



**育明中英雙語學院**  
**YU MING CHARTER SCHOOL**  
**CHARTER RENEWAL PETITION**

**For a renewal term of July 1, 2016 – June 30, 2021**

**Charter Renewal Petition Submitted September 30, 2015**

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## Summary Table of Substantive Changes

Below is a list of the significant changes from the School's previous Charter, including the most materially revised to include the Local Control Accountability Plan in July 2014.

Item	Revision
Affirmations and Assurances	<ul style="list-style-type: none"> <li>Added assurance RE compliance with laws regarding legally permissible pupil fees and charges, and the constitutional "free schools" guarantee. [Ref. California Constitution, Article IX, Section 5; California Education Code Sections 49010-49013]</li> </ul>
Introduction	<ul style="list-style-type: none"> <li>Updated to reflect current Leadership: Administration, Board and Advisors</li> <li>Added section: "Accomplishments of first term of Charter," academic outcomes, school climate and fiscal health, and including evidence that the School has met Charter Renewal Standards of Education Code Section 47607(a)(1) and 47607(b)</li> </ul>
II: Educational Philosophy and Program	<ul style="list-style-type: none"> <li>Updated to include enrollment outreach activities and commitment</li> <li>Added option of short-term Independent Study for students who will be out of school for an extended period.</li> <li>Expanded description of technology use and updated to include mastery-based, personalized learning components for grades 6-8.</li> <li>Added description of process and criteria for selecting curriculum materials</li> <li>Updated to reflect change to use only simplified script for MLA instruction</li> <li>Added reference to Section III for alignment to LCAP</li> </ul>
III: Measurable Pupil Outcomes	<ul style="list-style-type: none"> <li>Aligned Measurable Pupil Outcomes to LCAP goals, activities and outcomes</li> </ul>
IV: Governance Structure	<ul style="list-style-type: none"> <li>Updated Bylaws</li> <li>Updated with current Board members and Board committees</li> <li>Updated to describe Family Support Organization (in lieu of PTA)</li> </ul>
V: Human Resources	<ul style="list-style-type: none"> <li>Updated to include job descriptions and qualifications for added leadership positions</li> </ul>
VI: Student Enrollment, Admissions, Attendance, and Suspension/Expulsion Policies	<ul style="list-style-type: none"> <li>Provided prior year enrollment and waitlist figures</li> <li>Included 3 possible enrollment growth scenarios</li> <li>Updated Enrollment and Public Random Drawing policy to include neighborhood preference intended to increase racial and socioeconomic diversity, and weighted preference for children of Board members</li> <li>Described activities related to enrollment outreach</li> <li>Removed "willful defiance" as cause for suspension of students in grades K-3, and eliminate "willful defiance" as a cause for expulsion</li> </ul>
VII: Reporting & Accountability	<ul style="list-style-type: none"> <li>Described historical financial performance and history of clean audits</li> <li>Described current facilities and search for permanent facility</li> </ul>

## Affirmations/Assurances

As the authorized lead petitioner, I, **Gloria Lee**, hereby certify that the information submitted in this petition for renewal of a California public countywide benefit charter school named Yu Ming Charter School (“YMCS” or the “Charter School”), submitted to the Alameda County Board of Education (“ACBOE”) and the Alameda County Office of Education (“ACOE”) (collectively, the “County”), located at several sites throughout Alameda County is true to the best of my knowledge and belief; I also certify that this renewal petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter renewal, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. California Education Code Section 47605.6(d)(1)]
- 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. [Ref. California Education Code Section 47605.6(b)(5)(M)]
- The Charter School shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. California Education Code Section 47605.6(e)(1)]
- The Charter School shall not charge tuition. [Ref. California Education Code Section 47605.6(e)(1)]
- The Charter School shall admit all students who wish to attend the Charter School and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605.6(e)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605.6(e)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605.6(e)(2)(C). [Ref. California Education Code Section 47605.6(e)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605.6(e)(1)]

- The Charter School shall adhere to all applicable provisions of federal law relating to students with disabilities, including, but not limited to, the Individuals with Disabilities in Education Improvement Act of 2007, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5, California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. [Ref. California Education Code Section 47605.6(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)]
- The Charter School shall comply with all applicable laws regarding legally permissible pupil fees and charges, and the constitutional “free schools” guarantee. [Ref. California Constitution, Article IX, Section 5; California Education Code Sections 49010-49013]
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs. [Ref. California Education Code Section 47605.6(d)]
- The Charter School shall comply with any applicable jurisdictional limitations to locations of its facilities. [Ref. California Education Code Section 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Sections 47612(b), 47610]



- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act.
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5, California Code of Regulations Section 11960]



September 30, 2015

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*Lead Petitioner's Signature*

*Date*

## I. Introduction

Yu Ming Charter School requests renewal of its charter as a countywide benefit public charter school operating in Alameda County to prepare students in grades kindergarten to eighth to be bilingual, bi-literate and engaged global citizens.

### The Charter School's Vision & Mission

Yu Ming Charter School shall provide a challenging and comprehensive education for Kindergarten through 8<sup>th</sup> grade students, preparing them to be inquisitive and analytic lifelong learners in the global 21st Century world. Our mission is:

- To provide an academically rigorous college preparatory program;
- To graduate students who are bilingual and bi-literate in Mandarin Chinese and English;
- To nurture intellectual curiosity, cultural competence, international perspective, and diligence in attaining personal goals; and
- To develop young people with compassion, sound moral character, and a sense of responsibility for the community and the environment.

### Administration and Leadership

The Charter School is led by a team of seasoned education professionals:

- *Sue Park, Principal:* Ms. Park has served in a number of senior leadership roles in education. Most recently, she was Senior Vice-President of Programs at Camino Nuevo Charter School in Los Angeles, a network of high performing charter schools serving more than 3200 Pre-K through 12th grade students in Los Angeles. She has also been a leader with Teach for America, and helped founded its affiliated international organization, Teach for All. She is fluent in Spanish and has experience as an educator and administrator in bi-lingual settings.
- *Jamila Dugan, Assistant Principal:* Ms. Dugan has worked as a teacher, coach, and facilitator of professional development. She is a native Oaklander and is currently a doctoral candidate studying leadership for educational equity at University of California, Berkeley.
- *Diana Kong, Director of Mandarin Curriculum & Instruction:* Ms. Kong has worked in Mandarin bilingual education for over 15 years. Prior to joining Yu Ming, she was Chinese Program Coordinator and Academic Director for International School of the Peninsula in Palo Alto.

The Charter School is also governed by an engaged and skilled Board of Directors:

- *Chairperson:* Rodrigo Prudencio, Director of Investments and New Business for GS Shop
- *Vice-Chair:* Diana Lee, Vice President of New Site Development and District & School Partnerships at Teach For America. Also Chair of Board Development Committee
- *Secretary:* Christine Henningsgaard, Vice President of Operations at One Medical Group. Also Chair of Compensation Committee.
- *Treasurer:* John Wharton, Vice President of Business Development, EXO U. Also Chair of Finance Committee.
- *Chair, Education Committee:* Eric Peterson, Director of Special Education for West Contra Costa Unified School District and National Board Certified Teacher
- *Chair, Facilities Committee:* Robert Donnelly, Vice President of Land Acquisition at TRI Pointe Homes

- *Director:* Phuoc Le, Assistant Clinical Professor of Medicine and Pediatrics at UCSF
- *Director:* Reichi Lee, Director of the Academic Development Program at Golden Gate University School of Law
- *Director:* Wai-Kiu Lee, Physician at Kaiser Permanente's Oakland Medical Center and Quality Lead for the East Bay Kaiser Permanente
- *Director:* Thompson Paine, Vice President for Operations and Business Development at Quizlet
- *Director:* Josh Stern, Principal, St. Paul's Episcopal School

In addition, several of the School's co-founders remain involved as advisors, to provide continuity of institutional knowledge and expertise as needed.

- David Cherry, Medical Director, Thunder Road
- Gloria Lee, Founder & CEO, Educate78
- Wynne Sade, Chief Marketing Officer, Qooco
- Matthew Sade, CEO, Lyrical Foods
- Chrissy Schwinn, Assistant Director, Global Marine Initiative at The Nature Conservancy

➔ See Appendix I for Biographies of Leadership, Board and Volunteer Advisors.

### **Accomplishments of the First Term of the Charter, 2011 – 2016**

The Charter School's first term has been characterized by strong student outcomes, a healthy staff and student culture, and financial stability.

#### *Academic Performance*

Yu Ming students have demonstrated strong academic performance on multiple dimensions:

- **Math:** In the 2014-2015 school year, the first year of official SBAC results, 65% exceeded standards in Math and 11% met standards in Math (97% of students were tested – a total of 96 3rd and 4th graders.) These results are similar to the School's first year of state testing and the last year of CA CST testing in 2012-2013, when 100% of students scored proficient or above: 45 percentage points above the state average. These results outperform the Measurable Pupil Outcomes included in the original charter petition
- **English Language Arts:** In the 2014-2015 school year, the first year of official SBAC results, 53% exceeded standards in English and 35% met standards in English. These results are similar to the School's first year of state testing and the last year of CA CST testing, when 78% of students scored proficient or above: 28 percentage points above the state average. In addition, on our school-designed writing assessment (aligned to the ELA CCSS), 96% met expectations in English.
- **Mandarin Language Arts:** On the portfolio assessment LinguaFolio, 83% of our grade K-2 students met expectations on Listening, Speaking, Reading and Writing. On the Standards-Based Measurement of Proficiency Test (STAMP), 83% of our grade 3-4 students met expectations on Listening, Speaking, Reading and Writing. On our school-designed Mandarin writing assignments in Mandarin (aligned with Yu Ming Mandarin Standards adapted from CCSS ELA standards), 87% of students met grade level expectations.
- **Life Skills:** According to final report card grades, an average of 95% of students across all grade levels met expectations on their "CARES" skills (from Responsive Classroom: Cooperation, Assertiveness, Responsibility, Empathy, Self-Control).

➔ See Appendix I for School's academic performance on CAASP and STAR.

### *School Culture & Climate*

All stakeholder groups have expressed and demonstrated their satisfaction with the school.

- **Student satisfaction:** In Spring 2015, a student satisfaction survey showed that students felt positively about the school, with 85% scoring the school a 4 or 5 (out of 5) across all measures. In addition, Yu Ming's Average Daily Attendance has averaged 97.6% since founding. Out-of-school suspensions have been very low (only 2 in 2014-2015).
- **Staff satisfaction:** Staff retention has been comparable to other Oakland-area schools, at an average of 84% for the past 3 years.
- **Parent satisfaction:** In an annual parent satisfaction survey administered in Spring 2015, the parent Net Promoter Score was 46, meeting our target of 45, and an increase from the prior year's score of 36.<sup>1</sup> In addition, re-enrollment rates have been high - an average of 95% in the first charter term. Parents have also been extremely involved: 100% self-report working more than 30 volunteer hours during the year, contributing a total of nearly 10,000 hours in 2014-2015.

➔ See Appendix I for Spring 2015 Stakeholder survey results.

### *Financial Health*

The Charter School is financially healthy with strong future prospects for continued growth and stability.

- **Enrollment:** The School has been fully enrolled with a long waitlist since founding. In 2014-2015, 318 students applied for 60 open seats, and over the first charter term the waitlist averaged 89% of enrollment, demonstrating ongoing strong demand (and correspondingly, per-pupil revenues).
- **Cash reserve ending balance:** The School has maintained a healthy reserve since opening, with a (unaudited) net fund balance of \$584,960 as of June 30, 2015, or 20% of 2014-2015 expenditures.
- **Audited financials:** The School has received a clean audit every year since opening.
- **WASC:** The School has received candidacy status from the Accrediting Commission for Schools, Western Association of Schools and College.

➔ See Appendix I for WASC Letter and Reports

### **Charter Renewal Criteria**

Yu Ming has exceeded the charter renewal standards of Education Code Section 47607(b), and should be granted a five-year charter renewal term pursuant to Charter Renewal Standards of Education Code Section 47607(a)(1) and 47607(b) and the California Code of Regulations, Title 5, Section 11966.5(b)(1).

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<sup>1</sup> Net Promoter Score (NPS) is a widely used consumer satisfaction research question. Scores theoretically can range from -100 to +100; the most valuable consumer brands (such as Apple) score in the 60s. Employee NPS scores are typically lower than consumer scores. The School's high targets reflect the School's commitment to staff and parent satisfaction.

During the most recent school year, 2014-2015, Yu Ming students outperformed Alameda County averages on both English Language Arts and Math, with 76% and 88% of students meeting or exceeding standards on the new SBAC: 24 percentage points and 44 percentage points higher for English and Math respectively. Yu Ming students also outperformed demographically similar elementary schools in Alameda County by 5 percentage points in ELA and 20 percentage points in Math, outperformed the 5 Oakland Unified School District elementary schools with the same or lower percentage of low-income students by 2 percentage points in ELA and 15 percentage points in Math, and outperformed the schools that students would most likely have attended, by 23 percentage points in ELA and 38 percentage points in Math. This demonstrates that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been attended, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school (criteria 4).

➔ See Appendix I for Criteria 4 Analysis of 2014-2015 SBAC scores

In addition, Yu Ming received an API score of 944 in the only year (2012-2013 school year) in which it received an API score (prior to California’s suspension of its Academic Performance Index calculation). This far exceeded the statewide performance target of 800, the Oakland Unified School District API of 721, and the California State API of 790. Therefore, the School clearly meets the charter renewal criteria established in Education Code Section 47607(b) by utilizing “the most recent API calculation” as allowed per Education Code Section 52052(e)(4)(A).

Furthermore, other Alameda County elementary schools with that API were given a 9 or 10 statewide ranking; although CA suspended the process of assigning rankings to school in 2013, Yu Ming’s statewide ranking would most likely have been a 9 or 10 if the state had continued with its API ranking process.

Finally, an analysis of Student Subgroups<sup>2</sup> show that in the only available year of API scores, both significant student subgroups, Asian and Two or More Races, had API scores well above the statewide target, district average, county average and state average – 930 and 948, respectively. Yu Ming Charter School’s outstanding student subgroup performance further solidifies its renewal status under Education Code Section 47607(a)(3).

2012-2014 API Scores				
Year	API Statewide Ranking	API Similar Schools Ranking	API Growth Scores	API Growth Target (Actual Growth)
2014-2015	State testing and API calculation suspended; no data reported			
2013-2014	10*	--	State testing and API calculation suspended; no data reported* <sup>3</sup>	

<sup>2</sup> Education Code Section 47607(a)(3) states: “The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school (defined as “a numerically significant pupil subgroup, as defined by paragraph (3) of subdivision (a) of Section 52052.” EC §47607(a)(3)(B)) as the most important factor in determining whether to grant a charter renewal.”

<sup>3</sup> \*Note on 2013-14 and 2014-15 Testing Data: Assembly Bill 484 amended Education Code sections 52052(e)(2)(F) and 52052(e)(4) to allow schools that do not have an API calculated in 2013–14 and 2014–15 to use one of the following criteria to meet legislative and/or programmatic

<b>2012-2013</b>	N/A	944	B (B)
<b>2011-2012</b>	In 2012, the school served only kindergarten and 1 <sup>st</sup> grade students. No STAR tests were administered, and no API score was given.		
<p>“B” means the school did not have a valid 2012 Base API and will not have any growth or target information.  * inferred based on rankings of other schools with similar test scores  Source: CDE DataQuest, accessed August 5, 2015.</p>			

## Intent of the Charter Schools Act

The Charter Schools Act of 1992 states that:

*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*

Yu Ming Charter School believes that the Charter School makes important contributions to the legislative intent described above, by providing an excellent bilingual educational environment for East Bay students and broadening pupil learning to include an additional language (Education Code Section 47601(a)), using immersion language strategies not widespread in this area (Education Code Section 47601(c)), and creating professional opportunities for teachers who wish to use or learn Mandarin Chinese (Education Code Section 47601(c) and (d)). The Charter School also provides an additional high quality public choice in an area where this option does not currently exist (Education Code Section 47601(d) and (e)).

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requirements: The most recent API calculation; an average of the three most recent annual API calculations; or alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant groups. The California Department of Education (“CDE”) published the following chart, which summarizes available state level API data in order to analyze “the most recent API calculation,” including data for charter schools subject to renewal in the 2015-16 school year and how such data shall be used in charter renewal determinations pursuant to Education Code Section 47607(b).

Year	API Growth	Assessment Data	School Rankings
2015-16 School Year	No 2015 Growth API; use 2013 Growth API as most recent, 3-year average API (2011/2012/2013), or alternative measures	Use 2015 SBAC scores for math and ELA; can compare results with local schools	No 2014 rankings; use 2012 and 2013 rankings for 2 of last 3 years.

The Charter Schools Act of 1992 provides that a petition must contain reasonably comprehensive descriptions of the elements described in California Education Code Section 47605.6(b)(5)(A)-(Q). These subsections of law and the required descriptions are discussed below. This document is presented in the order and format suggested by the State Board of Education’s recommended “Model Application.”

### **Countywide Benefit**

California Education Code provides the option for County Boards of Education to approve charter petitions:

*In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may only approve a countywide charter if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.*

- California Education Code Section 47605.6

### **Support for Countywide-Charter**

*Outreach to all students of the county*

The Charter School is committed to a vision of serving students that reflect the diversity of the East Bay and actively works to enroll students that represent all racial, ethnic and socio-economic backgrounds in Alameda County. The School also wants all students in the County to have equal footing in applying to its program, as it continues to be the only two-way Mandarin immersion program offered in Alameda County. Pursuant to Education Code Section 47605(d), a charter granted by a school district must by law give a preference in admissions in the case of a public random drawing to the students residing in the granting district in the case the Charter School has more applicants than available capacity. As a result, a charter approved by a school district will eventually be comprised mainly by residents of the granting district. On the other hand, a countywide charter must, per Education Code Section 47605.6(e), provide preference to County residents as a whole. Accordingly, as a countywide charter, the Charter School will ensure an equal opportunity to all students of Alameda County, maximizing the likelihood of achieving its aspiration of a student population that reflects the diversity of Alameda County as a whole.

*Expanded facility boundaries for future sites.*

The Charter School’s initial location is in northern Alameda County and attracts students from across Alameda County. The large applicant pool during the entire initial charter term is evidence of strong demand throughout Alameda County, sufficient to fully enroll multiple campuses. The Charter School shall consider opening a second site in another part of the County within the next five years, subject to County Board approval pursuant to Education Code Section 47605.6(a)(3), appropriate notification as required by that section, and availability of both a permanent facility for the current students and a suitable facility for a subsequent campus.

A charter authorized by only one school district would only allow for school sites within the boundaries of that district, thus requiring more than one charter.

One of the legislative intents in the Charter Schools Act is to “provide vigorous competition within the public school system to stimulate continual improvements in all public schools.” While an important goal, the law also requires the charter school to apply to its “competitor” for approval. Unfortunately, the result often is poor relations between charter schools and their granting agencies. Many successful charter schools cite a healthy relationship with a granting agency as one key to success. Yu Ming Charter School is proud to have established a strong and productive relationship with Alameda County Office of Education and will continue to collaborate with its authorizer and local school districts whenever possible.

*Centralized supervisory oversight.*

Because the Charter School attracts students from home districts across Alameda County, the Charter School’s students would benefit from centralized supervisory oversight by the County Office of Education far greater than one school district whose primary concern and duties are to the students residing in that district only.

➔ See Appendix I for map of current Yu Ming student addresses

By the statements above, the Petitioners have provided reasonable justification as to why a petition to a school district pursuant to Education Code Section 47605 could not establish this charter as effectively.

### **Renewal Petition**

**In accordance with California Charter School Law, Yu Ming Charter School petitions the Alameda County Board of Education to grant renewal of its K-8 countywide benefit charter for a five-year period from July 1, 2016 until June 30, 2021, and eligible for subsequent renewals.**



## II. Educational Philosophy and 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 47605.6(b)(5)(A)(i)*

*A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.*

*- California Education Code Section 47605.6(b)(5)(A)(ii)*

### **The Charter School’s Vision and Mission**

Yu Ming Charter School provides a challenging and comprehensive education for Kindergarten through 8<sup>th</sup> grade students, preparing them to be inquisitive and analytic lifelong learners in the global 21st Century world. Our mission is:

- To provide an academically rigorous college preparatory program;
- To graduate students who are bilingual and bi-literate in Mandarin Chinese and English;
- To nurture intellectual curiosity, cultural competence, international perspective, and diligence in attaining personal goals; and
- To develop young people with compassion, sound moral character, and a sense of responsibility for the community and the environment.

### **Target Population – Whom the School is Attempting to Educate**

As of the 2015-2016 school year, the Charter School serves about 305 students in grades K-5, and eventually will serve up to 600 students in grades TK-8. The School enrolls a diverse student body, and aspires to serve students that represent all racial, ethnic and socio-economic backgrounds in Alameda County. In 2015-2016, the School’s student population include 21% English Learners and 6% low-income (i.e., eligible for Free/Reduced-price meals).

The Charter School’s governing Board and leadership are deeply committed to a vision of serving students that reflect the diversity of the East Bay. Since founding, the Charter School has proactively sought to attract students under-represented in its student population compared to Alameda County’s population. Outreach activities have included:

- targeted visits to neighborhood early childhood programs and preschools serving low-income, African American and Latino families;
- cultivating relationships with leaders of nearby Head Starts, preschools and early childhood centers, especially those serving a high proportion of low-income, African American and Latino families;

- disseminating information about the school in English, Spanish and Chinese in neighborhood gathering places such as community centers, barber shops, hair salons;
- weekend school tours with childcare; and
- personal calls by principal to families in target populations that were offered slots or high up on the wait list who were in our target populations.

The School is committed to continuing these activities and adding new strategies as needed to continue to diversify the applicant pool. In addition, the School is targeting a lower-income or mixed-income neighborhood for its permanent location, and believes that its outreach efforts, combined with the stability of a permanent location and the possibility of enrolling an additional section of incoming kindergarten, will shift the mix of students over time. The School has also initiated conversations with Head Start leaders about the possibility of adding Mandarin language in some of its programs to provide a more diverse population of “feeder” preschools. On an annual basis, the Board will set goals and monitor progress in diversifying the incoming student applicant pool.

### **Education Philosophy / How Learning Best Occurs**

Through early and sustained immersion in Mandarin, the Charter School’s students will achieve high academic attainment, become highly proficient in two languages and develop sensitivity to other cultures. Foreign language immersion is a proven educational methodology in which the school curriculum is taught through the medium of a foreign language,<sup>4</sup> stimulating the development of critical thinking skills, problem solving skills<sup>5</sup> and cognitive development overall.<sup>6</sup> Research also indicates that students can simultaneously master a rigorous academic curriculum using the target language as a means of delivering content as well as mastering their native language.<sup>7</sup>

The Charter School’s two-way immersion model, configuration, use of time, teaching strategies, curriculum materials, technology, assessments, and support systems are aligned towards these same goals.<sup>8</sup>

#### *Two-Way Immersion Model (TWI)*

The Charter School’s program is rooted in a two-way dual language immersion model, which is a specific type of dual language education. The Two Way Immersion approach creates an additive bilingual experience in which students are able to maintain their first language while acquiring a second language. In a dual immersion model, two languages are used for instruction (i.e. in this case, English and Mandarin), with at least 50% of instruction in the second language. In a two-

<sup>4</sup> Center for Applied Linguistics [http://www.cal.org/twi/bib/bib\\_all.pdf](http://www.cal.org/twi/bib/bib_all.pdf)

<sup>5</sup> Asia Society. Chinese Language Learning in the Early Grades: A Handbook of Resources and Best Practices for Mandarin Immersion. 2012. <http://asiasociety.org/files/chinese-earlylanguage.pdf>

Weise, E.. (2014). *A Parent’s Guide to Mandarin Immersion*. San Francisco, CA: Chenery Street Press.

Lindholm-Leary, K. (2011). Student outcomes in Chinese two-way immersion programs: Language proficiency, academic achievement, and student attitudes. In D. J. Tedick, D. Christian & T. W. Fortune (Eds.), *Immersion education: Practices, policies, possibilities* (pp. 81-103). Bristol, UK .Multilingual Matters.

“The Bilingual Advantage,” *New York Times*, May 30, 2011.

Christian, D., “Dual language education” in *Handbook of Research in Second Language Teaching and Learning, Volume II*, ed. E. Hinkel (New York: Routledge, 2011),

Xu et. al (2015). Learner Performance in Mandarin Immersion and High School World Language Programs: A Comparison. *Foreign Language Annals*, Vol. 48, Iss. 1, pp. 26–38.

<sup>8</sup> While all of the elements described below are expected to be in place consistently throughout the Charter School, some elements may be less fully implemented at certain times as the focus of the School shifts depending on the needs of students and capacity of School staff.

way dual immersion model, in addition to the mix of languages used in instruction, the program also enrolls students representing a mix of primary language (i.e. in this case, roughly 50% with some proficiency in Mandarin, and 50% in English or another language). Students are integrated throughout the school day regardless of primary language. As a result, all students have the opportunity to simultaneously serve as first language models as well as second language learners, thus mutually enhancing their learning environment. Students learn both academic content and literacy in English and the second language. Lessons are not repeated in one language after the other, but skills and knowledge taught in one language are reinforced in the other language through thematic teaching and attention to cross-linguistic development. Two-way dual immersion programs strive to promote bilingualism and bi-literacy, grade-level academic achievement, and positive cross-cultural attitudes and behaviors in all students.<sup>9</sup>

The proportion of instruction in Mandarin and English shifts gradually over the course of a student's progression through the Charter School. Kindergarten, first and second grade students spend 90% of their time exclusively immersed in Mandarin Chinese, 10% of the content is delivered in English. All subjects other than English, including math, science, social studies, and special subjects such as art and music, are taught in Mandarin. The immersion early language acquisition strategy is critical because Mandarin Chinese is a tonal language with a logographic writing system<sup>10</sup>, not based on the Latin alphabet, so it is important to start learning it at a young age when children are developmentally attuned to distinguishing tonal and visual variations. A 90/10 immersion model provides more contact hours for English-speaking students to achieve proficiency.<sup>11</sup> Full immersion is critical because it takes a native English speaker at least twice as long to develop proficiency in Mandarin as compared to learning a cognate language such as Spanish or French. Starting in 3rd grade, the percentage of instructional time in Mandarin and English shifts to 70/30, and in 5<sup>th</sup> grade the mix is 50/50. In middle school (grades 6-8), students' percentage of time spent on Mandarin will vary based on individual need and elective course offerings, from a minimum of 30%, up to 50%. Subjects taught in Mandarin are taught by teachers with native or near-native proficiency in Mandarin. Subjects taught in English are taught by teachers with native English proficiency. In grades 3 and above, some subjects are taught in both languages through coordination between teachers who are teaching different aspects of the same topic, in each language.<sup>12</sup>

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<sup>9</sup> Steele, J. (2013). "The Effect of Dual-Language Immersion on Student Achievement in Math, Science, and English Language Arts." RAND Corporation, Society for Research on Educational Effectiveness, Fall 2013 Conference Abstract. <http://www.sree.org/conferences/2013f/program/downloads/abstracts/984.pdf>

<sup>10</sup> In tonal languages, the tone of a word is a high-low pitch pattern permanently associated with it. A change of tone alters the word's meaning. In logographic languages, a single grapheme (an atomic unit in the written language) can represent a word, a morpheme (a meaningful unit of language). Multiple graphemes together in different combinations also represent words.

<sup>11</sup> This model was chosen to maximize language application early fully, utilizing the Mandarin speakers to support Chinese acquisition in non-Mandarin speakers, and vice versa.

<sup>12</sup> Percentage of time spent in each language at any particular grade or subject area may shift over time, depending on the latest findings in language immersion research and the school's experience and program needs.

### *Small School Size*

The Charter School is a site-based program that is small enough to be a community in which each student is known personally. Research shows that small schools allow students and teachers to develop intensive, long-term relationships that enable better conditions for teaching and learning.<sup>13</sup>

### *K-8 Grade Configuration*

Studies have shown that students in grades 6-8 that attend K-8 schools experience social-emotional and other potential benefits compared to their same grade peers in separate middle schools.<sup>14</sup>

### *Class sizes*

The Charter School's goal is a 26:1 student: teacher ratio in kindergarten through eighth grades. Teaching assistants, language specialists, and technology tools are also used to provide differentiated and personalized instruction.

### *Use of Time*

The Charter School is structured to support high student achievement by creating many personalized learning opportunities with more time in the school day and school year for learning.

### Longer school day

Students learn more when they are given more academic learning time each day.<sup>15</sup> With more time, teachers can delve into topics more deeply and cover more content. The Charter School's regular day is approximately six hours and 45 minutes – from 8:15 am – 3:00 pm. This is about 30 minutes more instruction each day than students in many traditional public schools receive. Kindergarten students also attend the full day. In addition, when funding is available, the Charter School provides after-school homework help and academic tutoring in both languages. An after-school program with enrichment activities in both languages is also available on a sliding scale fee basis.

### Longer school year

The Charter School provides at least 190 regular days of instruction, ten days more than traditional public schools provide, and fifteen more than the legal minimum applicable for charter schools. In addition, the School plans to offer up to 10 additional days of additional summer programming, when facilities, funding and staffing are available. Research is clear that more academic instructional time enhances learning and reduces the opportunities to “forget” what has been learned. Students in Asia attend school many more days per year

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<sup>14</sup> Gordon, M, et. al “Review of Literature on Grade Configuration and School Transitions.” March 2011. <http://goo.gl/mDzo2e>  
Byrnes, V. and A. Ruby (2007). “Comparing Achievement between K-8 and Middle Schools: A Large-Scale Empirical Study.” *American Journal of Education*, 114(1): 101-135.

Weiss, C. C. and L. Kipnes (2006). “Reexamining Middle School Effects: A Comparison of Middle Grades Students in Middle Schools and K-8 schools. *American Journal of Education*, 112(2): 239-272.

<sup>15</sup> Farbman, D. & Kaplan, C. (2005). *Time for a change: The promise of extended-time schools for promoting student achievement*. Boston, MA: Massachusetts 2020. [www.mass2020.org/files/file/Time-for-a-change\(1\).pdf](http://www.mass2020.org/files/file/Time-for-a-change(1).pdf).

Gabrieli, C. (2008). *Time to learn: How a new school schedule is making smarter kids, happier parents, and safer neighborhoods*. San Francisco, CA: Jossey-Bass.  
Silva, E. (2007). *On the clock: Rethinking the ways schools use time*. Washington DC: Education Sector.

than U.S. students: 243 days in Japan and 220 days in South Korea; in China, students typically attend academic programs during any breaks in the school year.

➔ See Appendix II for the 2015-16 school year calendar, bell schedule, and instructional minutes calculation

The Charter School has a target of 97% attendance, and has achieved that target every year since founding. The School uses a variety of strategies to maximize attendance, including:

- Clearly highlighting the longer school year and longer school day in all student recruiting and enrollment materials;
- Including a commitment to support the student's full attendance in the Teacher-Parent-Student Compact, which all parties sign at the start of each school year;
- Reiterating attendance expectations prior to scheduled school holidays;
- Proactively working with families as soon as students demonstrate a pattern of tardiness or absenteeism;
- Providing occasional weekend opportunities to make up missed days

### Independent Study

Although Yu Ming is designed as a classroom-based charter school, the school offers Independent Study under the supervision of a designated certificated teacher for already-enrolled students who are unable to attend school for an extended period (for example, due to a hospital stay). In this situation, the parent or guardian would request to have the student participate in an Independent Study, and sign a written Independent Study Master Agreement as part of a student and parent conference with the certificated employee who will administer the Independent Study.

### *Teaching Strategies*

Immersion practitioners believe that the high achievement of students in immersion programs is due in part to the teaching strategies used by immersion educators, proven through research and best practices:

- Explicit Instruction: The teacher presents the lesson and students demonstrate their new skills or knowledge individually or chorally.<sup>16</sup> Because at least half of the Charter School's students are learning in a language that is not their native language, direct instruction is an important strategy for ensuring that new vocabulary and curriculum content is learned.
- Guided and Independent Practice: Students are given multiple structured opportunities to practice newly and previously learned skills and knowledge. Practice opportunities are concentrated immediately after explicit instruction, and also distributed over the weeks and months following introduction of new skills. Practice increases students' retention of the newly learned material. Independent practice may also be differentiated to support students in the areas where they most need additional practice.
- Small group instruction: Teachers work with small groups, pre-teaching or re-teaching specific standards. Groups shift continually, depending on students' level; this creates

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<sup>16</sup> Adams, G.L., & Engelmann, S. (1996). Research on Direct Instruction. Seattle, WA: Educational Achievement Systems.

Genesee, F. (2004). What do we know about bilingual education for majority language students. In T.K. Bhatia & W. Ritchie (Eds.), *Handbook of Bilingualism and Multiculturalism*(pp. 547-576). Malden, MA: Blackwell

opportunities to directly address the individual skill levels of mastery for our diverse student population.

- Inquiry & Problem-Solving: Students are presented with a problem or question, around which they formulate and test theories to work towards a solution. Hands-on activities encourage student-to-student interaction in both languages, and provide an opportunity to apply their language skills.
- Technology: Technology supports student learning of academic standards and enables them to demonstrate what they have learned in both languages. Learning software and applications are used to provide adaptive instruction, practice and assessment in a way that is differentiated for each child. Computers and tablets are also used as a tool for research, communication, and production. Learning software and applications will be used to provide adaptive instruction, practice and assessment in a way that is differentiated for each child. The Charter School is applying for Summit Basecamp's Cohort 2, and hopes to use Summit Public Schools' Personalized Learning Platform (PLP) to deliver customized learning experiences and content for its middle school students.
- Specialized Language acquisition strategies: Teachers use a variety of techniques to assist with language acquisition. For example, they may use body language and facial gestures. They build on background knowledge, using it along with context to convey meaning. They may initially use language with more simplified syntax, speak more slowly, emphasize key vocabulary, and both extend and expand students' limited utterances. As students progress in their language development, teachers expand the ways in which they make themselves understood, using paraphrase, exemplification, and literacy as tools for building language. Most importantly, students gain proficiency by using the language to interact with the teacher and classmates on topics important to the life of the classroom, a key concept in Steven Krashen's language acquisition theory that "Acquisition requires meaningful interaction in the target language - natural communication..."<sup>17</sup> In addition, both Mandarin and English teachers use a variety strategies from Specially Designed Academic Instruction in English ("SDAIE"):
  - realia (concrete objects and materials)
  - manipulatives (drawings, posters, brainstorming-clusters, graphs, tables, maps, props, multimedia presentations, storyboards, storymaps)
  - visuals (study-prints, text book illustrations, overheads-projected prints, reproductions of paintings and documents, and documents)
  - graphic organizers (matrices, Venn diagrams and webs)
  - concrete experiences, including planned opportunities for interaction between all individuals in the classrooms (creating a skit and acting it out, cooperative learning, collaborative groups and student-generated writing based on personal experience)

*Personalized, mastery-based middle grades program*

The School's education design for the middle grades will build on the foundation of the K-5 program, and add significantly more personalization and mastery-based learning. This design

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<sup>17</sup> Krashen, Stephen D. *Principles and Practice in Second Language Acquisition*. Prentice-Hall International, 1987.

takes advantages of the school's smaller size. Specifically, the middle grades program will feature:

- Competency-Based Progression: For some subjects, students will be able to advance to new content as they demonstrate mastery through on-demand assessments, rather than being tied to the pace of an entire class. The School will use adaptive software and applications in English and Mandarin, as well as a learning management system to track and provide these opportunities, especially in developing foundational skills and knowledge.
- Personal Learning Paths: Students will articulate their own aspirations, explore their interests and passions, understand the learning modalities that work best for them, set their own goals and create the experiences they need to achieve their goals. Teachers will act as mentors to students, supporting individual students to develop personal agency and increasingly manage their own learning. The School will use a learning management platform to track mastery and gaps and provide timely and actionable feedback to students, families and staff. The School will also provide access to a variety of electives using online resources such as Middlebury Interactive Languages and Chinese language Massive Open Online Courses (MOOCs) for more specialized content areas.

#### *Curriculum Standards and Materials*

The Charter School offers a curriculum which is aligned with Common Core State Standards<sup>18</sup> for English Language Arts and Math, the Next Generation Science Standards for Science, and the California State Standards for Social Science. In addition, the Charter School has created rigorous Mandarin Language Arts Standards that are inspired by the English Language Arts Common Core State Standards. The Charter School's curriculum is articulated as a K-8 system, and includes other subjects essential to a healthy and well-rounded life (e.g. visual arts, music, health and nutrition, and physical education). For subjects and grades taught in English, the Charter School uses texts and materials adopted in the State of California<sup>19</sup>. For subjects and grades taught in Mandarin, the Charter School adapts and translates Common Core aligned materials and aligns grade-appropriate and linguistically accessible Mandarin Chinese teaching materials. The School also reviews and pilots new curriculum resources as needed. The Charter School continually seeks to collaborate with other Mandarin Immersion programs and networks to share and source curriculum materials (e.g. San Francisco Unified School District, Chinese American International School, Mandarin Institute, the Asia Society.) The Charter School also works with the ministries of education of Chinese-speaking countries to access additional Mandarin Chinese Language Arts materials.

- Mandarin Chinese Language Arts: In addition to language immersion, students need formal instruction in both target languages to achieve native-like fluency and grammar.<sup>20</sup> The Charter School currently uses materials from multiple sources, including Flying with Chinese, Better Chinese, MeiZhou Chinese, Mandarin Matrix, and others. The School also regularly evaluates and pilots potential new curriculum resources (both core and supplemental) as they become available. (In 2015-2016, the School is piloting and comparing three potential core curricula: 21<sup>st</sup> Century, Better Immersion, and Mei Zhou Hua Yu).

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<sup>19</sup> Based on new research, changes in California adopted text lists, and other factors, the School will annually re-evaluate its adopted curriculum materials.

<sup>20</sup> See references Harley, 1984, 1996; Lyster, 1987; Swain, 1985; Swain & Lapkin, 1986 in Lindholm-Leary, K.J., Ph.D, *Review of Research and Best Practices on Effective Features of Dual Language Education Programs*, March 2005.

- English Language Arts: To help students develop strong literacy skills in English, including both phonemic awareness and reading comprehension strategies, the Charter School uses a phonics-based program supplemented with Guided Reading strategies aligned with the Common Core State Standards. Reading instructional materials include Houghton Mifflin Reading, Reading A-Z, and Words Their Way. The Charter School also uses the Great Books program and other sources of literature. Lucy Calkins's Writer's Workshop and Regie Routman's work from Writing Essentials form the basis of the writing curriculum utilized for teaching the Common Core State Standards for writing in English.
- Mathematics: The math program is based on the Common Core State Standards for mathematics. The Charter School uses Singapore Math curriculum materials, supplemented with Math Pathways and Pitfalls developed by WestEd, Math Trailblazers, and other materials in Chinese. The Charter School will regularly evaluate potential new Common Core aligned curriculum resources as needed.
- Science: Students use the scientific method (generating hypotheses and designing experiments to test the hypotheses), apply the scientific method to everyday life, and consider how to use scientific principles to live in a more environmentally sustainable way. The Charter School uses the Science A-Z, materials from Stephanie Science, and Full Option Science System (FOSS), which is aligned with the Next Generation Science Standards. FOSS was developed with a National Science Foundation grant at the Lawrence Hall of Science, University of California at Berkeley.
- Social Studies: The social studies content is integrated into Mandarin Chinese and English language arts. The Charter School uses materials from San Francisco Unified School District's Mandarin immersion schools to teach Social Studies in Chinese.
- Chinese culture: Developing an understanding of the Chinese cultural context is intertwined with understanding the Chinese language. For example, Chinese proverbs and poetry are used for both Mandarin Chinese language development and learning about Chinese culture.
- Visual and performing arts: Appreciation of and participation in the arts are essential to each student's development. Art and music inspire students, help ideas come to life by using multiple intelligences, and ensure cultural literacy. Students receive instruction in art and music, including both Western and Eastern modes of expression, formats, and examples. Additional opportunities also are provided through partnerships with community arts organizations.
- Physical education: Students are expected to develop their physical abilities and fitness. They learn these skills and habits through Physical Education class. The Charter School will administer the state-mandated physical fitness tests with its first class of fifth graders in the 2015-16 school year.
- Health: Students develop an understanding of the importance of health and nutrition through classroom instruction, selected special programs, physical education class, collaborations with local health agencies, and thematic units. Health instruction follows the California Health Framework. Data from the California Healthy Kids survey informs additional needed interventions.
- Technology: Students develop proficiency using personal computers and other digital devices through regular use of commonly used productivity applications (e.g. search, word processing, spreadsheets, presentations) as well as education technology software



and applications. Students learn to keyboard in both languages. The Charter School integrates technology skill development in core academic classes and as part of interdisciplinary projects. The School may also offer a coding class as a special subject or as an elective class in grades 6 to 8.

- **Life Skills:** To be successful in the real world, students need more than academic skills and knowledge. Teachers explicitly guide students in learning how to use these life skills every day through the explicit teaching of Responsive Classroom's CARES framework. CARES stands for Cooperation, Assertion, Responsibility, Empathy, and Self Control. In the middle grades, life skills instruction will be augmented to include the school's core values: ethical, persevering, compassionate and wise. In addition, the Charter School uses School Wide Positive Behavior Interventions and Supports (PBIS) and Second Step curriculum. The Charter School reinforces appropriate behavior through norms, direct instruction, incentives, and other classroom management practices.

➔ See Appendix II for List of Instructional Materials & English Language Arts Approach

Because students are learning some content standards through a new language, curriculum adaptations (of both instructional strategies and resources) are used to make it linguistically accessible without diluting or lowering standards. While some curriculum materials may be available that are already appropriate to student needs, other materials require that adaptations be done by the classroom teachers with the assistance of external consultants as needed. In this curriculum adaptation process which is typical for immersion classrooms, the teacher:

1. Consults the curriculum guide to identify unit goals and objectives, listing key concepts related to unit goals and objectives and identifies how mastery will be measured.
2. Identifies language (e.g., structures, expressions, key vocabulary) required for curriculum learning.
3. Lists instructional experiences that will help students attain learning objectives and how materials will support those experiences.
4. Rewrites text to make it comprehensible by:
  - Using simpler structures and shorter sentences.
  - Emphasizing key terms through boldface or highlighting.
  - Finding or creating pictures, diagrams, charts, and graphic organizers to assist students to make meaning of key terminology
  - Identifying other elements that will assist students to comprehend key terminology or phrases comprehensible with multiple examples, paraphrases, re-statements of key ideas, synonyms, antonyms and definitions.

The Charter School's Principal is responsible for ensuring that the curricula, in both languages and at all grades, support students and teachers in achieving the school's goals. The Charter School's staff reviews the efficacy of the curriculum regularly. The Principal, in collaboration with the Mandarin Curriculum Director, Head of English and teachers and in consultation with the Board's Education Committee, leads the process of selecting, adapting, and developing curriculum materials.

Criteria for curricula section include (but are not limited to):

- suitability for use in a two-way dual immersion Mandarin-English environment;

- alignment with the School’s language fluency goals overall and at each grade level;
- alignment with the Common Core State Standards, the Next Generation Science Standards, and/or the School’s Common Core inspired Mandarin Language Arts standards;
- integration of valid and reliable assessments (both formative and summative);
- cultural competency and cultural relevance for diverse students in Alameda County;
- availability of high quality professional development;
- compatibility with the variety of teaching strategies used in the School; and
- affordability (including both one-time and annual costs).

The selection process for new materials includes review of teacher guides and student materials (both digital and print), consultation with subject matter experts, reference checks with other language immersion schools and programs, review of research (if available), and piloting in the School.

➔ Please see Appendix II for Mandarin Language Arts Scope & Sequence and Curriculum Maps

### *Traditional and Simplified Scripts*

All languages evolve over time. New words are invented to describe new concepts (e.g. the internet), colloquialisms and figurative language are used in new ways (e.g. cool can mean “not quite cold” or it might mean “trendy and stylish.”) In some cases, the differences can be stark to the point of confusing a fluent reader or speaker (as any novice reader of Shakespeare or parent to a teenager can attest). In general, adults fluent in the language are able to learn and adapt to these changes.

Chinese is no exception. One important way in which the Chinese language has changed in modern times was the introduction of “simplified” characters, beginning in the 1950s.<sup>21</sup> Simplified characters were created by decreasing the number of strokes in a traditional character, in a deliberate attempt by the Chinese government to increase literacy rates across the country.

Ever since that introduction, the Chinese language education community has engaged in a vigorous debate about whether and when to teach children traditional (or “complex”) characters and simplified characters. This debate has often been driven by nationalism, since complex characters are primarily used in Taiwan and Hong Kong, and simplified characters are primarily used in the People’s Republic of China, Malaysia, and Singapore. Research asserting the benefits of teaching one script over the other is contradictory and inconclusive. Debates between experts and laypeople alike are typically peppered with personal experiences and anecdotes, illustrating the wide range of pathways for learning both. Mandarin language programs and schools across the world have tried a variety of approaches successfully, and individuals who have mastered one script are able to learn the other. Two of the established national U.S. organizations promoting Chinese learning in schools, the Asia Society and the Mandarin Institute, do not take a position

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<sup>21</sup> The Chinese language includes roughly 45,000 characters. Approximately 2,350 of the more commonly used characters have been simplified, and of those, approximately 500 are remarkably different.

regarding what script is more educationally advantageous to learn. The Mandarin Institute does recommend that students develop proficiency in one script before learning the other.<sup>22</sup>

The School undertook an extensive process to determine an approach to scripts that would maximize the likelihood of achieving our school's goals for Mandarin fluency and literacy for all of our diverse students.

The School will use a single script for instruction in all grades; that single script will be simplified. Core textbooks, supplemental texts, classroom instruction in all subjects, in-class work, homework assignments, and assessments will use simplified. Summative assessments that measure progress towards the school's long term goals will be in simplified script only.

The School will provide students with some limited exposure to traditional script, because traditional script can support students' understanding of Chinese culture, history and literature, and because some members of our school community have a deep cultural connection to traditional script. For example, a teacher may show the etymology of a core character from pictograph to traditional to simplified. Because they have developed a strong Chinese language foundation in simplified script, the School's alumni will be able to readily learn the traditional script.

➔ See Appendix II for Description of Chinese Script Review Process and Rationale

#### *Assessment*

Assessment allows the Charter School to observe individual student progress, determine the efficacy of individual teachers, and evaluate the success of the program as a whole. Because no single assessment provides sufficient information on students' learning in all areas, the Charter School uses multiple assessments, both formative and summative, throughout the school year.

Charter School's use of a variety of assessments reflects best practice and ensures that teachers, parents and students continually have current and accurate information about students' level mastery and areas in which they might be struggling. Teachers regularly use that data to adapt the program to each student's needs. In immersion classrooms, multiple measures are particularly important since it may sometimes be necessary to disaggregate content performance from linguistic performance. For example, some students may comprehend the concept of re-grouping in mathematics but be unable to explain how they arrived at their answer in Mandarin. Determining whether students understand the concept and can use their knowledge in performance may need to be separated from student's ability to verbalize their knowledge. On the other hand, it is also important for students to be able to demonstrate through oral or written language what they have learned; therefore, requiring students to use Mandarin to explain their thinking is also appropriate. Teachers develop, select and use different assessments depending on the lesson or unit goal, children's developmental characteristics, availability of resources, and planned use of the data. Teachers use a combination of the following assessments:

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<sup>22</sup> More information on the recommendations of these two organizations that promote Chinese language and cultural education in schools can be found at [asiasociety.org](http://asiasociety.org) and [mandarininstitute.org](http://mandarininstitute.org)

- *school-designed benchmark assessments*: 3 cumulative standards-aligned assessments given periodically during the school year in core subjects;
- *day-to-day teacher-designed and/ or curriculum-embedded assessments*: quizzes, unit tests, homework;
- *qualitative observations of the process of learning*: teachers' anecdotal notes, student reflection log, observation of student participation in class; and
- *final products*: scored published writing, final class projects (individual or group). The Charter School gives writing assessments at all grade levels in various genres, with aligned Mandarin and English rubrics. The Charter School will also create capstone projects for middle school to capture and highlight students' interdisciplinary learning from the school year.

Mandarin language proficiency is assessed using the following research-based and widely-used assessments:

- K- Grade 2: *LinguaFolio*, developed by members of the National Council of State Supervisors for Languages (NCSSFL), is a proficiency-based assessment tool designed to document individual student performance and align a language program with internationally accepted criteria.
- Grades 3-8: *Standards-based Measurement of Proficiency (STAMP)*, by Avant Assessment. STAMP is an entirely Web-based assessment, statistically validated on over 30,000 students by the Center for Applied Second Language Studies (CASLS) at the University of Oregon. The realia-based STAMP test measures interpretational and presentational modes including reading, writing and speaking proficiencies. STAMP benchmarks are standards-based."<sup>23</sup>

Students are also assessed through state-mandated tests (e.g., California Assessment of Student Performance and Progress (CAASPP) assessment system) in English, Math and Science.

➔ See Appendix II for 2015-2016 Interim Assessment Calendar and sample formative assessments

### *School Culture*

The Charter School's culture reflects the school's mission, and both eastern and western values. The physical school space includes bilingual English/Mandarin Chinese signs in common areas and is decorated with objects reflecting Chinese culture. Classrooms are richly decorated with materials reflecting the language(s) of instruction used in that classroom.

The School uses Responsive Classroom's CARES framework for social skills:

合作	Cooperation
自信	Assertion
负责	Responsibility
友爱	Empathy

<sup>23</sup> For more information on STAMP, see <http://onlinells.com/stampplace.php> <sup>63</sup> For more information on HEC, <http://www.collaborative.org/>

## 自制 Self-control

In addition, the School emphasizes the following core values:

- 德 Ethical: having a strong moral character
- 勤 Resilient: having the ability to persevere diligently and continue to strive even when faced with challenges
- 仁 Compassionate: able to consider others' viewpoints in an open-minded way, appreciate cultural differences, and work well with others
- 智 Wise: intellectually curious and able to think critically and solve problems in a creative way

Students are engaged in educational activities that develop the CARES traits and School values. The Charter School's Student Code of Conduct emphasizes behavior that reflects these values, and families are asked to read and sign a copy of the Family Handbook, which includes the Code of Conduct. A school-wide behavior management plan based on PBIS includes appropriate consequences and positive incentives, at the classroom level and school-wide. All members of the Charter School community, including staff, parents, and students, work together to develop a culture based on these values.

➔ See Appendix II for Family Handbook and Behavior Management Process

In addition, the Charter School incorporates specific strategies to promote a deeper understanding of the Chinese cultural context and belief system. This includes explicit instruction in Chinese practices (e.g. why one might use the formal version of the pronoun “you”) and critical influences on the Chinese culture (e.g. Confucius). Students may role-play, memorize Chinese poetry, or recite traditional proverbs during Charter School assemblies. They also learn about traditional Chinese food, holidays, and activities.

Students wear uniforms to establish a clear focus on academics, increase safety and security on the school campus, decrease differences based on socioeconomic status, improve student behavior, and increase school pride.

The Charter School has established a partnership with the Taipei Economic and Cultural Office in San Francisco (TECO) with support from Taiwan's Ministry of Education to host interns that are recent graduates of Taiwanese universities to participate in a cultural and teaching exchange. These interns live with Charter School families and work with our students in the classroom. The Charter School's teachers also have established “sister” classrooms in China or Taiwan so that students can experience real-life interactions with peers there. Students write letters, send email, exchange artwork, and even participate in web conferences (e.g. through Skype). For older students, this relationship may culminate in a trip to each other's country.

### **What it Means to be an Educated Person in the 21st Century**

The fundamental characteristic of the new millennium is ever-accelerating change. Information is multiplying as quickly as it is becoming obsolete; ideas are continually revisited, retested and revised. At the same time, the world is becoming increasingly interdependent. To be an Educated Person and Global Citizen in the 21st Century, our students need to have a foundation of knowledge and skills, ability to analyze information critically, ask good questions, develop new

ideas, and express themselves thoughtfully in more than one language. Students must also have habits of mind that include diligence, intellectual curiosity, cross-cultural awareness and competency, moral reasoning, and a respect for family, community and scholarship. Students with these traits and habits will become empowered citizens in their neighborhoods and beyond.

The Charter School’s graduates will be able to collect information in a variety of forms, including: novels, art pieces, statistical data sets, newspaper reports, historical accounts, web pages, and scientific articles. They will be self-motivated, competent, and lifelong learners. They will be able to use the information they gather to think systematically and critically, create new knowledge, and apply their thinking to real world problems. And, they will be able to express themselves effectively in a variety of forms, such as essays, paintings, poems, oral presentations, mathematical arguments, and scientific rebuttals.

### **Charter School Goals and Actions to Achieve the Eight State Priorities**

Please see the section “Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities” in Section III (Measurable Pupil Outcomes) for a description of the Charter School’s annual goals to be achieved in the Eight State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605.6(b)(5)(A)(ii).

### **Support Systems for All Students**

The key elements of our education program are designed to meet the needs of all students. In addition, the Charter School is committed to providing a variety of systems to ensure that each individual student receives the support s/he needs to be successful.

#### *Support for Under-Performing Students*

The Charter School has high expectations for all students and is committed to working with students who are not meeting outcomes to help them achieve at expected levels. Students who perform below the Charter School-determined acceptable level receive a mix of intervention services. These services include in-class individual and small group tutoring by classroom teachers, teacher aides or intervention specialists, before, during, or after school, as well as before- or after-school tutoring by non-classroom educators one-on-one or in small groups. Students targeted for additional intervention include, but are not limited to, students who meet the following criteria:

<u>Assessment</u>	<u>Criteria For Additional Intervention</u>
SBAC – ELA or Math	Standard Nearly Met or Not Met
Mandarin language assessment	Not at grade level
Parent Recommendation	Any
Teacher Recommendation	Any

#### *Support for High-Achieving Students*

The Charter School also uses a variety of strategies to stretch and rapidly grow the skills and abilities of its highest achieving students so they do not become bored or complacent, but instead continue to feel challenged and supported. This includes in-class individual and small group work by classroom teachers before-, during-, or after-school; before- or after-school enrichment classes by non-classroom educators, access to learning software and curriculum

materials designed for their mastery level, and opportunities to participate in classes or lessons designated for higher grades.

#### *Support for Socio-Economically Disadvantaged Students*

The Charter School provides additional support as needed for students whose family income level has created additional obstacles for learning. The Charter School ensures that all students, regardless of income level, have the supplies they need for school, school uniforms that fit, and are able to fully participate in all school-sponsored field trips. The School may also work with governmental agencies and other not-for-profit organizations if needed to help ensure that the student and his/her family receive needed services.

#### *Support for English Learners*

Most students enter the Charter School in Kindergarten or 1st grade, which capitalizes on children's optimal age for second language acquisition. In the Mandarin portion of the school day, non-Mandarin speaking students, regardless of their native language, start from the same level of non-proficiency and all are provided access to the language immersion teaching strategies successfully employed nationwide.

For students whose native language is neither English nor Mandarin, the instructional strategies used by immersion teachers are effective teaching techniques for making curriculum accessible to all students. For English Language Learners, the two-way immersion model is ideal as it supports both Mandarin language learners and English language learners within academic classes and in supplemental settings. If a student with neither English nor Mandarin proficiency wishes to enroll, the Charter School would assess the child's English proficiency and develop a plan for development of English language mastery.<sup>24</sup>

The Charter School meets all applicable legal requirements for English Learners, related to annual notification to parents, student identification, placement, program options, English Learner and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School implements practices to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents. The Charter School's program for English Learners is research-based, supported by budget resources and professional development and evaluated regularly for efficiency and needed improvements.

#### Home Language Survey

The Charter School administers the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms). Students in the country less than twelve months are given the state's Designated Primary Language Test (e.g. the Aprenda and Standards-Based Tests in Spanish) to determine the student's academic proficiency when tested in his/her home language.

#### CELDT Testing

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<sup>24</sup> The French Early Immersion Program in Holliston, MA, is an example of a program that has successfully included students whose native language was neither French nor English.

All students who indicate that their home language is other than English are given the California English Language Development Test (“CELDT”)<sup>25</sup> within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.<sup>26</sup> The Charter School notifies all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under state and federal law for annual English proficiency testing.

### Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the CELDT;
- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery;
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement. The notice will include a description of the reclassification process and the parents’ or guardians’ opportunity to participate, and encourage parents or guardians to participate in the reclassification procedure.
- Comparison of the pupil’s performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

### Strategies for English Learner Instruction and Intervention

Because the Charter School is focused on language acquisition, all aspects of its education program are designed around strategies that have been proven effective for English Learners. These strategies include:

- realia (real objects and materials)
- manipulatives (drawings, posters, brainstorming-clusters, graphs, tables, maps, props, multimedia presentations, storyboards, story maps)
- visuals (study-prints, text book illustrations, overheads-projected prints, reproductions of paintings and documents, and documents)
- graphic organizers (matrices, Venn diagrams and webs)
- planned opportunities for interaction between all individuals in the classrooms (creating a skit and acting it out, cooperative learning, collaborative groups and student-generated writing based on personal experience)

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<sup>25</sup> All references in the charter to the CELDT will be understood by the Charter School and the County to mean the English Language Proficiency Assessments for California (“ELPAC”), when it replaces the CELDT.

<sup>26</sup> The thirty day requirement applies to students who are first enrolling in a California public school or who have not yet been CELDT tested. All others will be tested on an annual schedule based upon their last date of CELDT testing.



Teachers are given professional development in teaching English Language Learners in their appropriate content areas.

#### Ongoing Assessment of EL Students

The Charter School's use of achievement data also drives the instruction and professional development as it relates to English Learners. The Charter School analyzes the achievement data by this subgroup, and continues to assess the students through teacher-designed assessments and Charter School benchmark assessments. The results from the CAASPP may also be reviewed with the Education Committee, which would then have input into the plan for supporting English Learners.

➔ See Appendix II for EL Reclassification Letter

#### *Support for Students with Disabilities*

Despite popular misconception, immersion program can be suitable and even beneficial placements for students with learning disabilities. Recent research indicates that children with language impairment can become bilingual, learning through two languages does not increase the risk for developing learning disabilities, and monolingual programs of instruction are no more beneficial to students with learning disabilities than dual language programs.<sup>27</sup> Diagnosis of any learning disability is not hindered by the immersion program, as researchers have found that any underlying impairment would be evident in both languages.<sup>28</sup> Ultimately, any students with learning difficulties are evaluated on a case-by-case basis, and appropriate interventions designed and implemented as part of the normal IEP process for Special Education (described below).

The Charter School shall continue to comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

The Charter School is its own local education agency ("LEA") in conformity with Education Code Section 47641(a) and is a member in good standing of the El Dorado County Office of Education ("EDCOE") Special Education Local Plan Area ("SELPA").

➔ See Appendix II for confirmation letter from EDCOE SELPA

The Charter School complies with all state and federal laws related to the provision of special education instruction and related services, and all SELPA policies and procedures, and utilizes appropriate SELPA forms. The Charter School shall not discriminate against any pupil with a disability in the admissions process or any other aspect of operation. The Charter School shall not ask or require students or parents to waive the right to a free appropriate public education in order to attend the Charter School.

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<sup>27</sup> Genesee, Fred. 2006. Paper presented at the Two-Way Bilingual Immersion Conference. Long Beach, CA.

<sup>28</sup> Genesee, F., Paradis, J. & Crago, Mb, 2004, *Dual Language Development And Disorders*. Paul H. Brookes Publishing Co., Inc.

The Charter School shall continue to be solely responsible for its compliance with the IDEIA, Section 504 and the ADA. The facilities utilized by the Charter School shall be accessible for all students with disabilities.

#### Section 504 of the Rehabilitation Act

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

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

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

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

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives appropriate accommodations, modifications and/or services.

In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

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

All 504 team participants, parents, guardians, teachers and any other participants in the student's education must have a copy of the student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she reviews the 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, needed modifications to the plan, and continued eligibility.

➔ See Appendix II for Section 504 Policy and Administrative Regulations

#### Services for Students under the IDEIA

The Charter School is an LEA member of the EDCOE SELPA.

The Charter School participates as a member of the EDCOE SELPA in accordance with Education Code section 47641(a) and makes the following assurances:

- *Free Appropriate Public Education* – The Charter School assures that a free appropriate public education shall be provided to all enrolled students including children with disabilities who have been expelled from school.
- *Child Find* – The Charter School assures that all students with disabilities are identified in accordance with the policies and procedures of the SELPA.
- *Full Educational Opportunity* – The Charter School assures that all students with disabilities have access to the full range of programs available to non-disabled students.
- *Least Restrictive Environment* – The Charter School assures that students with disabilities are educated with students who are not disabled to the maximum extent appropriate. This is addressed through the use of supplementary aids and services in the general education environment in accordance with each student's IEP.
- *Individualized Education Program* – The Charter School assures that an Individualized Education Program ("IEP") is developed, reviewed and revised for each eligible student under the IDEIA.
- *Assessments* – The Charter School assures that an IEP review shall be conducted on an annual basis at a minimum. In addition a reassessment shall be conducted at least once every three years, in accordance with the IDEIA, and more often if conditions warrant or requested by the student's parents or teacher. Parents receive reports on their individual student's progress toward IEP goals and progress at the IEP meeting and student-led conferences.
- *Confidentiality and Procedural Safeguards* – The Charter School assures that the confidentiality of identifiable data is protected at the collection, storage, disclosure and destruction stages. In addition, students and their parents are provided with safeguards through the identification evaluation and placement process and provisions for a free appropriate public education.

- *Personnel Standards* – The Charter School attracts, recruits and hires appropriately trained and credentialed personnel to provide special education services to children with disabilities.
- *State Assessments* – The Charter School assures that students with disabilities either under the IDEIA or Section 504 are included in State assessment programs with appropriate accommodations and modifications when necessary and appropriate.

In addition, the Charter School complies with the EDCOE Local Master Plan and performs any corrective actions deemed necessary by the EDCOE SELPA. The Charter School develops an annual budget, hires necessary staff, contracts for appropriate services and documents the qualifications and competency of school leadership to meet the special education compliance and quality requirements.

The Charter School works with EDCOE to provide professional development that builds the capacity of the special education and general education staff in the areas of promising instructional practices, compliance with state and federal statutes, reporting requirements and use of instructional data. In addition, all staff members receive professional development about practices that support the needs of special education students in the least restrictive environment.

Since the Charter School operates as an LEA of the EDCOE SELPA in accordance with Education Code section 47641(a), the County shall have no responsibility to ensure that the students who attend the Charter School are provided a free appropriate public education.

In accordance with state and federal law, each student eligible under the IDEIA is provided a free and appropriate education in the least restrictive environment. The decisions regarding the specific services each student shall receive are the responsibility of the Individualized Education Program Team. The team includes the involvement of parents and the decisions are formulated in a written plan (referred to as an IEP).

All incoming students participate in a series of diagnostic assessments in Language Arts and mathematics. Through a use of the Student Study Team (“SST”) process and comprehensive professional development about the characteristics of special education handicapping conditions and the referral process, parents and students have extensive opportunities to be served as needed.

➔ See Appendix II for description of the Intervention Process

The Charter School supports all special education students in compliance with state and federal laws. No student shall be denied admission to the Charter School due to the nature, extent, or severity of his/her disability or due to the student’s request for, or actual need for, special education services.

### III. Measurable Pupil Outcomes And Methods To Measure Pupil Progress Toward Meeting Outcomes

*Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.*

*- California Education Code Section 47605.6(b)(5)(B)*

*Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.*

*- California Education Code Section 47605.6(b)(5)(C)*

#### Student Outcomes

The Charter School provides a challenging, comprehensive and college-preparatory education that prepares students to be engaged global citizens. The education program is designed to enable all students to meet the following measurable pupil outcomes:

- *Basic skills:* mastery of grade level competency in mathematics and English Language Arts based on Common Core State Standards, in science based on Next Generation Science Standards, and social studies based on California Social Studies Standards;
- *Fluency in Mandarin:* mastery at no less than one grade level below a corresponding student in China or Taiwan in reading, writing and speaking Mandarin Chinese;
- *Life skills:* demonstrate personal qualities of diligence, intellectual curiosity, moral reasoning, and a respect for family, community and scholarship; and
- *Cross-cultural competence:* exhibit awareness of and sensitivity to other cultures and an international perspective

In order to best serve our students and community, the Charter School examines and refines its list of student outcomes, metrics and targets regularly to ensure alignment between the Charter School's mission, curriculum, assessments, and state or local standards. The Charter School has developed a curriculum map with benchmark skills and specific classroom-level skills at each grade level.

## Charter School Outcomes That Align With the Eight State Priorities

### Goals to State Priorities Grid

The Charter School's Goals address the Eight State Priorities in the following ways:

Goals	Priority 1: Basic Conditions of Learning	Priority 2: Implementation of State Standards	Priority 3: Parental involvement	Priority 4: Pupil achievement	Priority 5: Pupil engagement	Priority 6: School climate	Priority 7: Course access	Priority 8: Other pupil outcomes
1. To provide an academically rigorous, common core aligned college preparatory program	X	X		X			X	
2. To graduate students with bilingual and bi-literate skills in Mandarin Chinese	X	X		X			X	X
3. To graduate community minded, diligent and independent learners with intellectual curiosity and a growth mindset					X	X		X
4. For every student and member of staff to reach their full potential through providing a broad course of study and equal access to programs and services	X	X				X		
5. To have a highly engaged parent, student & staff population fully invested in and connected to the school community & academic program			X		X			

*Goal 1: To provide an academically rigorous, common core aligned college preparatory program*

### Actions

To ensure that students have the resources and support they need, and teachers are fully prepared deliver the program, the Charter School will:

- Use CCSS-aligned instructional materials in all grades;
- Provide professional development for staff on Common Core State Standards, assessments, curricula and instructional practices;
- Provide pull-out and push-in support for students below grade level, in all grades;
- Assign writing tasks aligned with CCSS in both English and Mandarin;
- Use a variety of formative assessments to track student progress and modify instruction as needed;
- Provide ½ day of training and collaboration time for teaching staff each week; and
- Identify or create and use NGSS-aligned curricula and assessments in Science

### Pupil Outcomes<sup>29</sup>

The Charter School will measure our pupil outcomes on Goal 1 in the following ways:

<sup>29</sup> Pupil Outcomes for all four Goals in this section includes only measurable outcomes for pupils that are likely to be applicable for the entire charter term. Does not include targets and outcomes related to staff or families. Exit outcomes and performance goals may need to be modified over time.

	2015-2016	2016-2017	2017-2018	2017-2018	2018-2019
% of students meeting or exceeding standards on ELA SBAC	79%	82%	85%	88%	90%
% of students meeting or exceeding standards on Math SBAC	88%	89%	90%	91%	92%
% of students meeting or exceeding standards on NGSS-aligned assessments	+3% from prior yr	+3% from prior yr	+2% from prior yr	+2% from prior yr	+2% from prior yr
% EL students who make progress on CELDT	65%	70%	75%	80%	85%

*Goal 2: To graduate students with bilingual and bi-literate skills in Mandarin Chinese*

Actions

To ensure that students have the resources and support they need, and teachers are fully prepared deliver the program, the Charter School will:

- Staff the school with necessary expertise to ensure teachers are well-supported and MLA program can be executed with quality;
- Identify, pilot, and adopt comprehensive CCSS-aligned MLA basal curriculum suitable for a two-way dual language immersion model; provide training for teachers in using adopted curriculum;
- Provide small group support for reading and writing in Chinese for below grade performers across all grades; and
- Identify, pilot, adopt, and/or develop formative assessments and benchmarks aligned with ACTFL’s summative Standards-based Measurement of Proficiency (STAMP) assessment, to enable teachers to more effectively monitor student growth and proficiency in listening, speaking, reading, writing, and adjust instruction accordingly.

Pupil Outcomes

The Charter School will measure our pupil outcomes on this goal in the following ways:

	2015-2016	2016-2017	2017-2018	2017-2018	2018-2019
% of K-2 students meeting or exceeding standard on Lingafolio	85%	87%	89%	91%	92%
% of grade 3-8 students meeting or exceeding standard on STAMP	85%	87%	89%	91%	92%
% of K-8 students meeting or exceeding standard on school-designed Mandarin writing assessment	85%	87%	89%	91%	92%

*Goal 3: To graduate community minded, diligent and independent learners with intellectual curiosity and a growth mindset*

Actions

To ensure that students have the resources and support they need, and staff are fully prepared deliver the program, the Charter School will:

- Implement Responsive Classroom school-wide; provide all teaching staff with sufficient training and resources to implement program with quality;
- Implement PBIS school-wide; provide all teaching staff with sufficient training and resources to implement program with quality;
- Build and deliver rigorous and relevant Units of Inquiry with built in assessment that integrate Science, Social Studies and History with ELA and MLA at every grade level;
- Provide access to supplemental non-fiction texts (both digital and paper) in MLA and ELA;
- Identify, develop and implement other socio-emotional curricula (e.g. Second Step, conflict resolution);
- Provide all teaching staff with sufficient training to implement socio-emotional program(s) with quality;
- Develop and implement community service activities in all grade levels; and
- Train staff on growth mindset; teach growth mindset to students.

Pupil Outcomes

The Charter School will measure our pupil outcomes on this goal in the following ways:

	2015-2016	2016-2017	2017-2018	2017-2018	2018-2019
% of students meeting or exceeding standard on CARES on report card	85%	88%	90%	91%	92%
% of students with favorable responses on student survey	85%	88%	90%	91%	92%

*Goal 4: For every student and member of staff to reach their full potential through providing a broad course of study and equal access to programs and services*

Actions

To ensure that students and staff have the resources and support they need, the School will:

- Adopt and implement a comprehensive tiered Response To Intervention (RTI) process; staff with specialists as needed; ensure all staff have the training and resources to implement RTI with quality;
- Implement PBIS, including tracking process for disciplinary procedures by subgroups; train all staff have the training and resources to implement PBIS with quality;
- Provide ½ day of training and collaboration time for teaching staff each week;
- Provide teaching staff with training on working in a diverse community; and
- Provide teachers with regular feedback including an annual performance evaluation based on multiple measures.

Pupil Outcomes

The Charter School will measure our pupil outcomes on this goal in the following ways:



	2015-2016	2016-2017	2017-2018	2017-2018	2018-2019
Suspension rate	1%	1%	<1%	<1%	<1%
Expulsion rate	<0.25%	<0.25%	<0.25%	<0.25%	<0.25%

*Goal 5: To have a highly engaged parent, student and staff population fully invested in and connected to the school community and academic program*

#### Actions

To achieve this goal, the Charter School will:

- Produce regular events and activities for families, in collaboration with the families;
- Provide childcare for all events; and
- Reinforce the importance of student attendance through regular communication and support when needed.

#### Outcomes

The School will measure our outcomes on this goal in the following ways:

	2015-2016	2016-2017	2017-2018	2017-2018	2018-2019
Student attendance rate	97%	97%	97%	97%	97%
% of families completing the annual family survey	70%	75%	80%	85%	85%

➔ See Appendix III for complete 2015-2016 Local Control Accountability Plan (LCAP)

#### **Methods to Assess Pupil Progress Towards Meeting Outcomes**

Each grade level has specific assessments and targets to measure student achievement and progress towards desired outcomes and the School's overall vision and mission.

The Charter School shall meet all statewide standards and conduct the student assessments required pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. The Charter School will administer all applicable state-mandated assessments including, but not limited to, the California Assessment of Student Performance and Progress (CAASPP) assessment system using Smarter Balanced Assessment Consortium (SBAC), California Standards Tests (CST), California Alternate Assessment (CAA), California Modified Assessment (CMA), and the California Alternate Performance Assessment (CAPA)), the Physical Fitness Test (PFT) and the CELDT.

The tools listed above provide valuable data that informs instruction, the Charter School's program and the needs for professional development.

#### **Assessment Modifications and Accommodations**

As described in Section II, the Charter School will assure that students with disabilities either under the Individuals with Disabilities Improvement Act or Section 504 are included in State standardized assessment programs with appropriate accommodations and modifications when necessary and appropriate. These assessments include, but are not limited to the CAA, CMA and CAPACAPA in accordance with their IEP or Section 504 plan.

## **School-wide Outcomes and Methods of Measurement**

In addition to measures of individual student progress towards outcomes, the Charter School has the long-term goal that 90% of students will meet or exceed the standard on the SBAC and math and English, be fluent in Mandarin Chinese at a level almost comparable to their peers in China as measured by the ACTFL's STAMP assessment, and have strong socio-emotional skills as demonstrated in their CARES and on the student survey. (see tables above)

## **External Reporting**

The Charter School will maintain sufficient staff and systems required to ensure timely reporting necessary to comply with the law and to meet all reasonable inquiries from the County and other authorized reporting agencies.

## **Use and Reporting of Data**

Data is collected, analyzed, reported and used regularly, at every grade level and in every subject area.

Students are informed about their assessment results by the teacher and via report cards at the end of each marking period. Individually and by class, students look at their own performance data, set goals, examine outcomes, and develop action plans in response to the data.

Parents are informed about both their individual student's and the Charter School's achievement progress. Students and parents will discuss individual student achievement, progress towards graduation, and performance on state assessments under the direction of the classroom teacher during Conferences conducted twice a year. At this time, they also develop, modify, or review their child's Personalized Learning Plan. At this time they find out about the progress of their student in all areas – academic, social and emotional. They also can ask questions about any of the assessments and their student's scores. They also receive tri-annual standards-based report cards, mailed home. Parents can request more frequent progress information.

➔ See Appendix III for sample Report Card

Parents of English Learners also receive mandated communications on reclassification per Title III through annual CELDT testing results. Parents of students with IEPs receive reports according to the plan specified in each IEP. The Charter School complies with state and federal law regarding reporting requirements, including parents' rights to be updated on their child's IEP at least as frequently as the parents of non-disabled students receive updates on their children's academic progress. All disabled students are entitled to the reports and assessment data described in this section which are provided to all students.

Educators examine student performance data formally through a process called the Cycle of Inquiry ("COI"), which entails examining formative assessment data with colleagues in a structured way, with the objective of refining classroom practice in response to data and in pursuit of student mastery of standards. Educators usually engage in the COI in grade level teams, and assessments are given every two to three weeks. Data are examined in a collaborative way; in response, instructional strategies for re-teaching may be identified and implemented, pacing guides may be adjusted, and intervention services may be provided for specific students. Student outcome data also informs professional development plans for individual teachers, and

who may receive personalized coaching or outside training as appropriate. Staff members also receive and analyze school-wide data on student achievement during staff meetings (looking in particular at performance of special population groups like English Learners) and use this data to help monitor and improve the Charter School's education program overall.

The Principal, collaborating with teachers and Board's Education Committee, uses the assessment results to create annual and targeted plans for increased achievement. The entire School takes ownership for implementing the plan, measuring progress and ultimately improving student learning. Action plans in response to data often include school-wide professional development.

The County may receive formative and summative data on student achievement through Charter School reports and/or presentations to the County, in accordance with the County's standard process for reviewing and evaluating charter school performance. At the County's request, the County Superintendent and two (2) designees may be authorized users of the Charter School's student information system.

Additionally, the Charter School publishes student results annually through the School Accountability Report Card ("SARC"). The report includes pertinent facts and data about the Charter School and is made available to the public as required by law.

### **County Visitation/Inspection**

The Charter School shall comply with a County requested visitation process to enable the County to gather information needed to validate the Charter School's performance and compliance with the terms of this charter. The Charter School agrees to and submits to the right of the County to make random visits and inspections or observations in order to carry out its statutorily required oversight in accordance with Education Code Section 47607.

### **Response to Inquiries**

Pursuant to Education Code Section 47604.3 the Charter School shall promptly respond to all reasonable inquiries including, but not limited to inquiries regarding its financial records from the County Office of Education, County Board of Education, and the State Superintendent of Public Instruction.

## IV. Governance Structure

*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 Section 47605.6(b)(5)(E)*

### Nonprofit Public Benefit Corporation

The Charter School is a directly-funded independent charter school and a California Nonprofit Public Benefit Corporation, pursuant to California law.

The Charter School operates autonomously from the County, with the exception of the supervisory oversight as required by statute and other contracted services as negotiated between the County and the Charter School. Pursuant to California Education Code Section 47604(c), the County shall not be liable for the debts and obligations of the Charter School, or for claims arising from the performance of acts, errors, or omissions by the School as long as the County has complied with all oversight responsibilities required by law.

The Charter School is non-sectarian in its programs, admissions policies, employment practices, and all other operations, does not charge tuition, and does not discriminate against any student or employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

The Charter School complies with all applicable federal, state and local laws applicable to its operation and complies with the County guidelines and requirements for charter schools. It retains its own legal counsel when necessary. It purchases and maintains as necessary general liability, property, workers' compensation and unemployment insurance policies.

➔ See the Appendix IV for Articles of Incorporation, Bylaws and 501c Exemption Letter

### Board of Directors

The Charter School is governed by a Board of Directors ("Board" or "Board of Directors"), in accordance with applicable law and its adopted bylaws, as may be subsequently amended pursuant to the amendment process specified in the bylaws which shall be consistent with the terms of this charter.

The Board of Directors meets at least quarterly. All Board meetings comply with the Brown Act.

The Board abides by a Conflict of Interest Code that complies with the Political Reform Act and Corporations Code Conflicts of Interest rules, and which are updated as needed with any charter school-specific conflict of interest laws or regulations.

➔ See the Appendix IV for Conflict of Interest Code.

### *Board of Directors Membership*

The Board of Directors consists of a minimum of 5 and a maximum of 14 directors. As provided by Education Code Section 47604(b), the charter authorizer shall be entitled to one representative on the Board of Directors. The Board of Directors may elect a smaller group of directors to serve as the Board's Executive Committee.

The Charter School's current Board of Directors is:

- Chairperson: Rodrigo Prudencio, Director of Investments and New Business for GS Shop (parent-elected)
- Vice-Chair: Diana Tsai Lee, Vice President of New Site Development and District & School Partnerships at Teach For America. Also Chair of Board Development Committee
- Secretary: Christine Henningsgaard, Vice President of Operations at One Medical Group. Also Chair of Compensation Committee.
- Treasurer: John Wharton, Vice President of Business Development, EXO U. Also Chair of Finance Committee.
- Chair, Education Committee: Eric Peterson, Director of Special Education for West Contra Costa Unified School District and National Board Certified Teacher (parent-elected)
- Chair, Facilities Committee: Robert Donnelly, Vice President of Land Acquisition at TRI Pointe Homes
- Director: Phuoc Le, Assistant Clinical Professor of Medicine and Pediatrics at UCSF
- Director: Reichi Lee, Director of the Academic Development Program at Golden Gate University School of Law
- Director: Wai-Kiu Lee, Physician at Kaiser Permanente's Oakland Medical Center and Quality Lead for the East Bay Kaiser Permanente
- Director: Thompson Paine, Vice President for Operations and Business Development at Quizlet
- Director: Josh Stern, Principal, St. Paul's Episcopal School

### *Process for Electing Directors*

The Charter School seeks to establish and maintain a diverse Board of Directors, comprised of Directors with relevant experience. New directors are nominated by sitting directors, screened by the Board Development Committee, vetted through an in-person interview process, and elected by a majority vote of the Board. Two directors are Yu Ming parents who are elected by other parents, but otherwise serve in the same capacity as all other Directors.

➔ See the Appendix I for biographies of the Board of Directors and Appendix IV for Board Skills Matrix

### *Duties of the Board of Directors*

The Board of Directors is responsible for establishing broad policies and overseeing high-level decisions that affect the Charter School. Those duties include:

- Defining or refining the organization's mission, values and vision;
- Setting strategic direction;
- Adopting policies to ensure that the Charter School is run effectively, legally, and ethically;

- Hiring, overseeing, supporting and evaluating the Charter School’s Principal;
- Monitoring the operational budget and finances for long-term viability; and
- Seeing that adequate funds are secured for the operating and capital needs of the Charter School.

The Board also approves policies and other documents as required by state or federal law, especially pertaining to certain funding streams. Members of the Board also participate in raising funds for the Charter School and increasing public awareness of the Charter School’s work.

The Board may initiate and carry on any program or activity or may otherwise act in a manner which is not in conflict with or inconsistent with or preempted by any law and which are not in conflict with the purposes for which schools are established.

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it. The Board shall act at noticed meetings, and only when a quorum of directors is present. A majority of directors then in office shall constitute a quorum. At a meeting, the affirmative vote of a quorum of the voting directors then in office on any matter shall be the decision of the Board of Directors.

The Board may delegate to an employee of the Charter School any of those duties with the exception of budget approval or revision, approval of the fiscal and performance audits, and the adoption of Board policies. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

- Be in writing;
- Specify the entity designated;
- Describe in specific terms the authority of the Board of Directors being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and
- Require an affirmative vote of a majority of Board members.

➔ See the Appendix IV for Board Member Agreement

### Board Committees

The Board has 5 Board Committees. Each committee is charged by the Board with a specific scope of responsibilities, sets annual goals, and reports back to the full Board on a regular basis about its progress. Board Committees are chaired by a member of the Board of Directors, and include both other Board members and other qualified individuals, including parents or staff members with relevant experience. Board Committee meetings comply with the Brown Act.

<u>Committee</u>	<u>Responsibilities</u>
Education	Monitors and evaluates the education program, and advises the Principal as instructional leader responsible for implementation of the education program
Finance	Monitors the School’s financial health and advises the Principal on long-term financial planning for the school
Audit	Selects and oversees an auditor to conduct an annual audit of the

	School's financial position and practices
Board Development	Recruits, nominates, trains, and evaluates Board members and monitors the functioning of the entire Board as a governing entity
Fund Development	Raises philanthropic donations to support the school's programs and long-term goals
Facilities	Seeks and secures facilities to support the school's programs and long term goals
Compensation & Performance	Ensures that staff members are appropriately compensated for their roles and contributions; leads annual performance review of Principal; advises Principal on evaluating performance and building a high-performing team

### Family Support Organization

The Charter School encourages all groups to participate in and share responsibility for the educational process and educational results. An important mechanism for family participation is the Family Support Organization (FSO), which is open to all parents, guardians, extended family members and staff members. The FSO is made up of several committees that offer parents a broad set of opportunities to support the school, leverage their talents and build community. These committees organize family education sessions, plan community events, raise funds for the school, beautify the buildings and grounds, increase awareness of the Charter School, and make connections with other community organizations.

The FSO's Executive Council is comprised of one representative from each committee, and meets regularly with the Charter School Principal, who provides feedback on parent activities and collaborates on decisions that affect the whole community. The FSO Executive Council also makes recommendations on improving the School, and serves as a liaison for other parents.

➔ See Appendix IV for Volunteer Structure

### **Expectations and Opportunities for Parent Involvement**

The Charter School recognizes that children learn best when parents are engaged in their education by understanding the school's education program, supporting learning at home and being involved in the school community. Because of the Charter School's unique mission, it is especially important for parents to understand and fully support the education program (regardless of whether they have Mandarin language skills). To ensure that families fully understand and support the Charter School's program prior to starting classes, the Charter School:

- Presents information about the Charter School's mission, goals and approaches during the open enrollment process. Parents are provided time to ask questions to clarify their understanding of the Charter School's mission, goals and approaches.
- Presents information about the Charter School's expectation of parents in the life of the school during the open enrollment process. Parents are provided time to ask questions to clarify their understanding of the Charter School's expectations of parents.
- Hosts a Back to School Night within the first month of school to present information about the mission, goals, approaches and expectations to parents, and provide an opportunity for parents hear from their student's teachers, visit classrooms, and learn about school procedures such as lunch, recess and volunteering

- As needed or requested, meets with families after registration and before the start of school, to answer remaining questions and to learn more about individual students.

➔ See Appendix II for Family Handbook

To encourage participation of parents, guardians and extended family members in all aspects of school life, the Charter School features:

- *Parent Learning Events and Curriculum Nights:* Scheduled at the beginning of the year, these three to five 1-3 hour sessions in the evenings or on the weekend allow parents to deepen their understanding of the Charter School's curriculum, experience teaching methodologies first-hand, or learn strategies tactics for supporting their student's learning in school and at home.
- *Participation in school decision-making:* Families participate in school decision-making in a wide variety of ways. The Family Support Organization committees provide many opportunities for involvement in the life of the School community. Two of members of the Board of Directors are elected by the parents and guardians of Yu Ming students. Family members with relevant experience or expertise serve as members of Board committees as determined by the Committee Chair. Parents are part of the Charter School's Hiring Committee for Principal. Families are invited to give input annually during the development of the Local Control Accountability Plan (LCAP). Families and any members of the public can attend meetings of the Board of Directors and provide public comments in accordance with Brown Act.
- *Opportunities to evaluate the School and its staff:* Each spring, parents will be asked to complete a survey evaluating the Charter School, the Principal, and their child's teachers. The survey results will be reviewed by the Charter School Board of Directors and staff and are considered in setting annual school objectives and in the annual performance review process for Principal and staff.

In addition, the Charter School encourages each family to volunteer, and provides a variety of in-school and out-of-school opportunities to match with family members' different skills, interests and schedules. Examples include helping in classrooms, at lunch or around school, leading extra-curricular activities, coaching sports teams, assisting with event planning and materials preparation, attending field trips, attending FSO meetings, serving on parent committees or as room parents and fundraising or assisting with fundraising drives.. Specific volunteer opportunities and needs are determined by the Principal, staff and FSO Council and communicated to parents through established channels. A volunteer coordinator (a volunteer role held by a parent) helps match families to needs. The Charter School maintains a simple system for families to record service hours, which is used to summarize and celebrate total volunteer contributions from the community. The School's target is 30 volunteer hours per family, although a family's inability to volunteer in school service activities does not exclude any child from any school activities or affect the School's support of the student.

### **Three-Way Agreement**

Student learning is best facilitated by a three-way partnership between the student, family, and school. Accordingly, the Charter School has a 3-Way Agreement which all parties review and sign annually. The agreement (not a legally binding document) is intended to ensure that all parties understand and agree on expectations: for student behavior and academic effort, family



support of the student, and school responsibility for supporting the student and communicating with the family.

➔ See Appendix IV for Three-Way (Student-Parent-School) Agreement

### **Providing Parents with Information about their Child's Progress**

During the school year, parents will regularly receive information about their child's progress, and the Charter School will use multiple methods to keep parents informed, including:

- Parents will be asked to sign off on completed homework.
- Report cards will be standards-based and distributed at the end of each marking period.
- Family conferences, including parent(s)/guardian(s), student (in upper grades), and teacher, will be held twice a year to plan and assess the students' learning progress and determine goals.
- Parents will have regular access to staff and teachers by phone, email and in-person appointments, and staff contact parents regularly, both to provide positive reinforcement for academic growth and to inform parents when students make choices that do not match the Charter School's behavior and academic expectations.
- The Charter School will hold a Student Study Team ("SST") for any student who is persistently tardy, absent, has behavior challenges, or struggling academically. The SST will include parent(s)/guardian(s), a school administrator, teachers, and other school staff. The SST will meet regularly to develop strategies and monitor to meet the student's needs.

### **Addressing Parent Concerns and Complaints**

The Charter School is committed to working with parents to address any parental concerns and complaints. Parents are encouraged to share their ideas and concerns with the Charter School Principal at any time. If the Principal is unable to resolve a parent's concern, parents are able to contact the Chair of the Board of Directors. A formal complaint process, the Uniform Complaint Policy and Procedures, will be used if necessary to address any community concerns that are not resolved through informal conversations.

The Charter School has established complaint procedures that address both complaints alleging discrimination or violations of law and complaints regarding other areas. The Charter School will not, at any time, refer internal complaints to the County.

➔ See Appendix IV for Comprehensive Complaint Policy, Procedures & Forms

## V. Human Resources

The Charter School is committed to attracting, selecting, developing, inspiring, and rewarding the best educators and education professionals to serve our students.

### Qualifications of School Employees

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

The Charter School shall recruit professional, effective, and qualified personnel to serve in administrative, instructional, instructional support, and non-instructional support capacities. All prospective employees are required to have legal authorization to work in the United States, and also successfully complete a DOJ fingerprinting background check, tuberculosis risk assessment and examination (if necessary), and reference checks to ensure the health and safety of the Charter School's faculty, staff, and pupils. In addition, prospective employees are carefully screened to ensure they have the qualifications for employment as outlined in their job descriptions. All employees are at-will.

➔ See Appendix V for 2015-2016 Organization Chart

The Charter School's leadership structure may change over time as the needs of the school change, but key staff members will collectively have the qualifications to ensure the academic success of students and financial health of the school. Specifically:

### Principal Qualifications

The Principal is the instructional leader at the Charter School, with responsibility for ensuring the Charter School and its students achieve the outcomes outlined in this charter petition. The Principal has the following knowledge, skills, and abilities:

- Proven track record in leading schools and achieving academic results
- Demonstrated commitment to fostering a dynamic and academically rigorous education program
- Demonstrated commitment to serving a racially and socioeconomically diverse student population
- Expertise in dual-immersion and/or Mandarin language education programs
- Knowledge of formative assessment of student progress and use of data to inform classroom practice
- Ability to attract, select, and develop highly effective teachers
- Experience with school finance and operations, especially charter public schools
- Entrepreneurial passion; the ability to thrive in the excitement and ambiguity of high-growth environment
- Excellent verbal and written communication skills
- Superb interpersonal skills; ability to work collaboratively with individuals from a variety of backgrounds
- Excellent organizational, time management, and multi-tasking skills
- Legal authorization to work in the United States

- Bachelor's degree; Masters or Ph.D. in relevant area preferred
- 4+ years professional teaching experience, preferably in immersion
- 3+ years professional experience as a school administrator or executive in the education field

### **Director of Mandarin Curriculum & Instruction Qualifications**

The Mandarin Curriculum Director supports the Principal and teachers to develop the portion of the education program taught in Mandarin. This individual should have the following knowledge, skills, and abilities:

- Proven track record in curriculum development and program design related to dual-immersion and Mandarin language development across multiple grade levels
- Demonstrated commitment to serving a racially and socioeconomically diverse student population
- At least 4 years' experience of planning within a Chinese immersion classroom; 2+ years in a position requiring curriculum development for a Chinese immersion program
- Knowledge of a wide range of Chinese immersion resources, including print materials and technology tools
- Bilingual and bi-literate in Mandarin Chinese and English
- A deep understanding of a wide variety of instructional practices, especially including second language learning and differentiation in the classroom and how to integrate this into curriculum
- Knowledge of appropriate methods and resources for assessment in Mandarin Chinese
- Excellent organizational and time management skills
- Flexible and entrepreneurial
- Excellent communication and interpersonal skills
- Bachelor's Degree in a relevant field

### **Assistant Principal Qualifications**

The Assistant Principal supports the Principal and teachers to meet the school's academic and school culture goals. This individual should have the following knowledge, skills, and abilities:

- Proven track record in leading teacher teams and achieving academic results
- Demonstrated commitment to fostering a dynamic and academically rigorous education program
- Demonstrated commitment to serving a racially and socioeconomically diverse student population
- Experience in language immersion programs
- Knowledge of formative assessment of student progress and use of data to inform classroom practice
- Ability to develop highly effective teachers
- Entrepreneurial passion; the ability to thrive in the excitement and ambiguity of high-growth environment
- Excellent verbal and written communication skills
- Superb interpersonal skills; ability to work collaboratively with individuals from a variety of backgrounds
- Excellent organizational, time management, and multi-tasking skills

- Bachelor's degree; Masters in relevant area preferred
- 3+ years professional teaching experience, preferably in immersion
- 2+ years professional experience as a school administrator or manager in the education field

### **Operations Manager Qualifications**

The Operations Manager supports the Principal and staff by handling a wide variety of administrative, financial and operational responsibilities. This individual should have the following knowledge, skills, and abilities:

- Three or more years of experience as an Office Manager or Operations Manager; school background preferred but not required
- Excellent verbal and written communication skills; fluent in English; prefer proficiency in Chinese (either Cantonese or Mandarin)
- Strong organizational, time management and multi-tasking skills
- Superb interpersonal skills; ability to work collaboratively with individuals from a variety of backgrounds; commitment to serving a racially and socioeconomically diverse student population
- Extremely adept at using technology, including Microsoft Office and student information systems such as PowerSchool
- Entrepreneurial energy; the ability to thrive in the excitement and ambiguity of fast-paced environment
- Minimum A.A. Degree; Bachelor's preferred
- Certification in First Aid preferred

### **After School Program Director**

The After School Program Director works with vendors and staff to coordinate the Charter School's After School program. This individual should have the following knowledge, skills, and abilities:

- Three or more years of experience as an Program Coordinator or Office Manager; school background preferred but not required
- Demonstrated commitment to fostering a dynamic and academically rigorous education program
- Demonstrated commitment to serving a racially and socioeconomically diverse student population
- Excellent verbal and written communication skills; fluent in English; prefer proficiency in Chinese (either Cantonese or Mandarin)
- Strong organizational, time management and multi-tasking skills
- Superb interpersonal skills; ability to work collaboratively with individuals from a variety of backgrounds
- Extremely adept at using technology, including Microsoft Office and student information systems such as PowerSchool
- Entrepreneurial energy; the ability to thrive in the excitement and ambiguity of fast-paced environment
- Minimum A.A. Degree; Bachelor's preferred
- Certification in First Aid preferred

## Teacher Qualifications<sup>30</sup>

Educators at the Charter School shall meet all requirements for employment set forth in applicable provisions of law, including Education Code Section 47605.6(l) and the applicable highly qualified requirements of the ESEA. The qualifications of teachers to be employed in the Charter School are designed to ensure students meet the educational goals outlined in this charter petition. Specifically, teachers should have the following knowledge, skills, and abilities:

- Knowledge of child cognitive development and different learning styles
- Deep knowledge of subject matter, including Common Core State Standards, Next Generation Science Standards, and California subject-specific frameworks
- Knowledge of assessments of student progress and comfort using qualitative and quantitative student academic performance data to inform classroom practice
- Knowledge of effective language immersion teaching practices
- Ability and willingness to reflect and improve on his or her own performance
- Bilingual and bi-literate in both Mandarin Chinese and English (except for English-only positions)
- Demonstrated interest in and ability to work collaboratively with individuals from a variety of backgrounds, including colleagues, parents and community; cultural competence; commitment to serving a racially and socioeconomically diverse student population
- Bachelor degree and California Teaching Credential suitable for the grade level or subject (Core subjects only)
- Bilingual Certificate of Competence (BCC) or Bilingual, Cross-cultural, Language, and Academic Development Certificate (BCLAD) preferred
- 1+ year working with students as a teacher, teacher intern, or teaching assistant

➔ Copies of teaching credentials are available upon request.

## Teacher Hiring

The Charter School uses a rigorous multiple-stage approach to teacher selection that includes: a resume screen; interviews; writing sample; demonstration lesson with students; and reference checks. Criteria for selection are based on those used by the National Board for Professional Teaching Standards:

- Committed to students and learning
- Knowledgeable about their subject matter
- Skilled in management of learning
- Reflective in their practice
- Community-oriented

The Charter School's Principal is responsible for making hiring decisions, and receives input from a Teacher Hiring Committee at all stages in the selection process. The Hiring Committee typically includes:

- *Principal*: Conduct 1:1 interviews, participate in interview panels, observe demonstration lessons and conduct reference checks, and make the final hiring decision

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<sup>30</sup> Qualifications for non-core teaching positions are the same, although a CA teaching credential may not be required.

- *Assistant Principal and/or Mandarin Curriculum Director:* Screen candidates, conduct 1:1 interviews, participate in interview panels, observe demonstration lessons and conduct reference checks.
- *Teachers:* Participate in interview panel and observe demonstration lessons.
- *Parents:* Participate in interview panel and observe demonstration lessons.
- *Operations Manager or Volunteer Hiring Coordinator:* Helps organize the process and paper trail, including: scheduling candidates for interviews and demonstration lessons; coordinating with current staff or participating students for demonstration lessons; and communicating with candidate.

## Staffing

The Charter School uses a variety of different staff schedules to accommodate the shift in teaching time in each language, and ensure that native speakers are teaching each subject as scheduled. For grades K-2, English Language Arts is essentially treated as a “special subject” and staffed in the way that art and music are typically handled in many schools (i.e., a single special subject teacher rotates through each class, giving the regular classroom teacher time to plan, grade assignments, or provision for the next lesson.) In this way, a single English language arts teacher (or 2 part-time teachers) can cover all the classes in grades K-2. At grades 3-4, students spend 70% of their time in Mandarin and 30% update here in English, requiring two native-English speaking teachers at full scale for these grades. Grades 5-6 have a dedicated English teacher and a dedicated Mandarin teacher for each grade, since students will spend their time 50/50 in each language. In the final years of middle school (grades 7-8), when the percentage of time that students spend in Mandarin and English will vary depending on their personalized learning plan and electives, students will have access to content specialists in both languages (when the school is a full scale).

## Professional Development & Support

The Charter School is committed to the professional development of all of its team members. Once teachers are hired, the Charter School invests in their continued professional development. Teachers participate in one week of summer training to build classroom management skills, increase their capacity to plan meaningful and engaging lessons, and practice specific language immersion teaching strategies. The Charter School Principal, Assistant Principal, and/or Mandarin Curriculum Director provide on-site coaching to all teachers. Teachers are organized into teams, led by an experienced “lead teacher” who has the skills to mentor others. Teachers are given time during the regular school day to collaborate and support each other to reach the School’s and individual students’ learning goals, including common preparation time through use of Special Subjects (e.g. music, art) and an early release day each Friday. The Charter School also contracts with consultants and organizations to provide targeted training on specific topics, such as Responsive Classroom, Positive Behavioral Interventions & Supports, cultural competency, supporting students with special needs, using technology in the classroom, and other topics. Teachers also regularly attend conferences, especially those specializing in Mandarin language and Mandarin immersion education.

➔ See Appendix V for 2015-2016 Professional Development plan

In accordance with Education Code Section 44259.1, which requires that school district teachers in the state of California earn their Professional Clear Credential through on the job mentoring

and training, teachers participate in a California Commission on Teacher Credentialing (“CCTC”) -approved Induction Program through the Alameda County Office of Education or Oakland Unified School District to earn their Clear Credential. By the completion of the program, educators will have completed a portfolio showing evidence of their professional learning in each of the six Induction standards in the California Standards for the Teaching Profession (“CSTP”) framework.

Other site team members are provided periodic formal and topical training sessions as well as real-time day-to-day coaching by functional experts in a variety of areas. In addition, all team members are encouraged to pursue external professional development opportunities in the form of workshops or additional certification.

### **Performance Management**

In addition to ongoing support and coaching and feedback, the Charter School conducts an annual formal performance evaluation for each team member, using data about the school’s progress towards its goals, stakeholder survey results, data from first-hand observations throughout the year, artifacts, and other sources.

➔ See Appendix V for Principal Rubric, Teacher Rubric and Teacher Support & Evaluation Process

### **Compensation**

The Charter School’s goal is to provide educators and other staff with a base salary that is competitive with local school districts. Initially, salary is calculated based on years of experience teaching and years of experience in Yu Ming’s unique learning model. There is no step-and-column pegged to credit hours, although teachers with relevant graduate level degrees receive an additional annual stipend. After 1-3 years (depending on prior years of experience), pay increases are based on multiple measures of performance, including measurable student academic growth, parent satisfaction, principal observation, and evaluation on the teacher instructional rubric. Master Teachers who have demonstrated their efficacy are recognized with larger salary increases.

### **Retirement Benefits**

*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 Section 47605.6(b)(5)(K)

All employees of the School who qualify for membership in STRS (including teachers and other qualified certificated employees) or PERS (including the Office Manager and other qualified non-certified staff) shall be covered under the appropriate system. Employees shall contribute at the rate established by STRS or PERS. The School shall work with the County Office of Education pursuant to Education Code Section 47611.3 to ensure that appropriate arrangements for the coverage have been made. All employees who are not members of STRS must contribute to the federal social security system. The School shall make all employer contributions as required by STRS, PERS and federal social security. The School shall also make contributions for workers’ compensation insurance, unemployment insurance and any other payroll obligations of an employer. To maximize its ability to attract qualified staff, the Charter

School periodically evaluates the feasibility and appeal to candidates of offering a 403(b) in lieu of STRS/PERS membership. The Operations Manager shall be responsible for arranging retirement benefits.

➔ See Appendix V for Team Member Handbook

### **Employee Representation**

*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 Section 47605.6(b)(5)(M)

For the purposes of the Educational Employment Relations Act (“EERA”), the Charter School is deemed the exclusive public school employer of its employees. The Charter School shall comply with the EERA.

### **County Employee Return Rights**

*Governing Law: A description of the rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and a description of any rights of return to the county office of education that an employee may have upon leaving the employ of the charter school.*

- California Education Code Section 47605.6(b)(5)(P)

No person may be required to work at the Charter School. Employees of the County who choose to leave the employment of the County to work at the Charter School will have no automatic rights of return to the County after employment by the Charter School, unless specifically granted by the County through a leave of absence or other agreement in accordance with applicable County Board Policy and/or collective bargaining agreements.

All employees of the Charter School shall be considered the exclusive employees of the Charter School and not the County unless otherwise mutually agreed in writing. Sick leave or years of service credit at the County or any other school district may be transferred to the Charter School for the purposes of STRS or PERS.

Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

### **Health and 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 Section 47605.6(b)(5)(G)

In order to provide safety for all students and staff members, the Charter School implements appropriate and comprehensive health and safety procedures and risk management policies, designed in consultation with the Charter School’s insurance carrier.



The following is a summary of the health and safety policies of the Charter School:

*Procedures for Background Checks*

Employees and contractors of the Charter School shall be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code 44237 and 45125.1. New employees 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. The Principal and Office Manager shall monitor compliance with this policy. Individuals who will volunteer at the Charter School outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering.

*Role of Staff as Mandated Child Abuse Reporters*

All non-certificated and certificated staff shall be mandated child abuse reporters and shall follow all applicable reporting laws and the same policies and procedures used by local school districts.

*Tuberculosis Risk Assessment and Examination*

All Charter School staff shall be assessed and examined (if necessary) for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

*Immunizations*

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

*Medication in School*

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

*Vision, Hearing, Scoliosis*

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

*Diabetes*

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

- A description of type 2 diabetes.
- A description of the risk factors and warning signs associated with type 2 diabetes.
- A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
- A description of treatments and prevention of methods of type 2 diabetes.

- A description of the different types of diabetes screening tests available.

#### *Emergency Preparedness*

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If assuming a facility that was previously used as a school site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for the Charter School.

#### *Blood-borne Pathogens*

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Charter School has a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (“HIV”) and hepatitis B virus (“HBV”). Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

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

The Charter School shall be a drug-, alcohol- and smoke-free environment.

#### *Facility Safety*

The Charter School shall comply with Education Code Section 47610 by utilizing facilities that are compliant with the Field Act or facilities that are compliant with the State Building Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills at least once a month pursuant to Education Code Section 32001.

#### *Comprehensive Anti-Discrimination and Anti-Harassment Policies and Procedures*

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

➔ See Appendix V for Comprehensive School Safety Plan

### **Dispute Resolution Procedures**

*Governing Law: The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.*

*- California Education Code Section 47605.6(b)(5)(L)*

The Charter School 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 starting point for a discussion of dispute resolution procedures. The Charter School is willing to consider changes to the process outline below as suggested by the County.

The Charter School and the County shall be encouraged to attempt to resolve any disputes with the County amicably and reasonably without resorting to formal procedures.

In the event of a dispute between the Charter School and the County, Charter School staff, employees and Board members of the Charter School and the County agree to first frame the issue in written format (“dispute statement”) and to refer the issue to the County Superintendent and Principal of the Charter School. In the event that the County Board of Trustees believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the County to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the County’s ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The Principal and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than 5 business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the Superintendent and the Principal of the Charter School and attempt to resolve the dispute within 15 business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and the Principal shall meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the Superintendent and the Principal. Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the County and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the County and the Charter School.

## VI. Student Enrollment, Admissions, Attendance, Suspension and Expulsion Policies

### Student Admissions Policies and Procedure

*Governing Law: Admission requirements, of the charter school, if applicable.*

*- California Education Code Section 47605.6(b)(5)(N)*

The Charter School is open to all students. Admission to the Charter School shall not be determined according to the student's place of residence or that of his or her parent or guardian, within the state of California, except in the case of a public random drawing as provided below. An assessment may be used to determine an applicant's language category for public random drawing classification, and students enrolling after 1<sup>st</sup> grade must demonstrate grade level proficiency in Mandarin; both practices are consistent with California Department of Education recommendations for dual language programs.

#### *Enrollment History and Growth projections*

The Charter School has been fully enrolled since opening, with the following grades and numbers of students:

2011-2012: 105 K-1 students  
 2012-2013: 159 K-2 students  
 2013-2014: 211 K-3 students  
 2014-2015: 257 K-4 students  
 2015-2016: 304 K-5 students

Over the next several years, the School expects some attrition as students matriculate into middle school – a typical pattern with K-8 dual language schools. If funding and space are available, the School may introduce a TK program. The School may also enroll additional sections, starting with a 3<sup>rd</sup> class of in a transitional grade (i.e. kindergarten or 6<sup>th</sup>), when sufficient facilities, staffing and funds are available.

Potential enrollment models include:

<b>Scenario A</b>				<b>Scenario B</b>				<b>Scenario C</b>															
Assumes:				Assumes:				Assumes:															
TK sections at 20:1				TK sections at 20:1				TK sections at 24:1															
K-5 sections at 26:1 target				3 K-3 sections at 22:1 target				3 K-3 sections at 24:1 target															
Reduce to 2 Grade 4-8 sections				Reduce to 2 Grade 4-8 sections				Reduce to 2 Grade 6-8 sections															
Grade	# sections per grade	# students per class	# students per grade	Grade	# sections per grade	# students per class	# students per grade	Grade	# sections per grade	# students per class	# students per grade												
TK	0	20	0	TK	1	20	20	TK	1	24	24												
K	2	26	52	K	3	22	66	K	3	24	72												
1	2	26	52	1	3	22	66	1	3	24	72												
2	2	26	52	2	3	22	66	2	3	24	72												
3	2	26	52	3	3	22	66	3	3	24	72												
4	2	25	50	4	2	32	64	4	3	23	69												
5	2	24	48	5	2	31	62	5	3	22	66												
6	2	19	38	6	2	25	50	6	2	26	52												
7	2	18	36	7	2	24	48	7	2	25	50												
8	2	17	34	8	2	23	46	8	2	24	48												
			<b>Total</b>				<b>414</b>				<b>Total</b>				<b>554</b>				<b>Total</b>				<b>597</b>

### *Evidence of Parental Demand*

The Charter School has had a long wait list since opening, demonstrating continued strong family demand. On average, the School's waitlist over the first charter term was 89% of enrollment.

2011-2012: 116 (110% of enrollment)

2012-2013: 148 (93% of enrollment)

2013-2014: 195 (92% of enrollment)

2014-2015: 161 (63% of enrollment)

2015-2016: 263 (97% of enrollment)

### *Commitment to a Discrimination-free and Harassment-free Education*

The Charter School is committed to providing a safe education environment to its students, free of discrimination, harassment, intimidation and bullying. The Charter School shall not discriminate against any pupil on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School shall comply with all applicable legal minimum and maximum age requirements for admission. The Charter School shall be nonsectarian in its programs, admission policies, and all other operations, and shall not charge tuition. The Charter School regularly provides training and programs to support students, staff, and families to develop cultural competency and respect for individuals with diverse backgrounds.

➔ See Appendix VI for Policy Against Discrimination, Harassment, Intimidation and Bullying

### *Public Random Drawing*

The Charter School shall admit all students who wish to attend subject only to capacity. If the number of student applicants exceeds the Charter School's capacity, enrollment (except for existing pupils) shall be determined by a public random drawing. Existing students who are re-enrolling are exempted from the drawing. After all spots have been filled through the drawing, a wait list will be created in the order in which names are drawn. As openings become available, opportunities to enroll will be given to those in order of the wait list.

To be effective, the two-way immersion model requires students to be native speakers of English and Mandarin in roughly equal numbers. Therefore, the single public random drawing will allocate enrollment based on the language proficiency of the student (determined by a language proficiency test if necessary).<sup>31</sup>

Preference in the public random drawing, in each category, will be given as follows:

1. Children of employees
2. Siblings of current students within the Charter School

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<sup>31</sup> This public random drawing approach is designed to enable Yu Ming Charter School to achieve its program goals, and conforms with the enrollment strategy described by the California Department of Education in its FAQs related to two-way language immersion programs (see: [www.cde.ca.gov/sp/el/ip/faq.asp](http://www.cde.ca.gov/sp/el/ip/faq.asp)).

3. Founding Families<sup>32</sup>
4. Children of Board members<sup>33</sup>
5. Residents of the Local Elementary School Attendance Area in which Yu Ming is located<sup>34</sup>
6. Residents of Alameda County
7. All other students in the State of California.

By January 1 of each year, the Charter School will notify the County in writing of the application deadline and proposed date for the public random drawing. The Charter School will ensure that all application materials will reference these dates as well as provide complete information regarding application procedures, key dates, and admissions preferences and requirements consistent with approved charter.

➔ See Appendix VI for Enrollment and Public Random Drawing Policy

### **Racial & Ethnic Balance**

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

*- California Education Code Section 47605.6(b)(5)(H)*

The Charter School's governing Board and leadership are deeply committed to a vision of serving students that reflect the diversity of the East Bay. Since founding, the Charter School has proactively sought to attract students under-represented in its student population compared to Alameda County's population. In order to increase the diversity of its enrolled students, the Charter School has created a weighted preference in the random public drawing for the local elementary school attendance area. The School has also been proactive in using a wide variety of outreach activities to attract an applicant pool and strive for racial and ethnic balance in the Charter School's student population. These strategies include but are not limited to:

- Establishing an enrollment timeline and process that allow for a broad-based recruiting and application process. Typically, formal outreach activities for the following school year's enrollment begin in January, and the public random drawing is held in March.
- Creating and distributing information about the school, including enrollment brochures and forms, in at least 3 languages, including Spanish.
- Conducting outreach to a variety of community organizations within a 3 mile radius of the school, including meetings with and presentations to local pre-schools, early childhood centers, and Head Start programs, afterschool and weekend Mandarin language programs, neighborhood groups, community organizations, churches, and youth service organizations.
- Posting all enrollment materials on the website in at least 3 languages
- Conducting enrollment sessions in at least 3 languages, including Spanish.

<sup>32</sup> Founding Families are required to have completed 50 hours of service prior to January 31, 2011. Enrollment priority through Founding Family status was accorded as an incentive for families to invest the effort required to start a new school in a short time frame.

<sup>33</sup> The preference for Board Members is a weighted preference. The weighting will not be so extreme as to guarantee admission to applicants eligible for this preference.

<sup>34</sup> The preferences for the Local Elementary School Attendance Area and for Alameda County will be weighted preferences. The weighting shall be such as to give a greater advantage to applicants in the Local Elementary School Attendance Area; however the weighting will not be so extreme as to effectively preclude applicants who do not reside in the Local Elementary School Attendance Area.

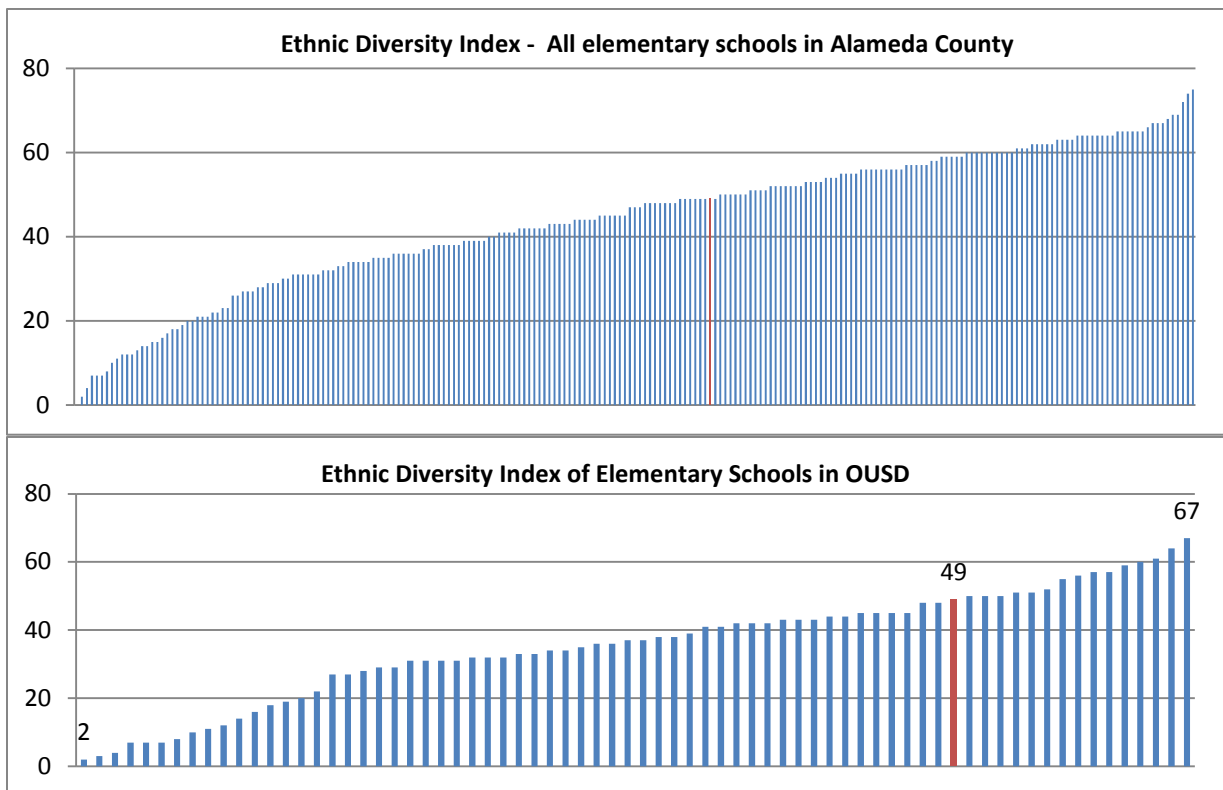
- Publicizing and holding enrollment sessions in a variety of locations in northern Alameda County, including Fruitvale, East Oakland and West Oakland.
- Hosting open houses and scheduled tours for interested parents. During open enrollment season, the School will typically have 3-5 open houses and several scheduled tours, in addition to individual tours available by appointment.
- Advertising openings by posting flyers in neighborhoods, hosting an information booth at community events, distributing flyers at local grocery stores, buying ad space on buses or in the newspaper, and sending information via direct mail.

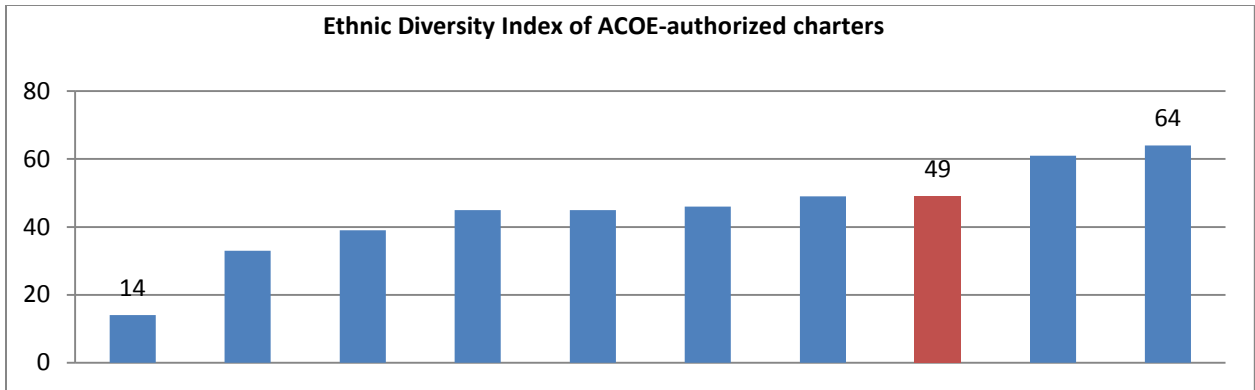
The Office Manager and parent volunteers field calls about enrollment, coordinate and staff open houses and presentations, and assist individual families to fill out the Enrollment Form if needed.

➔ See Appendix VI for Enrollment Outreach workplan and sample recruiting materials

*Ethnic Diversity Index*

The Charter School’s Ethnic Diversity Index for 2013-2014 was 49 – more diverse than 57% of the elementary schools in Alameda County, more diverse than 80% of the elementary schools in Oakland Unified School District (where the Charter School is located), and the third most diverse of the 10 schools authorized by ACOE.





### Public School Attendance Alternatives

*Governing Law: The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.*

*- California Education Code Section 47605.6(b)(5)(O)*

No student may be required to attend the Charter School. Students who reside within any school district in which the Charter School operates a school site who choose not to attend the Charter School may attend school within that school district according to its policy or at another school district or school within the district through its intra- and inter-district transfer policies. The parent or guardian of each student enrolled in the Charter School shall be notified on admissions forms that the student(s) has no right to admission in a particular school of any local educational agency (or program of any local educational agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local educational agency.

### Suspension and Expulsion Procedures

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

*- California Education Code Section 47605.6(b)(5)(J)*

The Charter School has established a school-wide behavior plan that makes expectations for student behavior clear, provides for extrinsic rewards (while building towards students developing the ability to provide their own intrinsic rewards), and describes consistent and escalating consequences for inappropriate behavior. This plan is distributed to families and students, and students are taught the elements of the plan.

➔ See Appendix II for Family Handbook, which includes Code of Conduct

#### *Suspension and Expulsion Policy and Procedures*

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.*, which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification



of the lists of offenses for which students are subject to suspension or expulsion.

When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

The School shall not dismiss students for any of the following reasons: poor achievement or minimum grade point average, incomplete or missing assignments, poor attendance, and discipline issues that do not meet the School's criteria for expulsion.

#### A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

#### B. Enumerated Offenses

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
  - 1. a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether

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

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

- 2) “Electronic Act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
      - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
  - w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
  - x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
    - a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
  3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
    - a) Caused, attempted to cause, or threatened to cause physical injury to another person.

- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the

threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) "Electronic Act" means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:

- (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
  - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
  - w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

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

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

### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal’s designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Principal or designee.

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

#### 2. Notice to Parents/Guardians

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

#### 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Principal or Principal’s designee, the pupil and the pupil’s guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil’s parents, unless the pupil and the pupil’s parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the



following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

#### D. Authority to Expel

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

#### E. Expulsion Procedures

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

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

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

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

#### F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

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

pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or

other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

#### G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

#### H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### I. Written Notice to Expel

The Principal or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the County. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

#### J. Disciplinary Records

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

#### K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board of Directors' decision to expel shall be final.

#### L. Expelled Pupils/Alternative Education

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

#### M. Rehabilitation Plans

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

#### N. Readmission

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

#### O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Notification of SELPA

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

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

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

#### 5. Special Circumstances

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

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

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

#### 6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

#### 7. Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

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

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

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

## VII. Reporting and Accountability

### Budgets and Cash Flow

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.*

*- California Education Code Section 47605.6(b)*

The Charter School has been financially healthy and stable since opening, with positive fund balances and a reserve far in excess of the state minimum.

#### *Sources of Funds*

Nearly 60% of funds for the Charter School's operations come from the State of California and local in-lieu of property taxes, in the form of the standard per-student allocation under Local Control Funding Formula (LCFF) based on Average Daily Attendance (ADA"). The Charter School receives other state and federal funds for special populations and specific programs, comprising 10% of funding. Grants and parent fundraising have historically contributed 15%, or about \$1,000 per child, and sliding scale fees for after school program and food service revenue account for 17%.

#### *Uses of Funds*

Annually, most (nearly 60%) of the Charter School's funds are used to cover personnel costs, including salaries and benefits for classified and certificated employees. This percentage has increased over time as enrollment has grown, enabling the Charter School to hire more full time employees instead of using part-time consultants. 14% is used for consultants, including special subject teachers, after-school programs, and professional service fees. About 9% is used for facilities, including rent, capital investments, utilities and maintenance. The School's Special Education encroachment on general funds is 5%, or about \$380 per enrolled student. 3% of expenses in the budget are food service costs. The remaining 10% of the annual budget goes towards other direct program and operating costs, such as classroom supplies, books, non-capitalized equipment and furniture, field trips, recruiting, and professional development.

➔ Please see Appendix VII for historical financials, financial projections (2 scenarios) and cash flow (2 scenarios) as required by Education Code Section 47605.6(h). These documents are based upon the best data available to the Petitioners at the date of submission.

### Financial Reporting

By July 1 of each calendar year, the Charter School provides a draft budget for the following school year to the County, including its estimate for enrollment and its Average Daily Attendance assumptions. The Charter School shall comply with all other financial reports required by Education Code Section 47604.33, and shall provide additional fiscal reports as requested by the County:

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

2. By July 1, an annual update (LCAP) required pursuant to Education Code Section 47606.5.
3. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the State Controller, California Department of Education and County Superintendent of Schools.
4. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
5. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

The Charter School will maintain sufficient staff and systems including technology, required to ensure timely reporting necessary to comply with the law and to meet all reasonable inquiries from the County and other authorized reporting agencies.

### **Insurance**

The Charter School shall maintain and finance general liability, workers compensation, and other necessary insurance for the Charter School of the types and in the amounts required for an enterprise of similar purpose and circumstance. The County Board of Education shall be named as an additional insured on all policies of the Charter School.

The Charter School shall provide evidence of the above insurance coverage as required by the County.

### **Administrative Services**

*Governing Law: The manner in which administrative services of the school are to be provided.*  
- California Education Code Section 47605.6(b)

The Charter School contracts with EdTec for some financial services, including state reporting and compliance. The Charter School is responsible for all of its own personnel salary and benefit plans, provisions and costs. In the event that any administrative services are to be provided by the County, the specifics will be agreed to in a Memorandum of Understanding between the Charter School and the County.

### **Facilities**

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

*Governing Law: A description of the facilities to be utilized by the school.*  
- California Education Code Section 47605.6(b)



The Charter School currently operates in two locations two blocks apart: a former parochial school at 1086 Alcatraz Ave, Oakland, CA 94608 and an Oakland Unified Early Childhood Center at 6232 Herzog Street, Oakland, CA, 94608. Both sites have been leased (from Catholic Diocese of Oakland / St. Columba Church and Oakland Unified School District, respectively).

Both sites are compliant with Education Code Section 47610. Both sites have been approved by the local fire marshal for the intended use by the Charter School. Neither site is sufficiently large on its own to house the Charter School's full student population and programs.

#### *Use of Facilities*

In the 2015-2016 school year, the facility at 1086 Alcatraz houses grades Kindergarten through second grade and the fifth grade – a total of 215 students. The building has 11 classrooms. Mandarin teachers and English teachers each have dedicated classrooms. 1 classroom is used as a staff room, and another as a computer lab. The building also has 5 offices which are used for administration or individualized instruction. Physical education classes are usually held outside on the playground; music and art classes are typically held in Mandarin classrooms. Students have lunch in the multi-purpose room or outside in the garden under a shade canopy. Recess is held outside, on the enclosed blacktop area or play structure. Yu Ming's after-school program, operated by the YMCA, is also housed at the Alcatraz site from 3pm to 6pm Monday through Thursday and from 1pm to 6pm on Fridays.

The facility at 6232 Herzog Street currently houses 112 students in third and fourth grade. It has a total of 6 classroom spaces and 3 offices with additional storage space, a courtyard with a play structure, a cafeteria and a kitchen. Mandarin teachers and English teachers each have dedicated classrooms; music and art classes are also held in those rooms. Students walk to the nearby public Golden Gate Recreation Center for physical education, and are escorted by their teachers to our 1086 Alcatraz location to use the computer lab. For the after school program, YMCA staff accompanies participating students from the Herzog building to the Alcatraz site.

Students will start and finish their day at the same location and any movement from one location to another will always be accompanied by a member of the Charter School staff.

➔ Please see Appendix VII for the lease agreements for 1086 Alcatraz Avenue and 6232 Herzog Street, Oakland.

#### *Search for Permanent Facility*

The Charter School will add a new grade annually until reaching full capacity, which will require two-three additional classrooms and corresponding additional program spaces each year. Unfortunately, our current facilities are insufficient to accommodate our growing student body beyond the 2015-2016 school year. The Board of Directors has established a Facilities Committee, led by an experienced real estate developer, to identify and secure a long-term permanent facility to house the entire school, kindergarten through 8th grade, as well as any interim facilities needed until then.

Specifically, we are looking for a one to three acre site in the northern Alameda County cities of Berkeley, Emeryville, and Oakland that can accommodate approximately 40,000 to 50,000 square feet of building space (including classrooms for core and special subjects, library, small

group instruction rooms, administrative offices, and multi-purpose room) along with outdoor play space and parking. We are actively pursuing all possible options, including underutilized school district facilities, parochial schools, and leased or purchased private sector buildings or land for renovation or new construction.

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or that are compliant with the State Building Code. The facilities shall be approved by the local or state fire marshal for the intended use. The Charter School agrees to continue to test sprinkler systems, fire extinguishers, and fire alarms at its facilities to ensure that they are maintained in an operable condition at all times.

### **Independent Fiscal Audit**

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

*- California Education Code Section 47605.6(b)(5)(I)*

Since founding, annual independent fiscal audits of the Charter School's financials have been clean: each year, auditors have rendered an unqualified opinion stating that the financial statements present a fair and accurate picture of the Charter School and comply with generally accepted accounting principles. The annual audits of the books and records of the Charter School is conducted as required under the Charter Schools Act, Education Code Sections 47605.6(b)(5)(I) and 47605.6(m). The books and records of the Charter School are kept in accordance with generally accepted accounting principles, and as required by applicable law, and the audit employs generally accepted accounting procedures. The audits have been and will continue to be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

The Charter School's Treasurer leads the Board in selecting an independent auditor and overseeing the independent audit. The Charter School has used and will continue to use an auditor with a CPA and educational institution audit experience, who is approved by the State Controller on its published list as an educational audit providers. To the extent required under applicable federal law, the audit scope shall be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audits are completed within six months of the close of the fiscal year. A copy of the auditor's findings are forwarded to the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. If any audit exceptions or deficiencies are identified, the Board of Directors shall review the exception and/or deficiencies, develop a plan to resolve them, and submit a report to the County proposing how and by when the exceptions and/or deficiencies have been or will be resolved to the satisfaction of the County. Any disputes between the County and the Charter School regarding the resolution of audit exceptions and deficiencies shall be referred to the dispute resolution process referenced in Section V of this Charter. The independent fiscal audit of the Charter School is a public record to be provided to the public upon request.

## **Direct Funding**

The Charter School shall receive funding pursuant to Education Code Section 47630 et seq. and elects to receive its funding directly from the state pursuant to Education Code Section 47651. Any funds due to the Charter School that flow through the County shall be forwarded to the Charter School in a timely fashion. During the term of this charter petition, the Charter School and the County shall negotiate in good faith to develop a Memorandum of Understanding that establishes the specific financial and service relationship between the two parties.

## **County Fee for Oversight**

The County may charge for the actual costs of supervisory oversight of the Charter School not to exceed 1% of the charter school's revenue, or the County may charge for the actual costs of supervisory oversight of the Charter School not to exceed 3% if the Charter School is able to obtain substantially rent free facilities from the County.

## **Concurrent Enrollment**

The School will not seek funding for any pupil who also attends a private school that charges the pupil's family tuition.

## **Closure Procedures**

*Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.*

*- California Education Code Section 47605.6(b)(5)(Q)*

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

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

The Board or its designee will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the School.

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

As applicable, the Charter School will provide parents, students and the County with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g. The Charter School will ask the County to store original records of Charter School students. All records of the Charter School shall be transferred to the County upon Charter School closure. If the County will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

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

As soon as reasonably practical, the School will prepare final financial records. The School will also have an independent audit completed within six months after closure. The School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the School and will be provided to the County promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33.

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

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

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

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

## VIII. Impact on Charter Authorizer

*Governing Law: Potential civil liability effects, if any, upon the school, any school district where the charter school may operate and upon the county board of education.*

*- California Education Code Section 47605.6(b).*

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

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

Further, the Charter School and County may enter into a memorandum of understanding, wherein the Charter School shall indemnify County for the actions of the Charter School under this charter.

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

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

The Charter School shall be responsible for all supplies and equipment that it purchased and, in the event of loss by fire, disaster, or theft, the County shall have no responsibility for such items. Further, the County shall have no responsibility for losses of student property for any reason whatsoever and the Charter School shall hold the County harmless from any such losses.

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

## **IX. Miscellaneous charter-Related Issues**

### **Term of Charter Renewal Petition**

The Charter School's renewal charter shall begin on July 1, 2016 and expire five years thereafter on June 30, 2021. Any material revisions to Charter School's charter shall be made by the mutual agreement of the governing board of the Charter School and the County in accordance with Education Code Section 47607. The Charter School may present a petition to renew or materially revise the Charter, and the County agrees to respond to such petitions pursuant to the process, criteria and timelines specified in Education Code Section 47605 and applicable provisions of the California Code of Regulations.

### **Interpreting the Charter**

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.

The terms of this charter contract are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the Charter School and the County. The County and the Charter School agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Changes in the law or the County administration related to charter schools occur from time to time. The Charter School shall fully comply with all such legal and/or administrative changes. Modifications to this charter pursuant to such changes shall be deemed administrative amendments and shall not be considered "material revisions" requiring approval pursuant to Education Code §47607(a)(1).

### **Revoking the Charter**

The County may revoke the charter of the Charter School in accordance with Education Code Section 47607 and its implementing regulations.

## **X. Conclusion**

By approving this charter renewal, the County is fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Charter School is eager to continue to work independently, yet cooperatively with the County to establish the highest bar for what a charter school can and should be. To this end, the Charter School pledges to work cooperatively with the County to answer any concerns over this document and to present the County with the strongest possible proposal for charter renewal requesting a five year term from July 1, 2016 through June 30, 2021.