

***Charter***

of the

***University Preparatory Academy***

to the Santa Clara County Office of Education  
1290 Ridder Park Drive  
San Jose, CA 95131-2304

submitted December 17, 2009

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## LEGAL AFFIRMATIONS

As the authorized lead petitioner I, Daniel Ordaz, hereby certify that the information submitted in this petition for the renewal of University Preparatory Academy, located within the boundaries of Santa Clara County, 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 renewed charter, University Preparatory Academy:

- 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 noncharter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of University Preparatory Academy for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
- Shall be nonsectarian 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 University Preparatory Academy, and who submit a timely application, unless University Preparatory Academy receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Admission to University Preparatory Academy shall not be determined according to the place of residence of the student or his or her parents within the State except as provided in Education Code Section 47605(d)(2). Preference in a public random drawing shall be provided as described in Education Code Section 47605(d)(2)(B). In the event of a drawing the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C) and Education Code Section 51747.3. [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 at University Preparatory Academy hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is 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).
- Shall notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves University Preparatory Academy without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil's last known address. University Preparatory Academy 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 University Preparatory Academy including but not limited to:
  - University Preparatory Academy shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
  - University Preparatory Academy shall on a regular basis consult with parents and teachers regarding University Preparatory Academy's education programs.
  - University Preparatory Academy shall comply with any jurisdictional limitations to locations of its facilities.
  - University Preparatory Academy shall comply with all laws establishing the minimum and maximum age for public school enrollment.
  - University Preparatory Academy shall comply with all applicable portions of the No Child Left Behind Act.
  - University Preparatory Academy shall comply with the Public Records Act.
  - University Preparatory Academy shall comply with the Family Educational Rights and Privacy Act.
  - University Preparatory Academy shall comply with the Ralph M. Brown Act.
  - University Preparatory Academy shall meet or exceed the legally required minimum of school days.
  - University Preparatory Academy shall comply with Article 5.5 (sections 51745–51749.3) of Chapter 5 of Part 28 of the Education Code and implementing regulations adopted thereafter for the purpose of implementing short term independent study.
  - University Preparatory Academy shall be deemed the exclusive public school employer of the employees of University Preparatory Academy for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]

## INTRODUCTION – EXECUTIVE SUMMARY

The charter petition that follows is for the reauthorization of the **University Preparatory Academy** (“UPA”) charter school. University Preparatory Academy is currently a 7<sup>th</sup> – 11<sup>th</sup> grade charter school operating within the territorial jurisdiction of the **Santa Clara County Office of Education** (“SCCOE” or the “county”). UPA plans to add a 12<sup>th</sup> grade class in 2010-2011. The charter school provides a voluntary public educational choice for parents with students in grades seven through twelve who choose to have their children educated in an autonomous, accountable public school learning environment. UPA is applying to SCCOE as a countywide benefit charter school. UPA is a small school that opened in the fall of 2007 with 192 students in grades 6 through 9. A grade level of approximately 64 students has been added each successive year since our opening in 2007. For 2010-2011 a 12<sup>th</sup> grade will be added that will bring the total school enrollment to 384 students.

### **Our Mission**

The **mission of University Preparatory Academy** is to prepare students to enter and excel in the best colleges and universities in the nation. UPA plans to serve a diverse population of 7<sup>th</sup> through 12<sup>th</sup> grade students who reside in the Santa Clara County, especially in the Central and South County areas. UPA’s campus is easily accessible, located off Highway 87 at Curtner Avenue. The campus is located across the street from a light rail station and local bus station. This strategic location enables UPA to draw students throughout the school districts in Santa Clara County, such as Franklin McKinley, Alum Rock, Oak Grove, East Side Union, Milpitas, Gilroy and San Jose Unified School Districts. Many of these school districts contain significant populations of socio-economically disadvantaged students, English Language Learners, and ethnic minority students who have not performed well in the comprehensive high school setting. UPA acts as a college preparatory alternative for these students who are not performing to their potential and get lost in traditional large middle and high school settings.

UPA target population are the average and lower performing students who have not been successful in the traditional educational setting and/or who have not met their educational potential. UPA provides a strong, supportive, small school environment in order for these students to excel academically. Many of the students sought by UPA are likely not to pass the high school exit exam, complete high school, complete “a-g” requirements or score at proficient or above on the California Standards Test (CST). These students are frequently ill-prepared to succeed in a four-year college or university. They are students who would be better served in a program that offers a rigorous college preparatory program coupled with the additional support needed to ensure that students are mastering the curriculum at each grade level.

### **Our Campus**

UPA’s campus is located at 2315 Canoas Garden Avenue in San Jose on the 13.4 acre site of the Cathedral of Faith. The school utilizes two classrooms wings, a gym, a theatre, a computer center and an office complex. This modern, safe and secure environment provides parents and staff the comfort and confidence of knowing that students can focus on learning. UPA plans for long term leasing of these school facilities.

### **Our Educational Program**

UPA offers an **intensive college preparatory program**, integrating rigorous academics with leadership/citizenship skills and technology, and an expansive visual and performing arts

program to actualize the unique skills and talents of each student. Based on The Bill and Melinda Gates Foundation model, UPA provides students with a new version of the “three R’s”, rigorous, academic coursework including Advanced Placement classes for all students, meaningful relationships with teachers and staff who guide students to meet their academic and personal goals. With the incoming senior class in 2010/2011, UPA will be introducing practical and relevant learning opportunities through mentoring, internships and community partnerships.

UPA is built on the commitment to hold its students accountable for a demanding program, but also to give them a supportive learning environment in which to excel. UPA’s instructional approach is characterized by the following fundamental tenets:

- **Rigorous, standards-based curriculum.** Meet the California academic content standards and ensure that core high school courses meet the University of California’s “a-g” requirements. For graduation, 250 credits are required including a minimum of two Advanced Placement classes.
- **Personalized learning approach.** Teacher/Advisor focus on identifying and meeting the individualized needs of each student through the development and implementation of a Personalized Learning Plan. The personalized learning approach is based on assessment of each student’s academic strengths and weaknesses, as well as on the student’s personal assets required for student success.
- **Educational support.** Students are enrolled in school for 185 days, and a 6 and 7 period day. Additional supplemental support such as mentoring, and after school tutoring, are available to each student.
- **Small school environment.** With a maximum enrollment of 384 students, our school provides students and teachers with the opportunity to develop supportive long-term relationships that are conducive for increased student achievement.
- **Leadership/Student Advisory.** The Leadership/Advisory class focus is on teaching the skills needed to be successful for admission to leading colleges and universities. UPA has incorporated principles and practices in the student advisory program similar to those used in the AVID (Advancement Via Individual Determination) college preparatory curriculum to foster a college-going culture.
- **Integrated technology across the curriculum.** Technology is integrated across the instructional program to ensure students have the skills to enable them to compete for admission to the best colleges and universities in the nation.
- **Visual and performing arts.** Students have opportunities to pursue electives in the visual and performing arts, which will enrich their educational experience and foster their individual talents. Available to students are courses in art and painting, dance, drama and music.
- **Foreign Language.** Students at UPA are required to take four years of Spanish

UPA is open to all motivated students who choose to take personal responsibility for their own education and are committed to the academic outcomes required by UPA. The school provides



quality instruction and guidance, curricular support, and selected resource materials to ensure that students make appropriate progress toward achievement of UPA's school-wide academic outcomes.

### **Our Team**

UPA's team members include public school administrators and teachers with many years experience in the public schools, including specialized and alternative educational programs, and programs serving disadvantaged and troubled youth. Our team also includes community leaders and life-long residents of the San Jose area, as well as business professionals with significant financial management experience.

## **Major Achievements/Accomplishments**

Measured growth toward instructional and operational sustainability in our first three semesters encompass the following list of significant achievements and accomplishments that students, staff, and the school have made over the last sixteen months:

### ***Students:***

- Individual students' courses of study and academic resources are aligned with grade level assessments, standardized testing and progress reports. Students have begun to take ownership of their academic pathway forward
- Last year's eighth grade students promoted at the rate of 95%
- At the end of 2008/09, 89 % of UPA students eligible to take the CHSEE passed in the area of Math and 90% in English
- Students, parents and staff benefit from a rigorous Student Study Team program including two-week follow-up meetings
- A tradition of extracurricular, academically oriented and rigorous enrichment opportunities began with the development of a multimedia art strand for students
- Students participated with great success in regional math competitions
- Student awards ceremonies and talent shows have been established as part of student assemblies on regular tradition. The UPA Board of Directors at their meetings formally recognizes students for exceptional academic achievement and or performance in academic competitions.
- UPA has a fully developed arts program featuring classes in visual art, music, drama and dance. Students are able to perform and showcase their talents in state of the art facilities. A fall drama production has been completed and a second major production is planned in the spring of 2010. The school band performed and received high achievement awards at the CMEA festival.

- A University College Research Center has opened for students and parents to introduce themselves to the college application process. University field trips have been implemented for all students in grades 7 through 11.
- An active student government has been formed and a student executive council organized. A formidable leadership class at the middle and high school levels has been established and produces regular students activities based around a class competition model
- Advisory classes, involving nearly all students, research, design and implement a College Fair for all UPA students

***Staff:***

- A solid professional development and training program has been implemented with the purpose of improving instruction. A rigorous BTSA program has been implemented for first year teachers
- Systematic instructional supervision by school leaders and teachers has been implemented featuring “quick visits” to classrooms and formal teacher summative evaluations
- Weekly leadership team meetings have been established where teacher leaders and administration collaborate on resolving school problems and issues.
- Teachers are very active in reviewing and revising course curriculum, to better serve students
- Core teachers offer an organized tutoring program after school for students needing help and support in their classes.
- All teachers have adopted two 11<sup>th</sup> grade students to mentor through the 12<sup>th</sup> grade. The goal of the program is to ensure that all 12<sup>th</sup> graders graduate and enter college.

***The School:***

- Student recruitment features a well-developed enrollment procedure, placement testing using the NWEA assessment tool, personal interviews for every student/family, grade level orientations, celebrations, and open houses
- State of the art facilities are furnished, managed, and superbly maintained
- Honors courses are offered in all core subject areas in year two of high school, to better meet the differentiated needs of our students
- Our first Advanced Placement course, 10th grade World History, was accepted by the College Board, and is currently being taught. In addition 3 other AP courses have been developed and are currently being taught. They are: AP Biology, AP US History, and AP Literature.

- 61% of the 10<sup>th</sup> grade class is enrolled in AP courses
- 60% of the 11<sup>th</sup> grade class is enrolled in AP courses
- Science labs were built for a low cost given a golden opportunity to acquire formidable after-market materials, furnishings, and equipment
- An effective Parent Teacher Student Organization (PTSO) and an Athletics Boosters parents group have been formed
- Starting in 2009/10, UPA was accepted into the CCS and began an athletic program featuring 3 sports for both men and women.
- An academic counseling program that includes the development of an individualized personal learning plan for every student on campus has been implemented
- A student advisory period continues to provide students with insights into and support for personal and academic college readiness
- The school successfully completed a fiscal audit
  - School was given a 3 year initial term of accreditation by WASC
  - Web site and weekly communications to staff and parents are established and maintained
  - 08/09 spring survey results indicate a positive school environment conducive to learning:
    - Over 85% of the students feel safe at school
    - Over 75% of students feel teachers support and respect students
    - Over 72% of students enjoy learning at UPA
    - 80% of the parents feel their student is challenged by the UPA curriculum
    - Over 80% of the parents surveyed feel their student likes UPA
    - 79% of the parents feel teachers are accessible to the students and parents
    - 90% of the parents surveyed would recommend UPA to other parents
- As the following graphs and tables demonstrate, University Preparatory Academy has significantly increased student achievement and is outperforming area high schools and most middle schools. UPA subgroups have also demonstrated significant academic achievement.

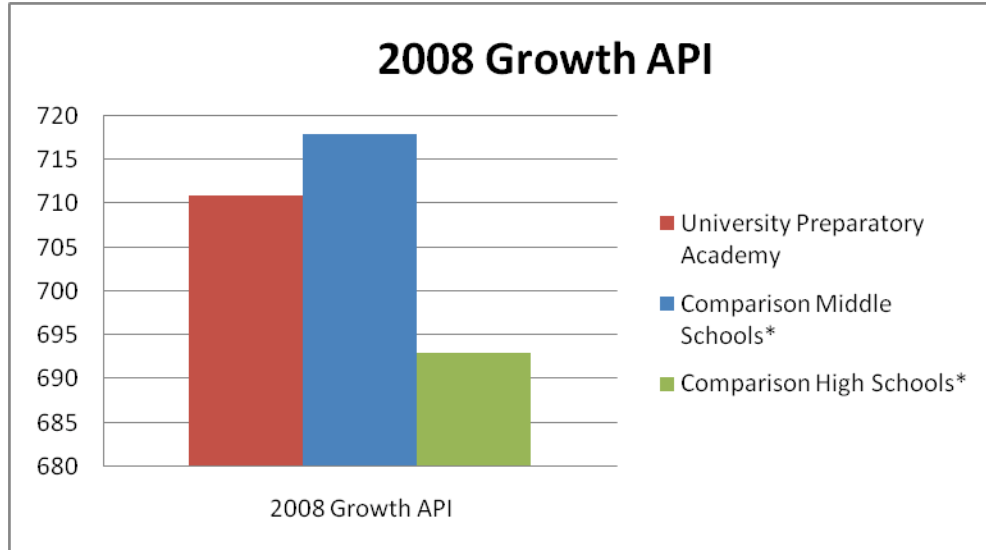
**Annual Growth API**

University Preparatory Academy  
Comparison Middle Schools\*  
Comparison High Schools\*

**2008 Growth API**

711  
718  
693

*\*Weighted average of Growth API of schools within 3 miles of UPA*



**Middle School**

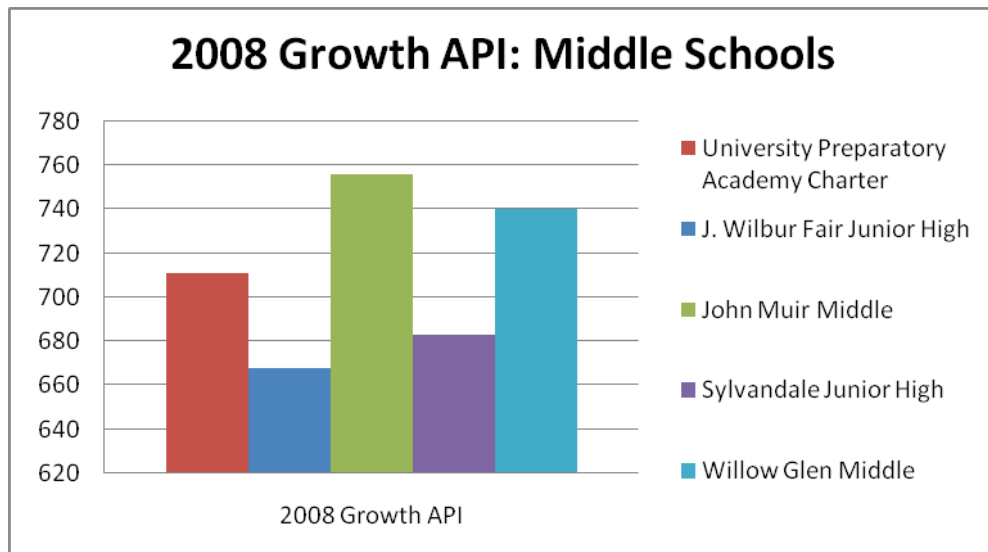
University Preparatory Academy Charter  
J. W. Fair Junior High  
John Muir Middle School  
Sylvandale Junior High  
Willow Glen Middle

**2008 Growth API**

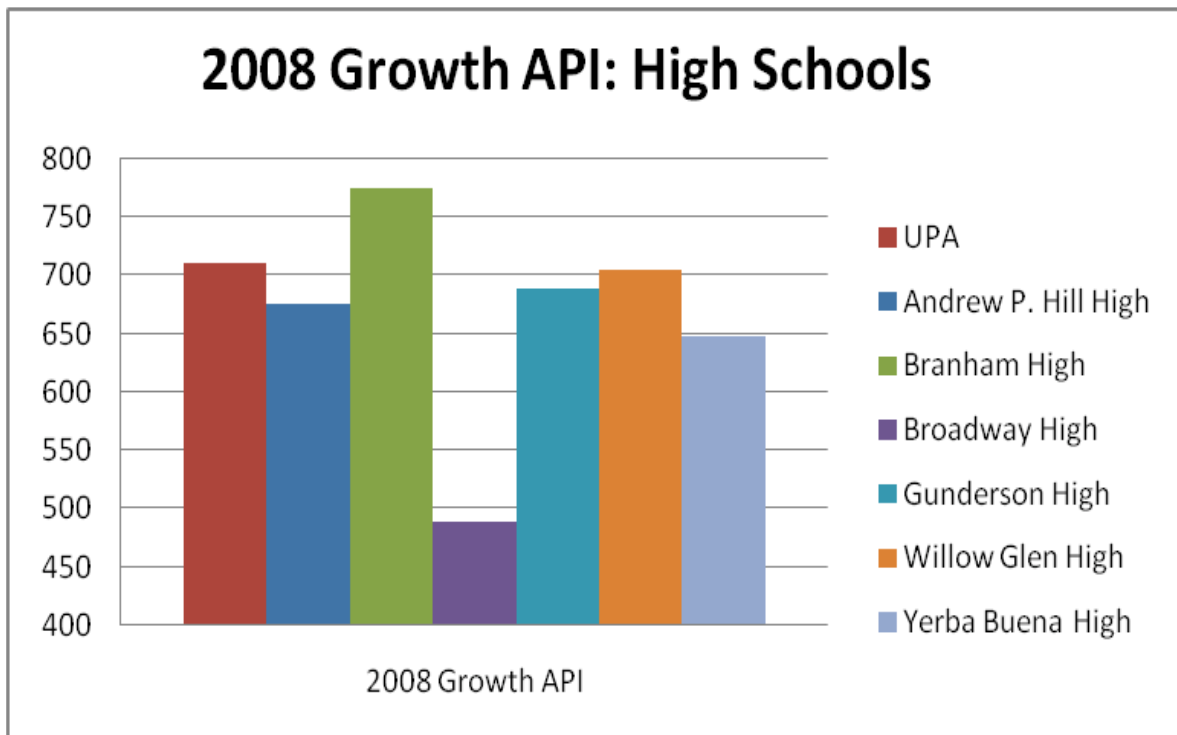
711  
668  
756  
683  
740

**Number Tested**

163  
688  
1030  
852  
1102

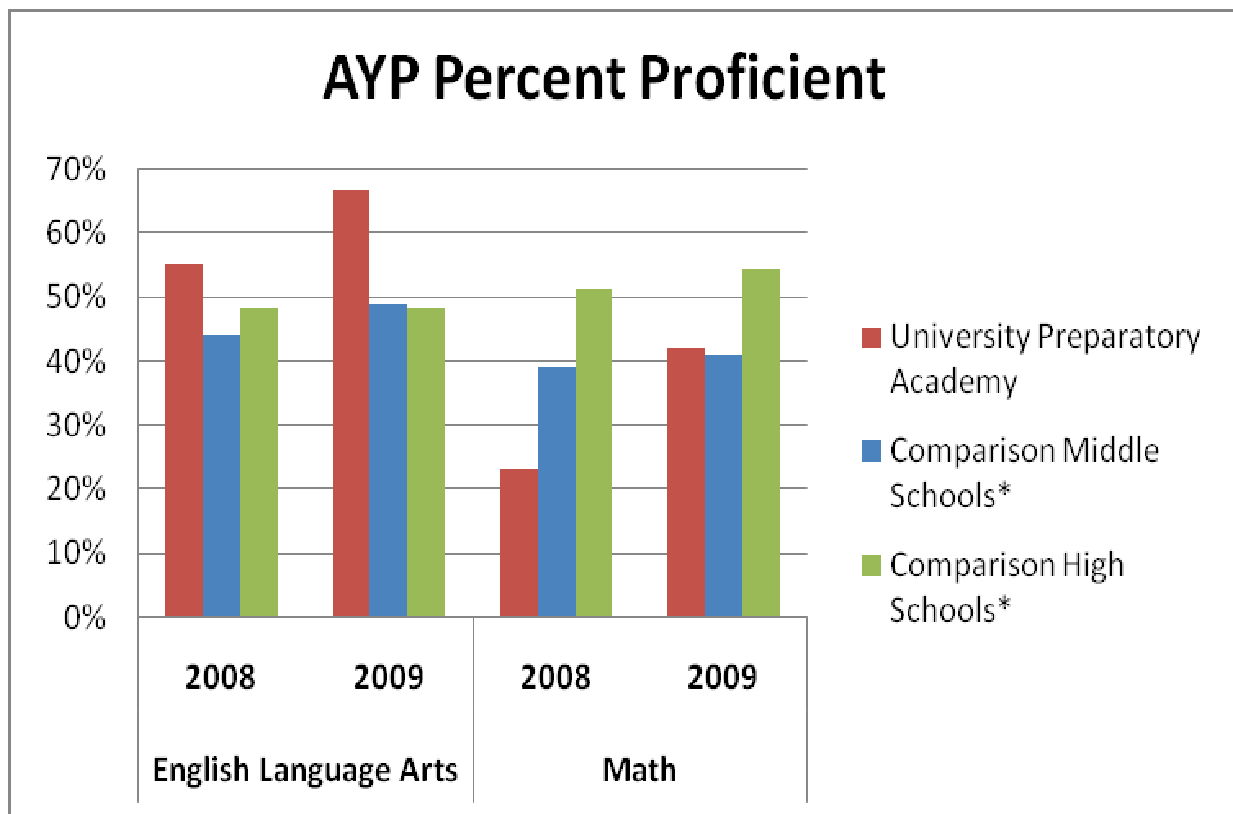


High Schools	2008 Growth API	Number Tested
UPA	711	163
Andrew P. Hill High	676	1492
Branham High	775	1038
Broadway High	489	70
Gunderson High	688	756
Willow Glen High	704	997
Yerba Buena High	647	1116



AYP Percent Proficient	English Language Arts		Math	
	2008	2009	2008	2009
University Preparatory Academy	55%	67%	23%	42%
Comparison Middle Schools*	44%	49%	39%	41%
Comparison High Schools*	48%	48%	51%	54%

\*Weighted average of AYP Percent Proficient of schools within 3 miles of UPA

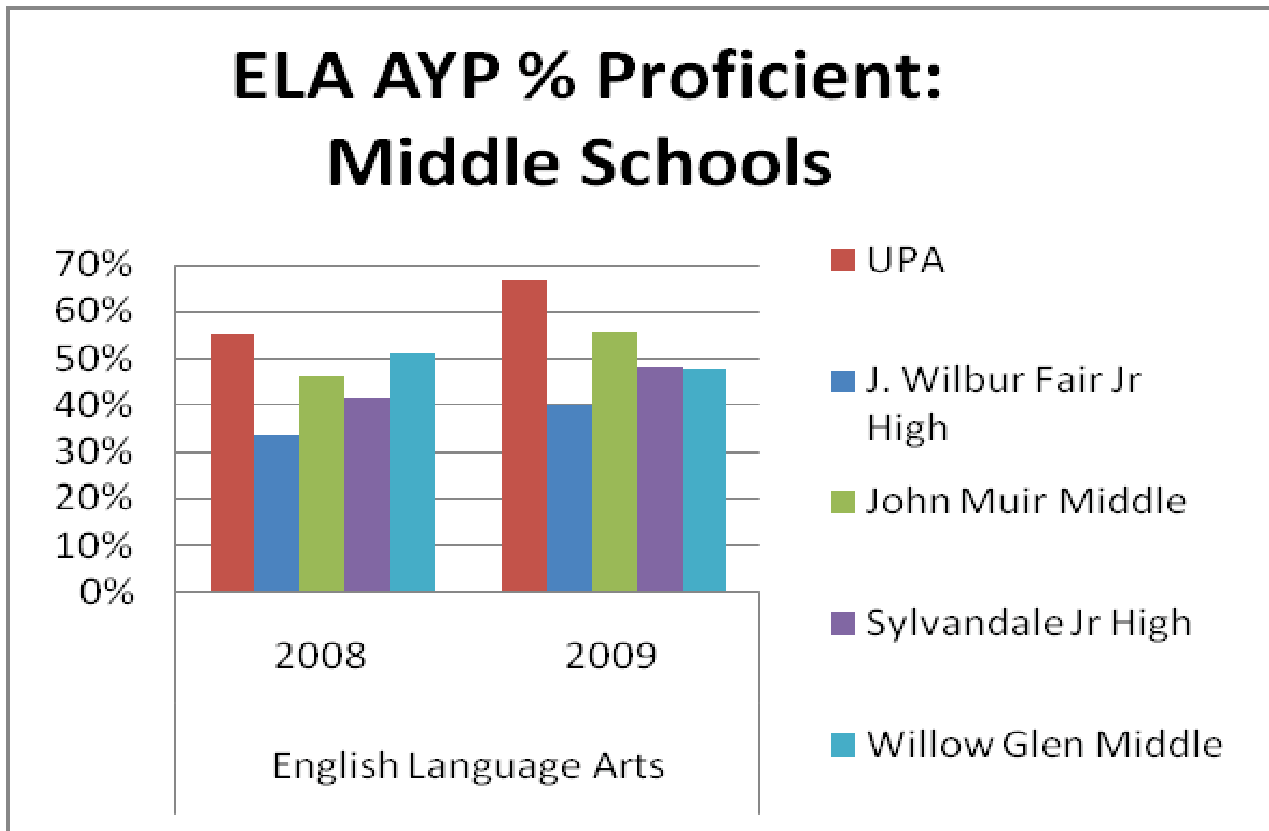


**Middle Schools**

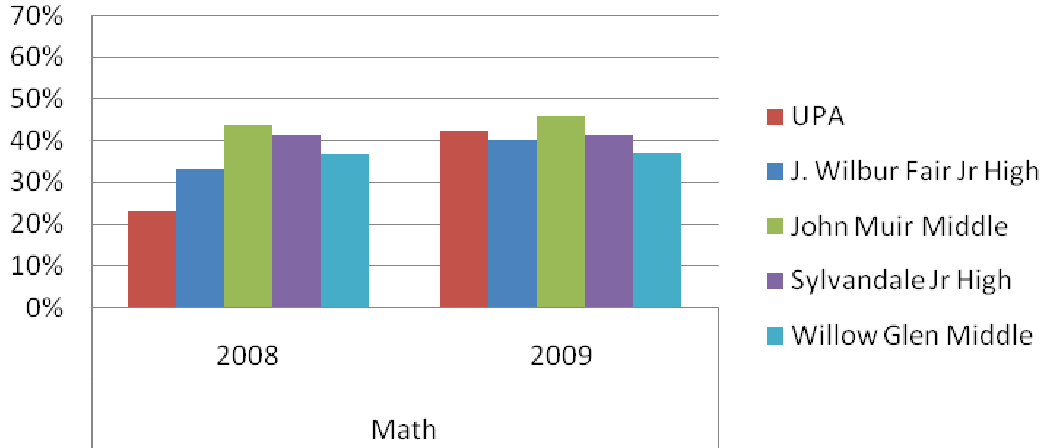
**English Language Arts**

**Math**

	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>
UPA	55%	67%	23%	42%
J. Wilbur Fair Jr High	34%	40%	33%	40%
John Muir Middle	46%	56%	44%	46%
Sylvandale Jr High	41%	48%	41%	41%
Willow Glen Middle	51%	48%	37%	37%

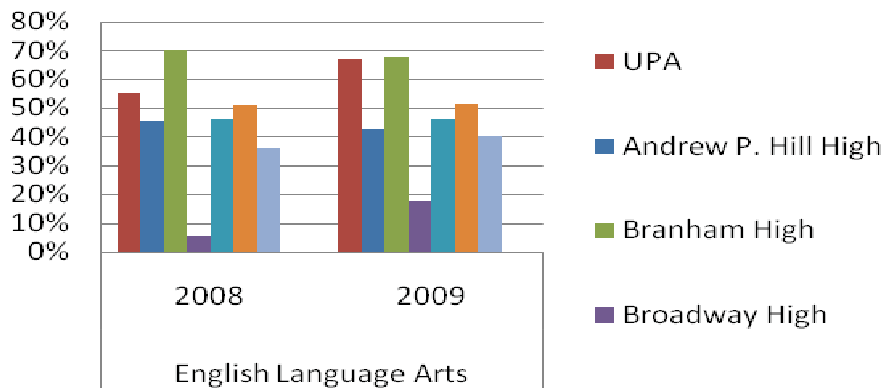


## Math AYP % Proficient: Middle Schools



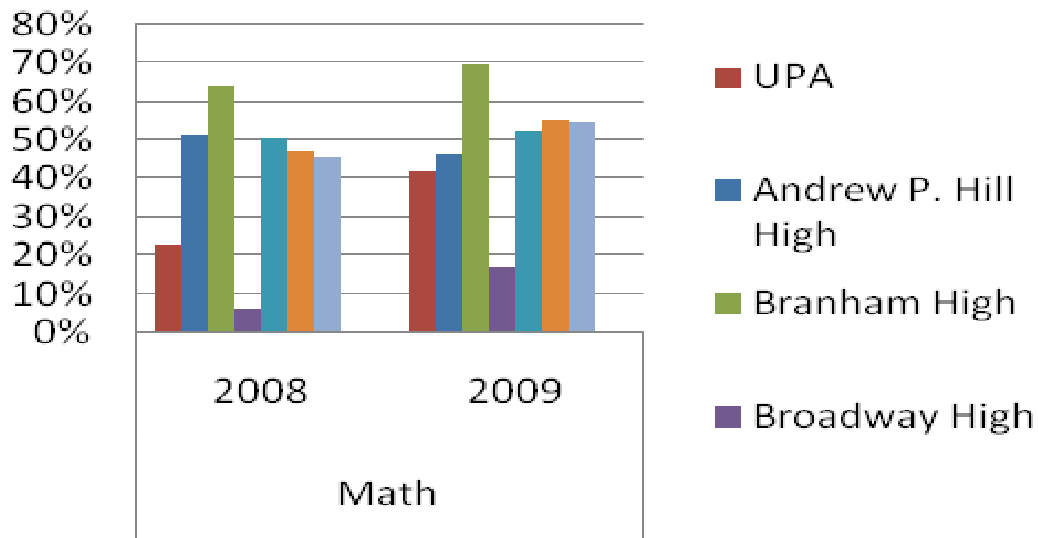
High Schools	English Language Arts		Math	
	2008	2009	2008	2009
UPA	55%	67%	23%	42%
Andrew P. Hill High	45%	43%	52%	46%
Branham High	70%	68%	64%	70%
Broadway High	6%	18%	6%	17%
Gunderson High	46%	46%	51%	52%
Willow Glen High	51%	51%	47%	55%
Yerba Buena High	36%	40%	46%	55%
Foundry Community Day	0%	0%	0%	0%

## ELA AYP % Proficient: High Schools

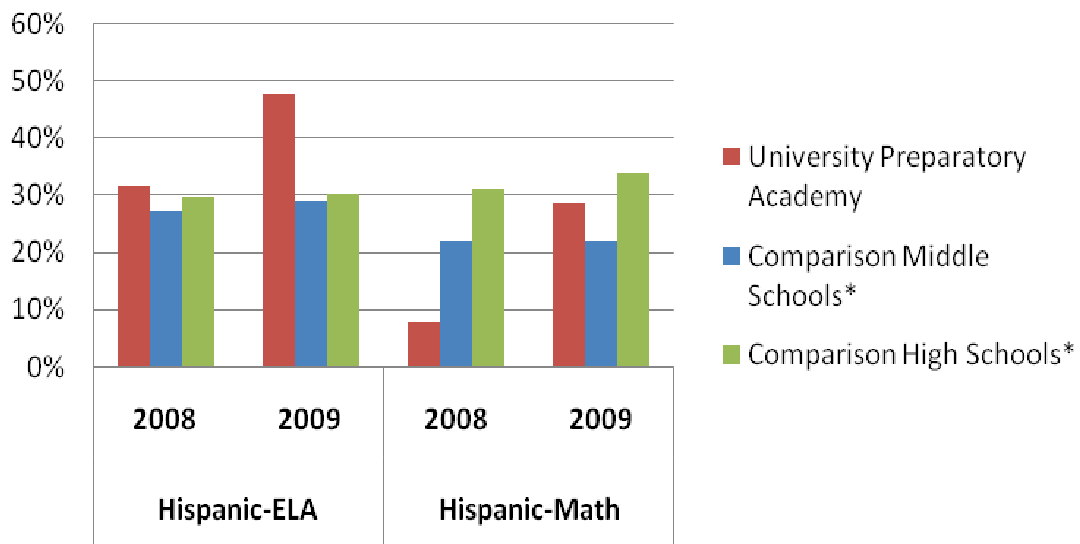




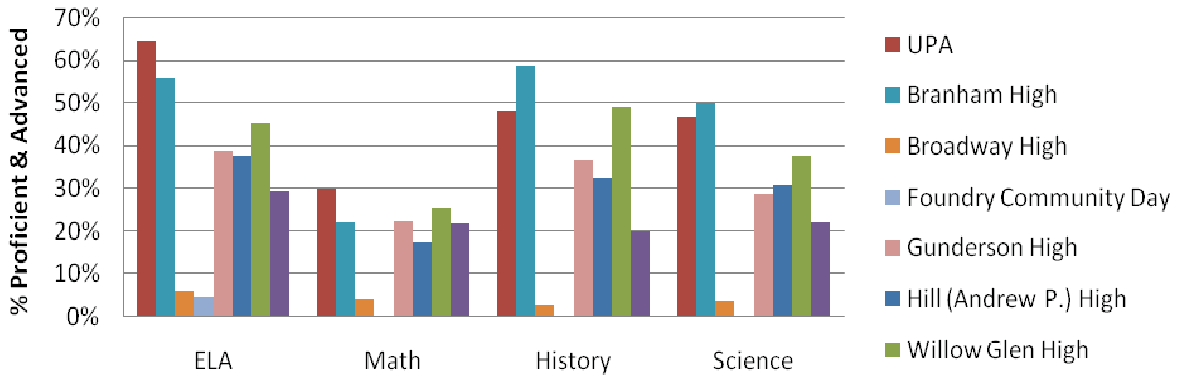
## Math AYP % Proficient: High Schools



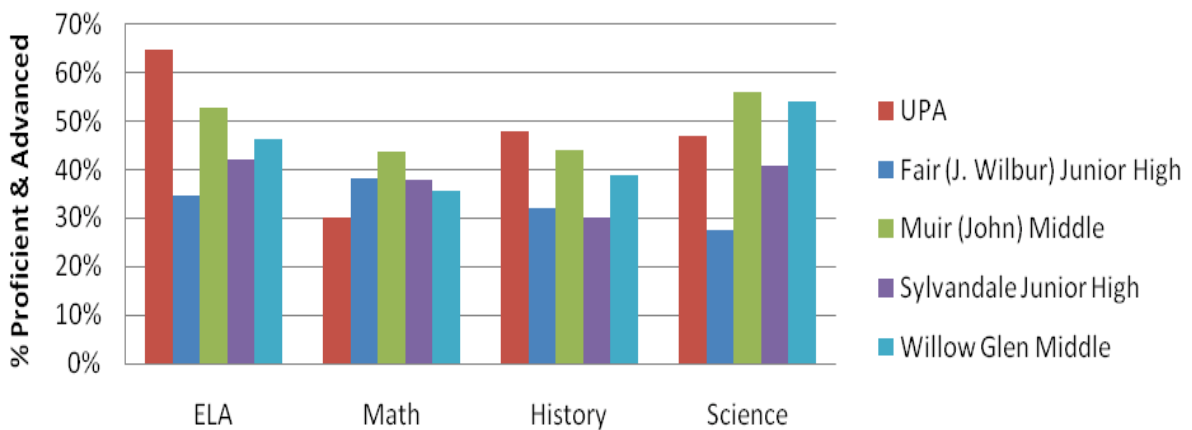
## AYP Percent Proficient: Hispanic



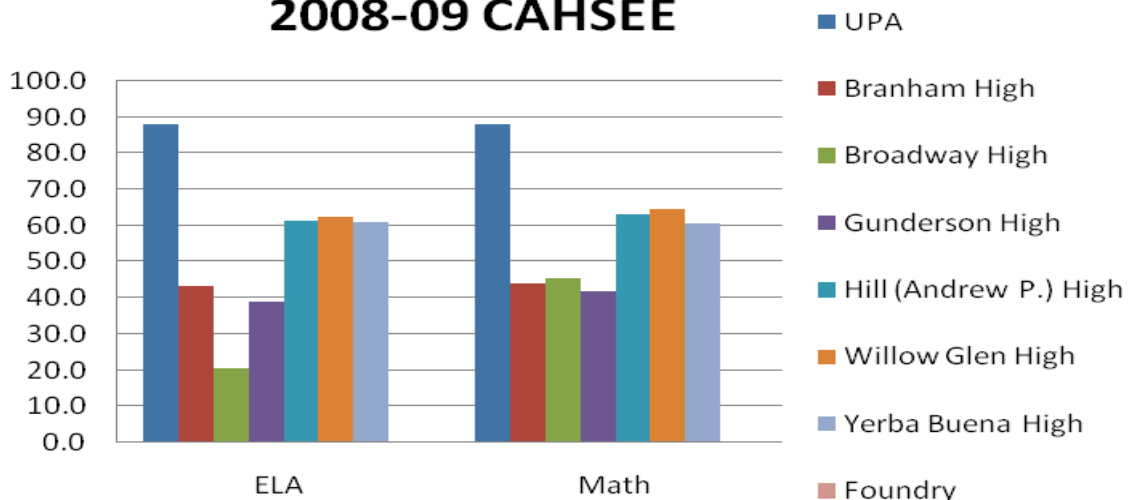
### 2009 CST Compared to High Schools



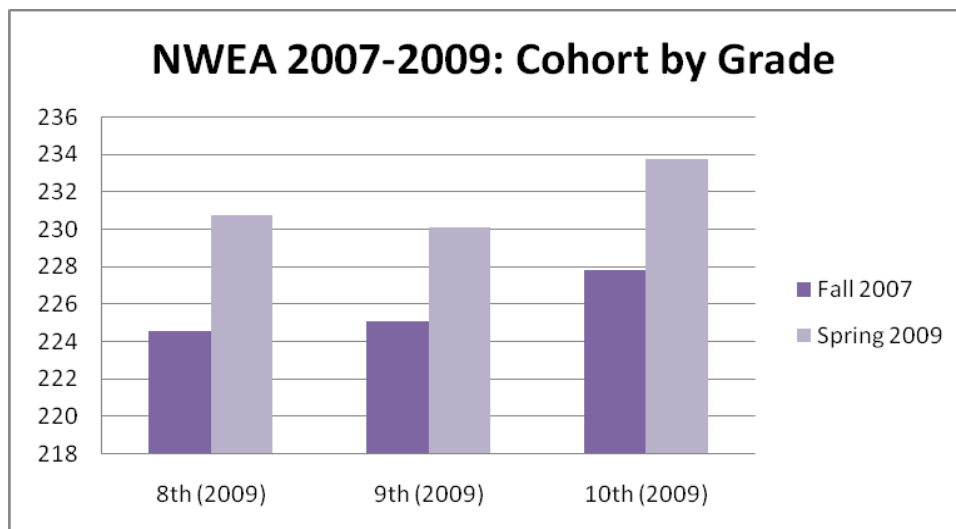
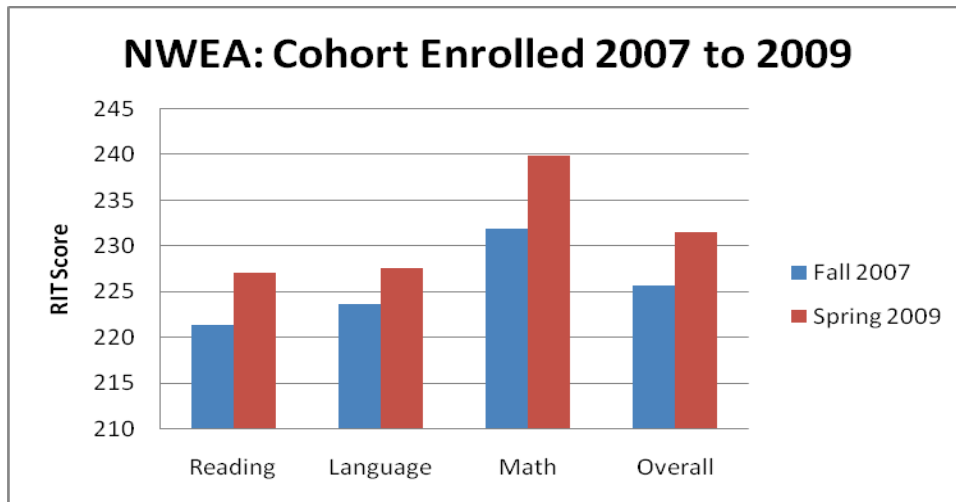
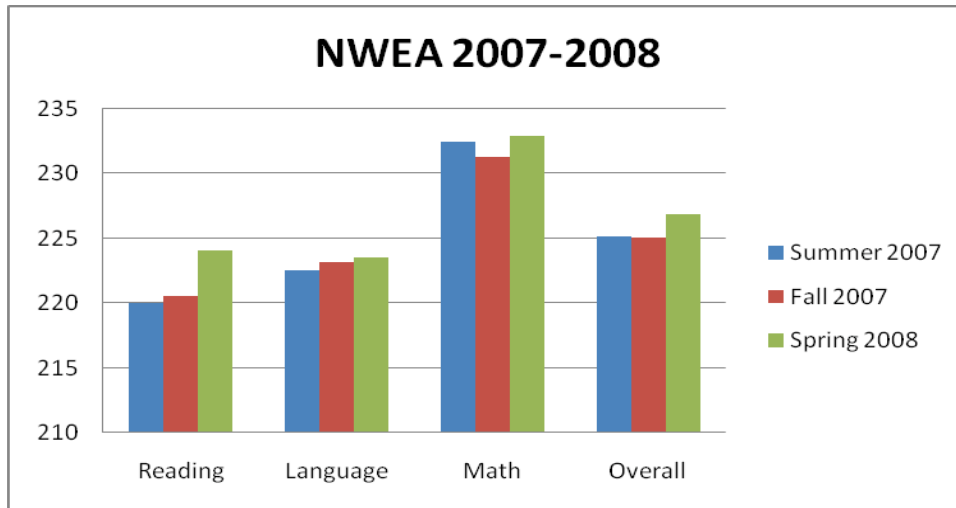
### 2009 CST Compared to Middle Schools



### 2008-09 CAHSEE



UPS students are also tested annually on the NWEA assessments and show improvement throughout the year and from year to year on these benchmark exams.



## I. BOARD OF DIRECTORS

The UPA board of directors and founders bring a wealth of experience (over 100 combined years in the education field), passion, and expertise necessary to accomplish UPA's stated goals on behalf of its targeted population. The founding board, many of whom have an extensive background working with San Jose's underserved students, has invaluable experience in curriculum, instruction and assessment, business management and financial operations, public school administration, planning and development, and legal and governance matters.

### *Developers and founding board expertise*

The developers/founding board members consist of the following individuals:

- **Mr. Patrick Dunkley:** General Counsel for Stanford University  
*Skills:* Legal, Corporate Governance
- **Mr. Kurt Foreman:** Director of Operations for Cathedral of Faith  
*Skills:* Business Administration, Facilities, Project Management and Accounting
- **Mr. Daniel Ordaz:** Education Consultant, Retired Assistant Superintendent of East Side Union High School District  
*Skills:* District Charter School Evaluator, Charter School Finance and Budgeting, Public School Administration, Education, Governance, Personnel, Categorical Programs and Funding, Curriculum Development
- **Mr. Richard Phaff,** Retired Director of Financial Aid, San Jose State University.  
*Skills:* Finance, Financial Aid, College Admissions
- **Mr. James Romero:** Engineer  
*Skills:* Business Development/Administration, Technology
- **Ms. Dorthy Westerhoff:** Education Consultant, Retired Educator/School Administrator of East Side Union High School District  
*Skills:* Curriculum and Instruction, School Administration, Assessment, Counseling, Mentoring, Budget, WASC accreditation, and Alternative Education

### *Founders and board commitment to our targeted student population*

The founders, two of which are active board members, have demonstrated a lifetime of service to young people, and are active in the governance of UPA, thus ensuring a solid foundation and continuity for the school. Some of the current Board Members have operated successful public schools, including traditional and alternative schools in the San Jose area and have worked extensively with students from backgrounds and educational experiences similar to those of UPA's targeted student populations.

**Founders Jacklyn Guevara and Dorthy Westerhoff** have administered alternative education programs and have implemented curriculum and instructional methodologies tailored to the specific needs of this under-served population. Ms. Guevara supervised seven Alternative Schools with similar populations and has worked in collaboration with the County Probation

Department and California Youth Outreach. Ms. Guevara developed two Alternative Schools. Ms. Westerhoff worked extensively instituting college preparatory programs such as AVID and other small group student advisory programs, as well as expanding Advanced Placement course offerings and enrollment opportunities for all students in which to participate. Ms. Westerhoff started two Alternative Schools and has worked collaboratively with other community-based organizations such as California Youth Outreach, the Probation Department, and church youth groups.

**Daniel Ordaz** served as Assistant Superintendent of Human Resources and also as Assistant Superintendent of Educational Services for the East Side Union High School District. As Assistant Superintendent of Educational Services, Mr. Ordaz was responsible for administering the curriculum and instructional program of the district, including developing curriculum, selecting and purchasing instructional materials, testing and evaluation of students, providing career education, administering compensatory education programs, implementing professional development programs for teachers and administrators and managing the district's special education program. Mr. Ordaz managed a budget of approximately \$8,000,000. Mr. Ordaz has also worked extensively with school boards and developed board policies for the boards he served. Mr. Ordaz has also served as director, high school principal, counselor and teacher. Mr. Ordaz is involved with his community and has served as Chairman of the Board for the California Student Opportunity and Access Program of San Jose.

**Kurt Foreman** serves as the CFO and board member for California Youth Outreach, a nationally recognized non-profit organization that serves at-risk youth in our community. Mr. Foreman also serves as the CFO for Reaching Out, one of northern California's largest emergency food programs.

Three of the four developers worked together in the East Side Union High School District for over 25 years as teachers, school administrators and district administrators. The fourth developer worked in partnership with ESUHSD for 7 years providing the school facilities used by the East Side Cadet Academy, an ESUHSD community day school, for students in grades nine through twelve. All four developers worked together in this partnership.

Upon retirement from their school district roles, Ms. Guevara, Ms. Westerhoff and Mr. Ordaz joined with Mr. Foreman to found the UPA charter middle/high school designed to meet the needs of under-served students from throughout Santa Clara County who dream of a college education and graduation, but require a small school environment, coupled with rigorous academics, high expectations and a strong support system in order to realize that dream. The UPA academic program is built upon best practices that educational research, and outstanding charter schools as well as personal experience have shown to serve the needs of our student population and open doors for academic success for each student. Three of the four developers continue to serve on the board and contribute to the daily operational management of the school.

## II. EDUCATIONAL PHILOSOPHY AND PROGRAM

### IIa. Mission

The *mission* of the University Preparatory Academy (UPA) is to prepare students to enter and excel in the best colleges and universities in the nation. UPA serves a diverse population of 7<sup>th</sup> through 12<sup>th</sup> grade students in Central and East San Jose as well as a limited student population from west San Jose and Southern Santa Clara County. UPA's target population are those students who have not been highly successful in the traditional educational setting and need a small, highly supportive environment in order to find success in post secondary education.

The UPA education program design is based not only on the research findings of expert educators, it is also tied closely to core instructional elements that the UPA development team has implemented with San Jose students in both traditional school and alternative educational settings. In short, we have found, and the research supports, that the keys to academic success, even for traditionally low-performing students, are 1) offering a rigorous college preparatory curriculum for all students, 2) while focusing on the specific learning needs of each individual student, and 3) providing the supplemental support, counseling and instruction students need in a small school environment.

UPA targets the average and below average performing students who may or may not pass the California High School Exit Exam ("CAHSEE"), and would not have exposure to a high-level, college preparatory curriculum that would prepare them for the rigors required for university success. Research indicates that a program such as UPA's is successful in increasing the performance of students who have been average and below average students. (See Marzano, "*What Works in Schools*" and The Bill and Melinda Gates Foundation "*High Schools for a New Millennium*").

### IIb. Educational Philosophy

UPA gives students an academically demanding, "hands-on" educational program in which they can pursue a college preparatory education, develop unique interests, uncover hidden talents, experience satisfaction in accomplishments, and gain a sense of responsibility. UPA also works to prepare each student with the life skills necessary for personal success in a world that needs each person to care enough to make a positive difference. Technology is integrated into the curriculum, and UPA will offers a substantial arts program to help students build a frame of reference and knowledge base for future learning. Real world assignments focus on joining the rigors of the classroom with the professional world.

#### **How Learning Best Occurs**

UPA believes that students learn best in a small school setting. They should be exposed to a rigorous curriculum, taught by highly qualified, caring teachers. Staff and parents need to build a strong, supportive environment to assist students as they learn the curriculum and gain the life skills necessary for success in school and in life. In addition, learning is facilitated in a safe environment where students are free to fully engage in their schoolwork and not fear for their

safety. Finally, learning best occurs in a culture of high expectations where staff and students are accountable for teaching and learning. Additional information on how “Learning Best Occurs” is found in section 3 of this document.

### **Whom the School Will Educate**

Please see Section IId “Students to be Served” below for a description of UPA’s targeted student population.

### **An Educated Person in the 21<sup>st</sup> Century**

UPA believes that to be an “educated person” in the 21<sup>st</sup> century requires that a student possess a multitude of academic and personal skills. This could best be summarized in the statements below:

- Possess strong written and verbal communication skills to share ideas and information and read to comprehend, critically analyze and transform information
- Apply mathematical and scientific principles to solve real-world problems
- Think critically and creatively to approach, grapple with and resolve complex issues in a solutions-oriented mindset
- Utilize a global perspective and understanding of the world around him/her and his/her role in it
- Be technologically fluent using and applying technology in their everyday lives as students, workers and individuals
- Be a self-motivated, competent, lifelong learner
- Appreciate and enjoy the visual and performing arts
- Exhibit leadership skills that show personal and social responsibility, task commitment, a well developed sense of empathy and an active participation in life
- Be an efficient and effective worker, independently, and in teams with people from different experiences and backgrounds

A chart indicating the skills above, where they are included in the UPA instructional program and possible instructional activities to build these skills is found in Section 3 of this document.

## **Iic. Parent Notification of Course Eligibility for College and Credit Transferability**

UPA course completion requirements for graduation are based on the University of California “a-g” requirements. UPA’s mission is to provide students with the academic foundation and life skills necessary to allow them to be admitted to and excel at the country’s major universities and colleges, including the University of California and the California State University Systems. UPA will ensure that its students have completed the “a-g” course requirements so that UPA graduates will be eligible to apply to the University of California and California State University campuses as well as other four-year colleges and universities.

The Western Association of Schools and Colleges (WASC) have accredited UPA. This ensures that high school courses are transferable to other local high schools and are recognized by the UC and CSU systems for meeting “a-g” requirements.

UPA provides students and parents with a course catalog or Student/Parent Handbook, notifying parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.

## **IId. Students to be Served**

UPA does not discriminate against any student on the basis of race, gender, ability, religion, or sexual orientation. All students are welcomed at UPA. Our goal is to have a diverse student body that reflects our community and Santa Clara County as a whole.

University Preparatory Academy's priority is to prepare the students enrolling in our school to experience academic success at UPA and in higher education. Our experience thus far is that the students enrolling at UPA enter with different skill level competencies in the core subject areas. Our student population includes some non-native English-speaking students, many students who have fallen behind grade level in one or more core subject areas, and students with other special needs. The initial Charter Petition aimed at recruiting middle to low performing students for the school. However, most students enrolling at UPA are at the lower performing levels in one or more of the core subject areas. UPA welcomes this challenge. We are very pleased with our student body and want to do all we can to meet our mission with the caliber of students wishing to come to our school. The UPA Board and community still expect the school to meet its mission; the mission will not change. The UPA staff is making adjustments, including increased professional development and training and learning how to better meet the needs of the students.

Despite the challenges that many of our students face, we believe a rigorous, standards-based instructional program can help to close the achievement gap that plagues our targeted, underachieving student population. Research indicates that high expectations of students, coupled with effective monitoring and pressure to achieve, in a supportive learning environment, are among the most important things that a school can provide its students (*see* Robert Marzano, *“What Works in Schools”* describing the benefits of a high expectations learning environment and The Gates Foundation, *“High Schools for a New Millennium”* calling for small supportive learning environments to enable students to succeed). UPA is built on the commitment to hold its students accountable for a rigorous program, but also to give them a learning environment in which to excel.

UPA's current enrollment is 320 students; we expect to grow to 384 students in 2010/2011 as we add the 12<sup>th</sup> grade to our school. By design the school is not expected to grow much beyond this level. The Board of Directors wishes to maintain and build a sense of community at UPA and feels that a much larger school will make this very difficult to achieve. For more information on UPA's recruitment and enrollment plan, Please refer to Section 4 of this document.

## **IIf. Curriculum and Instructional Design**

The following are the fundamental components of UPA's instructional approach, each of which will be detailed below:

### **Rigorous, Standards-Based Curriculum**



UPA's curriculum continues to be a work in progress. The curriculum is demanding, aligned, and standards-based. Our goal is for all students to meet "a-g" requirements with grades of C or higher, taking classes that challenge and prepare them for university work. The UPA curriculum consists of the following fundamental components:

- Fulfillment of "a-g" requirements by all students with grades of C or higher in order to receive course credit, with an emphasis on Advanced Placement courses
- Only one track at UPA—a college preparatory curriculum that all students will be expected to achieve
- Standards-based with mastery of subject matter required
- Meaningful homework every night

UPA requires AP classes and college preparatory classes for all students and also requires students to complete each AP course by taking the AP exam. Recent research indicates that 34% of all high school graduates nationwide (40% of white students, 23% of African American students, and 20% of Hispanic students) are eligible to enter a four-year college or university based on minimum qualifications required by these institutions. (Education Working Paper No.18, February 2005, *Public High School Graduation and College Readiness Rates—1991—2002*, Jay P. Greene, Ph.D. Manhattan Institute for Policy Research). Without a doubt, students who have completed college-level work while in high school are significantly more likely to find success in entering college and remaining in college until graduation. (see Jay Mathews, "*Class Struggle: What Is Wrong (and Right) About America's Best Public High Schools*" and a 1999 U. S. Department of Education study by Clifford Adelman titled "*Answers In A Tool Box*") The study concluded, "no matter how one divided the universe of students, a high school curriculum of high academic intensity and quality is the factor that contributes to students' likelihood of completing college." The study further found that just the completion of one advanced placement course exposes a student to college level work even if the examination is not taken or passed; the challenge of the course and emphasis on critical thinking, study skills, and increased content knowledge prepares a student for college work.

Beginning in 7<sup>th</sup> grade, UPA students are challenged with a pre-AP curriculum that prepares them for later success in AP and college courses. All students at UPA are enrolled in pre-AP Mathematics classes. It is our goal to prepare them for Calculus by their Junior or senior year. Students are also required in grade 7 and 8 to take pre-AP English classes so that they are prepared for AP English Language and Literature classes in grades 11 and 12. Teachers receive training in ways to teach the skills and content necessary for success in AP and other college level classes. UPA believes it is critical for students to successfully complete college courses while in high school in order to prepare them for success in four-year colleges and universities. (For documentation of the success of this approach, see *Advanced Placement Courses Cast Wider Net* by Kathleen Kennedy Manzo, published in Education Week, November 3, 2004, describing various research done on this topic).

The UPA curriculum aligns with the state standards in each of our core areas of English/language arts, math, science, history/social science, and foreign language in each of grades 7 through 12. See sample curriculum maps, course descriptions, and pacing guides in Section 8 attached to this document. UPA's leaders monitor instruction to ensure successful implementation of the written curriculum.

All students are required to reach beyond their present academic levels in a cycle of continuous improvement, verified by testing that gives students, parents and teachers immediate feedback on

skill levels and needs. Students are generally assigned approximately 2-3 hours of rigorous, meaningful homework each night. Homework experts say there is an unfortunate gap in the amount and quality of homework given to the “haves” and the “have nots,” which places many disadvantaged urban students further behind than their more affluent peers, (Professor Harris Cooper, Duke University, citing research finding homework demands increased in “more well-off communities”). UPA believes that successful college students are those who have been given substantive, meaningful homework assignments. Students who do more homework score better on tests and get better grades, particularly in high school. UPA wants to ensure that its students are accustomed to daily homework assignments that expand upon their classroom instruction and help prepare them for the rigors of a college environment.

UPA has adopted the California state standards as the framework for our curriculum. As required by law, UPA students will take the required state standardized tests. Approved textbooks and instructional materials support the UPA curriculum. UPA core curriculum materials and textbooks for 7<sup>th</sup> and 8<sup>th</sup> grades have been selected from the list of state-required textbooks. Ninth through twelfth grade non-advanced placement textbooks are California State Standards-aligned. UPA uses College Board-required textbooks and instructional materials for advanced placement classes.

### **Personalized Learning Approach**

Much of our educational program is based on the research and philosophical approach of The Bill and Melinda Gates Foundation, “High Schools for a New Millennium” (2004) and Dennis Littky, “The Big Picture: Education Is Everyone’s Business” (2004) who have researched and written widely on the merits of a rigorous, high expectation program coupled with a highly personalized approach to meeting the students’ additional support needs. To implement this philosophy, the UPA approach has been designed to meet the specific needs of the individual student. Personalized Learning Plans (PLP’s) and additional instructional time in small-group and individualized instruction are key to our program.

The school design is based on the needs of the individual student to ensure that regardless of the student’s academic needs, s/he will be given the necessary support to master content requirements. Learning is individualized for each student through the development of a Personal Learning Plan. The PLP is based upon the assessment of each student’s academic strengths and weaknesses. See sample PLP form attached to Section 3 of this document.

### **Educational Support**

In addition to a rigorous academic curriculum, students are offered additional opportunities for reinforcement and skill building. UPA offers an intensive schedule with increased instructional time to ensure that students are provided with the support necessary to meet individual learning needs. UPA begins school at 8:30 am (7:30 for students taking our leadership course) and ends at 3:50 pm. UPA is on a block schedule two days per week, Wednesday and Thursday, to ensure continuous uninterrupted time in each of the courses. In addition, organized after school tutoring and supplemental instruction are provided Monday through Friday. UPA has employed a number of other instructional support strategies for students needing remediation, and for students needing accelerated studies, including: remediation classes in math and in English, second semester make-up classes for students who have received an “Incomplete” grade in math and in English, a rigorous summer school program that includes courses for advancement in math, individual tutoring provided by UPA teachers for students who require support and advancement, as well as a comprehensive fine arts program that exposes students to mediums

that draw out the very best artistic and academic performance in UPA students. This in addition to opportunities for advancement in math, with the introduction of a highly competitive “math counts” team, students having the opportunity to take courses off-campus at community colleges and on-line through internet based universities such as BYU-online, independent study, as well as the inclusion of peer tutors in our tutoring program round out current opportunities for educational support around both ends of the spectrum. Students requiring these additional opportunities for educational support are provided these opportunities through the creation of a student action plan developed out of our Student Study Team process, through teacher and staff recommendation, and through regular meetings with our academic counselors where the student’s personal learning plan is employed and expanded upon.

### **Small School Environment**

UPA will support the academic needs of approximately 384 students in grades seven through twelve, by Year 4 of our opening. We do not plan to grow substantially beyond that size. The students we seek to serve thrive best in small school learning communities. Research shows that small schools allow students and teachers to develop supportive, long-term relationships that allow for better conditions for teaching and learning (The Bill and Melinda Gates Foundation, “*High Schools for a New Millennium*”). The Three R’s, which are fundamental to the UPA program, are most often found in smaller schools. All else being equal, students in small high schools score higher on tests, pass more courses, and go on to college more frequently than those in large ones. Moreover, these results appear to be greatest for low-income students and students of color (Cotton, K., “*New Small Learning Communities: Findings from recent literature.*” Northwest Regional Educational Laboratory, 2001). Small schools have been shown to increase graduation and college-going rates, improve attendance, and bolster teacher morale and effectiveness. UPA’s small size offers many advantages that help promote teacher professionalism and student learning. Our small size facilitates collaboration, allowing teachers to share ideas about teaching, to serve as friendly critics by offering suggestions about how to improve lessons and classroom management. (Lawrence, Binger, Diamond, Hill, et. al. 2002. “Dollars and Sense: The Cost Effectiveness of Small Schools.” Cincinnati, OH, Knowledge Works Foundation)

### **Leadership/Student Advisory**

All students participate in a leadership/advisory class that meets twice per week for 45 minutes per session that focuses on college and personal success strategies. UPA helps each student develop his/her personal vision, set goals, research what it takes to achieve those goals, and work toward realizing them. The Leadership/Advisory class, which includes models and strategies inspired by the AVID curriculum, focuses on teaching the skills needed to be successful at gaining admission to leading colleges and being prepared to meet the challenges that each student will face in pursuing that education. Students who do not have parents who are skilled in navigating the educational system fall through the cracks and are not prepared to attend four-year colleges and universities because they do not have necessary information or an advocate to assist them in achieving their goals. A one-to-one personal relationship with a teacher/mentor in high school increases student success. The Leadership/Advisory class is designed to fulfill this role. College success strategies, leadership skills, and service learning are all part of curriculum for this class. The advisor/teacher of this advisory class follows her/his group of students throughout their four years in high school, serving as a mentor and advocate for each of their advisory students. UPA brings a college-going culture to the public high school campus, which is open to any student willing to exert the effort to complete the UPA program, and prepares each student for the competitive world of the 21st Century. (Based on *The New College Try* by Ann Hulbert,

author of *Raising America: Experts, Parents, and a Century of Advice About Children.*)

### **Integrated Technology Across The Curriculum**

Research indicates that when technology is embedded in the curriculum, not only are students provided the opportunity to learn necessary skills for success in the 21<sup>st</sup> century, but they become more engaged in their learning, leading to greater comprehension, retention of information, and use of that academic knowledge in later life (The Bill and Melinda Gates Foundation, “*High Schools for the New Millennium*”, 2004). At-risk students show substantial improvement when technology is introduced into their curriculum. Experts believe the reason for this is that technology gives educators an opportunity to individualize instruction and meet the needs of individual students. (NCREL-Published Research—Source: Computer Based Technology and Learning: Evolving Uses for Expectations. Valdez, McNab, Foetach, Anderson, Hawking and Raack, 2000.)

There are three primary components to the UPA technology program. Initially, during the first week of technology classes each newly enrolled UPA student is tested to determine his/her technology proficiency. Based on the outcome of these tests, students are placed in one of three technology tracts if needed. The first level focuses on basic technology skills acquisition, such as basic computer use, hardware and software concepts, trouble-shooting and word processing in an introductory middle school and high school technology course. Students at the second level focus on email, utilization of electronic information sources, networking and the basics of digital imaging and are enrolled in intermediate technology courses. The third level covers spreadsheets, database development and web design, as well as Web 2.0 strategies. It also covers the basics of web media, and multi-media development such as web-based audio and video. A series of multimedia courses begin these advanced students on a path to a comprehensive technology portfolio of coursework. Furthermore, students within these technology tracts are further differentiated and are assigned assignments and responsibilities that are specifically geared toward that student's needs within the course. After completing all three levels, students take a final exam to evaluate students' learning across all three levels. Students successfully passing this final exam receive a “Certificate of Technology Proficiency”.

Teachers are required and encouraged to integrate technology use throughout the curriculum. All UPA teachers are issued a technology package that includes a laptop, digital projector, print services, and server-based services. UPA has built a high-tech computer lab that is comprehensive in its design and delivery of technology services to students. UPA has purchased a mobile computer lab for use in classrooms and all classrooms are equipped with up to date technology. We utilize projectors, TV, and DVD players as instructional tools in the classroom. Interactive white boards and other “nice to have” technology tools will be added as funding permits. Students develop course projects and course work in which they are required to use the technology skills at their level described above for the successful completion of their work. The skills they are typically required to use for completion of coursework are word processing, spreadsheets, presentation technology, database, audio and visual conferencing, and creating complex multimedia projects. Students develop skills and positive attitudes concerning technology that support communication, collaborative projects, creativity and productivity. UPA uses technology to enable students to learn to search and discover knowledge, actively communicate with others, and solve problems so that they can become productive, life-long members of our society.

## **Visual and Performing Arts**

The nation's arts standards specify, "An education in the arts is for ALL students, regardless of their background, talent, or disabilities." UPA believes in the importance of the arts not only as a means to enrich a student's understanding of the past and present, but also as an advanced form of communication and expression, and an academic tool to broaden a student's ability to approach a problem or situation. Indeed, Leonardo daVinci, perhaps the greatest inventor of modern times, used the blending of art and science in his works to communicate his learnings and discoveries in a manner that would be commonly understandable. Scientists and physicians today are just now realizing the tangible benefits of daVinci's scientific works that he conveyed originally as art forms. "Arts learning requires students to observe, analyze, synthesize, create, and evaluate. It also draws on a variety of intelligences and provides students with experience in higher order thinking." (Washington D.C. Public Schools-Kennedy Center, "Report on the Status of DCPS [D.C. Public Schools] Elementary Arts Programs" 2002-03)

UPA believes that we will produce higher achieving, well-rounded students by offering the performing arts and music as the foundation of our electives program. We believe that each student has a talent for or interest in an area of the arts. We encourage students to explore these interests, provided that those students are successfully mastering their core subjects and do not need to focus heavily on remedial instruction in core areas. UPA provides access to state-of-the-art facilities for the performing arts and music aspects of our program. We have use of a theater (450 person capacity) with a performance stage, a state-of-the-art sound and lighting system, complete television transmission (cameras, editing, video equipment), stage sets and storage, dressing rooms and a dance studio. UPA offers courses in the visual arts, drama, instrumental music, and dance to allow the students to pursue their individual artistic interests and talents. We believe that in order for our students to be competitive with their peers in post-secondary settings, they should be exposed to the arts. This approach is in line with the country's premier high school programs and the International Baccalaureate curriculum, which require study in the arts as a condition of graduation.

## **Other Keys to a Successful Educational Program**

*Commitment to Program Success - Leadership, Staff, Parents and Community:* In order to ensure the success of our educational program as outlined above, UPA hires and trains a dedicated, professional staff that are committed to the success of every student.

*Dedicated, Professional Staff and Leadership:* UPA hires effective academic and organizational leaders, and support staff who understand that excellent schools require great school leadership. The school leadership values continuous improvement. School leadership utilizes collaborative decision-making involving students, parents, staff and community. The focus of leadership is focused in three areas, 1) improving instruction, 2) providing a high quality curriculum and 3) building positive school climate.

*Formal On-going Staff Development:* UPA provides time during the school day for daily and weekly staff collaboration. In addition, UPA's calendar provides for a half-day staff development program usually once each month. This staff development time is dedicated for planning, developing curriculum, and training to improve instruction. Professional development also includes staff training preceding the opening of school. The current staff development program includes small interest group workshops as well as the entire staff working together in areas for

school improvement. Teachers have opportunities to visit other classrooms and engage in continuous reflective assessment. Professional development is continuous, giving staff what they need when they need it. On-going professional development activities include:

- Advanced Placement curriculum development including pre-advanced placement classes
- Designing and implementing UPA's student advisory program
- Use of technology to enhance instruction
- English Language Learner strategies, including differentiated instruction
- Review of UPA Mission and vision and school/professional practices that promote the accomplishment of the mission
- Backward mapping to construct standards-based lesson plans and pacing guides
- Assessment practices for learning and the use of data to inform teaching practice
- Development and use of personal learning plans (PLP's)
- Quick visit protocol for instructional supervision

Teachers are observed formally as well as informally by the Executive Director and Director to review strengths, discuss areas for growth, exchange ideas and brainstorm solutions. UPA's goal is to be a community of learners who seek continuous improvement in order to increase student achievement academically, personally and socially.

*Student, Parent, and Staff Commitment:* All stakeholders are expected to make and uphold a commitment to the school and each other to invest time and effort to achieve success. UPA believes that parent involvement is critical. Parent involvement and positive parent/teacher interaction regarding student progress accomplish two inter-related goals. First, parent involvement in the student's progress and after-school work directly helps to ensure that the student is keeping up with the pace of the UPA program. This is accomplished through parent oversight of student's assignments/ homework and involvement in monitoring the student's progress toward the goals outlined in their PLP. Parents make extensive use of UPA's student information system, PowerSchool and School Loop to keep informed of assignments, homework, grades and attendance. Secondly, parent involvement in the school community through volunteer hours and other service to the school, demonstrates to their student the value that the parents place on the school program, acting as a role model for their students. Each student, parent and staff member is required to sign a commitment to excellence that clearly articulates his or her role in ensuring the success of each student.

### **IIf. Plan for Academically Low- and High-Achieving Students**

New students entering UPA attend an academic readiness program during the summer prior to enrollment. This program has developed into a series of workshops that are held in the first week of school, as a traditional orientation, and as part of the enrollment process. Utilizing Northwest Evaluation Association Measures of Academic Progress assessments, the new students enrolling in UPA are assessed in the areas of English/language arts and math. An individual assessment is completed for each student to determine academic strengths and areas of weakness. This initial student assessment allows UPA staff to identify students with special needs and evaluate the learning needs of each student.

Students who are identified as low- achieving through the initial assessment and through ongoing class work and assessments are enrolled in support activities and other remediation such as after school tutoring, computer-assisted tutoring, test study sessions, homework club, study groups, and when budget allows, extended days classes, Saturday school, and after school remediation courses and skills classes. Low achieving student’s progress is constantly monitored through their Personal Learning Plan and counseling interventions, as well as the application of Student Study Teams, 504 Plan meetings, and Special Education services, to ensure they get “back on track” towards making progress and meeting the state content standards. Communication and partnerships between school leaders, teachers, parents and students is such that all are participants in providing the support required for academically challenged students.

Academically high performing students are identified through the same means as described above. More advanced opportunities for them include, but are not limited to honors classes, advanced placement classes, independent study projects, arts-based and extra-curricular opportunities, interest-based study groups and academic, online courses and concurrent classes at the community college. In partnership with parents, opportunities for community service, academic camps at local universities, internships, and community events are all promoted by the school and made available to the student.

## **Iig. Plan for English Language Learners**

UPA ensures that English Language Learners (ELL) have access to the full range of educational opportunities that UPA has to offer. UPA complies with all applicable federal law in regard to services and the education of English Language Learner (ELL) students, and redesignates English Language Learners as English proficient based on Board adopted criteria. Specific information on the Plan for ELL’s is included in Section 6 of this document.

### *Identification of ELL Students*

UPA identifies ELL students through the state-required home language survey given to students and families when they complete an application for enrollment. Identified students are tested for English proficiency using the state mandated CELDT assessment. Additional information on the identification of ELL’s is included in Section 6 of this document

### *The ELL Program*

The School’s ELL instruction is offered primarily through English immersion. The school’s ELL coordinator monitors the student’s progress and consults with teachers regarding useful strategies to meet students’ needs. All teachers who have ELL students in their classes are properly certified authorizing teaching to English Language Learners. In addition, the ELL coordinator ensures that students receive special one-on-one attention through after school tutoring sessions until they have achieved the goals on their PLP and have been re-designated as English Proficient.

UPA provides training to teachers in six key strategies. These strategies have proven successful with English Language Learners. They are:

1. ***Vocabulary and Language Development***
2. ***Guided Interaction***

3. *Meta-cognition and Authentic Assessment*
4. *Explicit Instruction*
5. *Meaning-Based Context and Universal Themes*
6. *Modeling, Visuals, and Graphic Organizers*

A description of these strategies is included in Section 6 of this document.

In general, UPA classrooms are based on an “inclusion” philosophy for ELL students. However, teachers are given autonomy within their classroom to determine, depending on the home languages of ELL students, whether additional literacy support is needed. This flexible and teacher driven approach enables UPA to effectively meet the unique needs of each EL student.

## **IIIh. Plan for Special Education**

UPA provides a rigorous curriculum for all students. The small school size allows teachers to know their students individually—to know their learning styles, their academic and personal strengths and their areas for growth. UPA understands that the school has the obligation to serve students with exceptional needs and that the school, pursuant to applicable state and federal law, must ensure that all of its students have access to a free and appropriate public education.

### **Provision of Services**

UPA shall annually and in good faith negotiate and enter into a written agreement to more clearly identify the specific desired mix of special education funding and services to be provided. This annual agreement shall set forth whether UPA shall receive services, funding, or some combination of both pursuant to Education Code Section 47646(b) or subsequent legislation.

### **Student Identification**

Because of the nature of the population served, UPA anticipates that a number of our students will enter school with an IEP or with learning disabilities that may require testing and possible special services. UPA will work proactively and cooperatively with families, the teaching staff, and the SCCOE to identify students with exceptional needs. UPA will work with the SCCOE at time of student registration and enrollment to identify students who have or may have exceptional needs. UPA’s enrollment/registration policies and practices regarding special needs students include, but are not limited to, the following:

- Admissions and enrollment practices that, using non-discriminatory methods, identify students with exceptional needs to help ensure that school staff is aware of all students who have identified special needs;
- Checking with the SCCOE to validate student special ed status
- Early and quick communication with all feeder local education agencies to request and obtain cumulative files and other documents in a timely fashion;
- Staff development and training for school staff, to ensure that they possess an understanding of tools and techniques to identify students who may have exceptional needs; and,
- Review of student assessment data, including but not limited to state-mandated testing, to identify students who may be falling behind expectations in their academic progress and in need of additional support or services.



### **Student Success Team**

UPA has implemented a “student success team” (SST) model to attempt to meet all student needs within the regular instructional setting prior to referral for formal assessment for special education purposes. Such teams typically consist of the student’s teacher(s), a school administrator, the student’s parent/guardian, and others. The team oversees development of plans to meet students’ needs, if possible, without immediate referral to assessment for special education needs. The team monitors students’ progress.

### **Referral and Assessment**

In the event that formal interventions provided through the SST are not successful, UPA communicates with SCCOE staff to secure a formal and appropriate assessment conducted by qualified/credentialed staff. If the assessment identifies that the student has exceptional needs and requires special education and/or related services under the terms of applicable special education law, UPA works with appropriate SCCOE staff to convene and conduct an individualized educational plan (IEP), team meeting or meetings.

### **Individualized Education Plans and Service Delivery**

UPA staff actively participates as appropriate in planning and conducting the IEP team meetings and processes. The school is committed to implementing all special education and related services called for by the IEP. UPA understands that student progress toward the goals specified in the IEP would be monitored regularly and formally reviewed by the IEP team on at least a triennial basis. Resource specialists help UPA teachers tailor their classroom teaching to ensure that the needs of all special education students are being met.

### **Due Process**

In the event of a due process claim to enforce provisions of applicable special education law, UPA is committed to responding to the claim while ensuring that all due process is provided.

### **Section 504 Special Needs**

UPA recognizes that some of its students may have exceptional needs that are not governed by the terms of the federal special education law (IDEA) but who may require accommodations or services pursuant to the terms of section 504 of the Rehabilitation Act. The school is responsible for planning and implementing any such accommodations or services.

### **Right to Pursue LEA Status**

UPA may pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status at some future time pursuant to Education Code Section 47641(a) or other subsequent legislation. Prior to establishing independent LEA and/or SELPA status, UPA will provide written verifiable assurances that it will be able to undertake such change in status, pursuant to Education Code section 47641 or other subsequent legislation.

## **III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA**

### **IIIa. Measurable Student Outcomes**

### **Pupil Outcome Goals**

At UPA all students can achieve success in a college preparatory curriculum, regardless of skill level, or special program designation. Students are expected to make progress toward graduation and meet program outcomes as measured by multiple and varied benchmark assessments described in section IIIc below. These assessments are aligned to standards, state/federal accountability systems, and reflect proficiency measures required by the Standardized Testing And Reporting (STAR) system. Section 3 of this document contains a chart depicting UPA's curricular focus and the expected measurable outcome.

### **Middle School Promotion Requirements**

In order to ensure student success in high school, all 8<sup>th</sup> grade students will be considered for promotion to the 9<sup>th</sup> grade based on the following criteria:

- Proficiency level on the CST in Language Arts and Math
- Passing UPA core classes with a grade of C or higher
- Growth on NWEA or equivalent test

In accordance with the law and as per UPA Board Policy, and the recommendation of the teacher, a student may be retained in 8<sup>th</sup> grade for failure to achieve proficiency on the CST in Language Arts and Math, normal progress on Northwest Evaluation Association (or other comparable test) level tests (230 RIT level for reading, language arts, and mathematics), or satisfactory academic performance (i.e. grading reports).

### **High School Graduation Requirements**

University Preparatory Academy's graduation requirements are established by the board and are currently set at 250 units to graduate from high school. These requirements meet or exceed the University of California "a-g" course requirements. Graduation credits are subject to annual review by the UPA Board. Please see Section 3 for a chart indicating UPA's graduation requirements.

## **IIIb. Academic Performance Index and other School-Wide Goals**

University Preparatory Academy recognizes that academic accountability is one of the foundations of the charter schools concept and believes in the importance of federal and state assessment measures to evaluate student performance and hold the school accountable for student academic performance. High academic achievement, in preparation for a college or university environment, is fundamental to the UPA educational program. It is important for UPA students to participate in the STAR testing program, for both the success of the students and the improvement of our program. UPA, like other non-charter public schools, will be subject to the tenants and consequences of the state accountability system, including the Academic Performance Index (API). API growth goals are made clear to all teachers on an annual basis, who will develop plans for meeting those goals together with school leaders.

### **School-Wide Goals**

University Preparatory Academy will pursue the following school-wide goals:

1. Meet or exceed API growth targets for the school and relevant sub-groups as set by the CDE
2. Ensure students make progress on the pupil outcomes listed above.

3. Ensure student improvement on standardized tests, including the STAR, and other appropriate school-based assessments, including increased achievement over time for significant subgroups.
4. Strive for positive student satisfaction ratings as a measure of school performance. Indicators of student satisfaction may include: high attendance, academic achievement and ability to meet educational goals, active involvement in school, and participation in extracurricular activities and seminars.

### **IIIc. Methods of Assessing Student and School Performance**

#### **Comprehensive plan for student assessment**

Continuous assessment and evaluation of students is some of the most important work undertaken by UPA. The school's comprehensive assessment plan is described in Section 3 of this document.

#### **STAR and other State-Mandated Assessments**

All students at UPA are required to participate in STAR testing and other state mandated assessments. Please see Section 3 for additional information on STAR and other State-Mandated Assessments administered to UPA students.

#### **Grading Policy**

Please see a description of the UPA grading policy in Section 3 of this document

#### **Data Management, Analysis and Reporting**

UPA will continue to use PowerSchool as its student information system. In addition, UPA will use SchoolLoop to communicate class assignments, homework, attendances and grades to parents. UPA has begun using SCCOE's," SchoolPLAN data management system" for storing, analyzing and reporting student achievement data to teachers, administration and parents. For additional information on data management please see Section 3 of this document.

#### **Reporting Student Achievement Data**

Student performance data will be reported to staff, students and parents. "Getting better" means frequent measuring of student achievement, reporting the data, analyzing the data and using data to inform teacher practice. UPA commits to placing great emphasis and resources to this important work. Additional information on reporting of student achievement data can be found in Section 3 of this document.

## **IV. GOVERNANCE STRUCTURE**

#### **Non-Profit Status**

The University Preparatory Academy is organized as a California Public Benefit Corporation pursuant to section 47604(a) and other subsequent legislation of the California Education Code, and has been granted tax exempt organization under section 501(c)(3) of the Internal Revenue Code.

The school is governed by a set of policies and procedures to help UPA staff and administrators perform their daily responsibilities in a manner that promotes a safe and healthy, sustainable school environment, operated with a focus on the school's mission. The UPA Board bylaws,

adopted by the governing board are the primary policy document dictating board practice and operations.

### **Governance Structure of University Preparatory Academy**

University Preparatory Academy governance responsibilities are primarily divided between the Board of Directors and the school's Executive Director. The Executive Director, Director and Teachers carry out the day-to-day operations of the school, with the Executive Director having primary responsibility to conduct and manage daily operations. The governing board adopts policies, approves the budget, and assures that the school maintains high academic standards. The UPA Board of Directors has the ultimate responsibility to oversee the operation and activities of the school.

The Board's major roles and responsibilities include:

- 1) Establishing and approving all major educational and operational policies
- 2) Approving all major contracts
- 3) Approving the school's annual budget and overseeing the school's fiscal affairs
- 4) Selecting and evaluating the school's Executive Director, who will be responsible for operating the school and implementing the policy direction of the board
- 5) Developing annual goals for the school and long range plans with input from the Director, teachers, and parent advisory committee members
- 6) Receiving reports from, and providing recommendations to, the UPA Director and staff, parents and students
- 7) Assessing UPA goals, objectives, academic achievements / student progress, financial status, and any need for redirection
- 8) Evaluating school and student performance

The Board of Directors will continue to routinely evaluate the academic, financial, and legal/compliance health of the charter school. The Board's objective is to develop an accountability plan that demonstrates measurable annual progress toward meeting the school's high standards for pupil success, and to oversee the implementation of that plan by the school's Executive Director. The Board expects the administration to build a close working relationship with SCCOE officials to help ensure that UPA is meeting its accountability targets. As a part of this responsibility, the Board welcomes and encourages the SCCOE's, monitoring oversight visits that can serve to improve the school. The Board reviews the reports generated by the oversight visits and requests timelines of the administration for completing tasks and long-term initiatives identified in the oversight reports.

### **Election, Term, and Removal Process for Board Members**

The UPA Board members are chosen using the following methodology, as further defined in UPA's bylaws. After the terms of the Board member(s) expire, there will be annual nominations of candidates for Board seats each spring for board members' whose terms are expiring. Candidates are to submit a brief narrative statement regarding their qualifications for a position as a UPA Board member that includes a description of their expertise in matters pertaining to the charter school's operations and their demonstrated commitment to UPA's mission and targeted student population. The current Board will review candidates' narrative statements, and determine the selection of representatives from the general community with an attempt to achieve the desired commitment level and the mix of skills and expertise necessary to effectively govern the charter school. The current governing board members will vote to select new board members.

## **Terms**

All governing board members are elected to serve staggered three-year terms such that there will be certain board seats up for election each year.

## **Removal of Board Members**

University Preparatory Academy board members or other members of the UPA charter school community may recommend the removal of a Board member pursuant to the governing board's removal policy and procedure that are set forth in the Board's bylaws.

## **Structure and Operations of the Board**

The Board of Directors holds regularly scheduled meetings each month and special meetings as needed. The Board follows the Brown Act in generating and posting agendas for public information. Board meetings are conducted using Roberts Rules and the Brown Act. Expulsion hearings, personnel matters, and other confidential governance matters are held in executive session, unless open session is requested by the parent of the child in question or faculty/staff member in a matter for which open session is legally appropriate. The board appoints a president, a secretary, and a treasurer. The Board President is responsible for the functioning of the Board and the conduct of board business and meetings. The Board Secretary is responsible for generating meeting notes and distributing the agenda in a timely manner. The agendas for board meetings are sent to all Board members at least five days prior to the meeting. The agenda is also posted in hard copy at the school site. The Board treasurer has primary responsibility to monitor UPA's fiscal affairs and to oversee and review financial statements created by the school's back office contractor for presentation to the Board.

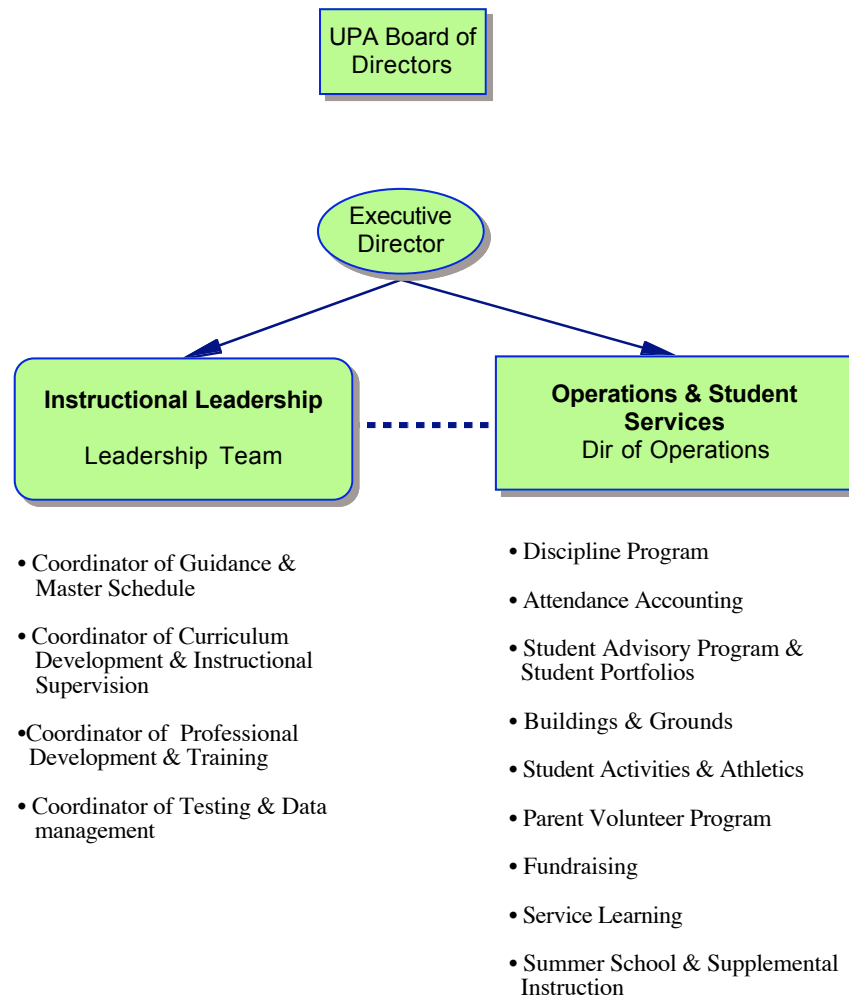
## **Board Training and Sustainability**

University Preparatory Academy Board members are committed to continuous improvement and on-going training to assist the Board in fulfilling its responsibilities to act as stewards for the charter school. To this end, the UPA board will seek appropriate training and educational opportunities to more effectively govern UPA's operations. Such training experiences may include individual training sessions with legal counsel or other experts familiar with public school governance, and/or training sessions with charter school governance experts. The school continues to maintain in effect general liability and board errors and omissions insurance policies.

## **School Leadership**

School leadership has evolved from what was originally planned. Initially a very traditional approach was established. The Board hired a Director who then administered the school with the help of an administrative assistant, a counselor and a half time registrar. Into the second year of operations the Board analyzed the status of the school and felt it was necessary to improve administrative operations and place increased focus on teaching and learning. After considering various plans, the Board settled on a school organization that they believe meets the leadership needs of the school. UPA school organization includes an Executive Director, a Director of Operations and an Instructional Leadership Team. The Instructional Leadership Team and the Director of Operations are co-equal and report directly to the Executive Director who in turn reports to the Board of Directors. Establishing these positions has been accomplished in keeping

with the initial school’s budget for administrative leadership. This new leadership model has created a collaborative school environment, caused teachers to take greater ownership of the school and is creating teacher leaders. A brief role description for each of the positions is indicated by the schematic below.



### **Involvement of Parents, Students and Staff in School Leadership**

The University Preparatory Academy believes firmly that active parent, student, and employee participation in school operations and governance helps foster a public school’s long-term sustainability as a successful program. Currently the school has the following parent/community groups organized and functioning:

- Parent Teacher Student Association (PTSA)
- Curriculum Materials Selection Committee
- Athletic Boosters Committee
- Annual Washington DC Field Trip Organizing Committee
- Science lab fundraising committee

Desiring a greater level of parent involvement with particular focus on teaching and learning, beginning in 2010/2011, UPA will be establishing protocols for the formation of an Advisory Board that will be comprised of parents, students, and school staff. The Advisory Board will play an important role in making UPA a school more responsive to staff, student, and parents' needs, and provide for continual improvement.

The Advisory Board appointed by the Board of Directors will meet regularly to address and make recommendations to the Board regarding specific areas of school operations. Those areas may include:

1. Curriculum / Instruction / Assessment
2. Mentoring / Internship Development
3. Extracurricular Programs/Activities
4. School Program Development
5. Fundraising and Development

The school will continue to work with parents to develop, implement and adopt a set of parent involvement policies and strategies to promote purposeful and meaningful levels of communication between home and school. The UPA integrated, on-going parent population contributes numerous hours, performs multiple tasks, and generates many ideas on how to improve involvement in the school and achieve its mission on behalf of all students. Parent involvement in school governance, school activities and fundraisers is instrumental to UPA's success.

### **Volunteers and Parent Action Committees**

Once a student is admitted to the school, his or her family is encouraged to sign up with one of the school's parent action committees. It is by working on these committees that most parents will complete their recommended parent participation hours. In addition to a well established organization on the UPA campus that has existed from the moment the school opened, such as the PTSO, other committees have been organized and operate when the need arose for such organizations, such as the UPA Athletic Boosters and the UPA Fund Raising Committee, which manages school-wide fund raising for long-term initiatives such as the science lab campaign. Other action committees that will be organized in the near future include:

***Fundraising Committee*** (Develops school fundraising plan)

***Academic Mentoring Committee*** (Provides additional academic support and Enrichment)

***Landscape and Garden Committee, Building Maintenance Committee, Community Service Committee*** (Provide community service opportunities for students)

***Fine Arts Committee*** (Provides support to the Fine Arts Program)

***University, Technology Committee*** (Creates university /college resources for students)

***Art and Music Committee***

***Business Partnerships Committee, Teacher Support Committee*** (Identifies ways, and means to support UPA teachers)

*Communications Parent Relations Committee* (Works to improve school/home communications)

*Athletic Boosters Organization* (Supports and fundraises for UPA sports teams)

*Campus Supervision* (Contribute hours to reinforce campus supervision)

*Office Assistance* (Provide assistance with special projects in the office)

The Executive Director or designees will oversee the work of these committees. Where appropriate, especially in the higher grades, students are invited to participate on these action committees in an effort to involve them in the on-going operations of the school.

The charter school is responsible for screening of volunteers for the protection of students, including fingerprinting and criminal background checks pursuant to Education Code 45125. Registered sex offenders under Penal Code section 290 or other subsequent legislation may not serve as volunteers on campus or anywhere or at anytime students are present. Volunteers working on campus or when students are present who will be unsupervised by certificated personnel at any time must submit to a criminal background check pursuant to Education Code 45125. All volunteers who work on campus are required to have a current TB test on file with the charter school.

### **Special Education Governance**

The University Preparatory Academy pledges to work in cooperation with the SCCOE, other local education agencies (LEAs) and special education local plan areas (SELPAs) to ensure that a free and appropriate education is provided to all students with exceptional needs. Under charter school laws, the UPA has various options on how to deliver special education and related services: Pursuant to the timelines outlined in the annual MOU between the SCCOE and UPA, the Board will reach a decision regarding which of these options to pursue.

### **Legal Affirmations**

The University Preparatory Academy will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate on the basis of race, ethnicity, national origin, gender, or disability pursuant to Education Code Section 47604(c) or other subsequent legislation. As a non-profit corporation, UPA will not operate to the private benefit of any individual or group of individuals, and will instead operate for the benefit of the California public school students it serves. UPA will follow the Ralph M. Brown Act regarding open public meetings and will follow legally applicable conflict of interest laws, including the Political Reform Act.

## **V. HUMAN RESOURCES**

### **Va. Qualifications of School Employees**

The UPA the faculty, and staff recruitment and selection process is designed to ensure that all staff employed by the UPA possess the personal characteristics, knowledge base, experiences, and the responsibilities and qualifications essential to successfully fulfill their responsibilities.



UPA will continue to ensure that all required legal qualifications, including compliance with the requirements of the No Child Left Behind Act (NCLB), are met for teachers, staff, para-professionals and other administrative employees of the school. Each certificated employee at the charter school is required to meet the state licensing requirements for the position that he/she holds. For all positions, certificated and non-certificated, the employee, at minimum, needs to satisfactorily meet the performance specifications required for the position, as briefly described below, as well as possess the qualifications required to perform the essential functions of the position, as determined by the UPA Board and Executive Director. The number, type, mix and salary levels of each employee are outlined in detail in the financial plan in section 2 of this document.

### **Recruitment and Hiring Plan**

UPA seeks to hire a diverse faculty composed of highly qualified teachers, and highly skilled professionals who express an understanding of and support for the school, our mission, and student population. The school achieves this goal by recruiting and compensating the faculty and staff based on their ability to meet the qualifications of the school's program as outlined in the hiring and evaluation rubric that is being developed and will be implemented for the 2010/2011 school year. The rubric will contain qualifications and criteria directly aligned to the qualities the Board believes are essential for effective teaching and learning within the UPA program, as outlined in Section II of this charter petition, Educational Philosophy and Program.

Our education program calls for the employment of sufficient certificated positions to enable the school to maintain an average classroom student to teacher ratio of 24:1, approximately 17.0 FTE. This includes teachers for the core instructional areas and electives such as Foreign Language and the Arts. The school also allocates a counselor position, a director of operations and student services and the equivalent of .8 FTE invested in release time for the various coordinators that make up the instructional team as discussed above. In addition, the school employs a full time administrative assistant, a .75 FTE registrar and a campus supervisor/technical support manager.

UPA will add the 12<sup>th</sup> grade class in 2010/2011 and will be at full enrollment by the fourth year as planned. All planned positions are indicated in the Staffing and Personnel Data section of our attached five-year operating budget. UPA seeks to deploy additional teacher FTE in order to continue building our performing and fine arts program.

Employing a highly qualified faculty and staff is critical to our program. The UPA Director of Operations and Executive Director are very active in annual teacher recruitment activities, including attendance at major teacher recruitment fairs, advertising in neighborhood newspapers and advertising on the UPA website. The Instructional Leadership team performs initial screening and interviews. Successful candidates are then forwarded to the administration for a second interview. Only the Executive Director gives final clearance for appointment.

### **Faculty and Staff Qualifications**

#### **Teachers and Instructional Staff**

UPA has a specified set of qualities it requires of faculty. UPA adheres to all "highly qualified" requirements of the No Child Left Behind Act (NCLB) with respect to teachers. As such, teachers in all of our core subjects – English/language arts, mathematics, science, social science, and foreign language – meet NCLB's highly qualified standards. Teachers of core, college

preparatory subjects (i.e. English language arts, math, science, history/social science, and foreign language) and special education are required to hold a credential issued by the Commission on Teacher Credentialing (CTC) permitting the instructor to teach in their subject area of preparation. Because of UPA's adoption of UC a-g requirements for all students, instructors in the elective areas must also hold proper credentials issued by the CTC.

In order to ensure implementation of the school's mission and educational philosophy, hiring preference is given to teachers who have experience designing and implementing curriculum aligned to the state content standards and our educational program. Applicants to teach at the school are hired based on the UPA board approved job description (a draft job description is available upon request) and desirable qualifications including the following:

- Demonstrated expertise in subject area and the ability to communicate the appropriate knowledge to each student.
- Possession of a CLAD, BCLAD, or CDE certification as required.
- Knowledge and experience with standards-based instruction: ability to align curriculum and standards and willingness to adopt grading practices that can be used in standards-based grading.
- Knowledge of assessment strategies and the desire to use data to drive their teaching and ensure continuous improvement of student learning.
- Ability to effectively use a broad range of instructional strategies, including providing a guaranteed curriculum, challenging goals and effective feedback, differentiated instruction, and back mapping, among others.
- Willingness and ability to work with students and parents on an ongoing basis to ensure student success.

These characteristics are found in the research of Robert J. Marzano and many others. (Marzano, *“What Works in Schools”* and *“Classroom Instruction that Works”* by Robert J. Marzano, Debra J. Pickering, and Jane E. Pollock) Based on the research showing that the teacher has the most impact on student learning, UPA seeks to find the most effective teachers based on the above factors. The school uses a rubric in the evaluation and interview process so candidates are each evaluated against a common set of standards.

### **Executive Director**

The Executive Director (ED) is the chief executive officer of the school and reports directly to the Board of Directors. The ED is responsible to administer all aspects of school operations and carries out all the policies of the board. Some of the major program responsibilities of the ED include budget development and control; instructional supervision and curriculum development; wage and salary administration; recruitment and selection of staff; development of Board memoranda and draft policies; and representing the school to the community.

### *Overall Qualifications*

- A proven leader who can inspire and lead the school to accomplish its mission
- Professional Administrative Services Credential and a Masters Degree in Education or equivalent
- At least 5 years successful site and central office experience in educational administration
- Collaborative Leadership and management style

- Instructional expertise in curriculum development and implementation
- Successful experience in school business operations, including developing and supervising a school budget
- Ability to represent the school to the community
- Experience in working with school boards

### **Instructional Leadership Team**

The Instructional leadership team is comprised of teacher leaders who have developed or are developing expertise in various aspects of instructional leadership. The teacher leaders, called coordinators, are appointed by the ED and are given a period of release time and a stipend to coordinate the following instructional leadership programs:

- Instructional supervision
- Curriculum Development
- Professional development and Training
- Guidance program supervision and Master Schedule Development
- Testing and achievement data coordination

### **The Director of Operations and Student services**

UPA may also employ or retain non-certificated instructional support staff in any case where a credential is not required and a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional capacity. Instructional support staff will not assign grades or approve student work assignments without the approval of a teacher unless they are instructing non-core or non-college preparatory courses and activities.

### **The Director of Operations and Student Services**

The Director shall perform such tasks as are assigned by the Executive Director and is required to undertake some or all of the tasks enumerated in the job description approved by the UPA Board of Trustees.

### *Overall Qualifications*

- Professional Administrative Services Credential
- Successful experience in site educational administration
- Collaborative Leadership and management style
- Instructional expertise in curriculum development and implementation
- Experience in developing a vibrant student activities and athletics program
- Successful experience in dealing with student discipline and attendance accounting

### **Counselor**

A highly qualified counselor is fundamental to the UPA program. The counselor must bring knowledge and training in specialized fields, including growth and development of the student, testing and assessment, educational and career planning, and personal and social guidance. UPA may employ the services of retired school counselors provided they hold a Pupil Personnel Services credential and match the qualifications outlined above.

### **Administrative and Non-Instructional Staff**

The school will hire support staff that has demonstrated experience and expertise in the areas and work tasks required of them. Support staff will be provided professional development and training opportunities to upgrade their skills in their positions.

#### **Administrative Assistant**

The administrative assistant's responsibility is to assist the UPA Executive Director and Director of Operations and Student Services in the administration of the school by performing a variety of complex and routine administrative support functions including attendance accounting. The Administrative Assistant also directs and coordinates the workflow and activities processed through UPA's main office. This position requires in-depth knowledge of school operations and administrative procedures as well as a high level of clerical skills and ability to work in an independent manner.

#### **Business Management**

UPA employees a "back office" business management firm to generate school budgets, maintain accounts payable, maintain attendance accounting, manage payroll and to generate fiscal and attendance reports required by the charter authorizer and/or CDE.

#### **Registrar**

Under the supervision of the guidance counselor(s), the UPA registrar maintains student records, issues transcripts, assists in processing report cards and generating the master schedule.

#### **Campus Supervisor/Technical Support Manager**

The campus supervisor supervises the school campus before and after school as well as breaks and lunchtime. Also, the supervisor is responsible to maintain the school's computer lab and classroom computers as well as assist teachers in resolving classroom technology problems.

#### **General Requirements, Hiring and Performance Review**

Upon employment UPA will continue to require each staff member to submit to criminal background checks as required by Education Code §44237 or other subsequent legislation. UPA adheres to California laws including fingerprinting, drug testing, and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. UPA will continue meeting the provisions of NCLB as they apply to certificated personnel. Prior to employment, each employee must furnish proof of tuberculosis (TB) testing, as well as documents establishing legal employment status. The Executive Director is responsible for monitoring and maintaining documentation of medical and criminal investigation clearances, as required by California and federal laws. All employees are required to undergo criminal background checks through such services as a LiveScan fingerprint process. These services will occur where the LiveScan service is offered, which may be located at district, county or local college facilities.

The Executive Director is responsible to organize teacher recruitment, screening of applicants and make hiring recommendations to the Board for approval. The Executive Director with the help of the Director of Operations will have the responsibility of evaluating the performance of the teaching and support staff on an annual basis. The UPA Board of Directors with input from the Executive Director, has the responsibility to determine criteria by which to judge the performance of all employees. These criteria are tied directly to UPA's educational program goals and mission. The UPA governing board is responsible to create the job descriptions and

review the performance of the UPA Executive Director. The Executive Director's performance is evaluated based on Board approved measurable management goals.

## **Vb. Compensation and Benefits**

### **Compensation and Benefits**

UPA staff will participate in the federal social security system and State Teachers Retirement System for certificated staff. For a complete statement on employee retirement benefits please see Section 5 of this document.

### **Salary**

UPA has adopted a salary schedule with two salary ranges. Placement on one of two salary ranges depends on the candidate's ability to meet 10 traits (criteria) deemed important by the Board for the school to meet its mission and produce high academic achievement. UPA uses a rubric that specifies the traits and indicates the performance indicators, meets expectations, accomplished, or exemplary. Additional salary increases and bonus compensation may be provided to individual employees for their contribution to school and student success. This salary structure is detailed in UPA's personnel policies and employment handbook. UPA recognizes that many of our teachers and staff members also consider positions in local school districts; therefore, the Board strives to establish competitive salaries with surrounding school districts.

## **Vc. Employee Representation**

The University Preparatory Academy shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Education Employment Relations Act (EERA). For a complete statement on UPA's policy on employee representation please see Section 5 of this document.

## **Vd. Rights of County or Public School Employees**

Members of the University Preparatory Academy staff who leave employment with Santa Clara County Office of Education or any California public school district to work at UPA shall not have any right to return to employment with their districts without prior consent. Employees of UPA who were not previous employees of the SCCOE will not become employees of the SCCOE and will not have the right to employment within the SCCOE. For a complete statement on UPA's policy on Rights of County or Public School Employees please see Section 5 of this document.

The charter school has adopted comprehensive personnel policies and procedures, approved by the UPA governing board that are provided to each employee upon hire. These policies set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures, and other pertinent policies essential to preserving a safe and harmonious work environment. The charter school's Executive Director will resolve complaints and grievances and will administer any personnel discipline, according to school policies and as outlined in the dispute resolution policy included in this charter petition. Disputes over personnel discipline will not be covered by the charter school dispute resolution process, and instead, will be resolved through the personnel policies and procedures.

The UPA Executive Director recommends to the UPA Board for approval, salary and benefit levels, working conditions and work year characteristics (e.g., length of year and day, vacation policies, etc.) for all employees that will allow UPA to attract and retain the caliber of employees necessary for UPA's success.

## **Ve. Health and Safety**

University Preparatory Academy adopted and implemented a comprehensive set of health, safety, and risk management policies. These policies have been developed in consultation with the school's insurance carriers and at a minimum address the topics discussed below.

### **Immunizations and Criminal Background Check**

All faculty and staff members shall be in compliance with California Education Code Section 44237 or other subsequent legislation. As a condition of employment, TB screening and fingerprinting will be required with clearance by the Department of Justice before the employee's start date. All enrolling students and staff must provide records documenting immunizations to the extent required by law, including mandatory tuberculosis screening for staff and volunteers expected to have prolonged contact with students, and vision, hearing and scoliosis screening for students. The school requires that all employee candidates conduct initial and ongoing tuberculosis screening as required by law.

### **Disaster Preparedness and Emergency Response**

UPA is committed to establishing a safe school environment and has a School Safety Plan that addresses areas of concern such as, earthquakes, fire, floods, shootings, natural disasters, and electricity loss. UPA also has a policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.

### **Facilities Compliance**

UPA will comply with state building codes, Federal American Disabilities Act (ADA) access requirements, and other applicable fire, health, and structural safety requirements, and will maintain on file records documenting such compliance. UPA ensures that the school is housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined the facilities present no substantial seismic safety hazard.

### **Student Health**

If required by federal or state law, the school will provide screening for student vision, hearing and scoliosis, and students will show the required proof of immunization. The school maintains records of legally required tests and immunizations of students and staff. UPA implements policies relating to the administration of prescription drugs and other medicines. The charter school also has a policy establishing the school as a drug, alcohol, and tobacco free workplace.

### **Blood-borne Pathogens**

UPA has implemented policies relating to preventing contact with blood-borne pathogens. The Director of Operations is responsible to ensure that UPA meets state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The Director of Operations has established a written “Exposure Control Plan” designed to protect employees 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 body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

### **Child Abuse Prevention and Reporting**

UPA maintains a detailed policies and procedures for the immediate reporting of suspected child abuse, acts of violence, or other improprieties. Such policies detail the role and obligation of staff in the reporting of child abuse pursuant to CA Penal Code Section 11164 or other subsequent legislation. California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom she or he knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. All appropriate staff are required to certify that he or she has knowledge of California Penal Code section 11166 and will comply with its provisions before being hired.

Health and Safety issues are dealt with in accordance with UPA policies. These policies and procedures are incorporated as appropriate into the school’s student and staff handbooks and are reviewed on an ongoing basis in the school’s staff development efforts and governing board policies.

## **Vf. Dispute Resolution**

The University Preparatory Academy has adopted policies and processes for aiding and resolving internal and external disputes.

### **Intent**

The intent of this dispute resolution process is to (1) resolve disputes within the school pursuant to the school’s policies, (2) minimize the oversight burden on SCCOE, (3) insure a fair and timely resolution of disputes, and (4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

### **Public Comments**

The staff and governing board members of UPA resolves all disputes regarding this charter school pursuant to the terms of this section. UPA staff and administration shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

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

All internal disputes involving UPA shall be resolved by the UPA Board according to the UPA’s own internal policies. All complaints about UPA received by the SCCOE will immediately be forwarded to UPA.

This dispute resolution process provides parents, students, and volunteers who have a grievance concerning the school, with a procedure to follow to have the grievance heard by the school's Executive Director or his or her designee and, if it cannot be resolved at this level, to have it heard by the Board of Directors at a regularly scheduled meeting.

Misunderstandings and problems arise from time to time in any situation. Differences of opinion will exist. UPA intends for the UPA environment to be a safe and supportive environment for students, teachers, staff, and parents. The school is committed to creating an honest and open atmosphere in which any problem, complaint, suggestion, or question will receive a timely and respectful response. It is requested that all parties conduct themselves in a congenial manner and communicate with each other with mutual respect at all times.

A complaint may include any feeling of dissatisfaction or injustice in connection with any matter related to the educational program, or staffing. The following steps should be taken to resolve a dispute:

- Any complaint should be brought to the attention of the respective party as soon as possible with the intention to resolve the issue. If it cannot be resolved at this level, then an appointment should be made with the School Executive Director to attempt further resolution.
- The complaint shall be reduced to writing by the complainant and submitted to the school Executive Director. The complainant should specify the problem to the fullest extent possible and any remedies sought.
- Following any necessary investigation, and a meeting with the complainant(s), the school Executive Director shall prepare a written response to the complainant no later than twenty (20) working days from the date of receipt of the written complaint statement, unless for good cause, and upon notice given, additional time is required for the response.
- If the matter cannot be resolved at the school Executive Director level, the complainant may request to have the matter properly placed upon the agenda for the next regularly scheduled Board meeting.
- The Board of Directors and the school Executive Director will set a date and time for the hearing of any evidence to be presented concerning the complaint. At the hearing, the complainant and a representative of UPA shall have the opportunity to present evidence, both oral and documentary. Within three (3) working days from the date of the hearing, the Board and school Executive Director shall make a decision on the complaint in writing. This decision will serve as the final decision of UPA. An administrative panel of less than a quorum of board members appointed by the Board may be used for hearing purposes in lieu of a full Board.

If a parent disagrees with the established rules on conduct, policies, procedures, or practice, he/she can express this concern directly to the school Executive Director. No parent will be penalized, formally or informally, for voicing a complaint with UPA in a reasonable, business-like manner, or for using this dispute resolution process.

The school Executive Director is the official representative between parents and the Board of Directors. S/he or any administrator is accessible and ready to hear suggestions, concerns, and



complaints. UPA cannot act on any problem unless it is aware of it, so we request that complaints be brought to the appropriate party as soon as possible.

While not every problem may be resolved to all parties' complete satisfaction, effort will be made on the behalf of UPA, and its staff, to bring resolution to any problem. This will only be possible through both parties' willingness to listen, attempt toward understanding, and exploration of all aspects of the issue at hand. Through this process, parents, teachers, and management will be able to develop confidence in each other. This confidence is important to the smooth, effective operation of UPA and will directly benefit the students. UPA will strive to provide such an atmosphere at all times. Parents are encouraged to offer positive and constructive criticism.

SCCOE will not intervene in any such internal disputes without the consent of the UPA Board of Directors, and will refer any complaints or reports regarding such internal disputes to the Board or administrative staff of UPA for resolution. SCCOE staff will instruct any UPA stakeholder who attempts to log a complaint with SCCOE to stop their explanation of the situation and will inform them that all complaints must be directed to UPA personnel. SCCOE agrees not to intervene or become involved in the internal dispute unless the internal dispute has given the district reasonable cause to believe that a violation of this charter or related laws or agreements have occurred, or unless UPA has requested that SCCOE intervene in the internal dispute.

#### **Disputes between the charter school and the county**

In the event that the charter school and the county superintendent of schools have disputes regarding the terms of this charter or any other issue regarding the charter school, the parties will utilize the dispute resolution process as outlined in the MOU between UPA and the county superintendent of schools.

The staff and UPA Board members of UPA agree to attempt to resolve all disputes between the County Office of Education and UPA regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Any controversy or claim arising out of or relating to the charter agreement between the County Office of Education and UPA, except any controversy or claim that in any way related to revocation of this charter, shall be handled first through an informal process in accordance with the procedures set forth below.

(1) Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing ("Written Notification") by the party asserting the existence of such dispute. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:

To Executive Director, University Preparatory Academy Charter School

2315 Canoas Garden Ave  
San Jose, CA 95125

To Charter School Director, Santa Clara County Office of Education:  
1290 Ridder Park Dr  
San Jose, CA 95131

(2) A written response (“Written Response”) shall be tendered to the party providing the Written Notification within twenty (20) business days from the date of receipt of the Written Notification. The Written Response shall state the responding party’s position on all issues stated in the Written Notification and set forth all facts that the responding party believes support its position. The Written Response may be tendered by personal delivery, by facsimile, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00p.m. or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. The parties agree to schedule a conference to discuss the claim or controversy (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date the Written Response is received by the other party.

(3) If the controversy, claim, or dispute is not resolved by mutual agreement at the Issue Conference, then either party may request that the matter be resolved by mediation. Each party shall bear its own costs and expenses associated with the mediation. The mediator’s fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 60 days from the date of the Issue Conference. The parties shall mutually agree upon the selection of a mediator to resolve the controversy or claim at dispute.

(4) If the mediation is not successful, the parties agree that each party has exhausted its administrative remedies and shall have any such recourse available by law.

## **VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION / EXPULSION POLICIES**

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

University Preparatory Academy actively recruits a diverse student population from throughout Santa Clara County. Admission to the school is open to any resident of the State of California. Students are considered for admission without regard to race, ethnicity, national origin, gender or disability. The school strives through recruiting efforts to achieve a racial and ethnic balance of students that reflects the general population within the territorial jurisdiction of SCCOE.

UPA enrolls students committed to a rigorous educational experience that includes longer hours and more school days than is expected of them at other neighborhood schools.

Families who understand and value the school’s mission and who commit to the school’s instructional and operational philosophy are actively recruited. Prospective students and their parents or guardians are briefed regarding the school’s instructional and operational philosophy and are informed of the school’s student-related policies at numerous intervals, including open

houses, informational evenings, inclusion of these expectations on the school web site, orientations, and interviews.

UPA has no requirement for admission and admits any child that wishes to attend. The school, however, has parent and student commitment agreements which all parents and students are asked to sign when the student enrolls at UPA. In no instance will a student be refused admission nor subjected to any form of discipline because of their parents' failure to sign or comply with the parent commitment agreement.

### **Parent Commitment Agreement**

This agreement has two main components: 1) agreement to help the school ensure that their children uphold the academic and behavioral rules of the school. Parents/legal guardians are asked to sign an acknowledgement that they understand the UPA academic and behavior policies and will support those policies at home and will work to ensure that their children abide by the rules of the school. 2) The parent commitment agreement also includes a willingness to complete sixty hours per year of participatory volunteer services at the school and submission of a plan for completion of those hours. Parents are expected to complete these hours and every effort is made to offer flexible options for parents to meet this requirement.

### **Student Commitment Agreement**

This agreement has two main components: 1) agreement on the part of the student to do whatever it takes to prepare themselves academically and personally to excel in college or university. The student is asked to sign an acknowledgement that they understand that they will have homework every night, may be required to attend programs, such as: before and after school tutoring, Saturday school tutoring, support classes, etc., as needed in order to acquire the necessary skills to ensure their success. 2) The student commitment also includes the behavior and dress codes. Following an explanation of these expectations, students are asked to commit to doing what it takes to achieve success at UPA—academic and personal. 3) Students are asked to commit to abiding by the rules and dress code required by UPA.

### **Recruiting and Admissions Cycle**

The school establishes an annual recruiting and admissions cycle, which includes reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for students and parents, (3) individual interviews of students and parents, (4) an admissions application period, (5) an admissions lottery, if necessary, and (6) enrollment.

The school fills vacancies or openings that become available after this process using a waiting list. The school admits students at any time during the school year on an open-ended basis in order to better serve the transient local population, if an opening is available. Please see Section 4 for additional details regarding the school's enrollment plan.

### **Timeline for Recruiting and Admissions**

Applications for admission are made available in December of the previous year and are due by the third Friday in March. The school holds at least three parent information meetings between January and March so parents can learn more about the school before they apply. Additionally, the school features an open house, scheduled for a weekend, where any and all community members are able to attend the school to learn more about what UPA offers their students.

### **Lottery – Public Random Drawing**

In the event that the number of students seeking admission to any grade or class exceeds capacity, a lottery is held. Please see Section 4 for additional details regarding the school's lottery procedure.

### **ADMISSIONS REQUIREMENTS**

Governing Law: Admission Requirements, if applicable. —California Education Code Section 47605(b)(5)(H)

UPA accepts all students who are residents of the State of California and will not discriminate on the basis of race, ethnicity, gender, religion, national origin or disability or any other characteristic described in Education Code Section 220. As UPA is a charter school, students living in the previous attendance area will have preference for admission. The school is a public elementary school and does not charge tuition. UPA is committed to maintaining a diverse student population, utilizing outreach efforts to recruit students who traditionally have been underserved. No student residing within the boundaries of the Santa Clara County shall be required to attend the charter school, and alternative school choices are available at other elementary schools within the Santa Clara County.

All students who are interested in enrolling at the school are required to complete an application for admission. Applicants must meet the minimum age for public school admission.

No specialized admission tests are required; however, tests may be administered to determine the proper placement of students. All students who wish to enroll in the school are enrolled unless the number of applications exceeds the number of seats available. An open enrollment period is held to determine the amount of applications for enrollment.

If the number of admission applications exceeds the enrollment capacity by an enrollment deadline established by the UPA Board, a public random drawing is held. Existing students of UPA have an automatic right to continued enrollment in the school should they wish to do so and shall not need to be included in the public random drawing. UPA does, however, grant preference in the public random drawing as follows:

- 1) Siblings of students already attending UPA;
- 2) Children of UPA educators, administrators, and staff;
- 3) Residents within Santa Clara County.

Any applications not accepted through this public random drawing due to capacity limitations are used to develop a wait list pool of applicants should space become available, in the order in which they were drawn. Additional applications are accepted on an ongoing basis and are added to the wait list pool until there is a need for a second lottery when a space becomes available. The wait list does not carry over from one school year to the next.

### **Vib. Non-Discrimination**

All races and ethnicities are welcome at UPA. UPA's program is attempting to reverse the pattern of low socio economic and high ethnically diverse populations underperforming in school. As such, UPA has instituted a recruitment program designed to educate and inform potential students about its instructional program and seek to identify and recruit students who

traditionally have been underserved and/or have underperformed in traditional school environments.

UPA will implement a student recruitment strategy that will consist of, but not limited to, a combination of the following elements or strategies to ensure a diverse student body and a racial and ethnic balance among students that is reflective of the county:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development and distribution of promotional and informational material that appeals to various racial and ethnic groups represented in SCCOE, including materials in dominant languages other than English to appeal to limited English proficient populations.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies.
- Outreach meetings in several areas of the county to reach prospective students and parents. The school will keep a record of the number and location of these community presentations.
- Use of brochures, newsletter, TV/radio public service announcements, print and non-print media for outreach communications.
- Discussions and distribution of application materials to the SCCOE central office, middle schools, small autonomous schools, county high schools, private schools, and other events and areas where diverse student families might be reached.
- Collaboration with community based organizations to support outreach efforts.
- Focused recruitment of groups that may be underrepresented among UPA's student population, using brochures, public meetings, and door-to-door outreach.

Because we seek a targeted student population whose families may not be reachable by traditional means, UPA plans to utilize direct outreach strategies such as direct mailing and community home meeting outreach efforts targeted in specific communities in the San Jose area. UPA also may use bus stop signage and church and community group bulletin boards in an effort to tailor outreach efforts to a diversity of students/families.

## **VIc. Public School Attendance Alternatives**

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. —California Education Code Section 47605(b)(5)(L)

Students of Santa Clara County are free to attend the existing Santa Clara County schools with available spaces rather than UPA. Alternatively, students may wish to seek inter- or intradistrict attendance alternatives in accordance with SCC District's policies. Parents/guardians will be informed that no student shall be granted an automatic right to enrollment in any school or program of SCC schools on the basis of that student's enrollment or application to the Charter School.

## **VIId. Suspension / Expulsion Procedures**

## **Suspension and Expulsion**

The following Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at UPA (the “Charter School”). When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as UPA’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 Charter School 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 Charter School 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. Charter School 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 Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

### **A. 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 Charter School or at any other school, or 3) a Charter School sponsored event. A Pupil 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.

## **B. SUSPENSION OFFENSES**

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

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. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. 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.
12. Knowingly received stolen school property or private property.

13. 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.
14. Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. 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.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
18. 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.
19. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
20. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.



21. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.
23. A pupil who aids or abets, as defined in [Section 31 of the Penal Code](#), the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, 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 Executive Director or designee's concurrence.

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

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

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

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

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

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Expulsion

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

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

#### **D. Expellable Offenses**

Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether

written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.
- w) A pupil who aids or abets, as defined in [Section 31 of the Penal Code](#), the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

Non -Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, 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 Executive Director or designee's concurrence.

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

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

#### **E. Authority to Expel**

A student may be expelled either by the Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the UPA's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

#### **F. Expulsion Procedures**

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

In the event an administrative panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

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

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;

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

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

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

## **H. Students With Disabilities**

A pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act (“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 disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. The Charter School will follow the IDEIA, Section 504, and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

**1. NOTIFICATION OF DISTRICT**

The Charter School shall immediately notify the SCCOE and coordinate the procedures in this policy with the county office the discipline of any student with a disability or student who the Charter School or District would be deemed to have knowledge that the student had a disability.

**2. SERVICES DURING SUSPENSION**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, 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.

**3. PROCEDURAL SAFEGUARDS/MANIFESTATION DETERMINATION**

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP Team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If the Charter School, 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 the Charter School, 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:



1. Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
2. 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
3. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP 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 the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### **4. DUE PROCESS APPEALS**

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

#### **5. SPECIAL CIRCUMSTANCES**

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

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

1. 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;
2. 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

3. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

**6. INTERIM ALTERNATIVE EDUCATIONAL SETTING**

The student's IEP team shall determine the student's interim alternative educational setting.

**7. PROCEDURES FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION SERVICES**

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

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

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

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

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

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

**I. 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.

**J. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

If the expulsion-hearing panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### **K. Written Notice to Expel**

The Executive Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the County.

This notice shall include the following:

- a) The student's name
- b) The specific expellable offense committed by the student

The Board's decision to expel shall be final.

#### **L. Disciplinary Records**

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

**M. Expelled Pupils/Alternative Education**

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

**N. Rehabilitation Plans**

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

**O. Readmission**

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

## **VII. FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY**

### **VIIa. Budgets**

***Financial Plan***

A financial plan for the school is included in Section 2 of this document.

### **VIIb. Financial Reporting**

A campus business office has been established. UPA has contracted with a reputable back office business services provider with expertise and experience in serving CA public charter schools. UPA will bid this contract as needed. UPA is currently contracted with EdTec who provides the finance, accounting, and human resource services. UPA selected EdTec to manage its fiscal and administrative services, because they were highly recommended by other charter schools and

charter organizations. They not only had experience with financial management, but they had experience with charter school start ups with an extremely high success rate. They provide experience of general school operations with financial management. EdTec prepares budget allocations and expenditures and develops Profit and Loss statements and Variance Analysis reports showing deviations from budgeted to actual for review by the Board. EdTec has CPAs on staff to ensure that Generally Accepted Accounting Principles are observed. See EdTec Services contract included in Section 2 of this document.

## **DESCRIPTION OF EDTEC SERVICES**

### **Financial and Accounting Services**

EdTec provides detailed monthly financial reports and analysis on the year-to-date budget and recommends budget revisions when appropriate to account for unforeseen changes in circumstances. EdTec monitors the school's cash flow situation and provides short-term cash flow financing when possible to help its schools meet their obligations.

EdTec keeps the books of its partner charter schools so financial information is readily accessible, accurate, and actionable by the director and board. EdTec handles and tracks the financial transactions of its schools, ensuring that all funds are collected from the district, county, and state, and all bills are paid in a timely way.

EdTec employs a sophisticated accounting package that is GAAP compliant, geared specifically to schools and districts and uses the SACS account code structure. This package allows clients to view the most up-to-date information on their accounts through a secure web interface. It has multi-user capability with various levels of access privileges so different staff at the school can initiate POs in proscribed account categories and amounts.

EdTec files all required financial reports to the State, County, and District. It works closely with the school's auditor to ensure a fast, hassle-free audit process with no audit exceptions.

### **Business Services**

EdTec helps its schools with a wide variety of business and strategic issues from negotiating contracts and MOUs to creating detailed cost analyses of schools' strategic options related to transportation, staffing, or special education services.

EdTec staff assists its schools source and maintain their insurance policies and acts as a first responder resource for claims and questions.

EdTec's business services extend into real estate scoping, search, and acquisition. It helps schools finance facilities purchases and improvements by finding alternative funding sources (low-income investment funds, tax-credits, etc.) and prepare loan packages for schools that meet the requirements of major banks and lending institutions.

### **Human Resources**

EdTec assists its clients with many aspects of human resources including payroll, benefits, and STRS/PERS reporting. EdTec ensures that employees are paid accurately and on time and that all tax payments are made to the IRS. EdTec withholds STRS and PERS payments, when

applicable, and works with the respective county to deposit the withholdings into the employees' retirement accounts.

When issues arise relating to insurance, EdTec steps in as the first point of contact for employees so the school leaders do not need to spend valuable time tracking down information from the insurance carriers.

EdTec helps its clients develop employee policies and discipline procedures.

UPA shall report financial status annually (SACS compliant with general ledger):

- Adopted budget with Multi-year Projections (2) by June 1.
- First Interim Report with MYP and cash flow by December 1.
- Second Interim Report with MYP and cash flow by March 1.
- Unaudited Actuals with Revenue Limit Calculation by September 1.

UPA shall provide a District administration fee (1% of total revenues per Ed. Code 47613a). The District shall not provide meal, transportation, nor maintenance services.

## **VIIc. Insurance**

University Preparatory Academy shall secure and maintain insurance coverage as outlined in the MOU between UPA and the county superintendent of schools.

### **Insurance Certificates**

University Preparatory Academy shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the county. Facsimile or reproduced signatures are not acceptable. The county reserves the right to require complete certified copies of the required insurance policies.

### **Optional Insurance**

Should UPA deem it prudent and/or desirable to have insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by the SCCOE and its purchase shall be the responsibility of the charter school.

### **Indemnification**

With respect to its operations under this charter, UPA shall, to the fullest extent permitted by law, hold harmless, indemnify, and defend the SCCOE, its officers, directors, and employees from and against any and all claims, demands, actions, suits, losses, liability expenses and costs including, without limitation, attorneys' fees and costs arising out of injury to any persons, including death or damage to any property caused by, connected with, or attributable to the willful misconduct, negligent acts, errors or omissions of UPA or its officers, employees, agents and consultants.

## **VIIId. Administrative Services**

University Preparatory Academy's Executive Director will be responsible for administering the school under policies adopted by UPA's Board. The school will continue outsourcing some of its administrative services to a business services provider. UPA will seek a contract service provider that has a demonstrated track-record of experience with charter schools or other public schools, and will meet the charter school's service needs based on mandatory state data tracking and reporting requirements. The services include payroll, accounts payable, student accounting, and financial reporting. The specific terms and cost for these services will be the subject of an annual operational agreement or memorandum of understanding

University Preparatory Academy will coordinate with the SCCOE to report pertinent STRS payroll data pursuant to the MOU and the county superintendent of schools. The county may request a reasonable fee for coordinating this transfer of data. The school plans on obtaining its own health and benefits via small business plan type offerings from local vendors (e.g., Kaiser and Blue Cross).

## **VIIe. Facilities**

This charter authorizes the operation of UPA within the geographic boundaries of Santa Clara County Office of Education. UPA will operate out of the leased facilities located at 2315 Canoas Garden Ave. San Jose, CA 95125. The facilities will meet federal, state, and local building codes and requirements prior to the site being used by UPA. Costs for these facilities will be paid at or below market rate for the facilities space. The details of these costs are provided on the attached financial plan.

## **VIIIf. Transportation**

University Preparatory Academy will not anticipate providing home to school or school to home transportation services; however, UPA will ensure that students with IEPs that require transportation services will receive them. UPA anticipate occasionally arranging for public, rented or parental transportation for field trip-type excursions and learning opportunities.

## **VIIg. Audits**

The University Preparatory Academy governing board will form an audit committee each fiscal year to oversee selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statements, attendance and enrollment, accounting practices, and review the school's internal controls. The audit will be conducted as outlined in the MOU between UPA and county superintendent of schools. The school's audit committee will review any audit exceptions or deficiencies and report to the school's governing board with recommendations on how to resolve them. The governing board will report to the county superintendent of schools how the exceptions and deficiencies have been or will be resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in the MOU.

The School facilitates an annual independent audit of the school's financial affairs. The UPA governing board selects and oversees an auditor with education audit experience.

The audit verifies the accuracy of the School's financial statements, attendance and enrollment accounting practices and reviews the school's internal controls. The audit will always be conducted in accordance with generally accepted accounting principles applicable to the school in accordance with the K-12 audit guide as incorporated into the California Code of Regulations. The annual audit will be completed by an independent auditor included on the list of approved educational auditors by the California State Controller within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to SCCOE, the State Controller, and the CDE by December 15 of each year. The UPA Board will submit a report to SCCOE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the County Office of Education.

### **Performance Audit**

University Preparatory Academy will compile and provide to the county superintendent of schools an annual performance report pursuant to state and SCCOE requirements.

### **Annual Reports**

The UPA will submit an annual report to the SCCOE as specified in the MOU between UPA and the county superintendent of schools

## **VIIh. Closure Protocol**

The following are closing procedures that abide by Cal. Ed. Code §47605(b)(5)(P), should the school close for any reason. The decision to close UPA either by the UPA/UPA Board of Directors or by the SCCOE Board will be documented in a closure action. The closure action shall be deemed to have been automatically made when any of the following occurs: the charter is revoked or not renewed by the SCCOE Board of Education; the charter school Board votes to close the school; or the charter lapses. In the event of such a closure action, the following steps are to be implemented:

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

The Charter School Board of Directors will promptly notify parents and students of the Charter School, the SCCOE, the County Office of Education, the School's SELPA, the retirement systems in which the School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school SCCOEs 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. Written



notification to parents/guardians/caregivers of the enrolled students of the UPA will be issued by UPA within 72 hours after the determination of a closure action. A sample copy of the language used in the written notification is also to be made to SCCOE within the same time frame.

- a. The written notification will also include information on assistance in transferring each student to another appropriate school, and a process for the transfer of all student records.
- b. The process for transferring student records to the receiving schools shall be in accordance with SCCOE procedures for students moving from one school to another.
- c. Parents/guardians will also be provided with student information that includes closure notice, grade reports, discipline records, immunization records, completed coursework and credits that meet graduation requirements.

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

2. Written notification to SCCOE of the list of returning students and their home schools, to be made within 72 hours of the determination of the closure action.
3. Transfer of student records to the receiving schools, within seven calendar days from the determination of an action to close when parents notify UPA of the receiving school. Records of students who have not notified UPA in writing of a receiving school will be sent to the student's school of residence.

All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. UPA will ask the SCCOE to store original records of the UPA students. All records of the UPA shall be transferred to the SCCOE upon closure if the SCCOE agrees. If the SCCOE will not or cannot store the records, UPA shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred and maintained in accordance with applicable law.

4. Written notification to the California Department of Education and the Santa Clara County Office of Education of the closure action shall be made by the UPA by registered mail within 72 hours of the decision to Closure Action.
5. The UPA shall allow SCCOE access, inspection and copying of all school records, including financial and attendance records, upon written request by SCCOE.
6. A financial closeout audit of the school will be paid for by UPA to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets. The final independent audit shall be completed within six months after the closure of the school. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items

of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the charter school.

Any liability or debt incurred by UPA will be the responsibility of UPA and not SCCOE. UPA understands and acknowledges that the Charter School will cover the outstanding debts or liabilities of UPA Charter School. On closure of the school, all assets of the school, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the school, remain the sole property of UPA and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation. 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.

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

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

UPA understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds will be returned to the SCCOE SELPA, and other categorical funds will be returned to the source of funds.

7. For six calendar months from the closure action or until budget allows, whichever comes first, sufficient staff as deemed appropriate by the UPA Board will maintain employment to take care of all necessary tasks and procedures required for a smooth closing of the school and student transfers.

8. The UPA Board shall adopt a plan for windup of the school and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.

9. In addition to a final audit, UPA will also submit any required year-end financial reports to the California Department of Education and SCCOE, in the form and time frame required.

10. As a nonprofit corporation, the UPA does not have any other functions than operation of the charter school; the corporation will determine whether it should be dissolved according to its bylaws.

a. The corporation's bylaws will address how assets are to be distributed at the closure of the corporation.

This Element 16 shall survive the revocation, expiration, termination, or cancellation of this charter or any other act or event that would end UPA's right to operate as a charter school or cause UPA to cease operation. UPA and SCCOE agree that, due to the nature of the property and activities that are the subject of this petition, the SCCOE and public shall suffer irreparable harm should charter school breach any obligation under this Element 16. The SCCOE, therefore, shall have the right to seek equitable relief to enforce any right arising under this Element 16 or any provision of this Element 16 or to prevent or cure any breach of any obligation undertaken, without in any way prejudicing any other legal remedy available to the SCCOE. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, restraining order, or order for specific performance, and may be sought in any appropriate court.

## VIII. IMPACT ON THE CHARTER AUTHORIZER

This section is intended to satisfy the requirement of *Education Code section 47605.6(h)* or other subsequent legislation that charter schools provide the charter authorizer an impact statement. This section provides information regarding the proposed operation and potential effects of UPA on the SCCOE. It is intended to assist the SCCOE in understanding how UPA may affect the SCCOE but it is not intended to govern the relationship of the school and SCCOE. Further details regarding the relationship between UPA and SCCOE will be detailed in an annual MOU between the charter school and the county superintendent of schools.

UPA agrees to permit the County Office of Education to inspect and receive copies of all records relating to the operation of the school, including financial, personnel, and pupil records. UPA shall promptly comply with all such reasonable written requests. The records of the School are public records under shall comply with the California Public Records Act.

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

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

The corporate bylaws of the Charter School shall provide for indemnification of the School's Board, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officer's insurance, and fidelity bonding to secure against financial risks. Insurance amounts are determined by recommendation of the Charter School's insurance company for schools of similar size, location, and student population. SCCOE shall be named an additional insured on the general liability insurance of the Charter School.

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

### **Facilities**

UPA has reached an agreement with Cathedral of Faith to rent facilities space from the church at 2315 Canoas Garden Ave., San Jose, CA 95125. Because of this facilities arrangement, the petitioners believe that the facilities impact on the SCCOE will be minimal.

The charter school has entered into a mutually binding, arms length rental agreement with the landlord for its right to use the facilities space. The agreement between the charter school and the landlord is memorialized in an annual rental contract, which sets forth the details of UPA's occupancy of the facilities, including such items as routine maintenance of the facilities, including janitorial, grounds keeping, minor maintenance, and utility costs.

### **Civil Liability**

The University Preparatory Academy is as a non-profit public benefit corporation. UPA intends to purchase liability, property, and errors and omissions insurance as outlined above to protect the school's assets, staff, governing board members, and, where appropriate, the county from unforeseen liability.

## **IX. GENERAL PROVISIONS**

### **Term of Charter**

The term of this charter shall be for five years beginning July 1, 2010, and expiring on June 30, 2015. UPA will comply with all processes and timelines set forth by the SCCOE for charter renewal.

SCCOE may revoke the charter of UPA in accordance with Education Code Section 47607.any successor provisions to section 47607, or other statutory provisions, if enacted after the date of the charter, regarding the revocation of charters.

### **Severability**

The terms of this charter are severable. If, for any reason, any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

### **Amendments**

This petition may be altered, amended, changed, or modified only by agreement in writing executed by UPA and SCCOE. Material revisions and amendments will be made pursuant to the standards, criteria, and timelines in California as described in Education Code Section 47607.

### **Force Majeure**

Neither party shall be liable if the performance of any part or all of this charter petition is prevented, delayed, hindered or otherwise made impracticable or impossible by reason of any strike, flood, riot, fire, explosion, earthquake, act of terror, act of God, sabotage, accident or any other casualty beyond either party's control, and which cannot be overcome by reasonable diligence and without unusual expense.

### **Notices**

All notices required or permitted by this petition shall be in writing and shall be either hand delivered, sent by facsimile, sent by US mail, postage prepaid, addresses as set forth on the signature page hereof. A notice shall be effective either when personally delivered, on the date set forth on the receipt of a facsimile, or upon the earlier of the date set forth on the receipt of registered or certified mail or on the fifth day after mailing.

To Executive Director, University Preparatory Academy Charter School  
2315 Canoas Garden Ave  
San Jose, CA 95125

To Charter School Director, Santa Clara County Office of Education:  
1290 Ridder Park Dr  
San Jose, CA 95131