**CHARTER**

OF

**MAKING WAVES ACADEMY**



RENEWAL CHARTER SUBMITTED AS OF NOVEMBER 14, 2016 TO THE

CONTRA COSTA COUNTY OFFICE OF EDUCATION

77 SANTA BARBARA ROAD, PLEASANT HILL, CALIFORNIA 94523

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**Renewal CHARTER**

FOR THE TERM: JULY 1, 2017 – JUNE 30, 2022

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# CHARTER OF THE MAKING WAVES ACADEMY

# A CALIFORNIA PUBLIC CHARTER SCHOOL

It is the intent of the Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents/guardians, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish the following:

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

The Charter Schools Act (or Act) (Education Code Sections 47600 *et seq*.) requires each charter school to have a “charter” that at least outlines the sixteen (16) mandatory items of the Act. The following provisions of this Charter coincide with the requirements of Section 47605 of the Act.

## A. Affirmations and Declaration

As the authorized lead petitioner, I, Alton Nelson, hereby certify that the information submitted in this petition for renewal of a California public charter school, Making Waves Academy (“MWA” or the “Charter School”), authorized by the Contra Costa Board of Education/Contra Costa County Office of Education (“CCCOE” or the “County”) and located within the boundaries of the West Contra Costa Unified School District (“WCCUSD” or the “District”) is true to the best of my knowledge and belief; I also certify that this renewal petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter renewal, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School,including but not limited to:

* The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
* The Charter School declares that it shall be deemed the exclusive public school employer of the employees of Making Waves Academy for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(6)]
* The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
* The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
* The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]
* The Charter School shall not discriminate on the basis of the characteristics listed in Education Code 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 or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
* The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.
* The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
* The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. Education Code Section 47605(l)]
* The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
* The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
* If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. Education Code Section 47605(d)(3)]
* The Charter Schoolshall 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)]
* The Charter Schoolshall, on a regular basis, consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]
* The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
* The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
* The Charter Schoolshall comply with all applicable portions of the Elementary and Secondary Education Act (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”).
* The Charter Schoolshall comply with the Public Records Act.
* The Charter Schoolshall comply with the Family Educational Rights and Privacy Act.
* The Charter Schoolshall comply with the Ralph M. Brown Act.
* The Charter Schoolshall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

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Alton B. Nelson, Jr., CEO Date

Making Waves Academy

## B. Introduction

Making Waves Academy is a grade 4-12 charter school that provides a voluntary public educational choice for parents/guardians with students in grades 4-8 on one campus and 9-12 on an adjacent campus who choose to have their children educated in an alternative learning environment.

MWA provides quality educational instruction and guidance, curricular support, and selected resource materials to ensure that students make appropriate progress toward achievement of MWA’s school-wide outcomes.

MWA’s objective is to provide a vehicle for the delivery of rigorous, challenging educational experiences for students whose families have chosen to educate their children outside of the traditional public setting.

## C. Successes and Accomplishments of the Prior Charter Term: 2012-2017

Listed below are a summary of high level successes and accomplishments since the last charter renewal in 2012 (Also see Appendix A):

* Fully **built-out growth** in all grade levels 5th-12th in the 2014-15 school year.
* Successful **WASC accreditation renewal** in 2013-14 for the full six-year term. The new accreditation runs through the 2019-20 school year.
* Achieved **822 schoolwide API** score in 2012-13 before API system was suspended to make way for the new CAASPP system and revised API.
* Selected as one of the **top performing high schools in the Bay Area** by Innovate Public Schools, a Bay Area public education and parent advocacy organization.
  + Criteria for the award is based on the performance of African American and Latino subgroups in low income public schools (where 50% or more qualify for Free/Reduced Meals) whose CAASPP scores exceed the state average in math and English. MWA earned this distinction for its Latino subgroup for the 2014-15 and 2015-16 school years.
* **Graduation rates** of 97% for Class of 2015 (Wave 12) and 95% of Class of 2016 (Wave 13).
* **Graduated two senior classes** where:
  + **70%** of the students attend 4-year colleges
  + **30%** attend 2-year colleges.
* MWA graduates are attending a **range of 2-year and 4-year colleges** including:
  + ***Local two-year colleges*** such as Diablo Valley College, Contra Costa College, & Merritt College
  + ***CSU*** campuses such as East Bay, Sacramento, & San Francisco
  + ***UC*** campuses such as Berkeley, Los Angeles, & Davis
  + ***Small*** private colleges such as Santa Clara, Vassar, Linfield, Tufts, & Macalester
  + ***Ivy League*** colleges such as Columbia
* First MWA graduate awarded the prestigious **Gates Millennium Scholarship**.
* **Clean audits** over the past four years with no material findings.
* Average **daily attendance of 96.5%** or higher over the last four years.
* Developed and utilize a high-functioning **School Site Council** (SSC) that is integrally involved in the LCAP process and on select programmatic, facility, and compliance reviews.
* Established governance, oversight, and input **protocols and systems** for SSC review and Board approval for curriculum, WASC Action Plan review, and other compliant-related items.

## D. Request for Charter Renewal

MWA has operated successfully for nine years. 2016-17 marks the 10th year of the school. MWA respectfully submits this request for a renewal of its charter for another five years, from July 1, 2017 to June 30, 2022.

## E. Evidence of Meeting Charter Renewal Standards

Pursuant to Education Code Section 47607(b) and the California Code of Regulations, Title 5, Section 11966.5(b)(1):

Education Code Section 47607(b) requires that a charter school must meet at least one of the following renewal criteria prior to receiving a charter renewal:

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school wide and for all groups of pupils served by the charter school.
2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
3. Ranked in deciles 4 to 10 inclusive, in the API for a demographically comparable school in the prior year or in two of the last three years.
4. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
5. Has qualified for an alternative accountability system pursuant to subdivision (h) of Education Code Section 52052.

The following shall serve as documentation confirming that the Charter School meets the statutory criteria required for renewal as set forth in Education Code Section 47607(b)(4) (Also see Appendix B)

\*Note on Testing Data

Assembly Bill 484 amended Education Code sections 52052(e)(2)(F) and 52052(e)(4) to allow schools that do not have an API calculated to use one of the following criteria to meet legislative and/or programmatic requirements:

* The most recent API calculation;
* An average of the three most recent annual API calculations; or
* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant groups.

The Charter School meets the charter renewal criteria established in Education Code Section 47607(b) by utilizing “the most recent API calculation” and “alternative measures” as allowed per Education Code Section 52052(e)(4)(A), as further specified below.

## F. Analysis of the Most Recent API Calculation

|  |  |
| --- | --- |
| **Legal Requirements for Charter Renewal**  **Education Code Section 47607(b) – Charter School Must Meet at Least ONE Criteria for Renewal** | |
| **Renewal Criteria** | **Criteria Met** |
| Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school wide and for all groups of pupils served by the charter school. | Yes; most recent API (2013) is 822; all subgroups met growth targets in 2013 |
| Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years. | Yes; 2012 rank of 6, and 2013 rank of 7 |
| Ranked in deciles 4 to 10 inclusive, in the API for a demographically comparable school in the prior year or in two of the last three years. | Yes; 2012 rank of 9 and 2013 rank of 10 |
| The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school. | Yes; see below |
| Has qualified for an alternative accountability system pursuant to subdivision (h) of Education Code Section 52052 | Not Applicable |
| (Source: CDE DataQuest, accessed October 5, 2016) | |

## G. Analysis of Comparison Schools Data

MWA has examined the CAASPP 2019 test scores for grade 4 and has realized that the need to start students in grade 4 rather than grade 5 is imperative to close the achievement gap earlier in a student’s academic career. In comparison with California, Contra Costa County, and West Contra Costa County Unified School District (WCCUSD) schools, it is apparent that the schools in WCCUSD that our students would otherwise attend and the schools with a similar demographics are falling well below WCCUSD and the state. In grade 4, the 2019 CAASPP data in Mathematics (Math) and in English Language Arts (English) shows that students at Dover Elementary, Nystrom Elementary and Stege Elementary are scoring well below grade 4 students in WCCUSD and in the state.

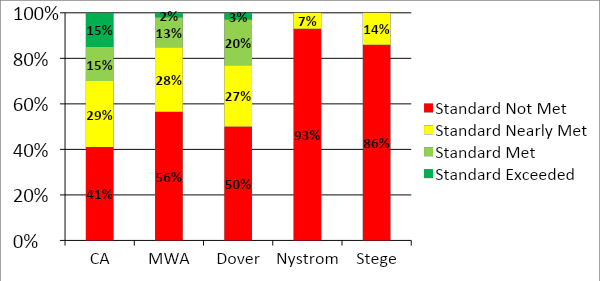
### 2019 CAASPP Comparison Data in Grade 4 Mathematics

### 2019 CAASPP Comparison Data in Grade 4 English

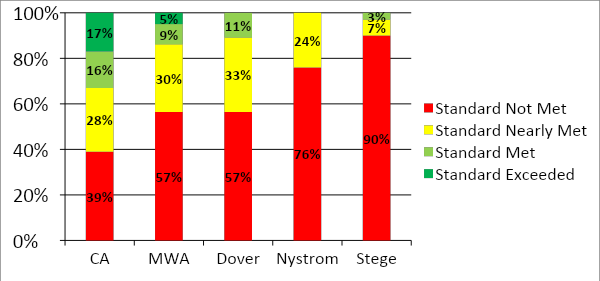
Below you will find charts comparing MWA to Contra Costa County results, California state results, along with area WCCUSD schools. The comparison schools are WCCUSD for the 5th (entering grade level at MWA), 8th grade (last Middle School grade level), and 11th grade (grade level tested for high school math and English). The schools chosen are representative of both schools our students would attend if not at MWA and schools with a similar demographic as well as schools with dissimilar demographic to show how MWA compares to higher performing schools in WCCUSD.

### 2015 & 2016 CAASPP Comparison Data By Grade Level

#### 5th Grade Math - 2015

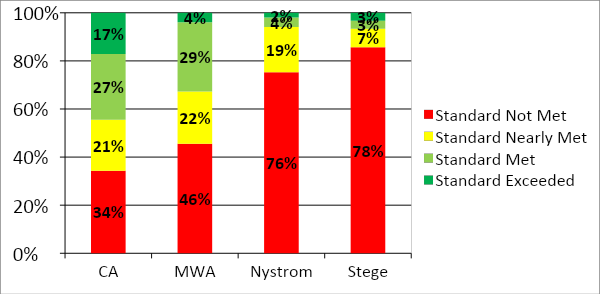


#### 5th Grade Math - 2016

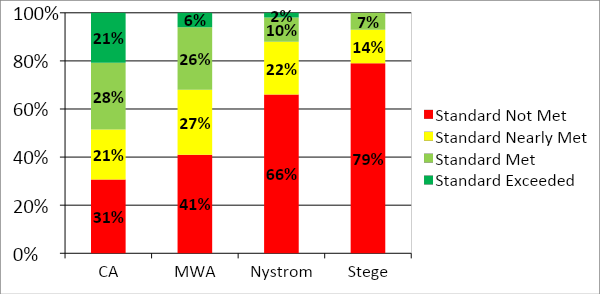


Students enter MWA as 5th graders through the lottery. Even after one year, the graph shows math achievement is relatively consistent with other WCCUSD schools our students would have attended. The schools shown also have a similar student demographic as MWA. This is evidence that MWA’s lottery yields a wide range of students not just the highest performing Title I students who live within WCCUSD attendance boundaries.

#### 5th Grade English - 2015

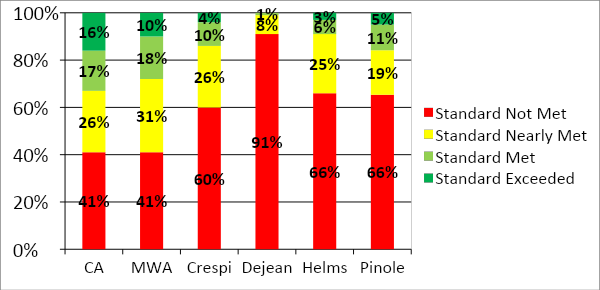


#### 5th Grade English - 2016

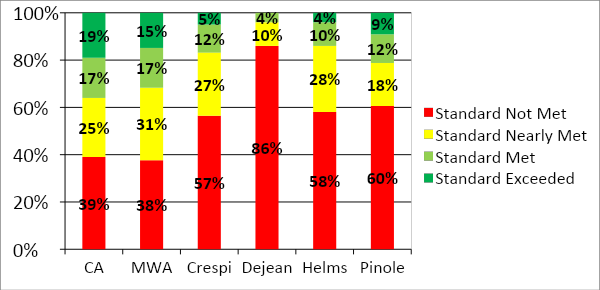


In English, even after one year, you can still see that MWA student achievement in English is a little higher than WCCUSD schools but still lags behind the state in aggregate overall achievement. In reviewing 8th grade and 11th grade CAASPP data, in both English and math, the pattern emerges that student achievement starts to increase over time.

#### 8th Grade Math - 2015

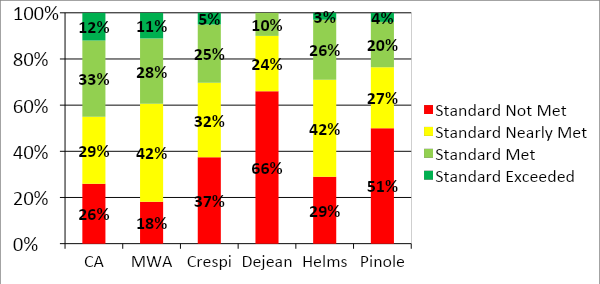


#### 8th Grade Math - 2016

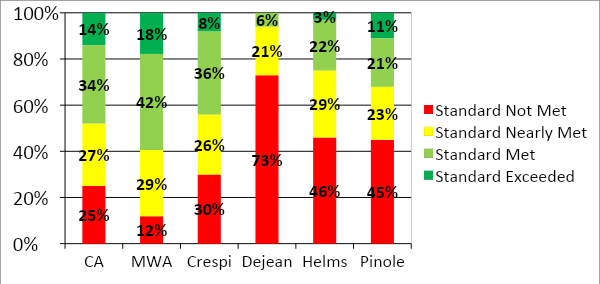


By 8th grade, in math, MWA student achievement is consistent with the CA state average for student achievement where just over 50% of schools are Title I schools, over 40% are Latino, and about 5-6% are African American – 3 of the subgroups with the current and historical lowest overall student achievement performance. MWA is comprised of 83% or more students who qualify for free and reduced meals, 75% or so of students are Latino, and 10% or so are African American. Despite this concentration of students, MWA scores are at or near the state average and clearly exceeding student achievement in other WCCUSD schools.

#### 8th Grade English - 2015

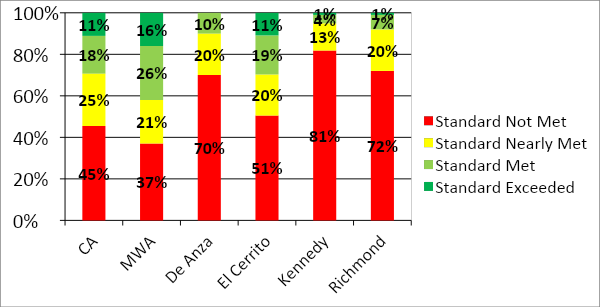


#### 8th Grade English - 2016

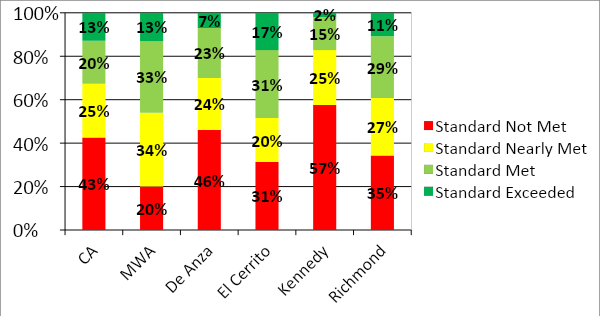


By 8th grade, again, student achievement in English for MWA students as compared to the state average exceeds the state average as well as area WCCUSD schools. Given the demographic of MWA as compared to the state, this is evidence of a strong academic program and of closing the student achievement gap – when compared to their white and Asian peers and those students attending a more suburban, middle income neighborhood public schools. 8th grade is the middle of the 8-year cycle with MWA. By 11th grade, you will see in subsequent charts that MWA begins to achieve at significantly higher levels than area schools and the state average.

#### 11th Grade Math - 2015

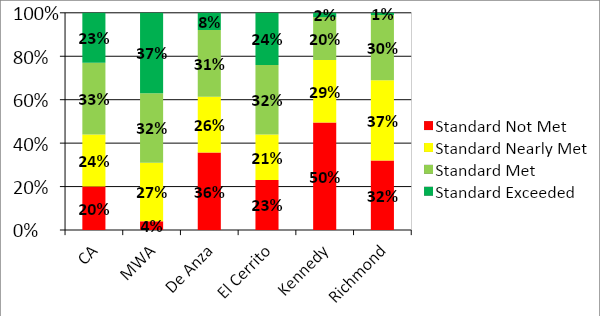


#### 11th Grade Math - 2016

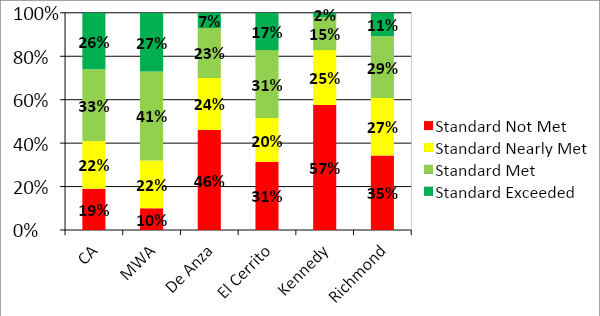


By 11th grade, the contrast in achievement between MWA and area schools is significant. In math, MWA student achievement materially exceeds the state average. While the percentage of students meeting or exceeding the standard is relatively comparable with CA and some schools, MWA has a significantly less percentage of students not meeting the standard in math.

#### 11th Grade English - 2015



#### 11th Grade English - 2016



Again, by 11th grade, MWA student achievement in English is higher than the state average and area WCCUSD schools. The stark contrast in achievement is more pronounced in English than in math. By 11th grade, the trajectory of overall improvement for MWA students is evident.

## H. Additional Justification for Charter Renewal

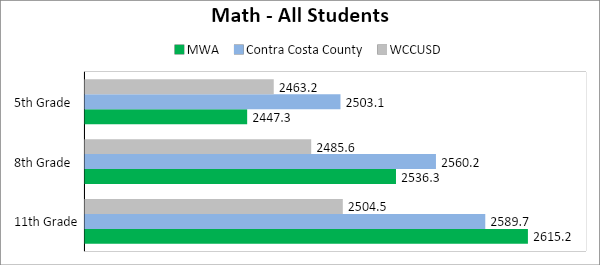
### Analysis of Charter Renewal Criteria – Student Subgroups

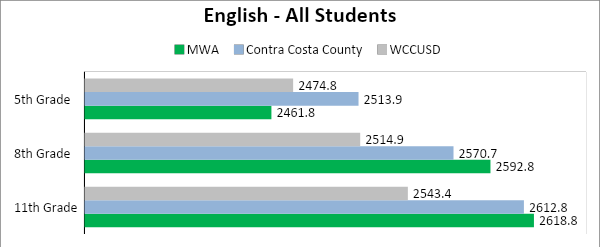
Education Code Section 47607(a)(3) states:

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

***2019 Math and English (Mean Scale Scores) – All Students Grade 4***

***2016 Math (Mean Scale Scores) – ALL Students***

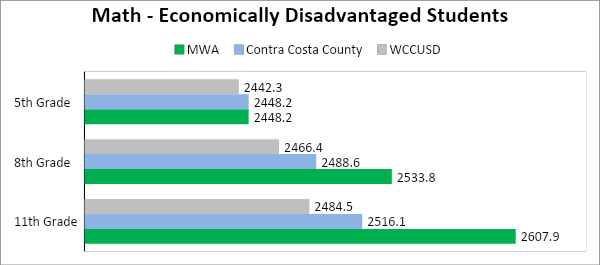
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***2016 English (Mean Scale Scores) – ALL Students***

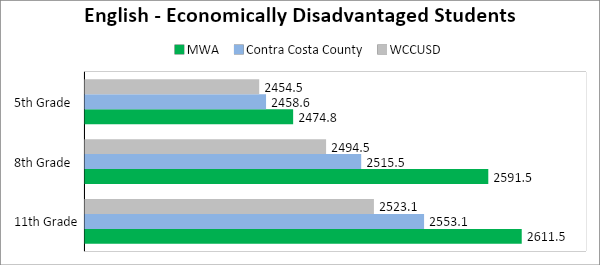
Similar to patterns outlined in the previous section with CAASPP percentages of students meeting the Standard, this graph shows a comparison of mean scale scores. Grade 4 in 2019 show that mean scale scores are lower in WCCUSD than in Contra Costa County showing that students served by MWA in grade 4 need interventions early to improve student achievement. The trend of the data continues to underline that MWA students come in behind the Contra Costa County and WCCUSD as a whole in the 5th grade, gain ground in 8th grade, and exceed them by 11th grade.

***2019 Math and English (Mean Scale Scores) – Socio-Economically Disadvantaged Students Grade 4***

***2016 Math (Mean Scale Scores) – Socio-Economically Disadvantaged Students***

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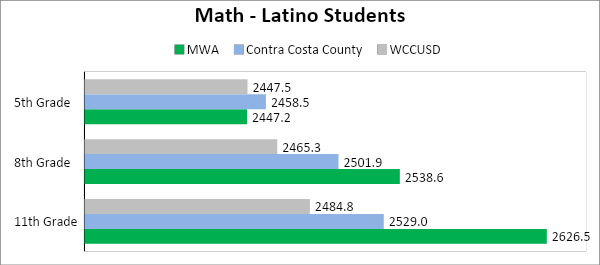
***2016 English (Mean Scale Scores) – Socio-Economically Disadvantaged Students***

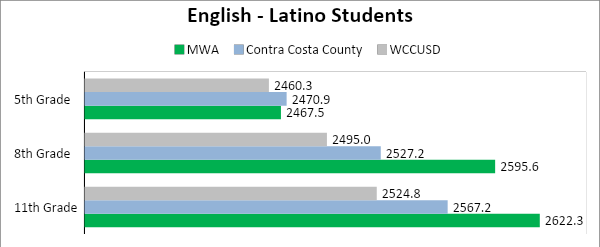
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83% of MWA students would be a part of this subgroup. The trajectory of growth over the eight years shows steady increases over time from 5th grade achievement through 11th grade. By 8th grade, in both math and English, MWA Economically Disadvantaged students show significant growth over their peer students within WCCUSD and Contra Costa County. The plan for MWA by adding Grade 4 is to show significant growth earlier than 8th grade over their peer students within WCCUSD and Contra Costa County.

***2019 Math and English (Mean Scale Scores) – Latino Students Grade 4***

***2016 Math (Mean Scale Scores) – Latino Students***

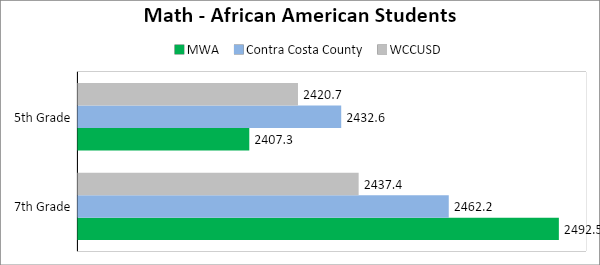
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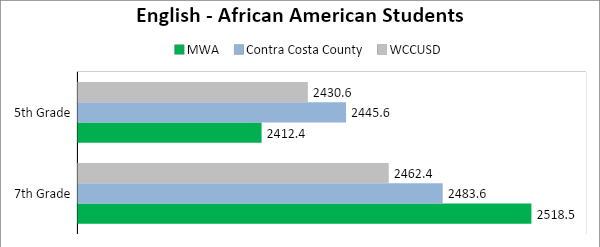
***2016 English (Mean Scale Scores) – Latino Students ***

Continuing to show evidence of significant growth from 5th through 11th grade, our Latino subgroup (which comprises over 75% of MWA’s student population) shows evidence of outperforming their peers on WCCUSD and Contra Costa County by the 8th grade. In 11th grade, their achievement is materially higher. As a result, more of both our Economically Disadvantaged students and Latino students show evidence of being more college-ready than their peers. As a result, MWA students not only gain admittance to college at a significant rate higher than WCCUSD schools for these subgroups but they also end up matriculating to and attending both two and four-year colleges and universities. By adding grade 4, MWA is confident that both Economically Disadvantaged students and Latino students will show evidence of being more college-ready prior to 8th grade which may accelerate their ability to take higher level courses in high school.

***2019 Math and English (Mean Scale Scores) – African American Students Grade 4***

***2016 Math (Mean Scale Scores) – African American Students***

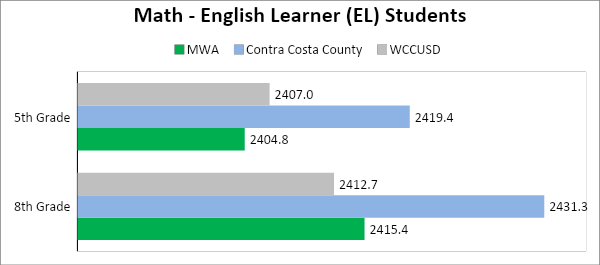
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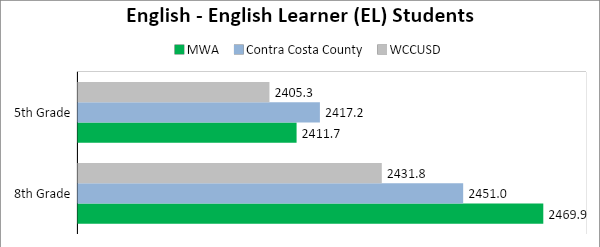
***2016 English (Mean Scale Scores) – African American Students ***

In both math and English, MWA’s African American students lag behind their peers in WCCUSD and Contra Costa County. In just two years, they have caught and surpassed the achievement of their peers. Despite their overall performance being higher than their peers, this subgroup’s achievement levels still lag behind their Latino, white, and Asian peers. MWA continues to look at a variety of ways to address this issue. The aim is for all MWA students and subgroups to show significant growth and meet college-readiness benchmarks. Having a strong academic foundation in English and math is paramount to this form of success. 8th and 11th grade scores are not shown, as this subgroup does not meet the threshold for being significant enough to measure on the public presentation of CAASPP data. There is still work to be done to further improve these scores, and MWA is committed to serving this subgroup – along with all subgroups – at a high level. In Grade 4 in 2019, it is noticeable that by adding all students, especially African American students, it will address the achievement gap earlier providing an opportunity for this subgroup’s achievement levels to be at least equal to their Latino, white, and Asian peers.

***2019 Math and English (Mean Scale Scores) – English Learner (EL) Students Grade 4***

***2016 Math (Mean Scale Scores) – English Learner Students***

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***2016 English (Mean Scale Scores) – English Learner Students ***

Student achievement by MWA EL students has also been a challenge. In math, the chart shows MWA performing better than WCCUSD schools by 8th grade but significantly behind their peers in Contra Costa County. In English, the upward trend continues to show more consistent growth, indicative of MWA growth for other subgroups. Additionally, MWA does a great job of helping students improve academically so that they are reclassified by the time they start high school. This explains why 11th grade scores are not shown, as this subgroup does not meet the threshold for being significant enough to measure on the public presentation of CAASPP data. The benefit of Grade 4 would accelerate the growth of EL students in order to reclassify the EL students after five years of instruction in the US, specifically by the end of 5th grade or the beginning of 6th grade. The progression of EL’s can be seen below in the 2016 CAASPP data:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **5th Grade** | **6th Grade** | **7th Grade** | **8th Grade** | **11th Grade** |
| 45 | 44 | 19 | 14 | 4 |

# II. MWA FOUNDING

Twenty-five years ago, John Scully, managing director of the investment firm, SPO Partners, had a vision. He shared this vision with fellow Branson School (a private school in Ross, CA) board member, the late Reverend Eugene Farlough, pastor of the Sojournor Truth Presbyterian Church in Berkeley, and together they created Making Waves, an organization that would support the healthy well-being, education and pre-career development of urban children. John’s vision grew from his experiences and his observations of numerous public education systems in the state of California and throughout the nation. From these observations, he concluded that the disparity in equal educational opportunity between the “haves” and the “have-nots” in our society was increasing at an alarming rate. John also concluded that unless innovative programs were created to support and augment the efforts of certain public school systems, this circumstance would continue to worsen. He reasoned that this deteriorating condition was unacceptable because of its inevitable, undeniable outcome: millions of Americans lacking the skills required to provide an adequate quality of life for themselves, their families and the communities in which they reside.

From our origins as an after-school tutoring and teaching program, we have evolved into a comprehensive, holistic, 4th-12th grade school. In 2007, Making Waves Academy opened its doors as a charter school for children in its Middle School for grades 5 through 8 and graduated its first cohort of 8th grade students in June of 2011. In 2010, MWA’s charter petition was amended and approved to serve students through grade twelve in its Upper School. In the Fall of 2011, MWA welcomed their first class of 9th graders. In June 2015, MWA Upper school graduated its first class of seniors. 100% of this senior class who earned their high school diploma from MWA went on to gain admission to and attend college (70% in 4-year schools and 30% in 2-year schools). Annually, students apply for admission to MWA through a public lottery. The majority of students are drawn from Title I schools in Richmond and San Pablo. MWA operates as a 501(c)(3) corporation and continues to receive support from the Making Waves Foundation (MWF) in order to ensure the success of our students, also known as Wave-Makers. In our experience, the high school and middle school years are critical to a student’s opportunity to matriculate and succeed in college. We have realized that the upper elementary school years are just as critical for a student’s future success because the building blocks of college begin in elementary school. In Fall of 2021, we will welcome of our first class of 4th graders who will benefit from almost a decade of academic instruction, academic support and social-emotional support at MWA.

Under the leadership of a dedicated and engaged team of educators, MWA applies our proven techniques to the classroom setting, delivering a comprehensive academic and extracurricular program. MWA operates two functional and modern campuses adjacent to one another (the Middle School and Upper School). This 21st Century complex supports the delivery of high quality instruction and services. Both campuses have common meeting space, technology labs, multi-purpose rooms, science labs, art and music rooms, an edible garden, and athletic fields. MWA’s classrooms are equipped with up-to-date educational materials and technology, with students also have laptop computers at their disposal.

Our tremendous success with MWA is predicated on a program that focuses on the whole child and provides an array of services, including, but not limited to, academic instruction, academic support, transportation, meals, mental health counseling, placement and financial aid counseling, high school and college visits and scholarship support. Our focus is to help students gain acceptance to and graduate from four-year colleges and universities and other appropriately challenging post-secondary options. Besides producing academic results, MWA distinguishes itself by nurturing and inspiring our students not only to graduate from high school and college, but to become “give back” to the community. Our tag line is *Learn. Graduate. Give Back.*

## A. Board of Directors

MWA is fortunate to have a dedicated and committed board of directors. They are passionate in their vision for effective education and support for historically underserved populations. Education is a key to opportunity for social and economic mobility. Too many urban children fail to graduate high school or graduate without the requirements needed to be accepted and complete a bachelor’s degree from the University of California, California State University, or other colleges and universities. Our board of directors is integral to the realization of this great community project.

* **Alicia Malet Klein, Board President**GATE Instructor, Coleman School; President, HeadsUp Public Education Foundation
* **Eric Abrams, Acting Secretary**  
  Director of Diversity Initiatives, Haas School of Business, University of California, Berkeley
* **Dr. Claudia Aguilar**College Counseling Coordinator, LPS Hayward
* **Dr. Esther Hugo**Educational Consultant; Professor, Loyola Marymount University
* **Daryle Morgan**  
  Human Resources Executive
* **Maricela Navarro**Parent Representative

## B. College Support

Upon graduation from MWA Upper School, those having earned their diplomas are eligible for support from the College and Alumni Program (CAP). CAP supports students with final college selection, financial aid application support, need-based financial assistance, and individualized coaching until they graduate from college. This program is independent of MWA and is derived from the former Making Waves Education Program. CAP has staff with 20 plus years of experience in supporting students in Richmond. This partnership makes MWA unique and helps to increase the success outcome of college graduation for MWA Upper School graduates.

Through the years, Making Waves has formed valuable partnerships with local educators, schools and other community-based organizations. We understand and recognize the need for a holistic approach that aids students and their families. Children coming from depressed neighborhoods need support systems that address nutrition, physical and mental health, housing and employment. Only when these basic needs are met, can students focus and achieve academic success. Furthermore, we are deeply committed to the children and youth of the City of Richmond, and are dedicated to using our resources to create outstanding schools, so that each child can achieve his/her full potential.

# ELEMENT A: EDUCATIONAL PHILOSOPHY AND PROGRAM

*Governing Law: The educational program of the charter school, 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).*

*A description, for the charter school, of 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, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals. Education Code Section 47605(b)(5)(A)(ii).*

*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(b)(5)(A)(iii).*

## A. Mission & Intended Impact

We bring real educational opportunity to underserved populations. Our challenge is to help our students overcome the obstacles they face so that they can develop their potential. Making Waves Academy is dedicated to propelling urban, low-income children to the highest levels of academic achievement. We expect the majority of our Wave-Makers to graduate from college with a bachelors’ degree.

Our intent is to ensure that urban children, living in high poverty and under resourced communities, acquire skills necessary to gain acceptance to and graduate from four-year colleges and universities. We believe that all children have unique gifts and tremendous promise. Some, however, encounter monumental obstacles as they struggle to develop their potential. Some of these obstacles include, but are not limited to, access to adequate housing, healthcare, employment and education. We are in the business to impact the last of these obstacles. We recognize the need to be aware and often the need to facilitate change in the other obstacles. We believe that by designing and implementing a school program that positively impacts a child’s access to equal educational opportunity, we can optimize our chances of improving that young person’s overall quality of life. We believe that, after analyzing all of the data, the predictor for the kind of life an urban resident (usually living under low socio-economic means as well) will lead as a youth and as an adult, is the level and quality of educational preparation she or he receives. Our program addresses, performs and achieves the goal of creating a pathway for success for all of our students.

## B. Making Waves Academy Mission Statement

Making Waves commits to rigorously and holistically **preparingstudents to gain acceptance to and graduate from college to** ultimately become valuable contributors to the workforce and their communities.

## C. Impact Statement

70% of our students will earn an appropriately challenging post-secondary degree, graduating with minimal college debt.

## D. Educational Philosophy

Based on our own successful track record, we believe that a rigorous and holistic approach improves learning for urban, underserved students for whom a more interactive relationship with caring adults makes the critical difference in engaging or reinvigorating the students in their own education.

## E. Wave-Maker Affirmation

The following affirmation sets forth the essence of our educational philosophy, and our curriculum carries out in all that we do and say. This credo, written and performed by our students, reminds us of their stories, their challenges and their dreams:

**I am a Wave-Maker!**

I am an agent of change.

I can control my destiny if I set my mind to it.

I am determined to be an intelligent, organized, and disciplined person.

I will not let anything get in the way of my success.

**I am a Wave-Maker!**

I am willing to get an education.

I will go to college.

I will complete the Making Waves program because I am determined to go to college.

**I am a Wave-Maker!**

I look at life with a positive attitude.

I believe love and support are priceless.

I will help people less fortunate than me.

I will build houses for the homeless.

I will adopt children.

I will be devoted to non-violence and help end violence in our community.

I will increase the peace.

**I am a Wave-Maker!**

I will help rebuild my community.

I will clean up graffiti.

I will recycle.

I will keep my streets clean.

**I am a Wave-Maker!**

I am a valuable person.

I will believe in myself.

I will achieve my goals.

I am creative.

I will be an impossible me and recycle my success.

**I am a Wave-Maker!**

I am a powerful person.

I am strong, smart, generous, and caring.

Success is achieved through hard work and perseverance.

I am willing.

**I am a Wave-Maker!**

## F. MWA Core Values

During the 2013-14 school year, as part of the WASC Accreditation renewal process, the Making Waves community went through an inclusive process of revisiting and refining the school’s Core Values. Participation in this process included students, parents, faculty/staff, administrators, School Site Council members, and Board Members. The result of the process is that the twelve original values were condensed down to five values. Discussions by various constituent groups included discussing how and if specific values could be or were embedded within one another. The revised five MWA Core Values are as follows:

***Community***

We combine our intellect and critical thinking to support each other and make healthy choices for ourselves and positive changes in our community.

***Resilience***

We are agents of change, who, through hard work and perseverance, have the power to define ourselves and to control our destiny.

***Respect***

We believe each person is valuable and we demonstrate respect by following our community norms.

***Responsibility***

We have integrity; we are accountable for our decisions and actions and their impact on self and community.

***Scholarship***

We are life-long learners who aspire to and achieve academic excellence.

MWA provides the road map for academic, personal, and community success for our students. Our community has led us to expand our school community to lower grades, believing that these core values when introduced in lower grade levels will prevent students from having to work so hard to close the achievement gap. By not letting the achievement gap form, students will have the opportunity to truly compete from an equal footing. From the beginning, our students are encouraged to “empower” themselves through knowledge and education. Our students are given the opportunity to be on a “level playing field” with those students who come from communities that have additional funding sources such as individual giving, family contributions, private and community foundations, and a plethora of school options. Our Wave-Makers refer to themselves as “agents of change” which Making Waves reinforces by providing an effective support network. Our charter school motivates students to use their success to improve the communities of which they are a part of.

## G. Students To Be Served

Richmond, like other urban communities, requires a high quality and intensive school experience to surmount these obstacles. Because most urban local schools lack adequate financial resources, they are finding it all but impossible to overcome these challenges. The students served at MWA come from the school communities which are most plagued by these issues.

MWA serves students who have traditionally been underserved and underrepresented in college and other post-secondary opportunities. Over 70% of our students currently come from Title 1 elementary schools in Richmond. Over 80% of our students qualify for free or reduced priced meals. Over 50% of our incoming 5th grade students are classified as English Learners (EL). We anticipate this percentage being similar or greater for our incoming 4th grade students. As often the case, our students must endure the stress that comes from these circumstances. Making Waves Academy addresses these issues and provides services to students and their families, so that we can achieve their goal of entering and graduating from four year colleges and universities.

Making Waves Academy Middle School began with 100 5th graders in the Fall of 2007. Two more cohorts of 100 joined in the Fall of 2008 and 2009. In the Fall of 2010, MWA Middle School was at its full capacity serving up to 100 students in each grade 5 through 8 for a total of up to 400 students.

In the Fall of 2011, our first Upper School class started their MWA journey. In 2012, MWA was approved to amend the charter to be able to take in 168 students in the 5th grade. The combined student population of the two campuses, in grades 5-12, is about 780 students. In the Fall of 2021, MWA (with an approved amendment to the charter) will be able to take in 168 students in the 4th grade, thus being the combined student population of the two campuses, in grades 4-12, is about 890 students.

MWA strives to enroll a student body that is representative of the diversity of the surrounding community and the WCCUSD as a whole. MWA does not discriminate against any child on the basis of race, gender, ability, religion, sexual orientation, or upon any of the characteristics listed in Education Code Section 220. For additional information about MWA’s outreach and recruitment, please see Element G of this charter.

## H. An Education Person in the 21st Century/How Learning Best Occurs

MWA believes that an educated person in the 21st century is someone who has the following skills and abilities:

* The ability to think critically and creatively;
* The ability to work both independently and collaboratively;
* The ability to communicate confidently (oral and written);
* The willingness and skills to engage in responsible citizenry;
* Personal integrity, morality, self-motivation and self-esteem defined individually and collectively;
* A solid foundation in the core academic skills, as outlined in the State Standards (including but not limited to the Common Core State Standards, the Next Generation Science Standards, the ELD Standards, History-Social Science Content Standards (collectively referred to herein as the “State Standards”));
* The ability to apply subject area knowledge to accomplish real-world problem-solving.

MWA students will be self-motivated, competent, lifelong learners who are able to develop and utilize the above skills in the classroom and apply them insightfully to the world around them.

MWA believes that a comprehensive education and access to quality educational resources are critical to establishing a love of learning and academic success. Specifically, we believe learning best occurs when:

* Students receive individualized attention tailored to their individual academic needs;
* Instructional activities are challenging, rigorous and aligned to the State Standards, integrated across content areas;
* The curriculum is meaningful and engaging to students, connecting what is being learned with both the world outside the classroom and with students’ real-life experiences;
* The whole community is used as a learning environment, with lessons and units of study being enriched through field trips, tutorial sessions, mentor relationships and internships;
* Teachers, other adults and mentors in the school community role-model positive behaviors and healthy relationships;
* Parents and families are actively involved in their children’s learning;
* The school environment fosters a positive atmosphere of respect, connection and inclusion;
* The curriculum allows students access to future success, be it receiving a high school diploma, going on to higher education, pursuing a career or all of the above.

For a more detailed description of how MWA believes learning best occurs, please see our “Curriculum and Instructional Design” section, below.

## I. Curriculum And Instructional Design

### MWA Curriculum Framework and Guiding Principles - Rigorous, Standards-Driven

MWA’s instructional program is designed to empower youth to become analytical thinkers who can apply subject knowledge to solve real-world problems. Based on current knowledge of best practices that work for our targeted student body, we continually update the instructional program and curriculum content to ensure our students’ success. MWA students will graduate from our program not only with strong academic skills, but also with strong social and emotional skills that will serve them well in whatever endeavor they choose.

With the transition to the California Common Core Standards and new SBAC state assessment to measure learning against the State Standards, MWA has shifted its curriculum to now include a Common Core-aligned curriculum for teaching English and Math. The curriculum is called SpringBoard and is published by the College Board (the maker of the SAT exam). MWA is beginning its seventh year of using this curriculum.

The curriculum uses a strategy that is based on backwards planning concepts similar to the work of Jay McTighe and Grant Wiggins in their Understanding By Design framework. This approach focuses on helping students identify the key learning and skills at the beginning of a unit so that the work students leading up to formative and summative assessments can be intentional and aligned to not only the teaching objectives but also with student learning goals. Professional development to help MWA faculty adapt and learn the critical instructional skills and strategies needed to teach using these concepts effectively is based on the work of book by Harvey F. Silver, Matthew J. Perini, and R. Thomas Dewing in their book, The Core Six: Essential Strategies for Achieving Excellence with the Common Core. Additional influential texts include:

* *Teach Like a Champion: 49 Techniques that Put Students on a Path to College* (Lemov, 2010) presents a significant catalog of specific instructional techniques that make teachers more efficient and effective in teaching students. Lemov believes: Teaching is an art, requiring the mastery and application of specific foundational skills learned through diligent study. Best practices for instruction are not simply subject to interpretation and that there are specific, concrete, and actionable techniques all teachers should use.
* *College Knowledge*: makes the case for how schools can better align their instructional approach to align with the rigors and skills required to be successful in college such as strong writing skills, strong non-fiction reading skills, and a high level of mathematical operational and problem solving skills.

### Focus on Literacy

We believe that a student’s ability to read a diverse range of texts is a significant determinant of her/his academic success. Our curriculum emphasizes reading and writing for authentic purposes and the facilitation of academic literacy through the Reading Apprenticeship Framework.

***Reading Instruction Across the Disciplines***. Teachers model discipline-based strategies for comprehending texts in their subjects. Students develop meta-cognitive awareness of their reading processes and dialogue and write for literal and inferential meaning of text. While all of the above academic areas are offered, the foundation of the MWA curriculum is a comprehensive academic literacy program:

***Content Literacy Learning and Teaching Strategies***. Within each content area, teachers not only teach students the strategic application of reading skills within the given subject area, but also other literacy tools, such as writing processes, listening and oral communications. While understanding how cognitive and meta-cognitive, behavioral, linguistic, physical and experiential factors relate to content reading and writing development, our teachers incorporate instructional strategies that assess prior knowledge (schemata), develop student meta-cognition and make the content relevant and interesting (affective domain). Instructional strategies include these research-backed tactics: pre-reading plan; question-answer relationships; reciprocal teaching; schema maps; directed-reading thinking activity; learning logs; book talks; direct in-text marking system; discussion webs; radio play; student dramas; and sustained silent reading. MWA incorporates holistic teaching methods integrating reading, writing, and literature-based reading instruction.

***Thematic Units***. Across content areas, teachers collaborate in creating thematic units centered around essential questions. Each core subject will incorporate reading, writing, art and technology. This comprehensive approach increases student interest while accommodating different learning styles and assisting students in connecting learning to life experiences and real-world applications of academic content.

***Literature-Based Reading Instruction***. In addition to integrating literature into unit plans, students may participate in the SpringBoard curriculum developed by the College Board, which will integrate literature while placing an emphasis on developing strong non-fiction reading competencies and skills.

### Site-Based, Personalized Learning

Our curriculum is delivered in a site-based learning environment that allows for daily contact with teachers and other adults who are focused on students’ individual learning needs. On a regular basis, teachers and staff develop, facilitate and review students’ work to ensure that they are meeting their educational goals. Middle school students have daily adult facilitators to help them develop the time management and core curriculum skills needed to increase their chances of gaining higher success in their educational and personal goals. Students have a daily planner and weekly goals. Advisors, teachers and tutors facilitate the use of these tools on a daily basis. Students create weekly, unit and quarterly goals. Time is spent asking students to reflect on whether or not they were successful in meeting their goals. Students are given instruction through advisor and tutorial times. The MWA core values are a part of the academic as well as the social emotional curriculum provided in the classroom and in the advising and tutorial programs. All classes are asked to create parts of each unit that will have a character education component to help students connect the academic program to real-life issues and community needs.

In addition to teaching academic skills, MWA believes strongly in developing their students’ social and emotional awareness and growth. Embedded throughout the curriculum, especially through the arts, health and wellness, social studies, language arts, and science, students have assignments that challenge their ideas, thoughts and values. Journaling and portfolio use allow students to reflect on their growth several times during the year. Our gallery and open wall spaces are vehicles that teachers can use in their writing and discussion, especially for provocative topics with diverse moral viewpoints. Moreover, community service and service learning components are integrated throughout the curriculum to develop students’ ability to identify and solve local and global community issues. Student Governance bodies help students to develop both leadership and ethical skills. Finally, school assemblies, grade-level advisory and class meetings allow an open forum to develop social and interpersonal skills as students analyze and address the needs of their fellow students, school and greater community.

### Materials and Technology

Text and reading books are reviewed and selected based on a thorough analysis of what other high-performing schools in the area utilize. Technology and computer use are key components of the MWA curriculum. Many of our students come from families that do not have adequate computers at home, denying them access to programs that schools are now utilizing. Each classroom has access to laptops and a printer. Since performance and self-expression are encouraged, students also have access to multi-media equipment. Access to technology gives our students an advantage as they focus their attention on gaining admission to and completing a college degree. For example, in 4th grade, students are taught typing and word processing skills, as well as an introduction to coding. Units are created that tie into the core curriculum as they increase their skills in this area. Students will also have instruction in the use of data entry, spread sheets, and application use and management. Each student is given access to online tools so that they can check e-mail, homework assignments, library accounts, and teacher and school web pages during their time at the MWA site. Each year, students’ skills are reinforced and refined in the various assignments provided by their teachers and tutors.

Several themes exist across grade levels and subject matter that help create both a unique and engaging curriculum for our students.

* *STEM Emphasis* – Science, Technology, Engineering and Math is emphasized at all grade levels and through additional enrichment activities in order to ensure our students possess the desirable and necessary skills for competitive careers in the 21st century.
* *Project Based Learning* – teachers are supported in identifying methods of delivering curriculum content via projects and student centered activities. We believe this mode of learning both engages students and provides opportunities to recognize how their skills are applied in real-world situations.
* *Integrated Thematic Units* – teachers collaborate to develop integrated units that will assist students in developing schemata and making meaningful connections across subject areas and to real-world applications of academic content.
* *Facilitate Critical Consciousness* – Students are encouraged to develop a deeper understanding of their positioning in their larger social and historical contexts. The concept of education as a tool for social change and empowerment will be explored.
* *Develop Academic Identity Among Students* – Culturally relevant curricula encourage all students to see their social and cultural identities as being synonymous with their identities as students.
* *Embed Inquiry and Research Standards Within Each Content Area* – The inquiry process is an authentic method of learning that includes activities such as self-selecting topics, formulating authentic questions, gathering information, researching resources, crafting experiments, observing, interviewing, evaluating information, analyzing and synthesizing data, and communicating findings and conclusions. The information-gathering stage is a self-directed process that is owned by the engaged learner. Individually and collaboratively, students work for a particular purpose, such as to discuss a text, solve a problem, make a decision, reach new understandings, and/or create products.
* *Be College Preparatory* – All students complete the college preparatory course requirements for the A-G requirements for admission to the UC or CSU, or complete a modified version of the A-G requirements for admission to the UC and CSU, in which a year-long, career technical education course that meets or exceeds the rigorous State Standards approved by the State Board of Education may substitute for one of the courses that counts toward completion of the “G” requirement.

### Overview of Core Academic Program

The curriculum reflects the belief that all students are capable of learning at high levels and ensures that all students have access to an academically rigorous and relevant curriculum that leads to college and work place readiness upon graduation. The curriculum supports students in the acquisition of rigorous core knowledge, skills, habits and attitudes in a hands-on, interdisciplinary instructional framework.

#### English Language Arts

|  |  |
| --- | --- |
| **Middle School (Grades 4-8)** | **Upper School (Grades 9-12)** |
| **Content**   * Reading * Writing * Speaking and Listening * Language | **Content**   * Reading * Writing * Speaking and Listening * Language |
| **Skills**   * Writing strategies and application * Written and oral language conventions/grammar * Vocabulary * Comprehension * Literary response and style * Critical Thinking | **Skills**   * Craft and Structure * Integration of Knowledge and Ideas * Range of Reading and Level of Text Complexity * Text Type and Purposes * Production and Distribution of Writing * Research to Build Present Knowledge * Range of Writing * Comprehension and Collaboration * Presentation of Knowledge and Ideas * Conventions of Standard English * Knowledge of Language * Vocabulary Acquisition and Use |
| **Course Offerings**   * 4th Grade English * 5th Grade English * 6th Grade English * 7th Grade English * 8th Grade English * Literacy Boost | **Course Offerings**   * CP English I * CP English II * CP English III * CP English IV * AP English Language * ELL Intervention |
| **Promotion Requirements**  Students must complete a year-long course with a grade of C or higher. | **Graduation Requirements**  Students must complete the equivalent of four years of English with final course grades of a C or higher. |

#### Math

|  |  |
| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * Operations and Algebraic Thinking * Number and Operations in Base Ten * Number Sense and Operations * Number Sense and Operations-Fractions * Measurement and Data * Geometry * Ratios and Proportions * Expressions and Equations * Number Sense * Statistics and Probability * Algebra | **Content**   * Number and Quantity * Algebra * Functions * Geometry * Statistics and Probability * Constructing Viable Arguments * Calculus |
| **Skills**   * Problem Solving Strategies * Abstract & Quantitative Reasoning * Constructing Viable Arguments * Develop and Utilize Mathematical Models * Strategic Use of Appropriate Tools * Precision & Accuracy * Make Use of Structures * Express Regularity and Repetition in Reasoning | **Skills**   * Problem Solving Strategies * Abstract & Quantitative Reasoning * Constructing Viable Arguments * Develop and Utilize Mathematical Models * Strategic Use of Appropriate Tools * Precision & Accuracy * Make Use of Structures * Express Regularity and Repetition in Reasoning |
| **Course Offerings**   * Pre-Algebra * Algebra * Geometry * Problem Solving * Math 4 * Math 5 * Math 6 | **Course Offerings**   * Algebra I & Fundamentals of Algebra * Geometry & Fundamentals of Geometry * Algebra II & Algebra II Honors * Pre-Calculus * Calculus * AP Calculus A/B * Statistics |
| **Promotion Requirements**  Students must complete a year-long course with a grade of C or higher. | **Graduation Requirements**  Students must complete the equivalent of three years of Mathematics with a final course grade of a C or higher. |

#### History/Social Studies

|  |  |
| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * California * US History * Geography * Ancient Civilizations * Medieval and Early Modern Times * Current Events * Journalism * Public Speaking * Debates | **Content**   * World History, Culture, and Geography * US History and Geography * Principles of American Democracy * Principles of Economics |
| **Skills**   * Chronological and Spatial Thinking * Research, Evidence, and Point of View * Historical Interpretation | **Skills**   * Chronological and Spatial Thinking * Research, Evidence, and Point of View * Historical Interpretation |
| **Course Offerings**   * California: A Changing State * US History & Geography * World History & Geography (Ancient Civilizations) * World History & Geography (Medieval and Early Modern Times) * US History & Geography (Growth and Conflict) | **Course Offerings**   * World History * US History * American Government and Economics * African American History * AP US History * AP American Government |
| **Promotion Requirements**  Students must complete a year-long course with a grade of C or higher. | **Graduation Requirements**  Students must complete at least three year-long courses with a grade of C or better. One course in U.S. History and one in World History, and one in American Government/Civics. |

#### Science

|  |  |
| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * Structure, Function and Information Processing * Earth’s Systems * Energy and Waves, Engineering Design * Physical Science * Life Science * Earth Science * Investigation and Experimentation | **Content**   * Motion and Forces * Conservation of Energy and Momentum * Heat and Thermodynamics * Waves * Electric and Magnetic Phenomena * Atomic and Molecular Structure * Chemical Bonds * Conservation of Matter and Stoichiometry * Gases and Their Properties * Acids and Bases * Chemical Thermodynamics * Reaction Rates * Chemical Equilibrium * Organic Chemistry and Biochemistry * Nuclear Processes * Cell Biology * Genetics * Ecology * Evolution * Physiology * Earth Science * Biogeochemical Cycles * Structure and Composition of the Atmosphere * California Geology |
| **Skills**   * Observation * Classification * Measuring * Communication * Inferring * Predicting * Collecting, Recording, and Interpreting Data * Identifying and Controlling Variables * Defining Operationally * Making Hypotheses * Experimenting * Making and Using Models | **Skills**   * Observation * Classification * Measuring * Communication * Inferring * Predicting * Collecting, Recording, and Interpreting Data * Identifying and Controlling Variables * Defining Operationally * Making Hypotheses * Experimenting * Making and Using Models |
| **Course Offerings**   * Science, Engineering, Technology * Biology * Chemistry * Physics * Geology * Ecology | **Course Offerings**   * Conceptual Physics * Chemistry & Chemistry Honors * Biology & Biology Honors * Physics Honors * AP Physics * AP Psychology |
| **Promotion Requirements**  Students must complete a year-long course with a grade of C or higher. | **Graduation Requirements**  Students must complete the equivalent of two years of Science with a final course grade of a C or higher in the science branches of life science (Biology), and one physical science (Physics or Chemistry) |

#### Foreign Languages

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| --- | --- |
| **Middle School (Grades 5-8) – Offered as an elective in Extended Day 2-3x per week** | **High School (Grades 9-12)** |
| **Content**   * Spanish Language | **Content**   * Spanish Language, Literature, Cultures, Structures, Settings, |
| **Skills**   * Cultural Awareness/Understanding * Grammar * Writing * Listening, Reading, and Oral Comprehension | **Skills**   * Cultural Awareness/Understanding * Grammar * Writing * Listening, Reading, and Oral Comprehension |
| **Course Offerings as Electives in Extended Day**   * 7th Grade Spanish * 8th Grade Spanish | **Course Offerings**   * Spanish I * Spanish II * Spanish III * AP Spanish Language * AP Spanish Literature |
| **Promotion Requirements**  Students will have a choice to select a second language in their encore section. | **Graduation Requirements**  Students must complete two years of one language with a final course grade of a C or higher. |

#### Visual and Performing Arts

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| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * Visual/Fine Arts, *e*.*g*., drawing, painting, sketching, clay, sculpture, wire * Performing Arts, e.g. drama, dance and movement * Music, e.g., choral, instrumental | **Content**   * Visual/Fine Arts, *e*.*g*., drawing, painting, sketching, clay, sculpture, wire * Performing Arts, e.g. drama, dance and movement * Music, e.g., choral, instrumental |
| **Skills**   * Artistic Perception * Creative Expression * Historical and Cultural Context * Aesthetic Valuing * Connections, Relationships, and Applications | **Skills**   * Artistic Perception * Creative Expression * Historical and Cultural Context * Aesthetic Valuing * Connections, Relationships, and Applications |
| **Course Offerings**   * 4th Grade Art * 5th Grade Art * 6th Grade Art * 7th Grade Art * 8th Grade Art | **Course Offerings**   * Intro. To Music * Music – Choral * Music – Instrumental * Intro. To Band * Band * Music Composition * Intro. To Fine Art * Intro. To Performing Art * Drawing and Painting * Ceramics * Drama * Dance |
| **Promotion Requirements**  Students must complete course with a grade of C or higher. | **Graduation Requirements**  Students must complete one year-long course with a final course grade of a C or higher. |

#### Health and Physical Education

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| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * Games, sports, martial arts, yoga, etc. | **Content**   * Games, sports, martial arts, yoga, etc. * Adventure/Outdoor Activities * Aerobics * Dance * Aquatics * Weight Training |
| **Skills**   * Motor Skills and Movement Patterns * Performance of Physical Activities * Assess and Maintain Physical Fitness * Concepts, Principles, and Strategies for Health and Performance * Psychological and Sociological Concepts, Principles, and Strategies for Physical Activity | **Skills**   * Motor Skills and Movement Patterns * Performance of Physical Activities * Assess and Maintain Physical Fitness * Concepts, Principles, and Strategies for Health and Performance * Psychological and Sociological Concepts, Principles, and Strategies for Physical Activity |
| **Course Offerings**   * 4th Grade P.E. * 5th Grade P.E. * 6th Grade P.E. * 7th Grade P.E. * 8th Grade P.E. | **Course Offerings**   * Freshmen Health and Wellness * Sophomore Health and Wellness * Junior Health and Wellness * Senior Health and Wellness |
| **Promotion Requirements**  Students must complete a year-long course with a grade of C or higher. | **Graduation Requirements**  Students must have two year-long courses of Health and Wellness with a final course grade of a C or higher. |

#### Social and Emotional Learning

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| --- | --- |
| **Middle School (Grades 4-8)** | **High School (Grades 9-12)** |
| **Content**   * Self-Awareness * Self-Management * Social Awareness * Goal Setting * Relationship Skills * Responsible Decision Making (at school, home and in the community) | |
| **Skills**   * Recognize emotions * Describe interests and values * Accurately assess strengths * Have a well-grounded sense of self-confidence and hope for the future * Regulate emotions * Manage stress * Control impulses * Persevere in addressing challenges * Express emotions appropriately * Set and monitor progress toward personal and academic goals * Take the perspective of and empathize with others * Recognize and appreciate individual and group similarities and differences * Seek out and appropriately use family, school, and community resources * Establish and maintain healthy and rewarding relationships based on cooperation * Resist inappropriate social pressure * Constructively prevent, manage, and resolve interpersonal conflict * Seek and provide help when needed * In making decisions, consider ethical standards, safety concerns, appropriate social norms, respect for others, and the likely consequences of various courses of action * Apply these decision-making skills in academic and social situations * Be motivated to contribute to the well-being of schools and communities | |
| **Course Offerings**   * Homeroom | **Course Offerings**   * Advisory |
| **Promotion Requirements**  Students must complete the requirements of the program. | **Graduation Requirements**  Students must complete the program with a pass. |

Descriptions of MWA’s curriculum scope and sequences for all the 4th through 12th grade Core Day courses, Summer and Saturday Academies, as well as, Intervention courses, can be found in Appendix C.

## J. Outline of Projected Content Coverage (Grades 4-12)

In addition to our base instructional calendar, Making Waves believes that having its students in class for longer amounts of time will greatly improve those students’ achievement. Consequently, Making Waves plans on offering at least 175 days of instruction every year and a significant extended day, Saturday and Summer program to increase the amount of instructional time that our students receive. Combining our core day, extended school day and supplemental programs, we increase significantly the number of instructional minutes offered to each of our students.

We anticipate the following additional days and times of programming to help the implementation of our mission.

* ***Extended Day*** – students are expected to remain at school until 6:00 pm on the majority of school days to participate in additional learning and enrichment activities.
* ***Saturday School*** – some or all students may be expected to attend school on Saturdays for a four hour period to receive additional instruction and participate in enrichment programming.
* ***Orientations*** – new students participate in a one-day orientation program prior to the first day of school each fall. This orientation program will focus on teaching students the expectations and culture of MWA in addition to help newcomers become familiar with the school site and staff before the first instructional day.

### Extended Academic Support Services

We believe that supplemental instructional support makes the difference between academic failure and success. MWA implements an intensive, Extended School day of three additional hours and a Summer Academy program consisting of 20 projected sessions. These supplemental hours ensure that each student receives the individualized instructional support in the areas in which they most need assistance. These programs will be coordinated and run by certificated teachers. Overall, our goal is to have a student-to-adult tutor ratio of maximum 8:1 to allow for personalized and intensive ongoing assistance.

### Strong Parental/Family Involvement

Parental/family involvement is essential to the community and the student empowerment that are central to our educational philosophy. Family workshops as well as technology training will be implemented to reinforce the life-long learner philosophy and full support of our students. All parents/guardians at MWA will be expected to participate in activities, including, but not limited to:

* Attendance at parent/guardian, teacher, student conference;
* Attendance at monthly grade-level meetings (forum);
* Attendance at school events;
* Participation in fundraising;
* Participation in 20 hours of volunteer service each year (encouraged, but not required);
* Reviewing and signing off on tests/quizzes as assigned by faculty;
* Reading the Weekly Wave; and
* At least one parent/guardian representative will serve on the Making Waves Academy Board of Directors.

Moreover, parents/guardians are given a list of volunteer opportunities throughout the year, from being monitors in the lunchroom to being classroom helpers during field trips and other relevant activities. By actively participating in the school, parents and guardians serve as an example to the students and emphasize the importance of family involvement. At MWA, we see a dramatic difference between students whose parents/guardians are involved and those students who have no family support. Our urban youth benefits from seeing their parents/guardians make that extra effort; it shows that their families value what their children are trying to achieve.

### Qualified, Trained Staff

MWA recruits teachers and administrators who have experience serving urban youth. For more information on our staff qualifications and recruiting, see Element E of this charter.

MWA focuses on ongoing professional development to better prepare teachers to meet the challenging needs of underserved urban youth. We budget substantially for our teachers’ professional development before the opening of each school year. MWA staff participates in a three-week professional development series of training and collaborations so that they are completely familiar with the curriculum, school philosophy and culture. Staff also is trained to handle emergencies such as mental and physical health issues and family crises. In addition to this critical training, staff has ample time for reflection and development by department, by division, by grade level and as a whole faculty learning community.

Staff portfolios are a part of each staff member’s yearly evaluation. Each staff member’s portfolio includes: professional growth inventory; assessment of developmental needs; and a contractual agreement of a professional growth plan. These portfolios ensure that the teaching staff is continually learning and being challenged and making our school an educationally focused institution where the act of learning serves as an example for everyone.

## K. Transferability of Courses

Parents and guardians will be notified through the student handbook regarding the transferability of MWA’s high school courses to other public high schools and the eligibility of courses to meet college entrance requirements. As MWA’s courses are accredited by WASC, they may be considered transferable to other public high schools. Further, MWA’s courses are UC-approved “A-G” courses and may be considered to meet college entrance requirements. Finally, MWA’s high school graduation requirements are aligned with the UC/CSU “A-G” required courses (e.g. 3 years of math, 2 years of science, etc.)

In the spring of 2014, MWA successfully underwent its WASC accreditation process. MWA’s accreditation was renewed for the full, six-year term. In September of 2016), MWA underwent its mid-cycle visit with a WASC Visiting Committee to assess progress against the six-year action plan. Feedback was positive about the progress the school is making towards meeting its three goals. The WASC/Schoolwide Action Plan Goals are:

**1. Organizational Systems**

Establish systematic cyclical reviews of programs and practices to assess effectiveness, and develop protocols that ensure the process of evaluation and implementation is closed-loop and transparent.

**2. Support for All Learners**

Develop vertically aligned programs between the Middle School and Upper School that differentiate along a continuum of learners and talents and allow for learning in areas beyond academic program, both in the classroom and the school as a whole.

**3. College and Career Readiness**

Develop comprehensive college and career readiness pathways that build our students’ capacity for success beyond high school.

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

Please see the section “Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities” in Element B of this Charter for a description of MWA’s annual goals to be achieved in the Eight State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii). Please see Appendix D for MWA’s LCAP Goals.

## M. Plan For Students That Are Academically Low Achieving

MWA will take a systematic approach to closing the achievement gap by allocating multiple resources and interventions towards academically low-performing students. We will identify students who are performing below grade-level through the results of the State mandated assessments (e.g., CAASPP) as well as from classroom assessments. Staff will be trained to identify students who are struggling to stay at grade-level.

Services for academically low-achieving students will begin with an assessment of student abilities and needs. Depending on identified needs, students will receive one or more of the following interventions:

* Instructional activities will be modified to accommodate different learning styles to draw out students’ various strengths and needs.
* Students needing additional assistance in particular subjects or skill areas may obtain additional help from peers and staff.
* A Student Success Team meeting will be conducted with a student’s parent/guardian and school personnel if a student is still not achieving at grade-level standards after the above two strategies have been attempted. More information about the Student Success Team can be found in the following section on Special Education Students.
* MWA may develop additional group intervention classes either during, before or after school depending on student needs and staff availability and scheduling demands.

## N. Plan For Students That Are Academically High Achieving

Some students enter the school better prepared or naturally endowed to learn at a faster pace than the majority of their classmates. Students identified as high achievers through classroom report card grades, placement test results, and teacher recommendations have the opportunity to do more advanced work and to excel at their individual pace. Because of our differentiated teaching instruction, students ready and capable for more depth are assigned work that is at their individual level. We ask all our teachers to provide projects in which students can deepen their critical thinking in their class assignments. Enhanced programming in the Extended Day program allows students to have an opportunity to go “deeper” into fields of study.

Since MWA *h*as the responsibility of assuring that all students’ educational experiences are rigorous, teachers are prepared to provide additional challenges for these students. In addition, students working at different paces are sometimes paired with students excelling in a particular subject who help students struggling with more challenging material. Research shows that people deepen understanding through the process of teaching others. While it is important for the student to choose the classes and activities that help advancement, MWA believes it is also important to maintain a good balance between academic and social skills.

## O. Plan For English Learners

### Identifying English Learners

Students attending MWA are administered the home language survey to determine whether English is the student’s native language. All students whose home language is other than English (as indicated on their Home Language Survey) is given the California English Language Development Test (“CELDT”)[[1]](#footnote-1) to determine their English language proficiency level within 30 calendar days after the student is first enrolled in school. The CELDT is administered by a Cross Cultural, Language and Academic Development (“CLAD”) certified teacher or instructional aide at MWA. Based on the CELDT results, English Learners (“EL”) are identified and placed in classes with Specially Designed Academic Instruction in English (“SDAIE”) and supplemental English instructional support as needed. The CELDT test has three purposes:

* To identify new students who are English learners;
* To determine the level of proficiency of a student; and
* To annually assess the student’s progress in acquiring listening, speaking, reading and writing skills in the English language.

EL students are assessed annually with the CELDT until they are reclassified as Fluent English Proficient (FEP). MWA uses CELDT data, teacher observations, CAASPP test data, and parent consultation to identify student needs and reclassify English Learner students as fluent English proficient when appropriate. In addition to taking the CELDT, any students’ Home Language Survey that indicates that English is not their native language spoken at home must also take an assessment in their native language within 90 days when such an assessment is available.

### Core Curriculum and Specialized English Instruction

English Learners are provided a Specially Designed Academic Instruction in English (SDAIE) and sheltered English strategies to ensure access by English Learners to the core curriculum. The approach is to provide academic courses to English Learners in English. It is designed for non-native speakers of English and focuses on increasing the comprehensibility of the academic courses typically provided to fluent English proficient students. Special techniques are used, such as drawing pictures and symbols that represent specific English words, to help ensure that EL students comprehend the material. Students identified as English Learners are provided two daily class periods of English Language Development. English language skills include English listening, speaking, reading and writing skills. The goal will be to move all English Learners one level per year up the CELDT. The CELDT has five English proficiency levels:

* Beginning
* Early Intermediate
* Intermediate
* Early Advanced
* Advanced

The core curriculum content for English learners is the same as the core for fluent English proficient students, with teachers using specific ELD support curriculum to assist their English language development. Additionally, MWA provides supplemental instructional support, to provide English Learners with continuing English language development.

* Cooperative learning activities are conducted in English, giving students of all English levels the opportunity to practice listening, comprehending, and speaking;
* Daily writing assignments are given in all core classes;
* Collaborative projects are assigned as part of the assessments in additional courses offered through our extended day and Saturday model.

MWA will seek to recruit teachers that hold Cross Cultural Language and Academic Development (CLAD) credentials as appropriate. By utilizing a variety of instructional strategies, appropriately credentialed teachers, diverse instructional aides and resources, MWA will be able to ensure a quality English language acquisition program that enables MWA’s EL students to attain English proficiency and achievement in all academic subject areas, and to have full access to the range of educational opportunities that MWA envisions for all students.

### Monitoring and Evaluation of Program Effectiveness

MWA evaluates the effectiveness of its education program for ELs by:

* Adhering to MWA-adopted academic benchmarks by language proficiency level and years in program to determine adequate yearly progress.
* Monitoring teacher qualifications and the use of appropriate instructional strategies based on program design.
* Monitoring student identification and placement.
* Monitoring parental program choice options.
* Monitoring availability of adequate resources.

## P. Plan For Special Education

### Overview

MWA recognizes the importance of providing educational opportunities to all students regardless of physical challenges or special needs. MWA is committed to serve the exceptional needs of such students in accordance with applicable federal and state laws, including but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEIA”).

Pursuant to an MOU with WCCUSD, MWA currently receives special education and related services from WCCUSD pursuant to Education Code Section 47641(b). The MOU with WCCUSD details the specific terms of special education services and funding, which are also described in the section below.

MWA shall have the right, subject to CCCOE approval, to pursue becoming an independent local education agency (“LEA”) and join a SELPA in accordance with Education Code Section 47641(a). Upon acceptance in a SELPA, MWA will provide CCCOE evidence of membership and a copy of the MOU with the SELPA. As an LEA member of the SELPA, MWA would receive state and federal revenues directly, in accordance with the SELPA’s allocation plan.

***Services for Students Under the “IDEIA” as a Public School of WCCUSD Pursuant to Education Code Section 47641(b)***

MWA shall remain a public school of the WCCUSD for special education purposes pursuant to Education Code Section 47641(b) until such time as MWA pursues and is approved by a SELPA for membership as an LEA.

MWA, solely for purposes of providing special education and related services under the IDEIA pursuant to Education Code Section 47641(b), in accordance with Education Code Section 47646 and 20 U.S.C. 1413, seeks services from WCCUSD for special education students enrolled in MWA in the same manner as is provided to students in other WCCUSD schools. MWA will follow WCCUSD and SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of student records. MWA will comply with the above referenced MOU as to the delineation of duties between WCCUSD central office and the local school site in providing special education instruction and related services to identified students including but not limited to referral, identification, assessment, case management, Individualized Education Plan (“IEP”) development, modification and implementation. MWA acknowledges the importance of cooperating with WCCUSD so that WCCUSD can provide special education services to MWA students. MWA agrees to promptly respond to all WCCUSD inquiries, to comply with reasonable WCCUSD directives, and to allow WCCUSD access to MWA students, staff, facilities, equipment and records as required to fulfill all WCCUSD obligations imposed by law. An annual meeting between MWA and WCCUSD to review special education policies, procedures, protocols, and forms of WCCUSD and the SELPA and WCCUSD protocol, will ensure that MWA and WCCUSD have an ongoing mutual understanding of WCCUSD protocol and will facilitate ongoing compliance.

The following description regarding how special education and related services will be provided and funded is included below by MWA for the sole purpose of providing a reasonably comprehensive description of the special education program, and shall not preclude alternate arrangements between MWA and WCCUSD as agreed upon in the MOU.

### Staffing

All special education services at MWA will be delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code, the IDEIA and Section 504. MWA staff shall participate in all mandatory WCCUSD in-service training relating to special education. It is MWA’s understanding that WCCUSD will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. WCCUSD shall also be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to MWA students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

### Notification and Coordination

MWA shall follow WCCUSD policies as they apply to all WCCUSD schools for responding to implementation of special education services. MWA will adopt and implement WCCUSD polices relating to notification of WCCUSD for all special education issues and referrals.

MWA shall follow WCCUSD policies as they apply to all WCCUSD schools for notifying WCCUSD personnel regarding the discipline of special education students to ensure WCCUSD pre-approval prior to imposing a suspension or expulsion. MWA shall assist in the coordination of any communications and immediately act according to WCCUSD administrative policies relating to disciplining special education students.

### Identification and Referral

MWA shall have the responsibility to identify, refer, and work cooperatively in locating MWA students who have or may have exceptional needs that qualify them to receive special education services. MWA will implement WCCUSD and SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A student shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

It is MWA’s understanding that WCCUSD shall provide MWA with any assistance that it generally provides its schools in the identification and referral processes, and will ensure that MWA is provided with notification and relevant files of all students who have an existing IEP and who are transferring to MWA from a WCCUSD school. WCCUSD shall have access to all MWA student records and information in order to serve all of MWA’s students’ special needs.

In the event that MWA receives a parent written request for assessment, it will work collaboratively with WCCUSD and the parent to address the request. Unless otherwise appropriate pursuant to applicable State and Federal law, MWA and WCCUSD will provide the parent with a written assessment plan within fifteen days of receipt of the written request and shall hold an IEP within sixty days of parent’s consent to the assessment plan to consider the results of any assessment.

MWA will follow WCCUSD child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

### Assessments

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. WCCUSD will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with WCCUSD’s general practice and procedure and applicable law. MWA shall work in collaboration with WCCUSD to obtain parent/guardian consent to assess MWA students. MWA shall not conduct special education assessments unless directed by WCCUSD.

### IEP Meetings

It is MWA’s understanding that WCCUSD shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. MWA shall be responsible for cooperating with WCCUSD to ensure the attendance of IEP team members employed by MWA. It is MWA’s understanding that WCCUSD shall 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 IDEIA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide of notice of parental rights.

### IEP Development

MWA 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 WCCUSD’s IEP process. Programs, services and placements shall be provided to all eligible MWA students in accordance with the policies, procedures and requirements of WCCUSD and of the SELPA and State and Federal law.

MWA shall promptly notify WCCUSD of all requests it receives for assessment, services, IEP meetings, reimbursement, compensatory education, mediation, and/or due process whether these requests are verbal or in writing.

### IEP Implementation

Pursuant to WCCUSD policy and how WCCUSD operates special education at all other public schools in the district, WCCUSD shall be responsible for all school site implementation of the IEP. MWA shall assist WCCUSD in implementing IEPs, pursuant to WCCUSD and SELPA polices in the same manner as any other school of WCCUSD. WCCUSD and MWA will need to be jointly involved in all aspects of the special education program, with WCCUSD holding ultimate authority over implementation and supervision of services. As part of this responsibility, MWA shall provide WCCUSD and the parents with timely reports on the student’s progress as provided in the student’s IEP at least as frequently as report cards are provided for MWA’s non-special education students. MWA shall also provide all home-school coordination and information exchange unless directed otherwise by WCCUSD. MWA shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology unless directed otherwise by WCCUSD. MWA shall comply with any directive of WCCUSD as relates to the coordination of MWA and WCCUSD for IEP implementation including but not limited to adequate notification of student progress and immediate notification of any considered discipline of special education students in such matters, the petitioners would notify WCCUSD of relevant circumstances and communications immediately and act according to WCCUSD administrative authority.

### Placement and Services

It is MWA’s policy that children with disabilities are, to the maximum extent appropriate, educated with their non-disabled peers – the Least Restrictive Environment (LRE) – in accordance with State and Federal Laws. Special classes or other removal of children with disabilities from age-appropriate general education classrooms shall occur only when the nature or severity of the disability of the child is such that education in general education classes with the use of supplementary accommodations (e.g. extending time on tests/assignments, preferential seating, books on tape, note taking support, breaking assignments into smaller parts) and modifications (e.g. alterations to test standards, assignments modified to different grade levels standards than other students, dictation on an assignment or test that is measuring written expression skills, exemption from class assignments determined essential by a classroom teacher) cannot be achieved satisfactorily.

If the IEP team determines that a student needs a more appropriate setting (i.e. Non-severely handicapped, Transitional Education Program (TEP), Non Public School (NPS)) than what can be provided on-site at MWA, i.e.:

- General Education classroom: The general education teacher provides primary instruction with accommodations and modifications, as outlined in the student’s IEP or 504, including supplementary aides and services designed to meet the student needs of the student. Special education instruction and related service may be provided by WCCUSD’s designated staff within the general education setting, as outlined in the student’s IEP; and

- Resource Program: Students are assigned to general education classroom teachers for the majority of the school day. WCCUSD’s appointed Resource Teacher works with an instructional assistant to provide Resource Support for MWA students. Resource services cover a range of disabilities and can be provided within the general education program (e.g. individual tutoring, small group instruction, etc.), and/or in a separate educational setting, such as the Resource Room,

MWA will work with WCCUSD specialists to have the needs met within district schools or to provide services outside of WCCUSD.

### Interim and Initial Placements and Services of New Charter School Students

MWA shall comply with Education Code Section 56325 with regard to students transferring into MWA within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in MWA from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, WCCUSD and MWA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time WCCUSD and MWA shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law. In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into MWA from a district operated program under the same special education local plan area of WCCUSD within the same academic year, WCCUSD and MWA shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and WCCUSD agree to develop, adopt, and implement a new IEP that is consistent with federal and state law. For students transferring MWA with an IEP from outside of California during the same academic year, the District and MWA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until WCCUSD conducts and assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by WCCUSD, and develops a new IEP, if appropriate that is consistent with federal and state law.

### Non-Public Placements/Non-Public Agencies

WCCUSD shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to provide special education services to MWA students. MWA will not hire, request services from, or pay any non-public school or agency to provide education or services to special education students without the prior written approval of WCCUSD. MWA will immediately notify WCCUSD of all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

### Non-Discrimination

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

### Parent/Guardian Concerns and Complaints

MWA shall follow WCCUSD policies as they apply to all WCCUSD schools for responding to parental concerns or complaints related to special education services. MWA shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to WCCUSD unless otherwise directed by WCCUSD. MWA shall immediately notify WCCUSD of any concerns raised by parents. In addition, MWA and WCCUSD shall immediately bring to the other’s attention any concern or complaint by a parent/guardian that is in writing and/or which involves a potential violation of state or federal law.

WCCUSD’s designated representative, in consultation with the Charter School’s designated representative, shall investigate as necessary, respond to, and address the parent/guardian concern or complaint. MWA shall allow WCCUSD access to all facilities, equipment, students, personnel, and records to conduct such an investigation.

MWA and WCCUSD shall timely notify the other of any meetings scheduled with parents/guardians or their representatives to address the parent/guardian concerns or complaints so that a representative of each entity may attend. WCCUSD, as the LEA, shall be ultimately responsible for determining how to respond to parent concerns or complaints, and MWA shall comply with the District’s decision.

MWA and WCCUSD shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

### Due Process Hearings

WCCUSD may initiate a due process hearing or request for mediation with respect to a student enrolled in MWA if WCCUSD determines such action is legally necessary or advisable. MWA agrees to cooperate fully with WCCUSD in such a proceeding. In the event that the parents/guardians file for a due process hearing, or request mediation, WCCUSD and MWA shall work together to defend the case. In the event that WCCUSD determines that legal representation is needed, MWA agrees that it shall be jointly represented by legal counsel provided at WCCUSD’s expense and choosing, unless there is a conflict of interest.

### Funding

MWA understands that it will enter into a MOU with WCCUSD regarding Special Education funding, and cannot at this time unilaterally dictate the funding relationship between WCCUSD and MWA. MWA anticipates, based upon State and Federal law that the fiscal relationship could be summarized as follows

Retention of Special Education Funds by WCCUSD

WCCUSD shall retain all state and federal special education funding allocated for MWA students though the SELPA Annual Budget Plan.

Insufficient Funds

In the event that any and all state and federal special education funding allocated for MWA is insufficient to cover the costs of WCCUSD’s provision of special education services to MWA’s student, WCCUSD shall be entitled to recoup the actual costs incurred for provision of unfunded and underfunded special education services. WCCUSD will invoice the amount due within ninety (90) days of the end of the applicable school year.

### SELPA Representation

It is MWA’s understanding that WCCUSD shall represent MWA at all SELPA meetings and report to MWA of SELPA activities in the same manner as is reported to all schools within WCCUSD.

### Services for Students Under Section 504 of the Rehabilitation Act

MWA is aware that some students who have difficulties with learning will not be eligible for special education services because they may not fit into one of the special education eligibility categories, and/or because their learning problems are not severe enough to qualify for special education. These particular students may be eligible for special services and program accommodations under Section 504 of the Rehabilitation Act of 1973 (“Section 504”).

Upon referral, MWA's 504 Coordinator or approved designee will convene a 504 Team meeting within a reasonable time to consider the concerns raised in the referral and any other available information. Members of the 504 Team should include MWA’s 504 Coordinator or approved designee, the school nurse when appropriate, and any other appropriate MWA staff who are knowledgeable about the student, the evaluation data and the placement options. The student’s parent/guardian will be invited to participate in the 504 Team meeting by MWA’s 504 Coordinator via a written notice indicating the time, place and purpose of the meeting. The Parent will be provided the Notice at least seven (7) days before the meeting, unless the Parent and MWA otherwise agree to a shorter time frame, and will have the opportunity to examine all relevant records.

MWA's 504 Coordinator or approved designee will chair the meeting and assign a member of the 504 Team the duty of taking minutes at the meeting. A copy of the minutes will be sent to the parent/guardian and placed with the student’s education records folder within five (5) school days after the meeting.

MWA’s 504 team will be responsible for Section 504 identification, evaluation, placement, and periodic re-evaluations. Team decisions will be made by consensus. MWA's 504 Coordinator or approved designee must provide the parent/guardian with notice of MWA’s proposals or refusals, or both, regarding their child’s educational program, and a copy of WCCUSD’s Notice of Procedural Safeguards and Parents’ Rights. Evaluation and initial placement are subject to the parent/guardian’s consent.

Students covered under Section 504 will be educated in the regular education setting and be with their non-disabled peers to the maximum extent possible. Within this setting they will receive all assistive devices, accommodations, and services necessary in order to meet their educational needs, as outlined in their 504 Plan. MWA's 504 Coordinator or approved designee will coordinate the review and implementation of the student’s 504 Plan.

MWA’s 504 Coordinator or approved designee will ensure that the 504 Plan is made available to all staff who work with the student. A copy of the 504 Plan will also be provided to the parent/guardian and placed in the student’s records within five (5) school days after the 504 meeting. The plan will be reviewed at least annually or sooner if requested. The student will be re-evaluated not less than every three (3) years to determine his/her continued eligibility and, if eligible, their need for accommodations and/or related aids or services.

When a student demonstrates the need for special education and/or related services (i.e. assistive technology, speech and language, assistive technology, behavioral therapy, etc.), unless MWA has obtained LEA membership in a SELPA, MWA’s 504 Coordinator will refer the student to WCCUSD for assessment and evaluation as outlined in WCCUSD Basic Commitment Handbook and Special Education Local Plan (SELPA).

# ELEMENT B: MEASURABLE STUDENT OUTCOMES

*Governing Law: The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school. Education Code Section 47605(b)(5)(B).*

## A. Measurable Student Outcomes

Making Waves Academy is committed to ensuring that each student meets grade level objectives and subject matter competencies. One of our foundational beliefs is that all students can achieve mastery of the State Standards. Whether students are low achieving, high achieving, special education, or require English language development, their progress toward expected outcomes depends on a continual monitoring of individual student growth.

Our specific, measurable student outcomes include:

* That all students achieve academic meet or exceed the standard in the core subjects of math, English/language arts, science and history/social science. “Proficiency” will be defined as mastery of the State Standards for grades 4 through 12, as indicated by the state-mandated and school standards-aligned assessments. By the time they complete the 12th grade, MWA students are academically prepared to enter the college or university of their choice.
* That our English Learner students make substantial progress toward fluency in English (*e*.*g*., one EL level each year).
* That our special education students will achieve or make progress toward the learning goals as outlined on their Individualized Education Plans.
* That all students participate and obtain enrichment skills in such areas as the arts, technology, physical education, a second language and journalism.
* That all students become “community builders” by participating in community service, developing social responsibility, building leadership skills and acquiring skills to work cooperatively. MWA students will come to see their role as responsible citizens and ethical agents of change. (See core values in Elements A and C.)
* That all students develop social and emotional skills such as conflict resolution, working independently and collaboratively, oral and written communication skills, personal integrity, morality and self-esteem.
* That all students develop critical thinking and creativity skills that will enable them to analyze and problem-solve both within and outside the classroom.
* That all students will become competent, self-motivated, life-long learners, including intrinsic interest in learning and enthusiasm for exploring personal academic interests.

## B. Accountability Systems

MWA, like other non-charter public schools, is subject to the tenants and consequences of the state and federal accountability systems, which are currently under development. MWA participates in the State of California’s standardized testing program in order to closely chart and document student performance and assessment. Teachers and school administrators comprise the Academic Intervention Services team (AIS) that reviews the results as part of their overall assessment data analysis and will use this information to improve our instruction. This analysis includes examining our numerically significant subgroups to determine where we need to concentrate our efforts so that all students achieve the State standards. We modify teaching techniques and explore professional development opportunities to support these subgroups in a better and more targeted way.

## C. Charter School Goals, Actions, and Measurable Outcomes to Achieve the Eight State Priorities

Pursuant to Education Code Section 47605(b)(5)(A)(ii), MWA’s annual goals to be achieved in the Eight State Priorities school-wide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, can be found in MWA’s Local Control Accountability Plan (“LCAP”). The current LCAP is on file with CCCOE and is also available in this summary version in the Appendix (please see Appendix E) .

MWA shall annually update and develop the LCAP in accordance with Education Code Section 47606.5, shall use the LCAP template adopted by the State Board of Education, and reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term. MWA shall submit the LCAP to the Contra Costa 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 MWA at the school site.

MWA School Leadership has used the WASC Action Plan and LCAP to align all student schoolwide goals. The MWA SSC and MWA Board have built-in times during the school year to review and provide input in updating the plan and reviewing progress to goals.

Another entity formed three years ago, the Academic Intervention Services (AIS) Team meets two times per quarter to review progress against goals in academics for all MWA subgroups. The AIS Team reviews data, presents data and analysis, and makes recommendations that are aligned with meeting schoolwide goals concerning student achievement.

# ELEMENT C: METHODS OF ASSESSMENT

*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(b)(5)(C).*

Student achievements are assessed using multiple measures, as described below.

## A. Mandated State Assessments

As is required by the state law, MWA meets all statewide standards and conduct the state pupil assessments required pursuant to Section 60605, including the CAASPP tests and other state-mandated assessments such as the CELDT/ELPAC and PFT. We firmly believe that the MWA academic program fully prepares students for success in these statewide assessment programs. Additional support structures (*i*.*e*., after-school tutoring, summer enrichment programs, mentoring programs, peer study groups, etc.) are in place to ensure that students are meeting or making progress toward the State Standards that are measured by the state-mandated assessments. Proficiency for our English Learners, approximately 55% of our students, is measured in accordance with the CELDT/ELPAC, CAASPP test data, teacher observations and other school-based measures.

## B. Growth Measures: Diagnostic, Formative And Summative Assessments

In order to effectively assess students’ academic growth over time, MWA utilizes several “value-added” growth measures, including school-developed diagnostic and formative, “authentic” assessments, and ongoing teacher assessments as well as summative assessments.

### Diagnostic Assessment

At the beginning of each academic year, MWA administers its own diagnostic test to measure each student’s strengths and weaknesses in the four core State Standards content areas. Throughout the school year, MWA administers ongoing assessments to measure students’ comprehension of lessons that have been taught and their level of development in specific subject areas and skills.

### Formative

Ongoing teacher assessment tools include teacher-developed quizzes and tests, student self-evaluation tools, teacher observations and end-of-semester narrative evaluations, individual logs and student portfolios. MWA administers another diagnostic post-test at the end of the year. In this manner, we are able to assess students’ initial skills upon their enrollment at the school and at the beginning of each academic year, during key “check-in” points throughout the year, and at the end of each year to ensure that students are making progress towards MWA’s pupil outcomes.

MWA uses “authentic” assessments such as portfolios, learning demonstrations, teacher-developed rubrics and Learning Style Inventories to help measure student academic growth over time. In addition to providing additional, “value-added” growth measures for academic subjects, these authentic assessments measure whether our students are achieving the social and emotional skills they need to be successful academically. Portfolios are selections of student work that include student reflection on their learning. Students keep a portfolio in each subject, which is reviewed on a regular basis by classroom teachers, administrators and parents.

## C. Summative Assessments and Standardized and Other Norm-Referenced Assessments

Students are given the annual state-mandated standardized assessments. The Matrix below includes the currently required State assessments for students in grades 4 through 8 & 11, as well as internal assessments used at MWA. Such assessments, as further described in MWA’s LCAP, are aligned with the Eight State Priorities (see Appendix). MWA affirms that its methods for measuring pupil outcomes for the Eight State Priorities, as described in Element B of this Charter, shall be consistent with the way information is reported on a School Accountability Report Card as required by Education Code Section 47605(b)(5)(C).

### Student Outcome and Assessment Matrix

The following provides additional information to describe MWA’s plans for student assessments:

#### Academic Assessment Matrix

|  |  |
| --- | --- |
| **MEASURABLE OUTCOMES** | **ASSESSMENT TOOLS** |
| Students will meet or exceed the Standard in English/Language Arts. | CAASPP: Smarter Balanced Assessment (SBAC); Smarter Balanced Interim Comprehensive Assessments (ICAs), and other authentic assessments  Interim Assessment Blocks (IABs) – quarterly |
| Students will meet or exceed the Standard in Mathematics. | CAASPP: Smarter Balanced Assessment (SBAC); Smarter Balanced Interim Comprehensive Assessments (ICAs), and other authentic assessments  Interim Assessment Blocks (IABs) – quarterly |
| Students will meet or exceed the Standard in Science. | CAASPP: California State Test (CST); Smarter Balanced Interim Comprehensive Assessments (ICAs), and other authentic assessments |
| Students will meet or exceed the Standard in History/Social Science. | CAASPP: California State Test (CST) and other authentic assessments |
| EL students will make substantial progress toward fluency in English. | \*California English Language Development Test (CELDT) \*Spanish Assessment of Basic English SABE/2 (or other State-required equivalent Spanish language assessment, as applicable) Benchmark assessments. In-class assessments & letters Portfolios and other authentic assessments |

#### Academic and Core Values

|  |  |
| --- | --- |
| **MEASURABLE OUTCOMES** | **ASSESSMENT TOOLS** |
| Special education students will achieve or make progress toward the learning goals in their Individualized Education Plans. | IEP progress and review |
| Students will obtain enrichment skills in such areas as the arts, technology, physical education, a second language and journalism. | Portfolios, In-class assessments, Presentations |
| Students will become “community builders.” | Community Service Participation, Portfolios, Projects, Reflection journals, Review of Core Values |
| Students will develop social and emotional skills. | Portfolios, Teacher Narratives, Presentations, Review of Core Values |
| Students will develop critical thinking and creativity skills. | Portfolios, Presentations, Writing Assignments, Art Projects, Use of a learning style inventory, Review of Core Values |
| Students will become competent, self-motivated, “life-long learners.” | Participation Logs, Portfolios Projects, Demonstrations of learned skills, Self-Assessments, Review of Core Values |

Pre-diagnostic assessments are given to students to help assess in math and English proficiency. These diagnostic scores help us determine what level of intervention services will be needed to support students and how to best schedule them in their classes. Students are given formative benchmark assessments aligned with the CAASPP end-of-year assessments. These assessments results are provided to students, families and faculty. The data learned guide our instruction, remediation, and intervention throughout the year.

## D. Use and Reporting of Data

### Data Management, Analysis and Continuous Improvement

MWA uses Power School to collect, analyze and report a variety of data on student achievement, including disaggregated data by content strand, student subgroup, grade-level and classroom-level analyses. The staff is trained on how to interpret standardized test data and will be engaged in critical analysis of the data in order to determine how the school can address any performance deficiencies or negative data trends. The data analysis is tied to professional development on standards-based instruction, so that teachers can enhance their understanding of student performance in light of normative data, and modify their instructional designs accordingly.

Staff uses all pieces of the assessment system in an ongoing effort to examine student performance and revise instructional practices to address student needs. At no time will MWA become complacent with the examination of assessment findings. The goal is to foster continuous improvement to achieve the highest quality educational program that is possible. In this way, staff is continuously challenged to rethink current pedagogical practices to meet the changing needs of our current student populations.

MWA analyzes trends, significant changes, apparent conflicts and anomalies to track individual student growth over time; evaluate specific, aggregated and disaggregated groups of students; and measure performance on the state tests, state and federal accountability systems (when developed) and school-based growth data and authentic assessments to assess the whole school from year to year. Our data analysis includes attendance rates and comparative data as appropriate. MWA also annually surveys major stakeholder groups (*e*.*g*., parents/guardians, students and teachers) about our effectiveness and opportunities for improvement.

### Reporting Student Achievement Data

MWA’s student performance data is reported to school staff, parents and guardians. MWA believes strongly in creating a two-way dialogue between the school staff and our parents/guardians. Parental involvement and commitment to this rigorous academic school is necessary if their children are to succeed. We expect them to be actively involved in supporting their children’s education. Dialogue with the teacher and Division Director is ongoing for parents/guardians as they support their child through each academic year. At parent-teacher conferences, parents/guardians review the progress of their child, sharing and discussing test scores, schoolwork and classroom behavior. At these meetings, home and school strategies are discussed, so that the student has the best chance of improving his/her performance. In some cases, agreements are developed and agreed upon by the student, parent and teacher in addressing particular challenges or areas of focused support.

In addition to monitoring their children’s progress, parents/guardians receive reports at monthly parent meetings, parent mailings, and special meetings to share student successes and challenges. A key part of parental involvement includes letting us know what we are doing well and what we can improve upon. To enable this dialogue, parents/guardians need to have a holistic view of how our school is performing. Some performance measures include standardized test scores and shall include the state and federal accountability systems, when they are finalized. The results of state test scores come out once a year and are reported to our parents/guardians (via parental mailings, and parent association meetings) shortly after they are released. This annual performance report includes the results of our other assessments measures, including our growth measures, authentic assessments, etc.

Our educational philosophy, curriculum and anticipated student outcomes grow out of our experience working with the children and youth of Richmond. We understand the commitment and standards that need to be maintained in order for students to achieve academic success. Once students realize that they are capable of “doing the work,” they become confident, insightful and inspired learners. Time after time, we see children succeed despite the most unbelievable obstacles. This is because Making Waves provides a strong support system, enabling them to meet any challenge.

# ELEMENT D: GOVERNANCE STRUCTURE

*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(b)(5)(D).*

### A. Nonprofit Status

Making Waves Academy is operated as a California nonprofit public benefit corporation, pursuant to California law.

MWA will operate autonomously from the Contra Costa County Board of Education and Contra Costa County Superintendent of Schools, with the exception of the supervisory oversight as required by statute. Pursuant to California Education Code Section 47604(c), the Contra Costa County Board of Education and Contra Costa County Superintendent of Schools shall not be liable for the debts and obligations of the Charter School, operated as a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the Contra Costa County Board of Education and Contra Costa County Superintendent of Schools has complied with all oversight responsibilities required by law.

Attached, please find the MWA Articles of Incorporation, Bylaws, and Conflict of Interest Code (Appendix F).

## B. Board of Directors

MWA is governed by the nonprofit Board of Directors (or “Board”) of Making Waves Academy (“MWA”), in accordance with its adopted corporate bylaws, which shall be consistent with the terms of this charter.

The Making Waves Foundation, Inc. (“MWF”), a California nonprofit public benefit corporation, serves as the sole statutory member (“Sole Statutory Member”) of the MWA nonprofit public benefit corporation.[[2]](#footnote-2) In this capacity, the MWF Board of Directors shall have the ability to approve the nomination, appointment, and removal of the MWA Board of Directors. Additionally, as further detailed in the attached bylaws, MWA would be restricted from taking actions such as borrowing or lending money, making unbudgeted expenditures, disposing of corporate assets, merging or dissolving without the approval of MWF.

The MWA Board shall be responsible for all actions necessary to the operation of MWA in accordance with its adopted bylaws.

## C. Governance Structure of Making Waves Academy

The Middle and Upper School Directors, faculty, and staff carry out the day-to-day operations of the school. The Chief Executive Officer (“CEO”) enjoys lead responsibility for administering the school under policies adopted by the MWA Board of Directors. The MWA Board of Directors sets policy, approves the budget, and assures that each school maintains high academic standards in accordance with its bylaws and the terms of this charter.

### Composition of the MWA Board of Directors

The number of directors on the MWA Board shall be no less than five (5) and no more than fifteen (15), unless changed by amendments to the MWA bylaws. A Board seat shall be reserved at all times for a Parent/Guardian Representative. All directors shall have full voting rights, including any representative appointed by the County Board as consistent with Education Code Section 47604(b). If the County Board appoints a representative to serve on the Board of Directors, the Statutory Member may appoint an additional director to ensure an odd number of Board members. While the County Board is entitled to appoint a representative to the Board of Directors pursuant to Section 47604(b), currently the charter authorizer has chosen not to exercise this authority. All directors, except for the representative of the County Board, shall be designated by the Statutory Member.

In accordance with the bylaws, no interested persons may serve on the MWA Board of Directors.

All directors, except for the Parent/Guardian Representative, shall hold office for three (3) years and until a successor director has been designated and qualified. The Parent/Guardian Representative shall hold office for two (2) years and until a successor director has been designated and qualified. The Board will meet regularly during the school year, and in accordance with the Brown Act.

MWA shall abide by an adopted Conflict of Interest Code which complies with the Political Reform Act, Corporations Code anti-self-dealing rules, and which shall be updated with any applicable conflicts of interest laws or regulations applicable in the future. As noted above, the conflicts code is attached to this charter.

### Structure of the Board

The following is an outline of the governance structure of MWA:

MWA Board

Contra Costa County Office of Education





MWA School Site Council

MWA Chief Executive Officer

CCCOE Staff







Directors

(Middle School, Upper School, & Operations)



MWA Faculty

MWA Administrative Staff



MWA Support Staff

### Board Training and Sustainability

MWA Board members are committed to continuous improvement and ongoing training to assist the Board in fulfilling its responsibilities to act as stewards for the charter school. To this end, the MWA Board seeks appropriate training and educational opportunities to more effectively govern MWA’s operations. Such training experiences may include individual training sessions with legal counsel or other experts familiar with public school governance, and/or training sessions with charter school governance experts. The school maintains in effect general liability and board errors and omissions insurance policies.

### Parent Engagement and Volunteering

Once a child is admitted to the school, parents are expected to attend monthly parent meetings. At these meetings, parents receive updates about the school, the school program, and opportunities to attend parent education workshops on the college admissions process and social emotional development topics related to youth, among others. Parents are also encouraged to volunteer and participate in the school community. MWA employs a Parent Volunteer Coordinator, an MWA parent, to help support parent engagement activities. Parents also play important roles on both the School Site Council (SSC) and MWA Board. The SSC is chaired by a parent and we have a parent representative on the MWA Board. Parents are informed about big issues and allowed to provide some input.

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

# ELEMENT E: EMPLOYEE QUALIFICATIONS

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

## A. Qualifications of School Employees

MWA ensures that all legal qualification requirements will be met for teachers and staff of the school. Each certificated employee at MWA will meet the state licensing requirements for the position that he/she holds. No state licensing requirements exist for most non-certificated positions. For all positions, certificated and non-certificated, the employee, at minimum, needs to satisfactorily meet the performance specifications required for the position and must possess the qualifications required to perform the essential functions of the position, as determined by the MWA Board and/or the MWA Chief Executive Officer.

### Chief Executive Officer

The Chief Executive Officer (CEO) oversees the operations of Making Waves Academy; he or she will play a key role as the conduit to the Board of Directors on behalf of MWA’s Directors. The CEO and the Board of Directors will supervise the Directors in carrying out established school policies.

### Division Directors

The Division Directors (for the Middle and Upper School divisions) empower the school community, faculty, staff, students, and parents. The Division Directors support and affirm the best efforts of each community member.

The following provide further job descriptions of the CEO and Director positions:

|  |  |  |  |
| --- | --- | --- | --- |
| **DESCRIPTION** | **CEO** | **DIRECTOR–**  **MIDDLE SCHOOL** | **DIRECTOR –**  **UPPER SCHOOL** |
| **Major Responsibilities** | Responsible for instructional, financial, legal and administrative management for MWA. | Responsible for the design, delivery and evaluation of the MWA instructional program. | Responsible for the design, delivery and evaluation of the MWA instructional program. |
| **Tasks and Duties** | Develop a sound and effective organizational structure, including appropriate human resources operations and procedures.  Provide the appointing authority and termination authority for all MWA employees and independent contractors/consultants. Provide leadership and vision including the establishment of private and public partnerships Initiate programs/policies for consideration by the Board of Directors and advise Board on all policy matters under its consideration.  Develop and implement all policies approved by the Board or as mandated by the district, state and federal laws and regulations.  Prepare annual budget for approval by Board Supervise the preparation on monthly financial report to the Board with actual versus budgeted performance.  Maintain fiscal integrity by effective assessment and allocation of resources, developing sound budget process, and monitoring internal control systems. | Interview, select and hire staff with advice and consent of the CEO. Directly supervise faculty and staff.  Teach, model, instruct and empower staff to meet the needs of the student body.  Hold regular meetings of the faculty and staff. Ensure that policies and procedures of the Board are understood and followed. Embody, manifest and advocate the mission of the school.  Articulate the vision for the school.  Monitor and address all matters of school culture and climate.  Supervise academic, athletic and extracurricular programs.  Monitor curriculum, grading, testing and reporting to parents. Prepare and conduct periodic program evaluations.  Submit required reports. Establish policies and standards of conduct for students.  Supervise the admissions procedures. | Interview, select and hire staff with advice and consent of the CEO. Directly supervise faculty and staff.  Teach, model, instruct and empower staff to meet the needs of the student body. Hold regular meetings of the faculty and staff. Ensure that policies and procedures of the Board are understood and followed. Embody, manifest and advocate the mission of the school.  Articulate the vision for the school.  Monitor and address all matters of school culture and climate.  Supervise academic, athletic and extracurricular programs.  Monitor curriculum, grading, testing and reporting to parents.  Prepare and conduct periodic program evaluations.  Submit required reports Establish policies and standards of conduct for students.  Supervise the admissions procedures. |
|  | Upon approval of the Board, negotiate and sign contracts.  Implement a scheduled review of each program, evaluating its needs and services.  With the Division Director, contribute to the assessment process of staff and students.  Conduct regular needs assessments to ensure appropriate service needs are being met.  Design and maintain a process whereby organizational history, task definitions and student development are ensured for the Board of Directors. Provide training for new Board members.  Provide guidance to Board and subcommittees to realize MWA objectives. Assist the Board in the development or organization and unit long-term strategic plans, benchmarking and monitoring progress. Implement a clear management program, using the concepts of business re-engineering and streamlining (*e*.*g*., balance scorecard, Baldridge Criteria, etc.). Oversee facilities operations and maintenance, insurance, personnel management, risk management, audits, safety, Cal OSHA/ADA policies, food service, and transportation. | Marketing, outreach and information dissemination. Represent the school to all of its constituents.  Support fundraising efforts. | Marketing, outreach and information dissemination. Represent the school to all of its constituents.  Support fundraising efforts. |
| **Report To** | Board of Directors | CEO | CEO |
| **Supervises** | Division Directors | Faculty and Staff | Faculty and Staff |
| **Qualifications** | Master’s degree 15 years’ experience, extensive and progressively more responsible experience in higher education or in nonprofit organization is preferred. Knowledge of administration, organizational management, strategic planning, budgeting, financial administration and personnel management within a nonprofit organization is essential. Experience in student development is mandatory. Ability to provide a comprehensive strategic vision for MWA. Ability to effectively communicate, both orally and in writing, to a wide range of constituencies. Experience in leadership, group dynamics, organizational psychology, business administration, public relations, budget and personnel management are required. Evidence of active professional involvement in other education-based organizations is desirable. | Master’s degree in education CA teaching credential 5 years’ urban school education experience. Classroom and administrative experience and educational experience in an urban school setting. A commitment to multiculturalism with staff and faculty, students and parents; genuine engagement with students; and accessibility to all members of the school community. Ability to assist with the design and implementation of the program and curriculum. A commitment to diversity and achievement for all students. | Master’s degree in education CA teaching credential 5 years’ urban school education experience. Classroom and administrative experience and educational experience in an urban school setting. A commitment to multiculturalism with staff and faculty, students and parents; genuine engagement with students; and accessibility to all members of the school community. Ability to assist with the design and implementation of the program and curriculum. A commitment to diversity and achievement for all students. |

### Teachers

Teachers will meet the requirements for employment as stipulated by the California Education Code Section 47605(l). Primary teachers of core, college preparatory subjects (*i*.*e*., English language arts, math, science, history/social science) shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in a non-charter public school would be required to hold. These teachers are responsible for overseeing the students’ academic progress and for monitoring grading and matriculation decisions as specified in the school’s operation policies.

In order to ensure implementation of the school’s mission and educational philosophy, preference will be given to teachers who have experience designing and implementing standards-based curriculum aligned to the State Standards. Paraprofessional employees shall meet applicable requirements under the ESEA.

Applicants to teach in our program are evaluated based on the following qualifications:

* Demonstrated expertise in subject area and the ability to communicate the appropriate knowledge to each student;
* Possession of a CLAD credential;
* Knowledge and experience with standards-based instruction: ability to align curriculum and standards and willingness to adopt grading practices that can be used in standards-based grading;
* Knowledge of assessment strategies and the desire to use data to drive teaching and ensure continuous improvement of student learning;
* Ability to effectively use a broad range of instructional strategies, including providing a curriculum, challenging goals and effective feedback, differentiated instruction and back mapping, among others;
* Demonstrated competence using advanced technology as a learning tool: willing and able to integrate technology into teaching and student learning;
* Outstanding classroom management skills;
* Belief in our mission that all students will learn and successfully master the content and skills necessary for high school and advanced post-secondary education;
* Willingness to work as a vital part of the MWA team to ensure continuous improvement for students, staff MWA community as a whole;
* Willingness and ability to work with students and parents/guardians on an ongoing basis to ensure student success;
* Love of students, enthusiasm for teaching, the belief that each student can and will succeed and the willingness to do what it takes to make that happen;
* Desire and ability to engage in continuing education, staff development and skill upgrading; and
* Positive references from most recent employment and/or college or graduate school.

As specified in Education Code Section 47605(l), MWA has flexibility regarding the qualifications needed for teachers in non-core subject areas. Making Waves Academy may employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience and the capacity to work successfully in an instructional capacity. Instructional support staff does not assign grades or approve student work assignments without the approval of a teacher unless they are instructing non-core or non-college preparatory courses and activities.

### Support Staff

MWA seeks administrative and operational staff that demonstrates experience or expertise in the issues and work tasks required of them. MWA provides as resources allow, professional development opportunities to ensure that staff remain abreast of all relevant changes in laws or other operational requirements pertinent to their job functions. All non-certificated staff possesses experience and expertise appropriate for their position within the school as outlined in the MWA’s staffing plan and adopted personnel policies.

## B. General Requirements, Hiring and Performance Review

Prior to employment and within thirty (30) days of hiring, each employee submits to a criminal background check. MWA will adhere to applicable California laws including fingerprinting, drug testing and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. Each employee submits to a criminal background check, as required, within 30 days of hiring. We do believe we will receive these results in a timely fashion due to the streamlined LiveScan process, but we are not committed to receive these results within 30 days. MWA maintains its standard in screening for, hiring, and/or supporting intern teachers towards earning their full, clear teaching credential. Prior to employment, each employee must furnish medical clearance, including proof of medical exam and tuberculosis (TB) clearance, as well as documents establishing legal employment status. The Human Resource Specialist and/or administrative designees are responsible for monitoring and maintaining documentation of medical and criminal investigation clearances, as required by California and federal laws. Those employees that require a criminal background check and do not have a current background check are required to undergo such a check through such services as a LiveScan fingerprint process. MWA will pay for such services on behalf of its prospective employees.

The Human Resources Specialist or designee creates formal job descriptions for each position, recruits and interviews candidates. The MWA Board has the right, if it so chooses, to review these candidates’ credentials before a job offer is made to the candidate. The Division Director and/or designee is responsible for evaluating the performance of the teaching and administrative staff on an annual basis. The MWA Board has the right, if it so chooses, to review these performance evaluations before they are delivered to the staff members. The Chief Executive Officer and Division Director determines the criteria by which to judge the performance of employees. The Chief Executive Officer or designee creates the job description and conducts the performance review of the Division Directors of both divisions of the school. Periodically, job descriptions will be reviewed by third-party peers to ensure that we have met all requirements for the position. The Chief Executive Officer has final approval of all job descriptions.

## C. Hiring Plan

MWA seeks a diverse faculty composed of qualified credentialed teachers in our core subject areas, in addition to instructional support staff who possess subject matter expertise and qualifications necessary to help our program succeed. Making Waves has extensive experience working with the educational community in the Richmond area. In addition to attracting talented personnel in the immediate Richmond area, MWA seeks staff through teacher recruitment fairs, professional publications, newspapers and our website. We also work with our local colleges such as Mills, Berkeley, Stanford, Santa Clara University, Saint Mary’s College, California State University East Bay and San Francisco State University. We continue to partner with a variety of education-related organizations and education search firms, to encourage the most enthusiastic, qualified and committed faculty and staff.

# ELEMENT F: HEALTH AND SAFETY

*Governing Law: The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish it with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).*

MWA maintains a comprehensive set of health, safety and risk management policies that are developed in consultation with the school’s insurance carriers and legal counsel. A full copy of MWA’s health and safety policies are available anytime to the CCCOE upon request.

Following is a summary of the health and safety policies of MWA:

* A requirement that all enrolling students and staff provide records documenting immunizations to the extent required by law, including mandatory tuberculosis risk assessments and examinations (if necessary) for staff and volunteers expected to have prolonged contact with students, and pertussis (whooping cough) vaccine boosters for all rising 7th grade students;
* Policies and procedures for school-wide training to respond to natural disasters and emergencies, including fires and earthquakes (Disaster Plan). This Disaster Plan will be appropriate to the school site;
* Policies relating to preventing contact with blood-borne pathogens;
* A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate “first responder” training or its equivalent;
* Polices relating to the administration of prescription drugs and other medicines;
* Policies requiring that every female student in grade 7 and every male student in grade 8 shall be screened for scoliosis. The screening shall be in accordance with standards established by the State Department of Education. Policies detailing how MWA will test each student’s vision and hearing upon first enrollment in the school and at least every third year thereafter until the student has completed the 8th grade will be adopted by MWA’s Board of Directors;
* A policy that the school will be housed in facilities that comply with Education Code Section 47610, that have received State Fire Marshal approval, and that have been evaluated by a qualified structural engineer who has determined the facilities present no substantial seismic safety hazard;
* Policies and procedures for the immediate reporting of suspected child abuse, acts of violence or other improprieties and the role and obligation of staff in the reporting of child abuse pursuant to CA Penal Code Section 11164. MWA shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691;
* A policy establishing that the school functions as a drug-, alcohol-and tobacco-free workplace;
* A requirement that each employee of the school submits to a criminal background checks and furnishes a criminal record summary as required by Education Code Sections 44237 and 45125.1. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee;
* An anti-discrimination and harassment policy to prevent and remediate concerns about discrimination or harassment at MWA.

Health and Safety issues will be dealt with in accordance with MWA Board Policies. These policies will be incorporated as appropriate into the student and staff handbook and reviewed on a regular basis.

# ELEMENT G: RACIAL AND ETHNIC BALANCE

*Governing Law: The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).*

MWA has implemented a student recruitment strategy that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance that is reflective of the territorial jurisdiction residing within WCCUSD:

* An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process;
* The development of promotional and informal material that appeals to all major racial and ethnic groups represented in the district, including materials in languages other than English to appeal to limited English proficient populations;
* Targeted meetings in multiple communities to reach prospective students and parents/guardians;
* The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic and interest groups represented in the district;
* Focused recruitment of groups that may be underrepresented among MWA’s student population, using brochures, public meetings and door-to-door outreach;
* A random selection process that will be used each school year and a ranked waiting list that will be created to fill openings as they occur.

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

# ELEMENT H: STUDENT ADMISSION REQUIREMENTS

*Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).*

Making Waves Academy actively recruits a diverse student population. Students and families who understand and value the school’s mission and are committed to the school’s instructional and educational philosophy will be encouraged to apply. Admission to MWA shall be open to any resident of California. Pupils will be considered for admission without regard to race, ethnicity, national origin, gender, gender expression, gender identity, disability, or upon any of the characteristics listed in Education Code Section 220. The school strives through recruiting efforts to achieve a racial and ethnic balance of students that reflects the general population within the territorial jurisdiction of the WCCUSD.

## A. Admission Requirements

MWA 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 MWA. MWA shall 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.

Making Waves Academy uses an application form that gathers basic contact information. Included with the application form will be an information sheet detailing the educational philosophy, discipline policy and parent/guardian participation plan of the Making Waves Academy. Parents/guardians must sign the application form and will be encouraged to sign the information sheet signifying that they agree to sign a parent/guardian contract to abide by those policies should their child be admitted to the school.

## B. Public Random Lottery

Applications are accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Admission criteria are developed on a non-discriminatory basis. The school is open to all students currently in the fourth grade who are scheduled to enter the 5th grade in the Fall. No student is required to attend this school. No tuition is charged by this school. MWA is non-sectarian in our programs, admission policies, employment practices and all other procedures. Admission priorities are given in the following order:

1. Continuing enrolled MWA students
2. Siblings of current MWA students
3. Children of MWA employees[[3]](#footnote-3)
4. Students eligible for Free and Reduced Price Meals (“FRPM”) who reside within WCCUSD attendance boundaries
5. All other students eligible for FRPM who reside within Contra Costa County
6. All other residents of WCCUSD
7. All other eligible applicants

At the conclusion of the lottery, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year.

After the lottery, families receive their official enrollment forms and are informed of the enrollment process detailed below. If the number of applications does not exceed the number of spaces in the school there will be no lottery, and all students who submitted complete applications and completed the admissions process described above will be enrolled.

Currently enrolled students will not participate in the lottery as they are automatically reserved a space for the following year.

### The Enrollment Process

Each spring, after the lottery for selection, the school holds orientation meetings for parents/guardians. Parents/guardians who cannot make this meeting must make a personal appointment with the MWA’s Division Director or designee to address the information covered in the meeting. At the orientation meeting, staff and parents/guardians review school policies and are asked to sign the family-school contract and official enrollment papers. The contract is an agreement to abide by the academic and behavioral rules of the school. Parents/guardians are asked to sign the contract stating that they understand the academic and behavior policies of Making Waves Academy and will support those policies at home and will work to ensure that their children abide by the rules of the school.

The enrollment packet also includes information such as an immunization record and a list of emergency contacts.

### No Admission Testing

MWA has no admissions testing. Once a prospective student’s family has decided to enroll after the lottery and first family meeting, Making Waves Academy gives a series of grade-level knowledge-based examinations, which allows the faculty to assess the student’s readiness for the grade of entrance. These instruments aid in the development of individualized learning plans for our students. Children who are working below grade-level or simply need a little extra help will be asked to attend summer and after school programs designed to address any deficiencies.

# ELEMENT I: INDEPENDENT FINANCIAL AUDITS

*Governing Law: The manner in which an annual, independent, financial audit 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(b)(5)(I).*

An annual independent financial audit of the books and records of MWA shall be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m).

The MWA Board of Directors has an audit/finance committee to oversee selection of an independent auditor and the completion of an annual audit of the school’s financial affairs. The auditor shall be experienced with conducting audits of educational entities and education finance, including charter schools. The members of the audit committee do not have a direct, personal financial stake in matters audited. The scope of the audit shall review and verify the accuracy of the school’s financial statements, average daily attendance and enrollment accounting practices, and reviews the school’s internal controls. Audits will be conducted in accordance with generally accepted accounting principles applicable to the school including provisions within 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 scope of the audit shall include items and processes specified in any applicable Office of Management and Budget Circulars.

The annual audit shall be completed and forwarded to the Superintendent of the CCCOE, the State Controller and the California Department of Education by the 15th of December of each year. The school’s audit committee shall review any audit exceptions or deficiencies and report to the MWA Board of Directors with recommendations on how to resolve them. The Board will report to the CCCOE regarding how the exceptions and deficiencies have been or will be resolved to the satisfaction of the CCCOE, along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (“EAAP”) in accordance with applicable law.

Any disputes regarding the resolution of audit exceptions and deficiencies shall be referred to the dispute resolution process contained in the dispute resolution process as outlined in this Charter. Audit exceptions shall be addressed within thirty (30) days of their receipt.

The independent financial audit of MWA is a public record to be provided to the public upon request.

# ELEMENT J: STUDENT SUSPENSION AND EXPULSION PROCEDURES

*Governing Law: The procedures by which pupils can be suspended or expelled. Education Code Section 47605(b)(5)(J).*

## A. General Principles

MWA is committed to educating students in an environment of safety, discipline and high achievement for all students. As a result, MWA makes significant efforts to help students understand the rules of comportment at MWA: the self-discipline necessary for success in school and the community, and the way to interact with other students, staff and community members in a respectful and positive manner.

MWA develops and maintain a comprehensive set of student discipline policies. These policies are printed and distributed as part of the school’s student handbook. This handbook is available in English and Spanish and clearly describes the school’s expectations regarding attendance, mutual respect, work habits, safety, fighting, violence and substance use, as well as MWA’s policies regarding the grounds for suspension or expulsion. Each student and his or her parent or guardian is required to verify that they have reviewed and understand the policies prior to enrollment. MWA’s Board, staff and school community reviews our comportment policy each year.

MWA has increased its use of restorative justice practices to replace suspensions. The aim is to help students identify and understand some of the motivations behind their choices. Restorative circles and conferences are aimed at addressing communication issues, personal injuries, and social emotional development. MWA mixes a combination of traditional discipline practices and increasing restorative justice practices.

## B. Suspension and Expulsion Policy and Procedures

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

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School’s policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

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

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

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

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

## A. Grounds for Suspension and Expulsion of Students

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

## B. Enumerated Offenses

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

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, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
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.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
11. Knowingly received stolen school property or private property.
12. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
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.  For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil.  For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
17. Made terroristic threats against school officials and/or school property.  For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
18. Committed sexual harassment, as defined in Education Code Section 212.5.  For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
19. 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.
20. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
22. “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:
    * + 1. 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.
        2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
        3. Causing a reasonable student to experience substantial interference with his or her academic performance.
        4. 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.
23. “Electronic Act” means the creation or transmission originated on or off the schoolsite, 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:
24. A message, text, sound, video, or image.
25. A post on a social network Internet Web site including, but not limited to:
    1. 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.
    2. 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.
    3. 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.
26. An act of cyber sexual bullying.
    1. 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 (A) to (D), 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.
    2. 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.
27. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
28. 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).
29. 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 Division Director or designee’s concurrence.

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

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 Division Director or designee’s concurrence.

3. Discretionary Expellable Offenses:  Students may be recommended for expulsion for any of the following acts when it is determined the pupil:

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, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
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.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
11. Knowingly received stolen school property or private property.
12. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
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.  For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil.  For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
17. Made terroristic threats against school officials and/or school property.  For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
18. Committed sexual harassment, as defined in Education Code Section 212.5.  For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
19. 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.
20. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
22. “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:
    * + 1. 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.
        2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
        3. Causing a reasonable student to experience substantial interference with his or her academic performance.
        4. 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.
23. “Electronic Act” means the creation or transmission originated on or off the schoolsite, 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:
    1. A message, text, sound, video, or image.
    2. A post on a social network Internet Web site including, but not limited to:
    3. 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.
    4. 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.
    5. 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.
    6. An act of cyber sexual bullying.
       1. 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 (A) to (D), 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.
       2. 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.
    7. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
24. 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 (3)(a).
25. 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 Division Director or designee’s concurrence.

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

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 Division Director or designee’s concurrence.

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.

## C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

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

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Division Director or Division Director’s designee, the pupil and the pupil’s guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. 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 Division Director or designee upon either of the following: 1) the pupil’s presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil’s suspension will be extended pending the results of an expulsion hearing.

## D. Authority to Expel

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

## E. Expulsion Procedures

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

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (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;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf including witnesses.

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

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

* 1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
  2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness’ use prior to and during breaks in testimony.
  3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
  4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
  5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the 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.

## G. Record of Hearing

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

## H. Presentation of Evidence

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

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

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

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

## I. Written Notice to Expel

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

The Division Director 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.

## J. Disciplinary Records

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

## K. No Right to Appeal

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

## L. Expelled Pupils/Alternative Education

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

## M. Rehabilitation Plans

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

## N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board of Directors following a meeting with the Division Director 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 Division Director or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission 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.

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

#### 1. Notification of District (or SELPA, if applicable)

The Charter School shall immediately notify the District/SELPA and coordinate the procedures in this policy with the District/SELPA of the discipline of any student with a disability or student that the Charter School or the District/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 alterative 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:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
2. 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:

1. 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;
2. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
3. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP/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), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

#### 5. Special Circumstances

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

The Division Director 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:

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

#### 6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

The Charter School shall not be deemed to have knowledge 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.

# ELEMENT K: EMPLOYEE RETIREMENT SYSTEMS

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

MWA certificated staff participate in the State Teacher Retirement System (STRS), and classified/non-certificated staff participate in the federal social security system. The MWA Board reserves the right to offer additional or supplemental retirement programs if the Board determines it is in the best interest of the staff and the school as a whole. In accordance with Education Code Section 47611.3, the CCCOE shall create any reports required by STRS. At CCCOE’s request, the MWA shall pay the CCCOE a reasonable fee for the provision of such services.

MWA uses a salary schedule to help guide salary offers as well as a competitive and generous benefits package for health and retirement. The salary levels are consistent and competitive with the surrounding school districts.

The Chief Executive Officer, with approval from the MWA Board, has the authority to determine the salary and benefit levels, working conditions and work-year characteristics (*e*.*g*., length of year and day, vacation policies, etc.) for all employees. This approach will better enable MWA to attract and retain high caliber employees necessary for MWA’s success.

# 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(b)(5)(L).*

No student may be required to attend MWA. Students who reside within the District who choose not to attend MWA may attend school within the District according to District policy or at another school district or school within the District through the District’s intra- and inter-district transfer policies. Parents and guardians of each student enrolled in MWA will be informed on admissions forms that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in MWA, except to the extent that such a right is extended by the local education agency.

# ELEMENT M: RETURN RIGHTS OF 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(b)(5)(M).*

MWA employees are not subject to District or CCCOE transfers without written consent of that employee. No employee of a public school district or county office of education may be required to work at MWA. Employees of the District or CCCOE who choose to leave the employment of the District or CCCOE to work at MWA will have no automatic rights of return to the District or CCCOE after employment by MWA unless specifically granted by the District or CCCOE through a leave of absence or other agreement. MWA employees shall have any right upon leaving the District or CCCOE to work in MWA that the District or CCCOE may specify, any rights of return to employment in a school district after employment in MWA that the District or CCCOE may specify, and any other rights upon leaving employment to work in MWA that the District or CCCOE determines to be reasonable and not in conflict with any law.

MWA adopted comprehensive personnel policies and procedures, approved by the MWA Board of Directors that is provided to each employee upon hire. These policies set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures and other pertinent policies essential to preserving a safe and harmonious work environment. The Chief Executive Officer is responsible for resolving complaints and grievances and administering any personnel discipline, in accordance with these policies.

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

# ELEMENT N: DISPUTE RESOLUTION PROCEDURES

*Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).*

### Intent

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

### Public Comments

The staff and Board of Directors of MWA and the CCCOE agree to attempt to resolve all disputes regarding this Charter pursuant to the terms of this section.

### Disputes Arising from Within the School

Disputes arising from within the school, including all disputes among and between MWA students, staff, parents/guardians, volunteers, advisors, and partner organizations and Board of Directors of the school, shall be resolved by MWA and the Board of Directors pursuant to policies and procedures developed by the MWA Board of Directors.

The CCCOE shall not intervene in any such internal disputes without the consent of the MWA Board of Directors and shall refer any complaints or reports regarding such disputes to the president of the Board of Directors and/or the MWA Chief Executive Officer for resolution pursuant to MWA’s policies. The CCCOE agrees not to intervene or become involved in the dispute unless the dispute has given the CCCOE reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the MWA Board of Directors has requested the CCCOE to intervene in the dispute.

### Disputes Between the Charter School and the CCCOE

In the event that MWA and the CCCOE have disputes regarding the terms of this charter or any other issue regarding MWA, both parties agree to follow the process outlined below.

In the event of a dispute between MWA and the CCCOE, the staff and Board of Directors of MWA and CCCOE agree to first frame the issue in written format (“dispute statement”) and refer the issue to the CCCOE Superintendent and the MWA Chief Executive Officer, or their respective designees. In the event that the County 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, MWA requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the CCCOE 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 County Board of Education’s ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The MWA Chief Executive Officer and the CCCOE Superintendent, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute. 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 CCCOE Superintendent and the MWA Chief Executive Officer, or their respective designees, and attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the CCCOE Superintendent and the MWA Chief Executive Officer, or their respective designees, shall meet to jointly identify a neutral, third party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. The costs of the mediator shall be split equally between MWA and CCCOE. The format of the mediation session shall be developed jointly. The CCCOE and MWA shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The findings or recommendations of the mediator shall be non-binding, unless the boards MWA and the CCCOE jointly agree to bind themselves. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the CCCOE and MWA.

### Oversight, Reporting, Revocation, and Renewal

Pursuant to Education Code Section 47607(a)(1), the CCCOE may inspect or observe any part of the charter school at any time. MWA agrees to respond promptly to all reasonable inquiries, including inquiries regarding its financial records.

# ELEMENT O: PROCEDURES FOR CLOSING

*Governing Law: The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter 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(b)(5)(O).*

#### 1. Closure Action and Notifications

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

MWA shall promptly notify parents and students of MWA, the Contra Costa County Office of Education, MWA’s SELPA, the retirement systems in which MWA’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.

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

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

#### 2. Student and School Records Retention and Transfer

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

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

#### 3. Financial Close-Out

In the event of a final closure of the school, MWA shall commission an independent audit of MWA finances to be completed within six (6) months after the closure of the school. This may coincide with the regular required annual audit of the school. The purpose of the audit is to determine the net assets or net liabilities of the charter school. The assessment would include an accounting of all charter school assets, including cash and accounts receivable, and an inventory of property, equipment, and supplies. It would also include an accounting of the school’s liabilities including any accounts receivable, which may include reduction in apportionments as a result of audit findings or other investigations, loans and unpaid staff compensation. The audit would also assess the disposition of any restricted funds received by or due to the charter school. The cost of the audit would be considered a liability of the charter school. In addition to a final audit, the charter school would also submit any required year-end financial reports to the California Department of Education and the authorizing entity in the form and time-frame required. These reports would be submitted as soon as possible after the closure action, but no later than the required deadline for reporting for the fiscal year.

#### 4. Dissolution of Assets

Upon completion of the closeout audit, MWA shall make payment of all remaining liabilities, if any. Any unrestricted assets of MWA shall be liquidated to pay off any outstanding liabilities. In the event that MWA is unable to make payment of all liabilities Making Waves Education Program shall pay said remaining liabilities in full.

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

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

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

As specified by the MWA budget, MWA shall utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

# MISCELLANEOUS CHARTER PROVISIONS

## A. Budgets

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. Education Code Section 47605(g).*

### Financial Plan

A financial plan for the school is attached, including MWA’s budget and cash flow for the next three years of operation. Some of the most basic assumptions include:

* 168 students added each year through the lottery
* A 95% ADA rate
* Receiving SB 740 rent reimbursement program revenues
* Through LCFF, MWA should receive a high level of revenue based on having a high percentage of students eligible for free/reduced priced meals (70%-80%) and a high percentage of English Language Learners

John Scully, one of the founders of the Making Waves Education Program, provides funds as needed on a cash flow basis to cover the difference between other cash receipts and cash disbursement requirements. A letter dated November 1, 2016 from John Scully, is included in the Appendix G.

## B. Financial Reporting

### Budget and Financial Reporting Schedule

MWA annually prepares and submits to CCCOE:

* On or before July 1st, a preliminary budget for the current fiscal year;
* On or before July 1st, an annual update (LCAP) required pursuant to Education Code Section 47606.5;
* On or before December 15th, an interim financial report which reflects changes to the final budget through October 31st. Additionally, on December 15, a copy of the Charter School’s annual, independent financial audit report for the preceding fiscal year shall be delivered to the State Controller, California Department of Education and County Superintendent of Schools;
* On or before March 15th, a second interim financial report which reflects changes to the final budget through January 31st;
* On or before September 15th, a final unaudited financial report for the prior full fiscal year.

### Local Control Accountability Plan/WASC Plan

Through the implementation of the Western Association of Schools & Colleges (WASC) plan and Local Control Accountability Plan (LCAP), MWA engages in authentic stakeholder reviews and input on everything from budget to facilities and curriculum. MWA utilizes its School Site Council (SSC) as a critical stakeholder review group that reviews, informs, and recommends expenditures as part of the budget development and approval process. The MWA Board of Directors approves budgets upon recommendations from the Finance Committee for Making Waves and the MWA SSC. The mid-year LCAP review, curriculum review, and WASC review act as internally driven “programmatic audits” assessing progress against designated goals.

### Other Financial Reports

* MWA implements an attendance recording and accounting system which complies with state law.
* MWA is a directly funded charter school. MWA deposits its funds in a non-speculative and federally insured bank account for use by the school.
* MWA provides the following reports that are required by law: California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, the School Accountability Report Card (SARC), and the Local Control Accountability Plan (LCAP).

MWA agrees to and submits to the right of the CCCOE 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.

Pursuant to Education Code Section 47604.3, MWA shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from CCCOE. MWA shall comply with Education Code Section 476304.4 related to the County Superintendent’s authority to monitor and investigate charter schools.

## C. Insurance

CCCOE shall not be required to provide coverage to MWA under any of the CCCOE’s self-insured programs or commercial insurance policies. MWA shall secure and maintain, as a minimum, insurance as set forth below to protect MWA from claims which may arise from its operations. The following insurance policies are required:

* Workers’ Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect MWA from claims under Workers’ Compensation Acts, which may arise from its operations;
* General Liability, Comprehensive Bodily Injury and Property Damage Liability for combined single limit coverage of not less than $2,000,000 for each occurrence. The policy shall be endorsed to name CCCOE as an additional insured.

### Insurance Certificates

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

### Optional Insurance

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

### Indemnification

With respect to its operations under this Charter, MWA shall, to the fullest extent permitted by law, hold harmless, indemnify and defend the CCCOE, its officers, directors and employees from and against any and all claims, demands, actions, suits, losses, liability expenses and costs including, without limitation, attorneys’ fees and costs arising out of injury to any persons, including death or damage to any property caused by, connected with or attributable to the willful misconduct, negligent acts, errors or omissions of MWA or its officers, employees, agents and consultants, excepting only those claims, demands, actions, suits, losses, liability expenses and costs caused by the negligence or willful misconduct of the CCCOE, its officers, directors and employees. The CCCOE shall be named as an additional insured under all insurance carried on behalf of MWA as outlined above.

## D. Administrative Services

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

Under the approval of our Chief Executive Officer and under the direction of our Chief Financial Officer, the business office includes the following members who provide administrative support: a full time Controller and one full time Accounts Payable/Payroll Clerk. In addition, MWA consults with EdTec, Inc., a charter school consulting firm.

MWA uses a SACS-compliant chart of accounts using accounting software package adapted for school use. The current Controller has been an employee of the organization for the entire ten years that MWA has been in operation and is well-versed in proper financial controls systems and financial reporting to the charter authorizer (CCCOE) and the California Department of Education. MWA has utilized an outside payroll vendor (Paychex) in the past. During the 2016-17 school year, Making Waves launched a comprehensive payroll and HRIS platform system called Kronos. This system is compatible with our bank and other vendors to arrange for proper tax withholdings and payroll deductions. MWA has successfully and consistently coordinated with the CCCOE to report pertinent STRS payroll data. The CCCOE may request a reasonable fee for coordinating this transfer of data. The school offers a comprehensive health and benefits plan from local vendors (*e*.*g*., Kaiser and Blue Cross) with a variety of options for MWA employees to choose from (e.g. HMP and PPO as well as flexible spending benefit accounts).

## E. 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(g).*

Our current facilities are located at 4123 and 4130 Lakeside Drive and at 2900 Technology Court Richmond, California 94806. The school facilities comprise more than adequate classroom space for all core classes and has several areas designated for specialized classes and programs as designated in the petition. Owned by Making Waves Foundation, the school facilities are leased to MWA at below market cost (see budget). The facilities meet all applicable state and federal codes. MWA is responsible for routine maintenance of the facilities, including janitorial, grounds-keeping and utility costs.

## F. Transportation

MWA provides transportation for students based on availability and capacity of the bus service we contract for with a local transportation company. Students with hardships are able to secure either a seat on the contracted school bus or a public bus pass is purchased for them to use public transportation. MWA anticipates occasionally arranging for public, rented or parental transportation for field trip-type excursions and learning opportunities.

## G. Potential Civil Liability Effects

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

MWA is operated 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(c), an authority 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. MWA shall work diligently to assist CCCOE in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other CCCOE-requested protocol to ensure CCCOE shall not be liable for the operation of MWA.

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

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

As stated above, insurance amounts shall be determined by recommendation of CCCOE and MWA’s insurance company for schools of similar size, location, and student population. CCCOE shall be named an additional insured on the general liability insurance of MWA.

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

## H. Other

### Term

The term of this Renewal Charter shall be July 1, 2017 through June 30, 2022.

### Revisions

Material revisions of the provisions contained in this Charter may be made in writing with the mutual consent of the CCCOE and the MWA Board of Directors. Material revisions and amendments shall be made pursuant to the standards, criteria and timelines in Education Code Section 47605; provided, however, that MWA shall not be required to obtain petition signatures prior to making material amendments to the charter petition.

### Severability

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

### Communication

All official communication between MWA and the CCCOE will be sent via first class mail or other appropriate means to the Charter School Chief Executive Officer and the Superintendent of the CCCOE.

# APPENDICES

1. Historical Student Enrollment and Student Achievement Data
2. CAASPP Data
3. Core Day Courses, Schedules, and Calendar
4. LCAP Goals for 2016-18
5. Summary of LCAP Goals
6. MWA Articles of Incorporation, Bylaws, and Conflict of Interest Code
7. Letter of Support
8. 3-Year Budget

1. All references in the charter to the CELDT will be understood by MWA and CCCOE to mean the English Language Proficiency Assessments for California (“ELPAC”), when it replaces the CELDT. [↑](#footnote-ref-1)
2. As the term “member” is defined in the California Corporations Code section 5056. [↑](#footnote-ref-2)
3. “MWA employees” refers to full-time faculty and staff who, by December of their 2nd year, will have been a full-time employee at MWA for at least 12 months. Children of full-time MWA faculty and staff will be moved to the front of the list for grade levels 4th-9th grades. [↑](#footnote-ref-3)