



Empire Springs Charter School
Renewal Petition

Submitted to:
Helendale School District
November 20, 2019

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November 20, 2019

TO: Ross Swearingen, Superintendent
Helendale School District
15350 Riverview Road, Helendale, CA 92342

Dear Mr. Swearingen,

It is with great excitement that we submit the Empire Springs Charter School charter renewal. As you are aware, our program serves over one thousand students through a variety of non-classroom based educational opportunities: Homeschool, Venture Online, Keys Independent Study High School, Arrow High School, and the center in Rancho Cucamonga.

Empire Springs was originally chartered on May 5, 2013 by the Helendale School District Board of Directors. The charter was renewed in July 2017 for a five-year term. However, both the charter and the authorizer believe that the charter should be renewed for a new term due to the opening of new centers. Therefore, we submit the enclosed petition, including a one-facility exemption, for your Board's consideration.

The petition has all of the elements prescribed by law in order to have a successful renewal. All of the charter petition elements are outlined in the table of contents and are detailed throughout the petition document. The current petition has the following updates:

- One-site exemption law and applicable documentation, including realtor confirmation
- Rancho Cucamonga site address and specifics
- Three out-of-county centers
- Element/legal requirements and details aligned with new regulations
- Appendices correspond with major elements

We genuinely appreciate the support that Helendale offers to Empire Springs, and we look forward to our continued partnership as we serve students through excellent educational opportunities. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kathleen Hermsmeyer, Ed.D
Superintendent, Empire Springs Charter School
Kathleen.Hermsmeyer@springscs.org

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Empire Springs Charter School

Table of Contents

Affirmation and Declaration	7
Introduction	11
Element A: Educational Program Description	16
Element B: Measurable Pupil Outcomes	55
Element C: Methods of Measuring Student Progress	57
Element D: School Governance Structure and Parental Involvement	63
Element E: Qualifications of Individuals Employed by the Charter	65
Element F: Health and Safety Procedures	75
Element G: Racial and Ethnic Balance	81
Element H: Student Admission Requirements	84
Element I: Independent Financial Audit	89
Element J: Suspension, Expulsion, and Student Disciplinary Procedures	90
Element K: Retirement Systems	110
Element L: Public School Attendance Alternatives	112
Element M: Return Rights of District Employees	114
Element N: Dispute Resolutions Related to Charter Provisions	116
Element P: Closure Procedures	118
Additional Provisions	122

Appendices

Appendix A: Résumé: Dr. Kathleen Hermsmeyer, Superintendent	
Appendix B: High School Handbook	
Appendix C: High School Master Course List	
Appendix D: Special Education Procedural Manual	
Appendix E: RTI & MTSS Handbook1	
Appendix F: ELD Master Plan	
Appendix G: Charter Budget	
Appendix H: “I CAN!” Math and ELA Folder Samples	
Appendix I: “I CAN!” Program Description and Incentives	
Appendix J: ESCS “Power Tools”	

Appendix K: Spring Into Math Overview

Appendix L: Sample Personalized Learning Path

Appendix M: Homeschool Parent Certification Infographic

Appendix N: CTE Pathways and Course List

Appendix O: ESCS, Inc. Articles of Incorporation

Appendix P: ESCS, Inc. Bylaws

Appendix Q: ESCS, Inc. Conflict of Interest Code

Appendix R: ESCS Suspension and Expulsion Policy

Appendix S: MOU between RSCS, CSCS, HSCS, and ESCS

Appendix T: Foundry Commercial Real Estate Letter

Appendix U: Notifications to Districts, County, and State: Rancho Cucamonga Site

Appendix V: 2019-20 LCAP

Affirmation and Declaration

As the authorized lead and Superintendent, I, Dr. Kathleen Hermsmeyer, hereby certify that the information submitted in this petition for a California public charter school, Empire Springs Charter School (hereafter "ESCS" or the "Charter School"), is true to the best of my knowledge and belief. I also certify that this charter does not constitute the conversion of a private school to the status of a public charter school, and I understand that if awarded renewal, the Charter School will continue to follow any and all federal, state, and local laws and regulations that apply to the Charter School. Further, I affirm that if renewed ESCS:

1. Shall meet all statewide standards and conduct the student assessment tests pursuant to Education Code Sections 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools [Ref. Education Code Section 47605(d)(1)].
2. Shall be deemed the exclusive public school employer of the employees of ESCS for purposes of the Educational Employment Relations Act [Ref. Education Code Section 47605 (c)(6) and Chapter 10.7 of Division 4 Title I of the Government Code].
3. Shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations [Ref. Education Code Section 47605(e)(1)].
4. Shall not charge tuition [Ref. Education Code Section 47605(e)(1)].
5. Shall admit all students who wish to attend ESCS, unless ESCS receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(d)(2) and Education Code Section 51747.3, admission to ESCS shall not be determined according to the place of residence of the student the student's parents or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of ESCS in accordance with Education Code Section 47605(e)(2)(C) [Ref. Education Code Section 47605(e)(2)(A)-(C)].
6. Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code , including immigration status, or association with an individual who has any of the aforementioned characteristics) [Ref. Education Code Section 47605(e)(1)].

7. Shall adhere to all applicable provisions of federal law related to students with disabilities including, but not limited to, the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and Title II of the Americans with Disabilities Act of 1990 ("ADA").
8. 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)].
9. Shall ensure that teachers in ESCS hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district . Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment [Ref. Education Code Section 47605(l)].
10. Shall at all times maintain all necessary and appropriate insurance coverage.
11. 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).
12. Shall notify the superintendent of the school district of the pupil's last known address within 30 days if a pupil is expelled or leaves ESCS without graduating or completing the school year for any reason 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. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School [Ref. Education Code Section 47605(e)(3)].
13. The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School [Ref. Education Code Section 47605(n)].
14. Shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection [Ref. Education Code Section 47612.5(a)(2)].

15. Shall on a regular basis consult with its parents and teachers on a regular basis regarding ESCS's education programs [Ref. Education Code Section 47605 (d)].
16. Shall comply with any applicable jurisdictional limitations to the locations of its facilities [Ref. Education Code Sections 47605 and 47605.1].
17. Shall comply with all laws establishing the minimum and maximum age for public school enrollment [Ref. Education Code Section 47612(b) and 47610].
18. Shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
19. Shall comply with the Public Records Act.
20. Shall comply with the Family Educational Rights and Privacy Act.
21. Shall comply with the Ralph M. Brown Act.
22. The Charter School shall comply with Government Code Section 1090, et seq., as set forth in Education Code Section 47604.1.
23. The Charter School shall comply with the Political Reform Act.
24. Shall meet or exceed the legally required minimum number of school days [Ref. Title 5 California Code of Regulations Section 11960].
25. Shall meet the requirements of Education Code Section 47612.5 and Education Code Section 51745 et. seq. as relates to independent study.



Authorized Representative's Signature

November 20, 2019

Date

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Introduction

A. Founding Group

Dr. Kathleen Hermsmeyer has been serving as Superintendent of California's largest charter school, River Springs Charter School, since 2006. In 2013, two new schools were added under her direction, Empire Springs (herein) and Harbor Springs Charter Schools. In 2016, Citrus Springs was opened. She has worked in education for the past 28 years. Prior to her leadership with charter schools, she served as a language arts specialist with the Stockton Unified School District and Homeschool Specialist at Horizon Instructional Systems Charter School. She has also served as an adjunct faculty at Chapman, St Mary's College, and the University of the Pacific.

Dr. Hermsmeyer earned her bachelor's degree in liberal studies and a master's degree in computer based education from California Polytechnic State University at San Luis Obispo. She earned her doctorate degree in curriculum and instruction with a minor in educational administration from the University of the Pacific. She holds a clear administrative credential, as well as a clear multiple subject and cross-cultural language and academic development credential.

Dr. Hermsmeyer is passionate about preparing students to enter the changing global community through personalized learning, real-world applications and rigorous mastery-based instruction (for full résumé, see Appendix A).

Amy Podratz has more than 15 years of experience with charter schools. She presently serves as the Assistant Superintendent of Administrative Operations and is responsible for accountability plans, purchasing, vendor relations, student records/attendance, curriculum warehousing, and student intake. Ms. Podratz has been in this position since the inception of River Springs.

Ms. Podratz holds a bachelor's degree in political science and a pre-law certificate from California State University, Long Beach. Additionally, Ms. Podratz holds a single-subject credential in social science, a master's degree in leadership, and has completed Chief Business Official certification coursework.

Ms. Podratz began her teaching experience as an independent study teacher and is an accomplished equestrian and active volunteer.

Dr. Kathy Cox has over 10 years of experience in the field of Special Education. She presently serves as the Director of Special Education for Springs Charter Schools. She is responsible for overseeing the entire special education operation and services to students with special needs. She began her career as an elementary school teacher in the Palm Springs and Beaumont areas of California. Dr. Cox moved into educational administration as an assistant principal, and quickly assumed the role of administrator overseeing a very large Special Education program. Dr. Cox led and supported district programs for students identified with moderate and severe disabilities and the development of an alternative program for students with emotional disturbance.

Dr. Cox has extensive leadership training including conflict management, non-violent communication, problem solving, and organizational change. She has collaborated with staff to develop programs for students with Autism in order to return students from county placements.

Dr. Cox is passionate about nurturing collaboration and team building between all the stakeholders within the unique charter school community in order to provide exemplary program for students.

Vivian Price has over 20 years as an educator. She presently serves as the Assistant Superintendent of Education-Personalized Learning. Ms. Price began her career with Springs Charter Schools in 2006 having served as a middle and high school English teacher. She is responsible for the Homeschool program, Keys High School program, the Venture Online program, and oversees the Instructional Support Department and Assessment Department.

Ms. Price earned her bachelor's degree in New Hampshire at Plymouth State University. She completed her master's degree in Education with a literacy focus from California State University, San Marcos. Presently, Ms. Price is completing her doctorate work in Educational Leadership. She holds multiple credentials in administration, English single-subject, and Reading Specialist.

Ms. Price is recognized as a National Board Certified Teacher (ELA) and is a National Writing Project Fellow. She grew up in New England where her love for biking and hiking began. She enjoys memoirs, great American authors, and adolescent literature.

Tanya Rogers has worked in the highly specialized world of school finance for over 9 years. She currently serves as the Assistant Superintendent of Business. Ms. Rogers is responsible for overseeing the budget process, financial reporting, restricted funding programs, and oversees the audit processes. Ms. Rogers began her professional career in the hospitality industry in which she developed a love for leadership and serving others. These skills

translated seamlessly into the arena of school finance. She began this adventure auditing school districts with a local auditing firm. Ms. Rogers joined a local community college district and was eventually selected to lead the multi-college district's personnel division as the Vice Chancellor of Human Relations. Returning to the field of auditing, Ms. Rogers joined a local firm that specialized in school district, college, not for profit, and charter school audits.

Ms. Rogers earned her bachelor's degree at California State University, San Marcos in business with a concentration in accounting. She also earned a master's degree in business administration. Ms. Rogers is a Certified Public Accountant (CPA) in the State of California, and she also holds the designation as a Certified Fraud Examiner (CFE).

While having grown up in the state of Washington, Ms. Rogers considers herself to be a California "native" having spent the last 25 years in the Southern California area. She is passionate about the programs Springs offers to students and families, so much so, she enrolled her own daughter!

B. Who We Are

Springs Charter Schools ("SCS") is a successful network of non-classroom and classroom based, rigorous, personalized-learning charter schools serving students in California. As the flagship school, River Springs Charter School ("River Springs" or "RSCS") sponsored by the Riverside County Board of Education, is the largest individual charter school in California, due to tremendous parent support, excellent programs, and best business practices. Since River Springs' initial charter approval in 2005, we have gone on to obtain two five-year charter renewals, opened fourteen resource center locations, and have expanded our movement outside of Riverside County through the opening of Empire Springs and Harbor Springs Charter Schools with Helendale Elementary School District & Julian Elementary School District, respectively. In 2016, the fourth charter of the network, Citrus Springs Charter School, was opened under the oversight of the Orange County Department of Education. We continue to take pride in helping each student through his or her own personalized educational journey.

C. Program Offerings & Grade Levels

Empire Springs operates several unique independent study programs in San Bernardino County and its adjacent counties.

These include:

- **Homeschool TK-12** has enrichment workshops and resource center support available (for further description, see page 20).
- **Keys College and Career Prep High School 9-12** offers supported independent study for high school students (for further description, see page 25).

- **Discovery Collaborative TK-8** students participate in a hybrid program of three-days of classroom and two-days of home-study per week (for further description, see page 29).
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- **Venture Online K-12** is a fully online educational program (for further description, see page 31).
- **Arrow High School 9-12** is a hybrid, fully-supported independent study program for high school students who need assistance reuniting with their cohort group (for further description, see page 32).

All programs are research-based, innovative, need-driven models. ESCS’s Rancho Cucamonga Student Center is located at 8968 Archibald Avenue, Rancho Cucamonga, California, and provides 11 classroom spaces. Space is provided for Homeschool Enrichment classes, Keys College and Career Prep small group instruction, Special Education services, meetings, student events, activities, and assessment as needed.

D. Enrollment and ADA Projections

Empire Springs Three-Year Projections		
	TOTALS	
	Enrollment	ADA
YEAR 1 (2019-2020)	1,327	1,287
YEAR 2 (2020-2021)	1,715	1,663
YEAR 3 (2021-2022)	1,842	1,786

E. Signature Components of Empire Springs' Education

- Parent as co-teacher, with support through parent education, online guides and mentoring
- Fully-supported choice curriculum on-demand
- Unique personalized learning path for resource center and classroom instruction (see Appendix L for sample)
- Power Tools for independent learning
- Math intervention, and other structured support for struggling students
- Field trips and parent/student events
- CTE and internships incorporated into high school coursework every year
- Structured support for struggling students/multi-tiered system of supports

Element A: Educational Program Description

Governing Law: The educational program of the charter school is designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

Governing Law: The annual goals for the charter school 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,, 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. Education Code Section 47605(c)(5)(A)(ii).

Governing Law: If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(c)(5)(A)(iii).

A. Mission & Vision

ESCS is a parent choice school where the community is the classroom. Our mission is to foster the innate curiosity of our students, empower their parents, and promote optimum learning by collaboratively developing a personalized learning program for each student. ESCS’s objective is to enable pupils to become self-motivated, competent, and lifelong learners.

Goals for students and parents of ESCS include, but shall not be limited to, the following:

1. Optimum learning by the student is achieved by encouraging parent involvement and support.
2. Students are active participants in their personalized learning plan with the support of ESCS staff.
3. ESCS students make at least one year of academic achievement gains each year.
4. Students are intrinsically motivated.
5. Students achieve competency in basic academic skills.
6. Opportunities are provided for students to explore their potential in the performing and living arts and in the use of technology.
7. Students recognize and use their strongest skills and abilities and improve in areas where they are weak.

ESCS is open to all students in grades TK-12. ESCS is nonsectarian in its programs, admission policies, employment practices, and all other operations. ESCS specifically targets and is attempting to educate students seeking a non-traditional educational setting. ESCS does not charge tuition and does not discriminate against any pupil on the basis of ethnicity, nationality, race, gender, gender expression, gender identity, disability, religion, sexual orientation, or upon any of the characteristics listed in Education Code Section 220.

ESCS believes that learning best occurs when students are educated through a personalized learning, goal-oriented curriculum, which is developed utilizing home-based learning programs, cooperative school programs and classes, personalized learning models, internships, community-based educational programs, group seminars, distance learning via current technology, supplemental learning projects, and current educational research. The growing body of reputable research indicates that personalized learning schools (specifically those employing the aforementioned strategies and initiatives) have helped students attain greater academic achievement than their traditional school peers, particularly those students with lower starting achievement levels.¹ All student curricula are subject to approval by ESCS.

ESCS has obtained continuous accreditation through Western Association of Schools and Colleges (WASC), and all high school courses offered by the charter school are considered transferable. ESCS offers students a college preparatory program that meets California State and University of California's a-g admissions requirements. For high school students, the Student Agreement that is signed by student and parent upon enrollment details the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. All homeschool specialists who are assigned to high school are trained in the requirements of a-g coursework and high school graduation policies and procedures (see Appendix B).

For purposes of this charter, "parent(s)" includes guardian(s). Any parent or legally responsible entity may designate an alternate party to act in place of the parent(s). ESCS adult students do not require parental participation in educational or admission contracts or performance evaluations.

ESCS identifies an educated person in the twenty-first century to mean a person who is literate, can understand and function sufficiently in the world around him or her, has an overview of the history of mankind in all its diversity, has an understanding of the political processes, has an ability to solve mathematical problems and to think scientifically, and has the values necessary to enhance the world in which she or he lives. This person is one who has realized his or her own special interests, talents, or abilities, whether it is in the arts, sciences, or other areas. It is the goal of ESCS to help students become educated individuals who are intrinsically motivated to learn and who have diverse yet well-developed interests.

¹ Pane, John, et al. "Promising Evidence on Personalized Learning." *Continued Progress*, November 2015. http://www.rand.org/content/dam/rand/pubs/research_reports/RR1300/RR1365/RAND_RR1365.pdf. Accessed January 3, 2016.

ESCS parents, students, teachers, and homeschool specialists believe that the best learning occurs when:

1. Curriculum is tailored to an individual student’s learning styles.
2. One-to-one teaching is used as appropriate
3. Real life context-based learning is encouraged.
4. A variety of enrichment is implemented through classroom instruction, independent learning, field trips, apprenticeships, technology and integrated projects across the curriculum.
5. Schooling is viewed as one aspect of an education.
6. The entire community is the classroom.
7. Learning is promoted by engaging student interests².

B. Students to be Served

Empire Springs currently serves nearly one thousand students in San Bernardino County and has a center in Rancho Cucamonga, CA. The tables below represent the 2019-20 population of students enrolled.

Enrollment by Gender		
	#	%
Female	660	52%
Male	606	48%

Enrollment by Primary Race/Ethnicity		
	#	%
White	511	40%
Hispanic	524	41%
African-American	94	7%
Asian	25	2%
Pacific Islander	2	<1%
American Indian	5	<1%

Enrollment of Socio-Economically Disadvantaged		
	#	%

² Hattie, J. A. C. (2009). *Visible learning: A synthesis of over 800 meta-analyses relating to achievement*. London: Routledge, page 298.

Free lunch	362	29%
Reduced Lunch	197	16%
Total Free & Reduced Lunch	559	44%

Enrollment of Students with Disabilities		
	#	%
Active IEP	173	14%
Active 504 Plan	25	2%

*** All enrollment data as of Oct 2, 2019*

C. High School Guidance Services

All high school students enrolled in ESCS are challenged through a-g courses and concurrent and/or dual enrollment at local community colleges, where appropriate. Students are guided toward college preparatory courses and offered opportunities to visit local colleges and universities.

A high school counselor is available to all families. The school counselor’s role is to help with high school academic planning, college entrance requirements, and post-graduation goals.

For more detailed information about high school courses and advisement, reference the Springs High School Handbook for staff (Appendix B) and the Master Course List (Appendix C).

D. Educational Program Choices

ESCS believes in providing a multi-faceted portfolio of options for parents who want to play a more active role in the public education of their children. Instead of providing just one model, ESCS works within the local community of families and teachers to create research-based, mission-driven, comprehensive school models. This takes place either in the classroom or is a combination of the resource center classroom instruction with the best of personalized home-study.

- **Homeschool TK-12** has enrichment workshops and resource center support available (for further description, see page 20).
- **Keys College and Career Prep High School 9-12** offers supported independent study for high school students (for further description, see page 25).
- **Discovery Collaborative TK-8** students participate in a hybrid program of three-days of classroom and two-days of home-study per week (for further description, see page 29).
- **Venture Online K-12** is a fully online educational program (for further description, see page 31).

- **Arrow High School 9-12** is a hybrid, fully-supported independent study program for high school students who need assistance reuniting with their cohort group (for further description, see page 32).

ESCS believes that a child’s attitude about learning a particular subject significantly contributes to his/her success or failure in that subject. Positive attitudes are strongly influenced by success. For this reason:

- The charter school uses a variety of diagnostic tools to accurately assess and place each child in the appropriate course/curriculum for his/her skills. The content is challenging, but not so challenging that it would be almost impossible for the child to succeed based on his/her initial skill set.
- The charter school focuses on the goals of mastery and understanding within each discipline. Children are encouraged to keep working on a skill until it is mastered, and they are not penalized for multiple attempts at mastery.
- The charter school gives timely feedback to the student about his/her progress in such a way that the student learns and grows from it. Students are actively involved in evaluating their own progress. They are called upon to reflect; given tools such as rubrics, pre-assessments, and other means of identifying their strengths and areas of improvement; and are enabled to make the adjustments necessary to succeed and achieve at high levels. Teachers personalize learning to help each child identify their own strengths and weaknesses in a particular task or topic.

Since ESCS focuses on personalized learning, we use a continuum of skills for mastery, based on the Common Core State Standards in English language arts and mathematics. These skills are organized by grade level, with the goal for every student to master these skills during or before that grade level year. However, since these skills are building blocks that are required for true understanding of higher level concepts, some students will begin their learning below their designated grade level. Our goal for students operating below grade level is to accelerate their learning through mastery and success.

Our programs use a variety of instructional materials to teach these skills (see details under program description sections). These instructional materials support standards-based mastery, and are used with flexibility according to individual student need.

All applicable courses follow the Common Core State Standards (“CCSS”), Next Generation Science Standards (“NGSS”), History-Social Science Framework, English Language Development (“ELD”) Standards, and remaining State Content Standards (collectively referred to herein as “State Standards”)^[JAR1].

^[JAR1]Recommend this convention in order to achieve completeness.

Educational Program Descriptions

Homeschool TK-12

In the ESCS Homeschool program, parents and students work closely with a California credentialed homeschool specialist to choose the right combination of learning programs for each individual student. ESCS believes that parents are the primary educators of their children, and the primary mission of ESCS is to support and encourage families in the challenging task of educating their children. Homeschool students may augment their homeschool program by selecting TK-8 enrichment classes at a resource center. Homeschool families are able to take advantage of field trips, a well-stocked curriculum warehouse, various health and fitness programs, and numerous parent and student events throughout the year.

ESCS homeschool high school students have access to a variety of supported courses offered either through an online course management system or at our Rancho Cucamonga Student Center. High school courses include core subjects, world languages, CTE, and elective options. All high school online courses are overseen by highly qualified subject-specialists who grade key assignments, run regularly scheduled live seminars, monitor thread and forum discussions, and are available to tutor students as needed.

Student progress is tracked through the use of individualized learning plans, which are created monthly and revised often through collaboration with the parent, student, and homeschool specialist. Assessment is completed regularly for a variety of purposes including curriculum selection. Assessment data is analyzed regularly and used to modify instruction at each learning plan meeting.

A homeschool specialist meets with parents and students at least every 20 school days to review progress and develop a plan for the upcoming learning period. As a team, they review work and assessments, explore learning styles and educational philosophies, evaluate curriculum options, and create an individualized plan that best meets the needs of the student. During Learning Plan meetings, homeschool specialists offer in-services to both parent and student. Topics range from sharing best teaching practices and intervention strategies to modeling study skills and using ESCS Power Tools (see Appendix J) for the students. Using our I CAN! Progress Reports, homeschool specialists help parents choose curriculum and develop annual plans aimed at ensuring all students master grade appropriate skills and maximize their achievement.

The nature of personalized learning and the development of monthly learning plans allows for a great deal of flexibility in time management, instructional options, and parent choice.

A. Parent Support: Homeschool Prep

New ESCS families receive additional support through “Homeschool Prep.” Parents who are new to homeschooling are provided an additional monthly meeting with their homeschool specialist for the first three months of enrollment. During these meetings, the homeschool

specialist shares numerous resources and provide in-service trainings for the parent covering various topics including using assessment to drive instruction, lesson planning, understanding and assessing learning styles, and much more. Additionally, the homeschool specialist provides the parent with strategies and support necessary to succeed as a home educator. Homeschool Prep students may choose to work through our Boxed Set curriculum, our High School Curriculum Guides, or follow an annual plan created with their homeschool specialist using parent choice curriculum. At the end of the three months, both the homeschool specialist and parent complete an exit survey that provides feedback to the homeschool directors about the effectiveness of the program.

B. Parent Support

Most ESCS parents exit the Homeschool Prep program in three months; however, they have many opportunities to continue to grow as educators.

ESCS offers a variety of events offered throughout the year. Parent and student events include the following:

- Regional SPREE events (Student Parent Regional Education Event)
- Parent education and training
- Math workshops
- Reading workshops
- Annual parent conference
- Parent certification program

Our parent certification program offers Empire Springs homeschool parents an opportunity to better themselves as educators in teaching their students in the home and to collaborate with other parents and staff. The program provides parents and their students the best foundation for successful learning in the home through educator classes and workshops. Participating parents complete four collaborative courses (3 core and 1 elective). Courses are dynamic and include topics such as learning and the brain, developing an annual plan, and project-based learning. For an overview of our parent certification program, see Appendix M.

C. Curriculum

All materials and teaching methods used for English, math, science, and history support the learning of the State Standards . The CCSS focus on higher-level thinking skills, which can be taught through many teaching and curricular materials.

ESCS families have a variety of choices when it comes to selecting the most appropriate curriculum for their students. Curriculum selection is a collaborative process between the parent and homeschool education specialist. ESCS in-house curriculum distribution center, Bookmart, stocks our recommended homeschool curriculum for grades TK-12.

Parents may also choose from numerous approved vendors to purchase curriculum using their instructional funding. ESCS supports students through a variety of vendor options to enrich and broaden student experiences. These vendor offerings typically include physical education,

foreign language, music, drama, dance, art classes, and more. The parent and homeschool specialist work together to select curriculum from a variety of materials, vendors, online classes, and in-house teacher-created curriculum.

D. Boxed Set

Boxed set curriculum, ESCS's most popular, fully supported curriculum, is a complete collection of materials and lesson plans for students in kindergarten through 8th grade. This curriculum includes engaging daily lessons, weekly pacing guides, multimedia learning resources, and rich literature. The Boxed Set is one of many options for students and parents to acquire essential skills.

E. World Language

ESCS offers two high school online world language courses (Spanish and French) instructed by a qualified teacher credentialed in the offered languages. Students attend online classes twice per week with independent study assignments for the remaining days. The instructor provides personalized support for students and quality instruction.

F. Dynamic Integrated Courses

Integrated courses, curriculum, and learning resources are offered at every grade level to support parents and students with making connections between content areas. Some of the offerings include a complete literature-based program for kindergarten through 8th grade and a high school curriculum that integrates an entire schedule of courses into 3 week, high-interest modules. These integrated options allow students and parents a choice in curriculum and how learning is delivered.

G. Power Tools

ESCS teaches all students fifteen powerful strategies for independent lifelong learning, called Power Tools.

The Springs Power Tools are fifteen learning strategies designed to help students become independent learners. The Power Tools are useful before, during, and after reading and reinforce literacy skills in all subjects and grades. The tools help students access new and difficult assignments independently. The Power Tools are strategies that are used to develop critical thinking and authentic application of knowledge.

Critical thinking skills allow students to be able to make reasoned and informed decisions and take purposeful actions and it is imperative that schools help build these skills in all students.

Our goal is not only to provide parents and teachers the top strategies, but also to ensure that students have the resources to be independent learners and are college and career ready.

These research-based strategies are Think-Pair-Share, RAFT, Questioning, SQ3R, Power Writing, Notes, Journals, RIP, Connect, Sketch-to-Sketch, Summarizing, Mind Maps, Cover-and-Tell, VIP, and Graphic Organizers. For more information about Power Tools, see Appendix J.

H. Additional Supports

Students can participate in large group and/or individualized field trips, along with special events, including writing and math activity days, inspired learner expo, the annual spelling bee, history day, and science fair.

Each TK-12th grade student is provided with a Chromebook to support access to the many online subscriptions provided for them, as well as to the online curriculum management system. Students also have access to a curriculum warehouse with hundreds of items available for checkout.

Although parents have a variety of curriculum choices, ESCS has established essential learning in ELA and math that is considered the foundation of all ELA and math courses.

The essential learning in the homeschool program is based on Common Core State Standards, developed into parent and student-friendly "I CAN!" statements. These I CAN! statements are tracked by student and teacher using a variety of tools. Students shall make a minimum of a year's growth in a year, but they also have the opportunity to reach further. We offer a wealth of I CAN! resources to support parents and students including the following:

- Personalized pathways to develop a plan for acquiring each I CAN! (See Appendix L for sample)
- An I CAN! mastery tracking folder portfolio that follows students from TK-8 (See Appendix H for sample)
- I CAN! reteach booklets
- Online interactive I CAN! e-books with links to videos, games and activities, quizzes, and tests related to each I CAN!
- Online learning portals with parent support, links to instructional videos, activities/games, practice assessments and mastery quizzes and tests
- School wide incentives for the I CAN! program (See Appendix I)
- Online supported math

ESCS provides a wide range of choices for math instruction. One of these options is a math curriculum for grades 5-8 that combines home instruction with online support. Resources include video instruction, real-world tasks, assessments, and practice. See Appendix K for an overview of our Spring Into Math online course.

I. Homeschool Resource Center TK-12

The Rancho Cucamonga Student Center on Archibald Avenue provides 11 classroom spaces. Of those, 7 are available two days per week for homeschool enrichment classes and workshops. Additional space is provided for Special Education and counseling services, meetings, student events, activities, and assessment as needed.

The student center helps families connect with other homeschoolers to create a strong support system. Families enjoy the non-traditional choice of homeschooling while benefiting from more time-honored school activities such as school pictures, yearbooks, open houses, and the

opportunity to perform and compete as a group. Through events, outreach, activities, and guest speakers, resource center students use the community as the classroom throughout the year.

All enrichment classes and workshops have complete course syllabi and day-by-day course descriptions, which are available to the public on the school website. This transparency allows the homeschool specialist to support the enrichment courses their students are attending. The content for each course a student attends is entered into the monthly learning plan as part of the student's assignments. Classroom attendance is completely optional, except in cases of need, such as Special Education services, English language development, etc. All course content is available online for students to access from home in the event they do not come to class.

Additionally, ESCS provides a Mobile Science Lab, which offers hands-on science at the Rancho Cucamonga Student Center for Homeschool, Keys, and U-Lab high school students. For each of our a-g lab sciences, students attend seven lab practicals a year. This will satisfy their fifth semester unit for the course as well as the lab component for the subject and is accepted by four-year universities. Students engage in the process of inquiry in subjects including, but not limited to, exploring with microscopes, testing velocity, experimenting with chemical reactions, and exploring miniature biomes. The ESCS Mobile Science Lab is led by a credentialed science teacher using lab activities that go along with what is being taught in the courses. Students deepen their understanding of science in these rigorous labs and have fun while doing it.

Academic counseling services are offered on an appointment basis at the resource center. In addition, special education services, including SAI, OT, speech, and IEP meetings are provided.

Keys College and Career Prep High School

Keys' San Bernardino County Resource Center is located at the Rancho Cucamonga facility. The resource center provides for teacher-led small group instruction and study zone space for students to work independently.

A. Mission and Vision

Keys College and Career Prep program provides a high school independent study environment. Keys College and Career Prep utilizes a personalized learning independent study model with challenging academic experiences and choice. The Keys teachers train the students to become independent in their learning, foster a positive growth mindset, and teach the students good organizational skills so that they may be outstanding college students and productive citizens in the careers of their choice. Teachers foster the innate curiosity of all learners and provide opportunities that empower students and their parents to make the best choices for success in life's journey.

At a minimum, students are at the center for 1 hour per week for their weekly teacher meeting. Students who benefit from additional support may take advantage of open hours in the Study Zone, support from instructional aides, or direct instruction during on-site courses.

B. Academic Innovation

1) Personalized Learning

By assessing each student's academic needs and personal interests in combination with their learning style, Keys teachers can provide both interesting and challenging coursework within the independent study curriculum that promotes academic success. Students set goals for their own learning, and they are offered choice within a rigorous curriculum. Students learn to use technology and participate in real world internships. Students may enroll in online Career-Technical Education (CTE) courses to earn career pathway certificates. Students have the opportunity to engage in many extracurricular activities, such as acting, athletics, dancing, and performing while still earning a high school diploma. All core courses are a-g approved to meet UC/CSU eligibility requirements.

The learning process should engage students at multiple levels as well as help students build skills to be competent in any post graduate goals. Learning becomes meaningful and dynamic when the learner is personally invested in the learning process. We believe that personalizing learning enables students to engage in a more meaningful way to the content.

2) Goal Setting

Teachers and students work jointly to create learning goals that connect the learning objectives (standards) to students' interests and learning style(s). The goals are fleshed out with timelines and strategies to reach each goal. Students track their progress using a variety of methods, from formal goal sheets, Canvas tools and gradebooks, and weekly meetings with their Keys teacher. Students also meet with school counselors at least once a semester to make sure they are on track to graduate. Each student is assigned a counselor

that he or she can call on as needed. Goals are reviewed regularly and adjusted to assist the student in graduating on time.

3) The Community is Our Classroom

Students are encouraged to participate in articulated courses through Career-Technical Education and concurrent college enrollment opportunities at the local colleges. Students may also participate in school-organized field trips, based on their interest and high school courses. Field trips bring the learning to life and show students that the community is our classroom. Students are also encouraged to participate in Internships where they learn from community members what various job fields are like and contribute to the businesses where they serve their internships.

C. Academic Program

1) Shared Inquiry

Keys uses Shared Inquiry strategies to engage all readers in higher-order thinking and collaborative problem solving in our online class discussions. In Shared Inquiry, students and teachers come together to help each other explore the meaning of a literary work, historical event, or scientific occurrence. Each participant brings a unique perspective that influences how he or she understands the work, event, or issue. Sharing their interpretations, participants gain new insights and deepen or change their initial understanding. Researchers make it clear that teachers can make a real difference when they engage in the ongoing cycle of planning, acting, reflecting, and changing; an approach characteristic of action research. They present inquiry-based learning as a hopeful approach to educational improvement.

2) Service Learning

Students problem solve, create, and learn job skills in quality Internship classes, prepare written documents and complete presentations for advocacy purposes. Working in the real world and participating in CTE courses encourages the critical thinking skills that 21st century learners need to adapt content knowledge for varying jobs and career paths. CTE pathways and internships integrate community service with academic study to enrich learning, teach civic responsibility, and strengthen communities. Students have opportunity to exhibit leadership, ethical behavior, and respect for others; accept responsibility for personal actions, consider the impact on others; take the initiative to plan and execute tasks, and interact productively as a member of a group.

3) Shared Responsibility

The entire school community shares in the responsibility of shaping a positive learning environment within our school. There is no substitute for excellence. Excellence demands both individual commitment from students and co-operation between students, parents, teachers, board members, and the community. We believe that all stakeholders share responsibility and play an integral part in setting academic, social, and personal goals for the education of all students. This schoolwide team-based approach assumes shared

responsibility for the achievement of all students. It addresses student concerns and monitors student progress. This shared responsibility encompasses the belief that our success is dependent on the commitment and support of all stakeholders.

4) Collaborative Learning

Students learn collaborative, powerful, independent learning strategies in small group study zones. Power Tools help students hone their thinking and listening skills, and honor students' diversity and original thinking. The active exchange of ideas increases intrigue and motivation about known content and stimulates new ideas that promote critical thinking.

D. Curriculum

All materials and teaching methods used for English, math, science, and history support the learning of the State Standards . The CCSS is focused on higher-level thinking skills, which can be taught through our a-g Canvas integrated courses and online classes.

1) English Language Arts

High quality English Language Arts instruction employs varied materials and strategies. Keys students use a variety of textbook and online materials to help them reach mastery in all areas of ELA. Students use novels and primary source materials to learn English concepts. The Canvas courses also use material from Prentice Hall Literature Common Core Edition. Concepts are integrated with science and history to provide real world examples and transition the student between the written word and real life experiences. This textbook series is a comprehensive literacy program that teaches the new standards and helps students become better readers, better writers, and better thinkers so they are better prepared for college, careers, and beyond. Students receive leveled support and scaffolding in the online classes for understanding increasingly complex texts, informational texts across content areas, and writing argumentative, informative/explanatory, and narrative texts. Students meet with the English specialists weekly in discussions and seminars in an online environment. All English courses are a-g approved.

2) Math

We employ a mastery-based, balanced mathematics program, implementing a variety of learning tools including online, center-based, and textbooks. Our math courses have been written by math specialists and are a-g approved. Textbook materials include Prentice Hall, Common Core, Harcourt, and others.

Online tools include i-Ready for struggling students and MathXL for all students. Students meet with the Math Specialist weekly for online discussions and seminars.

3) English Language Development

High quality English Language Development instruction requires a multitude of materials and strategies. Keys uses a variety of personalized textbook and online materials to help

students reach mastery in all areas of ELA. Programs in use may include, but not be limited to: i-Ready lessons, Wordly Wise for vocabulary development, audio books, Rosetta Stone, and creating vocabulary dictionaries. See Appendix F for the Master Plan for English Learners.

4) Science

High quality science instruction is written by our single-subject science specialist, and has been a-g approved. Keys uses a variety of textbook, lab and online materials to help students reach mastery in all areas of science. Students meet online with the Specialists weekly and participate in person at Mobile Science Lab monthly to meet the a-g requirements.

5) History

Students learn history and science through our integrated online curriculum, overseen by history single subject specialists. The students study history in the context of real world careers, significant historical events, and using primary source documents. The students interact with the single-subject specialist through online discussions, seminars, and key assignments that require higher-level thinking. All History courses are a-g approved.

6) PE & Electives

PE focuses on health principles and follows the FITT principles (Frequency, Intensity, Time, Type). Students participate in a wide range of physical education activities according to their interests and abilities. They incorporate the FITT principles into their chosen fields of activity. They are required to participate in a minimum of 75 hours a semester and show growth and mastery.

Electives: Students participate in self-selected elective courses according to the courses that we have available in Canvas. Some of the courses include but are not limited to: CTE courses, Internship, Foods, Culinary Arts, Psychology, Drawing, Life Skills, Family Studies, and Music Instruction.

E. Instructional Strategies

The Keys programs utilizes mastery learning. Students are expected to master concepts before moving on to new assignments and concepts. They are given multiple opportunities to redo work or show mastery in different learning styles.

All Keys courses are online courses, and students may meet together in the Study Zone to work individually, with their Keys teacher, or may work collaboratively with other students to solve complex assignments.

Discovery Collaborative TK-8

Discovery Collaborative for TK-8 students is a hybrid learning program providing structured classroom activities three days a week along with two home-study days. Discovery Collaborative meets on a multi-age campus where students actively participate with the community of learners.

A. Hands-on Learning

The Discovery Collaborative program provides a cross-grade-level thematic curriculum with an emphasis on personalized I CAN! Mastery and student discovery. Classroom labs are designed for students to observe, practice, explore, create, and solve problems. Students partner with their teachers to work collaboratively to solve a real world problem or connect to an age-appropriate community project.

B. Guided Home-study

Personalized home-study assignments and activities are designed by the classroom teacher in collaboration with the parent and student. Parents, teachers, and students meet monthly to create and review student goals in order to ensure that students are on the road to individual growth and success. Students are empowered to use their I CAN! Mastery trackers (see appendix H) to ensure that they are making progress toward the grade level standards while incorporating their personal learning styles and passions.

C. Parent & Student Engagement

Students become part of the learning center community by participating in multi-age campus activities such as after school clubs, sports, excursions or by exploring a special interest with their peers on a home discovery day. Parents are a big part of our community and are encouraged to be on-site volunteering and building relationships with fellow parents.

Venture Online Academy

Venture is an online program that caters to the evolving needs of the 21st century student. Credentialed, experienced teachers share the belief that all students can be successful with the necessary tools.

At Venture, teachers focus on identifying each student's unique learning style in order to achieve academic success. Students experience an engaging learning environment offering challenging curriculum, highly qualified teachers, and a supportive means to graduate with an accredited high school diploma. The goal at Venture Online is to provide students with the necessary tools to attain academic success while pursuing their personal dreams.

A. Defining Elements of the Program

Venture Online provides students with highly qualified teachers in math, science, and English in grades 9-12. Students receive weekly contact in a virtual face-to-face meeting with their individual teachers in a supported environment. Because all students have a unique learning style, parents and students are provided with an opportunity to explore how students learn best through the use of a learning style profile.

B. Personalized Learning Plans

Each student has a Learning Coach (teacher of record) they meet with regularly one-on-one. Taking into account the student's future plans, academic history of grades and credits, post graduate plans, as well as the student's personal interests, the Learning Coach creates a Personalized Learning Plan for each student. It is our goal to help the student meet those goals by staying on track. Using state testing and internal assessments, teachers work with students to personalize assignments to fit the student's learning styles and abilities, as well as create a flexible learning environment that can be completed anywhere, any time, and at their own pace.

C. The Community is our Classroom

We offer a variety of elective courses based on your student's individual interests and skills that can be completed by your child in your local community. We encourage dual enrollment during high school so that students can accelerate their enrollment into college as well as earn credit in high school. In addition, offering online articulated college courses allows our program the necessary flexibility while students are pursuing their personal dreams and interests.

D. Parent/Student/Coach Collaboration

Parents are vital to each student's success. Parents, students, and teachers work as a team; all participants have a shared responsibility to the success of every student. As in any distance-learning environment, communication is essential for the best result and experience. Our teachers and staff are available by multiple means of technology to connect with our students and parents.

Arrow High School

ESCS will offer a high school independent study program specifically for students in grades 10-12 who are credit deficient. Each student will be assigned a credentialed teacher (Education Specialist) to guide and oversee their instructional plan. The Arrow High School (AHS) program will provide a fully-supported independent study program enabling students to be successful in high school coursework, recover credits, and get back on track to graduate. Students can be enrolled in AHS program by credentialed counselor recommendation only. Students enrolled in the AHS program will work with their parent, Education Specialist, and guidance counselor to develop a personalized plan based on a-g or general coursework. Through the hybrid model offered at the AHS program, all students will be supported with completing their coursework to their highest ability. All curriculum, assessments, and appropriate resources will be made available to all enrolled students as part of their personalized plan. AHS students will find success in high school while catching up on units via the personalized learning plan.

A. Personalized Learning

By assessing each student's academic needs and personal interests in combination with their learning style, AHS teachers can provide both interesting and challenging coursework within the independent study curriculum that promotes academic success. Students set goals for their own learning, and they are offered choice within a rigorous curriculum. Students learn to use technology and participate in real world internships. Students may enroll in online Career-Technical Education (CTE) courses to earn career pathway certificates. Students may have the opportunity to engage in many extracurricular activities, such as acting, athletics, dancing, and performing while still earning a high school diploma. Students are enrolled in a-g courses approved to meet the UC/CSU eligibility requirements; however, general-level classes are available for students approved through the placement and guidance process.

The learning process will engage students at multiple levels as well as help students build the skills necessary to be competent in any post-graduate goals. Learning becomes meaningful and dynamic when the learner is personally invested in the learning process. We believe that personalizing learning enables students to engage in a more meaningful way to the content.

B. Goal Setting

Teachers and students work jointly to create learning goals that connect the learning objectives (standards) to students' interests and learning style(s). Student goals are developed collaboratively as part of the personalized plan and include timelines and strategies to reach each goal. Students track their progress using a variety of methods, from formal goal sheets, Canvas tools and gradebooks, and weekly meetings with their AHS teacher. Students also meet with school counselors at least once a semester to make sure they are on track to graduate. Each student is assigned a counselor that he or she can call on as needed. Goals are reviewed regularly and adjusted to assist the student in graduating on time.

C. Instructional Strategies

The AHS program utilizes mastery learning. Students are expected to master concepts before moving on to new assignments and concepts. They are given multiple opportunities to redo work or show mastery in different learning styles.

Students in AHS participate in a hybrid model where instruction is delivered both online and face-to-face. Students will meet their ES between 1-3 times per week based on the personalized plan. Small group and individual support will be provided during these face-to-face meetings. Regular face-to-face meetings provide opportunities for learning, consistent feedback, and progress monitoring. We believe that students striving to get back on track are most successful when regular face-to-face contact supports online independent study work.

Plan for Students who are Academically High Achieving

Students who are academically high achieving are those who are working independently a minimum of one grade level above grade-level standards.

A. Identification

High achieving students are identified through the following criteria: Two or more years of scoring standards exceeded on the standardized test instrument, and/or through classroom report cards indicating excellent work, and/or through placement test results including assessments from previous school(s), and/or through teacher recommendations.

B. Parent Notification and Involvement

ESCS assists parents through academic screening, counseling, and curriculum choices to support high achieving students. The school shall provide regular written notifications of the results of assessments to all parents/guardians of pupils assessed. Personalized learning plans are created in collaboration with parents and students based on the assessment results so that strengths can be built upon and difficulties addressed.

The personalized learning plans of high achieving students are designed to suit their individual needs and allow them to accelerate the pace of their learning and/or to pursue more challenging studies. Because the staff of ESCS understand that bright students often have academic gain “sprints,” students who have mastered their grade level standards are encouraged to study the next grade level designation, with parent involvement and notification. Great care is taken before deciding to accelerate students, either academically or through a grade level change. This process is completed through the Guidance Department where a counselor assesses the situation and works with the general education teacher, parent, and student to determine advancement.

Personalized learning allows students who are high achieving to accelerate their learning if desired or spend additional time deeply engaged in core subject areas.

C. Supports

ESCS believes that differentiation is the key to success with high achieving students. ESCS teachers differentiate content, process, or product according to students’ academic level and learning profile. High achieving students are provided with opportunities such as the next grade-level’s coursework, high-interest independent study enrichment projects, access to advanced online classes, and access to concurrent or dual enrollment classes offered at the community college.

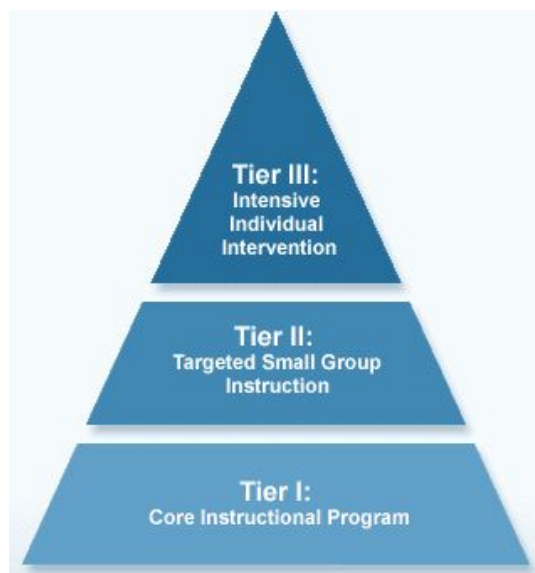
Plan for Students who are Academically Low Achieving

ESCS believes that both the confidence and motivation to learn are fostered by providing the student with curriculum appropriate for his or her current level of academic proficiency and then adjusting the pace and rigor of learning to challenge and engage his or her full potential. In order to directly support low achieving students, the credentialed teacher, parent(s), and student collaborate to design the optimal personalized learning plan. Empire Springs Charter School is designed to provide a rigorous and personalized school experience within each student's familial culture and support. Empire Springs' community of leaders, teachers, students, families, and public collaborate to ensure that all students are growing and achieving.

A. Identification

Students are assessed within the first month of enrollment through i-Ready to identify their strongest learning modalities as well as grade levels of proficiency in reading, language usage, and key areas of mathematics. With the information from these formal assessments, in addition to information from both the parent and the student about the student's history, attitudes, and interests, a learning plan is established to optimize the student's chance for success.

Universal screening is a general outcome measure used to identify underperforming students and to determine the rate of increase for the school, classroom, and student. A universal screening may not identify why students are underperforming; rather it should identify which students are not at the expected performance criteria for a given grade level in reading and mathematics. The key feature in a screening measure is the accuracy in classifying a student as "at risk" or not "at risk." Although it is important that overall student achievement consistently be evaluated using multiple measures, universal screening is important because it represents the first point of entry into our multi-tiered systems of support (Tier I, Tier II and Tier III).



Universal screening measures for all ESCS students:

1. I-Ready for grades kindergarten through 10
2. State Test, including CAASPP
3. Curriculum-based assessments that are part of the student's instructional program
4. Teacher and parent observation, student work samples
5. Discipline Report

B. Parent Notification and Involvement

Both the administration and teachers contact parents of low-achieving students in a responsive and timely manner, as laid out in our RTI and MTSS Handbook for Teachers (Appendix E). The credentialed teacher is the main point of contact between family and school. The credentialed teacher communicates with parents both formally and informally, in person and by telephone. Teachers examine students' grades formally each month with the student at the regular homeschool meeting or at an academy advisory meeting. Low-achieving students with <74% in any academic class are identified.

The credentialed teacher remains in close contact with the family and proposes any alterations to the plan that may appear necessary as the student moves forward. If a student is not making sufficient progress via the individualized Learning Plan analysis, the credentialed teacher meets with the parent(s) and student to discuss the situation and collaborate with them on how to better achieve and support learning.

C. Supports

Empire Springs' philosophy that parents are the primary educators for their children implies that the parent's influence in their child's education is a major factor of their students' academic success. Parents and staff are expected to have ongoing, open discussions about each student's progress on a regularly scheduled basis. When a concern about an individual student's academic progress is determined, either as a result of assessments or a parent or teacher observation, interventions to the curriculum and/or instructional delivery will be discussed.

Here are some strategies to begin discussions in personalization of the individual needs of each student:

1) Increase Time and Intensity

Time spent daily in ELA and math is an important discussion topic at each learning plan meeting. Kindergarten students should spend at least one hour in ELA and 30 minutes in math each day. First-through-third grade students should spend two-and-a-half to three hours per day in ELA and 45 minutes to one hour of math each day. Fourth-through-eighth grade students should spend two hours per day in ELA and one hour in math per day. High school students should spend one hour per academic day in each enrolled course.

Consider the following strategies to increase time and intensity when there is a concern in academic progress:

- Time extension (e.g. double the amount of time)
- Time of day: schedule assignments at optimal time for the student's maximum performance (e.g. math assignments after PE, in the morning, or after medication)
- Breaks: specify the number and length of breaks for students, during the performance of assignments
- Multiple days: provide an assignment in sections over two-or-more days (e.g. one section or question of the task per day)
- Multiple time segments: provide assignment in sections over two or more time periods throughout the day (e.g. one 15-minute segment in the morning and another 15-minute segment in the afternoon).
- Timelines provided to students to assist them in pacing their work
- Core Workshops at the student centers are a great way to increase direct instruction time.

2) Supplemental Resources

We include supplemental resources in every discussion of the personalized learning plan. ESCS has supplemental resources available for all students - academy, homeschool, and hybrid:

- Aleks math is an online resource that personalizes each lesson and provides student choice in assignments for the learning session.
- Reading A-Z offers ELA materials in reading, vocabulary, comprehension, assessment, spelling and phonics. Resources can be accessed by parents with internet access, or they can be printed by the homeschool specialist and provided to the student.
- Essentials is an intensive resource and can count for a high school special interest course, as it prepares students for the necessary skills in Mathematics 1. This free resource is available to our high school students through Moodle or Canvas. It can also be delivered by a tutor or a parent with concepts delivered in packets. These packets have necessary teaching resources that are accessible through Moodle/Canvas and are a required component to teach essential foundational skills needed in mathematics.
- Study Island is a supplemental resource available as an online workshop.
- I CAN!s are concept-based resources that provide a pre-test, resources to master the concept, and a post-test to demonstrate mastery of that specific concept. They can be used as an intervention resource and a progress-monitoring tool.

- i-Ready Intervention Tool systematically teaches foundational skills using a computer adaptive diagnostic assessment with frequent progress monitoring to ensure concepts are remembered.
- Ten Marks provides access to grade-level content to personalize mastery of math skills while providing immediate feedback for students and progress-monitoring reports for teachers. When students work on Ten Marks, they have access to hints and video lessons on every problem, so if they cannot recall something, or did not understand the topic when it was covered in class, they can review the topic and move forward. Immediate feedback is a research-proven, highly effective strategy to improve motivation and build confidence.³

D. Ongoing Evaluation

Progress monitoring is a technique that provides continuous feedback about the effectiveness of the instructional program and the student's achievement. iReady is the primary tool ESCS uses for Tier I progress monitoring. For Tiers II and III, the basis of the program is weekly, direct measurement of a student's progress toward a specific goal. I CAN! statements are also used as a progress monitoring tool.

We believe it is imperative to monitor a student's progress on a frequent and consistent basis in order to ensure the following:

- Continuous feedback via conferences, written, and oral communication on the effectiveness of a specific instructional intervention
- A system for accountability for student achievement
- Data on student progress, which can assist teachers in making data based decisions regarding the need
- Current instructional strategies, which include well-developed evaluation techniques
- Graphic displays of a student's progress over time in a way that can easily be shared with parents and other professionals involved in the student's education

³ Hattie, J. A. C. (2009). *Visible learning: A synthesis of over 800 meta-analyses relating to achievement*. London: Routledge, page 297.

Special Education

ESCS shall serve the needs of students with disabilities by complying with applicable state and federal laws and regulations prohibiting discrimination against, and requiring a free appropriate public education be provided to, children with disabilities. For the complete Special Education Procedural Manual, see Appendix D.

A. Overview

Empire Springs Charter School is committed to meeting the needs of students with exceptional needs, their parents, and the staff members who work with students with disabilities enrolled in our programs. Policies, procedures, and guidelines are in place to ensure that students being referred for and/or enrolled in special education program services receive a free appropriate public education in the least restrictive environment. Empire Springs Charter School follows the guidelines and procedures set forth in accordance with all State and Federal laws.

ESCS shall 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 Education Improvement Act (“IDEA”). ESCS shall participate as a local educational agency (“LEA”) in a special education local plan area approved by the State Board of Education in accordance with Education Code Section 47641(a) and will receive state and federal revenues directly, in accordance with the SELPA’s allocation plan. ESCS has membership in the Riverside County Special Education Local Plan Area (“SELPA”).

ESCS shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures and shall utilize appropriate SELPA forms.

ESCS may request related services (e.g. speech, occupational therapy, adapted P.E., nursing, and transportation) from the SELPA, subject to SELPA approval and availability. ESCS may also provide related services by hiring credentialed or licensed providers through Non-Public Agencies.

ESCS shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by ESCS shall be accessible for all students with disabilities.

B. Services for Students under the IDEA

The following description regarding how special education and related services is provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition, and is not binding on the District. The following provisions are meant to summarize the Charter School Petitioner’s understanding of the manner in which special education instruction and related services shall be provided by the Charter School. The specific manner in which special education

and related services will be provided and funded shall be set forth in a Memorandum of Understanding (“MOU”), delineating the respective responsibilities of ESCS and the SELPA. A copy of the MOU will be presented to the District upon execution.

ESCS shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA.

ESCS provides services for special education students enrolled in ESCS. ESCS follows SELPA policies and procedures and shall utilize SELPA forms in seeking out, identifying, and serving students who may qualify for special education programs and services, for responding to record requests and parent complaints, and for maintaining the confidentiality of pupil records. ESCS is exclusively responsible for the provision of services (including, but not limited to, referral, identification, assessment, case management, Individualized Education Program (“IEP”) development, modification, and implementation).

All students with disabilities are fully integrated into the programs of ESCS with the necessary materials, services, and equipment to support their learning. The school ensures that any student with a disability attending ESCS is properly identified, assessed, and provided with necessary services and supports.

C. Staffing

All special education services at ESCS are delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code and the IDEA. ESCS staff shall participate in in-service training relating to special education by the SELPA or ESCS.

Operating within all legally mandated timelines, ESCS is responsible for the hiring, training, and employment of staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and related service providers including, without limitation, speech therapists, occupational therapists, behavioral therapists, psychologists. ESCS shall ensure that all special education staff hired by ESCS are qualified pursuant to SELPA policies, as well as meet all legal requirements. Documentation of qualifications shall be maintained on site for inspection.

D. Assessments

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

Assessments shall be conducted to address all suspected areas of disability including, but not limited to: academic achievement, social/adaptive/behavioral/emotional, processing, perceptual/motor development, communication development, cognitive development, health, and post-secondary transition. Assessment measures include formal and informal assessments, including interviews and observations.

Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment. Assessments must be conducted by a person with knowledge of the student's suspected disability, and administered by trained and knowledgeable personnel, and in accordance with any instructions provided by the producer of the assessments. Assessments must be selected and administered so as not to be racially, culturally, or sexually discriminatory. Assessments will be delivered in the student's primary language, and a qualified interpreter will be provided if needed. Assessment tools must be used for purposes for which the assessments or measures are valid and reliable. Assessments will be adapted as necessary for students with impaired sensory, physical or speaking skills. A multidisciplinary team will be assembled to assess the student, including a teacher knowledgeable in the disability. The assessment will be completed and an IEP meeting held within 60 days of receipt of the parent's written consent for assessment.

E. Identification and Referral

ESCS provides for the identification and assessment of the exceptional needs of an individual, and the planning of an instructional program to meet the assessed needs. Identification procedures include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

Identification procedures are coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program (EC 56302). Parents and staff work closely to address academic or behavioral performance and concerns of individual students. Parents are contacted whenever there is a concern about their child's academic or behavioral performance. Parents may also contact their child's teacher or school site administrator with concerns about their child's academic or behavioral performance.

Concerns may be addressed in a Response to Intervention (RTI) meeting. This meeting may be initiated by school staff or parents/guardians/student. During the RTI meeting, the team can document concerns and which strategies are being implemented or will be implemented to attempt to address the student's concerns related to their learning.

A parent request for assessment starts the assessment process and ESCS must respond in writing within 15 days. Director of Special Education or designee will notify RTI Team of the parent's request. ESCS will hold a meeting within 10 days to address the parent's concerns and determine if an assessment is required. If so, parent will receive a written Assessment Plan within 15 days. Assessment Plan and Prior Written Notice (PWN) will be developed by Special Education staff to determine assessments needed to address all areas of suspected disability. The parent will be given at least 15 days to provide written consent. A pupil shall be referred for special education instruction and services only after the resources of the regular education program through the Multi-Tiered System of Supports have been considered and, where appropriate, utilized (Education Code Section 56303) (See Appendix E for RTI & MTSS Handbook). The assessment will be completed and an IEP meeting held within 60 days of receipt of the parent's written consent for assessment. If assessment is not required, parent

will be provided with a Prior Written Notice (PWN) indicating denial of request within 15 days of the request.

For students with existing IEPs, the charter will send notification within 5 days with the IEP meeting taking place within 30 days.

F. IEP Meetings

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

G. IEP Development

ESCS understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services and placements shall be provided to all eligible ESCS students in the least restrictive environment in accordance with the policies and procedures of the Charter School and requirements of State and Federal law. For students 16 years of age and older, measurable postsecondary goals related to training, education, employment and independent living skills, along with transition services needed to assist the student in reaching those goals shall be developed.

IEP meetings are held according to the following schedule:

- Yearly to review the student's progress and make any necessary changes
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress
- After the student has received a formal assessment or reassessment
- When a parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress (consistent with state and federal law, IEP meetings will be held within 30 days of a parent's request)
- When an Individual Transition Plan is required at the appropriate age

- When ESCS seeks to suspend or remove the student for a period of 10 days or more for the same behavior, in order to determine if the student's misconduct was a manifestation of his/her disability

H. IEP Review

The IEP team formally reviews the student's IEP at least once a year to determine how the IEP is meeting his/her needs. In accordance with IDEA regulations, the IEP team also conducts a formal review of the IEP once every three years, in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress. If a parent or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, ESCS will have 30 days, not including school vacations greater than five days, to hold the IEP meeting.

I. IEP Implementation

ESCS shall ensure that all progress reporting complies with state and local guidelines. ESCS shall be responsible for implementation of IEPs and supervision of services. ESCS shall provide the parents with timely reports on the student's progress as provided in the student's IEP, as frequently as progress reports are provided for ESCS's non-special education students, which is at least once during each academic term. ESCS shall also provide all homeschool coordination and information to the parent/guardian each semester. ESCS shall also be responsible for providing all curriculum, classroom materials, and modifications and accommodations. All special education services and supports shall be developed to ensure student receives a free, appropriate education in the least restrictive environment.

J. Interim and Initial Placements of New Charter School Students

For students who enroll during the school year in ESCS from another school district with a current IEP, ESCS shall implement comparable services in accordance with the most recent agreed-upon and implemented IEP from previous school district to the extent practicable or as otherwise agreed between ESCS and the parent/guardian. ESCS will conduct an Interim IEP meeting within 30 calendar days. Prior to such meeting and pending agreement on a new IEP, ESCS shall implement the existing IEP at ESCS, to the extent practicable or as otherwise agreed between ESCS and the parent/guardian.

K. Non-Public School Placements/Non-Public Agencies

ESCS shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. ESCS shall immediately address all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement in accordance with applicable law.

L. Non-Discrimination

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

M. Procedural Safeguards and Parent/Guardian Complaints

ESCS shall maintain policies and procedures for responding to parental concerns or complaints related to special education services in accordance with applicable law. Parents or guardians of students with IEPs must provide written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP. ESCS will provide the parent with a written Notice of Procedural Safeguards, which will include information on the procedure to initiate both formal and informal dispute resolutions at least once per year. ESCS utilizes the Notice of Procedural Safeguards used by the Riverside County SELPA.

ESCS shall receive any concerns raised by parents/guardians regarding related services and rights. ESCS's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint. An IEP meeting will be scheduled if necessary to address the parent complaint. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child. ESCS shall respond to any complaint to or investigation by the California Department of Education, the United States Department of Education, Office of Civil Rights, or any other agency.

N. Dispute Resolution

ESCS may initiate a due process hearing or request for mediation with respect to a student enrolled in ESCS if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, ESCS shall defend the case. In the event that ESCS determines that legal representation is needed, it shall select appropriate legal counsel.

O. SELPA Representation

ESCS understands that it shall represent itself at all SELPA meetings.

P. Funding

ESCS understands that it is subject to the allocation plan of the SELPA.

Q. Section 504 of the Rehabilitation Act

ESCS 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 ESCS. A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

A 504 team will be assembled by ESCS's 504 Coordinator or other designated staff 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 IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which 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 including 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 qualify to receive services 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 accommodation needs 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 a free and appropriate public education. 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 ESCS's professional staff.

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

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The Director will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that she or he review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the plan, needed modifications to the plan, and continued eligibility.

English Learners

ESCS will meet all applicable legal requirements for English Learners (“EL”), including long-term English Learners or English Learners at risk of becoming long-term English Learners, as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

ESCS complies with all applicable federal and state laws concerning services and the education of EL students. ESCS shall adopt policies and procedures ensuring the:

- Identification of EL students
- Development of a program designed to provide assistance to EL students
- Development of appropriate evaluation standards, including formalized testing procedures to identify the level of proficiency

Under the management of the superintendent, ESCS takes an active role in the recruitment and staffing of authorized personnel for all EL programs and makes it a priority to hire CLAD and BCLAD teachers. Teachers not currently authorized but who are serving EL students shall be required to sign a memorandum of understanding stipulating that they will be actively participating in professional development designed to secure an appropriate authorization within two years. The superintendent, or designee, will then monitor attendance at professional development activities to ensure that such teachers remain on track to complete the necessary training for their authorizations.

A. Home Language Survey

ESCS will administer the home language survey upon a student’s initial enrollment into the Charter School (on enrollment forms).

B. ELPAC Testing

All students who indicate that their home language is other than English will be tested with the English Language Proficiency Assessments for California (“ELPAC”). The ELPAC has four proficiency levels (Level 4: well developed; Level 3: moderately developed; Level 2: somewhat developed; and Level 1: minimally developed) and is aligned with the 2012 California ELD Standards.

The ELPAC consists of two separate assessments:

- Initial Assessment (“IA”)

The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student’s time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.

● Summative Assessment (“SA”)

ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

Both the ELPAC SA and IA are paper–pencil assessments administered in seven grade spans—K, 1, 2, 3–5, 6–8, 9–10, and 11–12. In kindergarten and grade 1, all domains are administered individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually.

Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year.

The IA testing window will be year-round (July 1–June 30). Any student whose primary language is other than English as determined by the home language survey and who has not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year.

The SA testing window will be a four-month window after January 1 (February 1–May 31). The English language proficiency of all currently enrolled English Learners shall be assessed by administering the test during the annual assessment window.

ESCS will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from publisher. The ELPAC shall be used to fulfill the

requirements under the Elementary and Secondary Education Act for annual English proficiency testing.

C. Reclassification Procedures

The Every Student Succeeds Act (ESSA), Title III requires that reclassified students be monitored for a period of at least 4 years following reclassification. The coordinator of EL services and the assistant superintendent overseeing EL will supervise the process of monitoring reclassified students. School staff will use the CAASPP, multiple measure scores, teacher assessments, and observations to semi-annually monitor the progress of R-FEP students for a period no less than 4 years after reclassification. Student performance shall be reviewed at least at each semester. Those students found to be regressing in their academic performance will be referred to receive an academic intervention in the specific area of need.

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

- a) Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC
- b) 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
- c) Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents' opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process
- d) Comparison of the pupil's performance in basic skills against an empirically established range of performance in 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
- e) The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage

D. Parent Notification and Involvement

The school shall send a notification of the results of English proficiency assessments within 30 days to all parents/guardians of pupils assessed, whether the pupil is designated as fluent English proficient or limited English proficient. These notifications shall be written in English and in the pupil's primary language. In addition, the notice shall be given orally when staff has reason to believe that a written notice would not be understood. Parents/guardians also shall be notified of the results of any reassessments. Before pupils are enrolled in a program for

English language learners, parents/guardians also shall receive information about the program and their opportunities for parental involvement as specified by law. This information shall include the fact that an individual pupil's participation in the program is voluntary on the part of the parent/guardian.

E. Strategies for English Learner Instruction and Intervention

ESCS has created an environment in which non-English speaking families feel supported and welcomed. ESCS will continue to employ bilingual staff whenever possible, and all communication materials for parents and guardians will be available in English or other home language. All meetings that involve parents or other members of the community will offer the appropriate translation services as needed, by request.

Teachers engage in best practices to support ELs, with the specific strategy modified according to the need of the student and the program in which the student is enrolled. In the classrooms, ELs have daily access to the core curriculum and are taught in English with additional support as necessary such as CLAD and BCLAD instructors, tutors, and peer support. In independent study/homeschool, students are supported daily with a variety of online tools including i-Ready, Rosetta Stone, Canvas, and Adobe Connect, which allows students to connect with their credentialed teacher via a virtual platform. In addition, face-to-face instruction with a credentialed CLAD or BCLAD instructor occurs each week.

ESCS staff continue to receive professional development in Specially Designed Academic Instruction in English (SDAIE), ELD instructional strategies, and reading instruction per the Multi-Tiered System of Supports pyramid as part of their ongoing professional development activities. Instruction techniques, assessments, materials and approaches are aligned with California EL and Content Standards and focused on communicative competence and academic achievement covering listening, speaking, reading, and writing skills.

These practices include, but are not limited to project-based learning with an emphasis on multiple ways of showing mastery of knowledge, online vocabulary skills development, heterogeneous groupings in core academic classes, supplemental pullout instruction with a focus on academic language acquisition, after-school support, and tutoring.

In addition, the ESCS instructional program is designed to promote language acquisition and proficiency, oral language development, and enriched learning opportunities for all ELs. Subject area teachers, advisors, and the EL coordinator meet biannually to ensure that EL students receive EL and core content instruction appropriate for their English proficiency and grade levels.

During these meetings, all students classified as EL are evaluated and placed into one of four categories through discussion, test scores, and/or other evaluations:

- **EL – Core:** students who are recent English learners or immigrants and benefit most from strategies specifically directed at transitioning them to English

- **EL – Reclassify:** higher-skilled students who are listed as EL but who should be tested and reclassified as soon as possible
- **EL – With Learning Differences:** students who are likely to have tested as EL due to learning differences that may be better supported through an IEP
- **EL – Low-Skilled:** students who have tested as EL because they are below grade level, as opposed to being English learners or having learning differences

This list is shared with instructors and administrators, with the goal of allowing more targeted and effective interventions to support all ELs. In addition, those EL students not ready for reclassification will be enrolled in an EL-specific after-school study program with additional scaffolding, bilingual-friendly environment, and one that meets their reading level in order to ensure that SSR is used to raise their reading fluency.

F. Monitoring and Ongoing Evaluation of Program Effectiveness

EL Students are assessed on English language proficiency level in the fall and the spring annually. The EL Coordinator administers and reports ELPAC results to staff and monitors and supports reclassification of ELs on a continuous basis. ELA lead staff coordinates/conducts EL professional development, administers non-ELPAC assessments, coordinates additional EL interventions, and supports all content areas with EL strategies. Finally, administration monitors teacher qualifications for legal compliance and the availability of adequate resources.

ESCS’s evaluation for the program effectiveness for ELs includes:

- 1) Adhering to ESCS-adopted academic benchmarks by language proficiency level and years in program to determine adequate yearly progress
- 2) Monitoring of teacher qualifications and the use of appropriate instructional strategies based on program design
- 3) Monitoring of student identification and placement
- 4) Monitoring of parental program choice options
- 5) Monitoring of availability of adequate resources

G. English Learner Advisory Committee (ELAC)

When there are 21 or more English learners at ESCS, parent/guardian ELAC shall be maintained to serve the advisory functions specified in law. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as their children represent of the total number of pupils in the school. The ELAC has four legal responsibilities. They must advise the school and staff on the following:

- Development or revision of a master plan for English learner education for the individual school
- Development of the school’s needs assessment

- Administration of the school's annual language census
- Ways to make parents aware of the importance of regular school attendance

Charter School Goals and Actions to Achieve the Eight State Priorities

Pursuant to Education Code Section 47605(c)(5)(A)(ii), following is a table describing the Charter School’s annual goals to be achieved in the state priorities schoolwide and for all significant pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals.

Local Control and Accountability Plan

The Charter School produces a Local Control and Accountability Plan (“LCAP”) using the LCAP template adopted by the State Board of Education pursuant to Education Code Section 47606.5 (see Appendix V). The Charter School shall submit the LCAP to its authorizer and the County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

The LCAP and any revisions necessary to implement the LCAP shall not be considered a material revision to the charter, and shall be maintained by the Charter School at the school site.

Because each state priority has multiple parts, in order to align with the goals and annual actions to these multiple parts of each state priority, the Charter School has separated out the state priorities into “sub-priorities.”

I. Element B: Measurable Pupil Outcomes

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

ESCS measures student achievement in the following three (3) ways:

1. ESCS will meet state calculated growth target annually in all significant subgroups and school-wide in two (2) of the last three (3) years.
2. ESCS will meet state calculated state-mandated assessment participation rate school-wide in two (2) of the last three (3) years.
3. Students who are identified as Multi-Tiered Systems of Support (MTSS) Tier II will show improvement in proficiency as measured by the ESCS systematic online standards-based assessment tool in two (2) of the last three (3) years.

Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities

Pursuant to Education Code Sections 47605.6(b)(5)(A)(ii) and 47605.6(b)(5)(B), RSCS’s annual goals, actions and measurable outcomes, both schoolwide and for each subgroup of pupils, which address and align with the Eight State Priorities as described in Education Code Section 52060(d), are described in the Local Control and Accountability Plan (LCAP) in Appendix V.

Each of these goals addresses the unique needs of all students attending RSCS, including our numerically significant student subgroups: students with disabilities, English Learners, socio-economically disadvantaged, and numerically significant ethnicity groups. RSCS will also analyze data on homeless and foster youth. The metrics associated with these goals help RSCS to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

RSCS shall develop and annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. RSCS reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter through the annual LCAP update. RSCS shall submit the LCAP to the County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

RSCS has developed clearly defined schoolwide and student outcome goals in compliance with Education Code Sections 47605.6(b)(5)(B) and 52060(d).

Accomplishments in each of the goals and outcomes directly support the mission to foster the innate curiosity of students, empower their parents, and promote optimum learning by collaboratively developing a personalized learning program for each student.

See Appendix V for current LCAP. All approved LCAPs will define metrics clearly for the current year and two following.

II. Element C: Methods of Measuring Student Progress

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. Education Code Section 47605(c)(5)(C).

ESCS expects all students to achieve the State Standards by graduation but not all will progress at the same rate. Homeschool specialists shall consider each student's individual abilities, interests, and talents in utilizing these measurements. ESCS administers the mandated state assessments as an independent entity and also meets any required state performance standards developed. ESCS conducts tri-annual evaluations of student academic performance in ELA and mathematics to determine if students are achieving academic levels that are at least equivalent to or exceeding those achieved by students in similar type schools both within San Bernardino County and across the State of California.

Please refer to the table in the previous section for a description of the assessments ESCS shall utilize in its educational program, which are aligned to the eight State Priorities and demonstrate multiple measures for each subject area. ESCS affirms that its methods for measuring pupil outcomes for the Eight State Priorities shall be consistent with the way information is reported on a School Accountability Report Card (SARC) as required by Education Code Section 47605(c)(5)(C).

Additionally, student progress is assessed through the current state mandated assessment tool(s) per Education Code Section 60605 and a variety of the following:

1. Monthly review of work
2. Annual portfolios
3. Parent, student, and homeschool specialist observation
4. Norm and criterion referenced tests
5. In-house formative student assessment,
6. Assessments given through Professional Learning Communities
7. Continuous, personalized assessments through independent study courses
8. Student demonstrations
9. Student projects
10. Student grades
11. Student work samples
12. Student self-evaluations

The staff of ESCS believes all students can learn and will achieve at high levels when offered appropriate curriculum, time, and support. All students have a personalized learning plan developed that matches their current academic achievement level, learning style, and interests while developing skills to meet or exceed the challenges of grade level work. Students performing substantially below grade level expectations will be referred to a team of teachers and administrators to discuss the parents' and teacher's concerns. This team will develop a plan for meeting the student's needs, including evaluating curriculum used by the student and the delivery method(s).

Teachers will meet monthly in Professional Learning Communities (PLCs) to evaluate student assessment data, identify targeted areas of improvement, and collaborate to plan instruction for students in those areas. Student data will include standardized benchmark assessments, mastery quizzes by standard, authentic work products, and writing samples.

Each ESCS program will collaborate on analysis of their students' progress, including student demographics, attendance, behavior, achievement in all areas, retention, budget, extracurricular activities, parent involvement, etc.

Regular meetings are held with the parent and the student to review the progress of the student. It is a primary goal of ESCS to ensure that parents and students are empowered with information about their progress and support to help them reach their goals. These meetings occur regularly and include a focus on data-driven instruction.

When students enter the ninth grade as ESCS, staff will ensure that they are informed of their course options, testing options, and deadlines for test registration. The staff will provide students with information on college selection, financial aid, and scholarships as well as the opportunity to assess their own interests, values, and proclivities as related to education and career planning. The ESCS guidance team will advertise opportunities for students to apply for scholarships for which they may qualify.

A. Assessment

All students are assessed using multiple measures including diagnostic, summative, and formative progress monitoring.

ESCS students will achieve competency in the skills outlined in the Common Core State Standards at each grade and authentically prepare for postsecondary success while in high school. All of the benchmark exams given at ESCS are aligned to the Common Core State Standards and staff will both conduct in-house professional development and attend external professional development focused on reaching the goals set out in each of the standards. At ESCS, competency is measured through a variety of assessments aimed at capturing a complete picture of student knowledge and recognizing a variety of intelligences. Competency is measured through a growth model recognizing where students are and setting achievable goals for individual students.

Diagnostic testing is offered three times per year across subject areas in order to gain deeper insight into a student's strengths and areas of growth early in the academic year. ESCS students

also complete three benchmark exams designed to assess mastery of the grade-level I CAN!s (Springs' Power Standards). Diagnostic and benchmark test results are used to develop learning plans. The learning plans incorporate ESCS I CAN!s. Based on frequent student assessment outcomes, the curricula are modified and personalized as needed to ensure students are best prepared to meet rigorous performance goals.

ESCS uses i-Ready diagnostic assessments which are online adaptive ELA and math assessments built for the Common Core State Standards. i-Ready assessment items are intended to match the rigor of the Common Core and cover the main domains of ELA (phonics, phonological awareness, high-frequency words, vocabulary, comprehension of literature, and comprehension of informational text), and math (number and operations, algebra and algebraic thinking, measurement and data, and geometry).

Benchmark exams are developed in OARS (Online Assessment Reporting System) using INSPECT and NWEA item banks. Both item banks offer extensive libraries of standards-based items. These items match the rigor and academic language of items found in the Common Core State Standards and offer a broad variety of ways to assess each standard. Benchmark assessments will determine student progress and prescribe targeted interventions for each student if needed.

We are committed to using the best assessment tools that are aligned to (State Standards. We value tools that not only include appropriate assessment items, but that also provide powerful reporting features that help administrators, teachers, and parents make meaning from complex assessment data. OARS and i-Ready both meet these requirements and we are committed to continuing the use of these tools; however, we realize that there may be a future need to change assessment tools as we continue the implementation of Common Core State Standards. Our data analyst correlates our diagnostic and benchmark data to state test data. Teachers use diagnostic and benchmark data to ensure that their students are on grade-level and achieving expected growth. They also use this data to predict success on our high-stakes state achievement test. If we find that our assessment tools do not correlate with state achievement data, we will evaluate the tools and consider another option to replace i-Ready and OARS.

Students in the RTI process will complete additional diagnostic and benchmark testing using a variety of assessments such as Dibels NEXT. There are three additional assessments required for students involved in Tier 2 of the RTI process. These assessments are each used to provide a different aspect of student achievement. Their purpose is to establish baselines in which to measure growth gains, and along with universal screening measures, are used to establish goals for the purpose of gaining and achieving grade-level equivalency. They are: Dibels NEXT, Oral Reading Fluency and Retell Fluency (ORF and RTF), Dibels Math, and San Diego Quick.

B. Use and Reporting of Data

ESCS will use Key Data System's INSPECT/OARS as a data warehousing platform to manage student progress. Key Data's INSPECT has been aligned to the Common Core State Standards and CAASPP questions are used to assess formatively and summatively. By using ESCS's INSPECT mastery quizzes, students will have the opportunity to follow their own progress and determine when they are ready to take larger benchmark assessments.

Additionally, ESCS will use the i-Ready platform to produce timely reports on a variety of measures for diagnostic assessments to determine how students perform overall, by standard, by numerically significant subgroup, and in comparison to other charter schools in California. I-Ready reports are nationally normed and provide a wealth of information in a parent-friendly format.

ESCS will also annually create and post the School Accountability Report Card with overall school conditions, demographics, and performance. The SARC report will also allow for further disaggregation of student performance data by numerically significant subgroup.

ESCS teachers will use an online learning management/gradebook system, Canvas, and will enter a minimum of three grades per week across categories such as "homework," "citizenship," or "performance assessments" in order to create a rich picture of student performance in each class.

ESCS students will also be required to regularly check their grades using Canvas's online student interface. Students will learn how to analyze this data, use it to advocate for themselves, and comprehend it deeply in order to make improvements. Teachers will use an individual student's grade data from Canvas to make decisions about necessary Student Support Plan meetings and will use this data during those meetings. ESCS parents are educated at the beginning of the year about how to monitor their own student's data via the Canvas online interface.

C. Improvement Plan

ESCS is committed to understanding the data in order to improve student outcomes. This philosophy also reflects ESCS' commitment to repeated assessment using a variety of measures to generate data about student learning and understanding. The ESCS staff participates in bi-monthly Professional Learning Communities to engage in two levels of inquiry using data. ESCS staff uses a cycle of inquiry to move students toward improvement.

D. Cycle of Inquiry Stages

1. Identify an issue that relates to one of the measurable pupil outcomes
2. Frame the issue with questions
3. Set goals and measures for success
4. Build a plan to meet said goals
5. Implement the plan
6. Analyze the data and reflect to inform ongoing practice

E. Grade Level Teams

Teachers across disciplines meet as a grade level team and use discipline report data, classroom observations, and grade reports to discuss progress on both social and leadership skills and core

academic skills. Teachers are involved in a cycle of inquiry to raise the outcomes of the students in that grade level. Results are relayed to the teachers of individual students so that pertinent information can be used in personalized learning plan meetings with parents and the student.

F. Department Teams

Teachers in the same department meet as a team and use formative assessment data and classroom observations to discuss progress primarily on the core academic skills. Teachers are involved in a cycle of inquiry to identify ways to improve student achievement in that discipline. These focused data meetings take place monthly.

G. Reporting of Data to the ESCS Board and Community

The ESCS director compiles an annual school performance report for each program to be presented to the Board of Directors. This report includes, at a minimum, the following information:

- Summary data showing student progress toward the goals and outcomes specified in the charter from assessment instruments and techniques listed.
- An analysis of whether or not student performance is meeting the goals specified in the charter.
- Data on the level of parent involvement in program activities.
- Data regarding the number of staff working at the program and their qualifications.
- An overview of the program's demographics, including numbers of students enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.
- Information demonstrating whether or not the program implemented the means listed in the charter to achieve a racially and ethnically balanced student population.
- Other information regarding the educational program and the administrative, legal, and governance operations of the school relative to compliance with the terms of the charter generally.

The report is presented to the ESCS Board at the end of the school year at a public meeting. Data from the performance report is translated into the SARC that is published on ESCS' website.

H. Reporting of Data to Families and Students

Students and families are informed of the results of their student's assessments at regular parent meetings along with discussion of the implication of the results and goals for future assessments. Individual student results are relayed to parents during personalized learning plan meetings, and via grade reports and progress reports. Teachers will relay class-wide and grade-wide data to students after assessments. Teachers will help students review and analyze

their own data on a regular basis and help students understand their own strengths and areas for growth.

I. SARC & LCAP

ESCS complies with state mandated requirements applicable to charter schools regarding the SARC and Local Control and Accountability Plan . The SARC is accessible to all parents via the ESCS website. Progress toward LCAP goals are tracked through a variety of instruments, such as OASIS, our student database system; OARS, our assessment reporting system; and our budget. This data is analyzed quarterly by administrative leadership to help us meet our LCAP goals.

III. Element D: School Governance Structure and Parental Involvement

Governing Law: The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement. Education Code Section 47605(c)(5)(D).

A. Legal Status

Empire Springs Charter School is operated by Empire Springs Charter School, Inc. (ESCS, Inc.), a California nonprofit public benefit corporation. It is a stand-alone corporation and not a subsidiary of a district or other body. As outlined in Education Code section 47604(d): the authority that grants a charter to a charter school to be 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. Administration shall maintain comprehensive range of insurance coverage, commensurate with that of other public schools and/or nonprofit organizations of similar type and size, to protect both itself and Helendale School District. Details of this policy are outlined in a Memorandum of Understanding (MOU) between ESCS and Helendale School District, and a copy of this policy is available to Helendale School District upon request. ESCS acts as its own fiscal agent to the fullest extent of the law. ESCS implements the provisions of charter school legislation and the State Department of Education directives regarding charter schools.

Attached, please find the ESCS Articles of Incorporation (Appendix O), Corporate Bylaws (Appendix P), and Conflicts of Interest Code (Appendix Q).

B. Sole Statutory Member

The sole statutory member of the Empire Springs Charter School nonprofit corporation is Springs Charter Schools, Inc., a California nonprofit corporation which will seek tax exempt 501(c)(3) status. This nonprofit was created to promote charter schools affiliated with Springs Charter Schools, Inc. Springs Charter Schools is responsible for approving the appointment of the individuals who will serve as the ESCS Board of Trustees. Additional rights include: (1) filling vacancies on the ESCS Board of Trustees; (2) removal of the ESCS Trustees; (3) approving any merger and its principal terms and any amendment of those terms; and (4) any election to dissolve the corporation.

C. Conflict of Interest

A Conflict of Interest Code is in place that complies with the Political Reform Act, Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1, Government Code Section 87000 and nonprofit corporation law, which applies to all board members and employees. No Board of Directors member or employee of ESCS or ESCS, Inc. can be an employee of or derive direct or indirect benefit from the activities of any vendor with whom the school may contract with in the future, except as may be permitted by law. Board members shall reveal all conflicts of

interest as they arise in the course of school business and shall not participate in a vote on any matters where such a conflict exists. Annual disclosure statements shall be required.

D. District Oversight

At any time, Helendale School District staff has the right to inspect and observe any part of ESCS's operations, pursuant to Education Code 47607(a)(1).

E. Administrative Services

ESCS will conduct all administrative and business services on behalf of ESCS on a percentage basis of all services and support rendered to the school. This support includes back office, academic, special education, and executive management from ESCS at its Administrative Offices located at 43466 Business Park Drive, Temecula, CA 92590.

F. Governance

Parent and community involvement in the governance of the school is assured by virtue of their integrated participation in the Board of Directors. ESCS, Inc. is governed pursuant to the bylaws adopted by the Board of Directors and as subsequently amended pursuant to the amendment process specified in the bylaws.

G. Board of Directors

The Board of Directors of ESCS, Inc. will include three (3) to seven (7) members. Board members shall be members of one of the following two groups: parents or community members. Board members must reside in San Bernardino County or in a contiguous county where ESCS students are served. In accordance with Education Code Section 47604(c), Helendale School District may appoint a single representative to sit on the ESCS Board of Directors. The Board of Directors shall exercise final authority on all matters concerning ESCS. The Board of Director's major roles and responsibilities will include approving all major educational and operational policies, approving all major contracts, approving the school's annual budget, overseeing the school's fiscal affairs, approving the selection of the Superintendent, and ensuring that all provisions of Charter School legislation is followed. The Superintendent will have the authority and responsibility of managing the day-to-day operations of ESCS including the selection of administrative, certificated, and classified personnel.

H. Meetings

All meetings of the Board of Directors shall comply with the Ralph M. Brown Act (Chapter 9 commencing with Section 54950 of Division 2 of Title 5 of the Government Code) and Education Code Section 47604.1(c), shall take place at least quarterly and shall be held at a location within San Bernardo County.

I. Memorandum of Understanding with Sponsoring District

The details of the working relationship between Helendale School District and ESCS will be delineated in a memorandum of understanding (MOU).

IV. Element E:

V. Qualifications of Individuals Employed by the Charter School

Governing Law: The qualifications to be met by individuals to be employed by the charter school. Education Code Section 47605(e)(5)(E).

ESCS, Inc. will employ professional staff members who are certificated in their teaching field and other qualified staff personnel who subscribe to the mission and educational philosophy of the school. In accordance with Education Code 47605(e)(1), ESCS is nonsectarian in their employment practices and all other operations. ESCS does not discriminate against any employee or potential employee on the basis of race, ethnicity, religion, national origin, gender, gender identity, sexual orientation, disability, or any other protected class. All certificated staff are issued licensure by the California Commission on Teacher Credentialing. All ESCS employees are “at-will” employees. All at-will employees may be terminated with or without cause.

The charter school is a school of choice and no person is forced to work for the organization. The charter will comply with all federal and state laws regarding employee records. ESCS will meet all federal/state guidelines under the ESSA.

A. Recruitment of Empire Springs Staff

ESCS strives to recruit and hire the best-qualified candidate for each position within the organization. To that end, vacancies are advertised in various locations and formats. Applications are screened for competency and suitability for the particular position. Qualified candidates are tested and interviewed, and ultimately the best-suited candidate receives an offer of employment.

B. General Qualifications for Key Positions

1) Superintendent

As outlined in Board Policy, the superintendent is responsible for overseeing all aspects of the school operations and staff. The ESCS Board delegates authority for the overall administration of the Charter School’s day-to-day affairs to the superintendent. The superintendent provides leadership and oversight for the instructional, operational and financial aspects of each school, including ESCS. The superintendent also provides leadership and supervision to ensure agency compliance with all federal, state, and county regulations governing the education of students.

The superintendent is responsible for:

- Providing leadership and supervision for the development and implementation of effective instructional programs for all students
- Ensuring that all such programs comply with Education Code, IDEA and all regulations

- Ensuring adequate staffing in all departments and overseeing personnel practices
- Providing visionary instructional leadership and sound fiscal management for all schools
- Attending all regular Board of Directors' meetings
- Providing leadership and supervision of professional development on an ongoing basis for all staff
- Ensuring departmental and academic goals are addressed and met on an annual basis

Person holding this position must possess, at minimum:

- A master's degree, with a minimum of 10 years of experience working with youth/adolescents
- Administrative and educational experience and appropriate credentials per California Commission on Teaching Credentialing requirements
- Previous administrative experience with charter schools or similar institution
- Excellent communication and community building skills
- Excellent financial, business and quantitative skills
- Demonstrated leadership, decision-making and managerial skills
- Passionate about working with youth/adolescents and their families

Preferred skills:

- Doctorate or other higher education degree

2) Principal/ Director

The principal or resource center director supervises both instructional and non-instructional staff, and is responsible for implementing the mission and vision of the charter school, its philosophies and practices. The principal/resource center director is responsible for engaging the community and ensuring that program staff stress the importance of the community as the extended classroom. The principal/resource center director is responsible for ensuring that personalized instruction takes place for each student, each day, throughout the school year. Other responsibilities include:

- Providing leadership for the development of school programs and curricula on a daily basis
- Serving as the liaison between parents, teachers, and students when appropriate

- Serving as the “voice” for her/his resource center and reporting to the superintendent as required
- Conducting research and implementing best instructional practices to meet the needs of each student on a personalized level
- Ensuring safest and most productive measures resulting in a productive school environment
- Fostering and nurturing a positive and supportive school culture for all students, staff and parents
- Collaborating with teachers, staff, parents, and students as stakeholders in key decisions that affect the school
- Providing professional development opportunities for all staff to grow professionally
- Ensuring that vacancies are filled with the best staff possible and working closely with the Human Resources department
- Evaluating staff and ensuring supervision of volunteers
- Collaborating with community agencies

Person holding this position possess, at minimum:

- A master’s degree, with a minimum of 5 years of experience working with youth/adolescents
- Administrative and educational experience and appropriate credentials per California Commission on Teaching Credentialing requirements
- Previous administrative experience with charter schools or similar institution
- Excellent communication and community building skills
- Demonstrated leadership, decision-making and managerial skills
- Passionate about working with young/adolescents and their families

Preferred skills:

- Bilingual proficiency in English and Spanish

3) Teachers, including Homeschool Specialists (all whom are credentialed teachers)

Credentialed teachers are responsible for implementing the educational programs for all students while personalizing instruction to meet the needs of each individual student, and creating challenging activities consistent with the subject matter under study. Teachers will

assess students throughout the year and vary the modes of instruction to the learning style of each student. Teachers will also be responsible for collaborating with other staff members, both within and outside their discipline/department. In addition to their classroom instructional role, the duties of the teacher include, but are not limited to:

- Understanding the mission and vision and practices of charter schools
- Overseeing student academic progress, including assessment and recommendation(s)
- Promoting a school culture/environment that maximizes student learning and critical thinking
- Engaging in ongoing professional development activities
- Collaborating with colleagues and administration
- Promoting multicultural understanding and gender equity in and outside the classroom
- Communicating with parents
- Utilizing the community as an extension of the classroom

All ESCS teachers (TK-12) will hold appropriate California teaching credentials (including CLAD and BCLAD if necessary), permits, and/or other documents issued by the Commission on Teacher Credentialing from the State of California required for the teacher's certificated assignment, and to the extent required of charter schools.

In ESCS all Transitional Kindergarten (TK) teachers are held to the standards as set forth in Education Code Section 48000 (g). At minimum teachers will have completed 24 units of early childhood education or child development; professional experience in classroom setting with preschool age children or a child development permit issued by the CTC.

When appropriate, ESCS also employs or retains non-certificated staff to teach non-core classes, where a prospective staff member has an appropriate blend of subject matter expertise, professional experience and has demonstrated capacity to work successfully as a teacher with school age children.

All ESCS teachers are expected to demonstrate the following abilities, experiences, and attitudes:

- Professionalism and commitment to personalized learning
- Understanding and appreciation for diversity and the contribution of each to the learning environment
- Belief that all students should be prepared for college and or career upon high school graduation
- Ability to communicate clearly and collaborate with other colleagues

- Capable of managing a well-disciplined and productive classroom or home-study environment conducive to the needs of each student
- Understanding of how to modify lessons and differentiate instruction for different learning styles
- Ability to work with parents in a friendly manner, demonstrating problem solving skills
- Ability to multitask
- Ability to empathize with students while still holding students responsible to a high level of social and academic standards
- Commitment to the development of students as young adults
- Desire to advocate on behalf of students and parents/families
- Commitment to academic rigor and utilizing data to drive instruction

4) Subject Specialists

Subject specialists are responsible for developing, coordinating and evaluating the assignments within their subject area. They are responsible for supporting the instructional department, teachers and homeschool specialists, as well as developing curriculum, mentoring teachers, and supporting the use of our online learning management tools. Subject Specialists must hold a valid California single subject teaching credential, possess a valid CA driving license and be able to travel each week. Employee may be assigned additional related duties as required by ESCS.

Essential Duties and Responsibilities:

- Support the vision and work of Empire Springs Charter School
- Coach and support of all single subject teachers in the department, including mentoring new teachers in the induction program
- Develop curriculum and pacing guides for all high school classes within the department
- Attend monthly face-to-face meetings with assistant superintendent of education as required to develop department-meeting agendas and discuss departmental issues
- Develop the agenda and chair monthly departmental meetings to share best practices and effective instructional techniques within the department
- Perform monthly teacher support and informal observation in the classroom with the goal of developing the teachers' skills in personalizing education within the classroom setting

- Collaborate with members of the department regarding needs of students and parents and find solutions to meet needs, including attending Response to Intervention meetings as they are scheduled
- Establish basic competencies for each course offered by the department, as well as at each level (general education and CP/a-g)
- Support teachers in our online learning management system, including setting up course syllabi, assignments, grade book usage, and resources
- Support teachers in online synchronous course environments, such as Adobe Connect
- Provide support for TK-8 teachers in areas of curriculum and content delivery methods
- Assist in planning of academic staff development days
- Plan and implement quarterly parent/student workshops at Resource Center locations
- Maintain the department web content under the direction of the assistant superintendent of education
- Develop and maintain the annual department budget with input from department personnel
- Collaborate with grant writer, providing answers to questions for grant submissions
- Inform site directors through ESCS email of the content of each PLC meeting, including attendance, content of discussions, and decisions made as a collaborative team
- Coordinate with each site director to supervise and support department teachers, sharing insights and strategies
- Develop additional curriculum for students during the summer months as assigned by the assistant superintendent of education

5) Homeschool Specialists

Empire Springs homeschool specialists are primarily responsible for ensuring that the school's educational program is implemented in the students' homes or the communities. Homeschool specialists act as instructional leaders for the homeschool families, serving an ambassador role between the family and the school. Homeschool specialists must be able to support and disseminate curriculum in their subject area, as well as those areas created by other qualified teachers. Homeschool specialists are expert assessors with the ability to

assess in a variety of modes and for a variety of skills. Homeschool specialists are also responsible for collaborating with parents and other staff—both in their department and outside their department - to ensure the delivery of rigorous content and instruction in a way that maintains consistency and works toward ESCS’ mission of personalized learning.

In addition to their academic/instructional leader role, the duties of homeschool specialists include, but are not limited to:

- Understanding the Charter and its mission and practices
- Overseeing the students' academic progress
- Administering student assessment
- Promoting a school culture that maximizes student learning and critical thinking
- Participating in the governance of the school
- Engaging in ongoing professional development activities
- Collaborating with fellow faculty and administrators
- Promoting multicultural understanding and gender equity in and outside the classroom
- Communicating with parents

All ESCS homeschool specialists will hold appropriate California teaching credentials (including CLAD and BCLAD), permits, and/or other documents issued by the Commission on Teacher Credentialing from the State of California required for their certificated assignment, and to the extent required of charter schools.

All homeschool specialists are expected to demonstrate the following abilities, experiences, and attitudes:

- Belief that all of our students can and should set and reach personalized academic goals
- Understanding and appreciation of the backgrounds of our students
- Resiliency and perseverance
- Professionalism and a commitment to the seriousness of our work
- Ability to communicate promptly and clearly
- Willingness to do “whatever it takes” to help our students succeed
- Assuming best intentions in our working relationships
- Commitment to all students mastering ESCS’ I CAN!s
- Promotion of academic rigor

- Desire to collaborate with other disciplines
- Capable of running a well-managed and productive classroom
- Ability to work with English Language Learners
- Understanding of how to modify lessons and differentiate instructions for different learning styles
- Ability to multi-task
- Desire to be self-reflective about teaching
- Ability to clearly communicate learning goals and outcomes
- Dedicated to being an advisor in addition to a content-area teacher
- Desire to advocate on behalf of students
- Commitment to the development of our students as people
- Ability to empathize with students
- Honesty with self and with students
- Willingness and ability to hold all students to a high social and academic standard

6) **Non-Instructional Staff**

At ESCS, all non-instructional staff will possess experience and expertise appropriate for their position as outlined in their job description and consistent with personnel practices and policies. With the assistance of the department of Human Resources, job descriptions, job qualifications, selection processes and evaluation tools appropriate for non-instructional staff members have been developed.

Minimum requirements for office administrative staff include but are not limited to:

- Computer skills (including working knowledge of word processing, spreadsheets, and internet communication management)
- Written and verbal communication in English
- Filing skills, including organizational management
- Phone etiquette and an interest/desire to promote best human resources practices
- Punctuality
- Ability to fulfill the physical requirements of the job as prescribed by the job description
- Strong work ethic

- Ability to communicate and interact with youth and adults in a positive manner

C. Training and Professional Development

All Empire Springs staff members will receive regular, ongoing professional development throughout the year, consistent with their location or area of concentration. Annually, all staff members participate in a concentrated, back-to-school professional training where speakers, breakout sessions, and particular areas of focus are provided for all staff members. Parents also invited to participate, and specific topics are provided for them.

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VI. Element F: Health and Safety Procedures

Governing Law: The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all the following:

- i. That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.*
- ii. The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.*
- iii. That the school safety plan be reviewed and updated by March 1 of every year by the charter school.*

Education Code Section 47605(c)(5)(F).

In order to provide safety for all students and staff, ESCS will adopt and implement full health and safety procedures and risk management policies at our school facility in consultation with its insurance carriers and risk management experts. ESCS shall occupy facilities that comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

A. Procedures for Background Checks

ESCS will comply with all applicable federal and state laws regarding criminal background checks and fingerprinting. ESCS will comply with the provisions of Education Code Section 44237 and 45125.1 regarding the fingerprinting and background clearance of employees and contractors prior to employment and/or any more than limited contact with ESCS pupils. Employees, and contractors as applicable, must submit two sets of fingerprints to the California Department of Justice. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Assistant Superintendent of Personnel shall monitor compliance with this policy as well as prepare quarterly board reports. The Superintendent shall monitor the fingerprinting and background clearance of the Assistant Superintendent. Volunteers outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering.

B. Role of Staff as Mandated Child Abuse Reporters

All employees are mandated child abuse reporters and will follow all applicable reporting laws and the policies and procedures adopted by the ESCS Board of Directors. The Charter School

shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

C. TB Risk Assessment and Examination

Employees, and volunteers who have frequent or prolonged contact with students, are assessed and examined (if necessary) for tuberculosis prior to commencing employment and working with students, and for employees at least once each four years thereafter, as required by Education Code Section 49406.

D. Immunizations

ESCS will adhere to all law related to legally required immunizations for entering students pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075 and will include the requirements for pertussis vaccination. Students are required to submit verification of required immunizations before enrolling in a ESCS program that includes scheduled classroom time.

E. Medication in School

ESCS will adhere to Education Code Section 49423 regarding administration of medication in school. Medication policies are included in the parent handbook and is explained to parents during a parent-student-school meeting prior to enrollment at ESCS. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for

F. Vision/Hearing/Scoliosis

ESCS will adhere to Education Code Section 49450, et seq., as applicable to the grade levels served by ESCS.

G. Diabetes

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

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

H. Suicide Prevention Policy

The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215. The Charter School shall review, at minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy.

I. Prevention of Human Trafficking

The Charter School shall identify and implement the most appropriate methods of informing parents and guardians of students in grades 6 through 12 of human trafficking prevention resources.

J. Feminine Hygiene Products

The Charter School will stock at least 50% of its restrooms with feminine hygiene products, and shall not charge students for these products, pursuant to Education Code Section 35292.6.

K. Nutritionally Adequate Free or Reduced Price Meal

The Charter School shall provide each needy student, as defined in Education Code Section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code Section 49553(a), during each schoolday. The Charter School shall provide this meal for any eligible student on any schoolday that the student is scheduled for educational activities, as defined in Education Code Section 49010, lasting two or more hours, at a schoolsite, resource center, meeting space, or other satellite facility operated by the Charter School.

L. California Healthy Youth Act

The Charter School shall teach sexual health education and human immunodeficiency virus (“HIV”) prevention education to students in grades 7-12, at least once in middle school and at least once in high school , pursuant to the California Healthy Youth Act (Education Code Section 51930, et seq.).

M. School Safety Plan

The Charter School shall adopt a School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the Charter School’s procedures for complying with applicable laws related to school safety, including the development of all of the following pursuant to Education Code Section 32282(a)(2)(A)-(J):

- child abuse reporting procedures
- routine and emergency disaster procedures
- policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- a discrimination and harassment policy consistent with Education Code Section 200
- provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel,” if applicable
- procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- a safe and orderly environment conducive to learning

- the rules and procedures on school discipline adopted pursuant to Education Code Sections 35291, 35291.5, 47605, and 47605.6
- procedures for conducting tactical responses to criminal incidents

N. Emergency Preparedness

ESCS will adhere to an Emergency Preparedness Handbook developed specifically for the needs of the school site. This handbook will include, but not be limited to the following responses: fire, bomb threat, flood, earthquake, crash, intrusion, pandemics, hostage situations, or any other disaster. The purpose of the Handbook is to be prepared to handle any emergency with the safety of students and staff as our top priority. The Handbook is reviewed and updated annually.

O. Blood Borne Pathogens

ESCS will meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written “Exposure Control Plan” designed to protect employees from possible infection due to contact with blood-borne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV). Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

P. Drug Free/Smoke Free Environment

ESCS will maintain a drug and alcohol and smoke-free environment.

Q. Trainings

ESCS staff will receive training on CPR, sexual harassment, and other safety related issues annually as required by position.

R. Facility

In accordance with EC Section 47610, ESCS’ school facility is certified by the local authorities to be in compliance with all regulations for schools, including ADA. ESCS will assess potential and current school buildings for structural safety, using the existing state, county and city standards. ESCS, at its own cost and expense, is responsible for obtaining appropriate permits from the local public entity with jurisdiction over the issuance of such permits, including building permits, occupancy permits, fire/life safety inspections and conditional use permits, all as may be required to ensure a safe school and facilities for staff and students. ESCS will obtain a Certificate of Occupancy prior to the start of school.

ESCS shall conduct monthly fire drills for staff and students. Additionally, ESCS will test sprinkler systems, fire extinguishers, and fire alarms as required by law to ensure they are maintained.

S. Comprehensive Sexual Harassment Policies and Procedures

ESCS will provide a school that is free from sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender

identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation. ESCS will develop 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 is addressed in accordance with the ESCS sexual harassment policy. A copy of the policy shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable, and to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired. The Charter School shall create a poster that notifies students of the applicable policy on sexual harassment in accordance with Education Code Section 231.6, and shall prominently and conspicuously display the poster in each bathroom and locker room at the schoolsite and in public areas at the schoolsite that are accessible to, and commonly frequented by, pupils.

T. Bullying Prevention

The Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying. The Charter School shall annually make available the online training module developed by the CDE pursuant to Education Code Section 32283.5(a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with children.

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VII. Element G: Racial and Ethnic Balance

Governing Law: The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school. Education Code Section 47605(b)(5)(G).

ESCS shall actively seek to match the racial and ethnic, special education, and English learner backgrounds of the general population residing within the territorial jurisdiction of the District. ESCS will implement an open enrollment policy and active recruitment strategies to target the under-represented student populations generally reflective of the District's population. Recruitment efforts of ESCS will include but not be limited to the following:

- 1) Development of promotional and information materials that appeal to the racial and ethnic, special education, and English learner groups represented in the District and County.
- 2) Distribution of promotional and informational materials to a broad variety of community groups and agencies.
- 3) Outreach meetings for prospective students and parents.

Recruitment

In effort to recruit a student population that is reflective of the local community, ESCS may engage in the following specific actions:

- 1) Provide flyers to local libraries within San Bernardino County boundaries and follow up on these
- 2) Contact PTSO and PTSA parents at San Bernardino County schools with diverse populations near our Resource Center location(s).
- 3) Ask to send and/or drop off bilingual flyers to the local schools
- 4) Contact local private elementary, middle and high schools to share about ESCS
- 5) Place an advertisement in English and Spanish written San Bernardino newspapers
- 6) Request information about parent events at local schools

- 7) Contact local community education networks, churches, and youth centers to disseminate information about our program

ESCS will provide all materials in English and Spanish and in other languages as needed. ESCS will allocate a recruitment budget in our proposed budget that will cover at minimum the following items: production of recruitment materials, advertising, and personnel costs.

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VIII. Element H: Admission Requirements

Governing Law: Admission policies and procedures, consistent with [Education Code Section 47605] subdivision (e).. Education Code Section 47605(b)(5)(H).

ESCS actively recruits a diverse student population from San Bernardino County and surrounding contiguous counties eligible for enrollment under state law. The Charter School is nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition.

ESCS shall admit all pupils who wish to attend the charter school. No test or assessment shall be administered to students prior to acceptance and enrollment into the charter school. ESCS will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state, unless required by Education Code Section 51747.3. In accordance with Education Code Sections 49011 and 47605(e)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

In accordance with Education Code Section 47605(e)(4)(A), the Charter School shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605(e)(2)(B)(iii), including pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. Similarly, in accordance with Section 47605(e)(4)(C), the Charter School shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to the academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605(e)(2)(B)(iii), as listed above.

Pursuant to Education Code Section 47605(e)(4)(D), the Charter School shall post a notice developed by the CDE on the Charter School website, outlining the requirements of Section 47605(e)(4), and make this notice available to parents.

Students admitted to ESCS must understand and value the school's mission and be committed to the school's instructional and operational philosophy. Admission to any ESCS program shall be open to any resident of San Bernardino County or the contiguous counties. Prospective students and their parents are briefed regarding ESCS's instructional and operational philosophy and are informed of any student-related policies. ESCS has established an annual recruiting and admissions cycle which shall

include: (1) outreach and marketing, (2) orientation sessions for parents and students, (3) an admissions application period, (4) an admissions lottery if necessary, and (5) enrollment.

ESCS may enroll students from a wide geographic area that includes San Bernardino, Riverside, Orange, and Los Angeles Counties. Applications are accepted during a publicly advertised open application period each year for enrollment in the following school year. Following the open enrollment period each year, applications are counted to determine whether any grade level has received more applications than availability. In the event that the number of students who wish to attend ESCS exceeds the charter school's capacity, a public random lottery will be used to determine those selected to attend, with the exception of existing students, who are guaranteed admission in the following school year. Admission preference in the case of a public random drawing shall be granted in the following order: 1) homeless and foster youth, 2) siblings of current students, 3) children of currently employed ESCS staff, and 4) residents of the District.

A. Lottery Procedures

The lottery will be led by the superintendent or designee. The lottery will be open to the public; however, families are not required to be present at the time of the drawing to be eligible for admission.

Numbers, each representing an application submitted to ESCS, will be placed on cards that are of equal size and shape, grouped by priority. The cards will indicate if the applying student has any siblings that are applying for admission the same year. The name on each card will be read as it is placed into a container or lottery device that will randomly mix the cards. The person leading the lottery will draw the cards one at a time at random and read the name on the card. As each card is pulled it will be posted visibly on a display in the order it was chosen. Names will be given a numerical ranking based on the order they were chosen. The drawing will continue until all cards have been drawn and all names have been assigned a numerical ranking. These rankings will be recorded in an electronic database that will be double-checked by the lottery official.

Separate lotteries shall be conducted for each grade and program in which there are fewer vacancies than pupils interested in attending. All lotteries shall take place on the same day in a single location. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. The first lottery will consist of foster and homeless youth, based on student application information. If additional spaces are available, a second lottery consisting of siblings of current students will occur. If additional spaces are still available then a third lottery will occur consisting of children of currently employed ESCS staff. If, after all three lotteries are complete, there are additional spaces available then a fourth lottery will be held consisting of students who are residents of the District.

Due to preference given to siblings of ESCS students, if a card is drawn that indicates a sibling (of any grade) is also applying, the sibling will also be assigned the next available numerical ranking for the appropriate grade level.

If an applicant drawn during the process described above has a sibling(s) who has (have) also applied for admission during the current enrollment period and for the same grade level, that sibling(s) will be offered the next available slot(s) or if no such slot(s) remain they will be placed in the first available slot(s) on the appropriate waiting list. If maximum capacity has been reached in a particular grade level and the applicant drawn in the lottery has a twin, triplet, or other siblings of a multiple birth that has also submitted a timely application, enrollment shall be determined on a case-by-case basis as determined by the superintendent. If an applicant drawn during the process described above has a sibling(s) who has (have) also applied for admission during the current enrollment period and for a different grade level which has already been assigned slots, that sibling(s) will be offered an open slot, if available, or placed in the first available slot(s) on the appropriate waiting list. If an applicant drawn during the process described above has a sibling(s) who has (have) also applied for admission during the current enrollment period and for a different grade level which has not yet been assigned slots, that sibling(s) will be given sibling preference (as defined above) at the time of assignment of slots for their grade level. At no time will children of staff, board members, or founders exceed 10% of the total enrollment.

B. Waiting List

Once maximum enrollment is reached, the remaining names will be placed on a waiting list in the order received. If vacancies occur during the school year, the vacancies may be filled according to the waiting list, which will be prioritized in the same manner described in the previous section according to rank on the list of preferences.

Families will be immediately notified by phone call or email of their placement on the waiting list within two weeks of the lottery. Families may call the main office to track their status on the waiting list.

Students who are not offered seats for the academic school year for which the lottery was held will remain on the waiting list until the end of that academic school year unless otherwise requested in writing by the parent to be removed. Students who remain on the waiting list at the end of the academic year will be required to enter the lottery again for the next school year. In no circumstance will a waitlist carry over to the following school year. Application documents for those not enrolled in the charter will be entered into the student information system as never attended and retained per state guidelines.

ESCS and the District mutually agree that the preferences in the public random drawing as listed above are consistent with Education Code Section 47605(d)(2) and applicable federal law and non-regulatory guidance.

Students with exceptional needs may not be denied admission to ESCS solely due to missing copies of IEP or 504 plans, or due to the nature, extent, or severity of his or her disability or due to the student's request for, or actual need for, special education services.

Prior to enrollment, all parents must sign a parent/student contract regarding ESCS outcomes, philosophy, program, and any other applicable requirements.

Students who are enrolled in ESCS may not be concurrently enrolled in a private school.

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IX. Element I: Independent Financial Audit

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(c)(5)(l).

An annual independent financial audit of the books and records of the Charter School is conducted as required by Education Code Sections 47605(c)(5)(l) and 47605(m). The books and records of the Charter School financial records are kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit employs generally accepted accounting procedures.

The ESCS Board of Directors contracts with an independent auditor experienced in charter school finance to conduct an annual audit of ESCS's financial affairs. The auditor must have, at a minimum, a CPA and educational institution audit experience, and must be approved by the California Department of Education to conduct audits for LEAs. The audit will verify the accuracy of ESCS's financial statements and reporting practices. The audit will be conducted in accordance with generally accepted accounting principles applicable to public schools and in compliance with the audit provisions of the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars. Each annual budget will include an expenditure for this service.

The Board of Directors will review any audit exceptions or deficiencies and determine the means for resolving any such exceptions or deficiencies, including costs. The Board will submit a report to the District describing how the exception and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Audit exceptions must be resolved to the satisfaction of the District.

Audit reports will be completed and available for review by the school members and the public and submitted to the District, the County Superintendent of Schools, the California Department of Education, and the State Controller's Office by December 15 of each year. Procedures and/or processes that caused the exceptions and/or deficiencies will be modified to meet the auditor's specifications and such modifications will be sent to the Board of Directors within three (3) months of the auditor's report. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (EAAP) in accordance with applicable law.

ESCS shall comply with the provisions of Education Code 47604.3 regarding financial reporting and accountability. In addition, as outlined in Education Code Section 47604.3, ESCS shall promptly respond to all reasonable inquiries, including but not limited to inquiries regarding its financial records, from its chartering authority, the County or from the Superintendent of Public Instruction, and shall consult with the requesting entity regarding any inquiries.

X. Element J:

XI. Suspension, Expulsion, and Student Disciplinary Procedures

Governing Law: The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).—California Education Code Section 47605(c)(5)(J)

This Student Suspension and Expulsion Policy (hereafter "Policy") has been established in order to promote learning and protect the safety and well-being of all students at Empire Springs Charter School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as ESCS's policy and procedures for student suspension and expulsion, and it may be amended from time to time to mirror changes to the suspension and expulsion offenses applicable to school districts in Education Code Section 48900 without the need to

amend the charter so long as the amendments conform to legal requirements. For ESCS's full Suspension and Expulsion Policy, please see Appendix R.

ESCS staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its procedures are printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Discipline includes, but is not limited to, advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension, and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff, or other persons or to prevent damage to school property.

ESCS administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that these Policy and Administrative Procedures are available on request from the Administration 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 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to 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.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily

removed” includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

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.

I. Enumerable Offenses

A. Discretionary Suspension Offenses

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

- 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- 2) Willfully used force of violence upon the person of another, except self-defense.
- 3) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance.
- 4) 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.
- 5) Committed or attempted to commit robbery or extortion.
- 6) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases
- 7) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases
- 8) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
- 9) Committed an obscene act or engaged in habitual profanity or vulgarity.
- 10) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
- 11) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel

- engaged in the performance of their duties. This section shall apply to pupils in any of grades 9 to 12, inclusive.
- 12) Knowingly received stolen school property or private property1) , which includes but is not limited to, electronic files and databases
 - 13) Possessed an imitation firearm.
 - 14) 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.
 - 15) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
 - 16) Engaged in, or attempted to engage in hazing.
 - 17) Made terrorist threats against school officials and/or school property, which includes but is not limited to, electronic files and databases
 - 18) Committed sexual harassment, as defined in Education Code Section 212.5.
 - 19) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - 20) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - 21) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - a) “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.
- b) “Electronic Act” means the creation or 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, video, 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.
- c) An act of cyber sexual bullying.
- i. For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - ii. For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

- d) Notwithstanding subparagraphs (b) and (c) 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.
- 22) 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)(a)-(b).
- 23) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.

B. 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 student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
- b. Brandishing a knife at another person.
- c. Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.
- d. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

C. Discretionary Expellable Offenses

Students may be recommended for expulsion for any of the following acts when it is determined the pupil:

- 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- 2) Willfully used force or violence upon the person of another, except self-defense.
- 3) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance.

- 4) 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.
- 5) Committed or attempted to commit robbery or extortion.

Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases

- 6) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- 7) 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.
- 8) Committed an obscene act or engaged in habitual profanity or vulgarity.
- 9) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
- 10) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases
- 11) Possessed an imitation firearm.
- 12) 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.
- 13) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- 14) Engaged in, or attempted to engage in hazing.
- 15) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases.
- 16) Committed sexual harassment, as defined in Education Code Section 212.5.
- 17) 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.

18) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

19) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

a) "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.

b) "Electronic Act" means the creation or 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, video, 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. An act of cyber sexual bullying.
 - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (b) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iv. Notwithstanding subparagraphs (ii) and (iii) 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.

21) 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)(a)-(b).

22) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee’s concurrence.

D. Non-Discretionary Expellable Offenses

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

- 1) 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 student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee’s concurrence.
- 2) Brandishing a knife at another person.

- 3) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.
- 4) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).
- 5) If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm 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.

II. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

A. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Superintendent or the Superintendent’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 Superintendent or designee.

The conference may be omitted if the Superintendent 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, in accordance with Education Code Section 47605(c)(5)(J)(i). 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.

B. 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.

C. 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 Superintendent or Superintendent'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 Superintendent 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. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

III. Authority to Expel

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled upon the recommendation of a neutral and impartial Administrative Panel. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a Board member of the Charter School's governing board. The Administrative Panel may be comprised of educators within the Springs community, in local charter schools, or in local school districts. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

IV. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Superintendent 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 and/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;
 - i. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

A. 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 entity 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 entity 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.

B. 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.

C. Presentation of Evidence

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

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

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

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

D. Written Notice to Expel

The Superintendent or designee, following a decision of the Board to expel, shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (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 Superintendent or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

As indicated in the Affirmation and Assurances section, above, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days if a pupil is expelled or leaves ESCS without graduating or completing the school year for any reason 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.

E. 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.

F. Right to Appeal

The student or the parent/guardian is entitled to file an appeal of the decision for an expulsion or a suspended expulsion to the Governing Board of Empire Springs Charter School . The appeal must be filed within 30 calendar days following the decision to expel the student.

G. 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.

H. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but

is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

I. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Superintendent or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Superintendent or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session 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.

J. Notice to Teachers

The Charter School shall notify teachers of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

K. 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 that the Charter School or the 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 (which could constitute a change of placement and the student's IEP would reflect this change), 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 direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4) Due Process Appeals

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

Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 USC Section 1415(k), 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.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if 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, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5) Special Circumstances

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

The Superintendent or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school 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 IDEA 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 IDEA-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.

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XII. Element K: Retirement Systems

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605(c)(5)(K).

Eligible employees of ESCS shall participate in the State Teacher's Retirement System (STRS). Eligible employees of ESCS shall participate in the Public Employees' Retirement System (PERS), and Social Security. The ESCS Board of Directors reserves the right to offer its employees additional retirement options such as a 403(b) or 401(k) program. Eligibility of new employees in a particular retirement program will be determined by the Human Resources Department as part of the new hire process. The Human Resources Department shall be responsible for ensuring that appropriate arrangements for retirement coverage have been made. A complete list of the positions covered under each system resides in the ESCS Human Resources Department and are available for inspection by the District.

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XIII. Element L: Public School Attendance Alternatives

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

Attendance at ESCS is entirely voluntary on the part of the students who enroll and no student may be required to attend ESCS. If a student chooses not to attend ESCS, they have the option of attending a public school in their district of residence or to pursue other educational alternatives. Parents and guardians of each student enrolled in ESCS are informed on admissions forms that the students have no right to admission in a particular school of a local education agency as a consequence of enrollment in ESCS, except to the extent that such a right is extended by the local education agency.

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XIV. Element M: Return Rights of District Employees

Governing Law: The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(c)(5)(M).

No public school district employee shall be required to work at ESCS. Persons employed at ESCS are not considered employees of the District for any purpose whatsoever. Employees of the District who resign from employment to work at ESCS and who later wish to return to the District shall be treated the same as any other former the District employee seeking reemployment and will have no automatic rights of return to the District after employment by ESCS unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

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XV. Element N: Dispute Resolutions Related to Charter Provisions

Governing Law: The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter. Education Code Section 47605(c)(5)(N).

ESCS recognizes that it cannot bind the District to a dispute resolution procedure to which the District does not agree. The following policy is intended as a starting point for a discussion of dispute resolution procedures. ESCS is willing to consider changes to this process outlined below as suggested by the District.

Any dispute between ESCS and the District (collectively "the Parties") shall be resolved in accordance with the following procedure. The term dispute means any alleged violation, misinterpretation, or misapplication of a specific provision of this Charter or the MOU between the Parties which does not constitute a severe and imminent threat to the health and safety of pupils.

In the event of a dispute between ESCS and the District, ESCS staff, employees, and Board Directors and the District agree to first frame the issue in written format ("dispute statement") and to refer the issue to the District Superintendent and Superintendent of the Charter School. In the event that the District's Board of Education believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, ESCS requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District 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 District's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The Charter School Superintendent and District Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (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 District Superintendent and the Superintendent of the Charter School and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If the Parties are unable to reach agreement, the dispute may be referred to nonbinding mediation before a single neutral mediator. A request for mediation shall be in writing and must be received by the Parties no later than fourteen (14) calendar days from the date the Parties last met to discuss the dispute and attempted to reach an agreement. A request for mediation shall succinctly state the nature of the dispute and the relevant provisions of the Charter and/or MOU. The mediator shall be selected by mutual agreement from a list of mediators provided by the American Arbitration Association or other mutually acceptable alternative dispute resolution service. The mediation shall commence within thirty (30) calendar days from the date of receipt of the request for mediation unless extended by mutual agreement for the convenience of the parties and/or mediator. The costs of mediation shall be shared equally by all of the Parties. The cost to ESCS for the dispute resolution process will be paid for through unrestricted dollars. No party shall commence any action in

connection with a dispute under this Charter or an MOU without exhausting this dispute resolution procedure.

If the mediation result is not mutually agreeable, both Parties will have been deemed to have "exhausted their administrative remedies" and may pursue other legal options for resolution. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.

ESCS is aware that the District's Board of Education's discretion to revoke the Charter is not proscribed by the requirement to participate in the dispute resolution process. Additionally, ESCS will ensure that parties involved will sign a privacy disclosure form agreeing that no comments will be made publicly during the dispute resolution process, adhering to state and federal laws governing mediation and conflict resolution.

Internal Disputes

ESCS shall maintain a Uniform Complaint Policy and Procedure, as required by law, as well as a General Complaint policy, to be used for all internal disputes related to ESCS's operations. Parents, students, Board members, volunteers, and staff at ESCS will be provided with a copy of ESCS's policies and internal dispute resolution process. The District will promptly refer all disputes not related to a possible violation of the Charter or law to ESCS.

XVI. Element P: 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 pupil records. Education Code Section 47605(c)(5)(O).*

In the event that ESCS decides to cease operations, the following procedures will ensue:

- 1) The ESCS Board of Directors shall adopt a resolution electing to close the charter school. The resolution shall identify the reason for closure. The Superintendent, or another individual selected by the Board, will be responsible for closure-related activities.
- 2) The Board of Directors will promptly notify parents and students of ESCS, the District, the County, the Charter School's SELPA, the retirement systems in which ESCS's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and Federal Social Security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.
- 3) The Board will ensure that the notification to the parents and students of ESCS 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 ESCS.
- 4) 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' district of residence, which they will provide to the entity responsible for closure-related activities.
- 5) As applicable, ESCS will provide parents, students, and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.S. §1232g. ESCS will ask the District to store original records of ESCS students. All ESCS student records will be transferred to the District upon closure. If the District will not or cannot store the records, the Charter School shall work with the County to determine a suitable alternative location for storage.
- 6) 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.

- 7) As soon as reasonably practical, ESCS will prepare final financial records. ESCS will also have an independent audit completed within six months after closure. ESCS will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant and selected by ESCS and will be provided to the District 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 ESCS.
- 8) ESCS will complete and file annual reports required pursuant to Education Code section 47604.33.
- 9) On closure of ESCS, all assets of ESCS, including but not limited to all leaseholds, personal property, intellectual property, and all ADA apportionments and other revenues generated by students attending ESCS, remain the sole property of the nonprofit public benefit corporation. Upon the dissolution of the nonprofit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled "Relief for Certain Participants in § 414(d) Plans" or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof. Any assets acquired from the District or the District property will be promptly returned upon ESCS closure to the District. 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.
- 10) On closure, ESCS shall remain solely responsible for all liabilities arising from the operation of the Charter School.
- 11) As ESCS is operated by a nonprofit 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 nonprofit public benefit corporation and file all necessary filings with the appropriate state and federal agencies. The sole statutory member has the right to vote on any election to dissolve the nonprofit public benefit corporation and to vote on the disposition of all or substantially all of the nonprofit public benefit corporation's assets.
- 12) As specified in the ESCS budget, ESCS will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

The ESCS Board of Directors will designate a school employee(s) to remain on the payroll of the charter school beyond the charter school's closing for the purpose of overseeing the transfer of student records and distribution of assets, as well as matters directly related to the closure procedures.

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XVII. Additional Provisions

D. Revision/Amendments of the Charter

This Charter may be amended by the written mutual agreement of the ESCS Board of Directors and the District. Material revisions to the charter may be made only with the District's approval and shall be governed by Education Code Section 47607 and the same standards and criteria that apply to new charter petitions as set forth in Education Code Section 47605.

Any material revision to the charter must be presented to the District for approval.

In the event of changes to state law or regulations applicable to charter schools enacted subsequent to granting this charter that are inconsistent with the terms of this charter, the parties agree to amend this charter and any applicable MOU provisions to accord with any such changes.

E. Term of the Charter

The term of this charter shall be five years commencing July 1, 2020 through and including June 30, 2025 and may be renewed for subsequent five-year terms by the District Board of Education.

F. Revoking the Charter

The District's Board of Education may pursue revocation of the charter pursuant to Education Code Section 47607 and its implementing regulations if any of the following apply:

- 1) ESCS committed a material violation of any of the conditions, standards, or procedures set forth in the charter or MOU.
- 2) ESCS failed to meet or pursue any of the pupil outcomes identified in the charter.
- 3) ESCS failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- 4) ESCS violated any provision of law.

G. Administrative Services

Governing Law: The manner in which administrative services of the school are to be provided. Education Code Section 47605(h).

Details of any business or administrative services, special education services, costs, and funding between the District and ESCS shall be detailed in a separate MOU.

ESCS will contract with River Springs, Harbor Springs, and Citrus Springs Charter Schools for back office services per the draft MOU found in Appendix S. The draft MOU outlines the respective roles and responsibilities of ESCS, its Board of Directors, and the Charter Schools. A copy of the MOU shall be provided to the District promptly following its execution. The ESCS Board of Directors reserves the right to contract with a different back-office provider at any time pursuant to the needs of ESCS and budget considerations as determined by the Board.

Pursuant to California law, the authorizer will be required to provide oversight and performance monitoring services, including monitoring school and student performance data, reviewing the school's audit reports, performing annual site visits, engaging in any necessary dispute resolution processes, and considering charter amendment and renewal requests. In accordance with Education Code Section 47613(a), the District may charge for the actual costs of supervisory oversight of ESCS not to exceed one (1) percent of the revenue of the charter school. Pursuant to Education Code Section 47613(f), "revenue of the charter school" is defined as the amount received in the current fiscal year from the local control funding formula calculated pursuant to Education Code Section 42238.02, as implemented by Education Code Section 42238.03.

ESCS agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607.

H. Facilities

Governing Law: The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(h).

Education Code sections 47605, subdivisions (e)(1) and (e)(2)(A) require a charter school to enroll all students who wish to attend and specifically prevents the school from discriminating against applicants on the basis of residency. Education Code Section 51747.3, subdivision (b)(1) modifies this requirement for those charter schools providing independent study, in that it limits such charter schools to claiming average daily attendance for those students who are residents of the county in which the charter school is authorized or are residents of any county immediately adjacent to the county in which the charter school is authorized. Taken together,

these sections require that a nonclassroom-based/independent study charter school accept all residents of the “home county” (i.e., the county in which the charter school’s authorizer is located) or adjacent counties who wish to attend the school.

Additionally, any charter school offering independent study must provide appropriate existing services and resources to enable pupils to complete the independent study successfully, including learning centers and study areas. (§ 51746, as specifically applied to charter schools by § 47612.5, subd. (b).) These facilities allow a nonclassroom-based independent study charter school to provide a space for meeting teachers, testing, tutoring, teacher-student meetings, special education, and college mandatory laboratory work, among other functions. Access to such supporting services is necessary to help fulfill the legislative goal that “the independent study option is expected to be equal or superior in quality to classroom instruction.” (California Department of Education Independent Study Manual [2000 Edition, revised as of 2015], Chp. 1, pg. 1.)

As ESCS is a non-classroom based/independent study charter school, the District and ESCS understand and agree that ESCS must serve any interested students throughout San Bernardino County and adjacent counties pursuant to Education Code Section 51747.3, and 47605, subdivisions (e)(1) and (e)(2)(A). Additionally, ESCS must provide appropriate services and resources to enable ESCS’s students to complete their independent study successfully. As such, ESCS utilizes resource centers (or “learning centers”) to facilitate its independent study program and offer supporting services to students including, but not limited to, testing, tutoring, wet labs, special education services, and teacher-student meetings.

Accordingly, ESCS shall locate one resource center within San Bernardino County per Education Code Section 47605.1(d), as follows:

Rancho Cucamonga Resource Center

8968 Archibald Avenue
Rancho Cucamonga, CA 91730

ESCS affirms that its Rancho Cucamonga Resource Center complies with all requirements of Education Code Section 47605.1(d), in that ESCS has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which ESCS chooses to locate, and has complied with all notification requirements by notifying the school district with jurisdiction over the address where the Resource Center is located, in advance of the charter petition approval with the new center’s address on June 21, 2017. Letters to Cucamonga Elementary School District, Chaffey Joint Union High School District, San Bernardino County Office of Education, and the California Department of Education providing this notification is attached hereto. Specifically, ESCS affirms that it engaged Foundry Commercial to conduct a search within the District’s geographic boundaries for any properties between 18,000 and 20,000 square feet in total size. ESCS further affirms that the realtor’s search resulted in zero (0) properties for lease within the District’s boundaries that met these search parameters.

(A letter from Foundry Commercial documenting its search and search results is attached hereto.)

Pursuant to Education Code Section 47605.1(c) on or before December 31, 2019, ESCS shall operate three resource centers outside of San Bernardino County, as follows:

Cherry Valley/Beaumont
South Los Angeles County (La Mirada)
North Los Angeles County (Sherman Oaks/Van Nuys)

The resource centers shall be used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study with the Charter School. The location of primary educational support of the pupils and the residency of the majority of the pupils served by ESCS continues to be San Bernardino County.

I. Budgets and Financial Reporting

Governing Law: The petitioner or petitioners also shall 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. Education Code Section 47605(h).

The fiscal year 2020 budget is included in Appendix G.

ESCS shall provide reports to the District and County as follows as required by Education Code Section 47604.33, and may provide additional fiscal reports as requested by the District:

- 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 District, State Controller, State 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.

J. **Insurance**

ESCS finances general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts are based on recommendations provided by the District and ESCS's insurer. The District Board of Education is named as an additional insured on all policies of ESCS. Prior to opening, ESCS will provide evidence of the above insurance coverage to the District.

K. **Potential Civil Liability Effects**

Governing Law: Potential civil liability effects, if any, upon the school and upon the school district. Education Code Section 47605(h).

ESCS shall operate as a California non-profit 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(d), an entity that grants a charter to a charter school operated by or as a non-profit 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. ESCS shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of ESCS.

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

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

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

L. **Memorandum of Understanding and Indemnification**

ESCS anticipates that it shall enter into a memorandum of understanding ("MOU") with the District to outline the agreement of ESCS and the District governing the parties' respective fiscal and administrative responsibilities, legal relationship, and operation of ESCS.

The MOU shall include an indemnification provision to cover the actions of ESCS under this Charter. As ESCS recognizes that it cannot bind the District to an indemnification clause to

which the District does not agree, the following language is intended as a starting point and may be amended per the MOU between the parties:

ESCS shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the District, its officers, directors, and employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter District and District Personnel) from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorney's fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against District and/or District Personnel, that may be asserted or claimed by any person, firm or entity arising out of, or in connection with, ESCS's performance under this Agreement, the Charter or any acts or errors or omissions by ESCS or its board of directors, administrators, employees, agents, representatives, volunteers, successors and assigns; provided, however, that ESCS shall not have any obligation to indemnify, hold harmless or defend the District and/or District Personnel against and from any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorney's fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against District and/or District Personnel, that may be asserted or claimed by any person, firm or entity arising out of, or in connection with, ESCS's performance under this Agreement, resulting from or arising out of the negligence or intentional acts, errors or omissions of the District and/or District Personnel of District and/or District Personnel.