



**PARADISE CHARTER MIDDLE SCHOOL**

# Charter Renewal Petition For the Term

July 1, 2020 – June 30, 2025

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

*Submitted on November 19, 2019 to*

**Paradise Unified School District**

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## **Section I - MISSION AND VALUE STATEMENT**

Paradise Charter Middle School endeavors to create an environment that allows students to pursue intellectual and social success. We believe that an effective partnership among parents, teachers, and students - within a culture that emphasizes character development - is the best way to provide our students the opportunity to succeed and enhance the greater community.

## **Section II - AFFIRMATIONS AND DECLARATION**

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 Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(d)(1)]
2. The Charter School declares that it 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(c)(6)]
3. Paradise Charter Middle School will be nonsectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)]
4. Paradise Charter Middle School shall not charge tuition. [Ref. Education Code Section 47605(e)(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, including immigration status or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(e)(1)]
6. Paradise Charter Middle School shall admit all students who wish to attend the Charter School, unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(e)(2), admission to the Charter School shall not be determined according to the place of residence of the student or of that student’s parent or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(e)(2)(C). [Ref. Education Code Section 47605(e)(2)(A)-(C)]

7. 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 Education Improvement Act of 2004.
8. 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)]
9. Paradise Charter Middle School shall ensure that teachers in the Charter School hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. Teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment. [Ref. Education Code Sections 47605(l) and 47605.4(a)]
10. Paradise Charter Middle School shall at all times maintain all necessary and appropriate insurance coverage.
11. 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).
12. 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 report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(e)(3)]
13. The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
14. 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)(2)]

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(d)]
16. Paradise Charter Middle School shall comply with any applicable jurisdictional limitations to the 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) and 47610]
18. Paradise Charter Middle School shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA").
19. 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 comply with Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1.
23. Paradise Charter Middle School shall comply with the Political Reform Act.
24. 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 - CHARTER RENEWAL CRITERIA

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 charter 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 and 5 CCR 11966.4.

### **A. 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)**

Charter petitions must satisfy at least three requirements to be renewed:

- (1) Education Code Section 47607(a)(3)(A) states: "The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal." Such increases are documented below.

AND

- (2) Education Code Section 52052(f) states: "For purposes of paragraphs (1) to (3), inclusive, of subdivision (b) of Section 47607, alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used." The alternative measures that show increases at the Charter School are documented below.

OR

- (3) Education Code Section 47607(b)(4) states: "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." This determination, which requires a comparison to other public schools, is documented below. .

AND

(4) Title 5, California Code of Regulations Section 11966.4(b)(1) states: “When considering a petition for renewal, the district board of education shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.” This requirement is met through the documentation presented in the charter renewal petition and appendices.

**The following shall serve as documentation confirming that Paradise Charter Middle School meets the statutory criteria required for renewal as set forth in Education Code Section 47607(a)(3)(A), 52052(f), and 47607(b)(4):**

**Analysis of Paradise Charter Middle School Data (Education Code Section 52052(f))**

PCMS California Assessment of Student Performance and Progress (“CAASPP”) Scores, 2015-2019: Percentage of Students Meeting or Exceeding Standards.

Demographic	Assessment	2015	2016	2017	2018	2019
Schoolwide	ELA	68%	55%	61.59%	65.58%	65.44%
	Math	59%	54%	61.59%	57.79%	61.03%
Hispanic or Latino	ELA	54%	46%	46.15%	46.15%	62.5%
	Math	63%	54%	53.85	46.15%	43.75%
Economically Disadvantaged	ELA	59%	46%	62.5%	54.77%	65.92%
	Math	45%	40%	56.25%	52.38%	61.48%
Students with Disabilities	ELA	-----	42%	45.45%	45.45%	-----
	Math	-----	16%	18.18%	18.18%	-----

**Analysis of Comparison Schools Data (Education Code Section 47607(b)(4))**

Comparison Schools That PCMS Students Would Otherwise Be Required to Attend

School	Schoolwide Assessment	2015	2016	2017	2018	2019
<b>Paradise Charter Middle</b>	<b>ELA</b>	<b>68%</b>	<b>55%</b>	<b>61.59%</b>	<b>65.58%</b>	<b>65.44%</b>
	<b>Math</b>	<b>59%</b>	<b>54%</b>	<b>61.59%</b>	<b>57.79%</b>	<b>61.03%</b>
Paradise Intermediate	ELA	29%	40%	43.15%	45.68%	-----
	Math	20%	23%	26.07%	28.11%	-----
Pine Ridge (6-8)	ELA	33%	28.67%	28.24%	24.45%	-----
	Math	16.33%	14.33%	15.47%	19.11%	-----



Comparison Schools That Are Demographically Similar in the County. The following middle schools are similar in student populations (ethnic balance, English Learners, Special Needs).

School	Schoolwide Assessment	2015	2016	2017	2018	2019
Paradise Intermediate	ELA	29%	40%	43.15%	45.68%	-----
	Math	20%	23%	26.07%	28.11%	-----
Bidwell Junior High	ELA	44%	54%	45.33%	52.17%	54.83%
	Math	39%	44%	38.12%	40.59%	36.37%
Marsh Junior High	ELA	56%	59%	62.65%	62.11%	65.28%
	Math	52%	52%	55.26%	50.06%	51.08%
Chico Junior High	ELA	71%	67%	65.8%	60.75%	74.34%
	Math	44%	47%	43.98%	44.92%	41.06%

Aside from the schools described in the chart above, PCMS is the only stand-alone middle school within PUSD. Accordingly, we cannot accurately determine a separate group of demographically similar schools in the District. PCMS thus selected the major public middle schools in Butte County in order to provide a comparison against PCMS' performance.

**CAASPP Scores, 2015-2019: Percentage of Students Meeting or Exceeding Standards Specific Grade-Level Growth During Three Years at PCMS**

Demographic	Assessment	5th Grade (prior school)	6th Grade	7th Grade	8th Grade
Class of 2018 (includes test dates from 2015-2018)	ELA	48%	52%	62%	78%
	Math	32%	52%	62%	63%
Class of 2019 (includes test dates from 2016-2019)	ELA	52%	58%	66%	*59%
	Math	40%	62%	58*	*61%
Class of 2020 (includes test dates from 2017-2019)	ELA	44%	54%	*65%	---
	Math	31%	52%	*59%	---
Class of 2021 (includes test dates from 2018-2019)	ELA	64%	*71%	---	---
	Math	47%	*63%	---	---

\*CAMP FIRE YEAR 2018-19 (Spring 2019 test)

**B. Additional Justification for Charter Renewal**

**CALIFORNIA DISTINGUISHED SCHOOL RECOGNITION:**

In 2019 Paradise Charter Middle School was recognized as a California Distinguished School for outstanding educational programs and practices in a middle school. Distinguished School award winners represent examples of not just excellent teaching, learning, and collaboration, but also highly successful school climate efforts ranging from

real-time conflict resolution to positive behavior intervention. PCMS was honored to be the only middle school recognized as a California Distinguished School in all of Butte County in 2019.

HIGH RATE OF STUDENT/STAFF RETENTION FOLLOWING DISASTER:

After being displaced from its facility by the Camp Fire in November, 2019, Paradise Charter Middle School operated from the CORE Butte campus in South Chico for the remainder of the 2019 school year. Despite the fact that close to 85% of our students and 38% of our staff were permanently displaced from their homes, PCMS retained 88% of the student body and 100% of staff to finish the 2019 school year. PCMS started the 2019-20 school year with just over 80% of their pre-fire student population and all but one staff member who had retired at the end of 2019. This retention of student enrollment and staffing is indicative of the stability of Paradise Charter Middle School, even in the face of extreme adversity.

## **Section IV - EDUCATIONAL PROGRAM**

*Governing Law: The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21<sup>st</sup> 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(c)(5)(A)(i).*

*The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served 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(c)(5)(A)(ii).*

### **Students Whom PCMS Seeks To Educate**

The Charter 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.
5. schools as an integral part of a healthy community.

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 emotionally<sup>1</sup>.

Although small, PCMS is a place where extraordinary growth takes place. Through exploration and collaboration, students develop into proficient thinkers who can discern the relevance of historical events, scientific principles, and mathematical concepts, and apply them to their own lives. Students learn the value of virtuous behavior and seek experiences that will help them grow in character. Staff works together to create an environment in which every student who completes the three year program has the

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<sup>1</sup> Roberts, Clay. “Developmental Assets.” Search Institute. 2014. Web. 03 October 2014

opportunity for personal and academic growth and leave well-prepared for their future. This is what we refer to as the “three year project” when we speak to incoming families. Success hinges on a dedicated staff with a shared teaching philosophy: to create an environment that allows students to pursue intellectual and social success within a culture that emphasizes character development. Staff strives to make personal connections with students that will inspire passion for learning.

### **A Sense of Community**

A spirit of freedom and trust among all parties at PCMS allows for this “three year project” to flourish. PCMS administration and board of directors create an environment in which teachers and students can thrive. This level of trust extends from families as well, giving staff the freedom to engage students in innovative and challenging lessons. The high level of trust among families and staff supports this process as well. The relationship between teacher and student is also built on trust. This environment of trust and freedom is what allows all members of the academic family at PCMS to grow and thrive.

### **A Challenging Learning Environment**

Virtues and character development are key focuses across the curriculum at PCMS. All stakeholders work together to create a school culture that supports development of vital non-cognitive skills such as integrity, perseverance, and kindness.

PCMS also provides students with a rigorous curriculum that meets California’s Common Core State Standards. Mathematics courses focus on depth of understanding of concepts. In history classes, the focus is on guiding students to be active thinkers who are able to clearly express their ideas through writing. English and history teachers collaborate regularly developing 6-8 grade span reading and writing units. Science teachers at PCMS collaborate to create a broad scientific experience.

### **Well Qualified and Supported Teachers**

The faculty consists of well qualified teachers in core subject areas. All core subject teachers meet the requirements of the Elementary and Secondary Education Act and Education Code Section 47605(l), including English Learner (“EL”) authorization, as applicable. Professional development and teacher collaboration occur 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 minimum annual instructional minutes as set forth in Education Code Section 47612.5(a) for the appropriate grade levels and meets or exceeds the minimum required instructional 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 Common Core State Standards (“CCSS”), Next Generation Science Standards (“NGSS”), History-Social Science Standards (“HSS”), remaining State Content Standards, and English Language Development (“ELD”) (collectively referred to herein as “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 among 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 CCSS for Reading/Language Arts and Math; NGSS for Science, and State Content Standards for Social Science. Additional competencies are based on current State Standards. 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**

At PCMS, English Language Arts and Literacy standards are reinforced across content areas. English teachers develop curricula that seeks to provide a foundation that other content area teachers can build on in order to foment this “reciprocal relationship between the language arts and content learning.” (CA CCSS for ELA/Literacy Framework, 2014: pp 508-509)

Students receive individualized descriptive feedback on mastery of content and literacy standards throughout each lesson to guide their learning across the curricula at PCMS. Academic writing is well-addressed in all core subject areas allowing English classes focus on reading, exploring novels, as well as the mechanics, craft, and structure of writing.

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**

Students will explore the following course of study according to the model outlined in Chapter 9 of the current California History/Social Science Framework. Teachers will emphasize “disciplinary and literacy practices—investigation, close reading, analysis of evidence, and argumentative writing” and will utilize the guidance found in History–Social Science Content Standards for California Public Schools, the CCSS for English Language Arts and Literacy in History/Social Studies, the NGSS in Science, and Technical Subjects, and the ELD Standards. (HSS Framework pg. 127)

In history courses, the goal is for students to be able to think critically about what they are learning, write about what they are thinking, and apply it to their lives. Students learn to read expository text, to write in response to new information, and to discuss a variety of historical perspectives. These skills build a foundation for success in middle and high school, college and into professional life as well.

In the area of History, PCMS 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 long-term and short-term causal relations;
8. explain various 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**

Focus, coherence, and rigor, the underlying principles of the CCSS for Mathematics, hold the promise of preparing all California students for college, careers, and civic life—and developing mathematically competent individuals who can use mathematics as a tool for making wise decisions in their personal lives, a foundation for rewarding work, and a means for comprehending and influencing the world in which they will live. (California Mathematics Framework 2013)

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

1. Make sense of problems and persevere in solving them
2. Reason abstractly and quantitatively
3. Construct viable arguments and critique the reasoning of others

4. Model with mathematics
5. Use appropriate tools strategically
6. Attend to precision
7. Look for and make use of structure
8. Look for and express regularity in repeated reasoning

The SMP 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**

Students achieve the vision of the NGSS when they live up to the statement placed at the beginning of the list of standards: “Students who demonstrate understanding can...” This statement requires that students know more than how to select the right answer. Instead, students are able to support their answer through the science and engineering practices or to apply their knowledge through those practices to new problem situations. (California Science Framework 2016, page 4)

PCMS teachers utilize the Discipline Specific Model, as defined in the NGSS, emphasizing the eight Science and Engineering Practices and the seven Crosscutting Concepts.

In the 6th grade the standards focus on the earth sciences. The Disciplinary Core Ideas (“DCI”) cover:

- Foundations of geology and geophysics
- Earth’s place in the Universe
- Geologic time
- Earth’s systemsThe impact of human activity

In 7th grade the standards focus on the life sciences. The DCI covers:

- Molecules to Organisms: Structures and Processes
- Ecosystems: Interactions, Energy, and Dynamics
- Heredity: Inheritance and Variation of Traits
- Biological Evolution: Unity and Diversity

In 8th grade the standards focus on the physical sciences. The DCI cover:

- Matter and Its Interaction



- Energy
- Motion and Stability: Forces and Interactions
- Waves and Their Applications in Technologies and Information Transfer

## **Technology**

Technology will be used thoughtfully as a tool throughout students' courses to provide them access to information and multiple methods of expressing their understanding. Students will be able to apply technological solutions to academic and real-world situations. The school has an internal network. Internet access meets all CIPA filtering requirements.

## **Health**

Health education is a continuum of learning experiences that enables students, as individuals and as members of society, to make informed decisions, modify behaviors, and change social conditions in ways that are health enhancing and increase health literacy. The health education standards define the essential skills and knowledge that all students need in order to become health literate. (Health Education Content Standards for California Public Schools)

In the area of Health, PCMS 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 Physical Education Framework for California Public Schools and the Physical Education Model for California Public Schools, PCMS teachers incorporate current research-based findings into everyday lessons. We design lessons with the student objectives (based on the grade level outcomes for California Public Schools), Generic Levels of Skill Proficiency, and universal access for all. A typical class period includes a rigorous workout with a focus on strength, agility, and coordination. Following the workout, the P.E. class works on skills from a variety of units based on team sports.

Student outcomes include:

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. Participate regularly in physical activity.
4. Achieve and maintain a health-enhancing level of physical fitness.
5. Exhibit responsible personal and social behavior that respects self and others in physical activity settings.
6. Value physical activity for health, enjoyment, challenge, self-expression, and social interaction.

## **Visual and Performing Arts**

The goal of the arts education curriculum at PCMS is to provide students with a better understanding of themselves and their world through visual and performing arts. Students learn the origins of the various art forms they study as a way to give them a sense of the importance of the arts and contemporary society and the role of art in history.

In the Arts, PCMS 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 contains a reasonably comprehensive description of its annual goals and actions in the State Priorities, in accordance with Education Code Section 47605(c)(5)(A)(ii).

## **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 ("SST"), performance levels as defined by state-level testing, Individualized Education Programs ("IEP"), past records, and classroom observations. Students performing at standard nearly met and standard not met will be identified as academically low achieving students. Students performing at standard exceeded 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 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.

PCMS' 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 an SST plan and follow up, if concerns persist, 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. When staff sees the need, an elective class is offered that allows students to work individually with a teacher. A staff member directs this elective, allowing students to focus on individual needs and receive one-on-one help. 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”), including long-term English Learners or English Learners at risk of becoming long-term English Learners, as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing 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).

### **English Language Proficiency Assessment**

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

The ELPAC consists of two separate assessments:

- Initial Assessment (“IA”)

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

- Summative Assessment (“SA”)

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

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

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

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

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

The Charter School will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from publisher. The ELPAC shall be used to fulfill the requirements under the Every Student Succeeds 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 ELPAC.
- 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.

### **Strategies for English Learner Instruction and Intervention**

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 annual 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 Education Improvement Act of 2004 ("IDEA").

The Charter School shall be categorized as a public school of the District in accordance with Education Code Section 47641(b).

The Charter School agrees to adhere to the policies, procedures and requirements of PUSD and the Butte County Special Education Local Plan Area (SELPA). 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 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. A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

A 504 team will be assembled by 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 IDEA, but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team 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 IDEA, a referral for special education assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team 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 "IDEA"**

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. The MOU provides a reasonably comprehensive description of how special education and related services are delivered. 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 process to help initially identify appropriate interventions and service.
- Services will be delivered on-site at the PCMS campus 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 Charter School.
- The Charter School and the District 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 V - 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 charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school. Education Code Section 47605(c)(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(c)(5)(C).*

Our goal is to create a Charter School that motivates and assists all students in meeting state academic standards. The school will ensure alignment of the curriculum to promote 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.

The Charter School affirms that 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.

### ***Pupil Outcomes Aligned with the State Priorities***

Attached as Appendix A, please find the Charter School's LCAP, which provides a reasonably comprehensive description of how its pupil outcomes are aligned with the State Priorities, in accordance with Education Code Section 47605(c)(5)(B). Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups. The metrics associated with these goals help the Charter School to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula.

The current LCAP is on file with the District and is also attached as Appendix A. The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State

Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33.

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

## ***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.

### **Additional 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 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(d)(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.

<b>Pupil Outcome Goals</b>	<b>Assessment Tools / Instructional Practices Utilized in Curricular Areas</b>
<ul style="list-style-type: none"> <li>● Students will demonstrate grade-level proficiency in English-Language Arts as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in History as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in Mathematics as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in Science as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in Technology as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in Health as described in Subject Matter Competencies section above.</li> <li>● Students will demonstrate grade-level proficiency in Physical Education as described in Subject Matter Competencies section above.</li> <li>● Students will participate in school-wide community service project(s).</li> </ul>	<ul style="list-style-type: none"> <li>● Rubric assessment</li> <li>● CAASPP, CAST test data</li> <li>● Expository and Narrative Writing Assessments</li> <li>● Document-Based Writing Assessments</li> <li>● Curriculum-Based Assessments</li> <li>● Oral Presentations</li> <li>● Performance-Based Assessments</li> <li>● Demonstrations</li> <li>● Poetry Portfolios</li> <li>● Group and Individual Projects</li> <li>● Direct Instruction</li> <li>● Learning / Study Teams</li> <li>● Small group instruction</li> <li>● One on one instruction</li> <li>● Modeling</li> <li>● Literary Analysis and Inquiry</li> <li>● Various class discussion methods</li> <li>● Student-initiated research</li> <li>● Higher order thinking activities (Bloom)</li> <li>● Experimentation</li> <li>● Place-Based Learning</li> <li>● Lab Work</li> </ul>

### **School-wide Outcomes**

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, and mathematics, NGSS in science, and

History/Social Science Standards in history/social science. The Charter 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 achieve at standard met or standard exceeded on the CAASPP and CAST. The Charter School’s goal will be to demonstrate student improvement (growth) on standardized tests that compare favorably with District schools that have similar populations (e.g., race, gender, socioeconomic status). General funds along with LCAP supplemental funds and a variety of other funding sources are used to provide additional student devices and to upgrade technology infrastructure in support of the state mandated testing (CAASPP).

**Annual Progress**

All pupil and Charter School outcomes will be reviewed at least once annually by the Principal and teachers. Recommendations as to revisions to pupil and Charter School outcomes may be made by the Principal and teachers to the PCMS Board.

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:

<b>OUTCOME</b>	<b>METHOD(S) OF MEASUREMENT</b>
<ul style="list-style-type: none"> <li>● Implementation of CCSS at all grade levels</li> </ul>	<ul style="list-style-type: none"> <li>● CCSS, Internal and External Assessments, Teacher Records, Work Samples</li> </ul>
<ul style="list-style-type: none"> <li>● Standardized Testing Growth</li> </ul>	<ul style="list-style-type: none"> <li>● CCSS, CAST, ELPAC</li> </ul>
<ul style="list-style-type: none"> <li>● Student Attendance at 96%</li> </ul>	<ul style="list-style-type: none"> <li>● Student attendance</li> </ul>

**Use and Reporting Of Data**

Staff will receive CAASPP and CAST 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 achievement at least two times per semester. Additional correspondence will be provided when necessary.

The Charter School shall submit to a random, unannounced site visitation process to enable the District to gather information needed to confirm the Charter 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 Charter School shall submit all financial reports required under Education Code Sections 47604.33 and 47605(m).

## **Section VI - GOVERNANCE STRUCTURE**

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

*If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school. Education Code Section 47605(h).*

### **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(d), 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 fewer than three (3) and no more than nine (9), unless changed by amendment to the bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer as consistent with Education Code Section 47604(c). If the charter authorizer appoints a representative to serve on the Board of Directors, the Board may appoint an additional director to ensure an odd number of Board members. All directors shall be appointed by the existing Board of Directors.

The Board currently consists of five (5) members:

- a. Three parent/guardian members, each of whom represents a grade level

- b. One representative of PCMS staff. The representative of Charter School staff shall not be a person compensated by the Charter School for services within the previous twelve (12) months, as defined in the Bylaws
- c. One community member

Each director shall hold office unless removed in accordance with the Board Bylaws, for three (3) years and until a successor director has been designated and qualified.

Current PCMS Board members are:

- Trevor Davis – 7<sup>th</sup> Grade Representative
- Jennifer Duran (Chair) – 8<sup>th</sup> Grade Representative
- Denise Farrell – Staff Representative
- Brad Jacobson – (Vice Chair) Community Representative
- Jill Pruis – 6<sup>th</sup> Grade Representative

## **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. All directors will be designated by the existing Board of Directors.

## **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 and Education Code Section 47604.1(c). 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 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 requests for out of state or overnight field trips;
- h. Participation in the PCMS/PUSD dispute resolution procedure and complaint procedures;
- i. Review and approval of the monthly financial report;
- j. Review and approval of non-material charter amendments;
- k. Review and approval of annual fiscal and performance audits;
- l. Act as a hearing body in student expulsion matters and take action on recommended expulsions; and
- m. 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 Government Code Section 1090, *et seq.*, the Political Reform Act, and Corporations Code conflict of interest rules, as set forth in Education Code Section 47604.1. As noted above, the Conflict of Interest Code is attached within Appendix B. As required, the Conflict of Interest Code has been 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 receive 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. Terms**

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.

### **C. 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. 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 Manual.

#### **D. 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 of the PCMS Board of Directors shall participate in the PCMS/PUSD dispute resolution procedure and the complaint procedure as identified in those procedures.

#### **E. 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.

#### **F. Parent/Guardian/Care-Provider Involvement**

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

In addition to the three seats on the Board, parent/guardian/care-provider involvement and participation is encouraged by the PCMS Parent Leadership Council ("PLC"). PLC encourages voluntary participation opportunities as detailed in the PCMS Student Handbook. The PLC parent/guardian/care-provider bylaws will be reviewed and approved by the PCMS Board of Directors as needed.

## **Section VII - Employee Qualifications**

Governing Law: *The qualifications to be met by individuals to be employed by the charter school. Education Code Section 47605(c)(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 required for the teacher's certificated assignment, pursuant to Education Code Section 47605(l). Accordingly, a teacher of core academic subjects must meet the following qualifications:

1. a bachelor's degree
2. a State teaching credential, permit, or other document

All teachers of English Learners will be appropriately credentialed to serve English Learners, with a Crosscultural, Language and Academic Development ("CLAD"), Bilingual Crosscultural, Language and Academic Development BCLAD or other equivalent CTC recognized EL certification. These documents shall be maintained on file at PCMS. Core subjects include English language arts, mathematics, science, and social studies.

In accordance with Education Code Sections 47605(l) and 47605.4(1), the Charter school can also employ non-certificated instructional staff, who were employed in charter schools during the 2019-20 school year, in cases where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional capacity in noncore preparatory courses and activities. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district.

The following criteria for the selection of teachers are adapted from the 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. 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, including immigration status, 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.

## **Section VIII - HEALTH AND SAFETY PROCEDURES**

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

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

*(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.*

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

In order to provide safety for all students and staff, Paradise Charter Middle School will use PCMS Handbooks and the PCMS Safety Plan to ensure the safety of their students and employees. These health and safety procedures 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. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Principal of the Charter School shall review Department of Justice reports on prospective employees and contractors to determine whether an employee or contractor 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 regular 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. The Charter School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

## ***Tuberculosis Risk Assessment and Examination***

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

## ***Immunizations***

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

## ***Medication in School***

PCMS adheres to Education Code Section 49423 regarding administration of medication in school. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members.

For students who must take medication during the course of Charter School activities, the Charter 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 Charter 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 allows students with doctor authorization to carry and self-administer auto-injectable epinephrine medication. A copy of that authorization shall be given to the Charter School for placement in the student's file.

## ***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 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:



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

### ***Suicide Prevention Policy***

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

### ***Prevention of Human Trafficking***

The Charter School shall identify and implement the most appropriate methods of informing parents and guardians of students in grades 6 through 8 of human trafficking prevention resources.

### ***Feminine Hygiene Products***

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

### ***Nutritionally Adequate Free or Reduced Price Meal***

The Charter School shall provide each needy student, as defined in Education Code Section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code Section 49553(a), during each school day.

### ***California Healthy Youth Act***

The Charter School shall teach sexual health education and human immunodeficiency virus (“HIV”) prevention education to students in grades 7-8 at least once, pursuant to the California Healthy Youth Act (Education Code Section 51930, *et seq.*).

### ***School Safety Plan***

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

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

### ***Emergency Preparedness***

The Charter School adheres to an Emergency Preparedness Handbook drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. 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.

Staff shall receive training in emergency response, including appropriate "first responder" training or its equivalent.

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

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

## ***Bullying Prevention***

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

## Section IX - RACIAL AND ETHNIC BALANCE

*Governing Law: The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school. Education Code Section 47605(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 balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils 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
- e. PCMS has designed a website for interested parents and community members to visit to learn more about the school
- f. PCMS will continue to engage in ongoing recruitment and outreach efforts as described above with the continued development of: marketing materials, advertising, online and social media presence, hosting and attendance of community events, and continued efforts to establish community partnerships. The Charter School budget includes financial resources allocated to outreach efforts.

## **Section X - ADMISSION POLICIES AND PROCEDURES**

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

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition 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, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state. In accordance with Education Code Sections 49011 and 47605(e)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

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

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

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. The enrollment packet also includes the following:

- Student enrollment form
- Proof of Immunization
- Home Language Survey
- Completion of Emergency Medical Information Form
- Proof of minimum age requirements
- Release of records<sup>2</sup>

Admission will not be granted to any student currently expelled who has not completed his or her rehabilitation plan, or is on provisional or probationary status from any school district. Any parent who did not reveal his or her child's status upon admission may have his or her child's enrollment terminated. Each case may be reviewed by the PCMS Board of Directors on an individual basis and in accordance with the Charter School's suspension and expulsion procedures.

### **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 admitted to or attending PCMS
- Children of PCMS employees
- Siblings new to the Charter School applying for admission to the same academic year. When there are siblings entering together, they shall be considered one unit.
- All other applicants

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

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<sup>2</sup> The Charter School shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the Charter School before enrollment.

have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

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

The Charter School will conduct the lottery in the spring for enrollment in upcoming school year.

## **Section XI - 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(c)(5)(l).*

### ***Financial Audit***

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

The Charter School Board 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 XII - SUSPENSION AND EXPULSION PROCEDURES**

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

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

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

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

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

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

This Pupil Suspension and Expulsion policy 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 non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. Expulsion, under this policy, results in 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 IDEA or who is qualified for services under Section 504 is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to 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.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for

expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

## **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, 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 sell 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, which includes but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or 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 Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.

- l. Possessed an imitation firearm, i.e. a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o. Engaged in, or attempted to engage in, hazing. For the purposes of this 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.
- p. Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this 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, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- q. 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.
- r. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code Section 233(e). This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile

educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

- t. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
- 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of 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 or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.

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

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

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

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
- b. Brandished a knife at another person.
- c. Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d. Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Education Code Section 48900(n).

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

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self-defense.
- c. Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o. Engaged in, or attempted to engage in hazing. For the purposes of this 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.
- p. Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of

this 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, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- q. 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.
- r. 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.
- s. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of 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 or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (c) 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.
    - (d) 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.
    - (e) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

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

- u. A 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 (III)(a)-(b).
- v. 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:

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
- b. Brandished a knife at another person.
- c. Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d. Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Education Code Section 48900(n).

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

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

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

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. Conference:**

Suspension shall be preceded, if possible, by a 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 Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

#### **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 parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

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

## **D. Authority to Expel**

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

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

## **E. Expulsion Procedures**

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

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

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

- 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 and/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 entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
- 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 whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. 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 days' 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;
- b. 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**

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

### **M. Rehabilitation Plans**

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board 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 parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

## **O. Notice to Teachers**

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

## **P. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal 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 (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan. 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 direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

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

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

## 5. Special Circumstances

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

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

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

## 6. Interim Alternative Educational Setting

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

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

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

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

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent 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 IDEA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct 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 XIII - RETIREMENT SYSTEMS**

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

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

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

## **Section XIV - PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

Attendance at 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 XV - EMPLOYEE RETURN RIGHTS**

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

No 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.

## **Section XVI - DISPUTE RESOLUTION**

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

### **PCMS/PUSD Disputes**

The PCMS/PUSD Dispute Resolution Process shall 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.

## **C. Internal Disputes**

The Charter School shall have an internal dispute resolution process to be used for all internal disputes related to the Charter School's operations. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy of the Charter School's policies and

internal dispute resolution process. The District shall promptly refer all disputes not related to a possible violation of the charter or law to the Charter School.

## **Section XVII - CLOSURE PROCEDURES**

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

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

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

As applicable, the Charter School will provide parents, 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 Charter 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 the nonprofit public benefit corporation. Upon the dissolution of the nonprofit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled "Relief for Certain Participants in § 414(d) Plans" or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

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

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

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

## **Section XVIII - BUDGETS AND FINANCIAL REPORTING**

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

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 XIX - IMPACT ON CHARTER AUTHORIZER**

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

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

Pursuant to Education Code Section 47604(d), an 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, workers' compensation, Board Members and Officers insurance, fidelity bonding to secure against financial risks, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance.

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 XX - ADMINISTRATIVE SERVICES**

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

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.

To meet its statutory oversight responsibilities, PUSD will:

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

## **Section XXI - AMENDMENTS TO THE CHARTER**

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



## **Section XXII - FACILITIES**

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

The Charter School is located on the north section of property owned by the CMA Church at 6473 Clark Road 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 XXIII - 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 XXIV - 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 XXV - 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, 2020 through June 30, 2025.

## Section XXVI - AUTHORIZATIONS

Chair, Paradise Charter Middle School Board of Directors

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*Signature of Chair, PCMS Board of Directors*

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*Date*

Superintendent, Paradise Unified School District

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*Signature of Superintendent, Paradise Unified School District*

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*Date*