

# Excel Academy Charter School Charter School Petition



For the Term of:  
July 1, 2024 – June 30, 2031

*Presented to:*  
*Warner Unified School District*  
*Warner Springs, CA*  
*DATE: June 11, 2024*

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## AFFIRMATIONS AND DECLARATION

As the authorized lead petitioner, I, Heidi Gasca, hereby certify that the information submitted in this petition for a California public charter school to be named Excel Academy Charter School (“EACS, Excel Academy, or the “Charter School”), operated as Excel Academy Charter School (“Excel” or the “Organization”), a tax-exempt 501(c)(3) nonprofit public benefit corporation and to be authorized by the Warner Unified School District (“WUSD” or the “District”) is true to the best of our knowledge and belief. I also certify that this application 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, 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:


- EACS shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(d)(1)]
- The Charter School declares that it shall be deemed the exclusive public school employer of the employees of EACS for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (c)(6)]
- EACS shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)]
- EACS shall not charge tuition. [Ref. Education Code Section 47605(e)(1)]
- EACS shall admit all students who wish to attend the Charter School unless EACS receives a greater number of applications than there are spaces for students, in which case it will hold a public random lottery to determine admission. Except as required by Education Code Section 47605(e)(2) and Education Code Section 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or that student’s parents or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(e)(2)(C). [Ref. Education Code Section 47605(e)(2)(A)-(C)].
- Preferences, including, but not limited to, siblings of students admitted or attending the charter school, children of charter school teachers, staff, or founders named in the initial charter, may be permitted by the chartering school district on an individual charter school basis. The priority order for any admissions preferences shall be determined in the charter petition and shall comply with the following:
  - Each preference type shall be approved by the District at a public hearing;
  - Preferences shall be consistent with federal law, the California Constitution, and Education Code Section 200;
  - Preferences shall not result in limiting enrollment access for students with disabilities, academically low-achieving students, English Learners, neglected or delinquent students, homeless or economically disadvantaged students, foster youth, or based on a student’s nationality, race, ethnicity, or sexual orientation.

- In accordance with Education Code Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
- EACS Shall comply with the requirements of Education Code Sections 48850 *et seq.* Regarding the enrollment and placement of homeless students and foster youth.
- EACS 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, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(ed)(1)]
- EACS shall adopt policy that is consistent with the model policy developed by the California Attorney General addressing the Charter School's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code Section 234.7.
- EACS shall provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications, in compliance with Education Code Section 48907.
- EACS 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 ("Section 504"), Title II of the Americans with Disabilities Act ("ADA") of 1990, and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA").
- EACS shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. California Code of Regulations, Title 5, Section 11967.5.1(f)(5)(c)]
- EACS shall ensure that teachers at EACS hold the Commission on Teacher Credentialing ("CTC") certificate, permit or other document required for the teacher's certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a Board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment. [Ref. Education Code Sections 47605(l)(1) and 47605.4(a)]
- EACS shall at all times maintain all necessary and appropriate insurance coverage.
- EACS 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 student is expelled or leaves EACS without graduating or completing the school year for any reason, EACS shall notify the superintendent of the school district of the student's last known

address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the student, including report cards or a transcript of grades, and health information. If the student is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the student had been enrolled in the Charter School. [Ref. Education Code Section 47605(d)(3)]

- EACS may encourage parental involvement, but shall notify the parents and guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
- EACS shall adhere to each of the conditions in Education Code Section 47605(e)(4)(A)-(D), including: (A) not discouraging a student from enrolling or seeking to enroll in the Charter School for any reason; (B) not requesting a student's records or requiring a parent, guardian, or student to submit the student's records before enrollment; (C) not encouraging a student currently attending the Charter School to disenroll or transfer to another school for any reason; and (D) providing a copy of the California Department of Education ("CDE") notice regarding the requirements in Education Code Section 47605(e)(4)(A)-(D) to a parent/guardian or student if the student is 18 years of age or older: (i) when a parent/guardian or student inquires about enrollment, (ii) before conducting an enrollment lottery, or (iii) before disenrollment of a student. [Ref. Education Code Section 47605(e)(4)(A)-(D)]
- EACS shall comply with all laws regarding the provision of specified accommodations to pregnant and parenting students and shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. [Ref. Education Code Sections 222, 222.5, 46015]
- EACS shall maintain accurate and contemporaneous written records that document all student attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- EACS shall on a regular basis consult with its parents and teachers regarding EACS's education programs. [Ref. Education Code Section 47605(d)]
- EACS shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
- EACS shall comply with all laws establishing the minimum and maximum age for public school enrollment and will not enroll pupils over 19 years of age unless continuously enrolled in a public school and making satisfactory progress toward high school diploma requirements. [Ref. Education Code Sections 47612(b) and 47610(c)]
- EACS shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
- EACS shall comply with the California Public Records Act, Government Code Section 7920.000, et seq. ("CPRA").
- EACS shall comply with the Family Educational Rights and Privacy Act, 20 US.C. Section 1232g, 34 CFR Part 99 ("FERPA").

- EACS shall comply with the Ralph M. Brown Act, Government Code Section 54950, et seq., ("Brown Act").
- EACS shall comply with Government Code Section 1090, et seq., as set forth in Education Code Section 47604.1 ("Section 1090").
- EACS shall comply with the Political Reform Act, Government Code Section 81000, et seq. ("PRA").
- EACS will comply with all applicable independent study laws and regulations including but not limited to Education Code Sections 51745, et seq.; 47612.5; 47634.2; and Title 5, California Code of Regulations, Sections 11700-11705; and 19850-19854.
- EACS shall meet or exceed the legally required minimum number of school days. [Ref. California Code of Regulations, Title 5, Section 11960]

DocuSigned by:  
  
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Lead Petitioner

5/15/2024 | 4:39 PM PDT  
Signature Date

## EVIDENCE OF MEETING CHARTER RENEWAL CRITERIA

Pursuant to the amendments made to Education Code Section 47607, and the creation of Education Code Section 47607.2, by Assembly Bill 1505 (2019), at the time of charter renewal, a chartering authority shall consider the performance of the charter school on the state and local indicators reported on the California School Dashboard (“Dashboard”), and, in some circumstances, the performance of the charter school on assessments deemed to be verified data.

In addition to the shift toward assessing Dashboard data, Assembly Bill 1505 also created a three-tiered system of evaluating charter schools’ performance, plus a separate category for Dashboard Alternative School Status schools. Each of the three tiers has unique qualifying criteria.

The three performance categories are as follows:

- High Performing – Presumptive renewal if the charter school meets the established renewal criteria —Education Code Section 47607(c)(2).
- Low Performing – Presumptive non-renewal if the charter school meets the non-renewal criteria, unless the chartering authority makes a finding to approve for a two-year term —Education Code Section 47607.2(a).
- Middle Performing – Renewal unless the charter school failed to meet or make sufficient progress toward meeting standards and closure is in the best interest of students, evaluated using the California School Dashboard (the “Dashboard”) and Education Code Section 47607.2(b).

For the first time since 2020, the CDE has published a list of high-, middle-, and low-performing charter schools.

Due to the suspension of the Dashboard in 2020 and 2021 for the COVID-19 pandemic, charter schools cannot be placed into performance categories as contemplated by AB 1505. All charter schools with only one year of data are placed in the middle performing track. This was true prior to COVID-19 and is currently true for all charter schools in California.

The CDE can only display the most current year of data (also known as Status) on the 2023 Dashboard. Therefore, compared to prior Dashboards, the use of colors, or performance levels, using two years of data will not be reported. The 2023 Dashboard will use one of five Status levels (ranging from Very High, High, Medium, Low, and Very Low) for all state indicators based on the 2022–23 school year data.

The state indicators include the following:

- Chronic Absenteeism: kindergarten through grade eight
- Suspension Rate: kindergarten through grade twelve
- English Learner Progress: grades one through twelve
- Graduation Rate: high school only
- College/Career: high school only (Note: The College/Career Indicator will not be reported on the 2023 Dashboard)
- Academic: grades three through eight and grade eleven – English language arts/literacy and Mathematics

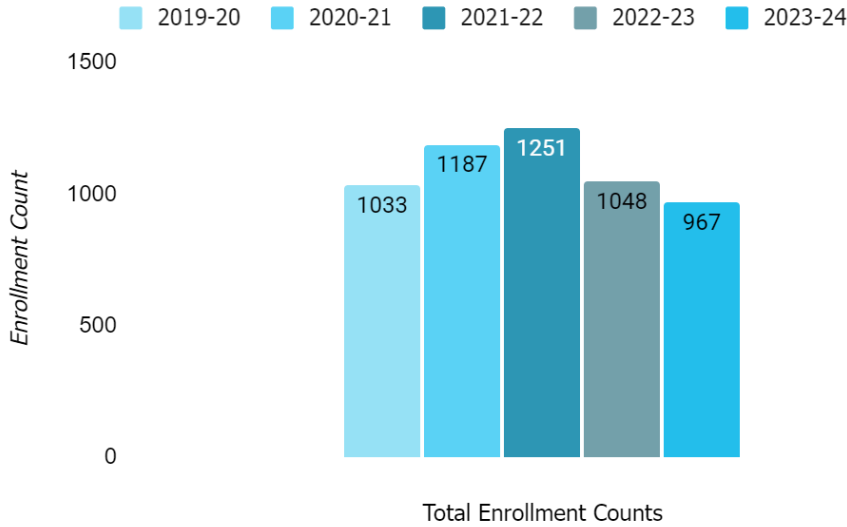
EACS fits into the middle performing category as demonstrated by its performance on the Dashboard. EACS documents its performance on the Dashboard and through verified data, in support of approval of its charter renewal petition, below.



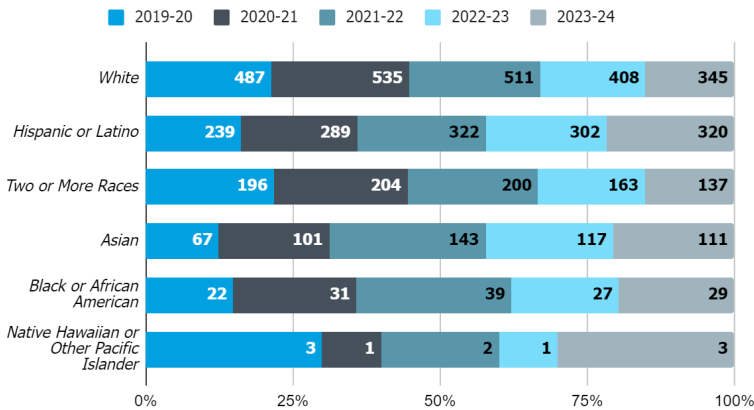
# CHARTER RENEWAL CRITERIA

## Historic Enrollment Trends

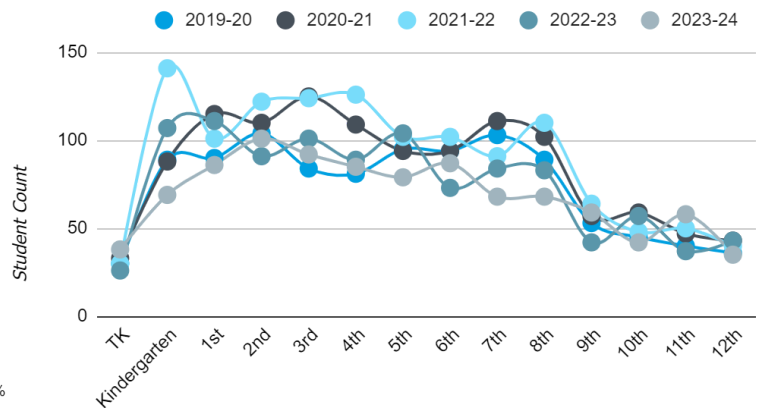
### Historical Student Enrollment Counts



### Enrollment by Race/Ethnicity

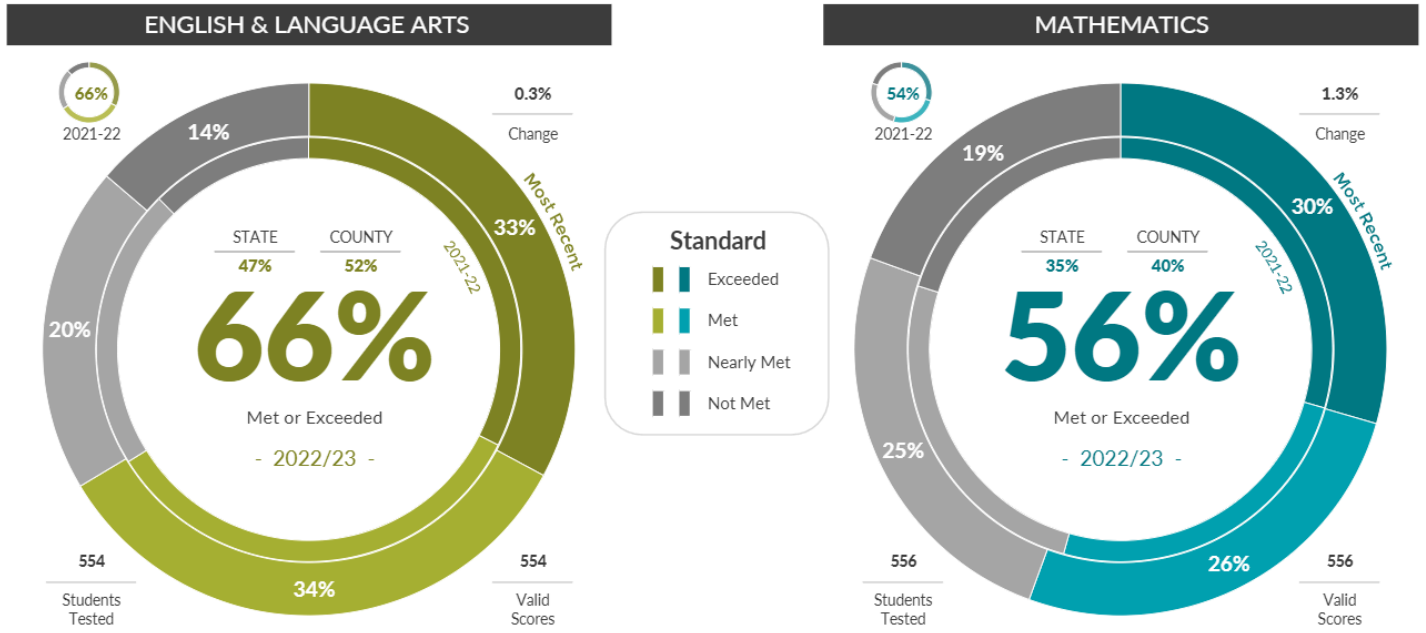


### Enrollment by Grade Level

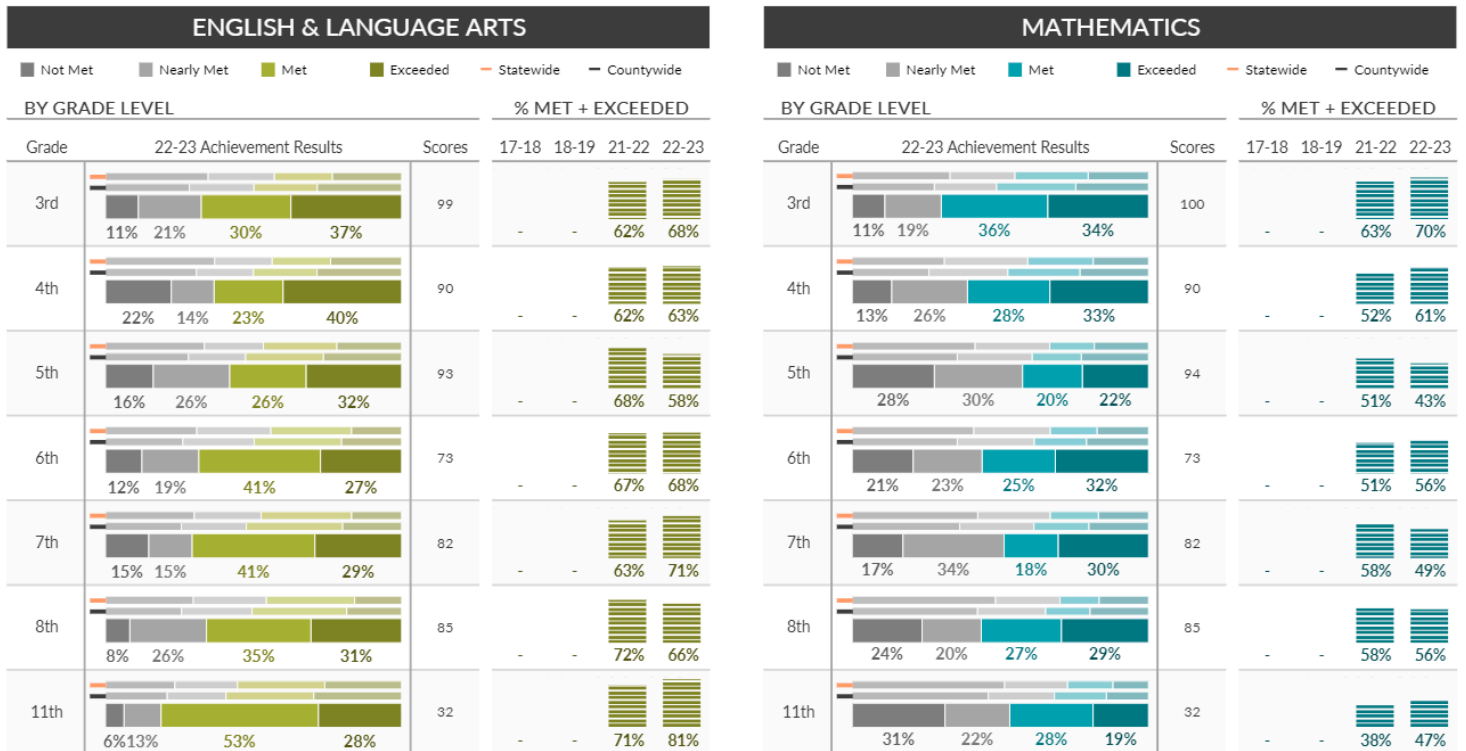


Excel Academy's student enrollment has steadily increased from 2019 through the 2021/22 school year, with a slight decrease following the 2022 school year. With the increase in student enrollment, EACS observed a much faster growth of Hispanic/Latino students. Please notice the growth increase you see in the Hispanic/Latino student population is becoming more reflective of the demographic data of the community which Warner Unified serves.

State Assessments (CAASPP)- Smarter Balanced Summative Assessment in ELA and Math

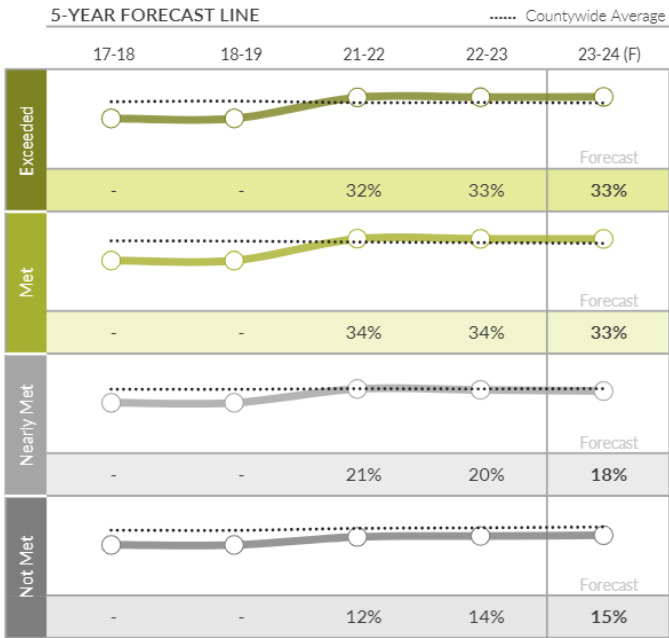


In comparison to 21/22, the 22/23 the overall percentage of students meeting or exceeding grade level standards increased by 2% in math and remained the same in ELA.

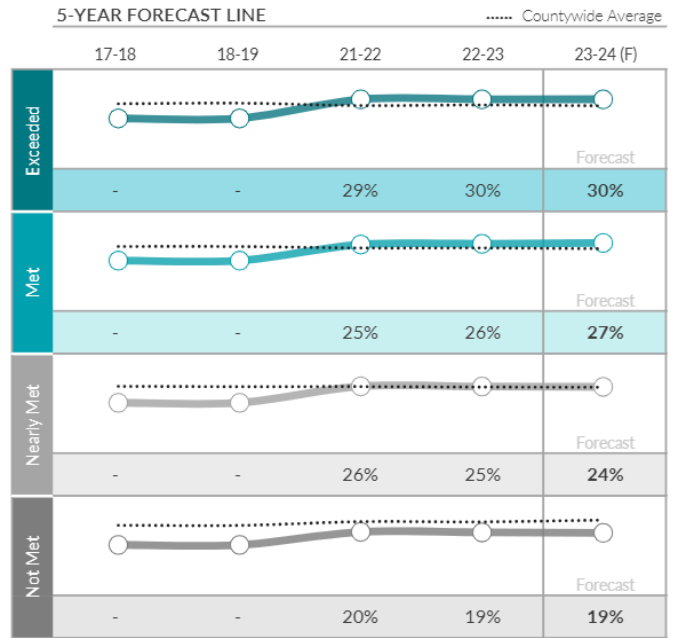


The above charts show fairly consistent results across various grade levels. Analyzing results disaggregated by grade level can shed some light on how ELA and math standards are taught. Results indicate that the scope and sequence of Common Core State Standards appear sound and effective.

### ENGLISH & LANGUAGE ARTS



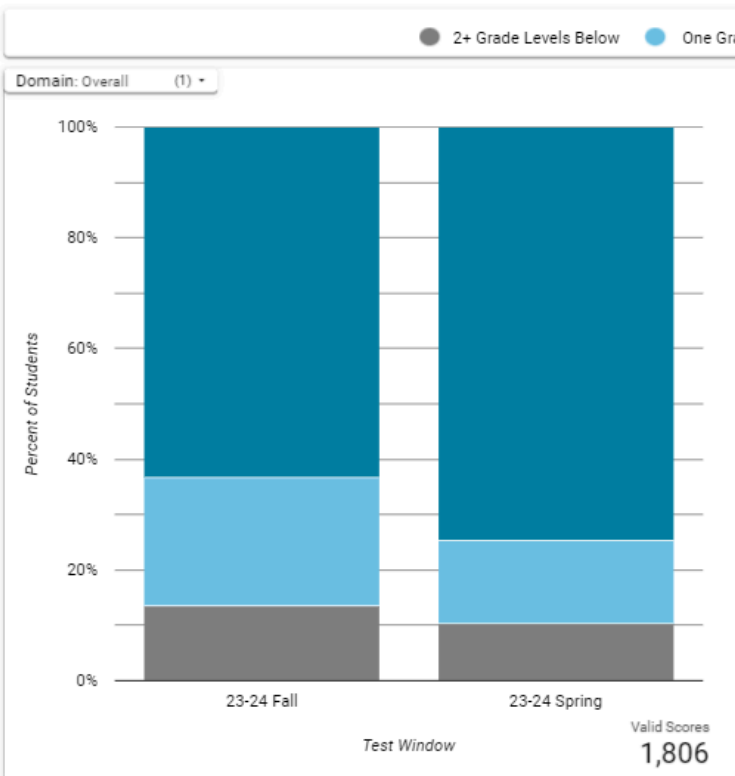
### MATHEMATICS



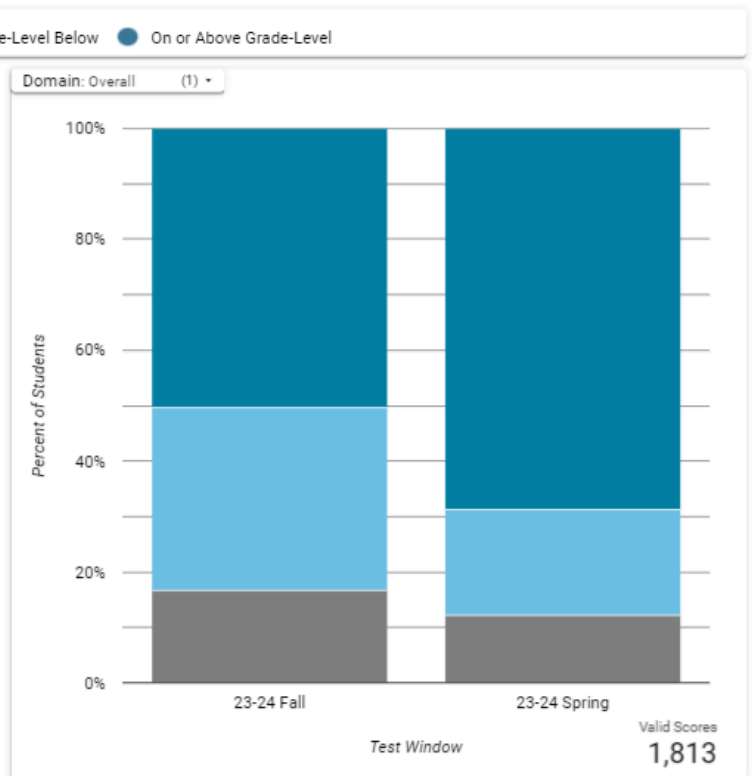
The charts above illustrate a steady trend in ELA and math as more students move into grade level proficiency over time. Based on the observed data, Excel Academy will continue to prioritize the monitoring of all students who fall into the nearly or not met levels by providing equity based interventions and instruction across all domains in ELA and math.

Local Test - i-Ready Diagnostic in Reading and Math (2023/24)

### Reading Results



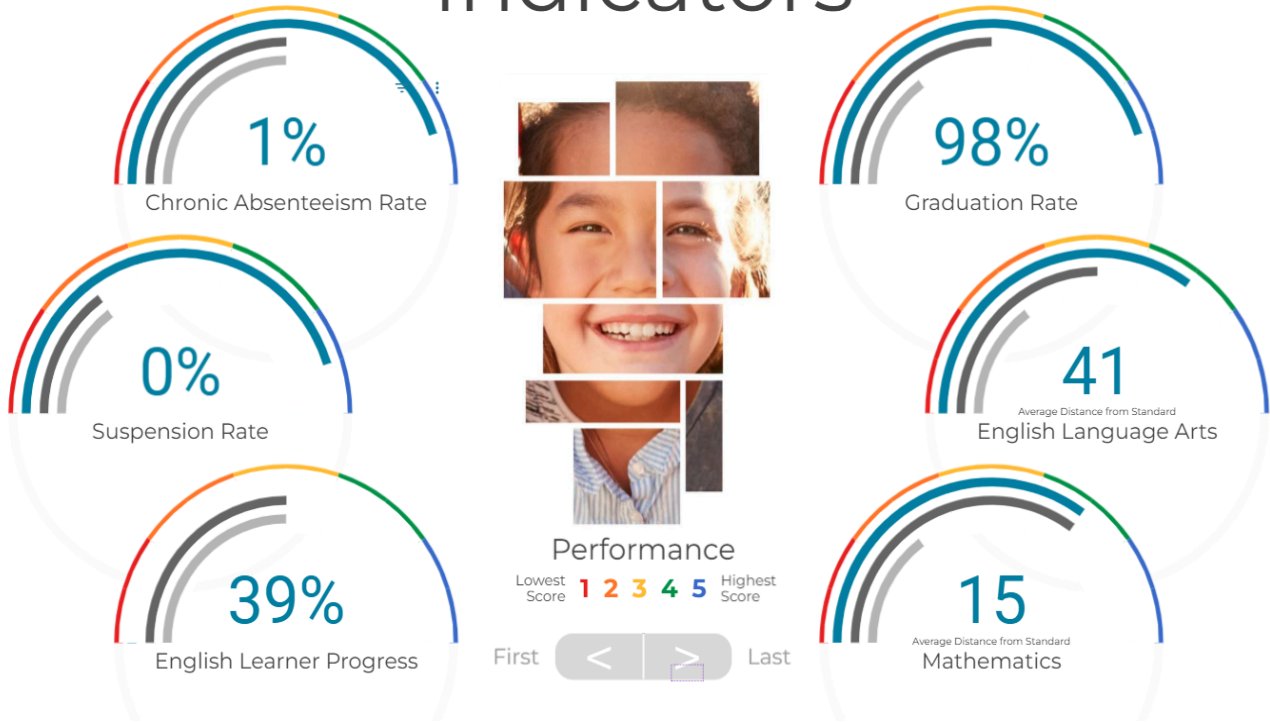
### Math Results



2023 California  
School Dashboard - **Enhanced**

# Statewide Indicators

■ District or School  
■ County  
■ California



EACS received high marks on the majority of the available statewide indicators. Excel Academy's assessment and intervention departments closely analyze and monitor the progress English Learner (EL) students are making through the English Language Development Program (ELD). Oftentimes, EL students communicate in their primary language in the home. Therefore, EACS requires the completion of equity-based ELD curriculum and participation in live instruction for students to have consistent and direct guidance and support in listening, speaking, reading, and writing to build their English language fluency.

County		Priority 4			Priority 5			Priority 6
Category	Student Group	CCI	ELA	Math	ELPI	Graduation	Chronic Absent...	Suspension
All Students	All Students	-	3	4	-	3	3	2
Race/Ethnicity	African American	-	2	3	-	2	3	2
	American Indian	-	3	3	-	1	3	3
	Asian	-	5	5	-	3	3	5
	Filipino	-	5	4	-	4	3	4
	Hispanic	-	2	3	-	3	3	2
	Pacific Islander	-	2	2	-	1	3	2
	Two or More Races	-	4	4	-	4	3	2
White	-	4	4	-	4	3	3	

District or School		CCI	ELA	Math	ELPI	Graduation	Chronic Absent...	Suspension
All Students	All Students	-	4	4	-	5	5	5
Race/Ethnicity	African American	-	0	0	-	0	0	0
	Asian	-	5	5	-	0	5	5
	Filipino	-	0	0	-	0	0	0
	Hispanic	-	3	4	-	0	5	5
	Pacific Islander	-	0	0	-	-	0	0
	Two or More Races	-	5	4	-	0	5	5
	White	-	4	4	-	0	4	5

California		Priority 4			Priority 5			Priority 6
Category	Student Group	CCI	ELA	Math	ELPI	Graduation	Chronic Absent...	Suspension
All Students	All Students	-	2	2	-	2	3	2
Race/Ethnicity	African American	-	2	1	-	2	3	1
	American Indian	-	2	3	-	2	3	2
	Asian	-	5	5	-	4	3	4
	Filipino	-	4	4	-	4	3	4
	Hispanic	-	2	2	-	2	3	2
	Pacific Islander	-	2	2	-	3	3	2
	Two or More Races	-	4	3	-	2	3	2
White	-	4	3	-	2	3	3	

District or School		CCI	ELA	Math	ELPI	Graduation	Chronic Absent...	Suspension
All Students	All Students	-	4	4	-	5	5	5
Race/Ethnicity	African American	-	0	0	-	0	0	0
	Asian	-	5	5	-	0	5	5
	Filipino	-	0	0	-	0	0	0
	Hispanic	-	3	4	-	0	5	5
	Pacific Islander	-	0	0	-	-	0	0
	Two or More Races	-	5	4	-	0	5	5
	White	-	4	4	-	0	4	5

Compared to the county and state as a whole, Excel Academy exceeded or was equivalent to the scores indicated for the priorities that had enough identified students to score.

## ELEMENT 1: EDUCATIONAL 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 students to become self-motivated, competent, and lifelong learners. – Education Code Section 47605(b)(5)(A)(i).*

*The annual goals for the charter school for all students and for each subgroup of students 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 students, a description of 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).*

### 1) Mission

Excel Academy will provide a flexible, personalized learning experience where teachers and parents collaborate to provide academic excellence and social and emotional foundations to instill a love for learning in each individual student.

### 2) Vision

Excel Academy is all about CHOICE:

C: Compassion, Creativity , Collaboration, Challenge, & Confidence

H: Helpful, Hands-On , Humility, & Happiness

O: Optimism, Options, Opportunities, Ownership, & Others

I: Independence, Individualization, Inspiration, & Investigation

C: Child-focused, Curiosity, Critical Thinking, Consideration, & Community

E: Education, Equity, Enjoyment, Exploration & Empowerment

### 3) Educational Philosophy and What it Means to be Educated in the 21st Century

The Charter School seeks to attract and serve a group of students who can benefit from instruction that is flexibly paced, individually targeted, and closely monitored than can occur in a traditional “brick and mortar” classroom. EACS’s model becomes distinguishable from other virtual/independent study or self-directed learning models in that students benefit from a high level of personalized support from professional educators, a feature lacking in other virtual and independent study settings.

The Charter School believes that each student has unique needs and that educational success depends on personalizing learning and providing the appropriate high quality resources, services, and support to meet those needs.

This learning climate is made possible by utilizing diverse curriculum options that are aligned to California's academic content standards, including Common Core State Standards ("CCSS"), Next Generation Science Standards ("NGSS"), History-Social Science Framework, English Language Development ("ELD") Standards, and other applicable state content standards (hereinafter, collectively, "State Standards"), and targeted to individual learner needs. Our curriculum is delivered through a personalized learning independent study model encompassing direct and online instruction, textbooks, project based learning and hands on experiences that balance the unique advantages of a virtual classroom and independent study approach. The curriculum is designed to cover the full content in each core subject by the end of each academic year. However, the flexible pacing in our approach enables the student, under the guidance of the credentialed teacher, to spend more intensive time and effort in areas of need. This model allows teachers to better address each student's unique learning and communication style, cultivate independent thought, and offer alternative or supplemental learning options that prepare students for the real-life complexities of higher education or the job market in the 21st century.

EACS's educational model is intended to cultivate learning habits that keep the mind open, curious, and alert. An "educated person in the 21st century" is able to learn continuously, perceive opportunity, and adapt talents and skills to novel situations. These characteristics and habits reveal themselves when a person adapts learned capabilities to a job or career that did not exist when those capabilities were first formed. This dynamic demonstrates that the curious and open minded are by nature lifelong learners. Our model engenders this mentality by enabling the student to interact with the curriculum in a manner that motivates the student to pursue individual interest while proceeding through the required content.

EACS will position its students for success by enabling students to learn any time, any place, and by deploying flexible learning, teaching, curricular, and staffing models that adapt to the uniqueness inherent in every student and learning situation. It will empower them to take ownership of their education and develop not only knowledge, skills, and abilities, but also the confidence, creativity, and resourcefulness to deploy them adaptively in response to the challenges and opportunities of the 21st century.

#### 4) WASC and Plan for Transferability of Courses

EACS has received a six-year accreditation status by the Western Association of Schools and Colleges ("WASC") through June 30, 2029 with a mid-cycle visit during the 2025-2026 school year. EACS will apply for continued accreditation at that time.

EACS offers a full array of a-g courses approved by the University of California as well as National Collegiate Athletic Association ("NCAA") approved courses for students who pursue athletics at the collegiate level.

EACS will inform parents about the transferability of courses to other public high schools and how those courses meet college entrance requirements for the University of California and California State University through individual meetings with the student's assigned teacher, parent information meetings and via the handbook that is provided to all high school students and parents. Teachers will receive annual training in these requirements.

## 5) Overview of School

Excel Academy Charter School was awarded the prestigious honor of a 2023 California Distinguished School for closing the achievement gap and achieving exceptional student performance.

EACS serves students in Tk-12th grade. We offer a personalized elementary path for students in grades Tk-6th, a personalized secondary path for students in grades 7th-12th and a virtual model for 1st-8th grade students. On the personalized paths, families have the freedom to build a customized learning experience using state approved curriculum tailored to fit students' individual needs and learning styles. In the virtual path, students learn in an online classroom with a group of grade level peers receiving instruction for all core subjects by their assigned teacher. On all three paths EACS students develop a personalized education plan with the support and guidance of their assigned highly qualified teacher, leadership support team, and counselor. This plan is highly customizable and flexible in order to meet the unique needs of each student and family. As part of the plan, the teacher will support the parent in identifying the student's educational philosophy. The educational plan will be supported through selecting curriculum, materials, and educational services that are tailored to that custom plan.

Tk-6 students are assigned a credentialed teacher in the designated grade bands who are trained in supporting the progress toward state standards utilizing a variety of learning styles and philosophies. The parent/guardian, Teacher of Record, and student develop a personalized plan that will meet the student's unique learning needs. Students are able to use instructional funds to purchase curriculum, materials, and to take classes through our content and community providers as well as attend live synchronous classes with Excel Academy teachers in a variety of different subject areas. They may participate in extracurricular activities such as the arts and sports, as well as to take advantage of additional academic support through tutors. The teacher ensures all materials and activities purchased with the school's funds support the student's educational plan and are allowable per the law. EACS is committed to providing opportunities for our students to connect in the community and to broaden their learning through those community opportunities and connections. A few examples of how this may be accomplished is through state standards aligned field trips, participation in a coding club, Spelling Bee, Outdoor classroom, monthly community meet ups, Back to School fair, regional community provider events and an annual science fair.

EACS also has an all virtual program where students participate in daily live instruction in all subject areas with a designated teacher and same grade peers.

Students in grades 7-12 are assigned a primary Teacher of Record ("ToR"). Together with the parent/guardian and student, the Teacher of Record develops the personalized plan according to each individual student's learning needs. Families choose from a wide range of approved curricula. High school courses aim to prepare students for college and career readiness options leading to graduation and meeting their post-high school goals. In addition to monthly training meetings and bi-annual in-service workshops, our Secondary leadership team and school counselors may attend the annual UC/CSU Counselor Conference, as well as online webinars offered by the College Board.

Our highly experienced high school department works with each student and parent individually to custom build the student's semester and four-year plan. Students have abundant opportunities to participate in co-curricular and extra-curricular options including: high school career oriented field trips, 4-year and community college tours, virtual and in person clubs, student leadership and National Honor Society. We also offer regional social gatherings to facilitate community and team building among high school students.

The secondary education staff work with students to facilitate personalized career and educational planning through both individual and school wide planning workshops focusing on college and career preparation.



Students are informed about the various paths to graduation and are offered support in reaching their highest potential.

EACS maintains a UC A-G course list that ensures students may enroll in College Prep courses for all core courses and any necessary electives to complete the minimum required course sequence for A-G completion, as well as our school's own live synchronous Excel teacher led classes, project based and textbook based courses. In addition to core courses, EACS offers an array of electives reflecting a wide range of student interests including but not limited to communications, social sciences, fine arts, languages other than English, computer skills, and Career and Technical

Education courses. EACS also facilitates community college concurrent enrollment for qualified, interested students.

Secondary teachers of record (ToRs) encourage student achievement through mentoring and support. Teachers personalize students' college and career readiness plan to meet their individual interests and goals. In addition, the secondary department organizes college information sessions in the fall and in spring. In the fall these sessions are geared toward understanding the college application process. Eighth grade high school transition sessions are held in the spring to assist in preparing students for 9th grade, and sessions are held for 11th graders to guide them in planning their senior year.

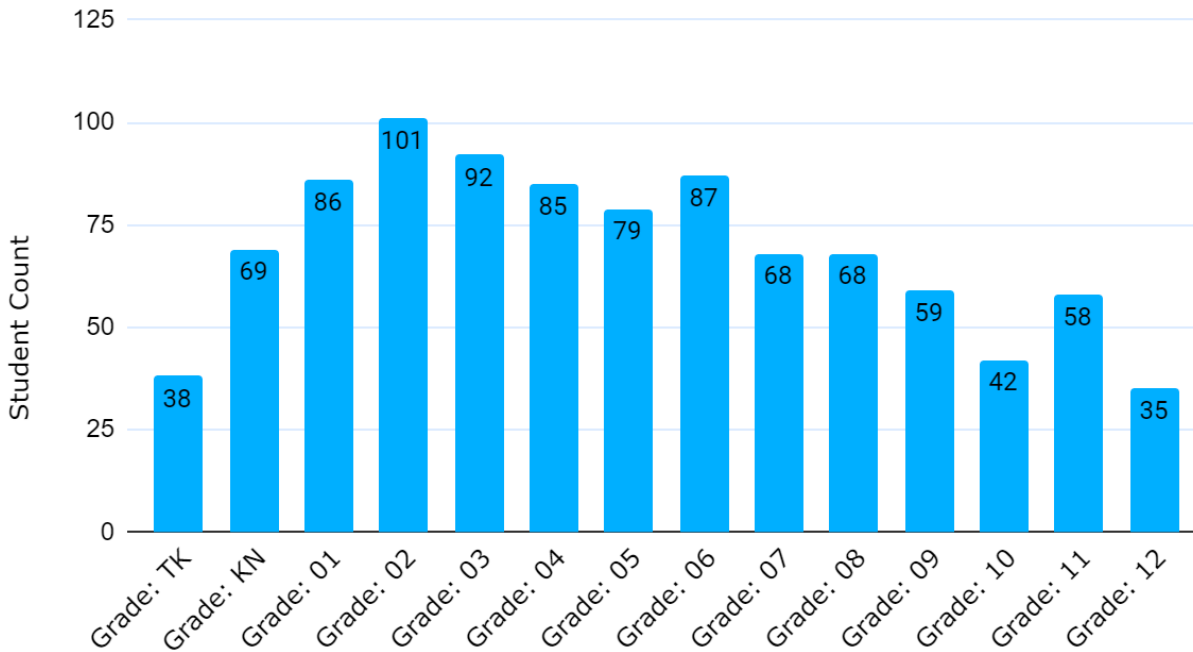
## 6) Whom We Attempt to Educate

EACS will be open to all students in grades Tk-12 in San Diego County, and its adjacent counties of, Imperial, Riverside, San Diego and Orange.

EACS will seek to serve any student who demonstrates an interest, desire, and aptitude for an independent study personalized learning environment. This includes students who are high performing or potentially so, but find too much distraction or too little stimulation in the traditional classroom environment. Alternatively, this includes students who need more one-on-one support and will thrive working in the home with their parent supporting the day-to-day instruction. The charter school's model will also serve students who need an alternative to daily classroom attendance. These students may not be motivated to attend school on a full-time campus for many reasons. The EACS model is designed to serve all of these students effectively through diverse curriculum options and dedicated, individualized teacher support.

EACS will serve grades Tk through 12. The projected enrollment for the 2024-2025 school year is 977 students although we have already surpassed our projected enrollment during the 2023-2024 school year. We anticipate that during the seven-year term of this petition, that the enrollment will increase to approximately 1050-1100 students.

## Student Enrollment by Grade Level



### 7) Community Need

As a nonclassroom-based school EACS offers a flexible, personalized learning model to serve the best interests of students looking for an alternative model of education within their community. Exceptional educational practices and offerings are available to meet the academic, social and emotional needs of prospective and enrolled students. EACS supports students from all backgrounds including but not limited to; students with disabilities, English language learners, gifted students, LGBTQ+ students, professional athletes, actors, artists, college and career bound and any student that wants the flexibility and personal attention to their individual path and goals.

### 8) Curriculum and Instructional Design Student Information System

School Pathways is an example of a Student Information System ("SIS") used at EACS.. The SIS keeps all student information and allows the Charter School to continually assess its educational program to make data driven decisions relative to course offerings and student outreach. The SIS has a sophisticated reporting capability that all faculty and staff have access to at varying levels (access is granted dependent on employee status and job needs). This system houses student information and records, employee information and records, grades and transcripts, and state testing information. The SIS self-reports relative to state reporting mandates such as CALPADS. It is one of the only Student Information Systems of its kind relative to state reporting and is quite sophisticated and reliable.

In addition, the SIS provides the capability of making decisions about curriculum offerings and teacher assignments, determining correct student course placement, using state testing data for student placement

and support needs, and tracking grades and progress toward graduation. EACS strives to be a data driven organization in order to make decisions that best serve the needs of the student and help them become successful graduates of the Charter School.

## Elementary Curriculum

EACS offers a diverse range of curriculum that covers grade-level standards across the 4 core subject areas: English Language Arts, Math, Science, and Social Studies... Curriculum choices are personalized to each student's ability level, learning style, and personal preferences. In order to accomplish this, EACS contracts with multiple Content & Community Providers to offer a current, quality, standards-based curriculum that spans varying philosophies and formats. Teachers and parents have access to approved curriculum menus as well as experiential, hands-on learning opportunities to enrich the learning experience.. Together, the parent and teacher collaborate to select the best fit curriculum for each student.

Elementary students choose from varying instructional delivery models to further personalize their education. Some students choose a traditional book-based method, while others prefer online courses. Similarly *where* students choose to learn is flexible as well: in the home, online, or through in-person community provider classes. Each student's education is tailor fit to their unique strengths, weaknesses, preferences, and passions.

## High School Curriculum

EACS's high school course of study options are thoroughly vetted by our high school leadership team and staff of highly qualified single- subject experts to ensure that each high school student receives a high-quality and rigorous state standards-based curriculum. Core courses cover all the essential subject divisions within each of these academic areas: language arts, mathematics, history/social science, physical sciences, life sciences, visual and performing arts physical education, ethnic studies, and languages other than English. The Charter School will also offer an array of electives reflecting a wide range of student interests, including but not limited to coding, communications, geography, philosophy, sociology, and an array of Career and Technical Education courses. Qualified students are able to take concurrent enrollment courses at community colleges to earn high school concurrent enrollment credit.

High School students can choose the instructional delivery model that best suits them including but not limited to a combination of live, online instruction, asynchronous and/or synchronous instruction, and/or traditional textbooks. Some rigorous, standards based options include Bright Thinker, Imagine Edgenuity, and eDynamic. Students requesting to utilize in-person community providers who offer hands-on enrichment are provided an approved standards-based course outline to ensure that students complete the requirements to earn respective course credit. This provides both social engagement and rigorous content oversight.

EACS graduation requirements include courses in English, mathematics, science, social science, physical education, ethnic studies, and choices in language other than English, visual and performing arts, and Career and Technical Education (CTE) along with several elective options. All high school students on the graduation pathway choose a college or career focus and complete a series of courses to help prepare them for college and career readiness.. EACS graduation requirements exceed Education Code requirements, and students are counseled on how to meet additional college or career requirements based on their post-secondary educational goals.

In addition to student planning sessions, the secondary leadership team will provide staff training on meeting high school graduation requirements, meeting college entrance requirements and career preparation.

EACS provides staff and students with a recommended 4-year course sequence. Excel Academy students may choose an alternative sequence that suits their personalized graduation plan as long as they meet any and all initial eligibility requirements for each individual course and graduation requirements will be met.

## Attendance Tracking

The Charter School will operate, at minimum, for 175 days of instruction. The Charter School will maintain written records that contemporaneously document all student attendance and make these records available for audit and inspection. Attendance is claimed using a two prong approach. In order to claim attendance, the student must engage in learning for each day claimed ("daily engagement") and additionally must complete the learning that was assigned by the teacher of record for the given learning period ("time value of work product"). Each learning period, the Teacher will review the student's completed assignments and will assign the correlating amount of attendance that matches the student's daily engagement in an educational activity. The Teacher will assign learning and evaluate that learning based on the individual ability and needs of the student. The Teacher will work with the parent/guardian and student to plan out the appropriate amount of work for both attendance purposes and in order to support the student in meeting or exceeding standards as well as achieving personal goals.

## 6) Serving At-Promise Students

Excel Academy holds at-promise youth in the highest regard. With passion and urgency the intervention program provides academic, social-emotional, and behavioral support and resources to uplift our at-promise youth. Our at-promise population is identified by schoolwide data (CAASPP, i-Ready, and literacy assessments), cumulative file reviews, and teacher referrals. They are swiftly placed into our schoolwide academic intervention program, where they are required to participate. Social-emotional learning is provided to TK-12 students in order to foster resilience, efficacy, and confidence. The academic progress and mental wellbeing of our at-promise youth is closely monitored by the ToR, intervention department staff, and counselors alike. The level of support is determined by the level of need as students are served in the appropriate tier of MTSS. Students may be referred to the SST, IEP, or 504 process as determined by information collected on the student. EACS collaborates with parents and families of at-promise students in a variety of ways; through School Site Council, Parent Advisory Committee and 1:1 support through school meetings. At Excel Academy, investing in the academic success and mental wellbeing of our at-promise population is of the highest importance and a space of great success for our school.

These students will be identified through past grades and state test scores, discussions with parents and previous counselors, Individualized Education Programs ("IEP"), writing samples, observation of student performance, and the results of diagnostic skills assessments that may be given to incoming students. Using this information, EACS teachers and counselors can create a pathway to success for each student. This involves not only appropriate course placement, but also accommodations and adaptations that teachers make to the curriculum and their approach to meet the needs of each individual student. Goal setting is also a priority during learning period ("LP") meetings to build self-efficacy.

## Structural Elements and Strategic Responses for Raising Student Achievement Levels

To meet the challenges faced by struggling students, teachers offer continuous motivation and support, seek ways to engage students in meaningful learning, and work one-on-one with students and parents/guardians to ensure the educational plan is working to achieve the student's academic and social

emotional goals. These include individual student/teacher calls, teacher/parent phone/virtual video conferences, student study team phone/virtual conferences with parent/guardian, and in person meetings.

The flexible nature of our pacing and curriculum allow teachers to provide remediation, support, and additional challenge wherever it is needed during the year, proactively supporting students and addressing individual needs before more intensive intervention efforts are required.

While all students can benefit from the flexible pacing inherent in the Charter School's academic program, struggling students in particular will benefit from a curriculum that does not mandate that all students demonstrate their knowledge and skills in identical ways or at identical times.

The academic program will be designed around a wide variety of assignments that afford students varied ways to demonstrate mastery of content. These include, but are not limited to: verbal discussions, written and verbal course assignments, practice assignments, quizzes, journals, essays, creative writing papers, research projects, group projects, exams, reviews/case studies, and Teacher portfolios. Additionally, prep and/or remediation will be available to students in order to help them achieve proficiency on all CAASPP assessments.

Excel Academy uses a Multi-Tiered System of Supports ("MTSS") to ensure equitable access and opportunity for all students to achieve State standards.

## Multi-Tiered System of Supports

### Tier One (Prevention)

Universal access to high-quality, standards-based, core curriculum through differentiation and personalization is provided for each student. The wide array of options in terms of curriculum, instructional techniques, and instruction delivery (in-person, virtual, hybrid) truly acts as a multifaceted intervention that benefits each and every one of our students. EACS requires participation in school wide assessments, including a dyslexia screener, and provides school wide access to personalized lessons to fill in learning gaps. Social Emotional Learning is provided across grades TK-12 to increase student capacity as well as prevent mental health hardship and behavioral challenges.

### Tier Two (Structured Intervention)

When students are not showing adequate progress, the intervention team analyzes data to determine the most appropriate academic intervention, such as online personalized lessons, 1:1 tutoring, or targeted small group instruction, where continual progress monitoring ensures student growth. When students need emotional support the following support is provided as appropriate: social emotional learning, small group counseling, and 1:1 counseling. During small group counseling students with similar struggles come together to learn coping strategies while receiving understanding and accountability from staff and peers alike. Regular and on-going collaboration between the parents, teacher, intervention and counseling departments ensures critical support and continual growth for each student at EACS.

Students who need a personalized plan to support academic, social-emotional, or behavioral challenges participate in the Student Success Team (SST) process. SST Facilitators meet with the parent, teacher, staff, and student (depending on the age) to identify barriers, share strategies, and set agreed upon goals. The SST Team reconvenes to assess the progress made towards those goals within 6-10 weeks.

### Tier Three (Intensive Intervention)

Students with the highest level of need are supported through the IEP or 504 Plan process in compliance with state and federal law.

### Core Components of MTSS at EACS:

- MTSS plays a vital role in creating a high achieving school as expressed in the following goals: 1) enables parent/guardians to teach students more effectively, 2) enables students to achieve standards, acquire academic and social competencies, become independent learners equipped for life's challenges, and 3) create a collaborative culture among all stakeholders.
  - All students receive high quality, standards based, culturally and linguistically relevant curriculum from teachers/parents, who have high academic and behavioral expectations. The EACS model lends itself greatly to the differentiated instructional model in that the parent/guardian and teacher work together to customize each student's educational plan including; curriculum, instructional techniques, instructional delivery, and learning environment. The teacher of record works with the parent/guardian to align the personalized educational plan to Common Core State Standards and ensures a high academic rigor and sufficient progress.
  - MTSS ensures continuous student improvement for students at all levels. A team of passionate and dedicated staff members collaborates to continually refine the supports and systems in place. This team regularly analyzes data to determine the impact of programs offered. Then, changes are made based on the findings.
  - EACS staff collaborate to integrate data collected from a variety of sources which includes; state tests, adaptive diagnostics, progress monitoring, pacing and assigned course work, work samples, and teacher observations. The diverse data is used to inform decisions about tiered support and student placement. Additionally, parent/guardian surveys are used to further continuous systemic improvement.
  - EACS staff work collaboratively with parent/guardians to assist in the development of proper behavior of the student in the learning environment. As the students are in a home-based learning environment, parents/guardians may experience behavioral issues that are negatively impacting the students' learning. The parent/guardian and teacher can brainstorm various behavior plans to help the student and parent/guardian. If the behavior needs more intense support, an SST is held to personalize and closely monitor a behavior plan for that student.
  - Similarly, the mental and emotional well-being of students at EACS is paramount. Social Emotional Learning (SEL) is provided across grade levels in Tier 1. When students continue to suffer they are supported through SST meetings, 1:1 school counseling, or referred for a 504 Plan or to the special education for evaluation. We also offer a care coordination service to assist families with connecting to licensed therapists or treatment when necessary.

The MTSS process is not a substitute for a 504 Plan, nor does it determine eligibility for 504 accommodations. As a result of the MTSS process, a referral may be made to the 504 team if they suspect that a student has a medical diagnosis that substantially limits or prohibits their participation in a major life activity. If a student has an existing 504 Plan, the teacher will follow the appropriate procedure listed in the Teacher Manual. The MTSS process addresses general education strategies and interventions in response to

a teacher/parent concern. It does not prevent or impede a direct referral to the SPED Department by a parent/guardian. It makes recommendations regarding the full continuum of interventions and services available at Excel Academy, including the provision of information to teachers and parents/guardians regarding the process of referring a student to the Special Education ("SPED") Department. It is important to recognize the general education ownership of this process, while equally important to emphasize that the MTSS process cannot be a substitute for special education services. Teachers will request a SST meeting when it becomes apparent that a student is not responding to standard teaching and the parent/guardian's attempt to implement different strategies independently has been unsuccessful. Once the teacher and parent/guardian have gone through both Tier 1 and Tier 2, and it has been determined that a student is at Tier 3, a meeting should be scheduled.

## Student Success Team

The Student Success Team (SST) is a team of parents, teachers, staff members, and the student (as appropriate) led by an SST facilitator. The team meets to clarify challenges, develop strategies and assign interventions to assist an individual student with academic, social-emotional, and/or behavioral needs. The support provided is personalized for each student. Goals are established along with a clear system of accountability for progress. Follow-up meetings are scheduled as needed based on student progress towards their goals. All meetings are documented on an SST form which is signed by all parties. SST meetings can be requested by parents, teachers or school staff.

An SST is a Tier 2 (MTSS) general education function. A diverse type of students can benefit from an SST, including but not limited to those performing below grade-level, those performing above grade level, as well as students who are experiencing social-emotional and/or behavioral challenges.

## Credit Recovery

EACS offers a credit recovery option for students. EACS credit recovery students have the potential to recover credits depending on how quickly courses are completed. Students receive personalized support from the School Counselor and/or teacher which includes weekly check-ins via email or phone, a credit recovery plan of courses the student needs to retake, and encouragement and pacing assistance to keep students moving through the courses. Teachers may provide students with recorded live sessions, tutoring, and any other support they need to be successful in their classes.

## 9) Plan for Students Who Are Academically High Achieving

The personalized education model of EACS is ideal for supporting students outside of the average range, which includes students who are high achieving. EACS offers individualized academic plans for high achieving students through curriculum/course selection and differentiated instruction. High achieving students are encouraged to combine acceleration with enrichment for a balanced program. Acceleration allows students to work through curriculum at a faster pace, while enrichment challenges students to cover standards with greater depth and complexity than average peers.

## GATE - Gifted and Talented Program

The GATE program at Excel Academy provides specialized educational opportunities for 3rd-8th grade students who demonstrate exceptional abilities or potential in academics, creative pursuits, and/or

problem-solving. The program is designed to meet the specific learning needs of gifted and talented students, allowing them to develop their abilities to the fullest extent.

The GATE Program hosts in-person enrichment activities including STEM projects, field trips, and competitions. We recognize that gifted students often have unique social and emotional needs. The GATE program encourages the development of healthy peer relationships, supports students in coping with perfectionism and academic pressure, and fosters a sense of belonging with like-minded peers.

GATE testing is provided annually and participation is voluntary.

High achieving high school students, specifically, have many options for accelerating and going deeper into the curriculum. Students can take a rigorous course load through our honors and Advanced Placement (AP) courses. Additionally, high achieving students will have access to various community opportunities to further enhance their interests and studies such as CTE courses, community college concurrent enrollment courses, and other classes provided by our Content & Community Providers. These students will also be encouraged to participate in supplemental programs such as the National Honor Society. School counselors will offer guidance through the college process, from creating a four-year plan, to concurrent enrollment, and culminating in the college application process during senior year. Exceptional students who wish to accelerate through the curriculum and graduate early will have an opportunity to do so with secondary education leadership teacher approval.

## 10) Plan for English Learners

EACS crafted an English Learner Master Plan aimed at developing and executing a comprehensive strategy to cater to English Learner (EL) students, including Long Term English Learners ("LTEL") or those at risk of becoming Long Term English Learners ("AR-LTEL"). This plan is meticulously designed to address their needs, adhere to all state and federal mandates, and has a clear objective of transitioning students out of EL status, ultimately redesignating them as identified as Fluent English Proficient (RFEP). EACS will oversee the facilitation and proctoring of English Language Proficiency Assessments for California (ELPAC) testing through trained and qualified staff members. Collaborating closely with educators, EACS will deliver EL support within the general education framework as outlined in the charter's EL Master Plan (attached as Exhibit B). EACS is committed to meeting all relevant legal obligations concerning EL students, including parent/guardian notifications, student identification, placement procedures, program options, EL and core content instruction, teacher qualifications and training, reclassification processes, program effectiveness, and standardized testing mandates. Should the need arise, documents such as ELPAC testing correspondence, reclassification materials, and the Master Agreement will be translated for accessibility.

### Identifying Students as English Learners

EACS will administer the home language survey upon a student's initial enrollment into the Charter School, if the student is new to California schools. If the student has attended a school elsewhere in California, EACS uses the initial home language survey. Students are targeted for ELPAC testing when the Home Language Survey, administered on enrollment forms, indicates that their primary home language is a language other than English. The ELPAC has four proficiency levels (Level 4: well developed; Level 3: moderately developed; Level 2: somewhat developed; and Level 1: minimally developed) and is aligned with the 2012



## California ELD Standards.

- All students identified as EL students via the home language survey will take the Initial ELPAC assessment within 30 calendar days of enrollment if they have not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test.

The ELPAC consists of two separate assessments:

- Initial Assessment (“IA”)

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

- Summative Assessment (“SA”)

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

Both the ELPAC SA and IA are assessments administered in seven grade spans—K, 1, 2, 3–5, 6–8, 9–10, and 11–12. In kindergarten and grade 1, all domains are administered individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually. The ELPAC IA and SA will be administered via a computer-based platform, while the ELPAC Writing Domain for Kindergarten through 2<sup>nd</sup> grade will continue to be administered as a paper-pencil test. Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year.

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

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

EACS will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty (30) days of receiving results from the publisher. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing.

- All EL students will take the Summative ELPAC summative assessment every year during the testing window until reclassified as fluent English proficient.
- Parents/guardians will be notified of ELPAC results within 30 days of when EACS receives the testing results. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing.

### Criteria for Reclassifying EL Students

The following criteria are used in tandem to determine whether to reclassify a student as proficient in English ("RFEP"):

- Summative ELPAC Overall Score of 4
- Teacher Evaluation
- Parent Opinion and Consultation
- Smarter Balanced and/or local assessments can be used in determining student readiness for reclassification. When appropriate, EACS has additional reclassification criteria for EL students with significant cognitive disabilities.

### Instruction for English Learners

EACS English Learners receive Structured English Immersion and designated small group virtual instruction. Mainstream curriculum and instruction is supported by Cross Cultural, Language, and Academic Development ("CLAD") certified teachers and includes vocabulary, visual, and thematic based support. EL students are accommodated within this curriculum by providing multiple opportunities to demonstrate mastery on all assessments, including writing assignments.

Our strategically selected curriculum and instructional methods provide students with scaffolded support as they access ELD Standards through modeling of speaking, listening skills, reading, and writing, as well as guided support, and independent practice. Our students are progress monitored through review of annual CAASPP and ELPAC data, in addition to frequent formative assessments administered during designated instruction time.. Local screening results are analyzed at least twice annually to check for progress.. Student assessment results and goals are shared with all stakeholders. English Learners not making adequate progress may be further supported through our Student Success Team or SpEd Team.

### Criteria for Reclassifying EL Students as Reclassified as Fluent English Proficient

The results from the ELPAC SA are used as one of four criteria to determine if the student is ready to be reclassified, to help inform proper educational placement, and to report progress for accountability.

### 9) Plan for Special Education

EACS understands that the Charter School has the obligation to serve students with exceptional needs and that the Charter School, pursuant to applicable state and federal law, must ensure that all of its students have access to a free and appropriate public education ("FAPE") in the least restrictive environment ("LRE"). The Charter School shall comply with all applicable state and federal laws in serving students with

disabilities, including, but not limited to, Section 504, the ADA, and the IDEA.

EACS is its own local educational agency ("LEA") and is a member of Sonoma County Charter Special Education Local Plan Area ("SELPA") in accordance with Education Code Section 47641(a). The Charter School shall provide the District evidence of membership. As an LEA member of the SELPA, the Charter School shall receive state and federal revenues directly, in accordance with the SELPA's allocation plan. A change in LEA status or SELPA membership shall not require a material revision of this charter.

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms. Any and all policies and procedures that require additional personalization to reflect best practices regarding the implementation of state and federal laws will be reflected in a separate, Excel Academy board approved policy. These policies may serve as a supplement to those provided by the SELPA. Pursuant to Education Code Sections 47646 and 56145, the Charter School shall serve students with disabilities in the same manner as such students are served in other District schools, with the exception of program modifications required to provide these supports in the non-classroom based, independent study setting.

The Charter School may seek resources and services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability.

The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors, provided that they meet criteria as a Non-Public Agency ("NPA").

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

EACS anticipates enrolling students with active Individualized Education Plans ("IEPs") or enrolling students who may require formal evaluation for consideration of appropriate eligibility, placement and services. EACS will work proactively and cooperatively with families and staff to adhere to state and federal mandates in identifying and serving students with unique educational needs related to a disability condition, including but not limited to completing assessments creating and updating support plans (e.g. Intervention plans, 504 Plans, and IEPs); and arranging for specialized services as provided by EACS staff, outside providers or by SELPA staff as appropriate. We will also ensure that:

- We employ admissions and enrollment practices that are non-discriminatory toward students with documented disabilities.
- Students with special education services are under the guidance of and receive support from appropriately credentialed EACS Special Education staff.
- Special Education Case Managers are supported to ensure that the staff working with students with IEPs are provided guidance and training related to fulfilling the requirements of IEP implementation.
- In working with Special Education students, EACS will ensure that the independent study setting is the least restrictive environment ("LRE") and the appropriate placement for the student to make progress, as required by law.
- EACS requests and obtains student's cumulative files and other documents in a timely fashion following enrollment.
- EACS reviews student assessment data, including but not limited to state-mandated testing and benchmark assessment in order to identify students who may be falling behind expectations in their academic progress and in need of intervention, additional support, or evaluation for special education services.

## Services for Students under the IDEA

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

The Charter School shall provide services for special education students with IEPs enrolled in the Charter School. The Charter School shall follow 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/guardian complaints, and maintaining the confidentiality of student records. Any and all policies and procedures that require additional personalization to reflect best practices regarding the implementation of state and federal laws will be reflected in a separate, Excel Academy board approved policy. These policies may serve as a supplement to those provided by the SELPA.

EACS agrees to promptly respond to all District or SELPA inquiries, to comply with reasonable District or SELPA directives, and to allow the District or SELPA access to EACS' students, staff, facilities, equipment and records as required or imposed by law.

## Staffing

All special education services at EACS shall be delivered by individuals who are appropriately credentialed in the area of assigned services, or agencies who employ qualified staff to provide special education services as required by the California Education Code and the IDEA. EACS staff shall participate in District or SELPA in-service training relating to special education as assigned. Substitute providers who are not credentialed in special education may be utilized in accordance with Education Code regulations.

EACS shall be responsible for the hiring, training, and employment of staff necessary to provide special education services to its students, including, without limitation, special education teachers, school psychologists, paraprofessionals, speech and language pathologists, and occupational therapists. EACS shall ensure that all special education staff hired or contracted by EACS are qualified and meet all legal requirements. EACS shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to EACS students as appropriate.

## Notification and Coordination

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School shall adopt and implement policies relating to all special education issues and referrals.

## Identification and Referral

EACS has the responsibility to identify, refer, and work cooperatively in locating students who have or may have exceptional needs that qualify them to receive special education services. EACS will implement 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.

EACS will follow 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.

Students who are suspected of potentially having a disability condition under IDEA will be screened from already available data (i.e., state testing, local assessment, teacher observations, grades, etc.) regarding the student's progress or lack of progress within the general program. EACS shall follow the multi-tiered system of support to integrate supplemental instruction to students in areas of identified need to varying degrees. Both staff and parents/guardians will support student participation in this process to increase its effectiveness. If the process results in a determination that the plan is not sufficient to meet the student's needs or the student is identified as potentially presenting with a disabling condition, the student may be referred for services through the provisions of a Section 504 Plan, if appropriate. If a 504 plan is deemed insufficient or inappropriate, or the student may be referred for a formal special education assessment.

Special education and related services are provided at no cost to students or their families.

## Referral and Assessment

EACS students who are referred for special education testing after admission to the school will be evaluated for supports using appropriate procedures and assessments by EACS staff or properly credentialed contracted agency staff. If this assessment identifies that the student has exceptional needs and requires special education and/or related services under the terms of applicable special education law, EACS will develop an IEP document outlining an offer of Free and Appropriate Public Education ("FAPE"). Students who meet eligibility criteria for a disability under IDEA and Ed Code will receive special education and/or related services in accordance with the resulting Individualized Education Plan. The services may or may not be supplied directly by EACS staff dependent on student needs, the terms of a Memorandum of Understanding ("MOU") between EACS and the District if any, and /or the availability of services which may be provided by outside agency-based providers..

## Assessments

The term "assessments" shall have the same meaning as the term "evaluation" in the IDEA, as provided in Section 1414, Title 20 of the United States Code. EACS shall determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. EACS shall obtain parent/guardian consent via formal Assessment Plan ("AP") in order to assess students for consideration of initial and/or continued special education eligibility.

## IEP Meetings

EACS shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. EACS plans and conducts the IEP team meetings and will designate staffing and other resources needed to implement the special education and related services called for by the IEP. EACS shall be responsible for having the following individuals in attendance at the IEP meetings: the Executive Director and/or the Charter School designated representative with appropriate administrative authority as required by the IDEA; the student's special education teacher; the student's general education teacher if the student is or may be receiving general education; the student, if appropriate; and other Charter School representatives who are knowledgeable about the general education program at the Charter School and/or about the student. EACS 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 IDEA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide notice of parental rights. Student progress toward the goals specified in the IEP are monitored regularly, shared with parents at least bi-annually, and formally reviewed by the IEP team annually at minimum.. Each student's IEP will reflect individualized accommodations, modifications, goals, and services. If the student's IEP team determines that the student requires placement outside of a general education classroom, EACS will provide the necessary placement and/or services. If the student requires services, supports, or an educational placement outside of the independent study setting; appropriate efforts will be made to locate and place the student in an educational setting that can provide support per their IEP. The instruction and supports outlined in each student's IEP will be delivered by personnel who are qualified and appropriately credentialed to do so.

## IEP Development

EACS understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law. The Charter School shall provide assistive technology devices in compliance with Education Code Section 56040.3 if the IEP team determines that such access is necessary.

## IEP Implementation

EACS shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide 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 the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, materials, virtual classroom modifications, and assistive technology.

## Interim and Initial Placements of New Charter School Students

EACS shall comply with Education Code Section 56325 with regard to students transferring with an active IEP within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll from another school district within the State, but outside of the SELPA within the same academic year, EACS shall provide the student with a free appropriate public education, including services comparable to those described in the previously approved IEP for a period not to exceed thirty (30) days, by which time EACS shall either 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 EACS from a district operated program under the same special education local plan area within the same academic year, EACS shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent/guardian and EACS agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to EACS with an active IEP from outside of California during the same academic year, EACS shall provide the student with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parent/guardians, until an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code is completed and an IEP meeting held to review the results and discuss the determination of eligibility according to state of California regulations.

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

EACS shall be solely responsible for selecting, contracting with, and overseeing all services provided via non-public schools ("NPS") and non-public agencies ("NPAs") used to serve special education students. EACS shall develop an independent MOU with each NPS to outline additional details of the relationship between EACS and the NPS, including but not limited to provisions regarding communication, oversight, rates of service and determination of continued student placement. EACS shall similarly develop an independent contract with each NPA that is utilized to provide services to students.

### Non-Discrimination

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

### Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

The Charter School's designated representative shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

Concerns or disagreements raised by parents/guardians regarding their student's IEP will be acknowledged by EACS within fifteen calendar days. EACS will work to arrange a meeting with the parents/guardians to seek resolution of the disagreement or will propose the scheduling of an IEP meeting to address parent concerns if appropriate. If a disagreement or concern persists, parents or guardians have the right to either request alternative dispute resolution ("ADR") or to initiate a due process hearing through the Special Education Unit of the Office of Administrative Hearings to challenge a decision regarding the identification, evaluation, or educational placement of their child. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

EACS acknowledges its responsibility to resolve disputes or respond to due process complaints arising as a result of EACS's alleged failure to provide FAPE to students enrolled in the charter school. EACS may also initiate ADR, mediation, or a request for a due process hearing with respect to a student enrolled in EACS with an IEP if it determines such action is legally necessary or advisable.

## SELPA Representation

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

## Funding

EACS understands that it shall be subject to the allocation plan of the SELPA.

## Section 504 of the Rehabilitation Act/ADA

EACS recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of EACS. EACS is committed to protecting all students from discrimination under state and federal law. EACS will ensure all students who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are eligible for protections under Section 504 and the Americans with Disabilities Act. EACS will provide a free appropriate public education ("FAPE") to those students through the creation and implementation of a Section 504 Plan. EACS shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of EACS shall be accessible for all students with disabilities in accordance with the ADA.

The 504 Plan Process: A 504 team will be assembled by the 504 Coordinator, as needed and will include the parent/guardian, the ToR, the student (where appropriate), and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, accommodations, and the legal requirements for least restrictive environment.

The 504 team will review the student's existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA, but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation will be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education.

This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team will consider the following information in its evaluation:

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



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

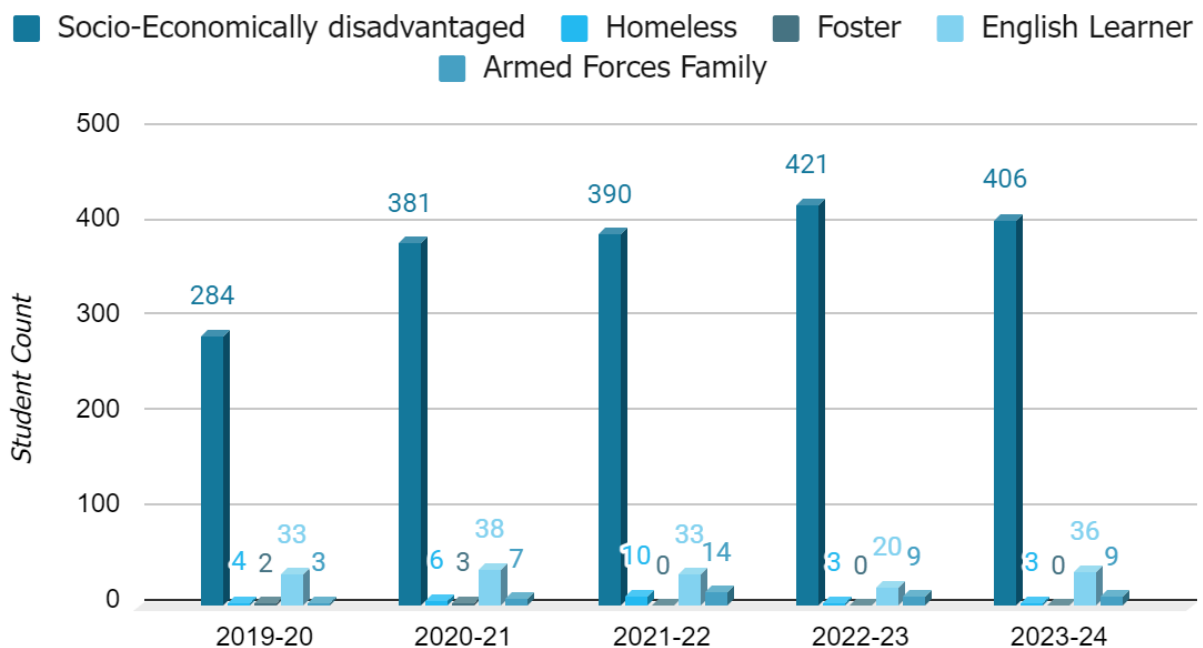
If the student is found by the 504 team to have a disability under Section 504, the 504 team will be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a FAPE.

In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the EACS professional staff. The parents or guardians shall be invited to participate in 504 team meetings where program accommodations, modifications or services for the student will be determined and they will be given an opportunity to examine in advance all relevant records. The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the least restrictive environment, with students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

All 504 team participants, parents, and guardians, teachers and any other participants in the student's education, must have a copy of each student's 504 Plan. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, and continued eligibility or readiness to discontinue the 504 Plan.

## Title 1 Students

### Title 1 Students



## 10) Achievement of All Students

We will improve the academic achievement of all at-promise students including homeless and foster youth, ethnic subgroups, socioeconomically disadvantaged youth, English learners and students with disabilities. This can be accomplished through identification, effective instruction, data analysis, and personalized support. We will implement the following continuous process to ensure goals are met:

### Identification

Our at-promise students will be identified by a designated school official with a legitimate educational interest whose job it is to fulfill this obligation. The school official will employ various methods including registration paperwork, cumulative file review, CALPADS, relevant staff/parent communication, and analysis of academic performance. We will calibrate multiple local assessments with state assessment results to identify students with academic needs. Staff assigned to at-promise students will regularly communicate with each other and with families to ensure student needs are met with an equal opportunity for participation in all school learning and activities.

### Instruction

Excel Academy Charter School will provide research-based programs and targeted intervention instruction for all students who qualify based on the above identification system. Students will receive a personalized instructional pathway for intervention. This may include an online targeted intervention program, small group virtual instruction, tutoring, and/or test preparation. The Intervention Department Staff will communicate with parents regularly to provide progress updates.

### Progress Monitoring

All at-promise student data will be analyzed to monitor progress at least twice each school year. Students supported academically through our Intervention Department Small Group Virtual Instruction will receive more frequent progress monitoring. Student goals will be communicated to all relevant staff members and their families.

### Additional Support

Students with further instructional needs and/or other barriers to learning will be supported through our Student Success Team and/or Special Education Team. We collaborate and communicate with families to provide personalized interventions and resources that target specific areas of student need.

### Professional Development

We will continue to develop professionally through webinars, attending educational conferences, reading, researching, and collaboration so we can be well-versed in supporting the needs of our at-promise students. School leaders will provide training and resources to all staff members in areas regarding our at-promise students.

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

Pursuant to Education Code Sections 47605(c)(5)(A)(ii) and 47605(c)(5)(B), a reasonably comprehensive description of the Charter School's annual goals and actions, both schoolwide and for each subgroup of pupils, to achieve the Eight State Priorities as described in Education Code Section 52060(d), can be found in the Charter School's Local Control and Accountability Plan ("LCAP"). Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional support made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is also available on our website at <https://excelacademy.education/accountability/local-control-and-accountability-plan-lcap> and as Exhibit A. The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

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

## ELEMENT 2: MEASURABLE STUDENT OUTCOMES

*Governing Law: The measurable student outcomes identified for use by the charter school. "student outcomes," for purposes of this part, means the extent to which all students of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Student outcomes shall include outcomes that address increases in student academic achievement both school-wide and for all groups of students served by the charter school, as that term is defined in subdivision (a) of Section 52052. The student outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school." – California Education Code Section 47605(c)(5)(B)*

<i>Tool - Assessments</i>	<i>Purpose - Track student progress</i>	<i>Who and How - Student score reports/ Analysis by Assessment/ Intervention Department</i>	<i>Data Management System/ Assessment Department</i>
<p>Baseline - Fall</p> <p>iReady Diagnostic Benchmark Assessment (ELA and Math)</p> <p>Initial ELPAC Assessment - Alternate ELPAC (when required)</p>	<p>i-Ready</p> <ul style="list-style-type: none"> <li>Evaluate student grade level placement, flagged for interventions</li> <li>"What I Need" (WIN) Intervention - monitoring of assignment completion and progress</li> </ul> <p>Initial ELPAC - Assign ELD Program placement - strengthen language acquisition</p>	<p>i-Ready</p> <ul style="list-style-type: none"> <li>Grades K-11 test in September - proctored by teachers</li> <li>Analyzed by Assessment and Intervention Departments</li> </ul> <p>Initial ELPAC - test within 30 days of enrollment</p> <ul style="list-style-type: none"> <li>Students flagged based on Home Language Survey - Proctored by Assessment Department - Score Reports analyzed by Assessment Department</li> <li>Required ELD Curriculum provided by the Intervention Department</li> </ul>	<ul style="list-style-type: none"> <li>→ School Pathways</li> <li>→ i-Ready - Curriculum Associates</li> <li>→ Parsec Education</li> <li>→ Excel</li> <li>→ State Reporting</li> <li>→ Assessment Team</li> </ul>
<p>Interim - Winter</p> <p>iReady Diagnostic Benchmark Assessment (ELA and Math)</p> <p>Initial ELPAC Assessment - Alternate ELPAC (when required)</p>	<p>i-Ready</p> <ul style="list-style-type: none"> <li>Evaluate student progress</li> <li>"What I Need" (WIN) Intervention - students at grade level exit WIN program</li> <li>Effectiveness and direction of MTSS</li> </ul> <p>Initial ELPAC - Monitor assignment completion and progress, provide</p>	<p>i-Ready</p> <ul style="list-style-type: none"> <li>WIN students in grades K-11 test in December - proctored by teachers</li> <li>Analyzed by Assessment and Intervention Departments</li> </ul> <p>Initial ELPAC - test within 30 days of enrollment</p> <ul style="list-style-type: none"> <li>Students flagged based on Home Language Survey - Proctored by Assessment Department -</li> </ul>	<ul style="list-style-type: none"> <li>→ School Pathways</li> <li>→ i-Ready - Curriculum Associates</li> <li>→ Parsec Education</li> <li>→ Excel</li> <li>→ State Reporting</li> <li>→ Assessment Team</li> </ul>

	support	Score Reports analyzed by Assessment Department <ul style="list-style-type: none"> <li>Required ELD curriculum provided by the Intervention Department</li> </ul>	
<b>Summative - Spring</b>  iReady Diagnostic Benchmark Assessment (ELA and Math)  Initial/Summative ELPAC Assessments - Alternate ELPAC (when required)  CAASPP (ELA and Math) - CAA (when required)	i-Ready <ul style="list-style-type: none"> <li>Evaluate student progress</li> <li>"What I Need" (WIN) Intervention - students at grade level exit WIN program</li> <li>Effectiveness and direction of MTSS</li> <li>End of year (EOY) math and ELA proficiency levels - evaluate if meeting grade level expectations</li> </ul> CAASPP/CAA <ul style="list-style-type: none"> <li>Develop a plan for following school year</li> <li>Use score reports to direct student academic plan</li> </ul>	i-Ready <ul style="list-style-type: none"> <li>Grades K-11 test in March</li> <li>Effectiveness and direction of MTSS</li> <li>Analyzed by Assessment and Intervention Departments</li> </ul> Summative ELPAC - test in March through May  CAASPP/CAA <ul style="list-style-type: none"> <li>Test in April/May - Evaluate individual student and school growth - by subgroups</li> <li>Make informed decisions for the next school year - Assessment/ Intervention/ Education Departments</li> </ul>	→ School Pathways → i-Ready - Curriculum Associates → Parsec Education → Excel → State Reporting → Assessment Team

### Student Learning Outcomes

To meet the demands of the 21<sup>st</sup> century, EACS students will be:

Self-directed, critical thinkers who...

1. Produce quality work through multiple modalities
  2. Organize and manage time efficiently
  3. Demonstrate competency in active listening, reading, speaking and writing
  4. Devise solutions in academic and real-world situations using higher-order thinking skills
  5. Exhibit in-depth knowledge across disciplines
- Reflect on and analyze learning experiences

Resourceful, Lifelong Learners who...

1. Communicate effectively
2. Utilize personalization and a growth mindset to pursue individual passions and interests
3. Solve problems independently and collaboratively
4. Create and pursue personal, academic, and professional goals
5. Express ideas and information confidently and creatively

## 6. Employ technology to complement their knowledge

Respectful, Responsible Citizens who...

1. Demonstrate college and career readiness upon high school graduation
  2. Possess personal integrity and take responsibility for decisions and actions
  3. Model respect for diverse cultures
  4. Contribute as leaders within their community
  5. Display a commitment to service
- Develop a sense of personal accountability and dedication

EACS's schoolwide goals aim to promote real-world application of academic instruction and content to bring curriculum to life for our students. Students are encouraged to think critically about subject matter and how it might relate to a larger community as well as global issues facing our world today. By nature of our independent study school and through the support of our fully credentialed teachers and staff, students quickly learn to self-monitor and set goals to accomplish the various tasks assigned in their courses. Combined with the robust curriculum offerings, EACS encourages the pursuit of academic achievement by supporting the growth of all students to become creative and complex thinkers, effective communicators, community/global citizens, and empowered, independent thinkers. These goals are measured through local and state assessments, informal assessments at learning period meetings, parent/student/teacher survey responses, and informal observations.

## High School Graduation Requirements

EACS's graduation requirements emphasize the traditional university preparatory courses of English, mathematics, science, social science, language other than English, visual and performing arts, and electives; however, these courses will be provided in a manner that challenges each student to think beyond the subject matter that is being presented and continually place new information in the context of their own knowledge base. EACS's graduation requirements meet California Education Code requirements for students in traditional public schools.

EACS will configure its minimum course completion requirements and its credit award policy so as to fulfill the high school graduation requirements applicable for students in traditional public schools. The Charter School will require completion of the following, at a minimum:

- Four year-long courses in English (English I, II, III, IV)
- Two year-long courses in mathematics - Algebra 1 or higher in one course
- Two year-long courses in science with lab - one course in life science, one in a physical science
- Three year-long courses in social studies (including United States history; world history; a one-semester course in American government, and a one-semester course in economics)
- One year-long course in visual or performing arts or language other than English, or Career and Technical Education (CTE)
- Two year-long courses in physical education
- One Semester Ethnic Studies
- Fifteen 5 unit courses of elective credits

\* At least one course of the mathematics requirement shall be fulfilled by completion of Algebra I coursework.

\*\* Students will be advised that minimum graduation requirements do not meet UC entrance requirements.

### *Credit and Graduation Requirements*

EACS awards five credits per course, per semester. 220 credits are required to graduate. Students are eligible for a diploma when all requirements have been met. Diploma requirements are as follows:

GRADUATION REQUIREMENTS	CREDITS
<i>Required</i>	
English	40
Mathematics	20
Science	20
History	30
VAPA / World Language / CTE	10
Physical Education	20
Ethnic Studies	5
Electives	75

EACS offers additional options for high school completion to students of protected status according to applicable legal requirements... This includes, but is not limited to, a Certificate of Completion and an Alternative Diploma Pathway for students with disabilities pursuant to Education Code Sections 51255.31 and 56390.

## ELEMENT 3: METHODS OF MEASURING

### PUPIL OUTCOMES

*Governing Law: The method by which student progress in meeting those student outcomes is measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card. – California Education Code Section 47605(b)(5)(C)*

#### 1) Methods of Assessment

EACS, like other charter and non-charter public schools, will adhere to the tenets of the state accountability system. Using data from the statewide assessments and local assessments, EACS will discern which numerically significant subgroups are not achieving growth target goals. Students identified as needing support to achieve proficient or advanced levels of achievement on assessments will receive additional individualized assistance, and, where appropriate, tutoring, remedial instruction, and other intensive interventions. To the extent practicable, the method for measuring student outcomes for the eight State Priorities shall be consistent with the way information is reported on a school accountability report card as required by Education Code Section 47605(c)(5)(C).

Academic performance is assessed through graded lesson assignments, unit and module assignments, unit tests, course final exams, teacher observation, local assessments, corresponding lessons and annual statewide testing to include grade-specific CAASPP and California Science Test (“CAST”) for all students. Annual ELPAC assessments will be reviewed for designated English Learner students, and annual progress towards IEP goals will be analyzed and updated for special education students.

#### Repeating a Course

Students may repeat courses if they earned a grade of D or F. While the previous lower grade and credits will be excluded from the grade point average (GPA) calculation, the class with the lower grade will remain on the transcript. The higher of the two grades will be counted toward the cumulative GPA. There is no limit to the number of times a student may repeat the same course in which they earned a D or F. There is no limit to the number of courses students may repeat. Courses that have earned a grade of C or better cannot be repeated for higher GPA. Repeated courses will be indicated on the transcript /r/.

Students earning a D in any course who wish to improve their grade may repeat the course.

Students earning an F in a core course required for graduation must repeat the course.

Students earning an F in a non-core course required for graduation are not obligated to repeat the course as long as the minimum number of credits have been met for graduation.



## Transfer Credits

Transfer grades and credits received from previous schools/programs will be accepted and applied as needed to meet Excel Academy's graduation requirements. Official transcripts are required in order to award credit. Transcript analysis may require research and contact with previous institutions to determine eligibility of transfer credits. International records may require translation and/or evaluation prior to being considered for transfer credits.

## Transcripts

Official transcripts should be requested from the registrar at least two weeks prior to deadlines.

## Grade Level

Elementary and middle school students in TK-8 are assigned a grade level based on the year of TK or K entry. High School students are assigned a grade level based on the year of 9th grade entry. Regardless of credit deficiency, students will be promoted to the next grade and given an opportunity to remediate credits in hopes that the student will graduate with his or her cohort. In the event that a student does not graduate with their cohort,

EACS will provide the student with an opportunity to continue their education, as long as they are continuously enrolled in public school and making satisfactory progress towards a diploma, pursuant to Education Code Section 47612(b).

## Verified Data Assessments

Each year, students are administered a verified data assessment called i-Ready, which is a diagnostic benchmark assessment in reading and math. All kindergarten through eleventh grade students are required to take the local assessment in the fall and spring. Students who are performing below grade level based on the i-Ready score reports and are in the WIN intervention program, have the opportunity to take the i-Ready assessments in the winter to show progress across the reading and math domains.

i-Ready provides data-driven insight that parent/guardians, teachers and administrators need to determine exactly where to focus instruction to ensure all students are on track to meet rigorous academic expectations and to succeed on state assessments. Parents/guardians are provided a student profile which is a detailed developmental analysis of the student's overall placement across grade levels and acts as a helpful tool for instruction. The state standards-based data provided by i-Ready is necessary for meeting state and charter needs. Students who complete the benchmark assessments are automatically provided individualized lessons focusing on gaps in learning and areas of concern within the reading and math domains.

## Final Examinations - Middle School and High School Students

Middle school and high school students enrolled in EACS taking specific online courses are responsible for taking final exams that are monitored and proctored by approved staff to ensure that all assessments are

taken properly.

## Standardized State Testing (CAASPP, CAST, ELPAC, PFT)

All students enrolled in EACS are expected to attend mandatory state testing as appropriate for their individual grade levels which include the Initial and/or Summative English Language Proficiency Assessments for California (ELPAC), California Assessment of Student Performance and Progress (CAASPP) which consists of the following assessments: Smarter Balanced English language arts/literacy (ELA) and mathematics, and California Science Test (CAST), and the Physical Fitness Test (PFT) CAASPP Smarter Balanced ELA and math assessments are administered to grades 3-8 and 11. The CAST assessment is administered to students in grades 5 and 8, and high school grade levels determined by the state. The PFT is administered to students in grades 5, 7, and 9. The Initial ELPAC assessment is administered to all students in grades Tk-12 whose primary language is not English as indicated by the Home Language Survey for initial identification of students as English Learners within the first thirty days of enrollment. EL students are given the Summative ELPAC assessment every spring until they are RFEP. As determined by the IEP team, students with significant cognitive disabilities are assigned the Initial and/or Summative Alternate ELPAC assessments in place of the standard ELPAC, as well as the California Alternate Assessment (CAA) in place of the CAASPP assessments (ELA, math, and science). Students are monitored multiple times throughout the year with baseline formative and summative assessments to ensure they are making progress and are provided the necessary resources and support to meet or exceed grade level standards.

## Learning Period (LP) Meetings

LP meetings are an important component of the plan to assess student progress. LP meetings are a time when the Teacher spends one-on-one time interacting with the student and reviewing the student's body of work. During this meeting, the Teacher documents student progress toward the measurable student goals and indicates the standards in which the student made progress. This progress is documented in the SIS. Also during this meeting, the teacher collects work samples which are used as authentic evidence of the student's abilities and progress. These samples are uploaded and stored within the SIS. The teacher also ensures that an appropriate amount of progress was made by the student for the number of days the student was awarded attendance and supports the parent/guardian in planning out the next learning period's assignments.

Teachers check in with families after the LP meetings to recap the discussions and information presented at the meeting. In addition, teachers reach out to their students and parent/guardians weekly to see how they are doing based on discussions and goals set at each LP meeting. Students who are taking online high school classes are closely monitored by their teachers.

Teachers refer to the high school rubrics that have been created to evaluate each student's high school work. Teachers work closely with the students and parent/guardians to make sure work is differentiated, and to ensure they are seeing different types of work samples at each LP meeting. The pacing guides that have been created are a valuable tool for teachers, students, and parents/guardians to utilize as needed to help monitor progress and help students stay on task.

## Work Samples (Daily Assignments, Tests, Quizzes), Portfolios, and Projects

EACS encourages students to show mastery of standards and content through quantitative and qualitative measures. In addition to analysis of tests and quizzes, student work products are a basis for formative assessment. While EACS frequently uses quizzes and tests to express achievement, work samples, electronic student portfolios, and projects allow students to explore content in a deeper, richer context. All work samples, portfolios, and projects that are collected at monthly LP meetings are expected to be high quality, and include student's original work and writing.

The i-Ready lessons provided are aligned to the State Standards and meet grade level expectations. The results from the assessments and lessons assist the teacher and parent/guardians in providing additional support, curriculum, and resources to help students continue to progress. Teachers have the ability to adjust and modify lessons to fit the needs of their students. When teachers see that students need additional support in specific domains, they have the ability to pull lessons to present to the students and parents/guardians. The i-Ready Reading and Math Tools for Instruction include detailed teaching instructions, lessons, and activities or graphic organizers for parent/guardians and students to utilize.

High school students complete weekly/monthly quizzes, tests, and semester finals as required through their Customized Instruction Course outline or by their online approved teacher. Some examples of these assessments are: unit tests, research reports, critical analysis essays, lab reports, short stories, plays, lap books, and pictures and reflections on field trips, participation in theater/voice performances, and community service trips. Work must be graded and commented on by parent/guardian and/or teacher with the oversight of the teacher. Student performance is evaluated through these samples which are used to measure and observe progress and verify attendance.

## Report Cards

At EACS, transitional kindergarten through fifth grade students are graded based on a 4 - 1 scale that provides the teacher and the parent/guardians a clear understanding of student performance and growth. Students in grades 6 through 12 earn grades using the standard A-F scale, and they are specific to the grading scale. Report cards are provided to students at the conclusion of the first and second semesters of school.

## 2) Use and Reporting of Data Collecting, Analyzing, and Utilizing Data

School-wide state assessment results are disaggregated and analyzed, and results are synthesized and shared with all stakeholders in a public board meeting. Individual results (CAASPP, CAST, PFT, ELPAC) are electronically shared with families, while summary results are analyzed by administration. Teachers review student score reports with students and parents/guardians, so that students are given an opportunity to see how they performed, have the results explained to them, and have conversations about strengths, weaknesses, college and/or career readiness, and what these scores mean to the student personally. ToRs provide individual student feedback regarding state assessments to parents/guardians during the LP meeting.

The Charter School relies on the robust data collection and reporting abilities inherent in the student information system and local assessment interfaces. The web-based SIS stores comprehensive data about

students, instructors, courses, applications, and enrollments in a single database, enabling educators to quickly retrieve information and create custom reports. Charter School faculty has access to reports that detail students' progress and challenges and can take advantage of a variety of automated interventions to help keep students on track.

The current local assessment, i-Ready, yields easy to use reporting and ongoing progress monitoring which provide parents/guardians and teachers with real-time insights for each student. Using advanced technology, the platform dynamically adapts based on student response patterns, which allows the assessment to be more accurate and efficient in pinpointing students' needs as compared to traditional fixed-form tests.

More specifically, as the diagnostic adapts, it provides easier or harder questions depending on students' answers to previous questions. By adapting across the grades, the diagnostic helps teachers understand the root causes behind student challenges. This is especially beneficial for teachers and parents/guardians in providing differentiated instruction, for identifying gaps spanning back multiple years, or determining where students are ready for further challenges.

Based on the diagnostic results, i-Ready automatically provides access to individualized online and teacher-led instruction targeted to each student's unique needs. In addition, easy-to-read reports provide teachers and parents/guardians with a detailed action plan for individual instruction, as well as the tools needed to deliver that instruction.

These data, mechanisms, and intervention procedures are used by teachers to assess each student's needs and deploy appropriate modifications. Teachers adjust and enhance course content with a variety of student assignments, projects, and assessments, each created to address different learning styles, levels of challenge, or student needs. In addition, teachers may adjust curriculum, materials, and services in order to ensure students are maximizing their potential.

## Reporting Data to Stakeholders

EACS will provide requested reports to the District and Board as needed. Individual results from the Initial and Summative ELPAC, CAASPP, and PFT are electronically shared and accessed through our parent portal in School Pathways.

During an LP meeting, EACS teachers individually review student score reports with students and parent/guardians, so that students are given an opportunity to see how they performed, have the results explained to them, and have conversations about strengths, weaknesses, college and career readiness, and what these scores mean to the student personally.

Like other public schools, EACS annual performance will be shared with the community via the state's School Accountability Report Card (SARC), which is then published and available online at the California Department of Education website.

## ELEMENT 4: GOVERNANCE STRUCTURE

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

Excel Academy Charter School is a directly funded independent charter school, and is operated by Excel Academy Charter Schools, a California tax-exempt 501(c)(3) nonprofit public benefit corporation, pursuant to California law.

The Charter School will operate autonomously from the District, with the exception of the supervisory oversight as required by statute and other contracted services as may be negotiated between the District and the Charter School. Pursuant to Education Code Section 47604(d), the District shall not be liable for the debts and obligations of the Charter School, operated by 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 District has complied with all oversight responsibilities required by law.

EACS has received its full tax-exempt status from the federal and California state governments, under the federal Internal Revenue Code Section 501(c)(3) and the companion California state tax laws and regulations. See Exhibits for copies of the Articles of Incorporation, corporate bylaws, and Conflict of Interest Code, and see Exhibit D for copies of the Tax ID information and non

profit tax exempt status documentation. EACS will be governed by a set of mission-driven policies and procedures to help staff and administrators perform their daily responsibilities with a focus on the Charter School's mission.

### Governance Structure

EACS will be governed by the EACS Board of Directors in accordance with its adopted bylaws, as subsequently amended pursuant to the bylaws, which shall be consistent with the terms of this charter. The bylaws will be the primary policy document dictating board practices and operations. The bylaws will explicitly delineate the procedure for election and appointment, removal and vacancy of Board of Directors and policies and procedures for conducting board meetings and general board operations.

The Board shall have no fewer than five (5) and no more than nine (9) directors. All directors shall be designated by the existing Board. All directors are to be designated at the corporation's annual meeting of the Board.

To establish continuity and sustainability for the new charter school, initial Board members shall each serve a fixed five-year term. In EACS's fifth year of operation governing board members will be elected to one, two, and three-year terms, as determined by the then seated Board, consistent with the bylaws. All Board members, thereafter, will be elected to serve three-year terms.

In accordance with Education Code Section 47604(c), the District may appoint a representative to sit on the EACS Board. If the District chooses to do so, Excel may appoint an additional member to ensure that the Board is maintained with an odd number of directors.

Upon receipt of a petition for student representation that meets the requirements of Education Code Section 47604.2(b)(2), the Board of Directors shall order the inclusion within its membership, in addition to the number of members otherwise prescribed, of at least one student member. A student member of the Board of Directors shall have preferential voting rights as defined in Education Code Section 47604.2(b)(4).

## Board Meetings

The Board of Directors will meet regularly, at least once a month (except during the summer) and in accordance with the Brown Act and Education Code Section 47604.1(c). The Board of Directors is fully responsible for the operation and fiscal affairs of the Charter School.

## Board of Directors' Duties

EACS's governance responsibilities will primarily be divided between the Board and the Executive Director. The Executive Director and faculty will carry out the day-to-day operations of the Charter School, with the Executive Director having primary responsibility to conduct and manage the daily operations. The Board will set policy, approve the budget, and assure that the Charter School maintains high academic standards. The EACS Board shall have ultimate responsibility to oversee the operation and activities of the Charter School.

The Board's major roles and responsibilities will include:

1. Executing all applicable responsibilities provided for in the California Corporations Code;
2. Establishing and approving all major educational and operational policies.
3. Approving all major contracts.
4. Approving the Charter School's annual budget and budget revisions and overseeing the Charter School's fiscal affairs.
5. Hearing expulsion recommendations at scheduled Board of Directors meetings.
6. Evaluating the Executive Director who oversees the day-to-day operations of the Charter School and implementing the policy direction of the Board.
7. Developing annual goals for the Charter School and long range plans with input from the Executive Director, teachers, and parent advisory council members.
8. Receiving reports from, and providing recommendations to the Executive Director relative to long-term strategic planning.
9. Assessing EACS's goals, objectives, academic achievements/student progress, financial status, and any need for redirection.
10. Evaluating Charter School and student performance.
11. Contracting with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices.
12. Approving the annual independent fiscal audit.
13. Approving charter amendments as necessary and submitting requests for material revisions as necessary to the District for consideration.

The Board of Directors is responsible for the accountability requirements established by the California Charter Schools Act of 1992 and the charter itself. One of the Board's primary responsibilities is to ensure that EACS is meeting annual accountability targets. The Board of Directors will routinely evaluate the academic, financial, and legal/compliance health of the Charter School.

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of the Charter School any of those duties with the exception of budget approval or revision, approval of the fiscal audit, and the adoption of Board policies. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

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

The Board of Directors objective is to develop a LCAP and an annual update to the LCAP that demonstrates measurable annual progress toward meeting the Charter School's high standards for student success, and to oversee the implementation of that plan by the Charter School's Executive Director.

### Board Training and Sustainability

EACS founders and 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 EACS Board will receive trainings and educational opportunities to more effectively govern EACS's operations on topics including Conflict of Interest, the Brown Act, fiscal responsibility, ethics, and governance.

The Charter School will maintain in effect general liability and board errors and omissions insurance policies. The Charter School has adopted a Conflict of Interest Code that complies with the Political Reform Act, Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1, and Corporations Code conflict of interest rules, and which shall be updated with any charter school-specific conflict of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Exhibit C.

### Parental Involvement

EACS believes that active parent/guardian participation in Charter School operations and governance helps foster a public school's long-term sustainability as a successful program. EACS will encourage parent/guardian involvement and will ensure that all faculty practice open communication to enable every parent/guardian to take an active role in the academic and social progress of their enrolled child as well as in the direction and governance of the Charter School. EACS will, on a regular basis, consult with parents/guardians regarding the Charter School's educational programs.

EACS will establish an advisory council that may be composed of parent/guardians, students, certificated staff, and classified staff. The advisory council will play an important role in making EACS a school that is responsive to staff's, student's, and parent/guardians' needs, and will provide for continual improvement. The advisory council will meet regularly and function to address and make recommendations to the Executive Director regarding specific areas of Charter School operations.

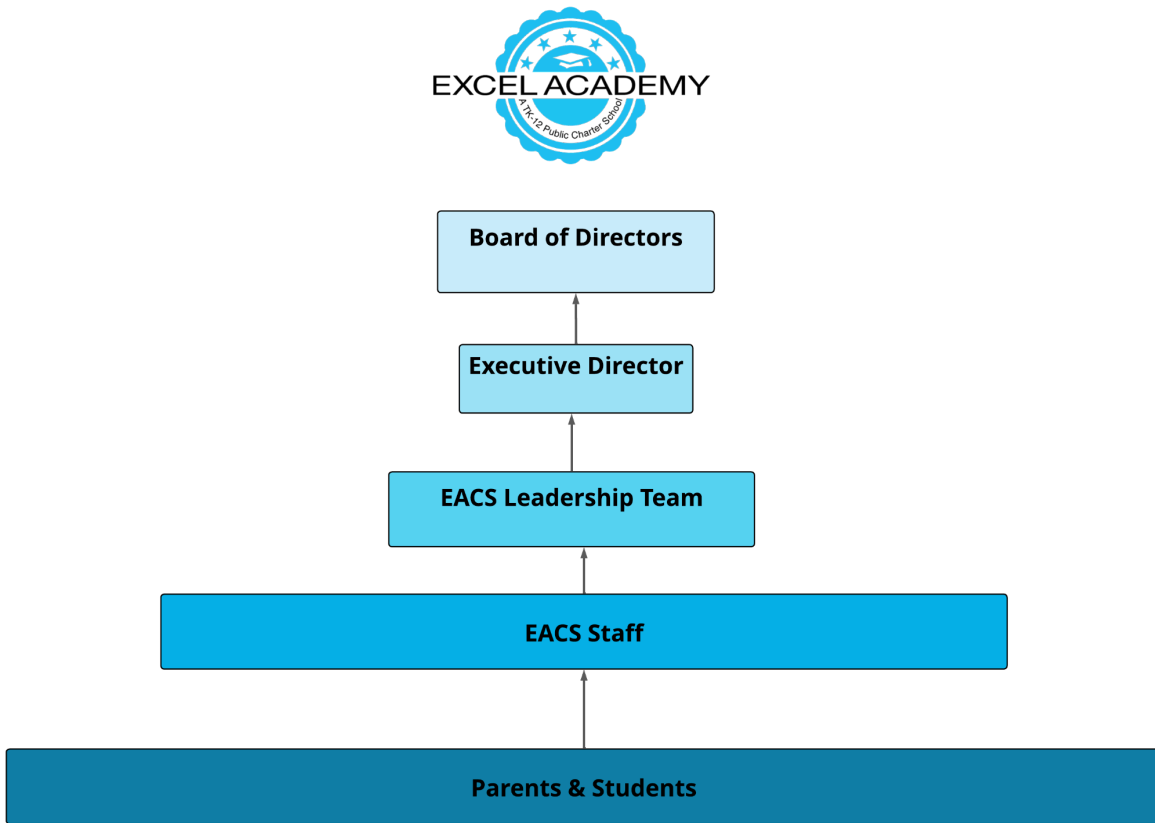
The EACS academic model requires frequent outreach to parents/guardians and easy accessibility to faculty. Parents/guardians will receive various email notifications regarding their child's pace and progress, and all

parents/guardians will have at least monthly contact with their student’s academic team.

Parents/guardians may be surveyed at least once a year to determine their satisfaction levels with the Charter School with respect to open governance, curriculum, instructional design and delivery methods, achievement of performance objectives, and other metrics that factor into the Charter School’s governance and accountability.

These multiple reporting mechanisms, combined with the availability of faculty to parent/guardians during and beyond normal business hours, are designed to keep parent/guardians apprised, informed, and involved. This puts parents/guardians in a position to influence school decisions affecting their child.

The forum for major Charter School decisions will be public meetings of the Board. EACS will post Board agendas on its website in compliance with the Brown Act, so parents/guardians will have the opportunity to share concerns and provide written and oral testimony regarding decisions pending before the Board.





## ELEMENT 5: 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 valid teaching credential issued by the State Board or the Commission on Teacher Credentialing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assignment as a teacher in [an independent study assignment], provided that the assignment of a teacher to a position for which qualifications are prescribed, by this section shall be made only with the consent of the teacher. – Education Code Section 44865(k).

EACS is dedicated to hiring exemplary staff who are committed to its mission, vision and values. All administrators, faculty, and staff members to be employed by EACS must possess the titles, qualifications, knowledge base, background, expertise and experience essential to successfully fulfill their responsibilities as determined by the EACS's Board, and Executive Director. EACS will ensure that all applicable legal requirements are met for teachers, staff, paraprofessionals and other administrative employees of the Charter School. Each certificated employee at the Charter School will meet the applicable state licensing and/or credentialing requirements. For all positions, certificated and non-certificated, the employee, at minimum needs to satisfactorily meet the performance specifications EACS requires for the position, as outlined below, and must possess the qualifications required to perform the essential functions of the position, as determined by Excel's Board of Directors and Executive Director.

EACS is an equal opportunity employer and does not discriminate against individuals based on actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks and twists), color, creed, actual or perceived gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, status as a victim of domestic violence, assault or stalking, age (40 and over), ethnicity, national origin or ancestry (including language use restrictions), citizenship, physical, intellectual or mental disability (including HIV and AIDS), medical condition (including cancer or a record or history of cancer, and genetic characteristics), reproductive health decision-making, family or medical leave status, sex (including pregnancy, childbirth, breastfeeding or a related medical condition), genetic information, sexual orientation, political affiliation, military and veteran status or any other consideration made unlawful by federal, state, or local laws. The Charter School prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Excel Academy complies with the ADA to ensure equal access to all qualified individuals with a disability. Background checks are conducted on all prospective new hires.

### Recruitment and Hiring Plan

EACS seeks to recruit and hire a diverse faculty composed of highly effective teachers, and highly skilled professionals who express an understanding of and support for our mission and student population; in accordance with ESSA we ensure all job descriptions indicate knowledge of requirements. We will achieve this goal by recruiting and compensating our faculty and staff based on their ability to meet the needs of our school as outlined in our hiring and evaluation rubric. The rubric will contain qualifications and criteria directly aligned to the qualities we believe are essential for effective teaching and learning within EACS, as

outlined in Element I of this charter petition.

All applicants will participate in a robust interview process that includes steps to ensure all participating Executive team members can thoroughly assess the experience and capabilities of the applicant. Each recruitment initiative is aligned based on targeted plans that both align with the budgets and educational programs

The Director of Human Resources will prepare and recommend to the Charter School Board for approval, salary and benefit levels, working conditions and work year characteristics (e.g. length of year and day and vacation policies) for all employees that will allow Charter School to attract and retain the caliber of employees necessary for the Charter School's success.

## Faculty and Staff Qualifications

EACS has a highly specified set of qualities it will require of its teaching faculty. Pursuant to the Every Student Succeeds Act, charter schools are free to design personnel systems and hire staff that meet the unique needs of the charter school. All teachers and paraprofessionals at EACS will meet applicable state certification and licensure requirements. EACS will ensure that teachers in the Charter School hold the Commission on Teacher Credentialing ("CTC") certificate, permit, or other document required for the teacher's certificated assignment in accordance with Education Code Section 47605(l). EACS may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a Board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment. The Charter School shall ensure that all paraprofessionals employed by the Charter School shall meet all applicable requirements under Education Code Section 45330.

EACS will report to the CTC any change in a certificated employee's employment status as a result of an allegation of misconduct or while an allegation of misconduct is pending, pursuant to Education Code Section 44030.5.

As required under Education Code Section 48000(g)(4), and subject to any future amendments, all teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015 must possess at least one of the following:

- At least 24 units in early childhood education, or childhood development, or both.
- As determined by the Charter School, professional experience in a classroom setting with preschool age children that is comparable to 24 units of early childhood education, or childhood development.
- A child development teacher permit, or an early childhood education specialist credential, issued by the Commission on Teacher Credentialing.

The teacher is responsible for implementing appropriate strategies that assist each student in achieving his/her academic potential while also providing superior customer service to all internal and external customers.

Typical activities for the teacher may include:

- Evaluate student work as prescribed by EACS's grading policy, and provide feedback on

assignments, in which students are encouraged to be actively engaged in the learning process.

- Contribute to a climate where students are actively engaged in meaningful learning experiences.
- Work with the leadership team and other EACS teachers to produce learning experiences suited to the grade level and to the student developmental level that will enhance student achievement.
- Communicate in a professional manner.
- Award and update student attendance in the student information system.
- Model professional and ethical standards when dealing with students, parents/guardians and community.
- Meet established deadlines.
- Conform with and abide by EACS work procedures and instructions, and EACS regulations and policies.
- Attend IEP meetings and complete necessary documentation.
- When requested, participate in student and parent/guardian conferences, marketing events and proctor exams.
- Participate in committees and organizations as needed.
- Maintain effective and efficient records.
- Implement curriculum using activities that contribute to a climate where students are actively engaged in meaningful learning experiences and be available to assist students in-person or via phone, email and instant message.
- Identify, select, and modify instructional resources to meet the needs of students with varying backgrounds, learning styles, and special needs.
- Approach situations with a student-centered attitude and flexibility that promotes student success.
- Partake in professional development opportunities.

## Administrative and Non-Instructional Staff

The Charter School will seek administrative and operational staff members who have demonstrated experience or expertise in the issues and work tasks required of them. They will be provided professional development opportunities to ensure that they remain abreast of all relevant changes in laws appropriate for their position within the Charter School as outlined in the school's staffing plan and the Charter School's adopted personnel policies. *See Exhibit C for administrative job descriptions for key positions and their requisite qualifications.*

## General Requirements, Hiring and Performance Review

Prior to employment, each employee will submit to a criminal background check as required by Education Code Section 44237. Prior to beginning work, all employees will be required to undergo a criminal background check prior to hiring through a LiveScan fingerprint process secured by the California Department of Justice and, if classified, the Federal Bureau of Investigation. These services will occur where the LiveScan service is offered., which may be located at district, county or local college facilities. The Charter School will adhere to California laws including fingerprinting, drug testing, and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. If the Charter School contracts with an entity for specified services, the Charter School will verify that any employee of that entity who will have contact with students, outside of the immediate supervision and control of the student's parent or guardian or a Charter School Employee, has had a valid criminal background check.

Employees must furnish proof of documents establishing legal employment status. The Executive Director and/or administrative designee will be responsible for monitoring and maintaining documentation of

medical and criminal investigation clearances, as required by California and federal laws.

The Executive Director will have the authority to recruit and interview candidates and make hiring recommendations to the Board for approval.

The Executive Director and/or designee will have the responsibility of evaluating the performance of the teaching and administrative staff, and to review the results of the performance reviews with the Board. The EACS Board of Directors has the right, if it so chooses, to review these performance reviews before they are delivered to the staff members.

The Executive Director, with input from the EACS Board as applicable, will determine the criteria by which to judge the performance of employees prior to conducting a formal performance review. These criteria will be tied directly to EACS's educational goals, mission, vision and will utilize a performance review rubric. The rubric will, among other criteria, be used to tie job reviews to relevant performance areas such as delineated in individual job descriptions, school and individual goals.

The Excel Board of Directors will create the job and performance review of the Executive Director. The Executive Director's performance will be objectively evaluated based on school and student success as reflected in a predefined set of performance criteria.

## Professional Development for Instructional Staff

EACS is dedicated to the continuous enhancement of its staff through professional development. We ensure our team remains at the forefront of educational advancements by participating in key conferences such as CCSA, CSDC and ACSA. These conferences are pivotal in keeping us informed about the latest trends in education.

For our leadership team, we organize regular professional development sessions that are essential for strategic growth and leadership skills enhancement. Additionally, we conduct in-person meetings that cover a wide range of topics, including but not limited to human resource updates, special education, and legal trends. This comprehensive approach ensures that our team is well-versed in various aspects that contribute to the effective management and operation of our institution.

Through these continuous professional development efforts, EACS is dedicated to nurturing a highly skilled and knowledgeable staff capable of delivering exceptional educational experiences.

Our professional development program for new teachers is structured in three parts: onboarding, first year induction (mentoring), and continuing education:

### Onboarding

- Mission, vision and core values
- Understanding the virtual/independent study educational experience
- Working within online systems (e.g. ordering system and virtual classroom) and student information system
- Communicating with students and parent/guardians
- Understanding and using online and independent study metrics

- Motivating students and meeting the unique needs of students
- Monitoring and guiding student pacing
- Managing the protocols of online and independent study learning: pace charts, contact histories, grading, various educational philosophies
- Technology tools for effective teaching

## Mentoring

During their first year, teachers are partnered with a team of experienced educators to support them. Teachers new to the profession will be required to complete an induction program.

## Continuing education

- Teachers are provided with opportunities to expand their knowledge of personalized learning strategies throughout the year by participating in various professional development programs.
- Teachers are surveyed to determine areas of need, and EACS will provide programs to meet the expressed needs.

## Individual Professional Development Plans

Additionally, all full-time school staff members are required to develop annual goals that identify areas of development that will lead to professional growth. This plan will be developed in conjunction with the Executive Director, department supervisor, and human resources. Some areas of growth might include:

- Presenting at a Charter School professional development opportunity.
- Measurable implementation of selected best practices methodology that will be employed to improve support for student success.

EACS will annually allocate funds to support individual professional and leadership development activities throughout the year.

## Authority and Responsibility

The Executive Director, Human Resources and/or designee is responsible for monitoring teacher credentials and qualifications relative to their positions. While the Charter School administration is responsible for working with each teacher in the development and management of an individualized professional development plan, the Executive Director and/or designee ensures that state mandates are appropriately enforced in all schools. This work is further supported by the oversight of the Excel Board of Directors.

## ELEMENT 6: HEALTH & SAFETY PROCEDURES

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

*(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.*

*(ii) For all schools, the development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282. For schools serving pupils in any grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (L) of paragraph (2) of subdivision (a) of Section 32282.*

*(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school. — Education Code Section 47605(b)(5)(F)*

EACS has a comprehensive set of health, safety, and risk management policies and procedures. In general, health and safety matters will be dealt with in accordance with these EACS policies. These policies will be developed in consultation with the Charter School's insurance carriers and at a minimum will address the topics discussed below. These policies and procedures will be incorporated as appropriate into the Charter School's parent/student and employee handbooks and will be reviewed on an ongoing basis in the Charter School's staff development efforts and Board policies.

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

### Procedures for Background Checks

Employees and contractors of EACS will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Executive Director or designee will be responsible for monitoring compliance with this policy and reporting to the Charter School Board on a regular basis. The Board President shall monitor the fingerprinting and background clearance of the Executive Director. 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.

### Tuberculosis Risk Assessment and Examination

All employees will be required to undergo a tuberculosis ("TB") risk assessment and examination (if necessary) and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, or otherwise meet the requirements of Education Code Section 49406.

Employees must undergo a tuberculosis ("TB") risk assessment and be examined (if necessary) at least once each four years thereafter, as required by Education Code Section 49406. Charter School shall maintain TB

clearance records and certificates on file.

## Vision, Hearing, and Scoliosis

Students will be screened for vision, hearing and scoliosis in accordance with Education Code Section 49450 *et seq.* as applicable to the grade levels served by the Charter School.

## Immunizations

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

The Charter School shall exclude students from participation in classroom-based activities if the student is not immunized in accordance with applicable law. Those parents/guardians who have difficulty obtaining immunizations for their children will be provided information on where to get immunized in their community.

Upon a student's admission or advancement to 6<sup>th</sup> grade, the Charter School shall submit to the student and their parent or guardian a notification that advises students to adhere to current immunization guidelines regarding human papillomavirus ("HPV") before admission or advancement to 8<sup>th</sup> grade, consistent with the requirements of Education Code Section 48980.4 and Health and Safety Code Section 120336.

## Medication in School

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members; per AB 1651 (2023), the Charter School shall store emergency epinephrine auto-injectors in an accessible location upon need for emergency use and include that location in annual notices required by law. To the extent the Charter School maintains a stock of albuterol inhalers to respond to respiratory distress in students, the Charter School shall comply with the requirements of Education Code Section 49414.7, including with respect to training, notices, and the stocking of albuterol inhalers.

## Diabetes

The Charter School shall make type 1 diabetes informational materials accessible to the parent or guardian of a pupil when the pupil is first enrolled in elementary school. The Charter School will provide an information sheet regarding type 2 diabetes to the parent/guardian or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs

associated with type 2 diabetes should be screened for type 2 diabetes.

4. A description of treatments and prevention methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

## Suicide Prevention Policy

The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215. The Charter School shall review, at minimum every fifth year, its policy on student suicide prevention and, if necessary, update its policy. Pursuant to AB 58 (2021-22), the Charter School will also review and update its suicide prevention policy by January 1, 2025 to incorporate best practices identified by the California Department of Education's model policy, as revised.

## Prevention of Human Trafficking

By January 1, 2020, the Charter School shall identify and implement the most appropriate methods of informing parents and guardians of students in grades 6 through 12 of human trafficking prevention resources.

## Menstrual Products

To the extent that the Charter School operates any facilities attended by students, the Charter School shall stock the Charter School's restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom. The Charter School shall post a notice regarding the requirements of this section in a prominent and conspicuous location in every restroom required to stock menstrual products, available and accessible, free of cost, pursuant to this section. This notice shall include the text of this section and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

## All Gender Restrooms

To the extent the Charter School operates any facilities attended by students, on or before July 1, 2026, the Charter School shall provide and maintain at least one all-gender restroom for voluntary student use at each of its facilities that has more than one female restroom and more than one male restroom designated exclusively for student use. The restroom shall have signage identifying the bathroom as being open to all genders, it shall remain unlocked, unobstructed, and easily accessible by any student, and be available during school hours and school functions when students are present. The Charter School shall designate a staff member to serve as a point of contact and to post a notice regarding these requirements.

## Athletic Programs

To the extent the Charter School offers athletic programming, the Charter School shall comply with all applicable laws related to health and safety policies and procedures surrounding athletic programs at charter schools, including but not limited to providing information to athletes regarding sudden cardiac arrest and annually providing each athlete an Opioid Factsheet for Patients. In the event the Charter School participates in any interscholastic athletic programs, it shall comply with all applicable requirements, including, but not limited to, adopting a written emergency action plan for sudden cardiac arrest or other medical emergencies



related to athletic programs, and acquiring at least one automated external defibrillator.

## School Meals

If required by law, the Charter School shall provide breakfast and lunch free of charge on any school day that the student is participating in school activities to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The meals provided under this paragraph shall be nutritionally adequate meals that qualify for federal reimbursement.

The Charter School shall provide each student adequate time to eat as determined by the Charter School in consideration of available guidance.

## California Healthy Youth Act

The Charter School shall teach comprehensive sexual health education and human immunodeficiency virus (HIV) and AIDs prevention education to students in grades 7-12, at least once in middle school and at least once in high school, pursuant to the California Healthy Youth Act (Education Code Sections 51930–51939). Passive (not active) parent/guardian notification is required for comprehensive sexual health education and HIV prevention education, either at the beginning of the school year or at least 14 days prior to instruction. Parents or guardians must be notified by the school or district at the beginning of the school year (or at the time of enrollment) about planned instruction in comprehensive sexual health and HIV prevention education and research on student health behaviors and risks.

The notice must also inform parents/guardians of their right to request copies of Education Code §§ 51933, 51934, and 51938. If arrangements are made after the initial notification is sent out at the beginning of the year, districts must notify parents at least 14 days prior to the instruction via mail or another commonly used method. (EC § 51938(b).)

In this notification, schools must advise parents/guardians that they have the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the school district. (EC § 51938(b)(4).) Schools may not require active consent ("opt-in") for participation in comprehensive sexual health and HIV prevention education. Parents/guardians must request in writing that their child not participate in the instruction (passive consent, or "opt-out"). If the parent/guardian does not request in writing that the child be withheld, the child will attend the instruction. (EC § 51938(a).)

## Mental Health Education

If the Charter School offers one or more courses in health education to students in middle or high school, the Charter School shall include in those courses instruction in mental health that meets the requirements of Education Code Section 51925, *et seq.*

## Mental Health Information

The Charter School shall create and post a poster at the schoolsite identifying approaches and resources addressing student mental health in compliance with Education Code Section 49428.5. The poster shall be displayed in English and the primary language(s) spoken by 15 percent or more of students enrolled at the schoolsite. The poster shall be prominently and conspicuously displayed in appropriate public areas that are accessible to, and commonly frequented by, students at the schoolsite. The poster shall also be digitized and distributed online to students through social media, internet websites, portals, and learning platforms at the beginning of each school year.

## School Safety Plan

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

- child abuse reporting procedures
- routine and emergency disaster procedures
- policies for students who committed an act under Education Code Section 48915 and other Charter School designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- a discrimination and harassment policy consistent with Education Code Section 200
- provisions of any schoolwide dress code that prohibits students from wearing "gang related apparel," if applicable
- procedures for safe ingress and egress of students, parent/guardians, and employees to and from the Charter School
- a safe and orderly environment conducive to learning
- the rules and procedures on Charter School discipline adopted pursuant to Education Code Section 35291, 35291.5, 47605, and 47605.6
- procedures for conducting tactical responses to criminal incidents
- procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school
- a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose

## Emergency Preparedness

The Charter School shall adhere to an Injury Illness Prevention Plan drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. This plan shall include, but not be limited to the following responses: natural disasters including but not limited to: fire, flood, earthquake, terrorist threats, and hostage situations. Staff shall receive training in emergency response, including appropriate "first responder" training or its equivalent.

Disaster procedures included in the School Safety Plan shall address and include adaptations for students with disabilities. To the extent an employee, parent/guardian, educational rights holder, or student brings concerns

regarding the procedures to the Executive Director and, if there is merit to the concern, the Executive Director shall direct the School Safety Plan to be modified accordingly.

## Facilities Safety

Because EACS will operate an independent study personalized learning school, there will be no need for a school building where classes are held on a daily basis. For administrative facilities, EACS will comply with Education Code Section 47610 by utilizing facilities that are either compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School will comply with all other applicable federal, state, and local building codes and requirements applicable to California charter schools, including the Americans with Disabilities Act, and other applicable fire, health, and structural safety requirements, and will maintain on file records documenting such compliance. EACS will ensure that its offices will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined the facilities present no substantial seismic safety hazard. The Charter School will obtain all necessary permits for these offices including a building and fire marshal inspection and/or a certificate of occupancy. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times.

## Workplace Violence Prevention Plan

As of July 1, 2024, the Charter School shall establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan consistent with the requirements of Labor Code Section 6401.9.

## Drug-, Alcohol, and Smoke-Free Environment

EACS shall function as a drug, alcohol, and smoke-free environment.

## Blood-borne Pathogens

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

## Child Abuse Prevention and Reporting

EACS will maintain detailed policies and procedures for the immediate reporting of suspected child abuse, neglect, acts of violence, or other improprieties. Such policies will detail the role and obligation of staff in the reporting of child abuse pursuant to Penal Code Section 11164 et seq. All staff will be mandated child abuse reporters and will follow all applicable reporting laws and the same policies and procedures used by the District. C. Charter School shall provide all employees, and other persons working on behalf of Charter School who are mandated reporters, with annual mandated reporter training on child abuse detection and reporting, in accordance with Education Code Section 44691.

## Comprehensive Anti-Discrimination and Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation. The Charter School shall develop a comprehensive policy to prevent and immediately remediate any concerns about discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's anti-discrimination and harassment policies.

A copy of the policy shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable, and to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired. To the extent the Charter School maintains any facilities in the future that are attended by students, the Charter School shall create a poster that notifies students of the applicable policy on sexual harassment in accordance with Education Code Section 231.6 and shall prominently and conspicuously display the poster in each bathroom and locker room at the schoolsite and in public areas at the schoolsite that are accessible to, and commonly frequented by pupils.

### Bullying Prevention

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

### Supporting LGBTQ Students

Commencing with the 2025-26 school year and ending with completion of the 2029-30 school year, the charter school shall use an online training delivery platform and curriculum to provide at least 1 hour of required LGBTQ cultural competency training annually to teachers and other certificated employees and maintain records of such training as required by Education Code Section 218.

### Homicide Threats

The Charter School shall comply with all requirements under Education Code Sections 49390-49395 regarding mandatory reporting in response to homicidal threats. All employees and Board members who are alerted to or who observe any threat or perceived threat in writing or through an action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity shall make a report to law enforcement.

### Gun Safety Notice

At the beginning of the first semester, the Charter School shall distribute a notice to the parents/guardians of each student addressing California's child gun access prevention laws and laws related to firearm safety utilizing the most updated model language published by the California Department of Education.

#### Transportation Services

Effective July 1, 2025, the Charter School shall comply with the requirements of Education Code Section 39875(c), if applicable, relating to background checks and testing for individuals providing transportation services for students.

## ELEMENT 7: STUDENT POPULATION BALANCE

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

EACS actively recruits a diverse student population from within its legally prescribed service area. Within that boundary, admission will be open to any California resident, and all students will be considered for admission without regard to any characteristic listed in Education Code Section 220 (or association with an individual who has any of those characteristics).

EACS implements a student recruitment strategy that will be represented by, but is not necessarily limited to, a combination of elements or strategies to ensure a diverse student body and to achieve a balance of racial and ethnic students, special education students, and English Learners, including redesignated fluent English proficient students, that is reflective of the general population residing within the territorial jurisdiction of the District.

EACS will engage in various outreach activities, that may include, but is not limited to, the following:

1. **Marketing Materials:** Design flyers and distribute informational materials to appeal to various groups in order to achieve the required balance. Materials will be developed in English, Spanish, and other common languages in the District area.

EACS provides printed and digital flyers to all teachers to distribute or post online in the counties where they reside, which includes the counties of Riverside, Orange, and San Diego. Printed flyers and other promotional materials include information about its programs and student offerings with a link and QR code to the EACS website and contact information for our parent support team. Excel Academy has continuously staffed Spanish speaking staff members to assist in phone, email, and video conferencing communications.

2. **Community Events:** EACS hosts community events in all regions it serves students. EACS Community Team also attends community events such as LEAP, Imaginology, SoCal Homeschool & Education Expo, and other related events to provide flyers, brochures, and other information to interested parents/guardians in English and Spanish. Marketing materials at such events will ensure a balance that is reflective of the general population residing within the District.

EACS hosted two in-person coffee question and answer events, seven Summer Social events for new families to meet our staff, browse through curriculum, and ask questions; attended an educational fair, and provided informational flyers and quicksheets to prospective families in the 2023-24 school year.

EACS hosted 18 virtual enrollment webinars between May 2022 - August 2023 about the EACS personalized and virtual paths, and 9-12 high school programs and offerings. By providing informational webinars online, this provided an opportunity for prospective families in all areas to attend at a time and day that worked best for their schedule. EACS utilized social media and posted actively in Facebook Community Groups in the counties of Riverside, Orange, and San Diego to help promote these virtual enrollment webinars among

families interested in nonclassroom-based charter schools and educational programs similar to EACS.

3. Advertising: EACS' website and social media reflect a balance that is reflective of the general population residing within the Districts. EACS utilizes paid social media advertising on Facebook and Instagram platforms that promote enrollment via website visits to the EACS website enroll page. Ads were targeted to Riverside County, Orange County, and San Diego County. The targeted audience included parents and families of TK-12 students with multicultural affinity behaviors and interests of Hispanic American culture, Hispanic culture, and Latino culture, as well families with who are socio-economically disadvantaged.

EACS utilizes pay-per-click (PPC) ads to promote enrollment through Google Search and other search engines driving audiences to visit the EACS website enroll page. Targeted areas include Riverside County, Orange County, and San Diego County.

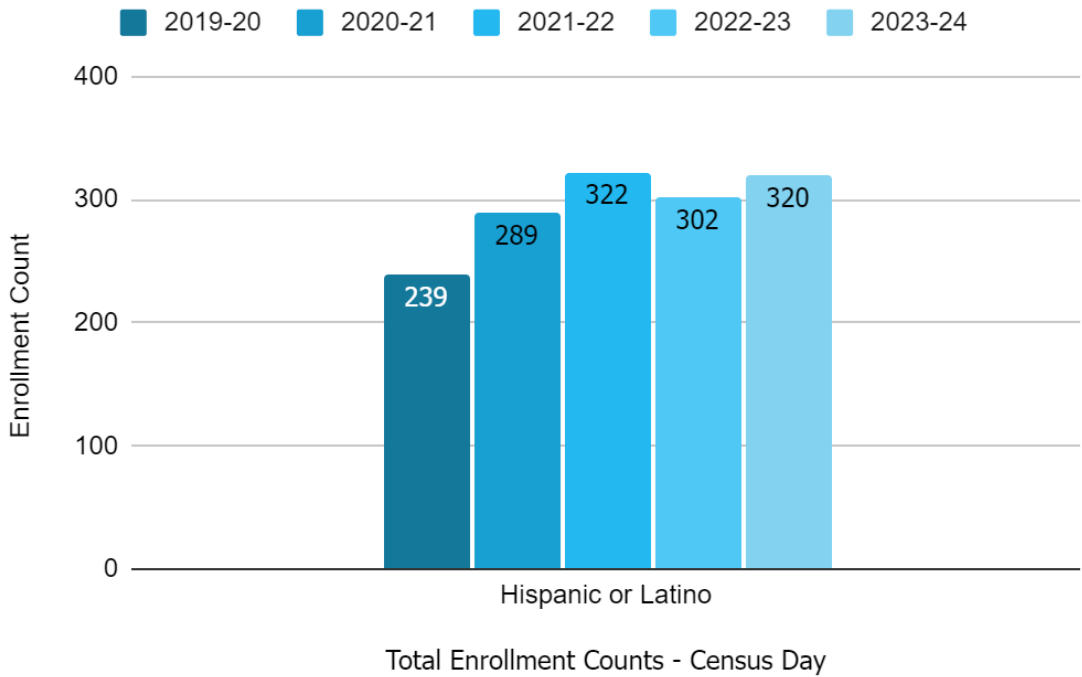
EACS utilizes photo and video of students and stock photo to showcase a diverse student population including those of Hispanic descent. EACS engages regularly in Facebook Community Groups through organic posts and by responding to questions from families about how to enroll at EACS, curriculum, program offerings, and how to attend virtual webinars to receive more information about the school. EACS actively participates in these Facebook Community Groups in the regions of Riverside County, Orange County, and San Diego County.

EACS regularly shares photos and video content online including Facebook, Instagram, Google Business Profile and the EACS website showing EACS students, classes, field trips, events, and other engagement opportunities. EACS makes a concerted effort to capture and utilize photos that represent the diversity of our student population.

4. Establish Partnerships with Community Organizations: EACS explores potential partnerships within the local and regional communities. EACS will ensure, as needed, that recruitment materials are available in languages other than English based on student and general population demographics.

As a result of these efforts, EACS has seen consistent growth in the diversity of its student body as demonstrated in the historical enrollment trend data included at the beginning of this renewal charter petition. In particular, Hispanic/Latino student enrollment as a share of the EACS student body has increased by over 34% since EACS founding and represents the largest student group.

## Hispanic Student Enrollment



EACS will continue these student population balance efforts in order to more closely align with the demographics of the territory EACS serves.



## ELEMENT 8: ADMISSION POLICIES AND PROCEDURES

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

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition or discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

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

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

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

The Charter School shall require students who wish to attend the Charter School to complete an application form. After admission, all students and their parents/guardians must complete and submit an enrollment packet, which includes the following:

- 1) Student enrollment form
- 2) Home Language Survey
- 3) Completion of Emergency Medical Information Form
- 4) Proof of minimum and maximum age requirements
- 5) Release of records<sup>1</sup>

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<sup>1</sup> In accordance with Education Code Section 47605(e)(4)(B), the Charter School shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the Charter School before enrollment.

## 6) The Master Agreement and Acknowledgement of Responsibilities (“AOR”)

All students’ continued enrollment shall depend upon them fulfilling the terms of the Master Agreement. Enrollment space will be based on need in the community and availability of qualified, trained qualified credentialed teachers to serve as the Teacher of Record.

### Recruiting and Admissions Cycle

The Charter School will establish an annual recruiting and admissions cycle, which shall include reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for students and parents/guardians, (3) an admission application period, (4) an admission lottery, if necessary, and (5) enrollment. The Charter School may fill vacancies or openings that become available after this process using a waiting list created in accordance with the admissions lottery procedures specified in this charter.

### Timeline for Recruiting and Enrollment

The Charter School will recruit and enroll students from areas from which they are legally allowed to recruit and enroll. Applications will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period each year, applications shall be counted to determine whether any region has received more applications than availability. In the event that this happens, the Charter School will hold a public random drawing (or “lottery”) to determine admission for the impacted region, with the exception of existing students, who are guaranteed admission in the following school year. In any year in which a random public drawing is not required because the number of applications does not exceed the Charter School’s capacity, EACS will admit all students who meet the admission and application requirements stated in the Charter. Applications for admission will be accessible on the Charter School’s website.

### Lottery – Public Random Drawing

In the event that the number of students seeking admission to any region exceeds capacity, a lottery will be held for the impacted regions, with the exception of existing students, who are guaranteed admission in the following school year. It will be completed in a physical or virtual public forum large enough to accommodate all those who wish to attend.

Once a child has been enrolled as a student at EACS, they have the right to continue until they have completed the highest grade we offer. Students who are currently enrolled at EACS must re-commit for the following school year by the end of open enrollment by signing a Master Agreement for the following year.

The following admission preferences shall be given in the case of a public random drawing:

1. Siblings of students admitted to or attending the Charter School;
2. Children of Charter School staff;
3. Students who have been previously enrolled in EACS;
4. Residents of the District;
5. All other applicants

The Charter School and the District agree to adhere to the requirements related to admission preferences as set forth in Education Code Section 47605(e)(2)(B)(i)-(iv).

The Board will take all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled by region by the designated lottery official (appointed by the Executive Director). Separate lotteries shall be conducted for each region in which there are fewer vacancies than students interested in attending. All lotteries shall take place on the same day in a single location. There is no weighted priority assigned to the preference categories; rather, within each region, students will be drawn from pools beginning with all applicants who qualify for the first preference category, and shall continue with that preference category until all vacancies within that region have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference category until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above.

At the conclusion of the lottery, all students who were not granted admission due to capacity will be placed on a waiting list in the order drawn. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

Admission will not be based on prior student performance or admission testing. Post matriculation, various assessments may be administered to determine the student's readiness for the grade of entrance or maintenance of said grade. These instruments aid in the development of individualized learning plans for students.

Public random drawing rules, deadlines, dates and times will be communicated in the application form and on the Charter School's website. Public notice for the date and time of the public random drawing will also be posted once the application deadline has passed. The Charter School will also inform all applicants and interested parties of the rules to be followed during the public random drawing process via mail or email at least two weeks prior to the lottery date.

The Charter School will conduct the lottery in the spring for enrollment in fall of that year.

## ELEMENT 9: INDEPENDENT FINANCIAL AUDITS

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

An annual independent financial audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(c)(5)(l) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law, the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide.

The Excel Board either directly, or through an audit committee it may form each fiscal year, shall oversee selection of an independent auditor and the completion of an annual audit of the Charter School's financial affairs. The auditor will have, at a minimum, a CPA and educational institution audit experience and will be approved by the State Controller on its published list as an educational audit provider. The audit will verify the accuracy of the Charter School's financial statements, attendance and enrollment, and accounting practices, and will review the Charter School's internal controls.

To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the California Department of Education, and the State Controller by December 15 each year. The Charter School's audit committee, if any, will review any audit exceptions or deficiencies and report to the Charter School's Board with recommendations on how to resolve them. The Board of Directors will report to the District regarding how the exceptions and deficiencies have been or will be resolved to the District's satisfaction along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this charter. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

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

## ELEMENT 10: SUSPENSION/EXPULSION POLICY AND PROCEDURES

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

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

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

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

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

*(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian, or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).*

*(iv) A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. Education Code Section 47605(c)(5)(J).*

### Policy:

This student Suspension and Expulsion Policy has been established in order to promote learning, provide

for the safety of students, staff, and visitors to EACS and serve the best interests of students and their parents or guardians. In creating this policy, the Charter School reviewed Education Code Section 48900 *et seq.*, which describes the offenses for which students at non charter may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal (“involuntary withdrawal”). The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions and involuntary withdrawals, and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary withdrawal.

If this policy is violated, it may be necessary to suspend or expel a student from regular instruction. This policy shall serve as EACS's policy and procedures for student suspension, expulsion, and involuntary withdrawal and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. EACS staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Student Handbook which will clearly describe discipline expectations. EACS will develop a procedure for the periodic review and amendment of this Policy and, in particular, the lists of offenses for suspension or expulsion.

EACS administration shall ensure that students and their parents/guardians<sup>2</sup> are notified in writing upon enrollment of all discipline and involuntary withdrawal policies and procedures. The notice shall state that this Policy and Procedures are available on request.

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 this Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property. Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom EACS has a basis of knowledge of a suspected disability pursuant to the IDEA or who is qualified for services under 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 requires additional or different procedures. EACS will follow all applicable federal and state laws including but not limited to the applicable provisions of the Education Code, when imposing any form of discipline on a student identified as an individual with disabilities for whom EACS has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily withdrawn by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to withdraw the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform the student and the student's parent/guardian of the basis for which the student is being involuntarily withdrawn and the student's parent/guardian's right to request a hearing to challenge the involuntary withdrawal. If a parent, guardian,

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<sup>2</sup> The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker, and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary withdrawal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term “parent/guardian” shall include these parties.

or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include withdrawals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

## Procedures:

### 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, or while going to or coming from a school-sponsored activity.

### B. Enumerated Offenses

#### 1. Discretionary Suspension Offenses.

Students may be suspended when it is determined the student:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.

- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) 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.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "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 their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.



- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or 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 the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
  - t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
- 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with their academic performance.
  - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

- iii. An act of cyber sexual bullying.
  - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - (b) For purposes of this policy, "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.
- 3) 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.
- u) A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

## 2. Non-Discretionary Suspension Offenses:

Students must be suspended and recommended for expulsion when it is determined the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

## 3. Discretionary Expellable Offenses:

Students may be recommended for expulsion when it is determined the student:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.

- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) 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.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "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 their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or 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 the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

- ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with their academic performance.
  - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) For purposes of this policy, "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.
- 3) 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.
- u) A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student 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)-(b).

- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

#### 4. Non-Discretionary Expellable Offenses:

Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel and/or Excel Board 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 destructive 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 student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- 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 any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) 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 Executive Director or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Executive Director or designee.

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

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. Penalties shall not be imposed on a student for failure of the student's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/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 in person, by email, or by telephone. 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(s) committed by the student as well as the date the student may return to school following the suspension. 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 Executive Director or designee, the student and the student's parent/guardian shall be invited to a conference to determine if the suspension for the student 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 student and the student's parents/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the Executive Director or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

#### 4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

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

#### D. Authority to Expel

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

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

#### 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 Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

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 student confidentiality rules under the Family Educational Rights and Privacy Act ("FERPA")) unless the student 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 student. 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 student.

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 their right to (a) receive five (5) days notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness 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 the complaining witness 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 the complaining witness 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 the complaining witness 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 their discretion to remove a person from the hearing whom they believe 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 student being expelled, the complaining witness shall have the right to have their 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 entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances 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 student, 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 their testimony heard in a session closed to the public.

## I. Expulsion Decision

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 Board of Directors shall make the final determination regarding the expulsion 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, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

## J. Written Notice to Expel

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

## K. 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 chartering authority upon request.

## L. No Right to Appeal

The student 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.

## M. Expelled Students/Alternative Education

Students 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.

#### N. 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 (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

#### O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the student and student's parent/guardian to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Executive Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the Executive Director or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student 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 student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

#### P. Notice to Teachers

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

#### Q. Removal Due to Noncompliance with Independent Study Requirements

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study, after three (3) missed assignments, an evaluation is held to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Discipline and Involuntary Withdrawal Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary withdrawal as forth herein.

#### R. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary withdrawal of Students with Disabilities

##### 1. Notification of SELPA

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

## 2. Services During Suspension

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

## 3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent/guardian 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 parent/guardian<sup>3</sup> to determine:

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

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

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

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<sup>3</sup> Individuals in Footnote #1 are active participants in the meeting.

If the Charter School, the parent/guardian, 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/guardian 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/guardian 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 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian, or Charter School may request a hearing.

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

#### 5. Special Circumstances

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

The Executive 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:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

## 6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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

## S. Offenses for Involuntary Withdrawal

EACS has adopted a Discipline and Involuntary Withdrawal Policy. Pursuant to that policy, involuntary disenrollment may be recommended for violation of any of the following non-disciplinary school policies:

- Attendance
- Academic Integrity
- Civility

- Acceptable Use
- Satisfactory Educational Progress
- The student fails to complete all mandated school assessments.
- Failure to provide documentation and information to the school in order to record attendance in accordance with applicable laws.
- Failure to provide requested documentation for continued enrollment, such as proof of residency
- Failure to attend and respond to school communications during the first ten (10) school days.

Students with IEPs and/or 504 plans may also be subject to involuntary withdrawal described in this policy. EACS will comply with all applicable federal and state laws when a special education student is being considered for an involuntary withdrawal. The procedures for involuntary withdrawal including reengagement and the right to request a hearing prior to disenrollment are set forth in EACS's Discipline and Involuntary Withdrawal Policy.

#### S. Procedure for Involuntary Withdrawal

A hearing shall be held within thirty (30) school days after the student has accrued three (3) missed identified assignments to determine whether it is in the best interest of the student to remain in independent study. The Charter School may involuntarily remove the student after the Charter School follows the requirements of the Master Agreement and independent study policy regarding the best interest meeting, and only after providing notice and an opportunity for a parent, guardian, or educational rights holder to participate in the hearing as set forth herein and in Education Code Section 47605(c)(5)(J)(iii).

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 student. The notice shall include:

- The date and place of the hearing.
- A statement of the specific facts, charges and violations upon which the proposed withdrawal is based.
- A copy of the Charter School's policies related to the alleged violation.
- 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.
- 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.
- The right to inspect and obtain copies of all documents to be used at the hearing.
- The opportunity to confront and question all witnesses who testify at the hearing.
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.



## ELEMENT 11: EMPLOYEE RETIREMENT SYSTEMS

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

Staff will participate in the federal social security system as required by law and will have access to their Charter School-sponsored retirement plans according to policies developed and adopted by the Board. The Board has determined; by Board action, to participate in the State Teachers' Retirement System ("STRS") and Internal Revenue Code Section 403(b)/ 457 (b) plans or equivalent with employer contribution for its eligible staff, and plans to offer an Internal Revenue Code Section 403(b) plan with an employer contribution or other comparable benefits plan in conjunction with Social Security for all other staff. The Charter School shall comply with Education Code Section 47611. Teachers and staff may also have access to other school-sponsored retirement plans according to policies developed by the Charter School's Board for Charter School employees. The Executive Director will be responsible for ensuring appropriate arrangements are made available for employee retirement coverage.

In accordance with Education Code Section 47611.3, the County shall create any reports required by STRS. At the County's request, the Charter School shall pay the County a reasonable fee for the provision of such services. EACS retains the option for the Excel board to choose to participate in STRS, Public Employees' Retirements System or Social Security depending upon employee eligibility and what the Board determines is in the best interest of the staff and the Charter School as a whole. This determination will be reflected in EACS personnel policies and employment handbook and will be presented to employees prior to their employment with the Charter School.

Excel Academy Charter School will offer eligible full time staff access to rich, competitive health and welfare plans including but not limited to: health, dental, vision, life, accidental, cancer, flexible and health savings accounts. It will be at the Executive Director's discretion along with the approval of the Board to add, change and vet new benefits year-by-year in alignment with what is best for the Charter School, its staff and the current budget.

## ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

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

No student is required to attend EACS. Students who do not attend the Charter School may attend school within their local school district of residence or pursue an inter- or intra-district transfer in accordance with existing enrollment and transfer policies of their school district or county of residence.

Parents/guardians of each student enrolled in EACS will be informed on admission forms that the student has no right to admission in a particular school of any local educational agency as a consequence of enrollment at EACS, except to the extent that such a right is offered by the local educational agency.

## ELEMENT 13: EMPLOYEE RETURN RIGHTS

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

No public school district employee shall be required to work at the Charter School. Members of EACS staff who leave employment in the District to work at EACS shall not have any automatic rights of return to the District after employment by the Charter School, without prior consent specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

Employees who were not previous employees of the District will not become employees of the District and will not have the right to employment within the District upon leaving the employment of the Charter School.

District employees cannot be required to work at EACS, nor can the District require the Charter School to hire District employees, with the exception of District employees provided to the Charter School as part of an agreement for services paid to the District by EACS under a separately negotiated agreement or memorandum of understanding.

Charter School employees are not subject to District transfers without written consent of that employee.

Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

## ELEMENT 14: DISPUTE RESOLUTION

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

EACS will adopt policies and processes for aiding and resolving internal and external disputes.

### Intent

The intent of this dispute resolution process is to (1) resolve disputes within the Charter School pursuant to the Charter School's policies, (2) minimize the oversight burden on the District as the Charter School's authorizer, (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.

The staff and Board members of EACS and the Warner Unified School District agree to resolve all disputes regarding this charter pursuant to the terms of this section.

### Disputes Arising From Within the School

Disputes over personnel discipline will not be covered by this dispute resolution process, and instead, will be resolved through the Charter School's personnel policies and procedures. EACS shall maintain comprehensive personnel policies and procedures, approved by the Excel Board that will be provided to each employee upon hire. These policies will set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures, and other pertinent policies essential to preserving a safe and harmonious work environment. The Executive Director will resolve complaints and will administer any personnel discipline.

EACS shall establish and provide a Uniform Complaint Policy and Procedures and Title IX compliant policy as required by state and federal law to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs. This procedure may also be used to resolve internal disputes among parents/guardians, students, Board members, volunteers, and staff at the Charter School, and each shall be provided with a copy of the Charter School's policies and internal dispute resolution process. The District agrees to promptly refer all complaints regarding the Charter School's operations to the EACS Executive Director for resolution in accordance with the Charter School's adopted policies.

### Disputes Between the Charter School and The District

In the event that Charter School and the District have disputes regarding the terms of this charter or any other issue regarding the Charter School, both parties agree to follow the process outlined below. In the event of a dispute between the Charter School and the District, both parties agree to first frame the issue in writing ("Written Notification") and refer the issue to the District Superintendent and the Charter School's Executive Director, or their respective designees. In the event the District Superintendent believes the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, EACS requests that this shall be specifically noted in the Written Notification, although it recognizes it cannot legally bind the District to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a prerequisite to the District's ability to proceed with the revocation procedures in accordance with Education Code Section 47607 and its

implementing regulations.

a. **Meet and Confer:** Upon receipt of the Written Notification, the Charter School Executive Director and the District Superintendent, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, no later than five (5) business days from receipt of the Written Notification. In the event that this informal meeting is unsuccessful, both parties shall identify two board members from their respective boards who shall jointly meet with the Superintendent of the District and the Executive Director of the Charter School and attempt to resolve the dispute within fifteen (15) business days from receipt of the Written Notification.

b. **Mediation:** If the dispute cannot be resolved at the informal meet and confer or the joint meeting, the parties shall schedule a mediation to resolve the matter. The parties shall mediate in good faith. The mediator shall be selected by mutual agreement of the parties. Each party shall bear its own attorneys' fees, costs, and expenses associated with the mediation. The mediator's fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall be held within 60 business days of receipt of the Written Notification.

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 District and the Charter School.

## ELEMENT 15: CLOSURE PROCEDURES

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 student records. – Education Code Section 47605(c)(5)(O)

Closure of the Charter School 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.

In the event the Charter School closes, EACS will promptly notify staff, parents/guardians and students of the Charter School, the District, the San Diego County Office of Education, the Charter School's SELPA, the retirement system in which the Charter School's employees participate, and the California Department of Education, in writing, as far in advance as possible. This notice shall include:

- The effective date of the closure;
- The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
- The students' school districts of residence; and
- The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.

The Charter School will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School. The Charter School website will provide links to resident school district enrollment/transfer procedures if these are published online (limited to the home districts of currently enrolled students).

The Charter School 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 it will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents/guardians, students and the District with copies of all appropriate student records, and will otherwise assist students in transferring to their next school. EACS will maintain student records and personnel records for a term and in a manner consistent with applicable federal and state law. The Charter School will ask the District to store original records of Charter School students. All student records of the Charter School shall be transferred to the District upon Charter School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

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

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School

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

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

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

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

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

The Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above. The Board will allocate sufficient funding for, or otherwise determine how Charter School will fund these closure activities.

## MISCELLANEOUS CHARTER PROVISIONS

### 1) Budgets

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

A financial plan for the Charter School, including a projected operational budget, cash flow, and financial projection for three years of operation, is attached as Exhibit E. This plan is based on the best data available to the petitioners at the time the plan was assembled.

### 2) Financial Reporting

#### Financial Systems and Processes

EACS has an internal business and fiscal department that takes care of accounting and fiscal reporting. The Charter School contracts with an accounting firm for statutory federal and state tax filing.

#### Financial Reports

The Charter School shall provide reports to the District and County Superintendent of Schools as follows in accordance with Education Code Section 47604.33, and shall provide additional fiscal reports as requested by the District:

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

The Charter School shall provide reporting to the District as required by law and as requested by the District including, but not limited to, the following: California Basic Educational Data System ("CBEDS"), actual Average Daily Attendance reports, all financial reports required by Education Code Sections 47604.33 and 47605(m), the School Accountability Report Card (SARC), and the LCAP.

The Charter will implement an attendance recording and accounting system which complies with state law and the District's requirements.



If the Charter School anticipates applying for the Charter School Revolving Loan Fund, EACS understands that it must comply with Education Code Section 41365 if it receives funds.

EACS will be a direct-funded charter school and anticipates depositing its funds in a non-speculative and federally insured bank account for use by the Charter School.

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

Pursuant to Education Code Section 47604.3, the Charter School shall promptly respond to all reasonable inquiries including, but not limited to, inquiries regarding its financial records from the District.

### 3) Insurance

#### Insurance Certificates

EACS shall keep on file certificates signed by an authorized representative of the Charter School's insurance carrier. The District reserves the right to require complete certified copies of the required insurance policies. Required insurance includes Commercial General Liability, Commercial Auto Liability, Worker's Compensation, Property and Fire, and Errors and Omissions. All insurance requirements are specified in the MOU between EACS and the District.

#### Optional Insurance

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

### 4) Administrative Services

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

The Charter School will provide or procure its own administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

Pursuant to California law, the District will be required to provide certain oversight duties, including monitoring Charter School and student performance data, reviewing the Charter School's financial statements and audit reports, performing annual site visits, engaging in the dispute resolution process, and considering charter amendments and renewal requests.

EACS will coordinate with the County Office of Education to report pertinent STRS payroll data. The County Office of Education may request a reasonable fee for coordinating this transfer of data. The Charter School shall maintain its own health and benefits by contracting with an insurance broker or similar third party to

enroll in appropriate health and wellness insurance plans (e.g., Kaiser, Blue Cross, Cigna, etc.).

## 5) Facilities

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

The Charter School is operated in an independent study environment. As such, minimal facility usage is required. EACS maintains a central administrative office wherein important student and personnel records are maintained. The central office is located at 1 Technology Drive, Suite I-811 Irvine, California 92618. This location is used for administrative purposes and other similar types of activities. In addition to a central administrative office, EACS may maintain a central warehouse to facilitate the in and outbound logistics of student curriculum, technology, and supplies. Many of our programs meet either virtually or in mutually agreed upon public locations every learning period with no resource center needed. EACS shall ensure that any other resource center, meeting space, or other satellite facility established by the Charter School shall be in compliance with all applicable requirements of Education Code Section 47605.1.

## 6) Transportation

As an independent study program, EACS does not provide any home to school or school to home transportation services; however, EACS will ensure that students with IEPs that require such transportation services receive them. EACS may occasionally arrange for public, rented or parental transportation for field trip-type excursions and learning opportunities.

## 7) Potential Civil Liability Effects

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

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

Pursuant to Education Code Section 47604(d), 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. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School intends to enter into a memorandum of understanding with the District, wherein the Charter School shall indemnify the District for the actions of the Charter School under this charter.

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

The Charter School intends to maintain liability, property, and errors and omissions insurance as outlined above to protect the Charter School's assets, staff, Excel Board members, and, where appropriate, the district from unforeseen liability. Minimum insurance amounts shall be determined by recommendation of the Charter School's insurance broker for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance of the Charter School.

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

## 8) Financial Management and School Services Contracts

### Financial Management

EACS's Executive Director will be responsible for overseeing the Charter School under policies adopted by the Excel Board. As described further below, the Charter School may contract with a back office provider and a student information system software for certain of its operational, administrative, and financial services.

The back office provider and student information system used shall demonstrate a track record of experience with virtual/independent study public schools, and will meet the Charter School's service needs based on mandatory state data tracking and reporting requirements.

### Material Contracts

EACS may contract the following material agreements for services:

- An agreement for payroll processing services.
- An agreement for accounting and tax services.
- An agreement with an independent financial auditor that meets the certification and licensure requirements for conducting an independent financial audit of California public schools.
  - This agreement will be made upon terms and conditions that are standard for the industry and will ensure a legally compliant annual audit of EACS's finances.
- An agreement state approved curriculums, to supply EACS's online instructional program.
- An agreement with approved content and community providers to supply curriculum for school
- An agreement for a student information system with School Pathways or another high quality student information system.
- An agreement for back office services
- An agreement for an interactive online meeting space
- An agreement for Tech Support for faculty and students.

- An agreement for Website design and maintenance.
- Any other Agreement for systems or software to facilitate the operations of EACS.

## GENERAL PROVISIONS OF THE PROPOSED CHARTER

### Term

The term of this Charter shall be July 1, 2024 – June 30, 2031. This Charter may be renewed for one or more subsequent terms between five (5) and seven (7) years, in accordance with Education Code Sections 47607 and 47607.2, upon mutual agreement of the parties.

### Revisions

Material revisions of this Charter may be made in writing with the mutual consent of the District and the Excel Board. Material revisions shall be made pursuant to the standards, criteria, and timelines set forth in Education Code Sections 47605 and 47607.

### Miscellaneous

The Charter School intends to enter into a mutually agreeable MOU with the Warner Unified School District, which outlines further details of the relationship between the District and the Charter School. The MOU may include, but not be limited to, the following:

- Transportation and food services to be provided by the District, if any
- Services to be purchased by the Charter School from the District, and the fee schedule for such services
- Details of the oversight and monitoring relationship between the Charter School and the District
- Mutual indemnification from loss
- Cash advances to handle cash flow issues, if necessary
- Charter School's receipt of mandated cost reimbursement
- Fiscal reporting requirements to the state, either independently or through the District
- District support for the Charter School in seeking additional funding

### Communication and Notices

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

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