

## Introduction

Manzanita is a small (154 students), homegrown, non-corporate charter middle school created and maintained by local parents in a cooperative mode. For 15 years, Manzanita has met the specific needs of our community, and has met all legal requirements for charter renewal, including academic performance and fiscal solvency.

The outstanding caring attitude of faculty and administrators, the parental involvement, and the bully-free environment have helped hundreds of mostly low-income students of color overcome emotional and academic challenges, and prepare them for high school success. 86% of Manzanita graduates finish high school compared to 80% of students district-wide who entered high school in 2009-10 (most recent data).

In 2012, Manzanita Charter School moved to the Hilltop area, near the YMCA, due to increasing community demand. This move was accompanied by other internal factors that combined to cause a dip in standardized test scores that we immediately addressed. Our quick action resulted in dramatic Academic Performance Index gains in 2013 that exceeded that of 21 district operated schools.

Our robust technology curriculum supports our school culture. In 2013 our student council won Challenge Day's 25th Anniversary/ National Bullying Prevention Month's video scholarship contest with *A Story of a Bullied Girl*. In 2014 Manzanita students won the Generation Citizen Civics Day competition for their project on preventing and reducing racial bias in the Richmond Police Department.

In 2012 *Parent's Press* readers voted Manzanita as *Best Charter Middle School in Contra Costa County*.

Manzanita students are thriving due to our ability to respond to data and make appropriate adjustments to curriculum and instruction, provide invaluable personal connections with amazing teachers and administrators, and embrace and promote diversity and attention to children with special needs in a safe and bully-free environment.

## Accomplishments

### Academic Performance

- 63-point increase in API from 2012 to 2013 due to an improvement in performance in all subject areas tested. This was the most recent year API was reported and provides the data point that qualifies MCMS for renewal according to Education Code Section 47607b1.
- Since state testing results in English language arts and math were unavailable in 2013-14, Manzanita implemented NWEA Measures of Academic Progress (MAP) testing to track student achievement/progress.
  - Percentage of students above the 50<sup>th</sup> percentile steadily increased from 30% to 35% in reading, and 29% to 40% in language usage from 2013-14 to 2014-15
  - The percentage of students meeting their growth targets increased to over 50% (from approximately 64 students out of 150 in 2013-14 to 77 students out of 150 in 2014-15.
  - Percentage of proficient/advanced students on the CST Science test (42% in 2012, 50% in 2013, 60% in 2014) increased annually since 2012.
- Percentage of Early Advanced and Advanced students on the CELDT increased annually. (46% in 2012, 48% in 2013, 55% in 2014)

### Education Program

- Established weekly Professional Learning Communities to promote professional development and cross-curricular collaboration.
- Retained ESL/ELL support to provide small group reading and math instruction to scaffold student learning.
- Held annual Washington DC trips for all 8th graders focusing on Civic Engagement, US History, and STEAM.
- A minimum of one field trip per month per grade level to provide 'beyond the classroom' experiences related to curriculum.
- Documented academic growth at all grade levels in all subjects through NWEA MAP testing due to absence of state standardized testing.

### School Climate

- Implemented Restorative Justice system of behavior management, eliminating detentions and reducing suspensions.
- Launched *Kickboard for Schools* system to strengthen data driven instruction and behavior management.

## MANZANITA CHARTER MIDDLE SCHOOL

- Piloted collaborative drama program, in which Manzanita students engage with students from Leadership High School to observe, reflect, write and perform.
- Adopted 25 Core Principles of Civility as a basis for school-wide community development and preventative behavior management.

### Student Community Involvement

- In 2014, our students demonstrated their commitment to the community by conducting a Homeless Canned Food Drive.
- Student Government volunteered as Bilingual Literacy Volunteers at La Petite Academy from 2012-2014.
- Launched Generation Citizen program, focusing on identifying community assets to solve community challenges culminating in a capstone presentation in Berkeley, during December 2014.

### Community Partnerships

- In 2013, Hilltop Mall and the Richmond Chamber of Commerce adopted Manzanita Charter Middle School and provided it with computers to help develop 21st century skills that reach beyond the classroom.

### Parent Relations

- In 2012, MCMS was voted by *Parents Press* as the best charter middle school in Contra Costa County.
- Facilitate a high degree of Community and Family Outreach in the form of Monthly Membership Meetings, Social Justice Initiatives, and parent workshops.

### Facilities

- Added and expanded classrooms to accommodate blended learning through classroom technology and provide laboratory science exposure
- Added 13000 square feet of artificial grass to beautify campus and support physical education curriculum
- Planted 14 trees planted in our community orchard

*Manzanita Charter Middle School will:*

- Meet all statewide standards and conduct the student assessments required pursuant to Education Code Section 60605 and 60851 and any other statewide standards authorized in statute or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Be nonsectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- Not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- Admit all students who wish to attend and who submit a timely application, unless a greater number of applications than there are spaces for students is received, in which case students will be admitted through a public random drawing process. Preference in a public random drawing shall be provided as described in Education Code Section 47605(d)(2)(B).
- Not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- Adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- Meet all requirements for employment set forth in applicable provisions of law, including, but not limited to, credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- Ensure that teachers hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
- Maintain all necessary and appropriate insurance coverage.
- 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).
- Notify, within 30 days, the superintendent of the school district of any pupil who is expelled or leaves without graduating or completing the school year for any reason. The school district notified shall be determined by the pupil's last known address, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- Will comply with any and all other federal, state, and local laws and regulations that apply including but not limited to:
  - Maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
  - Consult with parents and teachers regarding education programs.

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- Comply with all laws establishing the minimum and maximum age for public school enrollment.
- Comply with all applicable portions of the No Child Left Behind Act.
- Comply with the Public Records Act.
- Comply with the Family Educational Rights and Privacy Act.
- Comply with the Ralph M. Brown Act.
- Meet or exceed the legally required minimum of school days.
- Meet requirements for implementing independent study.

## **Element A: Educational Program**

*A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.*

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

*If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.*

*Education Code Section 47605(b)(5)(A).*

Manzanita Charter Middle School (MCMS) serves 154 students in grades 6-8 and is located at 2925 Technology Court in Richmond, CA. MCMS is a small school where parents and teachers work together to create the best possible learning environment for their children. We have been operating since September 2000 and our student demographics are at parity with the district by which we are authorized.

## **Vision Statement**

Manzanita Charter Middle School prepares students academically and socially to be well-rounded individuals who contribute positively to themselves, their families, the community, and our world.

## **Mission Statement**

Manzanita Charter Middle School (MCMS) places a strong emphasis on an academic curriculum, taught within a secure and safe community in which all students belong and feel that they are "part of a family"

## **Targeted Student Population**

Manzanita Charter Middle School (MCMS) serves sixth-, seventh-, and eighth-grade students and targets its recruitment to ensure that its student population reflects the many racial, ethnic, and economic groups that reside in the district where the school is

located.

Ethnicity	District	MCMS
Hispanic/Latino	52.35%	73.38%
African-American	19.38%	11.69%
White	10.61 %	7.14%
Asian	22.97%	3.90%
English Language Learners	32.55%	26.62%
Socio-economically disadvantaged		77.92%

### **What it means to be an "educated person" in the twenty-first century**

The world is rapidly changing and students must be prepared to succeed with foundational and social skills that will enable them to continuously acquire new information and skills throughout their lifetime. We teach students to combine and evaluate information, relate and use what they learn to inform current events and community issues, express thoughts through a variety of mediums and styles, and to work cooperatively in large and small groups to accomplish objectives.

MCMS provides a vital alternative educational program for students who can benefit from a small environment that values individual skills and abilities while preparing students for higher education, work, and participation in their communities. The school provides a safe, nurturing environment that ensures help and support are available.

Our students study history and read literature in order to understand the underlying foundations of their society and of other cultures. Language arts and fine arts help our students express and communicate their ideas (while working on cross-curricular projects.) Mathematics and science provide an understanding of the physical world and their relationship to the natural world.

Adolescence presents a critical time of academic growth and transition that forms the basis for a successful high school and post-secondary experience. We seek to provide our students with critical thinking skills and in-depth knowledge of a meaningful core academic curriculum that meets or exceeds the state standards for sixth, seventh, and eighth grades. We also seek to provide our students with the personal and social skills necessary for cooperative work and the social commitment and responsibility required in becoming contributing members of a diverse and democratic society. Finally, we are dedicated to providing each student with an emotionally and psychologically secure environment that fosters his or her curiosity and enthusiasm for learning.

## **How Learning Best Occurs**

We believe students learn best in an environment that is welcoming and supportive of students and their families and within a culture of respect and safety, encourages the discovery of unique talent. At Manzanita, we foster an environment of respect, caring, and a commitment to academic and creative excellence. Our instructional strategies are designed to ensure that students have multiple avenues to meeting the state standards. We create a secure environment for our students based on self-esteem, self-respect, and concern and respect for others. It is precisely such an environment in which students are able to explore and to not be afraid to make mistakes. They learn to take the risks involved in learning and discovery. At the developmental stage of learning to cope with feelings of inadequacy, we actively work as a community on intrapersonal and interpersonal skill development, and the recognition and solution of social problems. We recognize that all students learn in different ways and that an effective academic program must respond to these differences.

Accordingly, our teachers will use a broad mix of innovative and traditional teaching styles including:

- Cooperative learning (working in groups)
- Student-centered learning (teacher as coach)
- Socratic questioning (detailed oral questioning of students)
- Technology-based learning (interactive media and Internet)
- Lectures and presentations (teacher as coach, multimedia presentations)
- Experiential learning (hands-on projects and labs)
- Guided instruction (teacher as facilitator)
- Direct instruction (lectures and presentations)
- Theme based learning (focused themes)
- Student study trips (designed to extend learning)
- Student initiated and planned academies
- After school and lunchtime support (teachers available for individual work)

Student study trips are key to teaching the whole child at MCMS. Study trips are selected by students and teachers, and are tied directly to course curriculum for hands on learning that increases MCMS students' awareness of the world outside their own neighborhood. Study trips at each grade level encourage curiosity, new ways of thinking about the world, and familiarity with the public transportation system. Overnight trips are typically held for each grade level and focus on outdoor skills connected to the curriculum. To support these activities, MCMS has secured a transportation grant to allow seventh grade students to attend the Santa Cruz Basin Science camp and, each year, the 8<sup>th</sup> grade class complete their three years of middle school with a study trip to Washington D.C.



Students design and lead an elective course called Academy. Weekly Academy is composed of students in across all grades around a common interest, and is led by a staff person or a parent volunteer. Academies have focused on Engineering, Technology, Drama, Dance, Martial Arts, African Drumming, Farming, Yearbook, Event planning, and culinary arts.

We recognize and support learners who need additional programs to develop their skills. We provide multiple means for learning course content. At weekly staff meetings, staff discusses the needs of individual students to ensure that all students receive the support they need to be successful in the program.

### Curriculum

At MCMS, we offer a challenging, Common Core State Standards (CCSS) aligned, program using My Core as a framework for developing and implementing a Common Core aligned curriculum that provides students with opportunities to make connections to their community and their world. Close collaboration among staff members supports teaching across the curriculum, enabling students to make connections across course content areas. Teachers encourage students to develop critical thinking, interpersonal, and organizational skills. The MCMS program is:

- *Results-oriented:* What students learn is what matters most, and it is the foremost responsibility of the school to assist every student to achieve academically.
- *Accountable:* We believe in the potential of every student and hold high expectations for the achievement of all.
- *Inclusive:* Teachers design and differentiate lessons for students at all levels of proficiency. Teachers also make use of Specially Designed Academic Instruction in English (SDAIE) to ensure that all students have access to the school's challenging curriculum.
- *Designed to develop self-reliance:* Our goal is to graduate students who are well rounded, inquisitive, thoughtful, concerned for others, devoted to and knowledgeable about democratic principles, and intellectually autonomous. We graduate students who are articulate, ethical, healthy, and prepared for further learning.

### English Language Arts

The overall goal of the Language Arts program is to help students formulate and express their ideas effectively, and appreciate literature for its own sake. Our curriculum involves thematic learning to compliment other subject areas. Themes are based on the CCSS/California Language Arts Standards and students learn strategies that help them both enjoy different types of reading and encourage greater comprehension. At each grade level, many forms of literature including short stories, novels, plays, poetry, and essays are studied and discussed. To meet the new state standards that encompass the Common Core standards we have begun implementing Reading Intensive classes to ensure student depth of knowledge and to further student thinking along Bloom's Taxonomy. Students are also required to read, evaluate, and write about informational

articles in multiple mediums to ensure students are able to assess and understand all texts that they may come across in the academic and professional world.

When students are learning to read, instruction includes both phonics instruction and whole language. This allows students to combine phonemic awareness and regularly used sight words for fluency and text comprehension. Across the school, there is a focus on vocabulary and grammar to support the students' understanding of the foundation of the English language. Students write essays, focusing on topics linked to the literature they are reading, topics relevant to them, and topics related to other content areas. Writing is encouraged through journal entries, expository and creative writings, as well as research projects. A Writer's Workshop approach is often used allowing for independence and choice with clear expectations and requirements. Through this workshop process, students learn proofreading, revising, and editing skills that will allow them to publish their final work. Over time, students become more proficient with style, writing mechanics, and further develop their organizational skills.

## **Mathematics**

Mathematics classes are in the process of being aligned to the CCSS, which includes mathematics content/theory and practice. Instructional strategies include direct instruction, guided practice, independent practice, and multiple ways of assessing student learning. All classes are project-based, require nightly homework practice, and include regular quizzes and tests. To meet the new state standards that encompass the Common Core standards we have begun implementing the essential 8 Mathematical Practices. These specific 8 Math Practices allow students to generate and practice critical thinking skills that are applicable to all aspects of their lives.

In sixth grade, students learn ratios and proportional relationship, number systems, expressions and equations, geometry and statistics and probability. Students will learn to apply mathematics for use in real world applications. Regular practice and review ensure mastery of basic skills.

Seventh grade mathematics is an applications-based curriculum linked to the state mathematics standards where students review computation skills including decimal operation, fraction operations, integers, exponents, and pre-algebra while learning about statistics, probability, and geometry.

In eighth grade, students learn to manipulate algebraic expressions; learn to solve problems with inequalities, absolute value, quadratics, and rational expressions. They are able to graph lines and curves and extrapolate the equation of a line from two data points.

In order to provide additional support to 7<sup>th</sup> and 8<sup>th</sup> grade students where skill gaps are addressed and homework support is available, MCMS schedules time each day for an provides an independent math period to ensure that students master content.

## **History/Social Studies**

Our history and social studies curriculum ensures that students develop an understanding of culture, geography, politics, economics, and principles of the United States and the world, and their own roles in society. Students will apply their knowledge of all aspects of the social science curriculum to comprehend current issues in the world and their community. The curriculum units are mapped to the appropriate content standards as well and materials include adopted texts, primary sources, literature and other supplemental material. Throughout our social science curriculum, students read and write in alignment with CCSS.

In sixth grade history, students begin to appreciate the significance of geography in history. Students gain an appreciation for the everyday life of ancient peoples, their relationships to the natural world, as well as the developing political, economic, and social structures of their societies. Students learn about the tools and technology that were used, the literature, architecture, and art that were developed in the ancient world.

Students in seventh grade study the history and geography of great civilizations that were developing concurrently through the world during medieval and early modern times (500-1789 A.D.). Social, cultural, and technological changes that occurred in Europe, Africa, the Americas and Asia are the content area of focus. Students are encouraged to explore and recognize that significant contributions to our modern world have come from various societies.

Students in eighth grade study the ideas, issues, and events from the founding of the colonies, through the Revolutionary War, the framing of the Constitution, up to World War I. They trace the development of American politics, society, culture, and economy and students learn how these elements created regional differences. Students are able to see connections between the rise of industrialization and their lives. Current events and social issues are discussed throughout the year. The course continuously examines the ideal of democracy through the lens of each historical era. UC History Blueprint Common Core-aligned project activities are woven into the 7th and 8th grade curriculum, in addition to myriad experiential field trips aligned to the standards.

## **Science**

The overall goal of our science program is to prepare scientifically literate students who will have the ability to effectively respond to a rapidly changing world with the confidence and skills to positively influence it. In accordance with the Next Generation Science Standards, students become involved in the processes of scientific inquiry and gain knowledge of concepts fundamental to modern scientific theory. It is emphasized that science is a process of exploration and revision of existing knowledge. We encourage discussion about the relationships among science, technology and society, and allow students to form their own understanding of the benefits and challenges inherent in scientific discovery. Investigation and experimentation are part of the California standards for all grade levels. Following California content standards for Science, the area of focus for sixth grade is Earth Science, for seventh grade is Life Science and the eighth grade focus is Physical Science.

## **Visual Arts**

At Manzanita, we view the Arts as essential for learning to express and to communicate ideas, feelings, and information in all content areas. We expose students to a wide variety of arts, and encourage an understanding of their communicative nature. The visual arts curriculum is driven by the areas of the Visual Arts Standards: Artistic Perception; Creative Expression; Historical and Cultural Context; Aesthetic Valuing; and Connective Relationships and Applications. The visual arts curriculum is encouraged as a tool for integrating information from all other areas of the school's curriculum including Social Studies, History, English, Science, and Math curriculum. All students participate in three years of project-based arts classes during their years at MCMS.

## **Foreign Language**

Students will take at least one year of Spanish and pending teacher experience, will have access to Mandarin and/or Sign Language courses.

## **Physical Education**

Students of all grade and skill levels participate in physical activity in courses that develop team and individual skills. Physical education courses offer opportunities for physical activities and teach the value of regular exercise to health and wellbeing. Warm-up and strengthening exercises are utilized to stress both immediate and long-term health benefits. Nutrition education will be incorporated as well as health and disease information.

## **Technology**

Manzanita is committed to providing an environment in which technology is integrated throughout the curriculum in order to enhance student productivity, efficiency, creative expression, communication, and access to information. We prepare students to effectively use current and future technologies both inside and outside of the classroom. Diverse activities prepare students to be comfortable with the new technology based state assessments, and as students progress to high school, college, and work, they will be prepared to take advantage of the advances in technology to assist them with their studies and future jobs. To support this commitment, MCMS launched and has completed a facilities improvement/expansion project, making classrooms larger to allow for blended and offline teacher supported learning, linked to such online tutoring and supplemental programs as Khan Academy. As part of the technology-learning component, students are challenged to:

- Understand and demonstrate ethical behavior in use and care of technology.
- Demonstrate skill in using a variety of technologies
- Demonstrate the ability to choose appropriate technology tools to accomplish tasks.
- Recognize and evaluate the impact technology has on society.

Students use technology to complete projects that require skills with word processing applications, Excel worksheets, PowerPoint. Students are encouraged to use technology regularly to communicate, collaborate, research, locate, evaluate, collect data, write,

analyze, report, and learn. Our goal is to make technology a tool that facilitates students reaching their objectives, while enhancing the skills they will need to function in the 21<sup>st</sup> century.

## **Instruction**

We believe students should make real world connections because they enhance learning, and therefore, teachers use a variety of hands-on experiential strategies. Project based learning opportunities include, but are not limited to:

- Science labs
- Music and dance productions
- Creation of art pieces
- Historical simulation
- Service learning projects

MCMS encourages home support, reflecting the school's belief that education is a team effort involving students, families, and teachers. Technology is used to support student learning. Computers are available in every classroom along with wireless Internet connection. Teachers use Internet resources for facilitating student research, designing their lessons and delivering instruction.

## **Support for English Learners**

MCMS ensures English Language Learners (ELs) have access to the full range of educational opportunities, and complies with all applicable federal law, and redesignates them as English proficient based on State Board of Education adopted criteria.

MCMS identifies ELs through the state-required home language survey given to students and families when they complete an application for enrollment. Identified students are tested for English proficiency using the state mandated CELDT assessment.

English language instruction is offered primarily through English immersion, and in general, classrooms are based on an "inclusion" philosophy. MCMS English Language Learners (ELs) are immersed in our programs and are provided support to become fluent in English and to master the content of our academic program. They learn from and with English-speaking peers, rather than being segregated with others who are also struggling with the language. ELLs are identified through the home language survey and the California English Language Development Test (CELDT). Currently, almost 27% of our students are designated as English Language Learners. Teachers plan their curriculum to ensure that these students have full access to the material by modifying their instruction to meet their needs, including individualized instruction and break-out sessions during Reading Intensive and Math Intensive classes. However, teachers are given autonomy within their classroom to determine whether additional literacy support is needed. This flexible teacher driven approach enables teachers to effectively meet the unique needs of each EL student. MCMS' instructional and support staff has been trained in instructional strategies for teaching English Learners. Teachers use Specially

Designed Academic Instruction in English (SDAIE) strategies in their classrooms and while working individually with their students.

The MCMS Testing/EL coordinator monitors the EL student's progress and consults with teachers regarding useful strategies to meet students' needs. All teachers who have EL students in their classes are properly certified. In addition, an after-school tutoring sessions with bilingual mentors will be offered.

English learners are retested yearly using the CELDT to determine eligibility for reclassification and to ensure that EL students are making appropriate progress. As a result of the assessment on the California Standards Test (CST) and the CELDT, EL students are provided with focused support to address the gaps in their learning and accelerate their progress toward English proficiency.

### **Support for Struggling Students**

All students at MCMS are supported through small class sizes. Students who are struggling with our academic program will receive additional support, through SST meetings, identification and intervention, through special education services per IEP. Included in our regular day schedule are study hall and test preparation time. (See Appendix for School Day Schedule)

- Student Study Teams will be convened to determine effective strategies to assist the student in meeting the learning outcomes. Progress will be monitored and adjustments will be made as appropriate to ensure each student's success
- Teacher developed lesson plans will ensure that individual learning needs are addressed.
- An after-school program for homework help, Math and English support, and enrichment is available for all students multiple times a week.
- Peer mentoring and peer-tutoring
- Parent support/education so that parents can effectively engage their children at home to develop skills and bridge gaps.
- Educational Specialist to give focused assistance to small groups.

### **Support for High Achieving Students**

At MCMS, students can accelerate the depth and breadth of their learning and the pace of instruction through breakout sessions provided during Reading Intensive and Math Intensive classes, differentiated instruction, and cross-curricular co-planning.

### **Support for Low Income Students**

With funding provided by LCFF, Manzanita has added instructional staff to support low-income student needs, especially in the areas of Reading and Math through after school tutoring. Students are also supported with counseling services that link them to community resources and ensure that they are progressing academically in the school. After school EL instruction and digital instruction are part of our participation commitment model.

## **Special Education**

MCMS has negotiated a memorandum of understanding with West Contra Costa Unified School District to provide all Special Education services to students. Pursuant to Education Code Section 47641(b), Manzanita Charter Middle School shall be deemed a public school of the District for the purpose of compliance with the Individuals with Disabilities and Education Act (20 U. S. C. Sections 1400, et seq) (hereinafter IDEA). As such, the parties understand and agree that the District shall ensure that all students with exceptional needs who attend Manzanita are provided with a free and appropriate education (FAPE) in compliance with IDEA. A student with disabilities attending Manzanita Charter Middle School shall receive special education instruction and/or related services, in the same manner as a student with disabilities who attends another public school of the District (as described in Education Code Section 47646.)

Manzanita Charter School refers students for special education assessment and/or services through a seek and serve process, regardless of whether such students are identified by teachers, or services are requested by the parent. Prior to making such a referral, Manzanita Charter School convenes a Student Study Team (SST) within fifteen school days, to determine if alternative interventions are appropriate. One MCMS teacher, as part of his or her administrative responsibilities, acts as the Special Education Coordinator (referred to as the Designee). A student identified for SST is invited to attend a SST meeting with their parents and teachers. Parent, student and teachers are invited to share information regarding the student's strength, challenges and possible classroom interventions to help the student achieve optimum success. Non-special-education accommodations and interventions are developed, and a follow-up meeting is scheduled. If the accommodations are not effective, a referral is made by SST to the psychologist or speech therapist to determine if assessment is going to occur and if so, an assessment plan is developed. Prior to making the referral, MCMS consults with the West Contra Costa Unified School District (hereinafter the "District"). Qualified District-referred specialists determine what assessments, if any, are necessary and arrange for such assessments for all referred students (initial, annual, and tri-annual assessments). The District's special education service provider or specialist consults with the designated representative of MCMS prior to offering assessments conducted by individuals outside of the District or the SELPA. MCMS does not conduct unilateral independent assessments without prior written approval from the District.

The RSP teacher and the MCMS Designee are responsible for arranging the necessary meetings for Individualized Education Programs (IEP) and for sending the written notices, as required by law. MCMS is responsible for having the designated representative of Manzanita in attendance at the IEP meetings (along with a primary teacher, parents, District representatives, etc.). District responsibility includes documentation of the IEP meeting and ensuring parental rights. The IEP teams makes decisions regarding eligibility, IEP goals/objectives, program, placement, monitoring, and exit from special education services. Services and placements are provided to all eligible MCMS students in accordance with IDEA, the policies, procedures and requirements of the District and of the SELPA Local Plan for Special Education. Services, whenever

feasible, are provided at MCMS in a manner consistent with the school program design. For students who enroll in MCMS from outside the District with a current IEP, it is the responsibility of MCMS to implement the existing IEP to the extent possible and to notify the District immediately to schedule an IEP within 30 days. During this 30-day period, MCMS will provide comparable services, as required by Education Code section 56325. For students who were previously enrolled in the District, the District agrees to forward the student's cumulative file, including all special education files, to MCMS within 10 days of notification. In addition, the District provides consultative assistance to help MCMS transition the student as identified in the student's IEP.

In accordance with the Memorandum of Understanding (MOU) between the MCMS and the District, the District provides Special Education services. A Resource Teacher coordinates the programs and makes referrals to other District-provided services for identified MCMS students. MCMS pays the District a general fund encroachment fee. The District retains all special education funds and is responsible for providing special education services to all MCMS students.

It is understood and agreed that all students may enroll in MCMS and no student is denied admission or counseled out due to disability. MCMS' small classroom sizes are designed to accommodate students with various learning styles and academic needs. To the extent that the agreed-upon IEP requires educational or related services to be delivered by staff other than MCMS staff, the District provides and/or arranges for such services. District services include consultative services by District Special Education staff to MCMS staff, a School Psychologist, a part-time Speech and Language Pathologist, Behavior Specialist, Occupational Therapist, or other specialists as noted in the Special Education Memorandum of Understanding between the District and MCMS, if indicated by a student's IEP. MCMS does not unilaterally authorize any program or services to comply with the IDEA without prior consent of the District. Collaborative staff meetings at Manzanita also include training, and discussions that include seek and serve procedures, sensitivity training, federal and state legal issues, and regulations.

Parent/guardian concerns regarding Special Education services, related services and rights are directed by MCMS to the designated Special Education Representative of the District. The District Representative, in consultation with the MCMS Designee, responds to and addresses the parent/guardian's concerns. The District addresses, responds to, investigates, and takes any and all necessary action to respond to all complaints received that involve special education and IDEA compliance. In consultation with MCMS, the District may initiate a Due Process Hearing on behalf of a student enrolled at MCMS, as the District determines is legally necessary to meet the school's responsibilities under Federal Law. In the event that parents/guardians file for a Due Process Hearing, both MCMS and the District are named respondents. The District and MCMS work cooperatively to defend the case, and recommend to the parent/guardian a Facilitated IEP and/or an Alternative Dispute Resolution meeting prior to a filing. Mediation is encouraged prior to a hearing. In the event that the District determines that legal counsel representation is needed, the District and MCMS are jointly represented by legal counsel retained by and at the expense of the District. MCMS may elect to retain separate counsel at its sole expense.



As part of the District representation duties, the person designated as the District's Representative also represents MCMS. Reports to MCMS regarding SELPA decisions, policies, and other information are communicated to the school at the same time and in the same manner as these are communicated to all other schools within the District. To the extent that the District and/or SELPA provide training opportunities or information regarding Special Education to District schools and staff members, and to the extent that site staff has the opportunity to participate in committee meetings of the SELPA as representatives of their District, such opportunities also are made available to MCMS.

Given that the District provides Special Education services to MCMS, it retains all equitable revenue, which is generated by the MCMS for the delivery of Special Education and related services and is solely responsible for the financial costs of these related services and responsibilities as required by law or otherwise set forth above. On an annual basis, the District determines what, if any, excess cost contribution is to be made by MCMS to the District for the prior year's delivery of service.

Some students who have difficulties with learning are not eligible for Special Education services because they may not qualify for special education eligibility under the federal/state categories per IDEA 2004. These students may be eligible for special services and program accommodations under a federal anti-discrimination law designed to reasonably accommodate such a student's condition so that the student's needs are met as adequately as the needs of students without disabilities (Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. Section 794] and its implementing regulations at 34 C.F.R. Section 104.1 and following). Section 504 of the Rehabilitation Act of 1973, guarantees the civil right of equal access to educational services for students with disabilities, even if they do not qualify for Special Education services under IDEA. A disability under this law is defined as physical or mental impairment that substantially limits one or more major life activities. Students covered under Section 504 are educated in the regular education setting and are to be with their non-disabled peers to the maximum extent possible. A MCMS teacher (referred to as the Designee), the same individual who is designated to coordinate Special Education services, also will be responsible for coordinating 504 services. The Designee will work with school staff to identify possible 504 candidates and develop a legal 504 plan according to the operational MOU with WCCUSD. Within this setting, they receive all assistive devices, accommodations, and services necessary in order to meet their educational needs. Parents receive notification of any actions regarding their student's educational placement under Section 504, and they have the ability to influence or contest any decisions regarding their student.

## **504 Process**

### *Pre-Meeting Process Steps (Before any meeting takes place)*

1. Referral comes in from SST/Rtl/Parent OR annual 504 is due
2. Parent permission forms sent home and returned (within 10 school days of receiving referral)
3. Data gathered on disability and impact on educational access

4. Meeting scheduled (within 30 days of permission received from parents)
5. Parent invite sent and returned (invite sent at least 14 days prior to meeting)

**504 Eligibility Determination Meeting Process Steps (done at least each 3yr)**

1. Necessary identifying information filled out on student and team
2. Purpose of the meeting discussed: initial, review (at least every 3 years) or dismissal
3. Due Process rights given, discussed if necessary and signed for by parent
4. Review of data/evidence of disability
5. Review of data/evidence of impact of disability on a major life function
6. Eligibility decision: Do they qualify for a 504? Yes or no.
7. Parent agreement or disagreement (refer to Executive Director)
8. Signatures and documentation, next 504 scheduled
9. Accommodation plan created
10. Record student's 504 status in school information system

**504 Accommodation Plan Process Steps (done at least annually)**

1. Necessary identifying information filled out on student and team
2. Purpose of plan checked (initial or review)
3. Due Process rights given, discussed if necessary and signed for by parent
4. Data/Information Reviewed
5. Write the plan
6. Parent agreement or disagreement (refer to Executive Director)
7. Signatures and documentation
8. Plan implementation, progress monitoring and review scheduled

**Discipline steps for Students with 504's**

1. Student with 504 referred for discipline
2. Determine if Manifestation Determination documentation necessary
3. Determine if behavior part of/because of the student's qualifying disability
4. Review 504 Plan for student
5. Gather data on repeat behaviors
6. Determine if behavior is result of 504 not being correctly implemented
7. If discipline is related to disability/poor 504 implementation, address concerns with 504 meeting/plan
8. If discipline not related to disability, document steps and continue with normal school procedures

**Pre 504 Meeting Process Steps**

**Step 1: 504 Referral**

Why is the 504 Process being started for this student?

## MANZANITA CHARTER MIDDLE SCHOOL

If	The school's SST/RtI process has identified this student as having a disability that may require 504 accommodations	The student's parent or guardian has requested a 504 evaluation for their child to determine eligibility for 504 protections	The student has a 504 plan from a previous school	The student has a 504 plan from our school that needs review/ updating
Then	The team making the referral must fill out the appropriate form and give it to the Executive Director or 504 Designee for their site	The parent/guardian making the referral must fill out the appropriate form and give it to the Executive Director or 504 Designee	Based on their current 504 documentation, should the student's next meeting be a full 504 evaluation or a simple review/update? A) Full 504 Evaluation (typically every 3 yrs): See step 2 B) Simple 504 Review: See Plan Review Process Steps)	
Form	504_Referral	504_Referral & 504_General_Information		

### Step 2: Determine Evaluation Evidence Needed

Once the 504 designee receives the referral for new 504s/notice of an existing 504 evaluation, he/she must determine what types of evaluative materials are needed for the 504 team to effectively determine eligibility.

- Transcripts/Grades/Test Scores
- Attendance
- Classroom observations
- Teacher reports
- Educational reports
- Non-classroom observations (cafeteria, play-yard, etc.)
- Discipline data
- Observations or other data on disability specific issues (ex: needs of blind student accessing for written text)
- Information from outside professionals familiar with student (must have signed authorization from parent)

### Step 3: Parent Permission for Evaluation

The 504 designee has 10 school days from time of referral/notice to send the following to the parents to get permission for specific evaluation evidence and speak to outside professionals. Documents should be in parents' primary language:

Use Forms:

- 504\_Evaluation\_Parent\_Permission
- 504\_General\_Information
- 504\_Release\_of\_Information

*Step 4: Meeting Scheduling and Parent Invitation*

Once the parent returns the form to the school, schedule the 504 Team to meet for a 504 Eligibility Determination. The meeting should be scheduled for within 30 school days of receiving permission to evaluate. Send an invite to the parent/guardian using form 504\_Parent\_Invite.

If the Parent/Guardian returns the forms, but does not give permission to evaluate, then evaluation for a 504 Plan and protections cannot occur. Send the following form to the parents: 504\_Evaluation\_Parent\_Refusal. Continue to support the child using regular school-based accommodations. Place copies of all documents in 504 evaluation folder for the student.

If the Parent/Guardian does not return forms, evaluation for a 504 Plan and protections cannot occur. Document attempts to contact parents. At 30 days, send the following to the parents: 504\_Parent\_Permission\_Refusal. Continue to support the child using regular school-based accommodations. Place copies of all documents in 504 evaluation folder for the student.

*Step 5: Gather Data on Disability and Impact on Educational Access*

Between time permission to evaluate is given by parent and before the 504 meeting, members of the 504 teams should gather pertinent data about the student's educational access. Examples of data include, but are not limited to:

- Transcripts/Grades/Test Scores
- Attendance
- Classroom observations
- Teacher Reports
- Non-classroom observations (cafeteria, play-yard, etc.)
- Discipline data
- Educational reports
- Observations or other data on disability specific issues (ex: needs of blind student accessing for written text)
- Information from outside professionals familiar with student (must have signed Authorization from parent)

*Step 6: Final Scheduling the Meeting*

- If the parent/guardian returns the invitation and can attend the meeting, the 504 Eligibility Meeting is held as scheduled.
- If the parent /guardian returns the invitation and cannot attend the meeting, the 504 Eligibility Meeting is held as scheduled (Parent/Guardian attendance is not required to continue the 504 process. If feasible, schools can and should reschedule to include parents.)

- If the parent /guardian does not return invitation, the 504 Eligibility Meeting is held as scheduled. (Parent/Guardian attendance is not required to continue the 504 process. Contact parents and document communication.)

### **504 Eligibility Determination Meeting Process Steps**

The Basics of 504 Eligibility Determinations:

The 504 Team meets and uses form 504\_Eligibility Determination to determine whether or not there is documented evidence of the following:

1. The student has a diagnosed disability
2. This disability directly and substantially affects the students ability to access school activities or curriculum

#### **Step 1: Fill Out Necessary Identifying Information**

Fill out student information, 504 Team members in attendance (including parents, students, non-Manzanita staff)

#### **Step 2: Check correct box for the purpose of the meeting**

- Initial Evaluation (the student has never had a 504 or was exited from a previous 504)
- Review Evaluation (the student has a 504, but is being evaluated to see if they still qualify. This should be done at least every 3 years.)
- Removal/Dismissal Evaluation (it is believed the student may no longer qualify for a 504)

#### **Step 3: Due Process Rights**

Give Parents a Copy of their Due Process Rights (form 504\_Due\_Process\_Rights)

#### **Step 4: Review the Evidence of Disability**

If evidence does not support presence of disability, or supports presence of disability in the past, but not currently (Note: Does not include disabilities that are current, but episodic, such as epilepsy): Student is not eligible for a current 504. Fill out " Part I: Determination of Impairment" on form 504\_Eligibility and attach copies of evidence to 504 documentation.

If evidence supports current presence of one or more disabilities, student may be eligible for a 504. Fill out " Part I: Determination of Impairment" on form 504\_Eligibility and attach copies of evidence to 504 documentation.

#### **Step 5: Review Evidence of Impact of Disability on a Major Life Function**

In reviewing the evidence, the 504 team must determine whether or not the evidence shows that the disability substantially affects a major life function compared to that of the average student in the general population. Additionally, the impact must have been in evidence for at least 6 months.

If evidence shows disability does not substantially affect a major life function, the student is not eligible for a current 504. Fill out "Part II: Determination of Impact to Major Life Function" on form 504\_Eligibility and attach copies of evidence to 504 documentation.

If evidence shows disability substantially affects a major life function, the student may be eligible for a 504. Fill out "Part II: Determination of Impact to Major Life Function" on form 504\_Eligibility. Attach copies of evidence to 504 documentation.

#### Step 6: 504 Eligibility Determination

If the 504 Team determines that the student meets both eligibility criteria and therefore is eligible for 504 protections and a 504 plan. Check the appropriate box:

- Parents agree with the 504 Team's decision
- Parents disagree with the 504 Team's decision

If the 504 Team determines that the student does not meet both eligibility criteria and therefore is not eligible for 504 protections and a 504 plan. Check the appropriate box:

- Parents agree with the 504 Team's decision
- Parents disagree with the 504 Team's decision

If the parents do not agree with the 504 Team's decision, continue to accommodate for the student, utilizing normal school-based accommodations. Refer the parent to the Executive Director immediately and contact the Executive Director after the meeting to discuss and pass on copies of documentation.

#### Step 7: Signatures and Documentation

If the parents agree with the 504 Team's decision:

- Dates for future review are determined
- All parties sign the 504 document.
- Copies of all 504 documentation is kept on file for the student in both the student's cumulative file and a separate 504 file.

If the parents refuse to sign 504 Evaluation document, state this in the comments section of the Evaluation document. Place copies of all 504 documentation in student's cum file and separate 504 file. Refer parents to the Executive Director.

### **504 Accommodation Plan Review Process Steps**

#### Pre-504 Meeting Step 1: Meeting Scheduling and Parent Invitation

- 1) The 504 team schedules a 504 Plan Review.
- 2) Send an invite to the parent/guardian using the form: 504\_Parent\_Invite

#### Pre-504 Meeting Step 2: Gather Data on Accommodation Implementation and Successes/Concerns

Members of the 504 Team should gather pertinent data about the current 504 accommodations written into the student's plan and the success of those accommodations. Examples of data include, but are not limited to:

- Transcripts/Grades/Test Scores

- Attendance
- Classroom observations
- Teacher Reports
- Non-classroom observations (cafeteria, play-yard, etc.)
- Discipline data
- Educational reports
- Observations or other data on disability specific issues (ex: needs of blind student accessing for written text)

**Pre-504 Meeting Step 3: Final Scheduling the Meeting**

- If the parent/guardian returns the invitation and can attend the meeting, the 504 Plan Review Meeting is held as scheduled.
- If the parent/guardian returns the invitation and cannot attend the meeting, the 504 Plan Review Meeting is held as scheduled. (Parent/Guardian attendance is not required to continue the 504 process. If feasible, schools can and should reschedule to include parents.)
- If the parent/guardian does not return invitation, the 504 Plan Review Meeting is held as scheduled. (Parent/Guardian attendance is not required to continue the 504 process. Contact parents and document communication.)

**504 Accommodation Plan Process Steps**

The Basics of 504 Accommodation Plans:

1. Accommodations should be specific to the identified student and his/her disability(ies)
2. Accommodation plans should be written for each separate disability (for students with multiple disabilities)
3. Accommodations must alleviate barriers to student access of education
4. Accommodations are not required to address specific academic achievement

For all 504 Accommodation Plans, the following form should be used: 504\_Plan

**Step 1: Fill Out Necessary Identifying Information**

Fill out student information, 504 Team members in attendance (including parents, students, non-Manzanita staff)

**Step 2: Check correct box for the purpose of the meeting**

- Initial Plan (the student was just found eligible for a 504 and needs an accommodation plan created)
- Review Plan (the student has a plan, but the plan needs to be reviewed – this should occur at least 1x per year)

**Step 3: Due Process Rights**

Have parents sign on the appropriate line of form 504\_Plan document that they have received their Due Process Rights.

Step 4: Data/Information Reviewed

The 504 team reviews data/evidence for each proposed/current accommodation and determines what accommodations are necessary to help ameliorate the student's disability's affect on his/her access to education. Accommodations must be grounded in data in order to ensure proper progress monitoring.

Step 5: Writing the Plan

The Basics of 504 Accommodation Plans:

1. Accommodations should be specific to the identified student and his/her disability(ies) and based on data
2. Accommodation plans should be written for each separate disability (for students with multiple disabilities)
3. Accommodations must alleviate barriers to student access of education
4. Accommodations are not required to address specific academic achievement

The 504 team writes an accommodation plan based on recommendations from the team and available and pertinent evidence from other sources.

If parents/guardians disagree with the 504 accommodation plan as written, continue to accommodate for student utilizing normal school-based accommodations. Refer the parent/guardian to the Executive Director immediately and contact the Executive Director after the meeting to discuss and pass on copies of documentation.

Step 5: Signatures

All parties sign the 504 document. Copies of all 504 documentation is kept on file for the student in both the student's cumulative file and a separate 504 file.

If the parents/guardians refuse to sign 504 accommodation plan, state this in the comments section of the Evaluation document. Place copies of all 504 documentation in student's cum file and separate 504 file. Refer parents/guardians to the Executive Director.

Step 6: Plan Implementation

Once the plan has been written and signed by the team, it needs to be implemented as written. The steps for implementation include:

1. Holding a team meeting to inform all necessary staff of their role in implementation and giving them a copy of the 504 accommodation plan only
2. Training staff on necessary accommodations that require it (ex: how to use an epi-pen or necessary procedures if a student has a seizure)
3. Provide teachers and staff with necessary resources to create/maintain accommodations (ex: if teacher needs to wear an FM transmitter for a student with limited hearing, providing the equipment to the teacher).

Step 7: Progress Monitoring/Review

Part of the accommodation plan is also the progress monitoring/review of the plan AND it's implementation. Scheduled reviews should be written into the 504 plan.



**State Priorities**

MCMS is designed to provide all students with an engaging education that allows them to master content and meet state standards. The chart below addresses the state priorities for which it is required to identify goals and the actions to meet those goals. In Elements B and C of this renewal petition, measurable outcomes for those goals and the means for measuring progress are listed.)

<b>STATE PRIORITY #4— STUDENT ACHIEVEMENT</b>	
Pupil achievement, as measured by all of the following, as applicable:	
<ul style="list-style-type: none"> <li>• California Assessment of Student Performance and Progress (CAASPP) statewide assessment</li> <li>• The Academic Performance Index (API)</li> <li>• Percentage of ELs who make progress toward English language proficiency as measured by the California English Language Development Test (CELDT) and/or English Language Proficiency Assessment for California (ELPAC)</li> </ul>	
EL reclassification rate	
<b>CAASPP: ELA/LITERACY</b>	
<b>GOAL</b>	Students will communicate effectively and use mathematical concepts to make effective decisions.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Administer all applicable state tests.</li> <li>• Implement ELA and Math curricula aligned to common core.</li> <li>• Provide professional development and curricular consultants for teachers to support implementation of ELA and Math curricula aligned to common core.</li> <li>• Implement ELA and Math curricula aligned to common core.</li> <li>• Conduct formative, interim and summative assessments aligned to the state standards and implement appropriate interventions where indicated including supplemental supports, tutoring, differentiated instruction, special education services.</li> </ul>
<b>API</b>	
<b>GOAL</b>	MCMS will be a high performing school.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Implement a Common Core aligned education program.</li> <li>• Conduct quantitative and qualitative student achievement monitoring by implementing formative, summative, embedded, unit, and interim assessment strategies and attendance.</li> <li>• Create a culture of respect and high expectations.</li> </ul>
<b>EL PROFICIENCY RATES</b>	
<b>GOAL</b>	EL students will make steady and consistent progress in reaching English proficiency.
<b>ACTIONS TO</b>	<ul style="list-style-type: none"> <li>• All teachers will be CLAD certified.</li> </ul>

<b>ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• All teachers will use SDAI and ELD techniques.</li> <li>• EL student data will be reviewed regularly to identify student progress.</li> <li>• EL students will be provided additional support, as needed.</li> </ul>
<b>EL RECLASSIFICATION RATES</b>	
<b>GOAL</b>	EL students will be timely reclassified as Fluent English Proficient.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• EL students will be taught by CLAD certified teachers.</li> <li>• All teachers will use SDAI and ELD techniques.</li> <li>• EL student data will be reviewed regularly to identify student progress.</li> <li>• EL students will be provided additional support, as needed.</li> </ul>
<b><u>STATE PRIORITY #5— STUDENT ENGAGEMENT</u></b> <i>Pupil engagement, as measured by all of the following, as applicable:</i> <ul style="list-style-type: none"> <li>• School attendance rates</li> <li>• Chronic absenteeism rates</li> <li>• Middle school dropout rates (EC §52052.1(a)(3))</li> </ul>	
<b>STUDENT ATTENDANCE RATES</b>	
<b>GOAL</b>	Students are actively engaged in learning.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Teacher evaluations include ability/success to energize students about what they can learn about the world and the skills through vibrant curriculum and motivating instruction.</li> <li>• Keep accurate and appropriate attendance records.</li> <li>• Implement intervention strategies including immediate identification and intervention for absences.</li> <li>• Review student records to ensure adequate student progress.</li> <li>• Provide appropriate professional development opportunities to encourage effective, high quality instruction.</li> </ul>
<b>STUDENT CHRONIC ABSENTEEISM RATES</b>	
<b>GOAL</b>	Students attend school regularly and consistently.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Provide safe and supportive school and classroom environments.</li> <li>• Provide parent education about why attendance matters.</li> <li>• Monitor daily attendance.</li> <li>• Provide tailored interventions to promote attendance.</li> </ul>
<b>MIDDLE SCHOOL DROPOUT RATES</b>	
<b>GOAL</b>	All students attend 9 <sup>th</sup> grade at a school of their choice.

<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Monitor all student progress to support completion of grade level courses in preparation for high school.</li> <li>• Facilitate transfer of all students to other accredited schools and track actual admission.</li> </ul>
<b><u>STATE PRIORITY #6— SCHOOL CLIMATE</u></b> <i>School climate, as measured by all of the following, as applicable:</i> <i>A. Pupil suspension rates</i> <i>B. Pupil expulsion rates</i>	
<b>PUPIL SUSPENSION RATES</b>	
<b>GOAL</b>	MCMS has low suspension rates.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Provide parents and students with behavior expectations and the discipline policy at the beginning of each school year.</li> <li>• Incorporate character education as an integral component of its program.</li> <li>• Provide a positive school climate that supports appropriate behavior and opportunities for conflict resolution and intervention.</li> <li>• Use alternate disciplinary measures and interventions, whenever possible.</li> </ul>
<b>PUPIL EXPULSION RATES</b>	
<b>GOAL</b>	MCMS has an expulsion rate of less than one percent.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Provide counseling and/or behavioral interventions to students exhibiting negative behavior.</li> </ul>
<b><u>STATE PRIORITY #8—OTHER STUDENT OUTCOMES</u></b> <i>Pupil outcomes, if available, in the subject areas described in EC51210 and EC51220, as applicable</i>	
<b>ENGLISH</b>	
<b>GOAL</b>	Students complete six English courses.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Use CCSS aligned curriculum in all ELA classes.</li> <li>• Provide ongoing professional development and support on implementing curriculum aligned with state common core standards in ELA.</li> <li>• Provide students with extended learning opportunities and support in ELA, as needed.</li> </ul>
<b>MATHEMATICS</b>	
<b>GOAL</b>	Students complete six mathematics courses.
<b>ACTIONS TO</b>	<ul style="list-style-type: none"> <li>• Use CCSS aligned curriculum in all classes.</li> </ul>

<b>ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Provide ongoing professional development and support on implementing curriculum aligned with state common core standards.</li> <li>• Provide students with extended learning opportunities and support, as needed.</li> </ul>
<b>SOCIAL SCIENCES</b>	
<b>GOAL</b>	Students complete three social sciences, and use their knowledge to serve the school and the community.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Use CCSS aligned curriculum in all classes.</li> <li>• Provide ongoing professional development and support on implementing curriculum aligned with state common core standards.</li> <li>• Provide students with extended learning opportunities and support, as needed.</li> <li>• Integrate student learning with projects that support school and community needs.</li> </ul>
<b>SCIENCE</b>	
<b>GOAL</b>	Students will complete three science courses.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Use CCSS aligned curriculum in all classes.</li> <li>• Provide ongoing professional development and support on implementing curriculum aligned with state common core standards.</li> <li>• Provide students with extended learning opportunities and support, as needed.</li> </ul>
<b>VISUAL AND PERFORMING ARTS</b>	
<b>GOAL</b>	Students will complete three visual arts courses.
<b>ACTIONS TO ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Use CCSS aligned curriculum in all classes.</li> <li>• Provide ongoing professional development and support on implementing curriculum aligned with state common core standards.</li> <li>• Provide students with extended learning opportunities and support, as needed.</li> </ul>
<b>PHYSICAL EDUCATION</b>	
<b>GOAL</b>	Students understand the importance of activity for wellness and show improvement or meet physical fitness standards on state tests.
<b>ACTIONS TO</b>	<ul style="list-style-type: none"> <li>• Offer PE classes at all grade levels.</li> </ul>

<b>ACHIEVE GOAL</b>	<ul style="list-style-type: none"> <li>• Administer state PE test.</li> </ul>
<b>HEALTH (GRADES 1-6 ONLY)</b>	
<b>GOAL</b>	All grade 6 students will complete a health education unit within their Physical Education courses.
<b>ACTIONS TO ACHIEVE GOAL</b>	Implement Health course.
<b>Foreign Language</b>	
<b>GOAL</b>	Students will take at least one year of Spanish and pending teacher experience, will have access to Mandarin and/or Sign Language courses.
<b>ACTIONS TO ACHIEVE GOAL</b>	Schedule all 7 <sup>th</sup> and 8 <sup>th</sup> grade students into at least one year of Spanish, Mandarin, or Sign Language.

## Element B and C: Measurable Pupil Outcomes and the Methods to Assess Pupil Progress toward Outcomes

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

*The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on school accountability report card.*

*Education Code Section 47605(b)(5)(B and C).*

MCMS provides a developmentally- and standards-based curriculum that emphasizes academic outcomes while nurturing a love of learning and intellectual curiosity.

MCMS students will demonstrate the following core academic skills, upon graduation as measured by mastery toward the California state standards.

- **English Language Arts:** Students will demonstrate an understanding of literature, strong reading, writing, listening, and speaking skills in multiple forms of expression (e.g., written, oral, and multimedia).
- **Mathematics:** Students will develop abilities to reason logically and to understand and apply mathematical processes and concepts including algebraic content.
- **History/Social Studies:** Students will understand civic, historical, and geographic knowledge and apply that knowledge to help them understand their community and the world around them as well as to enhance their ability to serve as responsible citizens in today's diverse world.
- **Science:** Students will successfully utilize scientific research and inquiry methods to understand and apply the major concepts of science.
- **Visual Arts:** Students will demonstrate fluency in visual art, using a variety of media and an appreciation of others' expressions in the arts, both current and historical.
- **Physical education:** Students will understand the importance of wellness and will develop skills necessary to achieve that goal.
- **Technology:** Students will develop a working knowledge of multiple forms of technology in order to communicate effectively, stay aware globally, and to succeed in today's technology-based world.

### **Lifelong Learning Skills**

- Students will demonstrate an intellectual curiosity and a love of learning
- Students will develop critical thinking skills, including problem-solving, decision-making, and working both autonomously and collaboratively with others.
- Students will develop foundational skills to successfully continue on to higher education and/or a career.
- Students will develop lifelong learning skills, enabling them to become self-motivated learners throughout their adult lives.
- Students will demonstrate effective organizational skills in their work including setting reasonable and achievable goals, developing a process for achieving those goals, completing the process and reflecting on and evaluating their process.

### **Citizenship Skills**

- Students will demonstrate leadership through the development of student generated Academy classes and student-led conflict mediation.
- Students will demonstrate an awareness of the wider community and demonstrate social activism at appropriate levels.

These student exit outcomes will be further subdivided into a list of specific classroom-level skills required in each of the above areas at different grade and skill levels. These specific grade and skill-level standards will incorporate those included in the California state content and performance standards as modified to reflect the Common Core Standards.

At MCMS, student performance is monitored through the use of both formative and summative assessments, which allow for tailoring differentiated interventions for all students as needed to increase achievement for all students. MCMS administers all mandated state tests, including the California Assessment of Student Progress and Performance (CAASPP) and the California English Language Development Test (CELDT) and will administer any tests adopted by the State Board of Education to assess student achievement.

In addition to the state-mandated summative assessments, student progress towards meeting the outcomes identified is regularly assessed through a range of formative assessments including formal and informal classroom assessments. When possible, assessments will be developmentally based, and attention will be given to the variety of learning modalities and strengths among the students. The school supports regular, ongoing communication between teachers and parents through scheduled, formal parent-teacher conferences and accountability reports distributed to parents every two months.

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More specifically, Manzanita assesses its students in each of the core academic skill areas using multiple local assessments. These assessments are aligned to the mission, curriculum, and statewide standards and include, but are not limited to:

- Teacher-designed assessments (quizzes and tests)
- Curriculum-embedded assessments
- Projects and reports (visual and written)
- Oral presentations
- Student reflections
- One-on-one conferences
- Portfolios of student work

In addition, Manzanita is utilizing NWEA MAP testing three times per year- fall, winter and spring.

Following is a chart outlining each of our pupil outcomes and the specific assessment measures to evaluate student progress toward achieving them:

STATE PRIORITY #4— STUDENT ACHIEVEMENT	
CAASPP: ELA/LITERACY AND MATHEMATICS	
MEASURABLE OUTCOME	100 percent of students who have been enrolled at MCMS for at least two years will score at proficient or higher on state standardized tests.
METHODS OF MEASUREMENT	State standardized test results
API	
MEASURABLE OUTCOME	School wide, and all significant subgroups will meet API Growth Targets, or equivalent.
METHODS OF MEASUREMENT	API growth or equivalent
EL PROFICIENCY RATES	
MEASURABLE OUTCOME	All EL students will make one year of growth toward ELA proficiency.
METHODS OF MEASUREMENT	CELDT test
EL RECLASSIFICATION RATES	
MEASURABLE OUTCOME	EL students will make one year of growth toward English Language proficiency and appropriate reclassification rates based on student levels will reflect steady progress.
METHODS OF MEASUREMENT	Reclassification data
STATE PRIORITY #5— STUDENT ENGAGEMENT	
STUDENT ATTENDANCE RATES	



<b>MEASURABLE OUTCOME</b>	Manzanita will maintain an attendance rate of 95 percent or better.
<b>METHODS OF MEASUREMENT</b>	Attendance records and reports
<b>STUDENT ABSENTEEISM RATES</b>	
<b>MEASURABLE OUTCOME</b>	MCMS will maintain a chronic absenteeism rate of no more than two percent.
<b>METHODS OF MEASUREMENT</b>	Attendance records and reports
<b>MIDDLE SCHOOL DROPOUT RATES</b>	
<b>MEASURABLE OUTCOME</b>	No student will drop out of MCMS.
<b>METHODS OF MEASUREMENT</b>	Student records
<b>STATE PRIORITY #6— SCHOOL CLIMATE</b>	
<b>PUPIL SUSPENSION RATES</b>	
<b>MEASURABLE OUTCOME</b>	MCMS will maintain a suspension rate of less than one percent.
<b>METHODS OF MEASUREMENT</b>	Student records SARC
<b>PUPIL EXPULSION RATES</b>	
<b>MEASURABLE OUTCOME</b>	Manzanita pupil expulsion rates will be at or below one percent.
<b>METHODS OF MEASUREMENT</b>	Student records SARC
<b>STATE PRIORITY #8—OTHER STUDENT OUTCOMES</b>	
<b>ENGLISH</b>	
<b>MEASURABLE OUTCOME</b>	All students enrolled at MCMS for at least two years will demonstrate mastery of English language arts standards.
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• California State tests (CASPP, CELDT)</li> <li>• Projects and Reports (visual and written)</li> <li>• Oral presentations</li> <li>• Teacher designed quizzes and tests</li> <li>• Student reflections</li> <li>• End of unit and end of course grades</li> </ul>
<b>MATHEMATICS</b>	
<b>MEASURABLE OUTCOME</b>	All students enrolled at MCMS for at least two years will demonstrate mastery of mathematics standards.
<b>METHODS OF</b>	<ul style="list-style-type: none"> <li>• California Assessment of Student Progress and Performance</li> </ul>

<b>MEASUREMENT</b>	(CASPP) <ul style="list-style-type: none"> <li>• Curriculum-embedded assessments</li> <li>• Teacher designed quizzes and tests</li> <li>• End of unit and end of course grades</li> </ul>
<b>SOCIAL SCIENCES</b>	
<b>MEASURABLE OUTCOME</b>	All students enrolled at MCMS for at least two years will demonstrate proficiency in social sciences.
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• California Standards Test (CST)</li> <li>• Curriculum-embedded assessments</li> <li>• Teacher-designed quizzes and tests</li> <li>• Projects and reports</li> <li>• End of unit and end of course grades</li> </ul>
<b>SCIENCE</b>	
<b>MEASURABLE OUTCOME</b>	All students enrolled at MCMS for at least two years will demonstrate proficiency in science.
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• California Standards test (CST)</li> <li>• Projects and reports (visual and written)</li> <li>• Teacher-designed quizzes and tests</li> <li>• Curriculum-embedded assessments</li> <li>• End of unit and end of course grades</li> </ul>
<b>VISUAL AND PERFORMING ARTS</b>	
<b>MEASURABLE OUTCOME</b>	All students enrolled at MCMS for at least two years will demonstrate proficiency in science.
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• Projects and presentations (visual and written)</li> <li>• Teacher-designed quizzes and tests</li> <li>• End of unit and end of course grades</li> </ul>
<b>FOREIGN LANGUAGE</b>	
<b>MEASURABLE OUTCOME</b>	<ul style="list-style-type: none"> <li>• All 7<sup>th</sup> and 8<sup>th</sup> grade students will complete one year of foreign language.</li> </ul>
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• Student records</li> </ul>
<b>PHYSICAL EDUCATION</b>	
<b>MEASURABLE OUTCOME</b>	Students will participate in physical education classes.
<b>METHODS OF MEASUREMENT</b>	<ul style="list-style-type: none"> <li>• Statewide physical fitness performance testing in grade 7</li> <li>• Class schedules and attendance reports</li> </ul>
<b>HEALTH (GRADES 1-6 ONLY)</b>	
<b>MEASURABLE OUTCOME</b>	Students in grade 6 will receive health education within their Physical Education course.
<b>METHODS OF</b>	Class schedules and attendance reports

MEASUREMENT	
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Assessment for special education students is defined and monitored appropriately according to the goals outlined in their Individualized Education Plans (IEPs).

As described in Element A above, MCMS assesses EL students in accordance with the law, including administering the home language survey, and the California English Language Development Test (CELDT). MCMS uses annual CELDT data, teacher and parent observations, and California Assessment of Student Progress and Performance (CAASPP), data to identify ELL student needs and reclassify ELL's as English proficient when appropriate.

MCMS collects and analyzes student data from a number of sources on an ongoing basis. Based on this data analysis, teachers alter their instruction and create interventions as necessary.

MCMS uses multiple measures to examine and analyze academic growth over time including CAASPP data and school-created data both for individual students, for cohorts of students, and by classes. MCMS disaggregates data based on relevant demographic characteristics as appropriate including gender, English learner status, Special Education status, economic disadvantage, and ethnicity.

MCMS has begun using NWEA MAP assessment and Schoolzilla data analysis and reporting tools to analyze trends, and provides reports that teachers now use to identify gaps in student learning. Because assessments are aligned to standards, NWEA MAP Assessments will be able to provide information on specific standards that students have mastered. More specifically:

- At the classroom level, aggregated classroom data is managed by each teacher and reviewed on a regular basis for indications of curricular elements that have been mastered and those that need to be re-taught. Additionally, individual student progress on the classroom level is reviewed by each teacher and used to create bimonthly accountability reports, quarterly progress reports, and semester report cards. Classroom-based assessment tools are used to monitor student progress in their mastery of the California State standards for each subject.
- At the grade level, progress is reviewed upon the creation of bimonthly accountability reports, quarterly progress reports, and semester report cards. Eighth grade students are also monitored on academic and social/emotional levels one-on-one by their mentors on a monthly basis. MAP Assessment and Schoolzilla reports of both aggregate and disaggregated data are reviewed quarterly by staff of each grade level to assess academic growth or decline. State test scores are reviewed annually by both grade and subject area to ensure progress and address any challenges. Progress of eighth-grade students in particular is discussed at weekly staff meeting as part of the 8<sup>th</sup> grade mentoring program.

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The board reviews academic data as a standing item on its agenda to ensure that the school is making progress toward its goals and to determine the need for curriculum, staffing, policy, or fiscal adjustments.

Every two weeks, parents receive an accountability report that includes current grades and attendance. Parents also receive formal quarterly and semester grades. Twice a year, the school schedules formal parent-teacher conferences to discuss student progress, and informal parent-teacher contact through phone calls and informal meetings happen throughout the year.

**Element D: Governance**

*The governance structure of the school, including, but not limited to, the process to be followed to ensure parental involvement.*

*Education Code Section 47605(b)(5)(d).*

MCMS is a non-profit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation regulations.

MCMS is governed by an elected Board of Directors that is composed of five or more Directors who are parents elected by parents. These positions include the board chair, fiscal manager, secretary, personnel chair, and district representative. The number and type of elected membership positions may be modified as needed and determined by the Board of Directors in accordance with procedures discussed in the Bylaws and the Board Operations Policy.

The Manzanita Charter Middle School Board of Directors and the meetings of the Manzanita Membership shall comply with the Ralph M. Brown Act (Gov. Code §§ 54950, et seq.), Public Records Act (Gov. Code §§ 6450, et seq.), and all other statutes applicable to charter schools, subject to the exemptions therefore set out in Education Code § 35147, and such other statutory provisions as may be enacted from time to time.

The Manzanita Board of Directors meets monthly, in accordance with the structure and process outlined in the Bylaws. Decisions are made following a modified consensus model. If consensus cannot be reached by following the consensus process as outlined in the Bylaws, then a vote will be taken. Each Director will have one vote, and the decision is determined by the majority vote.

The Board of Directors may initiate any program, activity, or may otherwise act in any manner that is not in conflict with, or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which California charter schools are established. The Board of Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it, and the Board may delegate to an officer or employee of the school any of those duties; provided, however, the Board of Directors retains ultimate responsibility over the performance of any powers or duties so delegated.

The Executive Director facilitates the day-to-day business of the school and is responsible for providing general information to the public about the school, directing questions to the proper Director(s), keeping accurate school records, helping to resolve day-to-day conflicts with the assistance of parents, teachers, and the school community, and reports to the Board of Directors.

Parents are actively involved in the operation of the school. Parent volunteer activities are structured to provide multiple opportunities for parents to participate in the school and provide critical supportive services for students. Parent participation opportunities have a broad range: serving on the Board of Directors, coordinating volunteer activities, working

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on school fundraising activities, supporting teachers in the classroom, supporting the school through administrative tasks, supervising and ensuring student safety at lunch and during arrival and departure periods, chaperoning field trips, providing for school maintenance; and supporting all school activities. MCMS also ensures that all parents can participate by offering opportunities during the school week as well as on the weekend.

## Element E: Employee Qualifications

*The qualifications to be met by individuals to be employed by the school.*

*Education Code Section 47605(b)(5)(e).*

Manzanita will recruit professional, effective, and qualified personnel to serve in administrative, instructional, instructional support, and non-instructional support capacities. Manzanita believes that all of its employees play a key role in creating a successful learning environment and will recruit qualified employees throughout the organization. Manzanita recognizes that employment is voluntary, and the Manzanita Board of Directors shall not require any employee to be employed at Manzanita. The School will conduct background checks on employee candidates to provide for the health and safety of the School's faculty, staff, and pupils and the academic success of the pupils. Employees will meet specific qualifications for employment as outlined in their job descriptions. Teachers will meet all requirements for employment set forth in applicable provisions of law, including credential requirements outlined in Section 47605(1) of Charter Schools Act and the Elementary and Secondary Education Act. As provided in the Charter Schools Act, the School may choose not to require credentials for teachers in noncore, noncollege-prep courses (e.g. music, physical education, various electives, etc.). The educational and skill level qualifications and job descriptions of teachers to be employed in the School shall meet the educational goals as outlined in this charter.

### Executive Director Qualifications

The School's Executive Director is the instructional leader at the School, with the responsibility of ensuring the School and students achieve the outcomes outlined in this charter petition. The Executive Director has the following qualifications:

*Required knowledge, skills and abilities:*

- Superb communication and community-building skills
- Deep knowledge of curriculum development and program design
- A record of success in developing teachers
- Entrepreneurial passion

*Required educational level:*

- Bachelors degree
- Graduate coursework in educational administration

*Required experience:*

- 5 plus years teaching and administrative experience
- Experience in performance assessment

### **School Accountant**

The School accountant is responsible for overall fiscal management of school operations including all mandatory reporting and to ensure fiscal solvency.

#### *Required knowledge, skills and abilities:*

- Strong organizational, time management and multi-tasking skills
- Strong interpersonal and communication skills
- Finance and accounting skills
- Ability to work with constant interruptions and remain focused; understand and carry out oral and written instructions; learn new procedures and upgrade skills in order to meet changing job conditions
- Ability to work independently as well as part of a team
- Professional appearance and manner

#### *Required educational level:*

- B.A. degree or equivalent work experience

#### *Required experience:*

- 6 plus years in fast-paced, ever changing administrative position; experience in a school environment preferable
- Supervisory experience
- Proficiency with Microsoft Office, accounting software, network printing, copiers and fax machines

### **Teacher Qualifications**

To be considered for employment at Manzanita Charter School, individuals meet, but are not be limited to, the following requirements:

- Core Teachers possess a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other California public schools are required to hold.
- Teachers who teach in "core" classes (as defined by Federal law) are "highly qualified teachers" (HQT) as defined by Federal law. These requirements include:
  - a) Holding a bachelor's degree from an accredited college/university;
  - b) Fully credentialed to the extent required under state law; and,
  - c) Meeting "subject matter expertise" requirements; which means having either a college major and/or having passed a subject-matter test in each core subject taught.
- Other employees possess expertise in their field and an ability and interest in working with young adolescents.
- Employment procedures fully comply with California Education Code Section 47605(b)(5)(f), including, criminal record summaries and fingerprinting.
- All employees are hired by the Board of Directors pursuant to written job specifications and all employees comply with all personnel policies adopted by the Board.



- Annual evaluations of teachers and other staff are performed as outlined in the Procedures Manual and student performance is weighted as 50 percent of the evaluation.
- Teachers and other staff are committed to the family cooperative philosophy and effectively implement parental participation in the classrooms and in the office.
- Teachers and other staff participate in individual Professional Development activities and are given an annual budget to cover these expenses. Professional Development employs a combination of in-house group workshops and individual and group offsite workshops.

**Element F: Health and Safety**

*The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.*

*Education Code Section 47605(b)(5)(F).*

MCMS has adopted and implemented a comprehensive set of health, safety, and risk management policies that address the following topics:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- Policies and procedures for response to natural disasters and emergencies, including fires and earthquakes.
- Policies relating to preventing contact with blood-borne pathogens.
- A policy requiring that full-time instructional and administrative staff receives training in emergency response, including appropriate “first responder” training or its equivalent.
- Policies relating to the administration of prescription drugs and other medicines.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A policy that each employee of the school submits to a criminal background checks and furnishes a criminal record summary pursuant to Education Code Section 44237.

Additional Health and Safety policies have been incorporated as appropriate into the school's student and staff handbooks. These handbooks are reviewed by school administrative staff and the Board on an ongoing basis to ensure continued compliance with laws governing charter schools.

In furtherance of its commitment to serve the educational needs of the local school community, the MCMS Board of Directors maintains facilities at 1615 Carlson Blvd. in Richmond, CA.

**Element G: Racial and Ethnic Balance**

*The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.*

*Education Code Section 47605(b)(5)(G).*

MCMS has an open enrollment policy with the goal of attracting a population of students that is representative of the racial, ethnic, and socio-economic demographics of the District's population. Manzanita will continue to achieve a demographic balance through conducting recruitment activities throughout the community and by targeting under-represented student populations. Specifically, in an effort to create and maintain a school community environment that is attractive to and supportive of students and families from diverse backgrounds, the school:

- Publicize open enrollment by distributing written materials in Spanish and English, and attend community events that offer visibility and contact with diverse groups of potential families.
- Hosts open houses and campus tours.
- Provide an anti-bias curriculum.
- Maintain non-sectarian policies with respect to the school's programs, admissions, employment practices, and all other operations and shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability.

## Element H: Admissions

*Admission requirements, of the charter school, if applicable.*

*Education Code Section 47605(b)(5)(H).*

Manzanita Charter Middle School will enroll all students in grades 6 - 8 who apply for admission and reside within the state of California. No student will be required to attend MCMS, and no tuition will be charged by the school. Through an active recruitment, the racial and ethnic balance of the school will seek to be reflective of the general population within the geographic boundaries of the district in which the school is located.

The schedule below represents Manzanita's timeline for the admissions process.

November: Schedule and begin to admissions advertising

December: Hold information meetings

January: Distribute Returning Student Notification to current students.  
Hold information meetings

February: New Student applications due  
Hold information meetings

March: Hold lottery  
Send confirmation letters to new students accepted through the lottery and waitlist confirmation to applicants placed on the waitlist in the lottery  
Send acceptance confirmation to applicants exempted from lottery

April: Student enrollment packets due.

The MCMS website will be updated with the dates of information events. Flyers or brochures also will be distributed throughout the community at local churches, community centers and libraries. News outlets will be informed by email two weeks prior to information events. Advertisements will be posted and notices will be posted online through appropriate message boards and venues.

If at the end of the application process, MCMS has received more applications for enrollment than the school can accommodate, the school will conduct a lottery. In the lottery process, admission priorities will be given in the following order:

- Siblings
- Residents of WCCUSD.

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A notice will be posted on the MCMS web site that states the lottery is open to the public. Applicants will be notified of the lottery date in writing, notified that the lottery is open to the public as required by law.

**Element I: Annual Audit**

*The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.*

*Education Code Section 47605(b)(5)(I).*

Annually, the Board of Directors will arrange for an audit to verify the accuracy of MCMS financial statements, revenue-related data collection and reporting practices, and reviews Manzanita's internal controls. The audit is conducted in accordance with generally accepted accounting principles by an independent, District-approved accounting firm with expertise in public school business. To the extent required under applicable federal law, the audit scope is expanded to include items and processes specified in any applicable Office of Management and Budget Circulars.

The Executive Director and the Board will review any audit exceptions or deficiencies and by December 31 of each calendar year, all audit exceptions and/or deficiencies will be resolved to the satisfaction of the Board of Directors. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this Charter.

## **Element J: Pupil Suspension and Expulsion Policies and Procedures**

*The procedures by which pupils can be suspended or expelled.*

*Education Code Section 47605(b)(5)(J).*

The policies and procedures for suspension and expulsion will be periodically reviewed and the list of offenses for which students are subject to suspension and expulsion will be modified as necessary and based on California Education Code. Manzanita will notify the District of any expulsions within 30 days. The School will account for suspended or expelled students in its average daily attendance accounting as provided by law. In accordance with Education Code 47605(d)(3), upon expulsion of any student, the school shall notify the superintendent or superintendent designee of the district of the student's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the student, including a transcript of grades or report card and health information.

### **Suspension**

Suspension is the temporary removal of a student from class instruction for adjustment or disciplinary reasons.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion. Students who come to school during the term of their suspension or expulsion may result in further disciplinary action.

Except in cases where suspension for a first offense is warranted in accordance with law, Manzanita shall consider suspension from school only when other means of correction have not been successful or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

### **Authority to Suspend**

1. A teacher may suspend a student only from his/her classroom for the day of the suspension plus the following school day.
2. The Executive Director or his/her designee may extend a student's suspension pending final decision by the Manzanita Board of Directors on a recommendation for expulsion.
3. A student with an IEP being considered for expulsion may be suspended for ten (10) consecutive days pending assessment and an IEP Team meeting. The suspension may also be extended pending final decision by the Manzanita Board of Directors on a recommendation for expulsion.

Jurisdiction

A student may be suspended or expelled for prohibited misconduct if the act is 1) related to a Manzanita school activity, 2) occurs at a Manzanita, 3) occurs at a Manzanita school's sponsored event or 4) occurs between any of the above and home (door-to-door)

Suspension Alternatives

The Executive Director may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and anger management programs for students subject to suspension or expulsion. An additional alternative may be community service on school grounds or, with written permission of the parent or guardian, off school grounds during the student's non-school hours. [Education Code 48900.6]

Grounds for Suspension and Expulsion

Manzanita provides uniformity in matters of student misconduct requiring disciplinary action and follows EdCode's guidance on what constitutes grounds for suspension and expulsion pursuant to California Education Code 48900 and 48915, inclusive of all subsections for these codes.

The following information is provided in order to provide uniformity within Manzanita in matters of student misconduct requiring disciplinary action. The following offenses constitute grounds for suspension and expulsion:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person or (2) Willfully used force or violence upon the person of another, except in self-defense.
- b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Executive Director or the designee of the Executive Director.
- 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 use or possession by a student 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) Knowingly received stolen school property or private property.
- l) 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.
- m) 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.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- q) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
  - 1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Section 48900.2, 48900.3, or 48900-4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - A. Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
    - B. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - C. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - D. 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 a school.

2. (A) "Electronic act" means the transmission, 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:
  - A. A message, text, sound, or image.
  - B. A post on a social network Internet website including, but not limited to:
    - i. Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
    - ii. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (1).
      - (1) "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
      - (2) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. B) Notwithstanding paragraph (1) and subparagraph (A), 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.
4. Reasonable student" means a student, including, but not limited to, an exceptional needs student, 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.
- r) A student 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 student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily harm.

In addition to the grounds specified above, a Manzanita student may be suspended from school or recommended for expulsion if the Executive Director of the school determines that the student has:

- Committed sexual harassment as defined in the Education Code section 212.5.
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Section 233 of the Education Code.
- Intentionally engaged in harassment, threats, or intimidation, directed against any Manzanita personnel or students, that are 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 students by creating an intimidating or hostile educational environment.

- Made terroristic threats against school officials or school property. Possessed or used any electronic signaling device that operates through the transmission or reception of radio waves, including, but not limited to, paging and signaling equipment, cell phones, pagers, game devices, lasers, laser-pointers, and music playing devices while students are on campus or attending a school-sponsored activity, or while under the supervision and control of any Manzanita employee.

*Procedures in Cases Requiring Suspension*

1. **Incident Investigation** - The Executive Director or teacher investigates the incident and determines whether or not it merits suspension.
2. **Determination of Length of Suspension** - The Executive Director determines the appropriate length of the suspension in conjunction with school policy and school-specific disciplinary management plans (up to five consecutive school days).

As defined in Education Code 48903(a), except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a student maybe suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the student may be suspended shall not exceed 30 days in any school year.

For the purposes of this section, a school district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year.

3. **Legal Notifications** - Prior to the suspension or expulsion of any student, the Executive Director or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. Upon reporting such an incident, the Executive Director or designee with secure a written copy of the police report and a copy of that report shall be placed in the private student files.

The Executive Director or designee also shall notify appropriate city or county law enforcement authorities of any student acts that may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

Within one school day after a student's suspension or expulsion, the Executive Director or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind.

When the Executive Director or other school official releases a student to a peace officer for the purpose of removing the student from the school premises (after the release), the Executive Director or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the student regarding the release of the minor to the officer, and regarding the place to where the minor is reportedly being taken. **Note:** The responsibility to notify the parent, guardian, or other responsible relative concerning the release of a student does not apply to the release of a student who has been taken into custody as a victim of suspected child abuse.

4. **Suspension Conference** - Suspension shall be preceded, if possible, by a conference conducted by the Executive Director or designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Executive Director.
5. **Notice of Suspension** - The Executive Director or designee must complete a Manzanita suspension form. The parent will be given written notice of the suspension using this form. The Manzanita suspension form serves as written notification of the student's suspension and indicates the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school.

A copy of this form is also placed in the student's in-house Manzanita folder - suspension notices should not be placed in the student's cumulative file.

### **Appeals Process**

A student or the student's parents guardians may appeal those disciplinary actions, other than expulsion, imposed upon a student for his her school related offenses.

- Appeals must be made first in writing, and should be directed to the Executive Director. The Executive Director or Executive Director's designee will attempt to resolve the appeal with a written response within ten (10) school days.
- If further review is desired, the appeal may be forwarded to the Manzanita Executive Committee for resolution with a written response within twenty (20) school days.

If any appeal is denied, the parent may place a written rebuttal to the action in the student's file.

### **Expulsion**

Expulsion is the involuntary removal of a student from Manzanita and all Manzanita programs for acts of specified misconduct.

Except for single acts of a grave nature, expulsion should only be used when:

- there is a history of misconduct,
- other forms of discipline (including suspension) have failed to bring about
- proper conduct,

- or when, due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the students or others

#### Authority to Expel

A student may be expelled by the Manzanita Administrative Panel. The Administrative Panel will consist of at least three members who are certificated and neither a teacher or Executive Director of the student nor a member of the Manzanita Board of Directors. The Manzanita Administrative Panel may recommend expulsion of any student found to have committed a suspendable or expellable offense (APS 5144.1).

#### Expellable Offenses

##### **Mandatory Expulsion**

The Executive Director or designee shall immediately suspend and shall recommend the expulsion of a student who has been determined to have committed any of the following acts at school or at school sponsored activity while under the school's jurisdiction. The Manzanita Administrative Panel will also expel the student.

#### Mandatory Expulsion does not require a second finding of fact.

- Possessing, selling, or otherwise furnishing a firearm, unless student had obtained prior written permission to possess the firearm from a certificated school employee
- Brandishing a knife at another person
- Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- Committing or attempting to commit a sexual assault or committing a sexual battery
- Possessing an explosive

##### **Mandatory Recommendation for Expulsion**

The Executive Director or designee shall immediately suspend and shall recommend the expulsion of a student who has been determined to have committed any of the following acts at school or at school sponsored activity while under the school's jurisdiction. The Manzanita Administrative Panel may order the student expelled.

#### Mandatory Recommendation for Expulsion requires a second finding of fact.

- Causing serious physical injury to another person, except in self-defense
- Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
- Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis
- Robbery or extortion
- Assault or battery upon any school employee as defined in (Penal Code 240 and 242)

#### Permissive Expulsion - requires a second finding of fact

Upon recommendation of the Executive Director or designee, the Manzanita Administrative Panel may order a student expelled upon finding that the student, at

school or at a school sponsored activity on or off school grounds, violated any of the suspendable acts listed under suspension.

**Special Procedures for the Consideration of Expulsion of Students with Disabilities**

**1. Notification of District of Residence**

Manzanita shall immediately notify the District of Residence and coordinate the procedures in this policy with said District for any student with a disability or student who is currently undergoing assessment for a possible disability.

Manzanita is responsible for ensuring that students with known disabilities are provided educational services during and following expulsion proceedings until they enroll in a different LEA.

**2. Services During Suspension**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. These services may be provided in an interim alternative educational setting.

**3. Procedural Safeguards/ Manifestation Determination**

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

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

If the Executive Director or designee, the parent, and relevant members of the IEP/504 Plan Team determine that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability. If the Manzanita Executive Director, the parent, and relevant members of the IEP/504 Plan Team make the determination that the conduct was a manifestation of the student's disability, the IEP/ 504 Team shall:

- c) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such student, provided that Manzanita had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- d) If a behavioral intervention plan has previously been developed,
  - i. review the behavioral intervention plan,
  - ii. and modify it, as necessary, to address the behavior; and
- e) Return the student to the placement from which the student was

removed, unless the parent and the Executive Director or designee agree to a change of placement as part of the modification of the behavioral intervention plan.

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

4. Due Process Appeals

In situations where the parent of an Manzanita student with a disability disagrees with any decision regarding placement or the results of a manifestation determination hearing, or Manzanita believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, either party may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings to resolve the disagreement.

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

5. Special Circumstances

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

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

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

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

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

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

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

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

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

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



**Element K: Teacher's Retirement**

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

MCMS staff in the State Teachers Retirement System (STRS) or Public Employees Retirement System (PERS) if eligible, and MCMS makes the required employer contribution for both. Additionally, MCMS makes the required employer contribution toward federal social security for those employees not covered by PERS. The school's Employee Handbook contains information on employee retirement rights.

**Element L: Public School Attendance Alternatives**

*The public school attendance alternatives for students residing within the county who choose not to attend the charter school.*

*Education Code Section 47605(b)(5)(L).*

No student is required to attend MCMS as a school of choice; no student is assigned to attend the school. Students not wishing to attend MCMS may attend their school of residence in compliance with their local district's policy.

**Element M: Employee Rights**

*A description of the rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and a description of any rights of return to the county office of education that an employee may have upon leaving the employ of the charter school.*

*Education Code Section 47605(b)(5)(L).*

MCMS is the official employer of record of all employees. Manzanita employees who leave the WCCUSD to take a job at Manzanita and who later choose to return to the District shall be treated the same as any other former District employee seeking re-employment.

Employment procedures are set forth separately in the school's Employee Handbook.

## Element N: Dispute Resolution

*The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.*

*Education Code section 47605(b)(5)(N).*

The MCMS Board of Directors has adopted policies and procedures for airing and resolving internal disputes.

The governing board and staff of the WCCUSD agrees to refer all complaints regarding the school's operations to the Chair of the MCMS Board for resolution in accordance with the school's adopted policies. Parents, students, board members, volunteers, and staff have been provided with a copy of the school's policies and dispute resolution, and have agreed to work within the stated parameters. In the event that MCMS adopted policies and processes fail to resolve the dispute, the district will provide reasonable prior written notice to the MCMS Board specifying the rationale for the District's decision to intervene on the basis that either (i) the matter relates directly to one of the reasons specified in law for which a charter may be revoked; (ii) such intervention is reasonably necessary in order for the District to avoid liability to the aggrieved party; or (iii) such intervention is directly related to the District's exercise of a duty, responsibility, or authority as the chartering agency under the Charter Schools Act, this Charter, or the Memorandum of Understanding (MOU) between the District and MCMS.

The chartering district can informally visit any part of the school at any time, but shall provide reasonable prior notice by telephone or fax to the Administrator and conduct the visit so as not to disrupt school activities. To arrange for an audit, inspection or other formal observation, the chartering district will provide notice five or more business days to the Chair of the Manzanita Charter School Board identifying the purpose and persons who will be participating for the District. Audit, inspection, monitoring, and oversight activities will not be delegated or subcontracted by the District to a third party; provided, however, that this shall not prohibit the District from employing expert consultants to assist the District's inquiries.

In the event that any dispute arises between the District and MCMS relating to this Charter, the parties hereby agree to initially attempt to settle such dispute by meeting and conferring with each other and to make a good faith attempt to resolve the dispute. In the event that the parties are unable to resolve any dispute by meeting and conferring, the parties shall then attempt to settle any such dispute by a non-binding mediation, before a single neutral mediator, subject to the following:

- The mediator shall be assigned at random by a mutually agreed upon mediation service provider located within Contra Costa County.
- A demand for mediation must be in writing and must be made by the aggrieved party within forty-five calendar days of the event giving rise to the demand.

- The mediation shall commence within forty-five calendar days from the date of the receipt of the Mediation Demand, and shall be concluded no later than fifteen calendar days thereafter.
- The administrative costs of conducting the mediation shall be shared equally between the parties.

In the event that the dispute is not resolved through mediation, upon the written request of either party delivered within ten calendar days of the conclusion of mediation, the matter shall be submitted to binding arbitration conducted in Contra Costa County, California before a single neutral arbitrator pursuant to the rules of the American Arbitration Association or other mutually-acceptable set of procedures. The arbitration shall commence within forty-five calendar days from the date of the receipt of the Arbitration Demand, and shall be concluded no later than fifteen calendar days thereafter. The arbitrator shall be selected from a panel by a process of alternating elimination of the other panelists by the parties. The panelists must be attorneys at law with not less than five (5) years experience in California school law or other mutually acceptable professionals. All proceedings shall be audio recorded and copies of the recorded proceedings made promptly available to the parties. The arbitrator shall prepare in writing and provide to the parties a determination together with the reasons therefore. The administrative costs of conducting the arbitration shall be shared equally between the parties.

MCMS and the chartering district will work together to fully implement this charter, including but not limited to, the submission of any necessary and duly-prepared waiver requests to the State Board of Education. The grants of the charter shall be for a five-year term.

The District receives and reviews the annual fiscal and programmatic audit and performance report as specified in Element I. The chartering district must notify MCMS as to whether it considers the school to be making satisfactory progress relative to the goals specified in this charter. This annual notification will include the specific reasons for the conclusions of the chartering district. If, in its review of the school's annual report, the chartering district determines the school is making satisfactory progress toward its goals, this charter, and any mutually agreeable amendments, will be renewed for no less than five years.

The charter may be amended, from time to time, by the MCMS Board of Directors with notice to and consent of the District. In the event of any disagreement over a proposed charter amendment, the MCMS Board representatives will meet and confer with District representatives to resolve the issues and, if necessary, work through the dispute resolution process set forth under this Element (Element N).

Any revocation of the Petition shall comply with governing law.

**Element O: Public School Employer**

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

*Education Code Section 47605(b)(5)(O).*

MCMS is deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). The governing board of the school employs employees at the MCMS. Persons employed by the MCMS are not to be deemed employees of the District for any purpose. District employees shall have no employment rights with MCMS, nor shall employees of the MCMS have any employment rights with the District.

## **Element P: School Closure Procedures**

*A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.*

*Education Code Section 47605.(5)(P).*

In the event that Manzanita closes and does not continue operating under this charter or a different charter, the following procedures, which are adapted from the procedures recommended by the California Department of Education ("CDE"), will be put into place to ensure a final audit of the school to determine the disposition of all Manzanita assets and liabilities, including plans for the disposal of any net assets and for the maintenance and the transfer of student records.

### **Documentation of Closure Action**

The decision to close Manzanita for any reason will be documented by an official action of the Manzanita Board of Directors. The action will identify the reason for school closure (for example, whether the charter was revoked, not renewed or closed voluntarily), the effective date of closure, and an entity or person or persons responsible for closure-related activities.

### **Notification to the California Department of Education**

Notification will be given to the Charter Schools Unit at the CDE and to the Contra Costa County Office of Education. The notification will include the following information:

- a. School name, charter number, and CDS code;
- b. Date of closure action;
- c. Effective date of the closure, if different; and
- d. Reason for the closure. (Note: If the charter is revoked pursuant to Education Code Section 47604.5 or revoked or not renewed pursuant to Education Code Section 47607, the notice should clearly state that the charter has been revoked or not renewed, as appropriate. If it is being closed for other reasons, the notice should specify the reason(s) and clarify that the charter school is being closed, but not revoked).

### **Notification to Parents and Students**

The Manzanita Board of Directors will promptly notify parents and students of the school, the State Board of Education, the Contra Costa County Office of Education, the school's SELPA, the retirement systems in which the school's employees participate (for example, the Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. Notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the students' school districts of residence; and the manner in which

parents/guardians may obtain copies of student records, including detailed information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students provides information which will assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the school.

The Board will also develop a list of students in each grade level and the classes they have completed. This information will be provided along with information on the students' districts of residence to the entity responsible for closure-related activities.

### **Notification to Receiving Districts**

In the event that any students reside outside the District, Manzanita will notify each school district that is responsible for providing education services so that the receiving district may assist in facilitating student transfers.

### **Student and School Records Retention and Transfers**

Manzanita will facilitate the timely transfer of student records to each student's district of eligibility or school to which the student will transfer. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. Manzanita will ask the District to store original records of its students. All records of the school shall be transferred to the District upon school closure. The school and the District will assist parents in the transfer of their students to other appropriate schools. In the event that the school is unable to transfer student records for any reason, Manzanita will maintain them in a safe and secure location and will provide authorized District employees with access to these records. Manzanita will maintain all school records, including financial and attendance records, for a reasonable period after the school closure.

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

### **Financial Close Out**

Manzanita will have an independent audit completed within six months after closure. This may coincide with the school's regular annual audit. The purpose of the audit is to determine the net assets or net liabilities of the school. The final audit will include an accounting of all the Manzanita's financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the school. The cost of the audit will be considered a liability of the school.



In addition to this final audit, Manzanita will also submit any required year-end financial reports to the CDE and the District in the form and time frame required, pursuant to Education Code section 47604.33. These reports will be submitted as soon as possible after the closure action, but no later than the required deadline for reporting for the fiscal year.

**Dissolution of Assets**

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

On closure, Manzanita shall remain solely responsible for all liabilities arising from the operation of the school. As the school is operated by a non-profit public benefit corporation, should the corporation dissolve, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

Manzanita will utilize the school's reserve fund to undertake any expenses associated with the closure procedures identified above.