

Pathways Academy Charter School - Adult Education

Petition for Authorization

Presented to

WARNER UNIFIED SCHOOL DISTRICT

Request for Material Revision Submitted on May 11, 2021



ADULT EDUCATION

Presented by:

Pathways Academy Charter School -
Adult Education

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Purpose of Request for Material Revision

Pathways Academy Charter School Adult Education (“PACSAE” or the “Charter School”) respectfully presents the Warner Unified School District (“WUSD” or the “District”) with a request to materially revise PACSAE’s current charter petition for the term of July 1, 2019 – June 30, 2024 (the “Charter”). This request is submitted to make the following changes to the Charter, which have been incorporated herein:

- To authorize PACSAE to enhance its dropout recovery options for grade levels 9-12 targeting at-promise, credit deficient, out of school, and/or out of work students by specifying that the Adult High School Diploma program provide instruction exclusively in partnership with PACSAE’s Workforce Innovation and Opportunity Act (WIOA) partners, as contemplated by Education Code Section 47612.1(a)(1), as described in the petition.
- To include a reasonably comprehensive description of the new requirements for charter schools enacted into law after the Charter was last approved by the District.
- To make other minor, technical updates as necessary.
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AFFIRMATIONS

PACSAE hereby certifies that the information submitted in this petition to revise the Charter for PACSAE, a California public charter, chartered by and submitted to the District is true to the best of our knowledge and belief; we also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, we understand that if the revision to the Charter is approved, PACSAE will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited that PACSAE shall comply with the following:

- Shall meet all statewide standards and conduct the student assessments required pursuant to Education Code Sections 60605 and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(d)(1)]
- Shall, on a regular basis, consult with PACSAE parents, legal guardians, and teachers regarding the PACSAE educational programs. [Ref. Education Code Section 47605(d)(2)]
- Shall be deemed the exclusive public school employer of the employees of PACSAE for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(c)(6)]
- Shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(e)(1)]
- Shall not charge tuition. [Ref. Education Code Section 47605(e)(1)]
- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(e)(1)]
- Shall admit all students who wish to attend Charter School, and who submit a timely application, unless PACSAE receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Preference in the public random drawing shall be extended to pupils currently attending the charter school and pupils who reside in the school district, except as provided in Education Code Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school, children of charter school teachers, staff, or founders named in the initial charter, may be permitted by the chartering school district on an individual charter school basis. The priority order for any admissions preferences shall be determined in the charter petition and shall comply with all of the following:
 - i) Each preference type shall be approved by the charter authorizer at a public hearing
 - ii) Preferences shall be consistent with federal law, the California Constitution, and Education Code Section 200;
 - iii) Preferences shall not result in limiting enrollment access for students with disabilities, academically low-achieving students, English Learners, neglected or

delinquent students, homeless or economically disadvantaged students, foster youth, or based on a student's nationality, race, ethnicity, or sexual orientation;

iv) In accordance with Education Code Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment. [Ref. Education Code Section 47605(e)(2)(A)-(C)] To the extent applicable, PACSAE 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, PACSAE.

- If a pupil is expelled or leaves PACSAE without graduating or completing the school year for any reason, PACSAE 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. [Ref. Education Code Section 47605(e)(3)]
- Shall not discourage a student from enrolling or seeking to enroll in PACSAE for any reason, including, but not limited to, academic performance of the student or because the student exhibits any of the characteristics described in Education Code Section 47605(d)(2)(B)(iii). [Ref. California Education Code Section 47605(e)(4)(A)]
- Shall not request a student's records or require a parent, guardian, or student to submit the student's records to PACSAE before enrollment. [Ref. California Education Code Section 47605(e)(4)(B)]
- Shall not encourage a student currently attending PACSAE to disenroll from PACSAE or transfer to another school for any reason, including, but not limited to, academic performance of the student or because the student exhibits any of the characteristics described in Education Code Section 47605(e)(2)(B)(iii). This subparagraph shall not apply to actions taken by PACSAE pursuant to the procedures by which students can be suspended or expelled from the Charter School for disciplinary reasons or otherwise involuntarily removed from the Charter School for any reason. [Ref. Education Code Section 47605(e)(4)(C)]
- Shall comply with Education Code Section 47605(e)(4)(D) by posting the appropriate notice on PACSAE's website and providing a copy to a parent, guardian, or student as required.
- Shall adhere to all applicable 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.
- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. California Code of Regulations, Title 5, Section 11967.5.1(f)(5)(c)]
- Shall ensure that teachers at PACSAE hold a Commission on Teacher Credentialing certificate, permit, or other document required pursuant to Education Code Section 47605(l) or other applicable law, as amended from time to time.
- Shall at all times maintain all necessary and appropriate insurance coverages.

- 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) as it applies to independent study charter schools.
- Shall follow any and all other federal, state, and local laws and regulations that apply to PACSAE including but not limited to:
 - PACSAE shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)(2)]
 - PACSAE shall on a regular basis consult with its parents and/or guardians or adult students and teachers regarding PACSAE's education programs. [Ref. Education Code Section 47605(d)(2)]
 - PACSAE shall comply with any jurisdictional limitations to locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
 - PACSAE shall comply with all laws establishing the ages for public school enrollment. [Ref. Education Code Sections 47612(b), 47610(c), and 47612.1]
 - PACSAE shall comply with all applicable portions of the Elementary and Secondary Education Act and as re-authorized and amended by the Every Student Succeeds Act.
 - PACSAE shall comply with Education Code Section 47604.1, and be subject to the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act, and Government Code Section 1090 *et seq.*, as they may be amended from time to time.
 - PACSAE shall comply with the Family Educational Rights and Privacy Act.
 - PACSAE shall meet or exceed the legally required minimum number of school days as applicable. [Ref. California Code of Regulations, Title 5, Section 11960(b)]
 - PACSAE shall comply with federal, state, and district mandates regarding English Learner (“EL”) education and re-designation of EL students and meet all requirements of federal and state laws regarding equal access to the curriculum for English Learners.
- PACSAE shall comply with the conditions of apportionment set forth in Education Code Section 47612(b) that average daily attendance not be generated by a pupil who is not a California resident, and that “a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma,” to remain eligible for generating charter school apportionments, except as exempted by Education Code Section 47612.1(a)(1).

ELEMENT 1: EDUCATIONAL PLAN

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

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

1) Mission

PACSAE seeks to develop literate, educated thinkers and achievers who:

- Respect themselves
- Respect others
- Pursue knowledge
- Apply facts and theories to solve problems
- Participate productively in the economy and their communities
- Become motivated and able to learn for a lifetime

PACSAE will pursue this vision with a philosophy of:

- Hiring, supporting, and continuously training a high-quality faculty and administration
- Working cooperatively with staff, students, and client agencies
- Tailoring education programs to meet each student’s needs
- Assessing students on an ongoing basis
- Holding ourselves accountable for producing positive outcomes

To achieve our objectives, PACSAE will:

- Market our school as broadly as possible to attract talented faculty and staff
- Create program-improvement teams among our staff, our students, and our client

- agencies
- Develop Student Achievement Plans for each of our students
- Employ innovative real-time assessment instruments to measure student needs and progress
- Monitor our success in improving student competencies—awarding achievement and correcting deficiencies

2) Educational Philosophy

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

The petitioners believe that education success depends on positive student engagement and high levels of interaction with content, instructor, and fellow learners. That interaction occurs when learning is fun, challenging, flexibly paced, and situated in a climate where curiosity and risk-taking are rewarded.

This learning climate is made possible by a curriculum that is aligned to California’s academic content standards and targeted to individual learner needs. Our curriculum is delivered through a PACSAE Staff model, which may include online and blended learning that balance the unique advantages of traditional and virtual classroom approaches. The curriculum is designed to cover the full content in each core subject by the end of each academic year.

However, the flexible pacing in our approach enables the adult student, under the guidance of the educator, to spend more intensive time and effort in areas of need. This model allows teachers to better address each student’s unique learning and communication style, cultivate independent thought, and offer alternative or supplemental learning options that prepare students for the real-life complexities of higher education or the job market in the 21st century.

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

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

3) Accreditation

PACSAE will seek accreditation by the Western Association of Schools and Colleges (WASC) in the first year of operation. PACSAE staff members and leadership team have extensive knowledge and expertise in the area of accreditation, and the curriculum and program meet the high standards of WASC.

4) Students to Be Served

PACSAE will deliver two unique dropout recovery options for grade levels 9 – 12 targeting at-risk, credit deficient, out of school, and/or out of work students. The first option is the Traditional High School Diploma for students ages 16+. The second option is the Adult High School Diploma for students ages 18+. Both options provide instruction exclusively in partnership with our WIOA partners, as contemplated by Education Code Section 47612.1(a)(1).

PACSAE seeks to serve students by creating partnerships with local organizations who serve youth through WIOA grant funding or other grant funded programs. These partnerships will give PACSAE students access to additional workforce development training, ancillary services, and training to prepare them to be contributing members of the community and workforce upon graduation and completion of the program.

Workforce Investment Opportunity Act

The federal Workforce Innovation and Opportunity Act (WIOA), which superseded the Job Training Partnership Act, offers a comprehensive range of workforce development activities through statewide and local organizations. Available workforce development activities provided in local communities can benefit job seekers, laid off workers, youth, incumbent workers, and new entrants to the workforce, veterans, persons with disabilities, and employers.

The purpose of these activities is to promote an increase in the employment, job retention, earnings, and occupational skills improvement by participants. This, in turn, improves the quality of the workforce, reduces welfare dependency, and improves the productivity and competitiveness of the nation.

Title I of the WIOA authorizes services for youth, adults, and laid-off workers. Eligible youth must be 16 to 25 years of age, low income, and meet at least one of six specific barriers to employment. A year-round youth program emphasizes attainment of basic skills competencies, enhances opportunities for academic and occupational training, and provides exposure to the job market and employment. Activities may include instruction leading to completion of secondary school, tutoring, internships, job shadowing, work experience, adult mentoring, and comprehensive guidance and counseling. The program emphasizes services for out-of-school youth.

While eligible laid-off workers are generally individuals who have been terminated from their last employment and are unlikely to return to their previous industry or occupation, displaced homemakers and self-employed individuals also may qualify for these services. Adult and laid-off worker services are provided through locally based One-Stop career centers. Comprehensive One-Stop career centers provide access to a full range of services pertaining to employment, training and education, employer assistance, and guidance for obtaining other assistance. While

WIOA requires One-Stop career centers to provide specific services, local areas may design programs and provide services that reflect the unique needs of their area.

One-Stop career centers use varied strategies in providing the appropriate services to meet the needs of their customers:

- **Core Services** are available and include, in part, labor market information, initial assessment of skill levels, and job search and placement assistance.
- **Intensive Services** are available to eligible unemployed individuals who have completed at least one core service, but have not been able to obtain employment, or employed individuals needing additional services to obtain or keep employment that will lead to personal self-sufficiency.
- **Training Services** are available to eligible individuals who have met the requirements for intensive services and have not been able to obtain or keep employment. Individual Training Accounts are established to finance training based upon the individual's choice of selected training programs.

The Governor has appointed a State Workforce Investment Board (WIB) consisting primarily of representatives from businesses, labor organizations, educational institutions, and community organizations. The State WIB assists the Governor in designing a statewide plan and establishing appropriate program policy.

Benefits of WIOA

The activities provided by WIOA at the local level offer a variety of benefits to both program participants and the communities in which they reside:

Job Seekers

- Universal access to job search and labor market information
- Advice, counseling, and support
- Education and skills training
- Individual choice of service

Youth

- Basic skills assessment
- Resources and guidance help to attain educational goals
- Leadership development opportunities
- Exposure to work environment through training and adult mentoring

Employers

- Influence over local area employment policy
- Improved and trained employee pool
- Development of on-the-job and customized training opportunities
- Assistance for laid-off workers

Community

- Access to local area job market information
- Improved workforce quality
- Services designed for local area needs
- Reduced need for welfare

Instructional Framework

PACSAE believes that if we a) provide enrollment and access for all students; b) provide a personalized yet flexible learning plan; c) provide rigorous and relevant learning experiences; and d) give pathways to careers and/or college, then we can ensure our young people will be successful in school and prepared to be competitive in today's global economy.

5) Curriculum and Instructional Design

Student Information System

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

In addition, the SIS provides the capability of making decisions about curriculum offerings and teacher assignments; determining correct student course placement; using state testing data for student placement and support needs; and tracking grades and progress toward graduation. PACSAE strives to be a data driven organization in order to make decisions that best serve student needs and help them become successful graduates of the school.

Curriculum Provider and Learning Management Systems

The school's learning environment will be led by PACSAE staff, with curriculum delivered via synchronous and asynchronous modes in both an online or traditional Independent Study environment. PACSAE will contract with multiple companies to offer the most up to date, quality curriculum possible. The curriculum is chosen based on state standards, student's learning style, student's working level, and the educational philosophy being followed.

Core courses cover all the essential subject divisions within each of these academic areas: language arts, mathematics, history/social science, physical sciences, and life sciences. Since PACSAE focuses on the California state graduation requirements, elective courses will be limited, focusing on college and career readiness and CTE course offerings. These courses will be offered through PACSAE or the WIOA partner organizations.

Each PACSAE student receives instruction that embeds the California Academic Standards and is tailored to his or her specific learning needs via pre-assessments and ongoing, synchronous/asynchronous assessment within the course. In order to meet the needs of our adult

students, instructors work directly with students by answering their questions, explaining concepts and techniques as necessary, adjusting lessons and assignments as needed, and monitoring student pace. Instructors may meet with students virtually where live, synchronous teaching sessions are held; through phone, email and messaging platforms; and during established office hours (using the means described above). Assessments reveal target areas in need of academic support. Using this information, instructors and support staff can then work to supplement student academic skills to support student success. Such support can be meant to accelerate skills or build skills which are lacking, such that they have blocked student achievement.

PACSAE staff encourage student achievement through mentoring and support, for example by helping students navigate the online system, understanding school policies and protocols, and planning their class schedules and course sequencing. Counselors also organize college information meetings, instruction in school success, and work closely with families who have special needs such as those with an Individualized Education Program (“IEP”) or English Learner (“EL”) issues.

Designed by PACSAE and deployed according to PACSAE’s Independent Study model, the charter school’s goal is to provide an optimal learning environment while engaging students with a user- friendly curriculum model. All PACSAE administration, teachers, and support staff tailor student support and success strategies through the lens of what is best for students as a whole as well as for students individually.

Attendance Tracking

The only item that counts for independent study attendance credit is evaluated work or work products that were completed and submitted by the due dates established in the written agreement. When the adult learner submits or demonstrates the evidence of work accomplished in the achievement of set objectives, the teacher credits the student with attendance. This varies day-to- day because instruction is available 24/7 and is paced flexibly according to individual student needs. For Independent Study students, instructional time is systematically logged and reported by the LMS, by attendance in live sessions, and/or by offline work recorded in an official online learning log, created by the attendance coordinator based on the auditor’s recommendations. Attendance is reported for both content items and course tools, including all readings, assignments, exams, journal, whiteboard/synchronous session tool, chat, document sharing, and Dropbox. Academic work records will be uploaded to School Pathways each learning period to verify student work hours while in the Independent Study setting.

6) Plan for Students Who Are Academically Low Achieving Identifying and Understanding Low Achievers

PACSAE’s instructional team is prepared to work with a diverse student population and to focus intensively on those who struggle academically and perform below expectations. The petitioners understand that adult students can find themselves struggling for a variety of reasons. Some have difficulty staying on task; others have become accustomed and resigned to lowered expectations based on a pattern of past setbacks. Some have difficulty with one subject area but not another. Some have trouble working in the early morning, or after lunch. Every student is different, and every struggling student struggles uniquely. This is, in fact, one of the major reasons why some students choose an Independent Study model.

These students will be identified through past grades and state test scores; discussions with parents and previous PACSAE staff observations; IEPs; writing samples; and the results of diagnostic skills assessments that may be given to incoming students. Using this information, PACSAE teachers and PACSAE Staff can create a pathway to success for each student. This involves not only appropriate course placement but also accommodations and adaptations that teachers make to the curriculum and their instructional approach to meet the needs of each individual student.

Structural Elements and Strategic Responses for Raising Student Achievement Levels

To meet the challenges faced by struggling adult students, instructors will offer continuous motivation and support, seek ways to engage students in meaningful learning through multiple delivery methods, and work one-on-one with students in various ways. These include individual student/teacher calls, teacher/parent phone conferences (for minor students), in-person meetings, academic team phone conferences, and individual student/teacher “whiteboard” sessions. Where needed, individual tutoring can also be provided.

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

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

Instruction is designed around a full assortment of graded assignments that afford students varied ways to demonstrate mastery of content. These include group discussions, written and verbal course assignments, practice assignments, quizzes, journals, essays, creative writing papers, research projects, group projects, exams, reviews/case studies, and portfolio pieces. Additionally, prep and/or remediation is available to students in order to help them achieve proficiency on all CAASPP exams.

PACSAE’s goal is to meet the academic needs of all our students (which include ethnic, socio-economically disadvantaged, homeless, and foster youth) through the use of academic and social emotional supports. Students who are low achieving will be identified using our internal assessments. If a student is performing below 60% using these assessment methods, they will be considered Low Achieving and support will be put into place. Instruction adapted to the needs of low achievers will also emerge from data-driven analyses of their performance, and the teacher interventions that result. These interventions will be based on California Academic Standards.

Student Success Team

A Student Success Team (SST), including parents of minor students, teacher, and other school personnel or interested persons, uses a systematic problem-solving approach to assist students with any concerns that are interfering with success. The SST clarifies problems and concerns, develops strategies and organizes resources, provides a system for 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, and 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 the student can be included in the SST to provide information about the student, including strengths, concerns, and strategies that have been used in the past. Team members may include but are not limited to teachers, parents, PACSAE Staff, doctors, administration, social workers, and law enforcement. The meeting is designed to bring out the best in the people involved.

Our twelve SST meeting steps include:

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

After implementation of a SST plan and follow-up, the plan will be further reviewed/revised to address concerns that have not been adequately addressed and/or effectively resolved. In addition, a referral for special education assessment might be deemed appropriate through the SST process.

All grade level teachers meet with at-risk students and their parents or adult students when necessary throughout the year. The result of such meetings may be a plan that has consensus on how to support the individual student, with specific responsibilities delegated to the students, parents and teachers.

Credit Recovery

PACSAE's academic program offers a credit recovery options for all students. PACSAE students have the potential to recover credits depending on how quickly courses are completed. Adult students receive personalized support from PACSAE Staff which includes weekly check-ins via email or phone, a credit recovery plan of courses the student needs to retake, encouragement, and pacing assistance to keep students on pace and moving through the courses. Teachers are available to support students in their classes by phone, email, and the virtual classroom. They provide students with recorded live sessions, tutoring, and any other support they need to be successful in their classes.

7) Plan for Students Who Are Academically High Achieving

On the occasion that a student is academically high achieving but has not completed high school, PACSAE teachers and staff will work to create a Personalized Learning Plan (PLP) that will

meet the exceptional needs of the student and prepare the student for postsecondary college and career options. When we encounter these types of students who wish to accelerate through the curriculum

and graduate early, they have an opportunity to do so with PACSAE staff and teacher approval.

8) Plan for English Learners

PACSAE will develop and implement a plan to serve English Learner (“EL”) students which addresses their needs; meets all state and federal mandates; and, which has a goal of exiting students from EL status. PACSAE will have access to an Assessment Coordinator on staff who coordinates all ELPAC testing, works with teachers to provide EL support in the general education setting as outlined in the charters EL Master Plan.

EL students who do not accelerate one level per year on the ELPAC, or a similar benchmark on the ELPAC, will be monitored and given extra targeted support services.

PACSAE will translate documents into Spanish for families for whom Spanish is the primary language, and other primary languages, as applicable. Documents including all ELPAC testing correspondence, all reclassification materials, and the Master Agreement will be translated into Spanish and other primary language, as applicable.

Identifying Students as EL

EL students are targeted for ELPAC testing when the Home Language Survey indicates that their primary home language is a language other than English.

- All students identified EL via the home language survey will be ELPAC tested at the beginning of each year.
- Parents and/or adult students will be notified of ELPAC results within 30 days from when Charter School receives the testing results.
- All PACSAE students are in an English Language Mainstream academic program with an EL Support Course. The mainstream curriculum is taught by CLAD certified teachers and includes vocabulary, visual, and thematic based support. EL students are accommodated within this curriculum by providing multiple opportunities to demonstrate mastery on all assessments, including writing assignments.

Criteria for Reclassifying (RFEP) EL students

The following criteria are used in tandem to determine reclassification:

- Minimum ELPAC Overall Score of 4
- Minimum ELPAC Oral Language Score of 4
- Minimum ELPAC Written Language Score of 3
- Teacher Evaluation
- Parent Approval
- Smarter Balanced and/or Local Assessments can also be used in determining student readiness for reclassification

EL Support Class

The EL support class will cover the state EL Content Standards and focus on building skills in

academic vocabulary and reading/writing across the curriculum. Students will receive elective credit for the course. The course aids EL students by providing scaffolding to build skills in academic reading and writing in all content area courses. Students will be placed in the course based on their status as an EL student until they have been reclassified. English Language core courses are chosen based on academic level and elective courses are chosen based on student interest and need (i.e. the EL support course).

- All units include vocabulary and grammar building components and targeted reading/writing strategies across content areas.
- Each individual unit is centered around a specific theme and a specific reading/writing strategy.
- EL students will be monitored every quarter relative to performance in the EL support class and progress in all academic courses. The Assessment Coordinator will conference with core and support teachers on an ongoing basis (quarterly).
- All EL students will be contacted bi-weekly for check-in and progress monitoring.
- Parents and/or guardians will be included in all correspondence regarding student progress (if applicable).

9) Plan for Special Education

PACSAE will provide a rigorous curriculum for all students. PACSAE understands that the school will have the obligation to serve students with exceptional needs and that the school, pursuant to applicable state and federal law, must ensure that all of its students have access to a free and appropriate public education in the least restrictive environment.

PACSAE is a current member of the Sonoma County Charter Special Education Local Plan Area (SELPA). A change in LEA status or SELPA membership shall not require a material revision of this charter.

PACSAE anticipates enrolling students with IEPs or enrolling students who may require testing for appropriate placement and possible services. PACSAE will work proactively and cooperatively with families, the teaching staff, and the District to adhere to state and federal mandates in servicing Special Education students including, but not limited to: testing; creating and updating IEPs; special services as provided by outside providers or by the District, etc. We will also ensure that:

- We employ admissions and enrollment practices that are non-discriminatory toward students with IEPs.
- Special needs students are under the guidance of and receive support from the schools Special Education Case Managers.
- Special Education Case Managers are ensuring that the staff working with students with IEPs are trained in how to fulfill the requirements of the IEPs and in how to best academically support Special Education students in their classes.
- In working with Special Education students, our school is the least restrictive environment and most appropriate placement for the student as dictated by law.
- PACSAE requests and obtains student's cumulative files and other documents in a timely fashion.
- We review student assessment data, including but not limited to state-mandated testing, to identify students who may be falling behind expectations in their academic progress and in need of additional support or services.

Referral and Assessment

PACSAE adult students who are referred for Special Education testing after admission to the program will be tested using appropriate assessments by PACSAE Special Education Case Managers. Students identified after testing as qualifying for services will receive special education and/or related services under the terms of applicable special education law and as specified by the resulting Individualized Education Program (“IEP”). The services may or may not be supplied directly by PACSAE staff dependent on student needs, the terms of a Memorandum of Understanding (“MOU”) between PACSAE and the District if any, and /or the availability of services which may be provided by outside vendors. If this assessment identifies that the student has exceptional needs and requires special education and/or related services under the terms of applicable special education law, PACSAE will convene and conduct IEP team meetings.

Individualized Education Programs and Service Delivery

PACSAE will plan and conduct the IEP team meetings and processes and will designate staffing and other resources needed to implement the special education and related services called for by the IEP. Adult student progress toward the goals specified in the IEP would be monitored regularly, and formally reviewed by the IEP team on at least an annual basis. Resource specialists will help PACSAE teachers tailor their instruction to ensure that the needs of all Special Education students are being met.

Curriculum may be adapted to meet the IEP in the following ways:

- Students may be given an extra attempt on quizzes and tests.
- Students may be able to review quiz questions only (not topic tests).
- Students have access to enotes to use during quizzes and tests.
- Students may have the text to speech option.
- If they are in credit recovery, students may pass with a 60% not a 70% on the pretest.

Accommodations for students with IEPs and 504s may include:

- Record all live sessions
- Simplify/Clarify assignment and test instructions
- Reset tests and quizzes
- Extended time for the completion of assignments, tests and quizzes
- Excuse redundant course assignments
- Provide step by step breakdown of how to complete complex assignments
- Allow resubmission of assignments, tests and quizzes to receive full credit
- Use of notes during assignments, tests, quizzes and/or final exams
- Use of a calculator during assignments, tests, quizzes and final exams
- Shortening of assignments as long as content meets rubric guidelines
- Provide study guides for final exams
- Provide content or essay outlines, webbing strategies when appropriate
- Provide organizational and instructional strategies when appropriate
- Scaffolding
- Concept mapping

- Checklists

- Multi-media access (video, audio, text)

Due Process

In the event of a due process claim to enforce provisions of applicable special education law, PACSAE is committed to working in cooperation with the District to the maximum extent permitted under law to respond to and defend the Charter School and the District in the process.

PACSAE will provide a rigorous curriculum for all adult students. PACSAE understands that the school will have the obligation to serve students with exceptional needs and that the school, pursuant to applicable state and federal law, must ensure that all of its students have access to a free and appropriate public education in the least restrictive environment.

PACSAE intends to elect LEA status and work through Sonoma County Charter Special Education Plan (SELPA) for the funding and provision of special education programs and services.

Section 504 /ADA

PACSAE shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of PACSAE shall be accessible for all students with disabilities in accordance with the ADA.

PACSAE 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 PACSAE. Any adult student who has an objectively identified disability which substantially limits a major life activity, such as learning, is eligible for accommodation by PACSAE.

A 504 team will be assembled as needed by the Program Director and will include 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, those evaluations may be used to help determine eligibility under Section 504. The student evaluation will be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education.

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

- a) Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- b) Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a

single general intelligence quotient.

- c) 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 notice given in writing to the parent or guardian of the student (if applicable) 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 will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team will be responsible for determining what, if any, accommodations 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 PACSAE professional staff. The parents/guardian or adult student shall be invited to participate in 504 team meetings where program modifications for the student will be determined and they will be given an opportunity to examine in advance all relevant records. The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the regular PACSAE program along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

All 504 team participants, parents, and guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The PACSAE Director 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.

Summary

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

In coordination with the Sonoma County Charter Special Education Plan, PACSAE intends to function as an LEA for purposes of providing special education and related services under the IDEA and in accordance with Education Code Section 47641(a).

ELEMENT 2: MEASURABLE STUDENT OUTCOMES

Governing Law: The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the 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. – California Education Code Section 47605(c)(5)(B).

Local Control Accountability Plan (“LCAP”)

PACSAE will produce a Local Control Accountability Plan (“LCAP”)/ Annual Update using the LCAP template adopted by the State Board of Education, with clearly defined goals, actions, and measurable outcomes, both school-wide and for each subgroup of pupils, pursuant to Education Code Sections 47605(c)(5)(A)(ii) and 47605(c)(5)(B), and aligned with the eight state priorities as described in Education Code Section 52060(d). The most recent LCAP is available on PACSAE’s website, and we are happy to provide the District a copy upon request. PACSAE shall annually update the LCAP, including the goals, annual actions and measurable outcomes identified therein and summarized below.

PACSAE’s Board of Directors shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or annual update. The agenda for the public hearing will be posted at least 72 hours before the public hearing, and the LCAP or annual update will be made available for public inspection at each site operated by PACSAE. PACSAE shall submit the LCAP to the District and the County Superintendent of Schools on or before July 1 each year, 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 PACSAE at the school site.

Measurable Pupil Outcomes (LCAP Goals)

Whether adult students are low achieving, high achieving, special education, or require English language development, an adult student’s progress toward expected outcomes depends on a continual monitoring of individual student growth. PACSAE will pursue the pupil outcomes, as measured by multiple and varied benchmark assessments (as detailed below), that are aligned to state content standards, matched with the state and federal accountability systems, and reflect proficiency measures required by the CAASPP system.

The petitioners believe that both student performance metrics and school performance metrics are indicators of how well students have developed the qualities and abilities we seek to instill. These include high levels of engagement, and the ability to take charge of their own learning by taking advantage of the program’s flexibility and diverse paths to content mastery.

The petitioners have therefore set frequent and measurable goals for both student and school achievement, and the charter school will systematically track these metrics to gauge performance and progress. The LCAP goals will include the following:

1. Raise student academic performance for students in 9-12th grades:
 - a. Maintain or increase grade level proficiency in core content areas for all students by providing resources to allow them to access and master grade level California Academic Standards. Core content areas refer to courses in English Language Arts (ELA), math, history and science. A student is proficient when they perform at grade level on formative as well as state assessments which include CAASPP and/or the Smarter Balanced Assessment.
 - b. Subgroups:
 - i. Increase the percentage of students with disabilities that are considered proficient in ELA/math CAASPP each year.
 - ii. Increase the percentage of unduplicated count students that are considered proficient in ELA/math CAASPP each year.
2. Maintain a high rate of ADA or increase ADA by 2% each school year until reaching 82.5% or above.
3. Increase graduation rate each year.
4. Strive for a low expulsion rate.
5. Clearly involve parents of minor children, adult learners, and community members in decision making at the program and charter levels. Provide connections between the community and school so as to foster investment in education and provide meaningful transparent communication with all stakeholders. Ensure that parents, adult students, and teachers feel that our charter school program creates a safe, positive environment for our students to learn.
6. Ensure that secondary students are on-track to graduate from high school, are college and career ready, and students experience academic progress and success.
7. Ensure students have access to materials and/or learning experiences that are aligned to the California Academic Standards and to a safe, secure and aesthetically pleasing learning environment.
8. Maintain the appropriate assignment of teachers who are fully credentialed in the subject areas of the pupils they are teaching.

High School Graduation Requirements

PACSAE's graduation requirements meet California Education Code requirements. The curriculum is aligned to California Academic Standards.

PACSAE will configure its minimum course completion requirements and its credit award policy to be consistent with California Law. PACSAE will prescribe completion of the following, at a minimum:

- Three courses in English (English I, II, III)
- Two courses in Mathematics, with one year of Algebra I mandatory *
- Two courses in Science including Biological and Physical Sciences
- Three courses in Social Studies (including United States history and geography;

world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics)

- One course in Visual or Performing Arts or Foreign Language **
- Two courses in Physical Education, unless the pupil has been exempted pursuant to the provisions of *Education Code* Section 51241

* At least one course of the mathematics requirement shall be fulfilled, pursuant to Education Code Section 51224.5, by completion of Algebra I coursework.

** Students will be advised that for UC entrance, two years of Foreign Language are required/ three recommended, plus one year of Visual and Performing Arts, and four years of English.

Credit and Graduation Requirements

PACSAE offers two unique dropout recovery options that target at-promise, credit deficient, out of school, and/or out of work students. The first option is the Traditional High School Diploma for students ages 16+. The second option is the Adult High School Diploma for students between ages 18+. Both options provide instruction exclusively in partnership with our WIOA partners, as contemplated by Education Code Section 47612.1(a)(1).

For students who choose the Traditional High School Diploma program, the required credits will be 210 to graduate, in accordance with Education Code Section 51225.3. PACSAE awards 5 credits per course. Students are eligible for a diploma when all requirements have been met. Diploma requirements are as follows:

Traditional High School Diploma	Credits
<i>Required:</i>	
English	40
Mathematics	20
World History	10
U.S. History	10
American Government	5
Economics	5
Life Science	10
Physical Science	10
Foreign Language or	
Visual/Performing Arts	10
Physical Education	20
Electives	70
Total Credits	210

For students who choose the Adult High School Diploma program, the required credits will be 130 to graduate, in accordance with Education Code Section 51225.3. PACSAE awards 5 credits per course. Students are eligible for a diploma when all requirements have been met. Diploma requirements are as follows:

Adult High School Diploma	Credits
<i>Required:</i>	
English	30
Mathematics	20
World History	10
U.S. History	10
American Government	5
Economics	5
Life Science	10
Physical Science	10
Physical Education	20
Electives	10
Total Credits	130

School-Wide Goals

In addition to being accountable to the state accountability system, PACSAE will pursue the following school-wide goals:

- Ensure students make progress on the pupil outcomes listed above and overall student and school performance as evidenced by the following measures:
 1. A semester course completion rate of 80% or higher
 2. A Course On-Pace Rate of at least 80% or higher (i.e., students not more than 3 weeks behind)
 3. A student retention rate of at least 80%
 4. A student graduation rate of at least 90% of students eligible to graduate
- Ensure student improvement on standardized tests, including the CAASPP, and other appropriate school-based assessments, including increased achievement over time for significant subgroups.
- Strive for positive student satisfaction as a measure of school performance, including satisfaction with PACSAE’s program approach. Indicators of student satisfaction may include: increased enrollment and continued enrollment, academic achievement and ability to meet educational goals, and active engagement in the curriculum.
- Students will have an option to go above and beyond the required number of units for

graduation and explore CTE pathways. To be a pathway completer, students must complete 300 hours of coursework in at least one concentrator and one capstone course in the same pathway. Students who wish to complete this pathway will increase the graduation requirement to 150 credits, to meet all of the same requirements as the High School Diploma track, plus the 20 credits of CTE electives.

ELEMENT 3: OUTCOME MEASUREMENT

Governing Law: The method by which pupil progress in meeting those pupil outcomes is 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.
– California Education Code Section 47605(c)(5)(C).

1) Methods of Assessment

PACSAE, like other charter and non-charter public schools, will adhere to the tenets of the state accountability system. Using testing data, PACSAE will discern which numerically significant subgroups are not achieving growth target goals. Students identified as needing support to achieve proficient or advanced levels of achievement on standardized tests will receive additional individualized assistance, and, where appropriate, tutoring, remedial instruction, and other intensive interventions. Teachers have much discretion and, based on school policy and procedure, can adapt assessments and assignments to meet the needs of individuals or school populations. Students participate in both formative and summative assessments.

Academic performance is assessed through graded lesson assignments, unit and module assignments, unit tests, course final exams, and annual statewide testing to include grade-specific CAASPP for all students. Annual ELPAC assessment will reviewed for designated EL students and annual progress towards IEP goals will be analyzed and updated SPED students.

Grades

Assignment grades and course averages can be accessed through the teacher. Feedback on assignments can be accessed through in-person meetings, or virtually. Adult students with questions about grades, averages, or course progress should contact the teacher. PACSAE will use a traditional 4.0 scale in determining Grade Point Average (GPA). College courses taken for high school credit may be weighted and used on a 5.0 grading scale, if approval of the Program Director is granted prior to the start of coursework. Transfer credits may be weighted if the courses meet the established PACSAE guidelines.

Both weighted and unweighted GPAs will be recorded on the transcript. High school GPAs are calculated separately.

Percentage Grade for GPA

90–100%	A	4.0
80–89%	B	3.0
70–79%	C	2.0
60–69%	D	1.0
0–59%	F	.0

Credit is granted only for courses that earn a D, or 60% out of a possible 100%. All credits earned at PACSAE are transferable to other public high schools.

Repeating a Course

Courses that may be repeated for credit will be listed in the course description (e.g. PE). Courses in which grades of a D/F are earned may be repeated. The highest grade will be used in the GPA calculation. UC only allows a course to be repeated one time for grade replacement.

Transfer Credits

Transfer credits are awarded on a case-by-case basis. Official transcripts are required in order to award credit. Transcript analysis may require research and contact with previous institutions to determine eligibility of transfer credits. International records may require translation and/or evaluation prior to being considered for transfer credits.

The Student Handbook will include information regarding transferability of credits to other high schools and to meet eligibility of credits to meet college entrance requirements.

Transcripts

Official transcripts should be requested from the student's PACSAE Staff at least two weeks prior to deadlines.

Grade Level

High School students are assigned a grade level based on the year of 9th grade entry. Regardless of credit deficiency, adult students will be promoted to the next grade and given an opportunity to remediate credits in hopes that the student will graduate with his or her cohort. In the event that a student does not graduate with their cohort, PACSAE will provide the adult learner with an opportunity to continue their education, as long as they are continuously enrolled in public school and making satisfactory progress towards a diploma, per Education Code Section 47612(b). Students who are over 19 will be enrolled per Education Code in their graduation cohort as well.

2) Use and Reporting of Data

Collecting, Analyzing, and Utilizing Data

The charter school will rely on the robust data collection and reporting abilities inherent in the SIS interface. The web-based SIS stores comprehensive data about students, instructors, courses, applications, and enrollments in a single database, enabling educators to quickly retrieve information and create custom reports. All charter school faculty will have access to reports that detail students' progress and challenges and can take advantage of a variety of automated interventions to help keep students on track.

Another important feature of online platforms includes exam statistics tools that enable instructors to evaluate and modify assessment design based on an analysis of student scores. The online program's faculty also uses these data-driven protocols to analyze performance, modify instructional practices, and deploy interventions such as:

- Frequent feedback, ongoing assessment, and pace tracking that allows students, parents, and

Instructional Team members to constantly monitor performance and progress and immediately see when adjustments/interventions are needed.

- Team analysis and revisions/adjustments to curriculum and instruction based on student needs through professional learning community groups using disaggregated data.
- Multiple academic intervention strategies including continuous positive feedback, grade checks, academic advisement conferences, and individualized pace recovery plans.

These data, mechanisms, and intervention procedures are then used by teachers to assess each adult student's needs and deploy appropriate modifications. Instructors adjust and enhance course content with a variety of student assignments, projects, and assessments, each created to address different learning styles, levels of challenge, or student needs.

As teachers deepen and broaden their understanding of each adult learner's knowledge and skill level, they have a number of ways of adapting and shaping instruction to meet individual needs. Activities and quizzes at the lesson level give teachers a surface understanding of student comfort with and understanding of lesson material. Teacher-scored performance tasks at the unit and semester level provide teachers with a deeper and clearer picture of student understanding and abilities. Performance tasks are provided at a variety of ability and skill levels, to give students a number of different ways of demonstrating their understanding.

Reporting Data to Stakeholders

Adult students and/or parents/guardians can receive updates on a daily basis by logging onto the student or parent dashboard through the portal on the website as described earlier, or by contact with the teacher. The dashboard gives them access to the gradebooks, lets them know about upcoming and past due assignments, alerts them to upcoming quizzes and tests, displays current announcements and displays all current class loads with a link to each class. All of this on one page that has live links to individual classes as well as the classroom tools described throughout this document.

Student scores on statewide assessments will be mailed to home, along with interpretive guidance from the school's Assessment Coordinator, based on CDE guidance. Like other public schools, PACSAE's annual performance will be shared with the community via the state's school report card system that reports academic performance, which is then published and freely available online at the California Department of Education website.

ELEMENT 4: GOVERNANCE STRUCTURE

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

The petitioners believe that establishing sound legal status and governance practices with clearly delineated roles and responsibilities from the outset is essential to sustaining the program for long- term success. Pathways Academy Charter School - Adult Education (PACSAE) is a charter school operated by Pathways Academy Adult Education (PAAE), a California nonprofit public benefit corporation, as provided in Education Code Section 47604.

As a California nonprofit public benefit corporation, PAAE has received its tax-exempt status from the Internal Revenue Service pursuant to Internal Revenue Code Section 501(c)(3) and the California Franchise Tax Board pursuant to Revenue and Taxation Code Section 23701d, and related regulations. See Exhibits C and D for copies of the filed and approved Articles of Incorporation and nonprofit tax-exempt status documentation.

PAAE is governed by a set of mission-driven policies and procedures to help staff and administrators perform their daily responsibilities with a focus on the Charter School's mission. The Charter School's bylaws, adopted by the PAAE governing board, are the primary policy document dictating board practice and operations. The bylaws delineate the procedure for election, removal and vacancy of PAAE governing board members, and policies and procedures for conducting board meetings and general board operations.

Governance Structure

PAAE's governance responsibilities are primarily divided between the governing board and the Charter School's CEO. The CEO and faculty will carry out the day-to-day operations of the Charter School, with the CEO having primary responsibility to conduct and manage the daily operations. The PAAE governing board sets policy, approves the budget, and assures that the school maintains high academic standards. The PAAE governing board has ultimate responsibility to oversee the operation and activities of the Charter School.

The PAAE governing board's major roles and responsibilities include:

1. Establishing and approving all major educational and operational policies.
2. Approving all major contracts.
3. Approving the Charter School's annual budget and overseeing the Charter School's fiscal affairs.
4. Hearing expulsion recommendations at scheduled PAAE governing board meetings to meet the 30-day timeframe for expulsion requirements.
5. Evaluating the Charter School's CEO, who is responsible for managing the day-to-day operations of PACSAE and implementing the policy direction of the board.
6. Developing annual goals for the Charter School and long-range plans with input from the CEO, teachers, and parent advisory committee members.
7. Receiving reports from, and providing recommendations to, the CEO and staff, parents and students.

8. Assessing PACSAE's goals, objectives, academic achievements/student progress, financial status, and any need for redirection.
9. Evaluating school and student performance.

The PAAE governing board is responsible for the accountability requirements established by the California Charter Schools Act and the Charter itself. One of the PAAE governing board's primary responsibilities is to ensure that PACSAE is meeting annual accountability targets. The PAAE governing board will routinely evaluate the academic, financial, and legal/compliance health of the Charter School and update the District on its progress toward goals outlined in the Local Control Accountability Plan (LCAP).

The PAAE governing board's objective is to develop an accountability plan (LCAP) that demonstrates measurable annual progress toward meeting the Charter School's high standards for pupil success, and to oversee the implementation of that plan by the Charter School's CEO.

Appointment Process for Board Members

The PAAE governing board members are chosen using the following methodology, as further defined in the PAAE's bylaws. There will be nominations of candidates each spring for board members' seats whose terms are expiring. New candidates will submit a brief narrative statement regarding their qualifications for a position on the PAAE governing board that includes a description of their expertise in matters pertaining to the charter school's operations and their demonstrated commitment to PACSAE's mission and targeted student population.

The then-seated PAAE governing board will review candidates' narrative statements and determine the selection of representatives from the general community with an attempt to achieve the desired commitment level and the mix of skills and expertise necessary to effectively govern the Charter School. Then-seated PAAE governing board members will vote to select new board members. Pursuant to Education Code Section 47604(b), the District may appoint a representative to the Board of Directors if it so desires.

Terms for Board Members

Filling Vacancies

Events Causing a Vacancy

A vacancy on the PAAE governing board may occur for any of the following events:

- a. The death of an incumbent
- b. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term
- c. A Board Member's resignation

A vacancy resulting from resignation occurs when the written resignation is filed with the Executive Director, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days.

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

- a. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive meetings.
- b. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office.

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

- a. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below (Education Code 5091).
- b. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action (Education Code 5093).
- c. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the terms of the position which he/she was elected to fill (Education Code 5093).

Board Meetings

The Board of Directors will meet in accordance with the Brown Act and any other applicable requirements set forth in Education Code Section 47604.1, including without limitation the location of board meetings and establishing a two-way teleconference location at each schoolsite or resource center if any are utilized.

PACSAE will ensure that Board meeting agendas are posted at the meeting location (and in other publicly accessible locations if applicable) in accordance with the Brown Act, including an online posting of the current agenda on its primary website homepage accessible through a prominent, direct link consistent with Government Code Section 54954.2.

As long as quorum exists as defined by the corporate bylaws, measures voted on by the Board of Directors may be passed with a simple majority of present members.

Board Training and Sustainability

PACSAE founders and board members are committed to continuous improvement and ongoing training to assist the PAAE governing board in fulfilling its responsibilities to act as stewards for the charter school. To this end, the PAAE board will seek appropriate training and educational opportunities to more effectively govern PACSAE's operations. Such training experiences may include individual training sessions with legal counsel or other experts familiar with public school governance, and/or training sessions with charter school governance experts. The Charter School will maintain in effect general liability and board errors and omissions insurance policies.

Parental Involvement

PACSAE believes that active adult students, parents, and employee participation in Charter School operations and governance helps foster a public school's long-term sustainability as a successful program. PACSAE will encourage parent involvement of minor students and will ensure that all faculty practice open communication to enable every parent of minor children to take an active role in the academic progress of their enrolled child as well as in the direction and governance of the Charter School.

In accordance with Education Code Section 47605(n), PACSAE shall notify the parents and guardians of applicants and enrolled students that parental involvement is not a requirement for acceptance to or continued enrollment in the Charter School.

Because PACSAE's target audience is students who are out of school youth, many will be 18 years of age or older, and may not have an active parent participant in their education. For those who are minors, or those adult students who choose to have parents participate, PACSAE will engage parents in meaningful interactions that support the learning of these students. Adult students who do not have parent/guardian involvement will receive correspondence and direction from teachers and staff to make decisions themselves. As part of the educational model, teachers and staff will serve as mentors and role models to students, encouraging them to pursue a path that will further their career and educational aspirations.

PACSAE may establish an Advisory Board which would be chaired by the PACSAE CEO or

designee, and may comprise of students, parents, certificated and classified staff. The Advisory Board would play an important role in making PACSAE a school responsive to student, staff, and parents' needs, and provide for continual improvement. The Advisory Board would meet regularly and function to address and make recommendations to the PAAE governing board regarding specific areas of school operations. Those areas may include:

1. Curriculum/Instruction/Assessment
2. Mentoring/Internship Development
3. Extracurricular Programs/Activities
4. School Program Development
5. Fundraising and Development

The PACSAE academic model requires frequent outreach to parents and easy accessibility to faculty. Adult students and/or parents/guardians will have at least monthly contact with their student's academic team. Parents and adult students may be surveyed at least once a year to determine their satisfaction levels with the Charter School with respect to open governance, curriculum, instructional design and delivery methods, achievement of performance objectives, and other metrics that factor into the Charter School's governance and accountability.

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

The forum for major PACSAE school decisions will be public meetings of the Board of Directors. PACSAE will post all Board agendas on its website so parents, guardians, caregivers, and students will have the opportunity to share concerns and provide written and oral testimony regarding decisions pending before the Board. PACSAE will encourage parents, guardians, and caregivers and students to form an association and if there is sufficient interest, can provide a bulletin board on the school website to accommodate a Parent/Teacher Association-type entity. Adult students will be encouraged to join and represent themselves and their school.

ELEMENT 5: EMPLOYEE QUALIFICATIONS

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

All administrators, faculty, and staff members to be employed by PACSAE must possess the qualifications, knowledge base, and experience essential to successfully fulfill their responsibilities. PACSAE will ensure that all required legal qualifications, including compliance with the requirements of the Every Student Succeeds Act, are met for teachers, staff, paraprofessionals and other administrative employees of the Charter School. Each certificated employee at the Charter School will meet the state licensing requirements for the position that he/she holds. For all positions, certificated and non-certificated, the employee, at minimum needs to satisfactorily meet the performance specifications PACSAE requires for the position, as outlined below, and must possess the qualifications required to perform the essential functions of the position, as determined by the PAAE governing board and CEO.

Hiring Plan

PACSAE seeks to hire a diverse faculty composed of highly effective teachers, and highly skilled professionals who express an understanding of and support for our mission and student population. We will achieve this goal by recruiting and compensating our faculty and staff based on their ability to meet the needs of our program as outlined in our hiring and evaluation rubric. The rubric will contain qualifications and criteria directly aligned to the qualities we believe are essential for effective teaching and learning within the PACSAE program, as outlined in Element I of this charter petition.

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

Employing a highly effective faculty and staff is critical to our program. The PACSAE founding team has extensive experience working with highly effective faculty. This charter petition has been signed by a number of certificated teachers that we believe would be a good match for our program. In addition to the signatories on our charter petition, PACSAE will recruit certificated personnel from regional and national graduate schools of education, professional publications, and through our website.

Faculty and Staff Qualifications

PACSAE has a highly specified set of qualities it will require of its teaching faculty. Pursuant to the Every Student Succeeds Act, all teachers and paraprofessionals will meet applicable state certification and licensure requirements. Teachers will meet the credentialing requirements of Education Code Sections 47605(1) and 47605.4.

PACSAE teachers will be required to hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents

shall be maintained on file at PACSAE. PACSAE may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. PACSAE shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

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

Typical activities may include:

- Assist PACSAE staff with development of the annual strategic process for the respective department.
- Grade student work as prescribed by PACSAE's grading policy, and provide feedback on graded assignments, in which students are encouraged to be actively engaged in the learning process.
- Contribute to a climate where students are "actively engaged" in meaningful learning experiences.
- Work with administration and other PACSAE instructors to produce learning experiences suited to the grade level and to the student developmental level that will enhance student achievement.
- Communicate with adult students and families as prescribed by PACSAE's communication policy, and update communications in communication log on a daily basis.
- Update student attendance day of and maintain records of student attendance.
- Use effective written communication skills with students on a regular basis.
- Model professional and ethical standards when dealing with students, parents and community.
- Review contemporary educational literature to remain current with information related to job responsibility.
- Respond promptly (within same day or 24 hours) when returning telephone calls and replying to correspondence, emails, instant messages, and faxes.
- Meet established deadlines.
- Conform with and abide by PACSAE's work procedures and instructions, and PACSAE regulations and policies.
- Update announcements in courses weekly.
- Attend IEP meetings and complete necessary documentation.
- When requested, participate in student and parent/guardian conferences.
- Participate in committees and organizations as needed.
- Maintain effective and efficient records.
- Maintain a daily product record of tasks completed, including communication with students and grading.
- Implement curriculum using activities that contribute to a climate where students are actively engaged in meaningful learning experiences and be available to assist students in- person or via phone, email and instant message.
- Identify, select, and modify instructional resources to meet the need of students with varying backgrounds, learning styles, and special needs.
- Communicate with stakeholders in a courteous, timely and professional manner.
- Approach situations with a student-centered attitude and flexibility that promotes student success.
- Participate in Professional Development opportunities.

Administrative and Non-Instructional Staff

PACSAE will seek administrative and operational staff members who have demonstrated experience or expertise in the issues and work tasks required of them. They will be provided professional development opportunities to ensure that they remain abreast of all relevant changes in laws appropriate for their position within PACSAE as outlined in the PACSAE's staffing plan and adopted personnel policies.

General Requirements, Hiring and Performance Review

Prior to employment and within thirty (30) days of hiring, each employee will submit to a criminal background check as required by Education Code Sections 44237 and 45125.1. Prior to beginning work, all employees will be required to undergo a criminal background check prior to hiring through a LiveScan fingerprint process. These services will occur where the LiveScan service is offered, which may be located at district, county or local college facilities. PACSAE will adhere to California laws including fingerprinting, drug testing, and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony.

All employees, and any volunteer who may have frequent or prolonged contact with students, must undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, or otherwise meet the requirements of Education Code Section 49406. Employees must also furnish proof of documents establishing legal employment status. The CEO and/or administrative designees will be responsible for monitoring and maintaining documentation of medical and criminal investigation clearances, as required by California and federal laws.

The CEO will have the authority to recruit and interview candidates and make hiring recommendations to the PAAE governing board for approval.

The CEO and Program Director will have the responsibility of evaluating the performance of the teaching and administrative staff on an annual basis, and to review the results of the performance reviews with the PAAE governing board. The PAAE governing board has the right, if it so chooses, to review these performance reviews before they are delivered to the staff members.

The CEO, with input from the PAAE governing board, will determine the criteria by which to judge the performance of employees prior to conducting a formal performance review. These criteria will be tied directly to PACSAE's educational program goals and will utilize a performance review rubric. The rubric will, among other criteria, be used to tie job reviews to relevant performance areas such as delineated in individual job descriptions, Charter School and individual smart goals, and, in some instances, student performance as measured by criteria listed earlier in this charter.

The PAAE governing board will create the job and performance review of the CEO. The CEO's performance will be annually reviewed based on Charter School and student success as reflected in a predefined set of performance criteria.

Professional Development for Instructional Staff

PACSAE is committed to the ongoing improvement of its staff. Professional Development Conferences (ex. CCSA, CSDC, ACSA) will be attended each year to keep up to date and be informed on current educational trends. We hold virtual and face-to-face in person meetings to cover topics such as Human Resources, Special Education, student achievement, legal trends and other educationally and pertinent topics.

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

Onboarding:

- Understanding the Independent Study experience
- Working within the Student Management System
- Communicating with students
- Understanding and using online and home school metrics
- Motivating students and meeting the special needs of students
- Monitoring and guiding student pacing
- Managing the protocols of Independent Study: student meetings, contact histories, grading
- Technology tools for effective teaching

Mentoring:

- During their first year, teachers are partnered with experienced educators.
- During their first year in teaching, teachers new to the profession may participate in the Beginning Teacher Support and Assessment (BTSA) program.

Continuing education:

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

Individual Professional Development Plans

Additionally, all full-time Charter School staff members are required to develop annual goals that identify areas of development that will lead to professional growth and improved instruction. This plan will be developed in conjunction with the Program Director/immediate supervisor overseeing the employee's job review. Some areas of growth might include:

- Serving on a recognized PACSAE committee
- Serving as a mentor for new Charter School staff
- Presenting at a Charter School mini-professional development opportunity
- Measurable implementation of selected best practices methodology that will be employed to improve support for student success.

PACSAE will also allot monies every year to support individual professional development activities. Requests for those funds should be submitted to the CEO.

Authority and Responsibility

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

ELEMENT 6: HEALTH & SAFETY POLICIES

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

Prior to commencing instruction, PACSAE will adopt and implement a comprehensive set of health, safety, and risk management policies. In general, health and safety matters will be dealt with in accordance with these PACSAE policies. These policies will be developed in consultation with the Charter School's insurance carriers and at a minimum will address the topics discussed below. These policies and procedures will be incorporated as appropriate into the Charter School's student and staff handbooks and will be reviewed on an ongoing basis in the Charter School's staff development efforts and PAAE governing board policies.

Immunizations and Criminal Background Checks

PACSAE shall comply with all applicable provisions of Education Code Sections 44237 and 45125.1, including the requirement that as a condition of and prior to employment, each new employee not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. PACSAE will adhere to prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. The Program Director or designees will be responsible for monitoring and maintaining documentation of criminal investigation clearances, as required by California and federal laws.

All employees, and any volunteer who may have frequent or prolonged contact with students, will be required to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, or otherwise meet the requirements of Education Code Section 49406. Charter School shall maintain TB clearance records and certificates on file.

PACSAE shall comply with all federal and state legal requirements, including but not limited to the requirements of SB 277 (2015), related to student immunization, health examination, and health screening, including but not limited to screening for vision, hearing, and scoliosis, to the same extent as would be required if the students were attending a non-charter public school. PACSAE shall maintain student immunization, health examination, and health screening records on file.

PACSAE will comply with the Family Educational Rights and Privacy Act ("FERPA"), and immunization forms and other pertinent medical and education records will be kept confidential by the school administration. Parents are expected to ensure that their children obtain proper immunizations prior to matriculating pursuant to Health and Safety Code Section 120325 *et seq.* The school may exclude students from enrolling who are not properly immunized pursuant to Education Code Section 48216. Those parents who are having difficulty obtaining immunizations for their children will be provided information on where to get immunized in their

community.

Facilities Compliance

Because PACSAE will operate as an Independent Study program, there will be a need to ensure that when needed and to the extent practicable, partnership (i.e. WIOA, One Stop centers) facilities, as well as, administrative facilities, PACSAE will comply with federal, state, and local building codes and requirements applicable to California charter schools, including the Americans with Disabilities Act, the provision of feminine hygiene products in public school restrooms (Education Code Section 35292.6), single-user toilet facilities will be identified as all-gender toilet facilities (Health and Safety Code Section 118600), and other applicable fire, health, and structural safety requirements, and will maintain on file records documenting such compliance.

PACSAE will ensure that its offices will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined the facilities present no substantial seismic safety hazard. The Charter School will obtain all necessary permits for these offices including a building and fire marshal inspection and/or a certificate of occupancy.

Student Health

If PACSAE operates or utilizes a schoolsite or resource center, it shall stock and maintain the required number and type of emergency epinephrine auto-injectors onsite and provide training to employee volunteers in the storage and use of the epinephrine auto-injector as required by Education Code Section 49414 and Section 4119.2 of the Business and Professions Code, as they may be amended from time to time.

PACSAE will adhere to Education Code Section 49423 regarding administration of medication in school. Students will be screened for vision, hearing and scoliosis in accordance with Education Code Section 49450, *et seq.*, and as applicable to the grade levels served by PACSAE. PACSAE will ensure student receive comprehensive sexual health education and HIV prevention consistent Education Code Section 51934.

PACSAE will adopt a suicide prevention policy. The policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. The policy shall address pupil suicide prevention, intervention, and postvention. The policy shall specifically address the needs of high-risk groups, include consideration of suicide awareness and prevention training for teachers, and ensure that a school employee acts only within the authorization and scope of the employee's credential or license.

PACSAE shall notify students and parents or guardians of students no less than twice during the school year on how to initiate access to available student mental health services on campus (if any) or in the community, or both, as provided in Education Code Section 49428. PACSAE will also identify the most appropriate methods of informing students, parents, and guardians of human trafficking prevention resources and implement the identified methods, consistent with Education Code Section 49381.

PACSAE will have a policy establishing the Charter School as a drug, alcohol, and tobacco free workplace.

Blood-Borne Pathogens

PACSAE will implement policies relating to preventing contact with blood-borne pathogens. The CEO shall ensure that PACSAE meets state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The CEO 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.

Child Abuse Prevention and Reporting

PACSAE will maintain detailed policies and procedures for the immediate reporting of suspected child abuse, neglect, acts of violence, or other improprieties. Such policies will detail the role and obligation of staff in the reporting of child abuse pursuant to Penal Code Section 11164 et seq. All staff will be mandated child abuse reporters and will follow all applicable reporting laws, including Penal Code Section 11166. PACSAE shall provide all employees, and other persons working on behalf of the Charter School who are mandated reporters, with annual training on child abuse detection and reporting, which shall occur within the first six weeks of each school year, or within the first six weeks of a person's employment if employed after the beginning of the school year, in accordance with the requirements of AB 1432 (2014).

Comprehensive Harassment Policies and Procedures

PACSAE is committed to providing a school that is free from sexual harassment, as well as any harassment and discrimination based on the characteristics listed in Education Code Section 220 such as race, religion, creed, color, national origin, immigration status, ancestry, age, medical condition, marital status, sexual orientation, disability, or any other protected category. PACSAE will develop a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at PACSAE (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 PACSAE's sexual harassment policy.

Technology Safety Policies; Preventing Bullying, Including Cyberbullying

PACSAE will develop technology safety policies which address: privacy on student computers; liability for service interruptions and information; internet usage guidelines; accuracy of information; enforcement of the instructional technology policy and guidelines.

PACSAE will adopt procedures for preventing acts of bullying, including cyberbullying. PACSAE will annually make available the online training module development by the California Department of Education to certificated school site employees and all other school site employees who have regular interaction with students.

School Safety Plan

PACSAE will develop a school safety plan consistent with subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Education Code Section 32282. PACSAE will review and update the school safety plan by March 1 of every school year.

COVID-19

PACSAE shall comply with all state and federal standards for the prevention of COVID-19 for

students and staff. PACSAE will revise and update these measures as appropriate. PACSAE may implement temporary instructional or operational changes as necessary to respond to emergencies (including but not limited to fire, flood, earthquake, actual or threatened war or terrorism, civil disorder, or medical epidemics or outbreaks) and/or to comply with applicable federal, state, and local orders. These changes shall not require a material revision.

ELEMENT 7: RACIAL & ETHNIC BALANCE

Governing Law: The means by which the 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. — California Education Code Section 47605(c)(5)(G).

PACSAE will actively recruit a diverse student population from within its legally prescribed service area – WUSD, San Diego County, and throughout the state of California. Within that boundary, admission will be open to any California resident, and all students will be considered for admission without regard to race, ethnicity, national origin, gender, disability, or any other characteristic listed in Education Code Section 220 (or association with an individual who has any of those characteristics).

PACSAE will implement a student recruitment strategy that will be represented by, but is not necessarily limited to, a combination of the following elements or strategies to ensure a diverse student body and a balance of racial and ethnic pupils, special education pupils, and English learner pupils that is reflective of the general population residing within WUSD and the State of California:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- Work with our website provider to target underrepresented populations.
- The development and distribution of promotional and informational material that appeals to all of the various student groups identified above and represented in the Warner Unified School District, including materials in languages other than English to appeal to limited English proficient populations.
- Use of brochures, newsletters, TV/radio public service announcements, print and non-print media for outreach communications.
- Collaboration with community-based organizations to support outreach efforts.
- Focused recruitment of groups that may be underrepresented among PACSAE’s student population, using brochures, public meetings, and door-to-door outreach.

Because we seek a targeted student population whose families may not be reachable by traditional means, PACSAE plans to utilize direct outreach strategies such as direct mailing and community home meeting outreach efforts targeted in specific communities in the Warner Unified School District.

ELEMENT 8: ADMISSION REQUIREMENTS

Governing Law: Admissions policies and procedures, consistent with Education Code Section 47605(e). – California Education Code Section 47605(c)(5)(H).

PACSAE seeks to enroll adult students committed to a rigorous educational experience. Students and families who understand and value the Charter School's mission and will commit to the Charter School's instructional and operational philosophy will be actively recruited. Prospective adult students and their parents or guardians will be briefed regarding the Charter School's instructional and operational philosophy and will be informed of the Charter School's student-related policies.

PACSAE will admit all students who are qualified to attend.² Students 16-18 will be enrolled upon provision of required enrollment documents. Students 19+ will be enrolled according to Education Code Section 47612.1. PACSAE abides by all applicable state and federal guidelines regarding admissions and enrollment procedures, including Education Code Section 47605(e).

² Special education students may not participate in independent study unless it is specified as an instructional method in their Individualized Education Program. (Ed. Code, § 51745(c).)

Recruiting and Admissions Cycle

The Charter School will establish an annual recruiting and admissions cycle through the PACSAE website and/or distribution of brochures or pamphlets, which shall include a reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for adult students and parents,

(3) an admissions application period, (4) an admissions lottery, if necessary, and (5) enrollment. The school may fill vacancies or openings that become available after this process using a waiting list created in accordance with the admissions lottery procedures specified in this charter. Upon exhaustion of the waiting list, the school will admit additional students at any time during the school year on an open-ended basis in order to best serve the needs of students.

Timeline for Recruiting and Enrollment

The Charter School will recruit and enroll adult students from areas they are legally allowed to recruit and enroll from in accordance with Education Code Section 51747.3(b). In any year in which a random public drawing is not required because the number of applications does not exceed the Charter School's capacity, PACSAE will implement an ongoing admissions policy where students can enroll at any time during the course of the school year. Applications for admission will be accessible through the PACSAE website where an interest survey can be filled out and submitted. An admissions clerk at PACSAE will gather all interest surveys, contact the submitters and the enrollment process will begin from there.

Lottery – Public Random Drawing

If the number of applications does not exceed the capacity of the charter school there will be no lottery, and all adult students who submitted qualified applications will be enrolled. In the event that the number of students seeking admission to any grade level exceeds capacity, a lottery will be held. It will be completed by pulling slips of paper with applicants' names on them out of a container, and the drawing will be held in a public forum large enough to accommodate those who wish to attend. All eligible names will be drawn from the container and those exceeding the number of available spaces will be placed on a waiting list in the order drawn.

Pursuant to Education Code Section 47605(e)(2)(B), if the maximum number of slots in a particular grade is reached, a public lottery is held in accordance with the procedures below. Once teacher caseloads are full, a waiting list is created. Adult students that apply for enrollment after the open enrollment period has ended are placed on the waiting list in the order that applications are received. Once an adult has been enrolled as a student at PACSAE, they have the right to continue here until they have completed the highest grade we offer. Students who are currently enrolled at PACSAE must re-commit for the following school year by the end of open enrollment by submitting an Intent to Enroll Form or signing a Master Agreement.

Enrollment preferences as described in Education Code Section 47605(e)(2)(B) shall be given to the following students applying to enroll:

1. Current students and students who reside in the WUSD boundaries (exempt from the lottery);
2. Students who have siblings enrolled in the Charter School; and

3. Students who are the children of staff of the Charter School.

Admission will not be based on prior student performance or admission testing. Post matriculation, various assessments may be administered to determine the student's readiness for the grade of entrance requirements or maintenance of said grade. These instruments aid in the development of individualized learning plans for children. Adult learners who are working below grade level or need a little extra help will be encouraged to attend programs such as Track A, after school classes, and academic support classes, designed to remediate any academic deficiencies.

PACSAE will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate on the basis of race, ethnicity, national origin, gender, disability, or any other characteristic listed in Education Code Section 220 (or association with an individual who has any of those characteristics).

ELEMENT 9: INDEPENDENT FINANCIAL AUDITS

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

The PACSAE Board of Directors either directly, or through an audit committee it may form each fiscal year, shall oversee selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statements, attendance and enrollment, and accounting practices, and will review the school's internal controls. The audit will be conducted in accordance with generally accepted accounting principles and as required by Education Code Sections 47605(c)(5)(I) and 47605(m), and the selected auditor will have experience in education finance. 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.

To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars. The annual audit will be completed and submitted to the requisite parties (WUSD, the County Superintendent of Schools, the Department of Education, and the State Controller's Office) by December 15th of each year (or as otherwise required by law). The Charter School's audit committee will review any audit exceptions or deficiencies and report to the school's PAAE governing board with recommendations on how to resolve them. The PAAE governing board will report to the WUSD, and provide options regarding how the exceptions and deficiencies have been or will be resolved to the satisfaction of WUSD. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this charter.

In addition to the annual audit discussed above, PACSAE shall annually provide WUSD with the following financial reports pursuant to Education Code Section 47604.33:

- On or before July 1st, a preliminary budget. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement.
- On or before July 1st, an annual update required pursuant to Education Code Section 47606.5.
- On or before December 15th, a first interim financial report which reflects changes to the final budget through October 31st.
- On or before March 15th, a second interim financial report which reflects changes to the final budget through January 31st.
- On or before September 15th, a final unaudited financial report for the prior full fiscal year.

Performance Report

PACSAE will compile and provide to the WUSD a performance report, upon WUSD request, with a 60 days advance notice. This report may include the following data:

1. Summary data showing student progress toward the goals and outcomes specified in

Element 2 of this charter petition, as indicated by the assessment instruments and techniques listed in Element 3 of this charter petition.

2. An analysis of whether student performance is meeting the goals specified in Element 2 of this charter petition. This data will be displayed on both a school-wide basis and disaggregated by numerically significant pupil subgroups to the extent feasible without compromising student confidentiality.
3. A summary and analysis of the Charter School's performance on state-mandated assessments.
4. A summary of major decisions and policies established by the PACSAE Board of Directors during the school year.
5. Data on the level of parent involvement in the school's governance (and other aspects of the school, if applicable) and summary data from an annual parent and student satisfaction survey.
6. Data regarding the number of staff working for the charter school and their qualifications.
7. A copy of the Charter School's health and safety policies and/or a summary of any major changes to those policies during the year.
8. Information demonstrating whether the Charter School implemented the means listed in this charter petition to achieve a racially and ethnically balanced student population.
9. An overview of the Charter School's admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.
10. Analyses of the effectiveness of the Charter School's internal and external dispute resolution mechanisms and data on the number and resolution of disputes and complaints.
11. Other information regarding the educational program and the administrative, legal, and governance operations of the Charter School relative to compliance with the terms of the charter generally.
12. Suspension and expulsion data.

PACSAE and the Warner Unified School District will jointly develop the content, evaluation criteria, timelines, and process for the annual performance reports. PACSAE and WUSD will also jointly develop at a minimum, a site visitation process and protocol to enable WUSD to gather information needed to confirm the Charter School's performance and compliance with the terms of this charter. PACSAE and WUSD agree to work together to accomplish all tasks necessary to fully implement this charter, including the submission of any necessary and duly prepared waiver requests to the State Board of Education.

WUSD agrees to receive and review the annual fiscal and programmatic performance report as specified in this section. Within sixty days of receipt, WUSD will notify PACSAE as to whether it deems the Charter School to be making satisfactory progress toward the goals specified in the charter. This notification will include the specific reasons for WUSD's conclusions. If WUSD concludes the Charter School is not making satisfactory progress the school shall be provided with specifics regarding areas of concern, and PACSAE and WUSD will work together in good faith to

develop a plan to address these areas of concern.

ELEMENT 10: SUSPENSION/EXPULSION PROCESS

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 his or her 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 schooldays 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 him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii). – California Education Code Section 47605(C)(5)(J).

This Pupil Suspension and Expulsion Policy has been established in order to promote learning, provide for the safety of students, staff, and visitors to PACSAE and serve the best interests of students and their parents or guardians. The establishment of this policy followed a review of procedures and listed offenses applicable to students attending non-charter public schools. Compliance with the procedures set forth in this section of this Charter shall be the only processes for PACSAE to involuntarily dismiss, remove or otherwise exclude a student who attends PACSAE from further attendance at PACSAE for any reason, including but not limited to, disciplinary causes.

An adult student identified as an individual with disabilities or for whom PACSAE has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures.

PACSAE

will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom PACSAE 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.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as PACSAE'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. PACSAE staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

PACSAE administration shall ensure that adult students and/or their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request.

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

Grounds for Suspension and Expulsion of Students

An adult student may be suspended or expelled for prohibited misconduct if the act is:

- A. related to school activity;
- B. related to school attendance occurring at PACSAE or any other school; or
- C. related to a Charter School sponsored event.

A student may be suspended or expelled for acts that are enumerated below and occur at any time including but not limited to the following:

- 1) while on school grounds;
- 2) while going to or coming from school;
- 3) during the lunch period, whether on or off the school campus;
- 4) during, or while going to or coming from a school-sponsored activity.

Enumerated Offenses

PACSAE wishes to preserve flexibility in the discipline process and pursue alternative discipline options in lieu of suspension whenever possible. However, the Charter School may proceed with expulsion of a student for any of the offenses included on the Discretionary list below committed at

a charter school site or at a charter school activity off school grounds unless otherwise stated.

A. Discretionary Suspension and Recommendation for Expulsion Offenses

Adult students may be suspended from school or recommended for expulsion for any of the following acts when it is determined the pupil:

- a) Either:
 - 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - 2) Willfully used force or violence upon the person of another, except in self-defense.
 - 3) Assault or battery (Penal Code section 240 and 242).
- b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.
- c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. A pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a

witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in, hazing. For 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, that 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 subdivision, "hazing" does not include athletic events or school-sanctioned events.
- r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - i) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - (1) Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - (2) Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - (3) Causing a reasonable student to experience substantial interference with his or her academic performance.
 - (4) Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by PACSAE.
 - ii) "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:
 - (1) A message, text, sound, video, or image.
 - (2) 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 (I) 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.

- (1) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (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.
- (2) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

iv) Notwithstanding the 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.

v) "Reasonable pupil" for purposes of this subsection means a pupil, including, but not limited to, an exceptional needs pupil, 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 his or her exceptional needs.

s) 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, pursuant to this section, 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 suspension.

t) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

u) For a pupil subject to discipline under this section, the Program Director may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior.

v) In addition to the reasons specified above, a pupil may be suspended from school or recommended for expulsion from school if the Program Director or Designee determines that the pupil has committed sexual harassment as defined in Ed. 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 not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

w) In addition to the reasons set forth above, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion from school if the Program Director

or Designee determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Education Code section 233.

x) In addition to the grounds specified above, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion from school if the Program Director or Designee determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

y) In addition to the grounds specified above, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

1) For the 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 district property, or the personal property of the person threatened or his or her immediate family.

z) Causing serious physical injury to another person, except in self-defense.

aa) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

B. Immediate Suspension and Mandatory Recommendation for Expulsion Offenses

- 1) Possessing, selling, or furnishing a firearm, as defined below. E.C. 48915(c)(1)
- 2) Brandishing a knife¹ at another person. E.C. 48915(c)(2)
- 3) Unlawfully selling a controlled substance listed in Health and Safety Code section 11053 et seq. E.C. 48915(c)(3)
- 4) Committing or attempting to commit a sexual assault or committing a sexual battery, as defined in the enumerated offenses above. E.C. 48915(c)(4)
- 5) Possession of an explosive². E.C. 48915(c)(5)

¹As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

²As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

C. Suspension Procedure

The following suspension procedures shall be followed:

1. Suspensions for violations of the offenses listed in the "Discretionary Suspension and Recommendation for Expulsion Offenses" stated herein shall be for no more than five consecutive days.
2. The total number of days for which a pupil may be suspended from school shall not exceed twenty (20) schooldays.

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded by an informal conference conducted by the Program Director or Designee with the adult student and, whenever practical, his or her parent and the teacher, supervisor or PACSAE employee who referred the student to the Program Director or Designee.

For suspensions of fewer than 10 days, the charter school shall 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 his or her side of the story.

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. Notice and the opportunity for the student to respond shall be provided before the suspension begins.

The conference may be delayed only if the Program Director or Designee determines that an emergency situation exists. An "emergency situation" is one that presents a clear and present danger to the lives, safety, or health of students or Charter School personnel. If an adult student is suspended without this conference, both the parent/guardian and/or student shall be notified of the adult student's right to return to school for the purpose of a conference. In the event the conference is delayed due to an emergency, the conference shall be held within (2) 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 PACSAE officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

For suspensions of 10 days or more, PACSAE shall do both of the following:

- a. Provide timely written notice of the charges against the pupil and an

explanation of the pupil's basic rights. The notice shall contain a clear statement that no pupil shall be involuntarily removed by PACSAE 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 (5) 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 him or her of the right to initiate the expulsion hearing procedures before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the hearing procedures, the pupil shall remain enrolled and shall not be removed until PACSAE issues a final decision on the matter. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions for fewer than 10 days.

b. 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.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Expulsion

Upon a recommendation of Expulsion by the Program Director or Designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Program Director or Designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing. However, if the student's parent or guardian initiates the expulsion hearing process, as indicated above, the adult student must remain enrolled and may not be removed until a final decision is issued by PACSAE.

D. Expulsion Procedures

Adult students will be recommended for expulsion after the Program Director or Designee conducts an investigation process by gathering written statements, meeting with witnesses, and conducting a pre-expulsion conference with the student and family. For acts included on

the mandatory recommendation for expulsion list, the Program Director or Designee will

automatically issue an expulsion if the evidence indicates that the student engaged in conduct included on the mandatory recommendation for expulsion list. Where a student has been charged with an offense on the list of discretionary expulsion offenses, a recommendation for expulsion by the Program Director or Designee will be based on one or both of the following findings:

1. Other means of conduct support and correction are not feasible and have repeatedly failed to bring about an improvement in conduct.
2. Due to the nature of the violation, the presence of the student causes a continuing danger to the health and/or safety of the student, other students in the schools, and/or faculty.

Upon this determination, the student will be suspended, pending the results of an expulsion hearing. The Program Director's or Designee's recommendation to expel the student will satisfy all the procedural requirements stated herein.

E. Expulsion Hearing - Rules and Regulations

For any recommendation of expulsion, PACSAE shall do both of the following:

- a) Provide timely written notice of the charges against the pupil and an explanation of the pupil's basic rights. The notice shall contain a clear statement that no pupil shall be involuntarily removed by PACSAE 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 (5) 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 him or her of the right to initiate the expulsion hearing procedures before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the hearing procedures, the pupil shall remain enrolled and shall not be removed until PACSAE issues a final decision on the matter. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated.
- b) 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.

The hearing will be presided over by an administrative panel (three to five impartial individuals) appointed by the Program Director. A document will be prepared by the Program Director or Designee that includes a full description of the reasons for the expulsion, including dates, previous conferences and actions taken, and events.

PAAE's Board of Directors shall establish rules and regulations PACSAE governing

procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all

of the following:

1. The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 school days after the date the principal determines that the pupil has committed any of the acts enumerated herein, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the principal. The administrative panel shall make its decision to expel within 3 school days after the hearing conclusion.

2. If compliance by the administrative panel with the time requirements for the conducting of an expulsion hearing and a decision to expel is impracticable during the regular school year, the principal or the principal's designee may, with the consent of the student or the student's parent or guardian, extend the time period for the holding of the expulsion hearing for an additional five schooldays. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

2.1. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

2.2. The date and place of the hearing.

2.3. A statement of the specific facts and charges upon which the proposed expulsion is based.

2.4. A copy of the disciplinary rules of the school that relate to the alleged violation.

2.5. A notice of the parent, guardian, or pupil's obligations pursuant to Education Code Section 48915.1(b).

2.6. Notice of the opportunity for the pupil or the pupils parent or guardian to appear in person or to be represented by legal counsel or by a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing. This section does not require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a non-attorney adviser at the hearing.

For purposes of this section, "legal counsel" means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

For purposes of this section, "non-attorney adviser" means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the pupil or pupil's parent or guardian to provide assistance at the hearing.

3. The administrative panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the administrative panel may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled. Due to the requirement to conduct closed session deliberations and the Brown Act public meeting requirements with which PACSAE has voluntarily agreed to comply, the administrative panel for an expulsion hearing shall not include more than one member of the Charter School governing board.

3.1. If the administrative panel admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

3.2. If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Ed. Code section 48900 or to commit a sexual battery as defined in subdivision (n) of Ed. Code section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public 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, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

4. If the administrative panel decides not to expel, the expulsion proceedings shall be terminated, and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made. The decision not to recommend expulsion shall be final.

5. If the administrative panel determines to expel, findings of fact in support of the recommendation shall be prepared. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing.

6. The decision of the administrative panel to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. The administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a 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 administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made

available to the student recommended for expulsion and his or her representative.

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

8. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the administrative panel to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in this policy.

9. In hearings that include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Ed. Code section 48900 or to commit a sexual battery as defined in subdivision (n) of Ed. Code section 48900, evidence of specific instances, of a complaining witness's prior sexual conduct is to be 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 the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness's prior sexual conduct be heard, the complaining 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, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

10. Final action to expel a pupil shall be taken only by the administrative panel in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the principal or his or her designee to the pupil or the pupil's parent or guardian.

11. The governing board of PACSAE shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be non-privileged, disclosable public records.

11.1. The expulsion order and the causes for the expulsion shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

F. Decision of the Panel

The final decision by the administrative panel will be made within 3 school days following the conclusion of the hearing.

The administrative panel will make one of two determinations:

1. Uphold the expulsion.
2. Determine the expulsion was not within PACSAE's guidelines and overturn it.

Following the final decision of the administrative panel, the administrative panel will send written Findings of Fact to the adult student or parent that contain the following information:

1. The outcome of the hearing and the decision of the administrative panel

2. The specific offenses committed by the student for any of the acts listed in the above "Reasons for Suspension and/or Expulsion" section (if expulsion is decided)
3. Notification of the family's responsibility to inform any new district in which the student seeks to enroll of the student's status with PACSAE (if expulsion is decided)
4. Reinstatement eligibility review date (if expulsion is decided)
5. A copy of the rehabilitation plan (if expulsion is decided)
6. The type of educational placement during the period of expulsion (if expulsion is decided)
7. Pupils who are expelled shall be responsible for seeking alternative education programs

G. Alternative Education

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

H. Rehabilitation Plans

Students who are expelled from PACSAE shall be given a rehabilitation plan upon expulsion as developed by the administrative panel 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 PACSAE for readmission.

I. Readmission

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

J. Notice of Expulsion to Last Known District of Residence

PACSAE shall, in accordance with Education Code § 47605(d)(3), notify the superintendent of the school district of the pupil's last known address within 30 days of expulsion, and shall, upon request of the district, provide the district with a copy of the student's cumulative record, including a transcript of grades or report card and health information.

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

1. PACSAE must also provide the victim a room separate from the hearing room for the complaining witness's use prior to and during breaks in testimony.
2. At the discretion of the person or panel conducting the 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.
3. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
4. The person 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.
5. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
6. If one or both of the support persons is also a witness, PACSAE must present evidence that the witness's presence is both desired by the witness and will be helpful to the 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.

L. Probation

The administrative panel, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program (if applicable). A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the administrative panel's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

The administrative panel shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Cal. Ed. Code section 56026.

During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.

The administrative panel may revoke the suspension of an expulsion order if the pupil commits any of the acts enumerated in Ed. Code section 48900 or violates any of the school's rules and regulations governing pupil conduct. When the administrative panel revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order. Upon satisfactory completion of the rehabilitation assignment of a pupil, the administrative panel shall reinstate the pupil in the school and may also order the expungement of any or all records of the expulsion proceedings.

The pupil shall be notified of the final order, in writing, either by personal service or by certified mail. The order shall become final when rendered.

The Program Director or Designee shall send a copy of the written notice of the decision to expel to the school district of student's last known residence, within thirty (30) days.

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

As an independent LEA member of a SELPA, PACSAE will immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any adult student with a disability or adult student who PACSAE or SELPA would be deemed to have knowledge that the student had a disability.

1. Services During Suspension

Students with disabilities suspended and/or placed in an interim alternative setting shall continue to receive services so as to provide FAPE and enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the adult learner's IEP/504. Any discipline that includes removal from school for more than ten (10) consecutive days, including placement in an interim alternative educational setting, constitutes a change in placement and a manifestation determination shall be conducted.

An IEP or 504 meeting is required within ten (10) days of initial suspension or placement in an interim alternative educational setting.

2. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of an adult student with a disability because of a violation of a code of student conduct, PACSAE, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the adult student's IEP/504, 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 adult's disability; or

b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504.

If PACSAE, the parent, and relevant members of the IEP/504 Team determine that either of the

above is applicable for the student, the conduct shall be determined to be a manifestation of the

adult's disability.

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

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

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

3. Due Process Appeals

The parent of an adult with a disability who disagrees with any decision regarding placement, or the manifestation determination, or PACSAE if it believes that maintaining the current placement of the student is substantially likely to result in injury to the adult or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or PACSAE, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or

until the expiration of the forty-five-day (45) time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and PACSAE agree otherwise.

4. Special Circumstances

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

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

student:

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

5. Interim Alternative Educational Setting

The student's interim alternative educational setting or change of placement shall be determined by the student's IEP/504 team. A change of placement is a removal from education for more than ten (10) consecutive days or a pattern of removal, even if for less than ten (10) days. For effective change of placement, there first need be:

- a. Notice
- b. Manifestation determination
- c. Continued receipt of special education services

6. 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 District's disciplinary procedures may assert the procedural safeguards granted under these procedures only if PACSAE had knowledge that the student was disabled before the behavior occurred.

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

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

If PACSAE 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 adults with disabilities, including the right to stay-put.

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

the

results of the evaluation.

PACSAE 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.

Involuntary Student Disenrollment, Dismissal, or Transfer

No pupil shall be involuntarily removed by PACSAE for any reason unless the parent or guardian of the pupil has been provided written notice in-person and/or by mail of intent to remove the pupil no less than five (5) schooldays 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 him or her of the right to request a hearing adjudicated by a neutral officer before the effective date of the action. If a hearing is requested, the pupil will remain enrolled at PACSAE until the school issues a final decision. For purposes of this Charter, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions for disciplinary reasons.

ELEMENT 11: EMPLOYEE RETIREMENT SYSTEMS

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

In accordance with Education Code Section 47605, PACSAE retains the option for its Board of Directors to take action and vote on staff members' options to participate in STRS, Public Employees' Retirements System, or Social Security depending upon employee eligibility and what the board determines is in the best interest of the staff and the Charter School as a whole. This determination will be reflected in PACSAE' personnel policies and employment handbook and will be presented to employees prior to their employment with the Charter School.

Under Federal Regulations, the wages of employees of a state or local government are exempt from social security taxes if the employee is a member of a qualifying retirement system maintained by the state or local government entity. (26 CFR § 31.3121(b)(7)-2.) Accordingly, PACSAE Faculty will participate in the federal social security system or will be eligible for participation in STRS according to policies developed by the Board of Directors and adopted as the Charter School's employee policies. PACSAE currently plans to participate in California's State Teachers' Retirement System ("STRS") for its certificated staff, and plans to offer an Internal Revenue Code Section 403(b) plan with an employer contribution or other comparable benefits plan in conjunction with Social Security for all other staff. Teachers and staff may also have access to other school-sponsored retirement plans according to policies developed by the PACSAE governing board.

If the Board of Directors approves participation in STRS, in accordance with Education Code Section 47611.3, the authorizing District shall create any reports required by STRS. At the District's request, the Charter School shall pay the District a reasonable fee for the provision of such services.

ELEMENT 12: STUDENT ATTENDANCE ALTERNATIVES

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

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

Parents or guardians of each student enrolled in PACSAE will be informed, at the time they enroll and within the student/parent handbook, that the student has no right to admission in a particular school of any local educational agency as a consequence of enrollment at PACSAE, except to the extent that such a right is offered by the local educational agency.

If a student is expelled or leaves PACSAE without graduating or completing the school year for any reason, PACSAE, in accordance with Education Code Section 47605(e)(3), 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 student, including a transcript of grades or report card, and health information.

ELEMENT 13: RETURN RIGHTS DISTRICT EMPLOYEES

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

Members of WUSD staff who leave employment in the District to work at PACSAE shall not have any right to return to employment within the District without prior consent by the District.

Employees who were not previously employed by the District will not become employees of the District and will not have the right to employment within the District upon leaving the employment of PACSAE.

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

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

ELEMENT 14: DISPUTE RESOLUTION

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

Pathways Academy Charter School - Adult Education (PACSAE) will adopt policies and processes for aiding and resolving internal and external disputes. PACSAE recognizes that it cannot bind the District to a dispute resolution procedure to which the District has not agreed. This dispute resolution procedure is intended as a starting point for discussion of and agreement to a mutually acceptable dispute resolution process. PACSAE is willing to consider changes to this procedure as suggested by the District.

Intent

The intent of this dispute resolution process is to (1) resolve disputes within the Charter School pursuant to the Charter School's policies, (2) minimize the oversight burden on the Warner Unified School District as the Charter School's authorizing agent, (3) insure a fair and timely resolution of disputes, and (4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

The staff and governing board members of PAAE, PACSAE and the Warner Unified School District agree to resolve all disputes regarding this charter pursuant to the terms of this section.

Disputes Arising from Within the School

Disputes over personnel discipline will not be covered by this dispute resolution process, and instead, will be resolved through the personnel policies and procedures. PACSAE shall adopt comprehensive personnel policies and procedures, approved by the PAAE Board of Directors that will be provided to each employee upon hire. These policies will set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures, and other pertinent policies essential to preserving a safe and harmonious work environment. The CEO will resolve complaints and grievances and will administer any personnel discipline, with the assistance of the PAAE Board of Directors, if necessary, in accordance with these policies. The Warner Unified School District agrees to refer all complaints regarding the school's operations to the PACSAE CEO for resolution in accordance with the school's adopted policies.

PACSAE shall establish and provide a uniform complaint procedure in accordance with applicable federal and state laws and regulations, including but not limited to all applicable requirements of California Code of Regulations, title 5, section 4600 *et seq.* This procedure may be used to resolve internal disputes among parents, students, and others.

Disputes Between PACSAE and The District

In the event that PACSAE and the District have disputes regarding the terms of this charter or any other issue regarding the Charter School, the parties will follow the process outlined below, as amended by mutual agreement.

In the event of a dispute between the Charter School and the District, both parties agree to first frame the issue in writing (“Written Notification”) and refer the issue to the District superintendent, or his/her designee, and the Charter School CEO. In the event the District superintendent believes the dispute relates to an issue that could lead to revocation of the charter, the matter will be addressed in accordance with the laws and regulations pertaining to charter revocation. PACSAE requests that the existence of a disputed issue that could lead to charter revocation be specifically noted in the Written Notification, and the District may pursue the revocation procedures in the Charter Schools Act and implementing regulations.

a. **Meet and Confer:** Upon receipt of the Written Notification, the Charter School’s CEO and the District superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting is unsuccessful, both parties shall identify two board members from their respective boards who shall jointly meet with the superintendent of the District and the Charter School’s CEO and attempt to resolve the dispute.

b. **Mediation:** If the dispute cannot be resolved at the informal meet and confer, the parties shall schedule a mediation to resolve the matter. The parties shall mediate in good faith. The mediator shall be selected by mutual agreement of the parties. Each party shall bear its own attorneys’ fees, costs, and expenses associated with the mediation. The mediator’s fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 120 days from the date of either party’s request for mediation.

c. **Arbitration:** If the dispute cannot be resolved by mediation, then the parties agree to resolve the dispute by binding arbitration conducted by a single arbitrator. The arbitrator shall be selected by mutual agreement and the format of the arbitration session shall be developed jointly and must be an active member of the State Bar of California or a retired judge of the state or federal judiciary of California. Arbitration proceedings shall be administered in accordance with the commercial arbitration rules of the American Arbitration Association. Each party shall bear its own attorney’s fees, costs and expenses associated with the arbitration. The arbitrator’s fees and the administrative fees of the arbitration shall be shared equally among the parties.

ELEMENT 15: PROCEDURES FOR CLOSURE

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. – California Education Code Section 47605(c)(5)(O).

Financial

In the event PACSAE closes for any reason, the PAAE Board of Directors shall be responsible for conducting closure-related activities in accordance with California Code of Regulations, Title 5, Section 11962. The PAAE Board of Directors will allocate sufficient funding for, or otherwise determine how PACSAE will fund these closure activities. The assets and liabilities of the Charter School will be disposed of by the PAAE Board of Directors to another charter school, non-profit, or other appropriate entity in accordance with the asset disposition provisions of the Charter School's bylaws and applicable laws. The PACSAE Board of Directors members will attend to enumerating and disposing of the assets and liabilities as directed in the bylaws, and the board treasurer shall ensure that a final audit of the Charter School's assets and liabilities is performed within six months after the school closure. All required final financial and other reports will be submitted to the California Department of Education and other applicable agencies pursuant to Education Code Section 47604.33.

Students, Families and Staff

In the event the Charter School closes, PACSAE will notify staff, parents/guardians of pupils, the adult student, the District, the county office of education, the SELPA, the retirement system in which the Charter School's employees participate, and the California Department of Education, in writing, as far in advance as possible. This notice shall include:

- The effective date of the closure;
- The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
- The 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 PACSAE website will provide links to resident school district enrollment/transfer procedures if these are published online (limited to the home districts of currently enrolled students).

Copies of student records will be sent to each resident district, and transcripts will be mailed to parents/guardians. PACSAE will maintain student records and personnel records for a term and in a manner consistent with applicable federal and state law.

MISCELLANEOUS CHARTER PROVISIONS

1) Budgets

A financial plan for the Charter School, including a proposed operational budget, cash flow, and financial projections were previously provided. This plan is based on the best data available to the developers at the time the plan was assembled.

2) Local Control Funding Formula

PACSAE acknowledges and agrees that it must comply with all applicable laws and regulations related to AB 97 (Local Control Funding Formula), as they may be amended from time to time, which include the requirement that PACSAE submit a Local Control and Accountability Plan (LCAP)/ Annual Update to the District and the County Superintendent of Schools on or before July 1 of each year. In accordance with California Education Code §§ 47604.33 and 47606.5, PACSAE shall annually update its goals and annual actions to achieve those goals identified in the charter pursuant to Education Code § 47605(c)(5)(A)(ii), and may use the LCAP template adopted by the State Board of Education. Charter School shall comply with all requirements of Education Code § 47606.5, including but not limited to the requirement that PACSAE “shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the annual update.”

3) Financial Reporting

Financial Systems and Processes

Pathways Academy Charter School - Adult Education will be contracting a back-office provider for most of the business operations of the school. The CEO will oversee those services.

To ensure that they are meeting the needs of PACSAE, we anticipate utilizing a back-office provider to organize PACSAE’s chart of accounts in an easy to use accounting software package (e.g., QuickBooks) and to train the CEO on the proper classification of entries utilizing this chart of accounts.

Other Financial Reports

PACSAE will implement an attendance recording and accounting system which complies with state law and the District’s requirements.

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

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

PACSAE will provide all reports that are required by law, including but not necessarily limited to

the California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, and School Accountability Report Card (SARC)

4) Insurance

Insurance Certificates

PACSAE shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to WUSD. Facsimile or reproduced signatures are not acceptable. WUSD reserves the right to require complete certified copies of the required insurance policies. Required insurance includes Commercial General Liability, Commercial Auto Liability, Worker's Compensation, Property and Fire, and Errors and Omissions. All insurance requirements are specified in the MOU.

Optional Insurance

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

Indemnification

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

5) Administrative Services

The CEO will be responsible for administering the Charter School under policies adopted by PACSAE' Board of Directors.

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

PACSAE will coordinate with the County to report pertinent STRS payroll data if STRS is used. The County may request a reasonable fee for coordinating this transfer of data. The Charter School plans on obtaining its own health and benefits via small business plan type offerings from

local

vendors (e.g., Kaiser and Blue Cross).

6) Facilities

PACSAE is operated in an independent study environment. As such, minimal facility usage via partnership facilities will be required.

In accordance with Education Code Section 47605.1(f), adult program partnership resources centers will be located as follows:

San Juan Capistrano – KRA Partnership
27128A Paseo Espada, Suite 1524, San Juan Capistrano, CA 92675

La Habra – Orange County Youth Center Partnership
441 E Whittier Blvd., La Habra, CA 90631

PACSAE will maintain a central administrative office wherein important student and personnel records will be maintained.

Administrative offices are located at 100 E. San Marcos Blvd, San Marcos, CA 92069.

Additional resource centers will be created in accordance with the law, as needed. Many of our programs will meet either virtually, in mutually agreed upon public locations, or partnership facilities every twenty days.

7) Transportation

As an Independent Study program, PACSAE does not anticipate providing any home to school or school to home transportation services; however, PACSAE will ensure that adult students with IEPs that require such services receive them. PACSAE does anticipate occasionally arranging for public, rented or parental transportation for field trip-type excursions and learning opportunities.

8) Civil Liability

Pathways Academy Adult Education (PAAE) is a California nonprofit public benefit corporation and will be responsible for governing PACSAE pursuant to Education Code Section 47604. Pursuant to Education Code Section 47604(d), WUSD is not 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, so long as WUSD performs its oversight responsibilities. PAAE intends to purchase liability, property, and errors and omissions insurance as outlined above to protect the school's assets, staff, governing board members, and, where appropriate, the district from unforeseen liability.

9) Financial Management and School Services Contracts

Financial Management

The CEO will be responsible for administering the Charter School under policies adopted by

PAAE's Board of Directors. As described further below, the Charter School may contract with a back-office provider and School Pathways (as a student information systems and state reporting provider) for certain of its operational, administrative, and financial services.

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

Material Contracts

Pathways Academy Charter School - Adult Education (PACSAE) may contract the following material agreements for services:

- An agreement for payroll processing services.
- An agreement for accounting and tax services.
-

An agreement with an independent financial auditor that meets the certification and licensure requirements for conducting an independent financial audit of California public schools.

- This agreement will be made upon terms and conditions that are standard for the industry and will ensure a legally compliant annual audit of PACSAE's finances.
- An agreement for curriculum with Edgenuity or similar vendor to supply PACSAE's online instructional program.
- An agreement with approved vendors to supply curriculum for the home school program.
- An agreement for student information systems with School Pathways.
- An agreement for back office services
- An agreement for Tech Support for faculty and students.
- An agreement for Website design and maintenance.

GENERAL PROVISIONS OF THE PROPOSED CHARTER

Term

The term of this Charter shall be July 1, 2019 – June 30, 2024. This Charter may be renewed for one or more subsequent terms upon the mutual agreement of the parties.

Revisions

Material revisions of this Charter may be made in writing with the mutual consent of WUSD after a public hearing. Material revisions shall be made pursuant to the standards, criteria, and timelines set forth in Education Code Section 47605; provided however that PACSAE shall not be required to obtain petition signatures prior to making material revisions to the charter petition.

Severability

The terms of this Charter are severable. In the event that any provision is determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in effect, unless mutually agreed otherwise by the respective boards of PACSAE and the Warner Unified School District.

Miscellaneous

The Warner Unified School District and PACSAE shall engage in a mutually agreeable memorandum of understanding (MOU), which outlines further details of the relationship between WUSD and PACSAE. The MOU may include, but not be limited to, the following:

- transportation and food services to be provided by WUSD, if any
- services to be purchased by the Charter School from WUSD, and the fee schedule for such services
- details of the oversight and monitoring relationship between PACSAE and WUSD
- mutual indemnification from loss
- cash advances to handle cash flow issues, if necessary
- PACSAE's receipt of mandated cost reimbursement
- fiscal reporting requirements to the state, either independently or through WUSD
- WUSD support for the Charter School in seeking additional funding