefit Corporation, pursuant to California law.

MSA-Santa Clara will operate autonomously from the SCCOE with the exception of the supervisory oversight as required by statute. Pursuant to California Education Code Section 47604(c), the SCCOE shall not be liable for the debts and obligations of MSA-Santa Clara, operated 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 SCCOE has complied with all oversight responsibilities required by law.

Attached, as Appendix B, please find the Articles of Incorporation, Corporate Bylaws of the Foundation, The Foundation’s Conflict of Interest Code and the Notice of Intention to Adopt or Amend a Conflict-Of-Interest Code.

5.1 BOARD OF DIRECTORS

Magnolia Foundation Board of Directors (“the Board”) is ultimately in charge of MSA-Santa Clara’s operation and governance. The Magnolia Foundation Executive Office (“MFEO”) appointed by the board is responsible for execution of daily management duties on behalf of the board. The Board of Directors shall consist of a minimum of three (3) and a maximum of twenty one (21) voting members.

MSA-Santa Clara will be governed in accordance with all applicable laws and regulations relating to public agencies and charter schools and its corporate bylaws. Magnolia Foundation and MSA-Santa Clara will comply with the Brown Act and Roberts Rules of Order. The School will be nonsectarian in its programs, admission policies, employment practices, and all other operations and will not discriminate on the basis of any characteristic listed in Education Code Section 220.

MSA-Santa Clara and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.

To ensure public participation in the board meetings, a video and/or phone conference call service has been procured and will be used during board meetings for remote participation of the interested public. This service allows members of the public to watch and participate in board meetings by going to a designated room on campus which has a live video feed and video camera capabilities. Alternatively, anyone can watch the meeting at home, on a computer. Information about the call number and the remote participation procedure will be included on the fliers and information web pages for the meetings. All participants/speakers will have access to language translation services.

5.2 MAGNOLIA FOUNDATION EXECUTIVE OFFICE

The MFEO executes the decisions and policies set by the Board and manages business operations in the Foundation schools. Through the MFEO, the Foundation can establish its educational mission in all Foundation schools at a lower

expense and reduce program and operations-related burdens of the school administration. The responsibilities of MFEO include, but are not limited to:

- Overseeing the Foundation Schools' operations to ensure compliance with the charter agreements
- Curriculum development in collaboration with Accord Institute
- Making hiring recommendations regarding school principals to the Board of the Foundation.
- Payroll
- Purchasing
- Budgeting
- Financial and other Reporting
- Annual audit
- Community outreach
- Public relations
- Information Technology (IT) Support

5.3 SITE ADVISORY BOARDS

The Site Advisory Board (SAB) is mainly an advisory body holding each school site responsible for its operations. The SAB will be formed at each MSA-Santa Clara school site shortly after the school commences and will consist of:

- The school principal
- 1 representative appointed by the SCCOE
- 1 Teacher representative elected by the faculty
- 1 Parent representative elected by the Parent Club
- 1 Student representative elected by the Student Council
- 1 Community representative appointed by MFEO
- 1 High-Tech Industry Representative appointed by MFEO
- 1 University Representative appointed by MFEO

SAB recommends suggested courses of action for the board to adopt regarding site-specific issues. The school principal will communicate these policies to MFEO.

5.4 SCHOOL PRINCIPAL

Each school site of MSA-Santa Clara will have a site principal. The Principal is the senior authority at the school site with the following responsibilities and duties:

- Monitor instructional and managerial processes to ensure that program activities are related to program outcomes and use findings to take corrective actions.

- Report to and consult with MFEO.
- Hire, supervise, and evaluate the faculty and school site staff.
- Comply with state and federal laws and regulations affecting the school.
- Compile, maintain, and file all physical and computerized reports, records, and other documents required by law and Magnolia policy, including accurate and timely reports of maximum attendance to requisition textbook.
- Manage use of school facilities. Supervise maintenance of facilities to ensure a clean, orderly and safe campus.
- Direct and manage extracurricular and intramural programs.
- Work with faculty and students to develop a student discipline management system that encourages positive student behavior and enhances the school climate.
- Ensure that school rules are uniformly observed and that student discipline is appropriate and equitable in accordance with the student handbook.
- Conduct conferences about student and school issues with parents, students, and teachers.
- Demonstrate awareness of school and community needs and initiate activities to meet those needs.
- Use appropriate and effective techniques to encourage community and parent involvement.
- Communicate with the chartering agency and attend necessary meetings.
- Report to the chartering agency when required.

5.5 PARENTAL INVOLVEMENT

The Foundation strongly encourages parents to participate in and share the responsibility for the educational process and educational results of MSA-Santa Clara. By having representative(s) on the SAB, parents will be active participants in developing local school policies and leading efforts to engage the support of the community, making recommendations about issues related to the school, and reviewing parental and community concerns. Other opportunities for parental involvement include:

- The SAB will encourage formation of a parent/guardian club.
- Teachers will be encouraged to make home visits to discuss student progress with the parents. Parents, students, and teachers meet throughout the year to monitor students' progress. (See descriptions of home visits above)
- Parents complete a survey each year evaluating the strengths and weakness they identify with the program at Magnolia Science Academy-Santa Clara.
- There will be various opportunities for parents to volunteer. For example, they may help in classrooms, lead extra-curricular activities, assist in event planning, tutor, assist with lunch distribution, and attend field trips. It is not required, but expected, that parents will contribute a minimum of 10 hours per year to the school.
- MSA-Santa Clara will organize parent education groups where parents will learn the importance of their involvement in their child's education.

- Teachers will meet one-on-one with parents of low-achieving students on an as needed basis to ensure the proper supports are in place for the student.
- Parents will have the opportunity to attend periodic potluck dinners for teambuilding and presentation of the latest school news.
- MSA-Santa Clara will hold parent appreciation dinners recognizing parent contributions to the school community.

5.6 ORGANIZATIONAL CHART

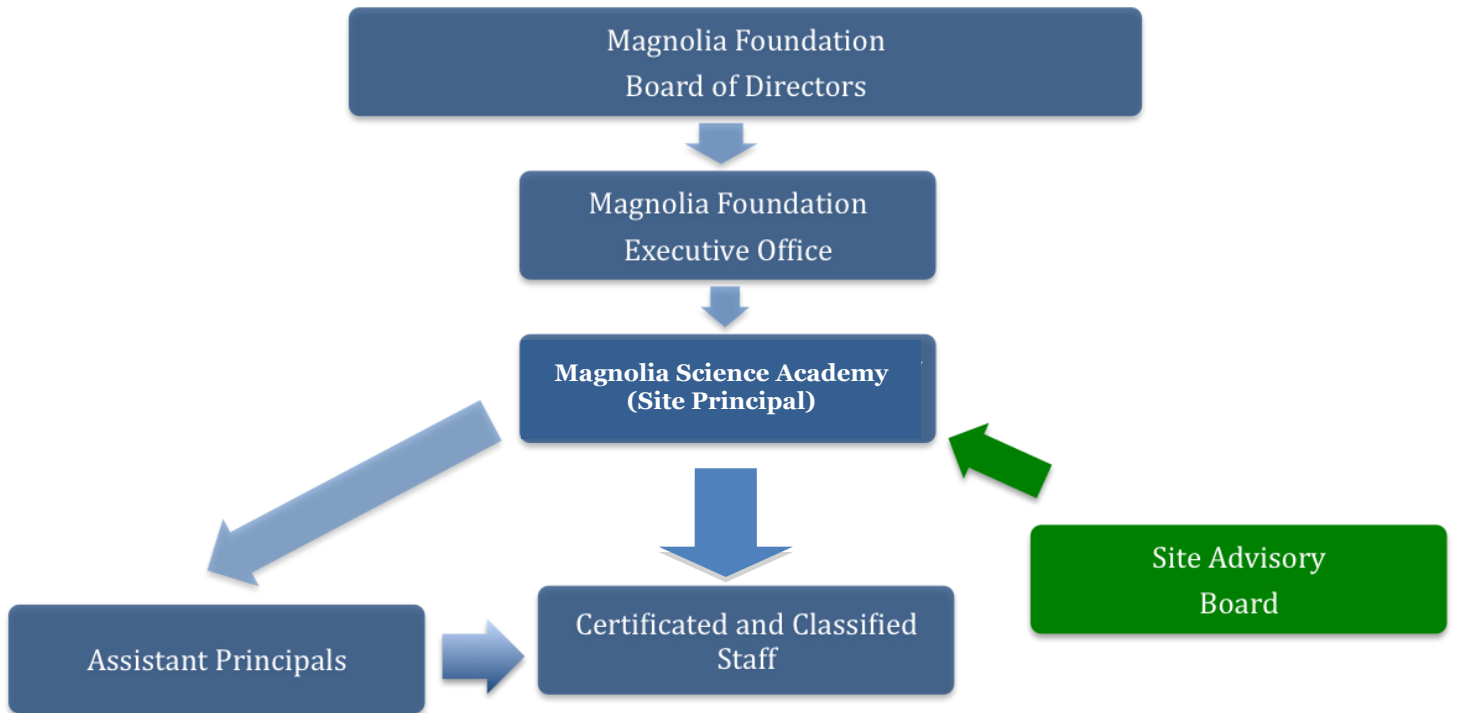


Figure 2- Organizational chart of MSA-Santa Clara

ELEMENT 6: EMPLOYEE QUALIFICATIONS

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605.6(b)(5)(F).

Magnolia Foundation and Magnolia Science Academies will not discriminate against any employee on the basis of race, color, creed, age, sexual orientation, national origin, disability, or marital status. MSA-Santa Clara will be nonsectarian in its programs, admission policies, employment practices, and all other operations. MSA-Santa Clara School will not require any employee to work at the charter school.

6.1 BACKGROUND CHECKS

MSA-Santa Clara will adhere to Education Code Section 44237 regarding fingerprinting of employees. Prior to the first day of work for every employee, MSA-Santa Clara will process background checks through LiveScan, administered by the Department of Justice. MSA-Santa Clara will adhere to school policy pertaining to the safety and health of all employees and students. All employees must furnish or be able to provide:

- Medical clearance including proof of medical exam and tuberculosis (TB) testing.
- Fingerprinting and the service fee to the Department of Justice for criminal record check. Applicants will be required to provide a full disclosure statement regarding prior criminal record. No employee may begin work prior to Department of Justice check in accordance with education Code Section 44237.
- Documents establishing legal citizenship and work status, current copies of all teacher certificates.

The documents listed above will be kept on-site and will be ready for inspection any time pursuant to a request from the SCCOE.

6.2 NO CHILD LEFT BEHIND AND CREDENTIALING

Teachers and Teacher Assistants will meet all requirements for employment as stipulated by NCLB and California Education Code Section 47605(l). MSA-Santa Clara will conform to the legal requirements, which state that all charter school teachers shall hold a California Commission on Teacher Credentialing certificate, permit or other documentation equivalent to what a teacher in other public schools would be required to hold in accordance with the provisions of the No Child Left Behind Act. Our teachers will be highly qualified in core courses, which are reading and language arts, mathematics, science, history and social science and other A-G classes such as music, drama, art, etc. as deemed by NCLB must hold appropriate credentials to be NCLB compliant.

Appropriate records of credentials held by MSA-Santa Clara teachers and supporting documentation will be monitored and maintained by the MFEO. Credentials will be monitored annually in compliance with state and federal law.

6.3 STAFF SELECTION AND QUALIFICATIONS OF THE SCHOOL PERSONNEL:

Magnolia Foundation will hire the school principals and the principal at each school site will hire the school personnel.

6.3.1 Principal

The principals for each MSA-Santa Clara school site will orchestrate program and service delivery to students through teaching and auxiliary staff.

Skills and Qualifications:

- B.S. degree in Education, Engineering, or Natural Sciences
- Experience in teaching science and/or technology and administrative duties
- Up-to-date computer and technology knowledge
- Knowledge of school law, finance, and curriculum
- Ability to manage personnel
- Ability to interpret policy, procedures, and data
- Exceptional organizational, communication, public relations, and interpersonal skills.

6.3.2 Assistant Principals

Assistant Principals will assist the principal in instructional program administration and student activities and services.

Skills and Qualifications:

- B.S. degree in Education, Engineering, or Natural Sciences
- Knowledge of charter operations
- Exceptional organization, communication and interpersonal skills.

6.3.3 Teachers

The primary role and purpose of a teacher is to provide students with appropriate educational activities and experiences that will enable them to fulfill their potential for intellectual, emotional, physical and social growth. Teachers will help students develop the skills necessary to be productive members of society.

Skills and Qualifications:

- BA or BS (as appropriate) degree in subject matter with emphasis in engineering or natural science
- California Commission on Teacher Credentialing credential, certificate, permit or other documentation equivalent to what a teacher in other public schools would be required to hold
- Highly qualified in core courses as defined in section 6.2
- Understanding of subjects assigned
- Knowledge of curriculum and instruction
- Capability of instructing students and managing their behavior
- Exceptional organizational, communication and interpersonal skills

6.3.4 Special Education Teacher

The primary role and responsibility is to provide services to special education students with appropriate learning

activities and experiences that will enable them to fulfill their potential for intellectual, emotional, physical and social growth. The Special Education teacher will develop student ability level instructional materials through modified curriculum and prepared lesson plans. The Special Education teacher will conduct work in self-contained, team, departmental or itinerant capacity as necessary.

Skills and Qualifications:

- B.A. or B.S. degree
- Knowledge of special needs of students in assigned area.
- Knowledge of Individual Education Plan (IEP) goal setting process and implementation.
- Knowledge of curriculum and instruction.
- California Commission on Teacher Credentialing certificate, permit or other documentation equivalent to what a special education teacher in other public schools would be required to hold.
- Highly Qualified in accordance with the No Child Left behind Act.

6.4 PROFESSIONAL DEVELOPMENT

MSA-Santa Clara's professional training program is comprised of two major components:

Accord Institute's Summer Workshops and Training: Accord trains all member school teachers on Accord's education program implementation.

MSA-Santa Clara's additional Training: After the evaluation of student test results including State tests and Measures of Academic Progress (MAP) tests, the areas of needs for professional development are determined by the participation of school administration and teachers at the end of each semester. Magnolia Foundation officers then contract with the area universities, and consult with education professionals and organizations.

The professional training program includes sessions both in summer and during the school year:

- A month-long teacher workshop is held in August for all Magnolia Foundation school teachers.
- As discussed above, staff meetings at MSA-Santa Clara are organized so that teachers teaching same subject and same grade level meet biweekly. During these meetings, senior teachers mentor new ones and teachers share their best practices.
- Teachers attend quarterly professional development sessions, which are essential to raise student achievement by grade level and/or subject matter. These formal sessions are guided by content-area specialists and center on writing, research and critical thinking skills in creation of cross-curricular student assignments.
- When the school year is over, a two-day in-service training is held. The topics include Revision of School Curriculum, New School Year Planning, New Textbook and Instructional Materials Revision

ELEMENT 7: PUPIL AND STAFF HEALTH AND SAFETY

Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605.6(b)(5)(G).

The health and safety of MSA-Santa Clara staff and pupils is a high priority for the school. The school will follow all required safety regulations including emergency policies and procedures. MSA-Santa Clara will comply with all applicable health and safety laws and regulations. MSA-Santa Clara will operate as a drug, alcohol, and tobacco free workplace. The Foundation has adopted and implemented- a comprehensive health and safety plan to create a safe and secure learning environment, keep it on file for review and train its staff annually on the safety procedures outlined in the plan. It will be the task of the school administration to monitor all activities consistently to provide safety and security for the students. For this purpose, a “team-on-duty” will be created among teachers and assistant teachers to supervise students at all times. The health and safety policies include, but are not be limited to, the following topics:

7.1 FACILITIES

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the California Building Standards Code. The school will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard, and that the school will maintain appropriate facility compliance documents on file. The 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 School shall conduct fire drills monthly.

MSA-Santa Clara will comply with all Asbestos Hazard Emergency Response Act (AHERA, 29 CFR Part 763, Subpart E) regulations, including compliance with inspections mandated by AHERA utilizing independent consultants.

- Dependent on the facility lease requirements, MSA-Santa Clara will outsource all maintenance/custodial duties and operational functions including major and minor repairs, pest control, landscaping and gardening to vendors qualified to perform such functions.

The potential school site for the first year of MSA-Santa Clara Countywide Charter is described in Element 4.

7.2 AUXILIARY SERVICES

School staff will conduct annual reviews to ensure all applicable auxiliary services are safe (food services, transportation, custodial services, hazardous materials) by developing appropriate policies and awareness training.

7.3 CRIMINAL BACKGROUND CHECKS

Each employee and contractor of the school will submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237 and 45125.1. Employees and contractors will submit fingerprints to the Department of Justice via LiveScan processing. Employees will not start working until results are received from the Department of Justice and they are cleared to begin work. The Principal of each school site shall monitor compliance with this policy and report to the Foundation Board of Directors on a quarterly basis. The MFEO shall monitor the

fingerprinting and background clearance of each Principal. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

7.4 IMMUNIZATIONS AND TUBERCULOSIS TESTING

All enrolling students and staff will provide records documenting immunizations to the extent required for enrollment in non-charter public schools pursuant to Health and Safety Code Sections 120325-120375 and Title 17, California Regulations Section 6000-6075. Records of student immunizations shall be maintained. MSA-Santa Clara will follow education Code Section 49406 with regard to tuberculosis testing.

7.5 EMERGENCY SITUATIONS

MSA-Santa Clara shall utilize the Foundation School Safety Plan in responding to emergency situations. That plan is attached as **Appendix H**. The August professional development sessions include training on emergencies and first aid.

7.6 CHILD ABUSE REPORTING

MSA-Santa Clara will adhere to the requirements of California Penal Code Section 11166 regarding child abuse reporting. MSA-Santa Clara staff must report to the proper authorities if they suspect the following occurring to a student:

- Sexual assault
- Neglect
- Willful cruelty or unjustifiable punishment
- Cruel or inhuman corporal punishment or injury
- Abuse in out-of-home care

The reporting person need only to “reasonably suspect” that abuse or neglect has occurred. The reporting person does not have to prove abuse.

The Principal will work with all faculty and staff members to make sure all appropriate steps are taken if a child abuse situation occurs. All faculty and staff will understand that it is their duty and responsibility to report any suspicions of child abuse. Staff will understand that under California law, failure to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both. Staff will not be made to investigate any incident, only report to the Principal and/or proper authorities.

All suspected cases of child abuse will be brought to the Principal and/or proper authorities. A written report of the situation will be completed and the Department of Child Support Services will be immediately notified. If necessary, the Police Department will be informed of the situation as well. The reporting person will be responsible for providing all the necessary information and child abuse reports to the Department of Children Services and/or the Police Department since he/she will be most knowledgeable of the situation.

Should it be necessary to remove the child from school, MSA-Santa Clara staff will obtain the contact information of the agency person removing the child. This information will be placed in the student’s record and be available to the parent /guardian.

7.7 PRESCRIPTION MEDICATIONS

Students requiring prescription medications and other medicines during school hours will be accommodated as per Education Code Section 49423. Parents must bring medication to the office in the original containers, with the name of the prescribing physician, the name of the student, and dispensing instructions. Parents will complete the appropriate form authorizing school staff to administer medication. Designated staff will put medications in a locked cabinet or refrigerator as needed for medications requiring refrigeration. Designated staff will log times for administering medications for each student and will establish a tickler system to ensure that medications are dispensed at the appropriate times. Designated staff will call students to receive medications at the appropriate times. In cases where medications are long-term prescriptions, designated staff will provide parents with one week's notice to alert them that additional medication is needed.

7.8 INSURANCE

MSA-Santa Clara will secure and maintain general liability, workers compensation, and other necessary insurance coverage as required by the SCCOE.

7.9 VISION, HEARING, AND SCOLIOSIS SCREENING

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 school.

7.10 DIABETES

Beginning in the 2010-11 school year, MSA-Santa Clara will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students. 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.

7.11 BLOOD BORNE PATHOGENS

MSA-Santa Clara shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Board shall establish 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.

7.12 COMPREHENSIVE SEXUAL HARASSMENT POLICIES AND PROCEDURES

MSA-Santa Clara 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. MSA-Santa Clara 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).

7.13 DRUG FREE/ALCOHOL FREE/SMOKE FREE ENVIRONMENT

MSA-Santa Clara shall function as a drug, alcohol and tobacco free workplace.

ELEMENT 8: RACIAL AND ETHNIC BALANCE

Governing Law: The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Education Code Section 47605.6(b)(5)(H).

MSA-Santa Clara will implement a special recruitment process to achieve racial and ethnic balance among its students that reflects the general population residing in the geographic boundaries of the school district in which each school is located. This process involves the following:

- Hold discussions and distribute application materials at places where diverse student families may be reached, including community centers, neighborhood meeting areas, and existing schools;
- Distribute materials in English and Spanish to reach the limited English proficient populations that exist in the target area;
- Hire bilingual individuals who specialize in public relations with underrepresented communities and neighborhoods;
- Host Open Houses and provide tours of the school;
- Starting April of the opening year, monthly or biweekly public presentations (12 total);
- All means of advertising will be used, such as electronic media, flyers, and direct mail;

The measurable ongoing recruitment efforts and outreach programs in which the school will engage following the first year of enrollment are:

- Open Houses (two open houses every month for the first three months and then monthly open houses until July of the opening year);
- Distributing flyers at playgrounds, recreation centers and/or sports clubs in our neighborhood;
- Direct mailing to the parents/guardians who have 5th and 6th grade children.

MSA-Santa Clara will maintain an accurate accounting of the ethnic and racial balance of students enrolled in the school. Such data may drive additional recruitment measures should the data indicate that the racial and ethnic distribution is not reflective of the surrounding communities. MSA-Santa Clara will also document the efforts made to achieve racial and ethnic balance in accordance with the charter petition and standards of charter legislation.

MSA-Santa Clara will also conduct its outreach throughout the County without concentration in any one school district to ensure its countywide purpose under Education Code Section 47605.6 as described above is fulfilled TO THE MAXIMUM EXTENT POSSIBLE WITHIN THE APPLICABLE LIMITATIONS IN LAW WHICH REQUIRE A PUBLIC RANDOM DRAWING TO ULTIMATELY DETERMINE ENROLLMENT IF THERE ARE MORE APPLICANTS THAN CAPACITY. PREFERENCE, IN THE PUBLIC RANDOM DRAWING WILL BE GIVEN TO COUNTY RESIDENTS AS FURTHER DESCRIBED IN ELEMENT 14 BELOW. At a minimum, in order to ensure widespread outreach throughout the County, MSA-Santa Clara will commit annually to the outreach described in the letter dated March 31, 2010 from MSA-Santa

Clara to County Superintendent, Dr. Charles Weis and Dr. Lucretia Peebles in response to the Amended Notice to Cure dated March 19, 2010, PAGES 12-15, WHICH SHALL BE FULLY INCORPORATED HEREIN. By September 30th of each year, MSA-Santa Clara will submit to the County Board its SPECIFIC plan for outreach for enrollment for the following school year WHICH WILL meet its commitments for outreach to a diverse population of students from throughout the County as described in this charter.

ELEMENT 9: FINANCIAL AUDIT

Governing Law: The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved. *Education Code Section 47605.6(b)(5)(I).*

Each fiscal year, an independent fiscal audit will be conducted of the financial affairs of MSA-Santa Clara to verify the accuracy of the school's financial statements, attendance and enrollment accounting practices, and internal controls. The School shall immediately forward a copy of the audit to the SCCOE, the State Controller and the California Department of Education upon receipt of the final audit findings in accordance with state time lines under Education Code Section 47605.6(m) (currently December 15 of each year).

The School shall contract for an audit to be prepared in accordance with Governmental Auditing Standards. This audit shall be performed in accordance with Generally Accepted Accounting Procedures, Financial Accounting Standards Board (FASB) standards, State Board of Education regulations and K-12 audit standards where such standards are applicable to charter schools (including attendance and applicable compliance requirements for government funding streams that the School is seeking.) The School shall also conduct a Single Audit if the School is required to do so under federal guidelines. The audit shall be performed by an independent auditor designated in the School's Financial Plan, or another auditor acceptable to the Superintendent of Schools. The named auditor of choice shall be decided not later than April 1 of the year to be audited. The School shall be responsible for developing and implementing an audit resolution plan for any findings/recommendations included in the audit of the prior year. Such plan shall be submitted to the SCCOE Superintendent by March 15 for review and approval every year.

The Foundation has demonstrated success in operating charter schools previously approved in California as evidenced by annual financial audits for each of the Foundation schools with no audit findings or exceptions.

9.1 BUDGET AND FINANCE

The School shall prepare and submit to the SCCOE a proposed budget for the upcoming fiscal year showing estimated revenues and expenditures based on reasonable assumptions by June 1st prior to the beginning of the subsequent fiscal year. Justification for each revenue source with calculations is required. A final budget approved by the School's Board of Directors is due to the SCCOE by June 30th prior to the beginning of the subsequent fiscal year.

9.3 FINANCIAL REPORTS

MONTHLY REPORTS – Monthly Financial Reports and Monthly Cash Flows will be submitted to the SCCOE by the 20th of each month for the prior month using the format and spreadsheet provided to School by the SCCOE.

CHARTER SCHOOL INTERIM FINANCIAL REPORT – First interim report will be submitted as of October 31 by December 15 and second interim report as of January 31 by March 15 using the state's format.

CHARTER SCHOOL UNAUDITED ACTUALS FINANCIAL REPORT – This report will be submitted to the SCCOE on or before September 15 for the prior fiscal year that ended on June 30.

ELEMENT 10: SUSPENSION AND EXPULSION

Governing Law: The procedures by which pupils can be suspended or expelled. Education Code Section 47605.6(b)(5)(J).

The following is the suspension and expulsion policy that will be followed by MSA-Santa Clara:

This Student Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at MSA-Santa Clara. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as MSA-Santa Clara'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.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student Handbook which is sent to each student at the beginning of the school year. The MSA-Santa Clara administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

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.

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 MSA-Santa Clara has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. MSA-Santa Clara will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom MSA-Santa Clara 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.

10.1 PROGRESSIVE POSITIVE DISCIPLINE

Positive student behavior and improvements will be acknowledged and encouraged. Teachers will not only report discipline issues on the school information system MagnoXP but also positive behaviors and accomplishments. Parents will also be informed of positive behavior and improvements via phone and home visits. Students will receive certificates for outstanding performance and behaviors and will be awarded with MSA-Santa Clara Dollars, which can be redeemed

at the school cafeteria or the student store and can be used to pay for trips and camps.

10.2 GROUNDS FOR SUSPENSION AND EXPULSION OF STUDENTS

A student may be suspended or expelled for prohibited misconduct if the act is (1) related to school activity; (2) school attendance occurring at MSA-Santa Clara or at any other school; or (3) a MSA-Santa Clara sponsored event. A student may be suspended or expelled for acts that are enumerated below and related to school activity or attendance that occur at any time, including, but not limited to, and of the following:

- 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; or
- d) during, going to, or coming from a school-sponsored activity.

10.3 ENUMERATED OFFENSES

Students may be suspended or expelled for any of the following acts when it is determined the student:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force of violence upon the person of another, except self-defense.
3. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
4. 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.
5. 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.
6. Committed or attempted to commit robbery or extortion.
7. Caused or attempted to cause damage to school property or private property.
8. Stole or attempted to steal school property or private property.
9. Possessed or used tobacco or 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 student.
10. Committed an obscene act or engaged in habitual profanity or vulgarity.
11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

13. Knowingly received stolen school property or private property.
14. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
15. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. 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 student 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 student. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
19. 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.
20. 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 students in any of grades 4 to 12, inclusive.
21. 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 students in any of grades 4 to 12, inclusive.
22. 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 students in any of grades 4 to 12, inclusive.

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

10.4 SUSPENSION PROCEDURE

Suspensions shall be initiated according to the following procedures:

10.4.1 Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Principal. The conference may be omitted if the Principal 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 student 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 student 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 student for failure of the student's parent or guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at the conference.

10.4.2 Notice to Parents/Guardians

At the time of suspension, the Principal 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.

10.4.3 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 Principal or Principal's designee, the student and the student's guardian or representative will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. This determination will be made by the Principal or designee upon either of the following determinations: (1) the student's presence will be disruptive to the education process; or (2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

10.5 AUTHORITY TO EXPEL

A student may be expelled either by the Magnolia Foundation Board following a hearing before it or by the Magnolia

Foundation Board upon the recommendation of an Administrative Panel to be assigned by the Magnolia Foundation Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the student or a Board member of the Magnolia Foundation Board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

10.6 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 Principal or designee determines that the Student has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Magnolia Foundation Board for a final decision whether to expel. The hearing shall be held in closed session unless the student 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 student. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of MSA-Santa Clara'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.

10.7 SPECIAL PROCEDURES FOR EXPULSION HEARINGS INVOLVING SEXUAL ASSAULT OR BATTERY OFFENCES

MSA-Santa Clara may, upon finding a 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 Board, administrative panel, 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 student.

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. MSA-Santa Clara 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, MSA-Santa Clara must present evidence that the witness' presence is both desired by the witness and will be helpful to MSA-Santa Clara. 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 student 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 not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing 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 circumstances 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.

10.8 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.

10.9 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 accused student, 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 Magnolia Foundation 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 student shall immediately be returned to his/her educational program.

10.10 WRITTEN NOTICE TO EXPEL

The Principal 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 MSA-Santa Clara.

The Principal or designee shall send a copy of the written notice of the decision to expel to the student's district of residence. This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

10.11 DISCIPLINARY RECORDS

MSA-Santa Clara shall maintain records of all student suspensions and expulsions at MSA-Santa Clara. Such records shall be made available to the SCCOE upon request.

10.12 NO RIGHT TO APPEAL

The student shall have no right of appeal from expulsion from MSA-Santa Clara as the Board decision to expel shall be final.

10.13 EXPELLED STUDENTS/ALTERNATIVE EDUCATION

Students 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.

10.14 REHABILITATION PLANS

Students who are expelled from MSA-Santa Clara 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 (1) year from the date of expulsion when the student may reapply to MSA-Santa Clara for readmission.

10.15 READMISSION

The decision to readmit a student or to admit a previously expelled student from another school, school district or charter school shall be in the sole discretion of the Magnolia Foundation Board following a meeting with the Principal and the student and guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The student's readmission is also contingent upon MSA-Santa Clara's capacity at the time the student seeks readmission.

10.16 SPECIAL PROCEDURES FOR THE CONSIDERATION OF SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

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; 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.

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, MSA-Santa Clara, 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:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.
- If MSA-Santa Clara, the parent, and relevant members of the IEP 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 MSA-Santa Clara, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:
 - Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that MSA-Santa Clara had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
 - 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
 - Return the child to the placement from which the child was removed, unless the parent and MSA-Santa Clara agree to a change of placement as part of the modification of the behavioral intervention plan.

If MSA-Santa Clara, the parent, and relevant members of the IEP 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, then MSA-Santa Clara 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.

Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or MSA-Santa Clara 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.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or MSA-Santa Clara, 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 MSA-Santa Clara agree otherwise.

Special Circumstances

MSA-Santa Clara 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 Principal 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.

Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

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 MSA-Santa Clara's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if MSA-Santa Clara had knowledge that the student was disabled before the behavior occurred.

MSA-Santa Clara 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 MSA-Santa Clara 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 MSA-Santa Clara personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other MSA-Santa Clara supervisory personnel.

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

MSA-Santa Clara 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.

10.17 OUTCOME DATA

Outcome data will be maintained including suspensions, expulsions & expulsion placements and reinstatements.

ELEMENT 11: RETIREMENT PROGRAMS

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605.6(b)(5)(K).

MSA-Santa Clara will make participation in the State Teachers' Retirement System (STRS) available to teachers, and the Public Employees' Retirement System (PERS) and a 403b available to other eligible persons working at the school. MSA-Santa Clara will make any contribution that is legally required of the employer, including STRS, PERS, 403b, social security, and unemployment insurance. All withholdings from employees at the charter school will be forwarded to the STRS and PERS fund as required. MSA-Santa Clara will submit all retirement data and will comply with all policies and procedures for payroll reporting. Employees will accumulate service credit years in the same manner as all other members of STRS.

Mandatory contributions such as workers compensation, unemployment insurance, Medicare and social security (for non-STRS employees) will be paid by the employer. Health, dental, vision and related benefits as part of the total compensation package for each employee will be determined as part of the individual employment contract.

ELEMENT 12: DISPUTE RESOLUTION

Governing Law: The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter. Education Code Section 47605.6(b)(5)(L).

MSA-Santa Clara and the SCCOE will be encouraged to attempt to resolve any disputes with the SCCOE amicably and reasonably without resorting to formal procedures.

In the event of a dispute between MSA-Santa Clara and the SCCOE, MSA-Santa Clara staff, employees and Board members of the Magnolia Foundation and the SCCOE agree to first frame the issue in written format (“dispute statement”) and refer the issue to the Superintendent of Public Instruction (or designee) and the MFEO (or designee) of the Foundation (or designee). In the event that the SCCOE believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, this shall be noted in the written dispute statement. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the SCCOE’s ability to proceed with revocation in accordance with Education Code Section 47607.

The MFEO (or designee) and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than 5 business days from receipt of the dispute statement. If this meeting fails to resolve the dispute, the Superintendent (or designee) and the MFEO (or designee) shall meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the Parties. Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the SCCOE and MSA-Santa Clara. If mediation does not resolve the dispute either Party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the SCCOE and the Foundation.

12.1 INTERNAL DISPUTES

Except those disputes between the SCCOE and MSA-Santa Clara relating to provisions of this charter, all disputes involving sites within the MSA-Santa Clara Countywide Charter School will be resolved by the Foundation according to its policies. Complaints to the SCCOE relating to the operation of the school and not to the terms of this charter or other issues regarding the School’s and the SCCOE’s relationship will be resolved as set forth below:

MSA-Santa Clara sites will adopt policies and processes for airing and resolving disputes.

The SCCOE agrees to refer all complaints regarding operations of MSA-Santa Clara Countywide Charter sites to the MFEO for resolution in accordance with the site's adopted policies. In the event that the site's adopted policies and processes fail to resolve the dispute, the SCCOE agrees not to intervene in the dispute without the consent of MSA-Santa Clara unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked. Notwithstanding the above, the SCCOE will have the ability to intervene in and respond to complaints about the operation of MSA-Santa Clara as is required by law.

ELEMENT 13: EMPLOYER STATUS AND COLLECTIVE BARGAINING

Governing Law: 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). Education Code Section 47605(b)(5)(M).

The Foundation operating MSA-Santa Clara will be the exclusive public school employer of all employees of the charter school for collective bargaining purposes. As such, the Foundation will comply with all provisions of the Educational Employment Relations Act (“EERA”), and will act independently from the SCCOE and the school districts for bargaining purposes. In accordance with the EERA, the employees of MSA-Santa Clara may organize and choose to form a collective bargaining unit under the charter school. This unit will be independent of any other bargaining unit. If the employees form such a bargaining unit, the Foundation Board will negotiate in good faith. Unless the employees elect to be represented by an organization for bargaining purposes, all employees will be individually contracted.

ELEMENT 14: ADMISSION REQUIREMENTS

Governing Law: Admission requirements, of the charter school, if applicable. Education Code Section 47605.6(b)(5)(N).

MSA-Santa Clara will admit all students residing in California who wish to attend subject only to capacity as outlined in Education Code 47605(d)(2).

MSA-Santa Clara will not charge tuition and will not discriminate against any pupil on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, 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). Student diversity is expected to reflect the ethnic and racial balance of the school districts and communities where each site is expected to attract students as described in Element 4. MSA-Santa Clara will not enroll pupils over 19 years of age unless they have been continuously enrolled in public school upon turning age 19 and making satisfactory progress toward high school diploma requirements and are not more than 22 years of age. MSA-Santa Clara will not require any pupil to attend the charter school. MSA-Santa Clara will be nonsectarian in its programs, admission policies, employment practices, and all other operations.

A written admissions application is required for each student. An open application period will be publicly announced each year. Parents/guardians will be encouraged to either attend MSA-Santa Clara workshops or meet with a designated MSA-Santa Clara staff or faculty member before admission to learn about the school mission, teaching philosophy, and how parents can contribute to the school. In these meetings and workshops, our staff will explain the expectations from the parents at home to enable their students to comply with the school schedule and homework requirements, as well as how parents will participate in the activities of subcommittees that help operate the school.

14.1 INFORMING PARENTS ABOUT THE ENROLLMENT LOTTERY

MSA-Santa Clara shall admit all pupils who wish to attend the school. However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing²⁵. The school will choose a date and time for a public random drawing (“lottery”) (preferably on the weekend or after 6 pm on a weekday) so that most interested parties will be able to attend. The school will inform parents of all applicants and all interested parties of the rules to be followed during the lottery process, location, date and time of the lottery via mail at least two weeks prior to the lottery date. The lottery will be held at the school site if the school facility can accommodate all interested parties. Otherwise the school will secure a meeting room that is large enough to accommodate all parties and to allow them observe the lottery.

14.2 LOTTERY PROCEDURE

If a lottery is necessary, preference for admission in the lottery will be given in the following order:

1. Existing students of MSA-Santa Clara school sites.

²⁵ During any period of public charter schools grant program (“PCSGP”) funding, the public random drawing will be held as one single weighted lottery.

2. Siblings of existing students.²⁶
3. Children of employees or board members of sites that are affiliates of MSA-Santa Clara, Magnolia Foundation and Magnolia Foundation schools.²⁷
4. Students transferring from another Foundation school and their siblings.²⁸
5. Students residing within Santa Clara county.

In the lottery, all names are drawn and listed in order, separately, for each grade level. Once the school capacity is met, the remaining students' names will continue to be drawn randomly and placed in the order they are drawn on the waiting list. The students who do not apply in the open application period are added to the end of the waiting list in the order they applied. The vacancies after the first application period and lottery are filled with the students in the waiting list. In the following years, the siblings of the students have the privilege of admission before the drawing. For any remaining vacancies, a subsequent open application period will be publically announced and a subsequent lottery will be held. Above mentioned principles also apply for this lottery. MSA-Santa Clara will maintain auditable records of the above activities.

14.3 NOTIFICATIONS OF ADMISSION

Notifications of admission status will be mailed to all applicants. Enrollment packets will be sent to admitted students; students not admitted will be informed of their waiting list priority number as determined by the admissions lottery or application order.

If the enrollment forms are not returned within two weeks, then admission for that student is forfeited, and an admission notice will be mailed to the next student on the waiting list.

14.4 WAITING LIST NOTIFICATION

Students on the waiting list will be notified by mail immediately if space becomes available and they will have two weeks to return the enrollment forms. If the enrollment forms are not returned within two weeks, then admission for that student is forfeited, and an admission notice will be mailed to the next student on the waiting list.

²⁶ Existing students include those drawn in the lottery for purpose of determining siblings. During any period of PCSGP, this preference shall be considered an "exception" to the public random drawing.

²⁷ During periods of funding under the PCSGP, MSA-Santa Clara will limit this preference to no more than 10% of all enrollment and will limit it to children of faculty only.

²⁸ During periods of funding under the PCSGP, this preference will not be utilized.

ELEMENT 15: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

Governing Law: The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school. Education Code Section 47605.6(b)(5)(O).

MSA-Santa Clara is a school of choice and no students shall be required to attend. Pupils who choose not to attend MSA-Santa Clara may choose to attend other public schools in their district of residence or pursue an intra- or inter-district transfer in accordance with existing enrollment and transfer policies of the district. Parents and guardians of each student enrolled in the charter school will be informed on admissions forms that the students have no right to admission in a particular school of an local education agency as a consequence of enrollment in MSA-Santa Clara, except to the extent that such a right is extended by the local education agency.

ELEMENT 16: EMPLOYEE RIGHTS AND RESPONSIBILITIES

Governing Law: A description of the rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and a description of any rights of return to the county office of education that an employee may have upon leaving the employ of the charter school. Education Code Section 47605.6(b)(5)(P).

Any employee of an LEA including SCCOE, who leaves the employment of the LEA to work at MSA-Santa Clara shall only have the rights to return to the LEA, to carry over sick/vacation leave rights from MSA-Santa Clara back to the LEA and to continue earning service credits (tenure) at the LEA while employed by MSA-Santa Clara as may be specified by the LEA pursuant to its policies, applicable collective bargaining agreements and applicable law.

Magnolia Foundation will hire, employ, and treat all employees on the basis of professional merits and performance-oriented monitoring and will not discriminate against any employee on the basis of race, color, creed, age, sexual orientation, national origin, disability, or marital status.

All school personnel will follow and commit to MSA-Santa Clara's mission and vision. All job descriptions and work schedules will be reviewed and modified as necessary to meet the needs of the school and its students. The school expects a high level of professionalism from its staff including self-monitoring of higher education development. All staff members will follow state and federal laws for reporting alleged improprieties as well as adhere to MSA-Santa Clara Charter School Agreement.

Job applicants for positions at MSA-Santa Clara will be considered through an open process, and if hired, will enter into a contractual agreement with the school. Any SCCOE or other LEA employee who is offered employment and chooses to work at MSA-Santa Clara will not be covered by his or her respective collective bargaining unit agreement, although MSA-Santa Clara may extend the same protections and benefits in individual employee contracts.

Employees will not be allowed to carry over their sick/vacation rights from their previous employment to MSA-Santa Clara. The individual contract will address, among other issues, salary, health and welfare benefits, work schedules, sick/vacation leaves, and responsibilities, accountability measurements, and standards for performance evaluations.

ELEMENT 17: SCHOOL CLOSURE

Governing Law: 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 public records. Education Code Section 47605.6(b)(5)(Q).

Closure of MSA-Santa Clara will be documented by official action of the Foundation Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

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

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

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

As applicable, MSA-Santa Clara will provide parents, students and the SCCOE (or the local school district, per the SCCOE's direction) with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. MSA-Santa Clara will ask a local school district or SCCOE to store original records of MSA-Santa Clara upon School closure. If a local school district or county office of education will not or cannot store the records, MSA-Santa Clara shall determine a suitable alternative location for storage.

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

As soon as reasonably practical, MSA-Santa Clara will prepare final financial records. MSA-Santa Clara will also have an independent audit completed within six months after closure. MSA-Santa Clara will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by MSA-Santa Clara and will be provided to the SCCOE promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other

investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to MSA-Santa Clara.

MSA-Santa Clara will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of MSA-Santa Clara, all assets of MSA-Santa Clara, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending MSA-Santa Clara, remain the sole property of the Foundation and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the SCCOE or SCCOE property will be promptly returned upon closure to the SCCOE. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, Magnolia Foundation shall remain solely responsible for all liabilities arising from the operation of MSA-Santa Clara.

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

As specified by the Budget in Exhibit A, MSA-Santa Clara will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

ADDITIONAL REQUIREMENTS: IMPACT ON AUTHORIZER

INDEMNITY

The School shall be governed by a non-profit corporation pursuant to Section 47604(a) and (c). The non-profit corporation shall assume all liability, fiscal, and otherwise, for the actions, errors and omissions of its officers, employees, volunteers, and agents.

The SCCOE shall not be liable for the debts and obligations of the School. The School shall defend, indemnify, save, and hold harmless the SCCOE, its officers, employees, volunteers, and agents from any and all claims, costs and liability for any damages, sickness, death, or injury to person(s) or property, including without limitation all consequential damages, from any cause whatsoever arising directly or indirectly from or connected with the operations or services of the School, its officers, employees, volunteers, and agents or hereunder, save and except claims or litigation arising from the sole active negligence or sole willful misconduct of the SCCOE, its officers, employees, volunteers or agents. School will reimburse the SCCOE for any expenditure, including reasonable attorneys' fees, the SCCOE may make by reason of the matters that are the subject of this indemnification, and if requested by the SCCOE will defend any claims or litigation to which this indemnification provision applies at the sole cost and expense of the School.

The School shall not be liable for the debts or obligations of the SCCOE. The SCCOE shall assume all liability, fiscal, and otherwise, for the actions, errors and omissions of its officers, employees, volunteers, and agents. The SCCOE shall defend, indemnify, save, and hold harmless the School, its officers, employees, volunteers, and agents from any and all claims, costs and liability for any damages, sickness, death, or injury to person(s) or property, including without limitation all consequential damages, from any cause whatsoever arising directly from or connected with the operations or services of the SCCOE, its officers, employees, volunteers, and agents or hereunder, save and except claims or litigation arising from the sole active negligence or the sole willful misconduct of the School. SCCOE will reimburse the School for any expenditure, including reasonable attorneys' fees, the School may make by reason of the matters that are the subject of this indemnification, and if requested by the School, SCCOE will defend any claims or litigation to which this indemnification provision applies at the sole cost and expense of the SCCOE.

INSURANCE

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

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

TERM OF CHARTER

The requested term of the charter shall be for five years beginning with the board approval of the charter previous to the 2009-10 school year and ending on June 30, of the 2013-14 school year.

Magnolia Foundation will submit a request for renewal no later than six months prior to the end of the term. It will be the Magnolia Foundation Board's responsibility, at its own expense, to perform a school evaluation based upon the measurable goals and terms outlined in this charter. Subsequent to the evaluation, Magnolia Foundation and the SCCOE will establish a mutually agreeable timeline to complete the renewal process.

The SCCOE may revoke the charter of MSA-Santa Clara if MSA-Santa Clara commits a breach of any terms of its charter. Prior to revocation, and in accordance with Cal. Educ. Code section 47607(d), the SCCOE will notify the MSA-Santa Clara in writing of the specific violation, and give the MSA-Santa Clara a reasonable opportunity to cure the violation, unless the SCCOE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

AMENDMENTS

Any material changes to this Magnolia Science Academy-Santa Clara Charter must be formally approved by written consent of Magnolia Foundation and the SCCOE, prior to implementation in accordance with Education Code Section 47607.

DATA REPORTING AND OBSERVATION

Average Daily Attendance

The School will develop an attendance reporting calendar and record and account for average daily attendance (ADA) using the schools internally designed school information system MagnoXP. The School will report ADA figures to the SCCOE on a monthly basis by a date established by the SCCOE, and the SCCOE will report the ADA data to the CDE as necessary to enable the School to receive funding. The School shall notify the SCCOE if, during any month, actual ADA falls more than 10 percent below ADA as estimated in the annual budget.

Enrollment

The School shall also obtain a CDS code number for the charter school from the CDE and complete and submit enrollment and other necessary demographic information to the SCCOE and to the California Basic Education Data System (CBEDS) consistent with state time lines.

Student Records

The School shall maintain student records of general directory information, academic progress, immunization and other health records, and shall make such records available to the SCCOE upon request. The School shall also maintain separate individual student disciplinary records, and individual education plans for students who require special education services, and shall make such records available to the SCCOE upon request as consistent with applicable law such as FERPA.

Employee Records

The School shall maintain full employee personnel records for each employee, and shall make such records available to the SCCOE upon request as consistent with applicable law. The School will provide a calendar, master schedule and copies of staff credentials on a yearly basis.

Required Disclosures

The School shall immediately notify the Superintendent of any pending, actual, or reasonable anticipation of litigation from any party of potential infraction, criminal or civil action against the School or any employee, Special Education complaint or due process hearing, or request for information by any governmental agency.

Agendas and Minutes

To assist in oversight responsibilities, agendas will be provided to the Superintendent three (3) days in advance of the regular meetings of the Foundation Board. Draft minutes of each meeting will also be made available to the SCCOE within fifteen (15) working days of the meeting.

Other Data

The School shall provide all data and reports required by the CDE, including CBEDS, attendance reports, projected teacher needs, etc. The School shall also obtain and work cooperatively to supply to the SCCOE in a timely and accurate fashion any other information required by the SCCOE to complete its oversight responsibilities.

Observations

The Superintendent and/or designee(s) may observe any activities of the School, its operations, instruction, or meetings, at any time.

COE SERVICES

The SCCOE shall provide general oversight of the School. The School will reimburse the SCCOE the actual costs of oversight up to one percent (1%), or whatever other percentage may be established by law, of the School's general purpose block grant and categorical block grant annual apportionments from the CDE for this oversight.

In addition to general oversight, the Superintendent may provide additional services from the SCCOE to the School. Such services may include:

- Library Resources
- Professional Development
- Special Education Services

The School shall include the costs of any such services it chooses to purchase. The SCCOE will invoice the School for the cost of general oversight and of these additional services on a monthly basis. The School will remit payment for such invoices on a timely basis, but no later than 30 days from the receipt of the invoice.

The School may request that the Superintendent provide other contracted services. Should the School seek contracted services from the Superintendent, the School and the Superintendent may mutually agree to such services.

FOOD SERVICE PROGRAM

MSA-Santa Clara will annually re-evaluate the food service program. Eligible students will be provided meals for free or at a reduced rate in accordance with the Federal Lunch Act.

TRANSPORTATION

MSA-Santa Clara will not provide transportation for students from home to school or school to home, except for special education students whose individualized education program requires such transportation and in instances of compliance with the Americans with Disabilities Act. Transportation for extracurricular activities, such as field trips, will be contracted with a licensed contractor.

FINANCIAL PLAN

Attached, as Appendix A, please find a first year budget, including start up costs, and cash flow projections for the first

three years of operation. The operational budget includes reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.

SEVERABILITY

The terms of this charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the SCCOE and MSA-Santa Clara Countywide Charter School. The SCCOE and MSA-Santa Clara Countywide Charter School agree to meet to discuss and resolve any issue or differences relating to invalidated provisions in a timely and proactive fashion.

PLAN FOR OPERATIONS

Operations at MSA-Santa Clara will be run in a substantially similar fashion to those at the other Foundation Schools. All “back office” services will be handled by the MFEO. Magnolia Foundation’s uniquely and internally-designed school information system, MagnoXP, makes reporting, information flow, and communication between school-level and executive office staff easier.

Start-up activities including marketing, student and teacher recruitment, tenant improvements at school sites, purchasing books, educational materials and equipment will be handled by the MFEO. Magnolia Foundation has experience in opening multiple schools at different locations including remote locations as it opened schools in different parts of LAUSD and San Diego.

A part-time assistant, reporting to the MFEO, will be hired to handle marketing and student recruitment as early as the beginning of March at each school site prior to school opening. The school principals will be hired by the beginning of July (one month earlier) to manage preparations for the school year and August professional training sessions.

Each of the operational areas is discussed more fully above, but a short summary follows:

- The Academic Program will be developed by the MFEO and the Accord Institute. School principals and staff will provide feedback as they handle school-level implementation. Academic program and curriculum will be updated annually during the summer professional training based on feedback from school staff.

Professional training activities will be mostly planned and administered by the Accord Institute and the MFEO. School principals will schedule additional professional training sessions based on requests by the teachers and as needed to address local student profiles and their specific needs.

School level implementation will be monitored through follow up visits by Accord Institute and MFEO officers. Teacher evaluation will be done through a detailed process including classroom visits by Accord officers and school administration’s additional comments.

- Facilities and school operations will be supervised by the Chief Operational Officer (COO) and his/her staff at the MFEO. The COO works with licensed local real estate agents, developers and contractors to

make ideal Magnolia Foundation school sites a reality.

- Legal and programmatic compliance will be ensured by the Chief Executive Officer (CEO) of the MFEO. Compliance will be reviewed by the MFEO staff and necessary actions and responsible persons for execution will be discussed and determined during the weekly principals meetings of Magnolia Foundation.

- Financial administration will be overseen by the Chief Financial Officer (CFO) of Magnolia Foundation. School budgets will be prepared by the CFO in cooperation with the school principals. Purchasing, payroll and other back office services will be provided by the MFEO.

Each school site will have at least a part-time bookkeeper. All state-requested and other financial reporting will be handled by the MFEO in cooperation with the school principal, bookkeeper and the school office staff. MagnoXP already provides all pre-made reports necessary for financial reporting and produces print-ready reports within seconds. Additional reports will be designed by the MFEO staff if requested by the SCCOE or any other authorities.

- Governance will be handled by the Chief Executive Officer (CEO) of Magnolia Foundation. Weekly principal meetings and site visits will be key to ensure smooth operations.

- Day-to-day decision-making authority will rest with the principal at each school site, with long term planning executed by the Magnolia Foundation Board.