



Paradise Charter Middle School Charter Renewal Petition

For the Term
July 1, 2015 – June 30, 2020

. . . a strong community school dedicated to building a firm foundation in its students. . .

Submitted to

Paradise Unified School District

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Section I - MISSION AND VALUE STATEMENT

We believe our role is to assist the parent in the educational process. It is only through an effective partnership among parents, teachers, and students, along with a solid basic skills foundation, that high academic standards can be attained. Our goal is to prepare each student for high school and college by developing critical thinking and enhanced interpersonal skills.

Section II - AFFIRMATIONS

Paradise Charter Middle School (“PCMS” or 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:

1. The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
2. The Charter School shall be deemed the exclusive public school employer of the employees of Paradise Charter Middle School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
3. Paradise Charter Middle School will be nonsectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
4. Paradise Charter Middle School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
5. Paradise Charter Middle School will not discriminate against any student or employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
6. Aside from the exceptions listed on page 38, Paradise Charter Middle School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]

7. Paradise Charter Middle School encourages parental involvement in the educational process, as well as the governance of the Paradise Charter Middle School Board.
8. Paradise Charter Middle School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
9. Paradise Charter Middle School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
10. Paradise Charter Middle School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. California Education Code Section 47605(l)]
11. Paradise Charter Middle School shall at all times maintain all necessary and appropriate insurance coverage.
12. Paradise Charter Middle School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
13. If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. Education Code Section 47605(d)(3)]
14. Paradise Charter Middle School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)]
15. Paradise Charter Middle School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]
16. Paradise Charter Middle School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]

17. Paradise Charter Middle School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b), 47610]
18. Paradise Charter Middle School shall comply with all applicable portions of the Elementary and Secondary Education Act (“ESEA”).
19. Paradise Charter Middle School shall comply with the Public Records Act.
20. Paradise Charter Middle School shall comply with the Family Educational Rights and Privacy Act.
21. Paradise Charter Middle School shall comply with the Ralph M. Brown Act.
22. Paradise Charter Middle School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

Section III - EDUCATIONAL PROGRAM

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

A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals. Education Code Section 47605(b)(5)(A)(ii).

Students Whom PCMS Seeks To Educate

The School will serve students in grades six through eight. PCMS seeks to educate all students whose families value:

1. a partnership among families, students, and school staff;
2. a small school environment with personalized attention;
3. high student behavioral expectations;
4. high standards of student academic achievement.

Paradise Charter Middle School is dedicated to providing students and families with a small, cohesive learning community.

How Learning Best Occurs

Overview

Research from Developmental Assets reveals that learning best occurs with the involvement of loving, supportive families, in combination with students who are connected with the school community relationally, socially, and emotionally¹. PCMS provides a small, safe, family atmosphere, complete with a dedicated, personally-vested staff. Learning best occurs when students are actively engaged in the learning process. PCMS endeavors to create a culture in which students are highly motivated and

¹ Roberts, Clay. “Developmental Assets.” Search Institute. 2014. Web. 03 October 2014

enthusiastic. A unique collaboration of students, parents, and charter school staff, the Paradise Charter Middle School family is committed to providing a rich, rigorous, and enjoyable educational experience to its students. Personal character is an important emphasis in our daily interactions with students. Virtues education and community service are integral components of our educational program.

Parents, educators and students need to focus on the entire learning process; each student's education will be designed to foster independence while also teaching him or her to work collaboratively. Teachers will facilitate the educational process in their classrooms by challenging each student academically. Parents and teachers will encourage students to be lifelong learners.

A Sense of Community

PCMS is a small school with small classes, which creates a community where each student is known personally. Research shows that small schools allow students and teachers to develop intensive, long-term relationships that enable differentiated instruction efficiently.

A Challenging Learning Environment

PCMS provides students with a demanding education program and highly-qualified teachers. The Charter School is committed to establishing high standards and expectations for all students. Multiple strategies for active learning of academic skills and mastery of a demanding curriculum with real world connections will support all students.

Highly Qualified and Supported Teachers

The faculty consists of highly qualified teachers in core subject areas. All core subject teachers meet the requirements of the Elementary and Secondary Education Act including EL authorization, as applicable. Professional development and teacher collaboration occurs on a regular and ongoing basis to support teachers throughout their career. Faculty participates in annual goal-setting conferences and evaluations with the PCMS principal, with an emphasis on California Standards for the Teaching Profession.

Attendance Guidelines

PCMS meets or exceeds the number of instructional minutes as set forth in Education Code Section 47612.5(a) for the appropriate grade levels and meets or exceeds the minimum required attendance days of 175. PCMS maintains attendance records documenting all student attendance, which are available for audit and inspection.

Pedagogical Strategies

PCMS recognizes that there is no single pedagogical strategy that is best for all students. Therefore, PCMS will employ a range of pedagogies based on the most current educational research. By using a variety of instructional techniques, our program will meet the needs of all students. The following variety of instructional methods, which can be categorized as California Common Core Standards-based instruction, will provide the best opportunities for all students to learn at high levels given our current student population and current educational theory and research.

Standards-based instruction:

Paradise Charter Middle School understands the importance of utilizing research-based instructional practices to promote student achievement. As such, faculty will:

1. design standards-based instruction
2. align appropriate assessments to the standards
3. implement instructional activities that are aligned to standards and reflect research-based best practices
4. analyze achievement outcomes to determine effectiveness.

As a result of implementing and using this process, educational objectives become the criteria by which materials are selected, content is outlined, instructional procedures are developed, and tests and examinations are prepared. Teachers will use the process on a continual basis to evaluate the effectiveness of materials and instructional strategies used in their classrooms. Thus, the process will serve as the vehicle for ongoing conversations between departments at PCMS.

What It Means to Be an Educated Person in the 21st Century

An “educated person” in the 21st century is:

1. a literate, self-motivated, competent, life-long learner who is adaptable to a dynamic environment
2. globally conscious, and characterized by active service to his or her community

Subject Matter Competencies

As indicated above, Paradise Charter Middle School expects its graduates to demonstrate a mastery of specific subject matter competencies, as detailed by the Common Core State Standards (“CCSS”) for Reading/Language Arts, Math, Science

(Next Generation Science Standards), and Social Science. Additional competencies are based on current State standards, which will evolve into CCSS standards, in Visual and Performing Arts, Health, Physical Education, and Technology. The following is a list of goals for subject matter competencies. It should be noted that the lists have been developed from the CCSS and are by no means meant to replace the standards. The following lists detail broad learning targets by content area. CCSS detailing specific learning targets as mandated by the State of California will be utilized by all faculty. Additionally, in-depth discussions with the school community will occur on what students should know and be able to do.

English-Language Arts

In the area of English-Language Arts, students will:

1. read and understand rigorous texts;
2. critically evaluate evidence and use it to support positions;
3. discover important structures and patterns built into content;
4. master academic vocabulary and integrate it into speech and writing;
5. understand and participate in meaningful discussions related to content.

History

In the area of History, students will:

1. explain how key events, people and periods are related to one another in time
2. use a variety of maps and documents to identify physical and cultural features of ancient civilizations, cities, states, and countries and to explain the historical migration of people, expansion and disintegration of empires, and the growth of economic systems
3. distinguish fact from opinion, relevant from irrelevant information, essential from incidental information, and verifiable from unverifiable information in historical narratives and stories
4. assess the credibility of primary and secondary sources and draw sound conclusions from them
5. detect different historical points of view on historical events and determine the context in which the historical statements were made (the questions asked, sources used, author's perspectives)
6. explain the central issues and problems from the past, placing people and events in a matrix of time and place
7. explore cause and effect; sequence, and correlation in historical events, including the long-term and short-term causal relations

8. explain the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns
9. recognize the role of chance, oversight, and error in history; and recognize that interpretations of history are subject to change as new information is uncovered

Mathematics

All expectations below are defined by the California Common Core Standards. PCMS is committed to developing and reinforcing the following Standards for Math Practice (SMP):

1. Problem solving and perseverance
2. Reasoning
3. Justify thinking and critique reasoning of others
4. Modeling and use of data
5. Use appropriate tools
6. Precision (also in language)
7. Finding and using structure
8. Finding patterns and generalizing

The Standards for Math Practice are accessed by students through the following mathematical domains:

1. Ratios and proportional relationships
2. The Number System
3. Expressions and equations
4. Functions
5. Geometry
6. Statistics and probability

Science

PCMS students will be exposed to student performance expectations as defined by the Next Generation Science Standards.

Disciplinary ideas are grouped in the following four domains and across all three middle school grade levels:

1. Physical science
2. Life science
3. Earth and space sciences
4. Engineering and technology and application of science

Technology

In the area of Technology, students will:

1. demonstrate general knowledge of technology operations and concepts, including basic keyboarding, word-processing, presentation, publishing and organizational software applications
2. explore the impact of technology on individuals, society and environment
3. use a variety of technology for learning and problem-solving, (ie. conducting internet search and information retrieval, using peripheral hardware to serve specific purposes, applying critical thinking skills to technology-related situations)

Health

In the area of Health, students will:

1. explore essential concepts related to enhancing health literacy
2. analyze internal and external influences that affect health
3. access and analyze health information, products, and services
4. use interpersonal communication, decision-making, and goal setting skills to enhance health
5. practice behaviors that reduce and eliminate risk and promote health
6. promote and support personal, family, and community health

Physical Education

As defined by the National Association for Sport and Physical Education, PCMS students will:

1. Demonstrate competency in motor skills and movement patterns needed to perform a variety of physical activities.
2. Demonstrate understanding of movement concepts, principles, strategies, and tactics as they apply to the learning and performance of physical activities.
3. Participates regularly in physical activity.
4. Achieves and maintains a health-enhancing level of physical fitness.
5. Exhibits responsible personal and social behavior that respects self and others in physical activity settings.
6. Values physical activity for health, enjoyment, challenge, self-expression, and social interaction.

Visual and Performing Arts

In the Arts, students will:

- Participate in artistic activities
- Make informed interpretations of the purpose and meaning of artistic works
- Convey interpretations of personal experiences in expressive forms
- Explain how art from various cultural/ethnic groups expresses both distinctive and similar values, experiences, struggles, and contributions
- Explain how the form and content of an artistic work contributes to its message
- Explain the role of the artist in providing service to the community and world

Annual Goals and Actions in the State Priorities

Attached as Appendix A, please find the Charter School's Local Control and Accountability Plan ("LCAP"), which addresses its annual goals and actions in the State Priorities.

Support for Academically Low/High Achieving Students

PCMS has high expectations for all students. We are committed to working with students who are not meeting outcomes to help them achieve at expected levels and those who are performing above grade level and needing additional challenge. PCMS will identify students who are academically high and low achieving utilizing Student Study Teams, performance levels as defined by state-level testing, Individualized Education Programs (IEP), past records, and classroom observations. Students performing at basic, below basic, or far below basic will be identified as academically low achieving students. Students performing at an advanced level will be identified as academically high achieving students.

A Student Study Team includes the parent, administrators, teachers, counselors, doctors, social workers, and law enforcement, and other school personnel or interested persons. It uses a systematic problem solving approach to assist students with concerns that are interfering with success. The SST clarifies problems and concerns; develops strategies and organizes resources; provides a system for Charter School accountability; and serves to assist and counsel the parent, teacher, and student. An SST is a general education function. All students can benefit from an SST, including but not limited to those students achieving below grade level, those who are achieving above grade level and require greater challenge, students who have experienced emotional trauma, behavioral issues, or language issues.

Anyone who has a concern for a student can refer that student to SST for consideration. Anyone who is connected with that student can be included in the SST to provide information to share about the student strengths, concerns, and strategies that have been used in the past. The meeting is designed to bring out the best in the people involved.

Our SST meeting steps include:

1. Team members introduce themselves and their roles
2. Purpose and process of the meeting are stated
3. Strengths are identified
4. Concerns are discussed clarified, and listed
5. Pertinent information and modifications are listed
6. Concerns are synthesized; one or two are chosen for focus
7. Strategies to deal with concerns are brainstormed
8. Team chooses best strategies to carry into actions
9. Individuals make commitments to actions
10. Follow-up date is set

After implementation of a SST plan and follow up, if the problem continues, revisions to the plan may be discussed, or if necessary, a referral for special education assessment might be deemed necessary by the SST.

Students who are academically low achieving are supported in a variety of ways. Staff provide after-school tutorials Monday through Thursday, allowing students to work in a focused, supportive environment with a high degree of staff guidance. In addition,

PCMS offers a Study Hall elective class 2nd through 4th academic quarters each school year as a means of providing extra support. Students in Study Hall are provided support with organization, projects, homework and essential study skills, all under the direct supervision of a PCMS staff member. Finally, student success is further aided by a low student-teacher ratio in all core classes, allowing staff to address individual student academic and behavioral needs.

Students who are academically high achieving are provided with multiple opportunities to participate in appropriate and challenging academic placement. PCMS's low student-teacher ratio allows teachers to individualize instruction to meet the needs of academically high achieving students. Academically high achieving students are given the opportunity to expand their learning through challenging activities, building on their existing academic and leadership skills.

Plan for English Learners

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

The Charter School is deeply committed to the success of its English Learners. Teachers at the Charter School will work collaboratively to provide ELs access to the Charter School's rigorous curriculum as well as to academic English language development. Our vision rests on a body of research that challenges traditional ways of construing ELs as requiring a lower-level curriculum, and enables the raising of expectations of achievement through a curriculum rich in high intellectual challenge and high support tasks. Teachers will work effectively with ELs to ensure that they acquire the English language and academic skills identified in the Charter School's curriculum and meet state standards.

Home Language Survey

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

CELDT Testing

All students who indicate that their home language is other than English will be [California English Language Development Test](#) (“CELDT”) tested within thirty² days of initial enrollment and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the Elementary and Secondary Education Act for annual English proficiency testing.

Reclassification Procedures

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

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the CELDT.
- Participation of the pupil’s classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil’s curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents’ opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil’s performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.
- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Strategies for English Learner Instruction and Intervention

² The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

In general, students will be grouped heterogeneously. However, the Charter School's small size and low student-teacher ratio in classes allows for more focused instruction for English Learners and for more opportunities for intensive interventions where appropriate, including increased opportunities for varied types of grouping. PCMS teachers utilize strategies in the classroom that are gleaned from their certification training in EL instruction. Faculty working with the student's family will devise a plan that could include pullout instruction, modified assignments and tutorial sessions.

Monitoring and Evaluation of Program Effectiveness

The Charter School evaluates the effectiveness of its education program for ELs by:

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

Special Education

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities including but not limited to Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act of 2004 ("IDEIA").

The Charter School agrees to adhere to the policies, procedures and requirements of PUSD and the Butte County Office of Education Local Plan for Special Education in accordance with Education Code Section 47641(b). 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/PUSD policies and procedures; and shall utilize appropriate SELPA/PUSD forms.

Section 504 of the Rehabilitation Act

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

Further, the School will comply with PUSD/Federal policy which outlines the requirements for identifying and serving students with a 504 accommodation plan. The Charter School recognizes its legal responsibility to ensure that no qualified person with

a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability which substantially limits a major life activity such as learning is eligible for reasonable accommodation by the Charter School.

A 504 team will be assembled by the Principal and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options and 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 IDEIA, but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team will consider the following information in its evaluation:

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

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

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff. The parent or

guardian shall be invited to participate in 504 team meetings where program modifications for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan the student with a disability shall be educated with persons who are not handicapped to the maximum extent appropriate to the needs of the disabled student.

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

Services for Students under the "IDEIA"

The specific manner in which special education and related services is provided and funded is set forth in a separate Memorandum of Understanding ("MOU"), which delineates the respective responsibilities of PCMS and the District. An overview of these responsibilities includes, but is not limited to, the following:

- PCMS assures that every reasonable attempt is made to identify students with disabilities and that their needs are evaluated and served in compliance with all applicable laws.
- No student shall be denied admission to PCMS due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.
- PCMS utilizes an SST (Student Study Team) process to help identify appropriate interventions and service.
- PCMS will provide for delivery of on-site services unless the IEP team recommends an alternative solution and/or there is a legitimate educational reason for providing the services elsewhere.
- PCMS will notify PUSD when a special education student enrolls in, or leaves, the school.
- 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 PUSD/SELPA forms.

Section IV - MEASURABLE PUPIL OUTCOMES and METHODS OF MEASUREMENT

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

And

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

Our goal is to create a Charter School that motivates and assists all students in meeting proficiency on state academic standards. The school will ensure alignment of the curriculum in order to ensure success for all students in meeting the requirements of state-required standardized tests. These standards will serve as a guide in developing school goals and in making decisions regarding expenditures of resources, allotment of budget, staff development, program priorities, and policy.

Pupil Outcomes Aligned with the State Priorities

Attached as Appendix A, please find the Charter School's LCAP, which addresses how its pupil outcomes are aligned with the State Priorities.

Pupil Outcomes and Methods of Measurement

Assessment Assumptions

Our assessment methods are based on the following beliefs:

1. In order to have a complete picture of a student's growth, differentiated assessment methods must be used. Assessments for individual students should focus on individual mastery of specific content standards and learning objectives.

2. Formative and summative assessments should be aligned to the prioritized standards and student objectives.
3. Assessing what students do with knowledge is as important as assessing what knowledge they possess.
4. Assessment should promote and support reflection and self-evaluation on the part of students, staff, and parents.

Pupil Outcome Goals and Assessment Tools

Student progress shall be measured through varied and diverse methods which include traditional assessments such as quizzes, unit exams, teacher-created assessments, and state standardized testing, as well as on-going “authentic assessment” methods such as demonstrations, performances, and projects.

As part of this measurement, the Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools, as required by Education Code Section 47605(c)(1).

Students will have opportunities for self-assessment, such as using rubrics to assess and reflect upon their work.

For all students promoted from the School, the vision and core values are exemplified in the following description of pupil outcomes. These pupil outcomes were developed through a close analysis of state content standards which articulate specific grade level expectations for our students.

Pupil Outcome Goals	Assessment Tools / Instructional Practices Utilized in Curricular Areas
<ul style="list-style-type: none"> • Students will demonstrate grade-level proficiency in English-Language Arts as described in Subject Matter Competencies section above. • Students will demonstrate grade-level proficiency in History as described in Subject Matter Competencies section above. • Students will demonstrate grade-level proficiency in Mathematics as described in Subject Matter Competencies section above. 	<ul style="list-style-type: none"> • Rubric assessment • CAASPP test data • Expository and Narrative Writing Assessments • Document-Based Writing Assessments • Curriculum-Based Assessments • Oral Presentations • Performance-Based Assessments • Demonstrations • Poetry Portfolios

<ul style="list-style-type: none"> • Students will demonstrate grade-level proficiency in Science as described in Subject Matter Competencies section above. • Students will demonstrate grade-level proficiency in Technology as described in Subject Matter Competencies section above. • Students will demonstrate grade-level proficiency in Health as described in Subject Matter Competencies section above. • Students will demonstrate grade-level proficiency in Physical Education as described in Subject Matter Competencies section above. • Students will participate in school-wide community service project(s). 	<ul style="list-style-type: none"> • Group and Individual Projects • Direct Instruction • Learning / Study Teams • Small group instruction • One on one instruction • Modeling • Literary Analysis and Inquiry • Various class discussion methods • Student-initiated research • Higher order thinking activities (Bloom) • Experimentation • Place-Based Learning • Lab Work
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School-wide Outcomes

The Paradise Charter Middle School’s academic curriculum shall consist of the basic concepts, content goals, and skills instruction reflected in the Common Core State Standards in English/language arts, science, mathematics, and history/social science. The School is dedicated to documenting student achievement of the state content standards each year through state-mandated pupil assessments.

State Testing

Paradise Charter Middle School’s long-term goal is for all students to be proficient or advanced in the Common Core State Standards in core curriculum areas. The school’s goal will be to demonstrate student improvement (growth) on standardized tests that compare favorably with schools that have similar populations (e.g., race, gender, socioeconomic status). Common Core Grant funds along with LCAP supplemental funds are used to provide additional student devices and to upgrade technology infrastructure in support of the state mandated testing (SBAC).

Adequate Yearly Progress

It is the goal of the School to make adequate yearly progress (“AYP”) as defined by the Elementary and Secondary Education Act.

All pupil and school outcomes will be reviewed at least once annually by the Principal and teachers. All pupil and school outcomes will be addressed in the annual performance report made to the district. Recommendations as to revisions to pupil and school outcomes may be made by the Principal and teachers to the PCMS Board. Material revisions to these pupil outcomes must be considered by the Board in accordance with Education Code Section 47607.

It is expected that Paradise Charter Middle School's charter will be renewed if it can demonstrate that it has met or made significant progress toward these or reasonably revised pupil outcome goals.

School-wide outcomes will be measured as follows:

OUTCOME	METHOD(S) OF MEASUREMENT
<ul style="list-style-type: none"> • Common Core State Standards 	<ul style="list-style-type: none"> • CCSS, Internal and External Assessments, Teacher Records, Work Samples
<ul style="list-style-type: none"> • Standardized Testing Growth 	<ul style="list-style-type: none"> • CCSS, CELDT
<ul style="list-style-type: none"> • Attendance 	<ul style="list-style-type: none"> • Attendance records
<ul style="list-style-type: none"> • Adequate Yearly Progress 	<ul style="list-style-type: none"> • As measured by state in accordance with ESEA.

Use and Reporting Of Data

Staff will receive CST data on student achievement in the fall and will use this data to help monitor and improve PCMS's education program.

Parents and guardians will receive data on student achievements at least four times per semester on progress reports and report cards. Additional correspondence will be provided when necessary.

The School shall submit to a random, unannounced site visitation process to enable the District to gather information needed to confirm the school's performance and compliance with the terms of this charter. 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. The School shall automatically submit all financial reports required under Education Code Sections 47604.33 and 47605(m).

Section V - GOVERNANCE STRUCTURE

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

A. Non Profit Public Benefit Corporation

The Charter School will be a directly funded independent charter school and will be operated as a California non-profit public benefit corporation, pursuant to California law upon approval of this charter.

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 negotiated between the District and the Charter School. Pursuant to Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the Charter School, operated as a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the District has complied with all oversight responsibilities required by law.

Attached, as Appendix B, please find the Charter School's Articles of Incorporation, Corporate Bylaws, and Conflict of Interest Code.

B. Board of Directors

1. Board Make-Up

Paradise Charter Middle School will be governed by a Board of Directors ("Board or "Board of Directors") in accordance with its adopted corporate bylaws, which shall be consistent with the terms of this charter. The number of directors shall be no less than three (3) and no more than nine (9), unless changed by amendments the bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer as consistent with Education Code Section 47604(b). If the charter authorizer appoints a representative to serve on the Board of Directors, the Corporation may appoint an additional director to ensure an odd number of Board members. All directors shall be designated by the existing Board of Directors.

The initial Board shall have five (5) members:

- a. Three parent/guardian members, each representing a grade level, elected by that grade level's parents, guardians, or care-providers of Paradise Charter Middle School students
- b. One representative of PCMS staff. The representative of the school staff shall not be a person compensated by the Charter School for services within the previous twelve (12) months

- c. One community member

Position	Expiration of Term	Election Process
6 th Grade Representative	June 30, 2018	Parent/Guardians of 6 th grade class nominates candidates
7 th Grade Representative	June 30, 2017	as needed
8 th Grade Representative	June 30, 2016	as needed
Staff Representative	June 30, 2018	Nominated and Elected by PCMS Staff by simple majority
Community Member	June 30, 2018	Nominated and Elected by PCMS Board of Directors by simple Majority

2. Board Member Nominations and Elections

The Chairman of the Board of Directors will appoint a committee to designate qualified candidates for election to the Board of Directors at least thirty (30) days before the date of any election of directors. The nominating committee shall make its report at least seven (7) days before the date of the election or at such other time as the Board of Directors may set and the Secretary shall forward to each Board member, with the notice of meeting required by the bylaws, a list of all candidates nominated by committee.

3. Board Meetings and Duties

The Board of Directors of the Charter School will meet regularly, at least once a month (except during the summer) and in accordance with the Brown Act. The Board of Directors is fully responsible for the operation and fiscal affairs of the Charter School including, but not limited to, the following:

- a. Election of Board Directors as necessary;
- b. Development, review, or revision of the Charter School's accountability and vision;
- c. Review and approval of the recommendations from the PCMS Principal for charter school personnel or independent contractors;
- d. Review and approval of the school calendar;

- e. Review and approval of the Board policies and administrative regulations;
- f. Review and approval of the annual budget;
- g. Review and approval of recommended curriculum changes;
- h. Review and approval of requests for out of state or overnight field trips;
- i. Participation in the PCMS/PUSD dispute resolution procedure and complaint procedures;
- j. Review and approval of the monthly financial report;
- k. Review and approval of non-material charter amendments;
- l. Review and approval of annual fiscal and performance audits;
- m. PCMS Personnel Discipline (Suspensions or Dismissals);
- n. Act as a hearing body in student expulsion matters and take action on recommended expulsions; and
- o. Evaluation, hiring, discipline, and release of the PCMS Principal.

Paradise Charter Middle School Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law, and which is not in conflict with the purposes for which charter schools are established.

The Charter School has adopted a Conflict of Interest Code that complies with the Political Reform Act, Corporations Code conflict of interest rules, and which shall be updated with any charter school-specific conflicts of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Appendix B. As required, the Conflict of Interest Code will be submitted to the County Board of Supervisors for approval.

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 performance report, 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:

- a. be in writing

- b. specify the entity designated
- c. describe in specific terms the authority of the Board being delegated, any conditions on the delegated authority or its exercise, and the beginning and ending dates of the delegation, and
- d. require an affirmative vote of a majority of Board members

The Charter School Board of Directors will attend an annual in-service for the purposes of training individual board members on their responsibilities with topics to include, at minimum, conflicts of interest and the Brown Act.

4. Removal of Directors

Any director may be removed, with or without cause, by the vote of the majority of the members of the entire Board of Directors at a special meeting called for that purpose, or at a regular meeting, provided that notice of that meeting and of the removal questions are given in compliance with the provisions of the Ralph M. Brown Act. Any vacancy caused by the removal of a director shall be filled as provided in the Bylaws.

5. Board Vacancies

Vacancies on the Board of Directors may be filled by approval of the Board of Directors or, if the number of directors then in office is less than a quorum, by (a) the affirmative vote of a majority of the directors then in office at a regular or special meeting of the Board, or (b) a sole remaining director.

6. Term limits

Except for the initial Board, as described above, each director shall hold office for three (3) years and until a successor director has been designated and qualified. Each director's term shall begin on July 1 of a given year and will end three years later on June 30, except in the event of death, resignation, or removal of a director in accordance with the bylaws.

B. Charter School Principal

The Principal will be the leader of the Charter School. The PCMS Principal will demonstrate a willingness to be creative and challenging in their approach to education. The PCMS Principal must be able to fill the role of a mentor teacher and help support the other teachers at the school. Once hired, the Principal will become an employee of Paradise Charter Middle School.

The Paradise Charter Middle School Board of Directors shall approve the hiring and set the PCMS Principal's salary and benefits package.

The Principal must report directly to the Charter School Board of Directors, and s/he is responsible for the orderly operation of the Charter School and the supervision of all employees in the Charter School. The Principal shall perform assigned tasks as directed by the Charter School Board of Directors and shall be required to undertake some or all of the tasks detailed below.

Duties of the PCMS Principal include, but are not limited to, the following:

1. Implementation of PCMS programs as directed by the PCMS Board of Directors
2. Responsible for full implementation of the charter provisions
3. Responsible for the administration of the school and site
4. Teach a core and/or elective subject as assigned by the PCMS Board of Directors
5. Perform other duties as assigned by the PCMS Board of Directors and/or as put forth in the Principal's contract, Principal's job description, or PCMS Policies and Procedures Manual

The PCMS Principal shall receive an annual written review, which will be completed by the PCMS Board of Directors, as per employee handbook, Principal's Contract, Principal's Job Description, and PCMS Policies and Procedures.

C. Chair of the Paradise Charter Middle School Board of Directors

The Chair of the PCMS Board of Directors shall conduct all PCMS Board of Directors meetings. In the absence of the Chair, meetings shall be conducted by the Vice Chair. The Chair shall develop the PCMS Board meeting agenda. The Chair of the PCMS Board of Directors shall participate in the PCMS/PUSD dispute resolution procedure and the complaint procedure.

D. Vice Chair of the PCMS Board of Directors

In the absence of the Chair, meetings shall be conducted by the Vice Chair. The Vice Chair of the PCMS Board of Directors shall participate in the PCMS/PUSD dispute resolution procedure and the complaint procedure. The Vice Chair shall also direct the Board's annual evaluation of the PCMS Principal.

E. Parent/Guardian/Care-Provider Involvement

The involvement and participation of parents/guardians/care-providers is critical to the success and operation of PCMS.

Parent / guardian / care-provider involvement and participation is encouraged by the PCMS Parent Leadership Council ("PLC"). PLC has established and maintains a written parent/guardian/care-provider involvement and participation policy and procedure manual outlining the participation opportunities as detailed in the PCMS Student Handbook. The PLC parent/guardian/care-provider involvement and participation manual will be reviewed and approved on an annual basis by the PCMS Board of Directors.

Section VI - Employee Qualifications

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

Teacher Qualifications

Teachers of core classes at Paradise Charter Middle School must hold a Commission on Teacher Credentialing certificate, permit, or other document such as a teacher in other public schools would be required to hold pursuant to Education Code Section 47605(l), indicating that teacher's status as "highly qualified" as defined by federal Elementary and Secondary Education Act guidelines. Accordingly, a teacher of core academic subjects must have:

1. a bachelor's degree
2. a State teaching credential
3. demonstrated core academic subject matter competence.

These documents shall be maintained on file at the PCMS. Core subjects include English language arts, mathematics, science, and social studies.

In accordance with Education Code Section 47605(l) the Charter school can also employ non certificated instructional staff in cases where a prospective staff member has an appropriate mix of subjects matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional capacity in noncore preparatory courses and activities. At the discretion of the PCMS Board, flexibility may be granted for non-core, non-college prep classes.

The following criteria for the selection of teachers are adapted from the six (6) California Standards for the Teaching Profession. Candidates are evaluated using these standards:

1. Commitment to engaging and supporting all students in learning
2. Skill in creating and maintaining effective classroom environments
3. Demonstrated understanding and ability to organize subject matter for optimum student learning
4. Expertise in planning instruction and assessing student learning

5. Desire to develop as a professional educator
6. Commitment to the PCMS mission statement of assisting parents in the educational process
7. Commitment to participating in curriculum development based on state content standards
8. Willingness to participate in other duties as put forth on the PCMS Board approved job description

Principal Qualifications

The PCMS Principal will be the instructional leader of the Charter School and will be responsible for helping the Charter School and students achieve the outcomes outlined in this charter petition. PCMS prefers that the Principal has the following qualifications:

Knowledge, skills, and abilities:

- Demonstrate commitment to the Charter School vision and mission
- Recognition of self as a learner and reflective practitioner, able to identify areas for growth and commitment to working in these areas
- Passion for creating a school community that supports the development and achievement of all students
- Communication and community-building skills
- Knowledge of curriculum development and program design
- Knowledge of school management

Educational level and experience:

- Valid credential in the field of education
- Five years of experience in the field of education

Office Manager Qualifications

The PCMS Office Manager will be responsible for overall front office activities, will report to the Principal, and will work with students, parents, and outside parties. PCMS prefers that the Office Manager has the following qualifications:

Knowledge, skills, and abilities:

- Strong organizational, time management, and multi-tasking skills
- Strong interpersonal and communication skills
- Expedience in office management capacity
- Ability to work independently as well as with a team

Educational level:

- A.A. degree or equivalent work experience

Desirable experience:

- 3 plus years in fast-paced administrative support position
- Experience in school front office preferable
- Proficiency with various computer office programs

Non-Certificated Employee Qualifications

PCMS non-certificated employees shall be willing to work in a unique educational environment with a diverse group of teachers, parents, and students.

Qualifications for all Employees

The hiring committee of PCMS will screen, interview, and recommend applicants for vacant positions at PCMS to the PCMS Board of Directors. The Board of Directors of PCMS will make all decisions regarding hiring of all PCMS personnel. Paradise Charter Middle School will not discriminate against any student or employee on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics.

Each employee of PCMS shall submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.

All employees will receive an annual review by the PCMS Principal. This review consists of the following:

1. mutual goal setting with the PCMS Principal during meetings held twice a year
2. an annual written performance evaluation, as per the PCMS Employee Handbook

Professional Development

Ongoing professional development planning and evaluation will be developed by teachers and the principal. Professional development will be aligned to school-wide outcomes and measurable pupil outcomes. Staff will continue to engage in weekly meetings focused upon increasing student growth. Staff members participate in a myriad of professional growth opportunities including continuing education, and STEM training.

Section VII - HEALTH AND SAFETY PROCEDURES

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

In order to provide safety for all students and staff, Paradise Charter Middle School will use PUSD health and safety and risk management policies to ensure the safety of their students and employees. These health and safety policies will be compiled and provided to parents and students in the parent-student handbook. The Charter School shall ensure that staff are trained annually on the health and safety policies. The PCMS Principal will maintain and update such policies. Any additional health and safety policies specific to PCMS will be approved by the PCMS Board of Directors. PCMS's health and safety policies are maintained at the school site.

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

Procedures for Background Checks

PCMS will comply with the provisions of Education Code Sections 44237 and 45125.1 regarding the fingerprinting and background clearance of employees, contract services, and contractors prior to employment. The Principal of the School shall review Department of Justice reports on prospective employees and contractors to determine whether an employee may be employed in accordance with Education Code Section 44237 or 45125.1, except with respect to her or himself, in which case the Chair of the Board will review. The Principal shall monitor compliance with this policy and report to the Board of Directors on a quarterly basis. 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.

Role of Staff as Mandated Child Abuse Reporters

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.

TB Testing

The Charter School will follow the requirement of Education Code Section 49406 in requiring tuberculosis testing of all employees prior to commencing employment and working with students.

Immunizations

The Charter School adheres to all law related to legally required immunizations for entering students pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075. All rising 7th grade students must be immunized with a pertussis (whooping cough) vaccine booster.

Medication in School

PCMS adheres to Education Code Section 49423 regarding administration of medication in school. Students who must take medication during the course of school activities the school must receive a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken; and the parent/guardian must submit a written statement indicating his/her desire that the school assist his/her child in taking the medication; and parents must sign a release statement. All medications will be locked up. Parents are required to notify the school of a continuing medication regimen for a non-episodic condition, detailing the medication being taken, the current dosage, and the name of the supervising physician. State law now allows students with doctor authorization to carry and self-administer auto-injectable epinephrine medication. A copy of that authorization should be given to the school for placement in your student's file. Students may also carry and use sunscreen without a doctor's note or prescription, and may also wear sun-protective clothing. [E.C. §35183.5]

Vision/Hearing/Scoliosis

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

Diabetes

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall 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 of methods of type 2 diabetes.

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

Emergency Preparedness

The Charter School adheres to an Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include but not be limited to the following responses: OSHA policy compliance, fire, flood, earthquake, terrorist threats, and hostage situations. This handbook shall include an evacuation plan, and general school safety, injury, and illness prevention.

Blood-borne Pathogens

The Charter School meets state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The Board shall establish a written "Exposure Control Plan" designed to protect employees from possible infection due to contact with blood-borne viruses, including human immunodeficiency virus ("HIV") and hepatitis B virus ("HBV").

Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

Drug Free/Alcohol-Free/Smoke Free Environment

The Charter School maintains a drug and alcohol and smoke free environment.

Facility Safety

The Charter School complies 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 agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.

Comprehensive 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 such factors as race, religion, creed, color, gender, gender identity, gender expression, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has 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 discrimination and harassment policies.

Harassment, Intimidation and Bullying include: Any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived attribute such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, culture, social origin or condition, political affiliation, mental, physical or sensory disability, or by any other characteristic, that a reasonable person knows or should have known:

- a. will have the effect of harming the person or damaging the person's property; or
- b. will place a person in reasonable fear of physical harm; or
- c. will demean any person or group of people in such a way as to disrupt or interfere with the school's educational mission, the education of any student, or the ability of a staff member to perform the essential functions of the staff member's job.

Inciting, aiding, coercing or directing others to commit acts of harassment, intimidation or bullying is also prohibited.

Amendments or additions to these health and safety policies will not require a material revision of this Charter. These policies will be reviewed on an ongoing basis.

Section VIII - RACIAL AND ETHNIC BALANCE

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

The Paradise Charter Middle School will continue to implement a student enrollment strategy that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the Paradise Unified School District:

- a. The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the Paradise Unified School District
- b. The appropriate development of promotional and informational materials in languages other than English, as needed, to appeal to limited English proficient populations
- c. The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the district such as the local news media, the public library, and the Boys and Girls Club (or equivalent)

- d. A community outreach meeting will be held annually to reach prospective students and parents

Of the 156 students currently attending PCMS, approximately 30% qualify for free/reduced lunch. Eight students are currently designated as special education students and one student is designated as an EL learner.

Section IX - ADMISSION REQUIREMENTS

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

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

Paradise Charter Middle School shall admit all pupils who wish to attend the 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 drawing, will not be determined according to the place of residence of the student or care-providers within the State.

Prior to enrollment, parents/guardians/care-providers and students must sign a contract indicating they understand the Paradise Charter Middle School outcomes, philosophy, and programs. The PCMS contract outlines the PCMS expectations regarding the parent's role in the educational process and encourages parent participation within the Charter School and requires parents to follow the PCMS complaint procedure. It also includes the following:

- Student enrollment form
- Proof of Immunization
- Home Language Survey
- Completion of Emergency Medical Information Form
- Proof of minimum age requirements, e.g. birth certificate
- Release of records

No admission will be granted to any student currently expelled who has not completed his or her rehabilitation plan, or on provisional or probationary status from any school district. Any parent who did not reveal their child's status upon admission may have their child's enrollment terminated. Each case may be reviewed by the PCMS Board of Directors on an individual basis.

Public Random Drawing

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 grade level has received more applications than availability. If the number of pupils who wish to attend PCMS exceeds the School's capacity, attendance, except for existing pupils of the Charter School, shall be determined by a public random drawing. Preference shall be extended to pupils in the following order:

- Residents of the District
- Siblings of students who have attended PCMS
- Children of PCMS employees
- Siblings entering together. When there are siblings entering together, they shall be considered one unit.

Section X - ANNUAL 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(b)(5)(l).

A. Financial Audit

The Charter School will participate in an independent financial audit as required by Education Code Sections 47605(b)(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 Charter School will select an independent auditor through a request for proposal format. 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. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Principal, along with the audit committee, if any, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

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

Section XI - SUSPENSION AND EXPULSION PROCEDURES

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

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

When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. Expulsion, under this policy, means disenrollment from Paradise Charter Middle School. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

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

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students and accord all students due process. These disciplinary rules and procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school or district property.

The PCMS Principal or designee shall ensure that students and parents/guardians are notified in writing upon enrollment of all discipline policies, rules, and procedures. The notice shall state that these disciplinary rules and procedures are available on request at the PCMS school office.

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

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

A. Grounds For Suspension And Expulsion Of Students

A student may be suspended or expelled if the act is related to school activity or school attendance occurring at Paradise Charter Middle School (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, or (d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

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

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except in self-defense.
- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to self any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property.
- h. Possessed or used tobacco or any products containing tobacco or nicotine products including but not limited to cigars, cigarettes, miniature cigars, clove

cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm, i.e. a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual batter as defined Penal Code 243.4.
- o. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- r. Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

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

- ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

- w. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

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

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

- 1. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

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

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

2. Willfully used force or violence upon the person of another, except self-defense.
3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. 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.
14. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

15. 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.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
18. Made terroristic threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
19. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
20. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading

student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

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

- 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

- 2) "Electronic Act" means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil

would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

23. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

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

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

1. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

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

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge

of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Informal Conference:

Suspension shall be preceded by an informal conference conducted by the PCMS Principal or the PCMS Principal's designee with the student and his or her parent and whenever practicable, the teacher, supervisor, or school employee who referred the student to the PCMS Principal.

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

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

2. Notice to Parents/Guardians:

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

3. Suspension Time Limits/Recommendation for Expulsion

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

D. Authority to Expel

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

E. Expulsion Procedure

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 PCMS Principal or designee determines that that the pupil has committed an expellable offense.

The hearing will be presided over by the Board of Directors.

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

- a. The date and place of the hearing;
- b. A statement of the specific facts, charges, and offenses upon which the proposed expulsion is based;
- c. A copy of Paradise Charter Middle School's disciplinary rules which relate to the alleged violation;
- d. Notification of the student's or parent's/guardian's obligation to provide information about the student's status in Paradise Charter Middle School to any other district or school in which the student seeks enrollment;
- e. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by a non-attorney advisor;

- f. The right to inspect and obtain copies of all documents to be used at the hearing;
- g. The opportunity to confront and question all witnesses who testify at the hearing;
- h. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses

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

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

- a. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
- b. 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.
- c. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
- d. 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.
- e. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- f. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the

hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

- g. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
- h. 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.
- i. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
- j. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A decision by the Board of Directors 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 no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

Complaining witnesses shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to 1) receive five day's notice of his or her scheduled testimony, 2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies. PCMS will provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony.

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

The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Board is final. If the Board decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The PCMS Principal or designee following a decision of the Board of Directors to expel, shall send written notice of the decision to expel to the student or the student's parent/guardian. This notice shall include the following:

- a. Notice of the specific offense committed by the student;

Notice of the student's or parent's/guardian's obligation to inform any district in which the student seeks to enroll of the student's status with the Paradise Charter Middle School.

The PCMS Principal or designee shall send written notice of the decision to expel to the Student's district of residence and the Butte County Office of Education. This notice shall include the following:

- a. The student's name
- b. The specific offense committed by the student

J. Disciplinary Records

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

K. No Right to Appeal

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

L. Expelled Pupils/Alternative Education

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

M. Rehabilitation Plans

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

N. Readmission

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

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

1. Notification of District

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

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan. The IEP team will review the Behavior Intervention Plan (BIP), revise the Behavior Intervention Plan and if deemed necessary conduct a Functional Behavior Assessment (FBA) for additional information so as to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

- a. 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

- b. 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 and
- c. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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

4. Due Process Appeals

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

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

5. Special Circumstances

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

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

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

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

6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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

Section XII - 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(b)(5)(K).

Employees of Paradise Charter Middle School participates in State teachers' Retirement System ("STRS"), Public Employees' Retirement System ("PERS"), or Social Security depending upon each individual's eligibility.

The Principal is responsible for ensuring that appropriate arrangements for coverage have been made.

Section XIII -PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

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

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

Section XIV - EMPLOYEE RETURN RIGHTS

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

No PUSD employee shall be required to work at Paradise Charter Middle School, nor can the PUSD require the Charter School to hire a PUSD classified, certificated, or confidential employee. Paradise Charter Middle School staff who have left employment in PUSD to work at Paradise Charter Middle School, will no longer be employees of the PUSD, unless otherwise mutually agreed in writing.

Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic right to return to employment at PUSD after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the Charter School that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.

Charter School employees shall have all the same rights and benefits as employees that have originated as Paradise Charter Middle School employees.

Section XV - DISPUTE RESOLUTION

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

The PCMS/PUSD Dispute Resolution Process shall solely address disputes between PUSD and PCMS.

The parties will attempt in good faith to adjust time limit problems which occur due to unforeseen circumstances or summer recess. The Charter School and the District will be encouraged to attempt to resolve any disputes with the District amicably and reasonably without resorting to formal procedures.

In the event a dispute arises that is not properly addressed within the dispute resolution process, the Board of Directors shall discuss the proper procedure to be followed with PUSD Representative which may be further memorialized if necessary as an amendment to this charter.

A. Informal Procedure

Informal methods are recognized to be the ideal manner in which to resolve all disputes. The process for resolving disputes informally is as follows:

1. Any complaint must be in writing to the PCMS Board Chair or Vice Chair.
2. In the event that the District Board of Education believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the District's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations. PCMS/PUSD representatives can use a designee if he/she is the subject of a dispute.
3. The PCMS Board Chair or Vice Chair and the PUSD Superintendent upon the occurrence of a dispute will investigate the disputed issue and try to resolve the issue through discussions and meetings inviting any other involved parties if necessary. If able to reach a resolution, the PCMS Board Chair or Vice Chair and the PUSD Superintendent shall report the dispute and resolution back to their respective Boards.
4. If unable to reach an adequate resolution within 10 days, the PCMS Board Chair or Vice Chair and the PUSD Superintendent shall summarize the dispute to their respective Boards through written reports and subsequently the dispute will be handled by the formal procedure. The written report shall include:

- a. A detailed account of the disputed issue
- b. A description of steps taken to attempt to resolve the dispute
- c. A proposed resolution of the issue

B. Formal Procedure

In the event that informal meetings fail to resolve the dispute the following formal procedure will be followed:

1. A committee consisting of one member of the PCMS Board of Directors and the PCMS Board Chair or Vice Chair and a committee consisting of the PUSD Superintendent and a member(s) of the PUSD School Board shall meet and attempt to resolve the dispute.
2. If this joint meeting fails to resolve the dispute within 10 days, the PUSD Superintendent and PCMS Board Chair or Vice Chair shall meet to jointly identify a neutral third party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute.

The format of the mediation session shall be developed jointly by the PUSD Superintendent and PCMS Board Chair or Vice Chair and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise.

Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the District and the Charter School. The finding or recommendations of the mediator shall be non-binding, unless the PCMS Board of Directors and PUSD School Board agree to bind themselves.

If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.

Section XVI - PUBLIC SCHOOL EMPLOYER

Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

PCMS is the exclusive public school employer of the employees at the Charter School for the purposes of the Educational Employment Relations Act (“EERA”). The Charter School shall comply with the EERA.

Section XVII - CLOSURE PROCEDURES

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Closure of Paradise Charter Middle 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.

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

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

As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The Charter School will ask the District to store original records of Charter School students. All records of the School shall be transferred to the District upon 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 Paradise Charter Middle School and, upon the dissolution of the non-profit public benefit corporation, shall be distributed in accordance with the Articles of Incorporation. 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.

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

Section XVIII - CHARTER RENEWAL

Paradise Charter Middle School and the PUSD School Board agree to work together to accomplish all tasks necessary to fully implement this charter, including, but not limited to, the submission of any necessary and duly-prepared waiver requests to the State Board of Education.

The term of all renewals is five (5) years. The PCMS Board of Directors, through the PCMS Principal, may request from the PUSD School Board a renewal of the Charter at any time during the final school year of the current term. The PUSD School Board agrees to hear and render a decision pursuant to the criteria and standards, timelines, and processes as specified in Education Code Section 47605.

Evidence of Meeting Charter Renewal Standards Pursuant to Education Code Section 47607(b) and the California Code of Regulations, Title 5, Section 11966.4(b)(1)

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

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

The following shall serve as documentation confirming that Paradise Charter Middle School exceeds the statutory criteria required for renewal as set forth in Education Code Section 47607(b) (Also see Appendix D: CDE DataQuest Reports, 2010-2014):

- Paradise Charter Middle School has attained its API growth target in the last three years, both school wide and for all groups of pupils served by the charter school, exceeding the requirement of Education Code Section 47607(b)(1).

- Paradise Charter Middle School has achieved a statewide API rank of 8 or higher in the last three years, exceeding the minimum threshold rank of 4 required in Education Code Section 47607(b)(2).

Over the prior charter term, Paradise Charter Middle School had the following API scores:

2010-2014 API Scores					
Year	API Statewide Ranking	API Similar Schools Ranking	API Growth Scores	API Growth Target (Actual Growth)	Met School Growth Target?
2013-2014	3-Year Weighted Average API: 877 2013 Statewide Rank: 9 2013 Similar Schools Rank: 3				
2012-2013	8	1	868	A	Yes
2011-2012	9	3	873	A	Yes
2010-2011	10	4	902	A	Yes
<p>“A” means the school or student groups scored at or above the statewide performance target of 800. (Source: CDE DataQuest, accessed July 17, 2014.)</p>					

Note on 2013-14 and 2014-15 Testing Data

Assembly Bill 484 amended Education Code sections 52052(e)(2)(F) and 52052(e)(4) to allow schools that do not have an API calculated in 2013–14 and 2014–15 to use one of the following criteria to meet legislative and/or programmatic requirements:

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

The decision to use one of the above criteria may be made on a program by program basis and is a local decision. (Source: CDE Information Guide, *Status of the Academic Performance Index and 3-Year Average*, May 2014, available at: <http://www.cde.ca.gov/ta/ac/ap/>.)

Analysis of Charter Renewal Criteria – Schoolwide

Paradise Charter Middle School’s API growth scores have far exceeded the statewide performance target of 800 in the last three years; in 2013, the API growth score was 887, and the Weighted 3-Year Average API was 877. Therefore, Paradise Charter Middle School has scored high enough that the school has not been assigned a growth target for the last three years and is noted to have met its growth target for each year.

Moreover, for the last three years, Paradise Charter Middle School has had a statewide API rank of 8 or higher. Therefore, Paradise Charter Middle School has exceeded the charter renewal standards of Education Code Section 47607(b) and should be granted a five-year charter renewal term pursuant to Education Code Section 47607(a)(1).

Section XIX - COMPLAINT PROCEDURES

The PCMS Board of Directors will adopt and implement complaint procedures, including a Uniform Complaint Procedure, for use by parents, students, or employees who have complaints against the Charter School and/or Principal. Parents of Paradise Charter Middle School Students will be notified of the complaint procedures annually through the student handbook and/or the Charter School's website.

Section XX - BUDGETS AND FINANCIAL REPORTING

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

Attached, as Appendix C, please find the yearly budget. This document is based upon the best data available to the petitioners at this time.

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, an annual update (LCAP) required pursuant to Education Code Section 47606.5.
3. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, 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.

PCMS will receive funding pursuant to Education Code Sections 47630 et Seq. and its successors and may opt to receive its funding directly from the state, through the appropriate county treasury. Any funds due to the PCMS that flow through the PUSD shall be forwarded to the PCMS as soon as practical. Property tax funds and other funds due PCMS shall be transferred in a timely fashion and shall be based on reasonable estimates of average daily attendance, enrollment, or other appropriate factors when actual figures are not available. The PUSD may share with PCMS funding from other operational funding sources not specifically governed by charter school law, including, but not necessarily limited to, those sources listed in Education Code Section 47636(b).

Section XXI - IMPACT ON CHARTER AUTHORIZER

This section is intended to fulfill the requirements of:

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

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

Pursuant to Education Code Section 47604(c), an authority that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. 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 and the District shall enter into a memorandum of understanding, 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.

As stated above, insurance amounts will be determined by recommendation of the District and the Charter School's insurance company 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 will institute appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.

PCMS and the PUSD School Board agree that "supervisory oversight," as used in Education Code Sections 47604.32 and 47613, is defined in accordance with Education Code Section 47604.32.

Section XXII - ADMINISTRATIVE SERVICES

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

It is anticipated that the Charter School will provide or procure most of 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.

PUSD will:

- A. Identify at least one staff member as a contact person for the Charter School;
- B. Visit the Charter School at least annually;
- C. Ensure that the Charter School under its authority complies with all reports required of charter schools by law;
- D. Monitor the fiscal condition of PCMS;
- E. Provide timely notification to the Department of Education if any of the following circumstances occur, or will occur, with regard to PCMS:
 - i. A renewal of the charter is granted or denied;
 - ii. The charter is revoked;
 - iii. The Charter School will cease operation for any reason.

Section XXIII - AMENDMENTS TO THE CHARTER

Material revisions to this charter may be made in accordance with Education Code Section 47607(a).

Section XXIV - FACILITIES

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

The Charter School is located on the north section of property owned by the CMA Church in Paradise. The Charter School leases the land from the church, and owns the structures it utilizes thereon. PCMS currently operates from 7 classrooms, three of which are portable classroom structures. All other structures are permanent buildings. School facilities include: main office, principal's office, a staff room, staff restrooms, student restrooms, P.E. equipment shed, student snack shed, 15 outdoor picnic tables, and a well pump house housing equipment used for irrigation of the grass field. Playgrounds include: a large asphalt area with permanent basketball hoops, and a large grass field including a running track and pull up bars. As part of the lease agreement, PCMS is allowed to use the church multipurpose room on a daily basis for physical education and school events.

Section XXV - SEVERABILITY CLAUSE

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

Section XXVI - INDEMNIFICATION

Paradise Charter Middle School and the PUSD shall indemnify, defend, and hold each other harmless against any and all actions, claims, demands, judgments, losses, and penalties, for damages to personal property or person, and any claims which arise by reason of the conduct relative to the performance of its activities, duties, or obligations under this charter. This section and its provisions shall survive the termination of this charter.

Section XXVII - CONCLUSION

By approving this charter, the District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Petitioners are eager to work independently, yet cooperatively with the District to establish the highest bar for what a charter school can and should be. To this end, the Petitioners pledge to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal requesting a five year term from July 1, 2015 through June 30, 2020.

Section XXVIII - AUTHORIZATIONS

Chair, Paradise Charter Middle School Board of Directors

Signature of Chair, PCMS Board of Directors

Date

Superintendent, Paradise Unified School District

Signature of Superintendent, Paradise Unified School District

Date