LEADERSHIP PUBLIC SCHOOLS
SAN JOSE

CHARTER & SUPPLEMENTAL MATERIALS

(A Santa Clara County Board of Education Public Charter School)

Submitted to the Santa Clara County Office of Education for renewal on October 17, 2011

Charter approved by the Santa Clara County Office of Education on December 14, 2011 with SCCOE conditions submitted March 28, 2012

Previous charter approved by the Santa Clara County Office of Education for initial term on September 3, 2003 and renewal on December 2006
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LEADERSHIP PUBLIC SCHOOLS
SAN JOSE CHARTER
(A Santa Clara County Board of Education Public Charter School)

AFFIRMATIONS / ASSURANCES

Leadership Public Schools (“LPS”) hereby certifies that the information submitted in this application for a charter for Leadership Public Schools San Jose is true to the best of our knowledge and belief; LPS also certifies that this application does not constitute the conversion of a private school to the status of a public charter school; and further, we understand that if awarded a charter, LPS is committed to the following affirmations:

- LPS conducts all required pupil assessment tests pursuant to Education Code Section 60605 and other applicable law.
- LPS is nonsectarian in its programs, admission policies, employment practices, and all other operations.
- LPS does not charge tuition.
- LPS does not discriminate on the basis of race, ethnicity, national origin, gender, sexual orientation or disability.
- LPS admits all pupils who wish to attend the charter school, subject only to capacity, applicable law, and procedures outlined in the charter.
- The meetings of the Board of Directors of Leadership Public Schools, a non-profit public benefit corporation, are held in accordance with the Brown Act.
- LPS complies with the Individuals with Disabilities in Education Act (“IDEA”), Section 504 of the Rehabilitation Act (“Section 504”), and the Americans with Disabilities Act (“ADA”).
- LPS complies with the Public Records Act, the Federal Educational Privacy Rights Act (“FERPA”), and No Child Left Behind Act (“NCLB”).
- LPS shall continually strive for a healthy, collaborative, synergistic partnership with the District and Santa Clara County Office of Education.
- LPS has adopted the California State standards.
- LPS offers, at a minimum, the same number of minutes of instruction set forth in paragraph (3) of subdivision (a) of Education Code Section 46201 for the appropriate grade levels.
- LPS maintains written contemporaneous records that document all pupil attendance and make those records available for audit and inspection as set forth in Education Code Section 47612.5.
- LPS complies with all laws related to generating charter school apportionments for pupils over 19 years of age.
- LPS complies with all local, state and federal laws and regulations applicable to the operation of a charter school.

Dr. Louise Waters, CEO, Leadership Public Schools

October 14, 2011
Date
# Modifications to LPS San Jose Charter Petition

Throughout the entire document, numbers and particular specifics have been updated to comport with LPS San Jose’s current circumstances (e.g., enrollment, demographics, schedule, academic program, etc.)

## Overview of Modifications in Charter Renewal Documentation

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INTRODUCTION

Leadership Public Schools, Inc. (“LPS”) is a nonprofit public benefit corporation founded in 2002 by experienced educators and entrepreneurs.

LPS’ mission is to serve diverse and traditionally underserved students by building a network of outstanding small public high schools where we:

- Prepare our students to succeed in college and beyond,
- Develop effective student leaders, and
- Partner with school districts to strengthen both ourselves and other public schools.

In accordance with the California Charter Schools Act of 1992, as amended (“Charter Schools Act”), LPS hereby submits this petition to renew the charter school for grades 9-12 (“School” or “LPS”) for another renewal term of five years.

The Charter Schools Act states:
It is the intent of the Legislature … to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

a) Improve pupil learning;
b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low-achieving;
c) Encourage the use of different and innovative teaching methods;
d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system;
f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems;
g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.
California Education Code Section 47601(a-g)

Further, Education Code section 47605(b) states in pertinent part: “In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” LPS will make important contributions to the legislative goals outlined above. By granting this charter renewal petition, the charter authorizer will help fulfill the intent of the Charter Schools Act while providing students in the area with an additional quality educational option.

LPS Leadership

Leadership Public Schools was founded by a group of experienced charter developers, educators, administrators, Board of Directors and partners. LPS’ current CEO and Superintendent, Dr. Louise Waters, has over thirty-five years of successful experience in urban education as a teacher, principal, Associate Superintendent, university professor and researcher. Since April 2008 she has led the four Leadership Public Schools in the LPS Charter Management Organization. All members of the LPS Management Team have extensive experience in education within their specific areas of expertise.

LPS’ mission, program and team are designed to implement the legislative goals of the Charter Schools Act, including improving pupil learning (particularly for students identified as low-achieving), creating new professional opportunities for teachers, and providing expanded public school choice for parents and students.
CHARTER ELEMENTS

The Charter Schools Act provides that a petition must contain reasonably comprehensive descriptions of the elements described in California Education Code Sections 47605(b)(5)(A-P). These sections of the law and the required descriptions are provided below.

ELEMENT A: EDUCATIONAL PROGRAM

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

California Education Code Section 47605(b)(5)(A).

Population To Be Served by the School

LPS aims to serve diverse and traditionally underserved students, with the objective of graduating students who are self-motivated, competent, and lifelong learners, roughly reflecting the racial and ethnic socio-economic background of schools within the Santa Clara County Office of Education (“SCCOE”) and City of San Jose.

“Traditionally underserved students” is defined by the LPS Board as low-income students who are eligible for the National School Lunch Program, traditionally underserved students of color, or students who are the first generation to attend college in their families.

Our program is also designed to serve English Language Learners and students with Special Education needs. We passionately believe that all students can excel academically despite the daunting challenges many face. Our program identifies and builds on the assets of our students, their parents, and their local communities, rather than any perceived deficits.

The means to achieve this diversity and a student population that roughly reflects the diversity of the district is described in more detail in Elements G and H below.
21st Century Educated Person

Leadership Public Schools has adopted 21st Century student outcomes framed by our motto: Learn, Lead Succeed. These outcomes are:
LEAD

PERSONAL EMPOWERMENT
- Articulates a personal vision for college and beyond
- Self aware
- Conscious of personal health and fitness
- Resilient
- Self advocate, seeks out resources to solve problems

ACCOUNTABILITY & RESPONSIBILITY
- Independent worker
- Accountable to self and others
- Effective group member
- Responsible to larger community

COMMUNITY
- Committed to the school community
- Globally aware
- Able to guide and positively influence others

SUCCEED

COLLABORATION
- Facilitator
- Goal setter and task manager
- Cross-cultural collaborator
- Conflict resolver
- Active listener and respectful communicator

COMMUNICATION
- Effective verbal, nonverbal and written communicator
- Code-switcher, matching language to setting
- Effective information manager
- Effective technology user

COLLEGE KNOWLEDGE
- Aware of college and financial aid options and requirements
- Identifies college transition supports
- Effective study & time manager
**Graduation Requirements**

LPS’ current graduation requirements are designed to ensure that students meet these 21st Century student outcomes, and meet or exceed the University of California “A-G” admissions course requirements. This list of graduation requirements should not be confused with course offerings. The School offers more courses than those required for graduation. The School may also require students to demonstrate their performance through portfolios and exhibitions. Students may fulfill course requirements through coursework at the School or through an accredited and LPS-approved coursework online program (e.g., University of California Online Program) or at a local community college. Subject to further revision and improvement, they include:

<table>
<thead>
<tr>
<th>UC Group</th>
<th>Subject Area</th>
<th>State</th>
<th>UC/CSU</th>
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<tbody>
<tr>
<td>a</td>
<td>English</td>
<td>3</td>
<td>4</td>
<td>4</td>
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<tr>
<td>b</td>
<td>Mathematics</td>
<td>2</td>
<td>3 \11</td>
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<td>c</td>
<td>History/Social Science</td>
<td>3</td>
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<td>d</td>
<td>Laboratory Science</td>
<td>2</td>
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<tr>
<td>e</td>
<td>Language other than English</td>
<td>1*</td>
<td>2 \4</td>
<td>2</td>
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<tr>
<td>f</td>
<td>Visual and Performing Arts</td>
<td>1*</td>
<td>1 \5</td>
<td>1</td>
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<td>g</td>
<td>Electives</td>
<td>1</td>
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<tr>
<td></td>
<td>Physical Education</td>
<td>7</td>
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<td></td>
<td>Leadership</td>
<td>8</td>
<td></td>
<td>4</td>
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<tr>
<td></td>
<td>Additional Courses</td>
<td>9</td>
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<td>4</td>
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<td></td>
<td>Totals</td>
<td>14</td>
<td>15</td>
<td>24</td>
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*One year language other than English or one year visual and performing arts
\1-Includes elementary and advanced algebra and 2- and 3-dimensional geometry.
\2-State: One year history, cultures, geography and one year U.S history and one semester government and civics and one semester economics; UC: one year history, cultures, geography and one year U.S history or ½ U.S. history & ½ civics/government; CSU: one year US history and one additional year of social science.
\3-UC: Provide fundamental knowledge in at least two of the following three disciplines: biology, chemistry, physics; CSU: One life science and one physicals science.
\4-Two years in the same language.
\5-One year in one of the following four disciplines: dance, drama/theater, music, visual art.
**How Learning Best Occurs**

In order to achieve the student outcomes detailed above, LPS has developed an educational approach that includes: 1) a **College Ready Curriculum** where not only do all students take a UC/CSU A-G course sequence, but all courses are designed to allow them to reach our goals for success in college and beyond; 2) **Supports to Become College Ready** that allow us to bridge the two parts of our mission – serving students who enter high school significantly below grade level while at the same time preparing them to be successful in college; and 3) a **College Ready Culture** where students learn the habits of mind, develop the confidence and attitudes, and become empowered to succeed in college and return to their communities as leaders.

**The LPS Common Spine**

To give teachers the needed resources to provide students with a college-ready curriculum and supports, we have collaboratively developed the LPS Common Spine. Much like the role of the spine in the human body, the LPS Common Spine provides the structure for Leadership Public Schools’ instructional program. Like the spine, while providing stability and structure, it is flexible and is but one element of the whole. The Common Spine includes:

**Curriculum Content**
- **Scope and Sequence**: the agreed-upon standards, topics and instructional pace for each course – tightly defined in some cases (math) and more loosely in others (English).
- **Core Content Resources**: the online textbooks and other key pieces of shared content that define the “meat” of the course.
- **Applied Learning**: the activities that extend learning and develop both critical thinking and college-readiness skills – science labs, projects, Socratic Seminars, debates, etc.

**Assessment**
- **CST / Standards-Aligned Interim Assessments**: Three interim (benchmark) assessments and a practice exam aligned to the CST, AP, SAT or other appropriate external summative exam.
- **Critical-Thinking Measures**: Writing portfolios, lab write-ups, essay exams using primary-source documents and other assessments built in conjunction with the California State University.
- **Formative Assessments**: Unit tests, quizzes for ExitTicket.org, rubrics, etc. to be scored and used by teachers within their own classes.

**Access Supports**
- **Literacy Scaffolds**: embedded reading comprehension, vocabulary and writing supports, as seen in the College Access Readers, the online textbooks LPS has developed in conjunction with the CK-12 Foundation.
- **Numeracy Scaffolds**: online differentiated numeracy supports as in FlexMath.
- **Spanish Translations and Text-to-Speech**: resources for Special Education students and recent immigrants (assessments and assignments given in English).
• **Multi-media:** simulations, Khan Academy-style videos and other multi-media to improve comprehension.

All Common Spine resources are digital and stored online. Almost all are open-source, free, and editable, and they are continually improved through the re-integration of classroom practices that have shown results.

**The Role of Technology**

Over the next five years Leadership Public Schools is moving toward a blended learning / blended teaching model that leverages technology to support our instructional program and move students to achieve our 21st Century student outcomes. This model includes:

• **A blended-learning environment** where students use technology for remediation, differentiated practice, acceleration, increased course choice and pace, and support to access core content.

• **A blended-learning environment** that allows students to track concept mastery with just-in-time data while using a wide range of data to take charge of their paths to college and beyond.

• **A blended-learning environment** that provides college-ready technology communication skills (tech and information literacy) and career-oriented technology production skills (web design, app development, eCommerce).

• **A blended-teaching environment** that ensures strong results with the full range of teachers, from new to experienced.

• **A blended-teaching environment** that provides consistency across time and classrooms.

• **A blended-teaching environment** that supports teacher innovation and creativity built around high-quality, common curricula and assessments.

• **A blended-teaching and learning environment** that leverages open-source resources in order to minimize cost and maximize flexibility.

• **A blended-teaching and learning environment** that can be used with limited technology resources and skills but that increases in power and sophistication as those resources increase.

**Plan For English Language Learners**

The LPS EL program supports students on three levels: *access to and support for the core, strategic support, and intensive intervention.*

An important component of our mission is to create access to core content for all students. To that end, we have developed our own curricular resources in close collaboration with the CK-12 Foundation, which offers SBE-approved, open-source textbooks in Math and Science. Our materials are called “College Access Readers.” The Readers are differentiated, modifiable, flexible, provided in English and in Spanish, and compatible with the text-to-speech software we implemented for further support. As of this writing, we have completed Readers in Algebra 1, Geometry, and Biology; during the 2011 – 2012 year, we will develop Readers in Algebra 2, Environmental Science, Chemistry, and Physics.
These curricular resources have been developed through a process of intense and sustained collaboration among teachers from all school sites. Training teachers how to use these resources has served as embedded professional development, which is reinforced by the ongoing literacy-focused professional development teachers receive at both the site and network levels.

Beyond support and access to the core, LPS San Jose also provides strategic support, including an after-school and vacation intervention program, as well as the use of the online DynEd targeted ELD program in the Academic Leadership class.

Our intensive intervention focuses on reading intervention and English language support. The Read180 California program (including the language-centered “L Book” and System 44) comprises the comprehensive curriculum of our Reading course. “First English,” the DynEd level for CELDT 1 and 2 English Learners is also used in the Reading course and in after-school intervention. Supplemental materials on this subject are also included in Appendix B.
Special Education, Section 504, and Americans With Disabilities Act

General

LPS does not discriminate on the basis of disability or special needs of any kind. LPS complies with the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”), Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”), and all other state and federal laws governing special needs students. As described above, the School shall utilize its Student Study Team process to guide referrals of students for evaluation under Section 504 or the IDEA.

Special Education Services for Students under IDEA

As allowed by law, LPS at its option may elect to participate and function as a public school of the District or County for purposes of special education, pursuant to Education Code Section 47641, LPS as its own LEA, has partnered with the El Dorado County SELPA, LPS, in partnership with the El Dorado County SELPA, bears full responsibility for meeting the needs of special education students, working cooperatively with the SELPA to which it belongs, and providing services through a combination of internal staff, third-party service providers, or other arrangements. As the LEA for special education purposes, all special education funding attributable to LPS’ students will flow directly to LPS pursuant to the SELPA’s budget allocation plan, and LPS will not pay a portion of the charter authorizer’s special education encroachment to ensure that the needs of all students with disabilities are met.

Pursuant to Education Code Section 47641(a) and 56207, LPS also retains the right to apply to a SELPA to become an independent Local Educational Agency (“LEA”) for special education purposes, or to participate in charter school consortia, Joint Power Authorities (“JPA’s”), SELPA’s or sub-SELPA’s created to serve special education students, as long as such arrangements meet all state and federal legal requirements pertaining to special education. In this case, LPS shall, in partnership with the relevant SELPA(s) and LEA(s) bear full responsibility for meeting the needs of special education students, working cooperatively with the SELPA to which it belongs, and providing services through a combination of internal staff, third-party service providers, or other arrangements. If LPS elects this option and is designated as an LEA for special education purposes, all special education funding attributable to LPS’ students will flow directly to LPS pursuant to the SELPA’s budget allocation plan, and LPS will not pay a portion of the charter authorizer’s special education encroachment.

Under either of the two options mentioned above, LPS will seek to maintain open communications with the SELPA and/or charter authorizer to ensure that students with exceptional needs are identified and that their needs are evaluated and served in compliance with all applicable laws. Additionally, LPS will notify in writing, the district of residence and the Authorizer when a Special Education student enrolls, becomes eligible, ineligible and/or leaves LPS. When a student with an IEP enrolls in or transfers out of LPS, the Special Education staff of LPS will email and/or write the sending or receiving district to assist the student in the transition from school to school.
Section 504 and Americans with Disabilities Act ("ADA")

LPS shall be solely responsible for compliance with Section 504.

LPS will adopt a policy which outlines the requirements for identifying and serving students with a 504 accommodation plan. LPS recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the School. Any student who has an objectively identified disability which substantially limits a major life activity such as learning is eligible for accommodation by the School.

A 504 team will be assembled by the Principal or other designee and shall include qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options and the legal requirements for least restrictive environment. The 504 team will review the student’s existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team will consider the following information in its evaluation:

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

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

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

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

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the
The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the regular program of the School along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability. All 504 team participants, parents, and guardians, teachers and any other participants in the student’s education, including substitutes and tutors, must have a copy of each student’s 504 Plan. A copy of the 504 Plan shall be maintained in the student’s file. Each student’s 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, continued eligibility or readiness to discontinue the 504 Plan.

The School will operate its program in compliance with the Americans with Disabilities Act (“ADA”). With respect to facilities, the East Side Union High School District may be responsible for compliance with ADA under applicable law if the School occupies a facility owned by the school district (e.g., under Proposition 39), and such responsibility is generally outlined in an MOU or facilities use agreement between LPS and the East Side Union High School District.

Transfer of Courses / College Entrance Requirements

Governing Law: If the proposed school will serve high school pupils, a description of how the Charter School will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the Charter School that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.

California Education Code Section 47605(b)(5)(A)(ii).

Parents will be notified of the acceptability of credit for transferring into or out of the School.

Parent Notification Regarding Course Eligibility for College

- As discussed in Element A, the School’s graduation requirements are based on the University of California “A-G” requirements. LPS’ courses either have received approval or will be submitted for approval by the University of California. The parents and students at the School will be notified periodically via the LPS website, school materials and/or mailed letters of both the prospective course eligibility for the University of California and the courses as they are approved.
Parent Notification Regarding Credit Transferability

- Students seeking to transfer into the School will be notified in person or via email or a mailed letter of the prospective credit transferability. LPS proposes the following initial plan for credit transferability for students transferring to the School:

<table>
<thead>
<tr>
<th>Course at Former School</th>
<th>Credit Granted at LPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A grade of C or higher in UC approved course at other school.</td>
<td>Full credit at the School.</td>
</tr>
<tr>
<td>A grade of C or higher in non-UC approved course at other school.</td>
<td>Full course credit upon LPS’ review of the course description and determination that the course is comparable with the School’s courses.</td>
</tr>
<tr>
<td>A grade of D+ or lower in any course at other school.</td>
<td>No course credit unless LPS determines the work performed meets the minimum proficiency and content requirements of LPS’ courses.</td>
</tr>
</tbody>
</table>

It is important to note that even if courses from other schools are given full course credit at LPS, students must still meet the School’s graduation requirements even if these are higher than the previous school. Students can apply for waivers from LPS on a case by case basis.

It is expected that the local schools will give full course credit to University of California approved courses and will give due consideration to elective courses and other courses that are offered at the School but are not part of the School’s graduation requirements or approved by the University of California. Parents will be notified of these matters via parent meetings, letters or emails.

**ELEMENT B: MEASURABLE PUPIL OUTCOMES**

_Governing Law:_ The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

California Education Code 47605(b)(5)(B).

LPS and the charter authorizer agree to measure the success by the following pupil outcomes:

1. A positive ranking on the California Academic Performance Similar Schools Index

   _Benchmark:_ At least 6 or higher on the California Academic Performance Similar Schools Index
2. A high student attendance rate using the School District high school rankings as a norm.

   Benchmark: At least 93% attendance at the School.

3. Continuous individual student growth on value-add measures

   Benchmark: Individual student growth of one CST level per year in English and / or on other accepted growth measures.

All students will be assessed in these areas, including special education students, English language learners and students who are underperforming. Special education students will receive all legally required accommodations and those required in their Individual Education Plans (“IEPs”), described in detail under Element A (above).

In addition, LPS shall comply with all applicable federal and state assessment and accountability laws. This shall include but not be limited to NCLB.

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**ELEMENT C: ASSESSMENT OF MEASURABLE PUPIL OUTCOMES**

_Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured._

California Education Code 47605(b)(5)(C).

The Measurable Pupil Outcomes listed in Element B will be measured in the following ways:

<table>
<thead>
<tr>
<th>Pupil Outcome Goals</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A high ranking on the California Academic Performance Index Similar</td>
<td>Compare the School’s California Academic Performance Index Similar School’s rank to the School</td>
</tr>
<tr>
<td>Schools Rank</td>
<td>District high schools.</td>
</tr>
<tr>
<td></td>
<td>Benchmark: 6 out of 10</td>
</tr>
<tr>
<td>2. A high attendance rate using the School District high schools as a</td>
<td>Compare the School’s annual attendance rate to School District’s high school attendance rate.</td>
</tr>
<tr>
<td>norm.</td>
<td>Benchmark: 93% attendance at the School.</td>
</tr>
<tr>
<td>3. Continuous individual student growth on value-add measures</td>
<td>Individual student growth of one CST level per year in English and / or other accepted growth</td>
</tr>
<tr>
<td></td>
<td>measures.</td>
</tr>
<tr>
<td></td>
<td>Benchmark: Each student below proficient on the CST ELA will move one level per year in English</td>
</tr>
<tr>
<td></td>
<td>and / or show one year of growth on an accepted growth measure such as the NWEA Measures of</td>
</tr>
<tr>
<td></td>
<td>Academic Progress (MAP).</td>
</tr>
</tbody>
</table>
ELEMENT D: LEGAL ISSUES, GOVERNANCE & PARENTAL INVOLVEMENT

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

California Education Code 47605(b)(5)(D).

Legal

LPS is a duly constituted California nonprofit public benefit corporation formed and organized in accordance with the California Nonprofit Public Benefit Corporations Law. As allowed by law, LPS will hold the charter and operate the School as it does other charter schools. The LPS Board of Directors holds ultimate authority for the School operations and will be responsible for any potential liability of the School. LPS is the School and there is no separate organizational entity operating or constituting the School. For example, all school employees are employees of LPS as one organization. Notwithstanding this one organizational structure, LPS will continue its nonprofit corporate existence even if this charter is revoked.

A copy of LPS’ Articles of Incorporation, Bylaws and IRS 501(c)(3) Determination Letter are included in the supplemental materials previously submitted to the board with the initial charter petition and have not been changed or modified.

LPS shall operate autonomously from the charter authorizer, with the exception of the supervisory oversight as required by statute. Depending on the charter authorizer and SELPA status of the school, LPS may also operate autonomously in regards to special education services as allowed by statute. Pursuant to the Education Code Section 47604(c), the charter authorizer shall not be liable for the debts and obligations of the School operated as a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the School as long as the charter authorizer has complied with all oversight responsibilities required by law.

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

LPS will comply with all applicable federal, state and local laws, including the applicable sections of the Ralph M. Brown Act, the Political Reform Act, and the California Public Records Act.

LPS will retain its own legal counsel when necessary. It will purchase and maintain as necessary appropriate levels of general liability and other insurance, and name the charter authorizer as an additional insured. LPS is currently insured by ASCIP (The Alliance of Schools for Cooperative Insurance Programs), which insures many school districts in California.
LPS shall be responsible for implementing the Charter Schools Act and any other applicable
laws in a good faith manner, and to cooperatively pursue any necessary waivers or approvals
(e.g., any California State Board of Education requirements or the School’s grant applications
needing a Local Educational Agency signature) necessary to implement the charter or seeking
appropriate funding.

**Governance**

The School will be governed by a Board of Directors (“LPS Board of Directors” or “LPS Board
of Trustees”) whose members have a legal fiduciary responsibility for the well-being of the
organization and the School.

This Board of Directors is composed of a broad cross-section of professionals with the skills
necessary to appropriately oversee the operation of the organization. These members have,
among other things, experience in education, business, technology, facilities, leadership
development and organizational development. Biographies of the LPS Board Members are
included in the supplemental materials submitted in Appendix I.

Current Board members include Josefina Alvarado-Mena (CEO, Safe Passages), Adam Cioth
(Managing Partner, rolling hills Capital), Larry Cuban (Professor of Education, Stanford
University), Sandy Dean Partner (Sansome Partners), Marsha Dugan (Active in Community
Affairs), D’Lonra Ellis, Esq. (Gap), Karen Eulloqui (student, LPS San Jose), Mutiu Fagbayi
(Pres, CEO Performance Fact), Karena Gray (parent LPS College Park), Heather Hiles (CEO,
Pathbrite and LPS Board Secretary), Mark Kushner (VP, K12 Inc.), JR Matthews (Managing
Director, Tregaron Capital and LPS Board Chair), Stu McLaughlin (Partner, Sansome Partners
and LPS Board Treasurer), Ana Olazava-Broadbent (LPS San Jose Counselor), Jack Selby (Co-
founder, Clarium Capital Management, Inc.), Nicole Sheehan (Active in Community Affairs),
Alex Terman (Founder & CEO, Digital Parent and LPS Board Vice Chair), Ricardo Toyloy
(Citibank), and Louise Waters (Superintendent & CEO, Leadership Public Schools and LPS
Board President). LPS Bylaws provide for a teacher member, parent member, and student
member on the Board of Directors.

The Board will allow for the appointment of a director by its Authorizer pursuant to Education
Code Section 47604(b). The Charter School’s board of directors shall seat the appointed director
upon written notification from the Superintendent of such an appointee. Any such appointed
director shall have all the rights and privileges of any regular member of the board of directors
and shall be subject to all the same terms and conditions of office.

The method of Board election, terms and replacement are all addressed in detail in the LPS
Board of Directors Bylaws. Director terms are three years and are staggered. Vacancies are
filled by a nominating committee, and approval requires a majority vote by the Board of
Directors as required under the law. LPS agrees to provide copies of any changes to the Bylaws
to the charter authorizer.
As further outlined in the Board’s bylaws, the Board of Directors is responsible for:

- Upholding the mission of the LPS,
- The general policies of the LPS,
- Approving and monitoring of the School’s annual budget,
- Receipt of funds for the operation of the School in accordance with the charter school laws,
- Solicitation and receipt of grants and donations consistent with the mission of the LPS,
- Overseeing the sound operation of a hiring system,
- Approving LPS’ personnel policies and monitoring the implementation of these policies by the CEO, Principal or other designee, and
- Any other responsibilities provided for in the California Corporations Code, the Articles of Incorporation, Bylaws or this charter necessary to ensure the proper operation of the School.

The LPS Board of Directors may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established. The Board of Directors may execute any powers delegated to it by law, and shall discharge any duty imposed by law upon it and may delegate to an employee of the School any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

**Responsibility of LPS Management**

To the extent allowable by law, the Board of Directors may delegate the implementation of its duties to the employees of the organization or other responsible parties.

At the current time, consistent with best practice, the LPS Board of Directors oversees operations but delegates day-to-day authority to the Chief Executive Officer of LPS, who is responsible for the day-to-day operations but may delegate certain responsibilities to other staff, including the Chief Financial Officer, the Vice President for Human Resources, the Director of Operations, their staff, other administrators, and to the Principal at the School.

The Principal may delegate his or her responsibilities further to other school site staff such as the Dean, counselors, office manager, academic department chairs and/or teachers. Within the context of the LPS Board policies as outlined in the LPS Operations Guide, current school responsibilities include hiring, instructional plan and supervision, student discipline up to suspension, and discretionary budget management.

The Principal is the senior authority at the school site but the final management authority resides with the Chief Executive Officer and the ultimate overall organizational authority resides in the LPS Board of Directors, as indicated above. This is separate from the oversight responsibilities of the charter authorizer under the Charter Schools Act.

**Parental Involvement in Governance and Operation of School**

Parents are included in the governance and operation of the school by the creation of an active Parent/Guardian Association (PGA), parent membership on the School Site Council (“SSC”) and
representation on the LPS Board of Directors. Communications include website updates, Parent/Guardian Newsletters, monthly Parent/Guardian Association meetings, parent-teacher conferences, volunteer opportunities, fundraising, and school surveys, among other things.

All LPS parents are automatically members of the PGA. The PGA will serve as a means for parents to support the School and the education of their children, learn more about School activities and needs, and be more involved with the governance and operations of the school by serving as a forum for voicing their concerns and suggestions about both day to day operations and overall policy. Translators are provided when needed. The PGA is also encouraged to utilize the Parent Representative on the LPS Board of Directors for involvement in broader School policy issues.

In addition, parents are also involved with the governance and operation of the School via a School Site Council (“SSC”), in compliance with regulations for Title I and other federal funding. The SSC is comprised of representatives of all School constituencies, including parents, students, teachers and administrators. The SSC will participate in reviewing and proposing school and LPS policies, soliciting the views of all their respective constituencies, sharing in the efforts to improve the school and engaging the support of the community. The SSC is valuable governance advisory body for the Principal. Except for those responsibilities legally delegated or, as mentioned above, all formal and legal governance responsibility for LPS resides with the LPS Board of Directors.

LPS is committed to working with parents to address parent concerns. Parents will be encouraged to share their ideas and concerns with LPS throughout the school year, both directly and via the PGA, SSC and Parent Representative on the LPS Board of Directors.

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**ELEMENT E: EMPLOYEE QUALIFICATIONS**

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

California Education Code 47605(b)(5)(E).

LPS recruits professional, effective and qualified personnel to serve in administrative, instructional support and non-instructional support capacities. All of the School's employees play a key role in creating a positive school culture and effective learning environment which empowers students academically.

LPS requires fingerprint background clearance and TB clearance on all employees, and all teachers and staff will meet the legal requirements for employment, including applicable credentialing requirements.
**Administrator and Support Staff Qualifications**

Administrators at the School may include a Principal, Academic Dean or Assistant Principal, Dean of Student Life, Counselor and/or College Counselor, full or part-time Technology Coordinator, and a School Office Manager.

The Principal is the instructional leader, key person at the School responsible for supervising the teachers and non-instructional staff at the school and is responsible for guiding the School student achievement outcomes as outlined in the Educational Program.

The current required qualifications for a LPS Principal include proven effectiveness in the following areas of the LPS vision:

**College Ready Curriculum**
- A-G curriculum = all students graduate course-eligible for UC / CSU
- LPS exit proficiency = CSU criteria for placement without remediation
- Personalization = Advisory pairing teachers and students for four years.
- College Access Resources = rigorous content and literacy simultaneously

**College Ready Supports**
- Personalization = small classes and on-going progress monitoring through four-year Advisory
- Academic Reading, Writing, Research and Study Skills = embedded in all courses
- Intensive freshman induction year
- Targeted Afterschool Interventions
- Personalized Pathways to College program = diagnostic data and computer assisted support

**College Ready Culture**
- Personalization = close student-teacher relations and tailored academic programs
- School culture = clubs, activities, athletics and community celebrations
- LPS Signature Experiences = Freshman Leadership Retreat, College Tours, plus a yearly Week Without Walls

**Additional qualifications currently include:**
- 2 years of successful educational administrative experience, preferably as a principal or vice principal of an urban high school
- 3 or more years of successful experience teaching in an urban district
- A commitment to access and to rigorous learning for all students
- A sense of urgency in addressing the needs of our students.
- Experience with engaging and motivating urban youth
- Expertise as an instructional leader; knowledge of instructional strategies that accelerate the achievement of underperforming students, English learners and special education students
- Experience with change management and data-based reflective practice
- Experience managing a budget, facilities, schedules and other operational tasks
• Ability to communicate effectively orally and in writing
• Ability to speak Spanish in schools with predominantly Latino/a populations
• Success in leading a cohesive team with a strong cultural perspective
• Comfortable with a charter environment of flexible roles

**Teacher Qualifications (Including California Credentialing and NCLB Compliance)**

LPS hires the finest teachers available who are committed to our mission.

The most important qualifications for LPS teachers are:

• Academic expertise & enthusiasm for content area (English, Math, Science, Spanish, Art, etc.)
• Record of effective teaching and high achievement in the classroom
• Experience using assessment data to refine curriculum and inform instruction
• A passion for teaching that provides vital energy to improve the minds and lives of students
• Evidence of professional reflection and collaborative work
• Experience in urban schools
• Experience teaching with varied instructional strategies
• Appropriate CA teaching credential with EL authorization
• A commitment to both excellence and equity
• Ability to work under pressure and adapt easily
• Willingness to contribute to student activities, instructional office hours, and school committee
• Comfortable with a charter environment including flexible roles

LPS shall comply with California Education Code Section 47605(l), which states in pertinent part:

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

LPS San Jose does not offer any non-core, non-college prep course offerings during the instructional school day and therefore does not have any teacher hiring qualifications for such offerings.

**Professional Development**

LPS attracts and retains talented teachers by sharing an exciting vision commitment to excellence and creating a professional environment where staff can learn and grow along with their students. To that end, LPS invests heavily in professional development for our staff.
Our talented staff are committed to continuing their own learning and refining their practice to stay current in the field ensuring a quality education for all. LPS has weekly collaboration and school site professional development in addition to up to ten professional development days each year. These may include:

- 6 days of summer training to become fluent with our culture and program.
- 4 days of staff development interspersed throughout the academic year.

Professional development and collaboration occurs on a weekly basis at the site level, virtually, and in person across the four schools of the Leadership Public Schools network. There are also weekly meetings focusing on teaching and learning, and time set aside for teacher collaboration on a weekly basis. Professional development includes cycles of inquiry analyzing the various types of assessment data as well as professional learning communities that continually refine and improve the implementation of the Common Spine.

**ELEMENT F: HEALTH & SAFETY PROCEDURES**

_Governing Law:_ The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

California Education Code 47605(b)(5)(F).

The School complies with all provisions and procedures of Education Code 44237 regarding Fingerprints and Criminal Records Summary. Each new employee having contact with minor students and not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary.

As 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 will maintain records of legally required tests and immunizations of students and/or staff.

LPS San Jose will adhere to Education Code Section 49423 regarding the administration of medication in the school. Parents are to notify the school if their child is on continuing medication. This notification shall include the completed LPS San Jose Medicine Distribution Consent form. Forms for administering medication may be obtained from the school manager. This form must be renewed annually or whenever the prescription changes.

Leadership is committed to providing a safe school environment and has provided the County Board with a draft School Safety Plan that addresses earthquakes, fire, floods, shootings, and electricity loss. The School maintains 3 days of emergency food and water supplies on campus as well as an emergency lock down kit for each classroom.
The School will develop and use further health, safety and risk management guidelines in consultation with its insurance carriers and risk management experts as well as the County Board. In addition, the School will comply with all building codes, including the Americans with Disabilities Act (ADA).

**ELEMENT G: MEANS TO ACHIEVE RACIAL & ETHNIC BALANCE OF DISTRICT**

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

California Education Code 47605(b)(5)(G).

Consistent with the intent of the charter law, LPS will strive to ensure that the student population at the school roughly represents the population of East San Jose with outreach and monitoring efforts that may include, among other things:

- A multi-part enrollment process and lottery as described below,
- Access to School District middle schools to make presentations and provide orientation material to the same extent as other district high schools,
- Outreach through presentations at community organizations, independent schools, faith-based organizations, and local youth organizations,
- Collaboration with community-based organizations to support outreach efforts,
- Use of brochures, newsletters, TV/Radio public service announcements, print and non-print media for outreach communications, and
- Distribution of materials in languages in English and Spanish, and other frequently spoken languages.

LPS has extensive experience successfully reaching the students desired in multiple other charter schools.

**ELEMENT H: ENROLLMENT REQUIREMENTS**

*Governing Law:* Admission requirements, if applicable.

California Education Code 47605(b)(5)(H).

The following admission requirements are intended to create informed applicants who want to attend the School and are committed to the School program: (1) attendance at an enrollment
information session or participation in a home visit by LPS staff; (2) completing a written application.

LPS is committed to maintaining a diverse student body. To attain our vision of a racially and economically diverse student population, including traditionally underserved students, English Learners and Special Education students, we use a multiple targeted recruitment and outreach strategies designed to reach out to underserved.

First, as indicated in Element G above and in the updated Enrollment Plan included in Appendix C, we will exert considerable effort recruiting students from middle schools and community student programs serving low-income students.

Admission shall be open to any California resident who wishes to attend the School, including Special Education students and English language learners. If the number of students interested in attending the School exceeds the School’s capacity, enrollment for those grade levels shall be determined by a public random drawing (“lottery”) as required by law.

Preferences in the lottery shall be given in the following order:

1. Siblings of enrolled students (not applicable the first year).
2. Children of LPS staff.
4. Students who reside within Santa Clara County, but outside of the East Side Union High School District.

A waiting list of applicants at each grade level shall be maintained to fill vacancies that occur during the school year. LPS may also add enrollment preferences specifically required by charter school facility subsidy programs such as SB 740 and state bond programs (e.g., preferences for specific attendance areas).

As indicated previously, the School will be nonsectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any student on the basis of race, ethnicity, national origin, gender or disability.

Subject to further refinement and adjustment, the timeline for student enrollment applications shall be:

**October through February**
- Extensive student outreach as provided in outreach plan included in supplementary information.

**March**
- Deadline for student applications.
- Student enrollment determined (per public random drawing if more students apply than school capacity at any grade level).
− Wait list created in the order drawn in lottery.
− Students notified of enrollment/wait list status.

April through August
− Students accept/reject enrollment.
− Additional lotteries conducted as needed if waiting list is exhausted.
− Incoming Class is finalized.
− Orientation Letters sent regarding Leadership Retreat dates and School policies.
− Summer Bridge program for entering freshmen.
− Welcoming letter sent to families introducing Advisor and details regarding LPS retreats.
− Pre-opening Parent Association get-together.
− School Opening.

ELEMENT I: AUDIT, FISCAL ISSUES & MEMORANDUM OF UNDERSTANDING

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

California Education Code 47605(b)(5)(I).

Annual Audit

An annual independent financial audit will be conducted by a certified public accountant with education finance experience, and will use generally accepted accounting principles. The Treasurer and/or Chief Financial Officer of LPS will be responsible for contracting and overseeing the independent audit, and LPS will provide the audit report to the charter authorizer, State Controller, the County Office of Education, the State Superintendent of Public Instruction, the California Department of Education, and the California State Board of Education by December 15 of the following school year. LPS’ Treasurer, Chief Financial Officer or other designee will resolve audit exceptions and deficiencies to the satisfaction of the Charter Authorizer in a timely fashion, with the goal of resolving any audit issues within three months of the auditor’s final report or as otherwise agreed upon by the charter authorizer and Charter School. Disputes regarding the resolution of audit exceptions and deficiencies shall be resolved in accordance with the dispute resolution provisions discussed below.

Fiscal Issues

LPS will develop and the LPS Board of Directors will approve balanced budgets prior to each fiscal year. Annual budgets will contain reserves and will be submitted to the charter authorizer, County Office of Education, and any other entities as required by law.
LPS may receive funding in accordance with Education Code, Charter Schools Act and other appropriate laws, and will opt to receive funding directly from the State. These funds may include, but are not limited to, general purpose block grant, in lieu of economic impact aid; the California State Lottery; categorical block and non-block grants; charter school funding from the California Department of Education, the federal government or other sources; and any other available or mutually agreeable sources of funding for programs. LPS expects that any funds received by the charter authorizer and due to the school will be forwarded to LPS in a timely fashion.

**Financial Reporting**

The Charter School shall provide reports to the County Office of Education as follows, and may provide additional fiscal reports as requested by the County Office of Education:

1. By July 1, a preliminary budget for the current fiscal year.

2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on or before December 15, a copy of the Charter School’s annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.

3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

4. By September 15, a final unaudited report for the full prior year. The report submitted to the County Office of Education shall include an annual statement of all the Charter School’s receipts and expenditures for the preceding fiscal year.

**Memorandum of Understanding**

LPS agrees to negotiate in good faith to develop a Memorandum of Understanding that establishes the specific financial and service relationship between the parties. LPS hopes that this Memorandum of Understanding will accomplish the following, among other things:

- Address funds transfer and fiscal oversight procedures,
- Transfer of course credits for the School’s classes,
- Address enrollment outreach efforts (e.g., access to middle schools),
- Indicate the charter authorizer services, if any, and opportunities that will require a fee, and
- Enable the efficient and fair resolution of disagreements or disputes between LPS and the charter authorizer.

As required by law, LPS anticipates that the charter authorizer will provide and/or perform the supervisory oversight tasks and duties specified and/or necessitated for the implementation of this charter for a fee representing documented actual costs that will not exceed one percent of the general purpose block grant and categorical block grant funds of LPS San Jose, unless the charter
authorizer provides a substantially rent-free facility. In that case, under the Charter School Act, the charter authorizer can charge up to three percent of the general purpose block grant and categorical block grant funds representing documented actual costs of supervisory oversight.

**ELEMENT J: PUPIL SUSPENSION AND EXPULSION**

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

California Education Code 47605(b)(5)(J).

The procedures for suspension and expulsion will include appropriate due process, will be specific and clear and will be compliant with state and federal laws governing discipline of special needs students. The bottom-line purpose of the suspension and expulsion procedures will be to ensure a safe and effective learning environment while supporting the educational and behavioral needs of the disciplined student to the degree possible. Informed by district processes and best practice, specific suspension and expulsion procedures will be revised from time to time.

The current suspension and expulsion procedures, subject to LPS Board approval and revision in the future to ensure policies are up-to-date with current law and as necessary based upon the School’s practical needs, was included in the supplemental materials previously submitted. In the case of the recommendation for suspension and/or expulsion of a student identified under the Individuals with Disabilities Education Improvement Act or for whom there is a basis of knowledge by the LPS of qualification under the same, LPS will conduct a manifestation determination prior to taking any disciplinary action.

While under Expulsion from LPS, a student may not enroll in another California school district without the permission of the district of residence or the receiving district. However, students who are involuntarily transferred or expelled from LPS shall be responsible for seeking alternative enrollment within their district of residence. Pursuant to Education Code 48915.1 (b), LPS has the obligation to inform any school district(s) in which an expelled student may seek to enroll of this expulsion from Leadership Public Schools. LPS will also inform the Authorizer of this disciplinary action.

LPS believes that a student seeking enrollment in a district school will be considered for enrollment under its policies and procedures related to the re-enrollment of involuntary transfers or expelled pupils. LPS will account for suspended or expelled students in its average daily attendance accounting as provided by law.

**LPS Suspension - Expulsion Procedures and Parent/Student Due Process Rights**

**Introduction**

Leadership Public Schools ("LPS") believes that one of the major functions of education is the preparation of youth for responsible citizenship. LPS shall foster a learning environment that
reinforces self-discipline and the acceptance of personal responsibility. In addition, LPS shall work with students and families to provide a safe school environment that provides students with the opportunity to have a quality education.

In order to maintain an environment that will prepare LPS students for responsible citizenship, LPS has developed and adopted the policies and procedures set forth in this document. This document is designed to guide LPS schools and personnel in dealing with student discipline issues, while providing students and parents with a clear set of expectations regarding student behavior and an understanding of the consequences of misconduct.

These policies and procedures will be periodically reviewed and the lists of offenses for which students are subject to suspension or involuntarily transferred will be modified as necessary.

These policies and procedures will be enforced fairly, uniformly, and consistently without regard to race, creed, color, sex, or any other prohibited classification.

**Student Due Process**

The LPS Board of Trustees shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation.

**Suspension**

Definition: Suspension is the temporary removal of a student from class instruction for adjustment or disciplinary reasons. It can include an in-school suspension at the discretion of the school, assuming adequate space and supervision. A suspension does not mean any of the following:

1. Reassignment to another class at the same school where the student will receive continuing instruction for the school.
2. Referral to an advisor assigned that role by the Principal.

While on suspension from school, the student is not to loiter on or about any school grounds at any time, nor to attend any LPS voluntary activity at any time, no matter where such activity may be taking place. Violation may result in further disciplinary action.

Except in cases where suspension for a first offense is warranted in accordance with law, each school site shall consider suspension from school only when other means have not been successful or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

_Authority to Suspend:_

1. A teacher may suspend a student only from his/her classroom for the day of the suspension plus the following school day.
2. The Principal or his/her designee may suspend a student from class, classes or the school campus for a period not to exceed five school days.

3. The CEO or his/her designee may extend a student's suspension pending final decision by the LPS Disciplinary Review Committee or Hearing Officer (as authorized by the LPS Board of Trustees) on a recommendation for expulsion (involuntarily transferred). This Committee may consist of the Director of Student Services, his/her designee(s), other LPS administrators, and other LPS school personnel (Counselors, Deans, etc.).

4. A Special Education student being considered for Expulsion may be suspended for ten (10) consecutive days pending the outcome of the Manifestation Determination IEP procedure in accordance with the Individuals With Disability Act (IDEA). (See section: Suspension and Expulsion of students with disabilities).

A pupil may not be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance occurring within a school under the jurisdiction of the CEO or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in the section and related to school activity or attendance that occur at any time, including, but not limited to any of the following:

1. While on school grounds.

2. While going to or coming from school.

3. During the lunch period whether on or off the campus.

4. During, or while going to or coming from, a school sponsored activity.

A pupil may also be suspended or expelled for engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to:

(a) be a threat or an attempted intimidation of a staff member; or
(b) endanger the health or safety of students, staff, or school property; or
(c) can be shown to cause a substantial disruption to school operations.

Grounds for Suspension and Expulsion

The following information is designed to provide uniformity within LPS in matters of student misconduct requiring disciplinary action.

The following offenses constitute grounds for suspension and expulsion and may require police notification:

- **Physical Injury**: Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. Notification to police at the discretion of school officials.
• **Weapons, Explosives, Dangerous Objects:** 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 pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. Notification to police required.

• **Controlled Substances/Alcohol:** Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. Notification to police required.

• **Substances in Lieu of Controlled Substances:** Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. Notification to police at the discretion of school officials.

• **Robbery or Extortion:** Committed or attempted to commit robbery or extortion. Notification to police at the discretion of school officials.

• **Damage to Property:** Caused or attempted to cause damage to school property or private property. Notification to police at the discretion of school officials.

• **Theft of Property:** Stole or attempted to steal school property or private property. Notification to police at the discretion of school officials.

• **Tobacco:** Possessed or used tobacco, or any product containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products with the consent of a school official.

• **Obscenity/Profanity:** Committed an obscene act or engaged in habitual profanity or vulgarity.

• **Drug Paraphernalia:** Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. Notification to police at the discretion of school officials.

• **Disruption/Defiance:** Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, or other school personnel engaged in the performance of their duties. Notification to police at the discretion of school officials.
• **Received Stolen Property:** Knowingly received stolen school property or private property. Notification to police at the discretion of school officials.

• **Imitation Firearm:** Possessed an imitation firearm. *Definition of Imitation Firearm:* a replica of a firearm that is so substantially similar in physical properties to an existing firearm to lead a reasonable person to conclude that the replica is a firearm. Notification to police at the discretion of school officials

• **Sexual Assault/Sexual Battery:** Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. Notification to police required.
  *Definition of Sexual Assault:* includes rape, various types of sexual abuse, and lewd and lascivious conduct. (Penal Code 261, 266c, 286, 288, 288a, 289.)
  *Definition of Sexual Battery:* the touching of an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse (Penal Code 243.4).

• **Harassment of Witness:** Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. Notification to police at the discretion of school officials.

• **Sexual Harassment:** Committed sexual harassment.
  *Definition of Sexual Harassment:* an act which, upon review of a reasonable person of the same gender as the victim, is determined to be sufficiently severe or pervasive so as to cause negative impact on one's academic performance or to create an intimidating, hostile or offensive educational environment.
  *Limitation:* Sexual harassment must be unwelcomed by the recipient in order to constitute a violation. Notification to police at the discretion of school officials

• **Hate Violence:** Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
  *Definition of Hate Violence:* the use of force or threat of force to intimidate a person in the exercise of a constitutional or statutory right, or damage or destruction of property for the purpose of intimidating or interfering with a person because of that individual's "race, color, religion, ancestry, national origin, disability, gender, or sexual orientation." Notification to police at the discretion of school officials

• **Intentional Harassment:** Created a hostile educational environment.
  *Definition of Intentional Harassment:* engaging in harassment, threats or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting a classroom, creating substantial disorder, and invading the rights of the students or group of students by creating an intimidating or hostile educational environment.

• **Terrorist Threats Against School Officials and/or Property:** Committed a terroristic threat against school officials, school property or both.
**Definition of Terroristic Threat:** includes 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 ($1,000.00), 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, his or her immediate family's safety, the protection of school property, and/or the personal property of the person threatened or of his or her immediate family. Notification to police at the discretion of school officials

- **Hazing:** Engaged in hazing activities or any act that causes or is likely to cause personal humiliation or disgrace.

- **Vandalism/Malicious Mischief:** Defaced, damaged or destroyed any school property including, books, supplies of all kinds, equipment, buildings and grounds.
  
  *Note:* Parents can be held financially liable for damages up to $10,000 and shall also be liable for the amount of any reward not exceeding $10,000 pursuant to Section 53069.5 of the Government Code. Notification to police at the discretion of school officials

If a student is expelled for one of the above reasons, the school should provide this information to the district of residence.

**Procedures in Cases Requiring Suspension**

**Step One:** The school site administrator or teacher investigates the incident and determines whether or not it merits suspension.

*Searches:* In order to investigate an incident, or where there is reasonable suspicion, a student's attire, personal property, vehicle or school property, including books, desks, and school lockers, may be searched by a principal/principal designee who has reasonable suspicion that a student possesses illegal items or illegally obtained items. These may include illegal substances, drug paraphernalia, weapons or other objects or substances that may be injurious to the student or others. *Illegally possessed items shall be confiscated and turned over to the police.*

**Step Two:** The school site administrator determines the appropriate length of the suspension (up to five school days). *Note:* A teacher may suspend a student only from his/her classroom for the day of the suspension plus the following school day. In the case of a teacher initiated classroom suspension, the teacher will make contact with the student’s parent to explain the reason for the suspension.

**Step Three:** Unless a student poses a danger to the life, safety, or health of students or school personnel, a suspension will be preceded by an informal conference between the principal and student, in which the student shall be informed of the reason for the suspension, the evidence against him, and be given the opportunity to present his or her defense. *At the time of*
suspension, a school employee will make a reasonable effort to contact the student's parents in person or by telephone. In the event that a teacher suspends a student, the teacher shall ask the parent to attend a parent-teacher conference regarding the suspension as soon as possible.

Step Four: School site administrator fills out a Notice of Suspension Form. The parent will be given written notice of the suspension using this form. A copy of this form is also sent to the LPS home office and placed in the student's cumulative file at the school site.

Step Five: School site administrator determines whether the offense warrants a police report. State law requires that LPS report certain offenses to law enforcement authorities. If so, the police are called as soon as possible. In addition to the offenses listed under "Grounds for Suspension and Expulsion" that require a police report, school personnel are required, by law, to file a report to the police or a legal agency as follows:

- Prior to suspending a student from school for an assault upon any person with a deadly weapon or by force likely to produce great bodily injury.
- A non-accidentally inflicted physical injury upon a minor student by another student, which requires medical attention beyond the level of school-applied first aid.
- Actual or suspected sexual abuse or physical abuse of any minor child. A report must be made to a child protection agency.
- An attack or assault on, or the menacing of, any school employee by a student.
- A directly communicated threat by a student or any person to inflict unlawful injury upon the person or property of a school employee to keep the employee from fulfilling any official duty or for having fulfilled any official duty.
- Possession of any controlled substance, drug paraphernalia, alcoholic beverages or intoxicants, including glue containing toluene. Possession of such materials is illegal, and upon confiscation, cannot be retained by school personnel.
- Acts of school misconduct in violation of court imposed conditions on probation.
- Truancy of any student under court ordered mandatory attendance.

Step Six: The school site administrator informs teachers of each student who has engaged in, or been suspected to have been engaged in, any misconduct for which the student can be suspended other than for use and possession of tobacco products. The information must be maintained in confidence, and only transmitted to teachers and supervisory personnel.

Appeals Process:

A student or the student's parents/guardians may appeal those disciplinary actions imposed upon a student for his/her school related offenses.

Appeals must be made first in writing at the school level, and should be directed to the principal. The principal or principal's designee will attempt to resolve the appeal with a written response within ten (10) school days.
After appeal at the school level, if further appeal is desired, the appeal should be made to LPS and should be directed to the CEO or the CEO’s designee for resolution with a written response within fifteen (15) school days.

After appeal at the LPS administrative level, if further review is desired, the appeal may be forwarded to the LPS Disciplinary Review Committee or Hearing Officer for resolution with a written response within 20 school days. If any appeal is denied, the parent may place a written rebuttal to the action in the student's file.

**Expulsions (Involuntary Transfers)**

*Definition*: Expulsion is the involuntary removal of a student from all schools and programs of LPS for an extended period of time for acts of specified misconduct. Except for single acts of a grave nature, Expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students.

In the event that a student is recommended for Expulsion from LPS, he or she is entitled to a hearing, advance written notice of the rights and responsibilities set forth in the LPS Suspension and Expulsion Policies and Procedures. Written notice of these due process rights shall be provided at least 10 days in advance of the date set for the hearing.

Expulsion proceedings for a currently identified Special Education student require additional due process procedures. LPS will follow all due process procedures for Special Education students included in this document and in accordance with the Individuals with Disabilities Education Improvement Act (IDEA).

While under Expulsion from Leadership Public Schools, a student may not enroll in another California school district without the permission of the district of residence or the receiving district. The district of residence shall be notified upon the decision to expel a student from Leadership Public Schools.

The LPS Disciplinary Review Committee or Hearing Officer, upon reaching the decision to recommend expulsion, may suspend the enforcement of the Expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the LPS Disciplinary Review Committee or Hearing Officer’s determination as to whether the pupil has satisfactorily completed the rehabilitation program.

**Expulsion Offenses include:**

**Category I - Mandatory Expulsion**
Under the mandatory provisions, a student who has committed one or more of the following acts must be recommended for Expulsion and the LPS Board of Trustees Sub-Committee must Expel the student.

- Possessing, selling or otherwise furnishing a firearm when an LPS employee verified firearm possession;
- Brandishing a knife at another person (note that simply possessing a knife does not result in a mandatory involuntary transfer although an involuntary transfer is not precluded);
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code; or
- Committing or attempting to commit a sexual assault or committing sexual battery.

A Mandatory Expulsion should be reported to the school district of residence and this communication should be documented in writing. A copy of the letter sent to the district or a written memo to the file regarding conversations with the district on this matter are acceptable.

**Category I - Mandatory Recommendation for Expulsion**

Under the mandatory provision, a student who has committed one of the following acts of misconduct must be recommended for Expulsion unless particular circumstances render it inappropriate.

- Causing serious physical injury to another person, except in self-defense;
- Possession of any knife, explosive, or other dangerous object of no reasonable use to the student;
- Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- Robbery or extortion; or
- Assault or battery upon a school employee.

**Category II - Expulsion May Be Recommended**

In accordance with the LPS Suspension and Expulsion Procedures and by direction of the California Board of Education, a student may be considered for Expulsion for committing any act not listed in Category I or II.

Note: The LPS Disciplinary Review Committee or Hearing Officer’s decision to expel a student for violations included in Categories I and II must be based on a finding of one or both of the following:
1. Other means of correction are not feasible or have repeatedly failed to bring about the proper conduct.
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

**Procedures in Cases Requiring the Extension of Suspension and/or Expulsion**

**Step One:** School site administrator investigates an incident and determines whether the offense results in a recommendation for Expulsion. If so, the administrator follows the procedures to suspend the student outlined above.

**Step Two:** A meeting is held within five school days of the student's suspension to extend the suspension. The student and his/her parent or guardians are invited to attend this meeting with the Director of Student Services of LPS or his/her designee. School site administrators or teachers may also be present.

At this meeting the offense and repercussions are discussed. An extension of the suspension may be granted only if the Director or his/her designee has determined that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory Expulsion recommendation, this is discussed and understood by all parties.

**Step Three:** A letter from LPS is sent to the student and parent or guardian regarding the Expulsion hearing. This letter notifies the student and parent or guardian when and where the Expulsion hearing will take place and the rights of the student with respect to the hearing as provided in the LPS Suspension and Expulsion Procedures and Parent’s Rights.

The Expulsion hearing must occur within thirty days of the offense, unless the student and parent or guardians request a postponement.

**Step Four:** The school site administrator files papers that are available for review by the student and his/her parent or guardian. These papers may include, but are not limited to, the following: A record of student attendance and grades; a record of previous infractions, a statement of the facts surrounding the case made by a site administrator; a statement of the facts surrounding the case made by a witness.

**Step Five:** The student and his/her advocate, may prepare their presentation to the LPS Disciplinary Review Committee or Hearing Officer and, if necessary, subpoena witnesses. The student's advocate is any person (attorney or non-attorney) of the student's choice who is willing and able to represent the student at the Expulsion hearing.

**Step Six:** An Expulsion hearing is held. The hearing will follow the procedures identified in the Suspension and Expulsion Procedures and Parent Right for LPS Students. This hearing cannot be held within less than ten days from when the letter in Step Three is provided in order to give
the student and his/her advocate time to prepare for the hearing unless the student and family/guardian waive their rights to ten days' notice.

The LPS Disciplinary Review Committee or Hearing Officer will conduct the Expulsion hearing. A record of the hearing will be made and, if necessary, a translator will be present at the hearing.

**Step Seven:** The LPS Disciplinary Review Committee or Hearing Officer shall determine whether to recommend the Expulsion of the pupil to the LPS Board Disciplinary Sub-Committee.

If the LPS Disciplinary Review Committee or Hearing Officer recommends expulsion, findings of facts in support of the recommendation shall be prepared and submitted to the LPS Board Disciplinary Sub-Committee. All findings and recommendations shall be based solely on the evidence introduced at the hearing.

The decision of the LPS Disciplinary Review Committee or Hearing Officer to recommend expulsion, shall be based on substantial evidence relevant to the charges introduced at the Expulsion hearing or hearings. If the LPS Disciplinary Review Committee or Hearing Officer decides not to recommend the expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to school. The decision not to recommend expulsion shall be final.

**Step Eight:** Within ten days after the Expulsion Hearing, the final decision to expel will be made by the LPS Board Disciplinary Sub-Committee and the decision communicated to the parents.

Leadership Public Schools will provide the expelled student with all the assistance necessary to enroll in his/her local school district.

**Step Nine:** The decision to expel a student may be appealed to the Board of Trustees of Leadership Public Schools or their designee (Superintendent’s Board Panel). Any appeal must be made in writing, within 15 days of the decision to expel.

**Step Ten:** The parents or guardians of an expelled student will be invited to submit their appeal in person at a meeting with the Superintendent’s Board Panel. A representative of the Disciplinary Review Committee will attend the meeting to present the case.

**Step Eleven:** Within three school days after the hearing, the Superintendent’s Board Panel will determine the disposition of the appeal and communicate the decision to the parents in writing.

**Suspension And Expulsion/Due Process (Students With Disabilities)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.
Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the LPS Student Code of Conduct, may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

Leadership Public Schools shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534):

1. The parent/guardian has expressed concern to LPS supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.
   (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

Leadership Public Schools would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, LPS would be deemed to not have knowledge if LPS conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When LPS is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

Suspension of a Student With Disabilities:
The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)
The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

Manifestation Determination

The following procedural safeguards shall apply when a student with disabilities is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the LPS
Student code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)  
(c.f. 5145.6 - Parental Notifications) (c.f. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, LPS School Officials, the student's parent/guardian, and relevant members of the IEP team (as determined by LPS and parent/guardian) shall review all relevant information in the student’s file, including the student’s IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student’s disability

b. A direct result of the district’s failure to implement the student’s IEP, in which case the district shall take immediate steps to remedy those deficiencies. AR 5144.2(d)

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student’s disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)  
(c.f. 6159.4 - Behavioral Interventions for Special Education Students)

1. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)
**Questioning And Apprehension**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

**Subpoenas**

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

**Search And Seizure**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or LPS property under their control, and may seize illegal, unsafe and prohibited items. The Board of Trustees requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

**Individual Searches**

School officials may search individual students, their property and LPS property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other LPS rules or the school’s code of conduct.

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two LPS employees.
The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

**Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and LPS, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

**Freedom Of Speech/Expression**

The LPS Board of Trustees believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

**On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. *(cf. 5145.7 - Sexual Harassment) (cf. 5145.9 - Hate-Motivated Behavior)*

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.
Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program.

The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

“ELECTRONIC ACT”

As used in this section, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, video, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

A pupil may also be suspended or expelled for engaging in any “Electronic Act” or activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property; or (c) can be shown to cause a substantial disruption to school operations.
**ELEMENT K: RETIREMENT SYSTEM**

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

California Education Code 47605(b)(5)(K)

Retirement benefits are the responsibility of LPS. Employees of LPS will have access to retirement plans according to the policies established by the LPS Board of Directors and applicable law.

Employees of LPS who qualify for membership participate in the California State Teachers Retirement system (“STRS”). LPS implements all applicable STRS policies and procedures, including policies regarding mandatory and permissive membership in STRS for eligible school staff. Employees who participate in STRS are exempted from participating in federal social security.

LPS offers the LPS 401(a) Retirement Plan (“401a Plan”) to all employees who do not participate in STRS; generally administrative and classified staff will participate in the 401a Plan. The IRS has issued a determination letter confirming that LPS’ 401a Plan serves as a qualified alternative to federal social security, which was previously submitted to the board with the initial charter petition and has not been changed or modified. Therefore, participants in the 401a Plan are exempted from participating in federal social security.

LPS makes all employer contributions as required by STRS, the 401a Plan, and the federal social security laws. LPS also makes contributions for workers’ compensation insurance, unemployment insurance and any other payroll obligations of an employer.

**ELEMENT L: 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 47605(b)(5)(L).

Students who opt not to attend LPS San Jose may attend other public schools either within the district of residence in accordance with school district of residence policy or another district school as pursued through an inter-district transfer request in accordance with the existing enrollment and transfer policies of the district of residence and receiving district and/or county of residence.
ELEMENT M: RIGHT TO RETURN AS DISTRICT EMPLOYEE

_Governing Law:_ A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

California Education Code 47605(b)(5)(M).

Certificated employees who were employed by the County Superintendent prior to employment at the School shall NOT be guaranteed return rights unless they are negotiated by the staff with SCCOE and/or the collective bargaining unit.

Sick or vacation leave or years of service credit at the County, or any school district will not be transferable to LPS San Jose. Staff will not be able to continue to earn service credit in a District while employed by LPS San Jose, unless otherwise mutually agreed in writing between the staff person and the District.

ELEMENT N: DISPUTE RESOLUTION PROCEDURES

_Governing Law:_ The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter.

California Education Code 47605(b)(5)(N).

Leadership is committed to partnering with the Santa Clara County Office of Education in the spirit of cooperation and mutual benefit. Leadership Public Schools believes that LPS San Jose will have an opportunity to present its position before any action is taken regarding a dispute, and that every effort to resolve the issue amicably will be given before any conditions are given or potential charter revocation actions are taken. LPS believes that the County Board of Education and/or County Superintendent will agree to inform the CEO of LPS and the Principal of LPS San Jose if they are contacted regarding a conflict at the school and to refer the involved parties to the school’s Community Complaint Procedures. Matters unable to be resolved by the County Superintendent or designee and Leadership will be resolved as agreed to in a Memorandum of Understanding.

LPS recognizes that it cannot bind the County to a dispute resolution procedure to which the County does not agree. The policy below is intended as a draft proposal to the County. LPS is open to further discussion with the County to develop mutually agreeable dispute resolution procedures.
**Dispute Resolution Proposal**

In the event of a dispute between LPS or LPS San Jose and Santa Clara County office of Education, the staff and Board members of the two organizations agree to document the issue(s) in a written Dispute Statement and notice the issue(s) to the Superintendents of both organizations. If the dispute issue(s) are of such magnitude that they could lead to revocation of the charter, this understanding should be specifically noted in the Dispute Statement.

The Superintendents of both Parties (or his or her designee) shall each appoint one (1) representative to form a “Resolution Committee”. The Resolution Committee shall meet within ten (10) school days of receipt of notice to attempt informal resolution of the dispute. The Resolution Committee shall attempt to formulate proposed solutions to the dispute, and shall present such solutions to the party each such member represents.

If such efforts do not yield a resolution within thirty (30) days of the first such meeting of the Resolution Committee to resolve each such dispute, the Superintendents of both Parties shall meet with the Resolution Committee at least once and up to three times in an effort to reach a resolution of the dispute.

If the parties are unable to resolve the dispute through such informal meetings, any party may request in writing that the dispute be submitted to non-binding mediation, and the other party shall accede to such request. The cost of such mediation, with the exception of attorney fees, shall be split evenly by the County and the Charter School. The mediator shall be selected jointly by the County and the Charter School, and the parties shall cooperate to find a reasonably acceptable mediator. The format of the mediation shall be developed jointly by the Parties and held within thirty (30) days of the last informal meeting. All dates or procedures within this section can be amended by written mutual agreement or necessity due to mediator scheduling.

Any resolution of a dispute pursuant to the foregoing procedure shall be submitted to the governing boards of both the County and Charter School for acceptance before such resolution is effective.

If the parties are unable to resolve the dispute through non-binding mediation, then either party may exercise any other legal remedy such party may have. Compliance with these dispute resolution procedures shall be a prerequisite to any legal action to enforce the terms of this Agreement.
ELEMENT O: EXCLUSIVE EMPLOYER

_Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code)._  

California Education Code 47605(b)(5)(O).

For the purposes of the Educational Employment Relations Act, and to the extent not superseded by federal labor law, Leadership Public Schools, Inc. in its operation of the School shall be deemed the exclusive employer of the employees of the School.

ELEMENT P: SCHOOL CLOSURE

_Governing Law: A description of the procedures to be used if the charter school closes._

Education Code Section 47605(b)(5)(P).

School Close-Out Process

LPS does not intend to close LPS San Jose. However, in the interest of planning for contingencies, the following outlines a school close-out process that has been reviewed and approved by the Advisory Commission on Charter Schools and the State Board of Education in other LPS charters.

Documentation of Closure Action

The decision to close the School, for any reason, will be documented by an official action of the LPS Board. The action will identify the reason for the school's closure.

If it is feasible to do so while still maintaining a viable and appropriate educational program, charter school closures will occur at the end of an academic year. Mid-year school closures should be avoided if at all possible, and the charter school and charter authorizer should work together to ensure that an appropriate, viable, and legally compliant education program continues until the end of the school year.

LPS will provide notice to the charter authorizer, parents, teachers and community of any consideration for Board action of school closure of at least nine months unless unfeasible due to exigent circumstances.
Notification to the California Department of Education, County Office of Education and State Board of Education

LPS will send a notice of the school closure to the local District, County Office of Education, Charter Schools Unit at the California Department of Education, and the State Board of Education. The notification will include the following information:

a) Charter school name, charter number, and CDS code
b) Date of closure action
c) Effective date of the closure, if different
d) Reason for the closure (Specify revoked, not renewed or other reason)

Notification to Parents and Students

Parents and students of the School will be notified as soon as possible when it appears that school closure will be imminent. The notification will include information on assistance in transferring the student to another appropriate school and a process for the transfer of all student records.

Parents will be provided with a packet of student information that may include the closure notice, grade reports, discipline records, immunization records, completed courses and credits that meet graduation requirements and college entrance requirements, etc. This will facilitate transfer to another school.

Notification to Receiving Districts

LPS will notify any school district that may be responsible for providing education services to the former students of the School so that the receiving district(s) are prepared to assist in facilitating student transfers.

In addition, LPS will notify the charter school associations and the California Department of Education for assistance in placing the School’s students.

Student and School Records Retention and Transfer

LPS will establish a process for the transfer of student records to the students' district of enrollment eligibility or other school to which the student will transfer. LPS will assist parents in the transfer of the students to other appropriate schools and facilitate the transfer of all student records. LPS believes that in a Memorandum of Understanding, the authorizing entity and the charter school will agree to a plan for the maintenance and transfer of student records which may allow the authorizing entity to accept charter school records in the event the charter school is unable to meet this responsibility. The plan will include provisions for the authorizing entity to maintain all school records, including financial and attendance records, for a period of time as required by law.
Financial Close-Out

LPS will commence an independent audit of the School as soon as practicable, or at least within 60 days after the end of the fiscal year when the school is closed. This may coincide with the regular required annual audit of the school. The purpose of the audit is to determine the net assets or net liabilities of the School. The assessment should include an accounting of all the school’s assets, including cash and accounts receivable and an inventory of property, equipment and supplies. It will also include an accounting of the school's liabilities including any accounts receivable, which may include reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation. The audit will also assess the disposition of any restricted funds received by or due to the school. The cost of the audit may be considered a liability of the school.

In addition to a final audit, LPS will submit any required year-end financial reports to the CDE and the authorizing entity and the County Superintendent of Schools in the form and time frame required. These reports will be submitted as soon as possible after the closure action, but no later than the required deadline for reporting for the fiscal year.

Dissolution of Assets

Upon completion of the closeout audit, LPS will develop a plan for the repayment of any liabilities.

If needed, and to the extent feasible, any assets of the school will be liquidated to pay off any outstanding liabilities, and appropriate unearned state funds, if any, will be returned.

Any remaining school assets after satisfaction of liability and return of appropriate state funds shall remain the property of LPS. Upon closure of LPS, assets will be distributed as required by law and the LPS Articles of Incorporation.
CHARTER RELATED ISSUES

Term of Charter

The term of this charter shall commence on July 1, 2012 and expire five years later on June 30, 2017.

Material Revision

Any material revisions to the School’s charter shall only be made by mutual agreement of the LPS Board of Directors and the charter authorizer. In accordance with Education Code Section 47607, LPS may present a petition for a material revision of the charter at any time, and LPS believes that the charter authorizer will agree to respond to such petitions pursuant to the applicable process, criteria and timelines specified in Education Code Section 47605 or its successors. The charter requirement for teacher and/or parent signatures is not required for renewal of a charter.

Severability and Interpretation of the Charter

If any clause of the Charter is found to be invalid for any reason, all other clauses remain in effect.

All terms of the Charter that can be interpreted as within the intent of the California Education Code shall be interpreted in such a manner.

Any element of the Charter that, through legislation or legal ruling, is deemed to be outside the language or intent of the California Education Code or other applicable law should be removed from the charter. Such a situation would not result in the revocation of the Charter. The remaining provisions of the Charter shall remain in place.

Notice

Unless changed by written notice to the charter authorizer, all notices to LPS shall be sent to:

Dr. Louise Bay Waters
Superintendent & CEO
Leadership Public Schools
344 Thomas L Berkleay Way, Suite 340
Oakland, CA 94612
**Petition with Required Number of Teacher Signatures**

We the undersigned believe that the proposed charter for Leadership Public Schools San Jose merits consideration and hereby sign this petition for the governing board of the Santa Clara County Office of Education to grant approval of the charter pursuant to Education Code Section 47605 to maintain the creation of the Leadership Public Schools – San Jose by Leadership Public Schools (“LPS”). LPS agrees to operate the school pursuant to the terms of the Charter Schools Act and the provisions of the School’s charter. The teacher petitioners listed below certify that we are teachers who are meaningfully interested in teaching in the charter school. We understand that the charter authorizing agency may contact us to verify this information.

Further, the undersigned hereby recognize Louise Waters, LPS CEO and Superintendent, as the Lead Petitioner on behalf of LPS for purposes of submitting and operating the charter, and hereby authorize her and/or a LPS designee to revise the charter and negotiate any amendments to the attached charter necessary to secure approval by the Santa Clara County Office of Education governing board or other charter granting agencies on appeal or renewal.

**By the Teacher Petitioners Submitted Pursuant to Education Code 47605:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Mendez</td>
<td>1145 Sherman St. San Jose, CA 95110</td>
<td>916-925-4103</td>
<td>MaryM 10/14/11</td>
<td></td>
</tr>
<tr>
<td>Elian Blackford</td>
<td>99 E. Middlefield  Mt. View CA 95043</td>
<td>408.236.1555</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Hana Chen</td>
<td>2006 W. St. Francis Blvd. San Francisco CA 94105</td>
<td>314-382-1890</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Allison McCarthy</td>
<td>1550 Technology Dr. Unit #823 San Jose CA 95130</td>
<td>(510) 522-0940</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Kristy Cross</td>
<td>1805 Kipling Ct. San Jose CA 95131</td>
<td>408-694-8371</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Sarah Macauley</td>
<td>11400 Ontario Dr. #4 Sunnyvale, CA 94087</td>
<td>650-294-9814</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Sue Blandes</td>
<td>P.O. Box 7360601 SJ CA 95173</td>
<td>408-937-2721</td>
<td>10/14/11</td>
<td></td>
</tr>
<tr>
<td>Greg Garcia</td>
<td>395 El Alfa Wwy. San Jose, CA 95131</td>
<td>408-960-9746</td>
<td>10/14/11</td>
<td></td>
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</tr>
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<tbody>
<tr>
<td>Timothy Lebow</td>
<td>6705 Bright St</td>
<td>408-367-488J</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Brooks Douglas</td>
<td>1020 W 3rd Ave, San Jose, CA</td>
<td>658-775-7131</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Alex Moore</td>
<td>2000 W 6th Ave, San Jose, CA</td>
<td>831-435-9162</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Long Truong</td>
<td>571 Ambrose Drive, San Jose, CA</td>
<td>408-476-0375</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Dawn Estiga</td>
<td>1760 California Ave, Mountain View, CA</td>
<td>650-308-2068</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Connor O'Beun</td>
<td>2034 Middle AVE, San Jose, CA</td>
<td>303-995-2231</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Michelle Victoria</td>
<td>996 Cape May Place, San Jose, CA</td>
<td>408-230-2004</td>
<td></td>
<td>10/14/11</td>
</tr>
<tr>
<td>Charles L</td>
<td>1550 Technology Pkwy, San Jose, CA</td>
<td>310-890-2010</td>
<td></td>
<td>10/14/11</td>
</tr>
</tbody>
</table>
Signature Certification to Meet Statutory Requirement

Leadership Public Schools estimates that it will employ twenty teachers during the School’s first year of the renewed charters’ operation. I hereby certify that this petition meets the requirements of Education Code Section 47605 which requires a number of teacher signatures who are meaningfully interested in teaching at the school equivalent to at least one-half (ten) of the number of teachers that the charter school estimates will be employed at the school during its first year of operation upon renewal. The law does not require that the teachers represent all of the subjects being taught or that LPS will necessarily hire them to teach in the charter school.

____________________   October 14, 2011
Dr. Louise Waters, CEO and Lead Petitioner     Date
Leadership Public Schools
APPENDIX

APPENDIX A: Student Academic Achievement Plan                        A1
APPENDIX B: Plan for English Language Learners                        B1
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