

**Orange County Educational Arts Academy**  
A California Public Charter School

**BOARD OF DIRECTORS  
MEETING AGENDA**

**Special Meeting**

May 27, 2025

6:30 p.m. – Open Session

OCEAA School Library

825 N Broadway, Santa Ana, CA

Reference Materials: <https://bit.ly/3Sj7Rt9>

Zoom Link for Presenters: <https://bit.ly/33DU6Mz>

**AGENDA**

**I. Call to Order: 6:34 PM**

A. Roll Call

**Board Members**

Dr. Alfonso Bustamante

Carmen Aparicio, Chair

Ben Stanphill, Secretary

Dr. Gregory Barraza

Edwin Larid

Luzelena Najera

Martha Saenz

**Present**

**Absent**

	X	
X		
X		
X		
X		
		X
X		

**Staff/Other**

Dr. Pedro Llorente, School Director

Mike Limón, President/Executive Director

		X
X		

B. Approval of Agenda

**II. Open Session**

**III. Public Comment**

Opportunity for members of the public to address the Board on agenda items and/or on non-agenda items during regular meetings only

**IV. Review and approve the submission of the materially revised charter petition, certification of complete petition submission, and associated documentation to the authorizing agency in accordance with Education Code 47607.**

Action: Approve submitting the materially revised charter petition, certificate of complete petition submission, and associated documentation to the authorizing agency.	Motion: BS Second: GB
	Vote: 5 for 0 against

- V. Review and approve the attached Board Resolution authorizing the submission of the materially revised charter petition to the authorizing agency.

Action: Approve Board Resolution authorizing the submission of the materially revised charter petition to the authorizing agency.	Motion: BS Second: CA
	Vote: 5 for 0 against

VI. Items for Future Meetings

The next regularly scheduled meeting is on June 11, 2025.

VII. Adjournment

The meeting was adjourned at 6:43 PM.

**RESOLUTION OF THE BOARD OF DIRECTORS  
ORANGE COUNTY EDUCATIONAL ARTS ACADEMY  
A California Public Benefit Corporation  
Resolution No. 052725M**

**RESOLUTION AUTHORIZING CHARTER MATERIAL REVISION**

**WHEREAS**, the Board of Directors (“Board”) of Orange County Educational Arts Academy (“OCEAA” or “the Charter School”), finds it in the best interest of the Charter School and in furtherance of its educational and public purposes to submit a material revision of the OCEAA charter as authorized by the Santa Ana Unified School District (the “District”) and provided for in Education Code Section 47607; and

**WHEREAS**, the Board has reviewed a request for material revision and supporting documentation (“Material Revision”) to purchase an adjacent parcel of land at 817 North Broadway to expand the current property line of 825 North Broadway to expand the Charter School’s operations and accommodate its growth; and

**WHEREAS**, the District requires the Charter School to submit a request for material revision for the above desired property acquisition, as well as evidence that the Board has authorized the Charter School to submit the request for material revision and supporting documentation.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors hereby approves the submission and authorizes the Charter School’s leadership to submit a request for material revision and supporting documentation to the District taking effect upon successful completion of the purchase of the property to accomplish the above-described purchase to further fulfill the mission and vision of the Charter School.

\* \* \*

**PASSED AND ADOPTED** by the OCEAA Board of Directors on this 27 day of May, 2025.

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Ben Stanphill, Secretary  
OCEAA Board of Directors

**CERTIFICATION OF COMPLETE CHARTER PETITION:**

Education Code Section 47605(b)

A charter petition is deemed received by the governing board of the school district on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The following certification is submitted in compliance with Education Code Section 47605(b).

No later than 60 days after receiving a petition, the governing board of the school district shall hold a public hearing on the provisions of the charter. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.

- o Date of submission: TBD
- o Deadline for public hearing: TBD
- o Deadline for granting or denying the charter petition: TBD

Commented [KU1]: To be filled in only if desired.

**Certification**

By signing below, I certify as follows:

1. That I am the authorized representative of Orange County Educational Arts Academy, and that I am competent and qualified to certify to the facts herein;
2. That, as the authorized representative, I have personal knowledge of the facts forming the basis of this certification;
3. That I make this certification for purposes of Education Code Section 47605(b) only; and
4. That I deem the charter petition to be complete.

Name: Mike Limón, Lead Petitioner

Charter School: Orange County Educational Arts Academy

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Charter Renewal Petition for the  
Orange County Educational Arts Academy  
A California Public Charter School  
July 1, 2020 – June 30, 202~~8~~<sup>5</sup>*



*Submitted to  
Santa Ana Unified School District  
October 15, 2019*

*Approved on December 17, 2019*

*Material revision submitted [INSERT DATE], 202~~5~~<sup>5</sup>*

Commented [A1]: Please update with submission date.

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### Exhibits

- Exhibit A: CAASPP Reports
- Exhibit B: OCEAA LCAP
- Exhibit C: EL Education ELA Curriculum
- Exhibit D: Legal Requirements Table
- Exhibit E: EL Education Core Practices
- Exhibit F: EL Education Dimensions of Student Achievement
- Exhibit G: EL Education Credentialing Overview
- Exhibit H: Draft Proposal and Letter of Intent from Futures Education, LLC
- Exhibit I: Sample Special Education Job Descriptions
- Exhibit J: Articles of Incorporation, Current and Proposed Bylaws
- Exhibit K: Organizational Chart
- Exhibit L: Financial Information

# INTRODUCTION

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OCEAA respectfully submits this charter petition material revision request to the Santa Ana Unified School District, seeking to continue the important work of serving students in the District. This material revision is being submitted as the Charter School seeks to purchase the adjacent parcel at 817 North Broadway which would allow OCEAA to expand the property line of the existing 825 North Broadway location to expand the Charter School's operations and accommodate its needs for administrative offices, small group instruction/ intervention services, classrooms or meeting areas. The material revision would take effect only upon the successful completion of the purchase of 817 North Broadway.

This Renewal Petition for the Orange County Educational Arts Academy ("OCEAA" or the "Charter School") presented to the Santa Ana Unified School District ("SAUSD" or the "District") represents the belief that charter schools provide an opportunity for students to develop talents that may not be accessed in a traditional school setting. Charter schools, in an effort to continue the improvement of the public educational system, provide creative and individualized educational programs that address the unique needs of the students they serve.

California Education Code Section 47601 provides opportunities for educators, parents, learners and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish the following:

- Improve pupil learning.
- Increase learning opportunities for all learners, with special emphasis on expanded learning experiences for learners who are identified as academically low achieving.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for educators, including the opportunity to be responsible for the learning program at the school site.
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- Hold schools established under the Charter Schools Act of 1992 accountable for meeting measurable learning outcomes, and provide schools with a method to change from rule-based to performance-based accountability systems.
- Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

## **COMMUNITY NEED FOR THE CHARTER SCHOOL**

Orange County Educational Arts Academy was founded in 2005 as a grass roots endeavor undertaken by parents, dedicated educators, and community members who envisioned an instructional program that is committed to student academic achievement through the development of the arts, technology, language, and culture. OCEAA first opened its doors in August of 2005 at its permanent location, 825 N. Broadway Santa Ana. OCEAA launched with 459 students in grades

K-8 and has since grown into a TK-8 school that currently serves 625 students, 67% of whom reside within Santa Ana Unified School District attendance boundaries. (The remaining 33% hail from Orange, Los Angeles and Riverside counties.) OCEAA’s founding group of kindergarten students were promoted to high school at the close of the 2013-2014 school year.

OCEAA is located in downtown Santa Ana, which is comprised of city and county agencies, small businesses, and residential homes and apartments. According to recent US Census Data, the largest demographic groups in Santa Ana are white (44%), Latino (40%), and Asian (11%). Santa Ana has an overall poverty rate of 19.55%, and the median household income is \$57,151, below the Orange County median household income of \$86,217 (US Census 2017 ACS 5-Year Survey). OCEAA primarily serves low-income families, with 78% of 625 currently enrolled students qualifying for the National Free and Reduced School Lunch Program.

The 2017-18 California School Dashboard reports recent student demographics for OCEAA and SAUSD in the following table as:

Category	OCEAA (%)	SAUSD (%)
English Learners	48.3	40.3
Socioeconomically Disadvantaged	68.6	87.8
Students with Disabilities	6.3	12.3
Homeless	5.9	12.1
Foster Youth	0	0.5
Hispanic/Latino	93.4	96

OCEAA implements the 90:10 Two Way Bilingual Immersion (TWBI) model and is an *EL Education* (“ELED”) Network School. We focus on developing the whole child through his/her mastery of knowledge and skills in two languages, ethical citizenship, and high quality work that integrates the 21st Century skills necessary to succeed in an ever-advancing global community. Our mission at OCEAA is simple: to nurture all learners to become creative, critical thinkers by providing high quality standards-based instruction through the arts, technology, language and culture. At OCEAA, students experience an extended school day, rigorous curricula in English and Spanish, and dedicated time for arts and technology instruction. We strive to develop resilient learners by fostering a sense of belonging and community.

Our mission and program align with the State Superintendent of Public Instruction’s Global California 2030 Initiative and the California Multilingual Education Act of 2016, which was introduced in the Legislature by State Senator Ricardo Lara. This act codified voter passage of Proposition 58, also known as the LEARN Initiative (Language Education, Acquisition and Readiness Now). LEARN advances the goals of providing the highest quality education for all children—in English along with providing the opportunity to learn another language— and preparing students for college and careers in the 21st century economy by accessing innovative, research-based educational programs, and empowering parents, teachers, and schools to meet the needs of all students.

Charter schools empower parents by offering educational options. Parents choose OCEAA because of its dual language immersion setting, commitment to arts instruction for all students, and small school environment that nurtures the whole child from primary grades through middle school. OCEAA's campus includes two buildings. The main building at 825 N. Broadway houses grades 1-8 as well as a fully operational kitchen which prepares fresh food daily for breakfast and lunch. The annex building at 826 N. Broadway houses grades Transitional Kindergarten (TK) and Kindergarten (K), as well as our business offices. [The 817 N. Broadway building could be utilized for administrative offices, small group instruction/ intervention services, classrooms or meeting areas.](#) The small school environment of a K-8 program is particularly desirable to parents. OCEAA serves approximately 150 students in grades 6-8, in comparison to SAUSD intermediate schools where the average size is over 1,000 students. Continuation of the TWBI program through 8th grade is recommended to fully achieve the desired outcomes of biliteracy, bilingualism and multicultural competencies.

For all of the reasons cited above, combined with a strong academic performance record that exceeds the performance of the District in which it is located, OCEAA provides a valuable educational option to the community.

### **OCEAA Accomplishments**

OCEAA is entering its 15th year of preparing students to be global citizens and we have much to be proud of. First and foremost, we have demonstrated significant student achievement gains (detailed below). This is, of course, the most important metric in determining our success as an educational institution and OCEAA takes this obligation very seriously. We have been proactively refining our program to make sure students become proficient in the Common Core State Standards and expect to see continued growth in our next term. Our focus on biliteracy and global citizenship is stronger than ever, and we are confident that we will continue to provide our students with a 21<sup>st</sup> century education through the arts, technology, language, and culture.

OCEAA has also fostered a powerful school culture that is exciting and effective, but not only in terms of academic achievement. We would like to highlight our success in maintaining and growing professional partnerships as well as bolstering our arts and technology programs as these truly round out our school and provide for the engaging and unique "glue" that makes OCEAA strong. We have had great success over the last five years; below are some highlights:

### **Arts Achievements, Performances and Partnerships**

- Annual contributors to the Noche de Altares community event in Downtown Santa Ana.
- Instituted an annual OCEAA Art Walk which displayed all student artwork on campus.
- Piloted National Core Arts Standards performance assessments for students in grades 2, 5 and 8
- Performed at the Association of Two-Way and Dual Language Education Conference.
- Approximately 200 students perform annually at our Ritmos del Mundo concert at Santa Ana High School
- Approximately 200 students perform annually at our Musical at Santa Ana High School.
- Performed at the community Día del Niño Festival in Downtown Santa Ana.

- Awarded training and an instrument donation from Little Kids Rock to begin implementation of small band instruction
- Annual teacher participation in arts professional development through TCAP and Arts Advantage
- Partnered with local artist Brian Peterson to teach a portrait workshop to students in 4th grade
- Awarded Bowers Museum grant
- Partnered with local artist Dino Perez to create an original coloring book with our 2nd grade students
- Student art displayed annually at Starbucks as a part of the Artwalk in Downtown Santa Ana
- Partnered with local artist Paulina Alvarado from El Centro Cultural de Mexico to teach Son Jarocho to our 6th grade class
- Approximately 90 students from Orange County High School of the Arts partnered with teachers to assist in classroom and teach art lessons
- Member of the Orange County Music and Arts Administrators at Orange County Department of Education
- Partnered with Orange County Museum of Art for all students in grades 2-8 to receive free field trips and art activities
- Annual dance instruction provided by The Wooden Floor's Dance Free Weeks program for students in grade 3
- Presented at the Arts Schools Network Conference

### Technology Achievements

- Adopted campus-wide Digital Literacy and Citizenship standards based on the Digital Literacy Standards of the Fresno County Department of Education and Long Beach Unified School District that build toward mastery of the International Society for Technology in Education's Standards for Students for TK through 8th grade
- Implemented consistent use of EasyTech by Learning.com's Adaptive Typing Program in grades 3-8, and school-created pre-typing posture and finger placement curriculum grades 1-2
- Implemented a badging program that awards students who achieve the OCEAA Digital Literacy and Citizenship standards each trimester
- Significantly increased the number of student devices (currently provide 1 cart of iPads in TK-Kindergarten, 2 carts of iPads in 1<sup>st</sup> grade, 1 cart of Chromebooks in each of grades 2-5, 1 Chromebook cart per class in grades 6-8, shared lab of 22 Macs)
- Upgraded the OCEAA computer lab with Macs donated by Orange Coast Community College District
- Implemented meaningful use of Google Classroom in grades 1-8
- Implemented a semester-long Coding & Makerspace course for all grade 6 students;
- Implemented Digital Media Arts courses (semester-long for all grade 6 students and year-long elective for students in grades 7-8)
- Implemented a school-wide Hour of Code
- Held yearly Family Coding Night and Spanish-language parent workshops on the importance of coding in education

- Upgraded the electronic student registration system to Ecollect
- Implemented student information syncing, merging PowerSchool data across all platforms;
- Implemented systems to make technology more readily accessible for special education students
- Using E-Funds grants, implemented site-wide modernization of networking equipment, removing redundant networking and legacy connections, improving overall stability and speed
- Deployed a mobile programming platform using customizable hardware interfaces, giving students access to entry level PC hardware and programming
- Implemented campus-wide content filtering, preventing access to unauthorized or otherwise unsafe content

### **Community Partnerships**

- ABADA Capoeira OC
- Active Learning
- Art Innovators
- Barnes & Noble Arts Yearly Fundraiser
- Broadway on Tour
- CharterSAFE Safety Grant Prize Winner
- Disney VoluntEARS Community Fund Award Winner
- Girl Scouts
- Healthy Smiles
- Help Me Grow
- Kids Rock
- Learning Means Fun
- Ocean Institute
- Orange County Department of Education's Outdoor Science School
- Santa Ana College
- Second Harvest
- The Energy Coalition
- University of California Eye Mobile
- University of California School of Nursing

OCEAA is excited for the next chapter of our charter. We know that we have strong systems in place, quality faculty, staff, parents, and students dedicated to our work, and a clear vision for the future. Our 2020-2028 charter term will build upon the successes of our past charter terms, and continue to provide the community with a highly successful charter school.

### **Charter Renewal Criteria**

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

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

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

Such increases are documented below.

**AND**

2. Education Code Section 52052(f) states: “For purposes of paragraphs (1) to (3), inclusive, of subdivision (b) of Section 47607, alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used.”

The alternative measures that show increases at the Charter School are documented below.

**OR**

3. Education Code Section 47607(b)(4) states: “The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.”

This determination, which requires a comparison to other public schools, is documented below.

**AND**

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

This requirement is met through the documentation presented in the charter renewal petition and appendices.

The following shall serve as documentation confirming that the Charter School meets the statutory criteria required for renewal as set forth in Education Code Sections 47607(a)(3)(A), 52052(f), and 47607(b)(4) (Also see Exhibit A: CAASPP Reports)

**Academic Achievement Data, Analysis and Action steps for the 2019-20 school year**

OCEAA has established a record of serving the needs of historically underachieving populations in the last charter term as demonstrated by CAASPP scores over the last 5 years. In accordance with Education Code Section 47607(b)(4), OCEAA has documented and clear and convincing data

that demonstrates the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

The tables below show a comparison of OCEAA students’ academic performance, both schoolwide and for all numerically significant subgroups (English Learners (“ELs”), Students with Disabilities (“SWD”), socioeconomically disadvantaged (“SED”) students, and Hispanic/Latino students (“H/L”), against the District-wide average and against two comparison schools in the District, Santiago Elementary School (“Santiago”), and Martin R. Heninger Elementary School (“Heninger”). All numerically significant subgroups are denoted with a ^ symbol in the tables below. In addition to numerically significant subgroup data, OCEAA has included the academic achievement data of students reclassified as Fluent English Proficient (“RFEP”) and English Only (“EO”) students.

**Students Meeting and Exceeding ELA and Math Standards**

Table 1 shows that 51% of all OCEAA students met and exceeded ELA standards, and 39% met and exceeded math standards in 2018-2019. Both percentages are higher than in the surrounding district. In addition, the five-year trajectories show significant net increases in both ELA and math that translate to 45% more students meeting and exceeding ELA standards and the percentage of students meeting and exceeding math standards almost doubling. Table 1 also shows that every numerically significant OCEAA subgroup outperformed the corresponding district subgroup. Every OCEAA subgroup increased by 8 or more percentage points, with ELs making the largest ELA net increase of 16 percentage points, and H/L making the largest math net increase of 17 percentage points. ELs made significant net increases and doubled the percentages of students meeting and exceeding standards in both ELA and math.

Table 1	ELA % Standard Met & Exceeded					Math % Standard Met & Exceeded				
	SAUSD		OCEAA		OCEAA Net Change	SAUSD		OCEAA		OCEAA Net Change
	2014-15	2018-19	2014-15	2018-19		2014-15	2018-19	2014-15	2018-19	
ALL	25	32	35	51	+16	21	25	22	39	+17
EL^	4	3	12	28	+16	6	5	11	22	+11
SWD^	5	9	3	11	+8	7	9	5	19	+14
SED^	24	29	30	43	+13	20	23	19	32	+13
H/L^	23	31	35	48	+13	20	24	21	38	+17

Note: 2018-19 data has been rounded to the nearest whole number to match the presentation of data from 2014-15.

These remarkable achievements are the result of strategic alignment of resources and professional development to improve pupil outcomes during the current charter term. Multiple coordinated

actions, documented in our annual Local Control and Accountability Plan (“LCAP,” included as Exhibit B), tell the story of OCEAA’s summary growth.

To support students in meeting the increased rigor of the Common Core State Standards and the California Assessment of Student Performance and Progress English (CAASPP) Language Arts/Literacy and Mathematics tests, OCEAA invested in high quality curricula in English language arts, Spanish language arts and math, and focused professional development on planning and implementation support. OCEAA’s Literacy Coach provided professional development and coaching to support the implementation of Benchmark *Adelante*, and a teacher leader supported the transition from workbook-based *Go Math* to the online edition in grades 4-8.

For English language arts, OCEAA selected *EL Education*’s ELA Curriculum (Exhibit C), and contracted with *EL Education* to provide implementation training and coaching support. After two years of implementing *EL Education*’s ELA curriculum, OCEAA expanded the use of the effective Student Engaged Assessment practices embedded in that curriculum (e.g. Learning Targets and Checking for Understanding/formative assessment) to instruction in math and Spanish Language arts. Over the next two years, *EL Education* instructional coaches worked with all staff to make these school-wide instructional shifts become an integral part of our school culture, and they are now practiced in all content areas and in all grades.

In math, CAASPP data showed that students were not successfully transitioning from primary to elementary math, and from elementary math to middle school math, despite curriculum benchmark assessments that showed they were entering with the requisite skills to advance. Digging deeper into the data, the CAASPP blueprints, and the *Go Math* curriculum content progressions K-8, it was determined that the curriculum did not provide the scope, sequence, and rigor necessary to prepare students for success in upper grade math, and that math instruction was too focused on procedures and not sufficiently attending to the development of conceptual understanding and mathematical fluency.

Research on highly rated Common Core math curricula indicated that *Eureka Math* addressed the weaknesses inherent in *Go Math*. Under the direction of a newly created Math Coach position in 2017-18, the 3<sup>rd</sup>-8<sup>th</sup> grade math teams collaborated to pilot *Eureka Math* units and monitor student progress.

As a backdrop to the actions described above, OCEAA made intentional changes to our grading policies in a commitment to implement standards-based grading practices in all grades. Over the course of the charter term, teachers:

- separated the reporting of academic and behavioral grades,
- ensured that assessments included both receptive and productive tasks,
- increased the use of performance tasks in student assessment, and
- developed rubrics to assess performance using clearly defined criteria.

These steps have helped teachers calibrate their report card grades to more accurately reflect student progress in relation to established standards of performance, creating better alignment between curriculum, instruction and the rigor of the standards.

The improved performance of SWD is notable in relation to planned program changes for 2020-2021. Throughout the charter term OCEAA has operated as an arm of the District for Special Education Services and as such, adheres to all policies and procedures of the SAUSD SELPA. With the support of a SAUSD Program Specialist from 2017-2019, OCEAA began changing its service delivery from an exclusively pull-out model, to a primarily inclusive push-in/co-teaching model.

In tandem with making the above change in service delivery, OCEAA began receiving technical assistance as part of the California Scale-Up MTSS Statewide Initiative in order to develop its Multi-Tiered System of Supports. This assistance has been guided by Schoolwide Integrated Framework for Transformation (“SWIFT”), a national technical assistance center that builds whole system capacity to provide academic and behavioral support to improve outcomes for all students. In alignment with the SWIFT model, OCEAA has convened a standing MTSS Team composed of the Literacy Coach, Math Coach, Education Specialist, Behavioral Specialist, two general education teachers, and the School Director to review data and develop the system. The MTSS Team has been conducting biannual program evaluations using the SWIFT Fidelity Integrity Assessment, and creating short and long term goals to ensure that OCEAA is developing policies and practices that support a fully integrated organizational structure for Tier 1 instruction, non-categorical service delivery, and full access to the general education curriculum and extracurricular activities for all students.

The data show these initiatives are having a positive effect on student performance. Although not captured quantitatively, we can say with confidence that the change has also positively impacted SWD perceptions of themselves as capable learners.

In order to take our Special Education program to the level of expectation set out in the SWIFT model, OCEAA intends to be its own LEA for the 2020-2025 charter term. For more details on OCEAA’s Plan for Special Education, see Element 1.

Finally, an ancillary effect of strategic planning and professional development was an improved rate of teacher retention, which in turn results in the staff cohesion needed to sustain achievement growth.

**Students Scoring Standard Not Met in ELA and Math**

Table 2 shows that only 20% of all OCEAA students did not meet ELA standards, and 28% did not meet math standards. Both percentages are lower than in the surrounding district. Table 2 also shows OCEAA’s significant net decreases in students scoring Standard Not Met in ELA and math. The most dramatic improvement was made by ELs, with a 31 percentage point decrease in ELA. All groups except SWD decreased in the percentage of students not meeting standards in ELA by nearly half, and decreased in the percentage of students not meeting standards in math by about a quarter.

Table 2	ELA % Standard Not Met	Math % Standard Not Met
---------	------------------------	-------------------------

	SAUSD		OCEAA		OCEAA Net Change	SAUSD		OCEAA		OCEAA Net Change
	2014-15	2018-19	2014-15	2018-19		2014-15	2018-19	2014-15	2018-19	
ALL	46	41	40	20	-20	49	47	38	28	-10
ELs^	77	79	67	36	-31	71	77	58	47	-11
SWD^	81	78	78	62	-16	80	79	65	65	-0
SED^	47	42	44	25	-19	49	48	42	33	-9
Hisp^	47	42	42	21	-21	50	48	39	30	-9

An important contributing factor in improving student performance (i.e. the decline in students performing at the Standard Not Met band) is high quality ELA and math curricula, which is why we are transitioning from *Go Math* to *Eureka Math* in all grades beginning in 2019-2020. Other coordinated actions, documented in our annual LCAP, tell the story of OCEAA's decrease in students scoring Standard Not Met, including:

- Initiating the *FactsWise Fluency* program in grades K-3, and increasing math instructional minutes to 80 minutes daily in grades 6-8.
- A Math Coach began a Response to Intervention (RtI) pilot based on CAASPP and STAR Math cut-points. STAR Math helped better pinpoint the prerequisite skills that students were lacking, and provided insight into overall program strengths and weaknesses.
- Integrating ELA/ELD standards across content areas in grades 4-8, with an emphasis on the speaking and listening skills to develop the oracy that fluent readers and writers need.
- Planning to better coordinate RtI, Positive Behavioral Interventions and supports (PBIS) and Special Education services through the development of a Multi-Tiered System of Supports.
- Training teachers in the use the *Illuminate* Student Assessment System, and the CAASPP Interim Assessment System to benchmark student progress in meeting standards in ELA and math.
- Implementing procedures for re-taking summative assessments after interventions as part of a standards-based grading system.

**Academic Performance in Comparison to the Public Schools That OCEAA's Pupils Would Otherwise Have Been Required to Attend**

In addition to comparing favorably to schools in the school district in which the charter school is located, OCEAA's achievement record compares favorably to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend. OCEAA's students come from all parts of Santa Ana; therefore, the SAUSD Intermediate Attendance Boundary where OCEAA is located is used to compare its performance to resident K-8 schools.

Tables 3 and 4 show OCEAA’s academic performance for all students and numerically significant subgroups exceeds that of the resident schools in ELA and math every year from 2016-17 to 2018-19 except for SWD in ELA.

Table 3	ELA % Met & Exceeded Standard								
	OCEAA			Santiago			Heninger		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
ALL	45	54	51	35	41	40	28	32	31
ELs^	22	30	28	3	5	2	8	3	5
SWD^	13	7	11	21	21	19	2	4	9
SED^	37	49	43	31	35	33	27	31	30
H/L^	42	53	48	32	38	37	28	32	31

Table 4	Math % Met & Exceeded Standard								
	OCEAA			Santiago			Heninger		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
ALL	32	35	39	26	26	26	20	25	25
ELs^	24	16	22	2	4	2	8	3	6
SWD^	6	8	19	13	15	11	7	9	11
SED^	27	30	32	23	19	21	20	23	24
H/L^	31	34	38	24	24	24	20	25	24

#### English Learner Progress Indicators (“ELPI”)

Tables 5.1 & 5.2 below show ELPI for the prior two years, representing a transition from the California English Language Development Test (CELDT) to the new English Language Proficiency Assessment for California (ELPAC) as the state’s metric for measuring the progress of English Learners towards proficiency in English. OCEAA’s results are at least equal to the performance of the schools in the school district in which the charter school is located.

<b>Table 5.1</b> <b>2017 California School Dashboard</b>	<b>Table 5.2</b> <b>2018 California School Dashboard</b>
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	% ELs making progress towards Eng. proficiency	Change from prior year	ELPAC Results			
			L1	L2	L3	L4
OCEAA	78.4%	6.3% increase	6.3%	22.1%	36.9%	34.7%
SAUSD	71.3%	0.6% increase	14.3%	23.5%	38.2%	24%
State	75%	1.6% increase	14.6%	20.2%	34.6%	30.6%

Table 6 presents OCEAA’s Reclassification Data in comparison to data from resident sample K-8 schools. According to the 2017-18 SARCs, OCEAA’s overall enrollment was 592, Santiago’s was 1,178, and Heninger’s was 1,198, with EL populations of 48.3%, 31.3%, and 57% respectively. The reclassification rate is calculated by dividing the number of students reclassified as Fluent English Proficient in a census period by the total number of English Learners at the beginning of that period. We believe these positive results in a transition period are due to the steps taken during the current charter term such as: improving designated ELD instruction through careful grouping, content-rich curricula, and well-crafted learning targets; purposeful planning of structured language practice and checking for understanding protocols in daily instruction; and data-based English Language Development (“ELD”) tutoring as part of a MTSS.

<b>Table 6</b> <b>Students reclassified from English Learner to Fluent English proficient</b> (# Reclass / # EL = Rate)			
	2016-17	2017-18	2018-19
OCEAA	22 / 303 = 7	40 / 286 = 14	17 / 294 = 6
Santiago	50 / 386 = 13	40 / 369 = 11	107 / 262 = 41
Heninger	114 / 702 = 16	101 / 683 = 15	140 / 581 = 24

The data show that each school has fluidity in reclassification rate year to year. OCEAA’s rate ranged from 6% to 14%; Santiago’s rate ranged from 11% to 41%, and Heninger’s rate ranged from 15% to 24%. Overall, OCEAA’s reclassification rate is lower compared to resident schools. Since reclassification criteria are determined locally by districts, these numbers likely represent differences in the criteria used to RFEP at OCEAA and in SAUSD.

In keeping with guidance from the California Department of Education, OCEAA uses multiple measures in determining whether an English Learner is ready to be RFEP. The criteria used in 2018-2019, which integrated the Summative ELPAC for the first time, were:

1. An “Overall Performance Level” of 4 and subtest scores of 4 on the ELPAC\*
2. Evidence of English proficiency comparable to that of native English speakers of the same age on the following assessments:

- CAASPP ELA score of 3 or 4
  - Trimester Report Card ELA scores of 3 or 4
  - Grade-Level Writing Sample
  - Developmental Reading Assessment or STAR Reading
3. Teacher recommendation
  4. Consultation with parent/guardian
    - \* Replaced previous CELDT requirement of scoring an overall performance level of 4 and scoring at performance level 3 or higher in every domain (listening, speaking, reading or writing).

Less rigorous criteria may increase reclassification rates, but may not translate to high academic achievement. Looked at another way, OCEAA’s RFEP students performed significantly higher on the CAASPP ELA assessment, as shown in Table 7, than their peers who attended resident K-8 schools over the same three-year period, maintaining the percentage of students scoring Standard Met or Exceeded above 70%. The data also show that OCEAA’s EO performance grew significantly, yet is still lower than OCEAA’s RFEP performance in 2018-19. Both Heninger and Santiago had significant RFEP performance increases in 2017-18 that were lost in 2018-19.

Table 7	ELA % Standard Met & Exceeded by Language Proficiency								
	OCEAA			Heninger			Santiago		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
EL	22	30	28	1	3	5	2	5	2
RFEP	75	76	72	46	58	49	46	53	47
EO	55	65	64	34	39	32	45	50	48

The difference in subgroup achievement suggests that OCEAA’s high standard for reclassification is having the intended effect of ensuring that RFEP students are sufficiently proficient in English to score at or above 70% Standard Met and Exceeded, and to participate effectively in a curriculum designed for pupils of the same age whose native language is English. Another factor that must be considered is that outcomes are expected to be higher for English Learners and reclassified students in a 90:10 Dual Language Immersion program because they build English literacy on a foundation of primary language literacy.

A goal of OCEAA’s Dual Language Immersion program is for ELs to become fully proficient in English and to master state standards for academic achievement as rapidly as possible. Rather than rely on basic skills assessments required by the state, OCEAA was an early adopter of CAASPP proficiency as part of its local requirements for reclassification, and our high bar has ensured that the RFEP students we promote to high school are truly equipped to succeed there and beyond.

**Comparison to Established K-8 Dual Language Immersion Programs**

Although not required to satisfy renewal requirements per EC 47607(b), it is instructive to compare OCEAA’s overall performance trajectory to other K-8 Dual Language Immersion (“DLI”) charter schools. The charter schools selected are well-regarded in their communities and have established DLI programs using the 90:10 Model. Nestor Language Academy Charter, located in San Diego, opened in 1980 and served 982 students in 2017-18 with 62.5% identified as socioeconomically disadvantaged and 53.4% as English Learners. El Sol Santa Ana Science and Arts Academy, located in Santa Ana, opened in 2001 and served 894 students in 2017-18 with 69.4% identified as socioeconomically disadvantaged and 46.4% as English Learners. OCEAA opened in 2005 served 592 students in 2017-18 with 68.6% identified as socioeconomically disadvantaged and 48.3% as English Learners (Demographic data from the CA School Dashboard).

Table 8 shows OCEAA is closing the performance gap in the percentage of all students scoring Standard Met and Standard Exceeded in ELA and math. OCEAA’s ELA results exceeded Nestor’s, and both OCEAA’s ELA and math results are within 10 percentage points of El Sol’s.

Table 8	ELA % Standard Met & Exceeded All Students		Math % Standard Met & Exceeded All Students	
	2014-15	2018-19	2014-15	2018-19
OCEAA	35	51	22	39
El Sol	49	58	42	48
Nestor	48	49	43	51

In addition to the strategic activities discussed above, OCEAA has been phasing out its English Only (EO) program since the 2012-2013 school year. The 2018 eighth grade class is the last to have both an EO and DLI cohort. Therefore, OCEAA anticipates another positive growth trend in the 2020-2025 charter term, and is well positioned to attain performance results on par with comparison DLI schools as our own DLI program becomes fully operational, focused and articulated K-8.

OCEAA is extremely proud of its academic performance growth and has adopted a strategic plan to continue meeting annual and multi-year performance goals. Below are some of the action steps in place for the 2019-2020 academic year:

**Language Arts**

- 4th-8th grades are currently upgrading their curriculum maps to better integrate literacy content and ensure standards are being taught and reinforced systematically across languages in each grade. By eliminating standards gaps and strengthening vertical alignment of literacy standards, including language bridging to support ELs, student performance will continue on a long-term growth trajectory.
- Additional training and support with implementing the *Accelerated Reader* and *AR 360* programs in all grades will further support students in accessing content through reading.
- Consistent implementation of data inquiry cycles, including both formative and summative assessments (especially for reading), will be supported by the MTSS Team and includes

utilizing universal screening and ongoing assessments to make sure students receive differentiated instruction and interventions that meet their needs.

- Integrate OCEAA's Habits of Character, including perseverance and collaboration, into literacy instruction to build the skills and mindset needed to develop strong readers, writers and speakers.

### **Mathematics**

- Implement *Eureka Math* schoolwide.
- Schedules will be adjusted to accommodate the minutes required for Eureka Math implementation in all grades, and *FactsWise* Fluency in grades K-5.
- Professional development on early release Wednesdays and student-free days will include training from *Eureka Math*, implementation planning and data inquiry cycles, and language transfer practices to support English Learners and Spanish learners in meeting the literacy demands of Common Core math.
- Expand the use CAASPP interim assessments as part of ongoing data analysis.
- Utilize universal screening and ongoing assessments to make sure students receive differentiated instruction and interventions that meet their needs.
- Integrate OCEAA's Habits of Character, including perseverance and collaboration, into math instruction to build the skills and mindset needed to develop strong numeracy and mathematical practices.

### **Conclusion**

In sum, OCEAA's achievement record clearly and convincingly demonstrates that the academic performance of the charter school is at least equal to the academic performance of the schools in the district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school. OCEAA's achievement record also demonstrates that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, taking into account the composition of the pupil population that is served at the charter school. Furthermore, OCEAA's achievement trajectory is on course to align with other successful dual language immersion charter schools.

OCEAA has made significant academic performance growth overall, and in all numerically significant subgroups, during its current charter term; has strategic plans in place to continue improving academic results; and has the full support of its community to be successful in enacting those plans. For these reasons and more, OCEAA offers parents a high-quality and needed option for their children's education.

The academic achievement record provided serves as evidence of meeting the expectation set forth in Education Code Section 47607(a)(3) which states:

*The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school (defined as "a numerically significant pupil subgroup, as defined by paragraph (3) of subdivision (a) of Section 52052." EC §47607(a)(3)(B)) as the most important factor in*

*determining whether to grant a charter renewal.*

Therefore, OCEAA has met the charter renewal standards for pupil academic achievement and should be granted a five-year charter renewal term pursuant to Education Code Section 47607(a)(1).

## EXECUTIVE SUMMARY OF CHANGES

*Governing Law: Renewals and material revisions ~~...~~ are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.*

*California Education Code Section 47607(~~ab~~)(2)*

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The following list enumerates substantive changes in the petition due to programmatic updates and compliance with newly enacted, applicable law.

- The introduction includes an analysis of charter renewal criteria, which details student achievement data from the last term.
- The charter has been revised to reflect new applicable legal requirements. A table outlining the new legal requirements enacted into law after the charter was last renewed and OCEAA's compliance with these new legal requirements is found in Exhibit D.
- *EL Education* ("ELED"), a nationally recognized school reform model with deep experience in raising student achievement has been implemented.
- OCEAA proposes to become its own local educational agency ("LEA") for special education, and has included a revised Plan for Special Education, accordingly.

The material revision includes the following updates:

- The charter has been revised to reflect new applicable legal requirements since the charter was last renewed.
- A reasonably comprehensive description of the proposed facilities which the Charter School seeks to purchase.

## AFFIRMATIONS AND DECLARATION

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As the authorized representative of OCEAA, we, the Board of Directors, hereby certify that the information submitted in this petition for a charter renewal of the Orange County Educational Arts Academy, and to be located within the boundaries of the Santa Ana Unified School District is true to the best of our knowledge and belief; we also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, we understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School will meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(ed)(1)]
- The Charter School declares that it shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(bc)(6)]
- The Charter School will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605 (de)(1)]
- The Charter School ~~will~~shall not charge tuition. [Ref. Education Code Section 47605(de)(1)]
- The Charter School shall admit all students who wish to attend the Charter School, unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(de)(2), admission to the Charter School shall not be determined according to the place of residence of the student or of that student's his or her parents or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(de)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(de)(2)(C). [Ref. Education Code Section 47605(de)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(de)(1)]

- The Charter School will adhere to all applicable provisions of federal law relating to students with disabilities, including, but not limited to, the Individuals with Disabilities Education Improvement Act of 2004, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.
- The Charter School will 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)]
- The Charter School will ensure that teachers in the Charter School hold ~~a the~~ Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment, equivalent to that which a teacher in other public schools are required to hold. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. Education Code Section 47605(1)(1)]
- The Charter School will at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(de)(3)]
- Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
- The Charter School shall adhere to each of the conditions in Education Code Section 47605(e)(4)(A)-(D), including: (A) not discouraging a student from enrolling or seeking to enroll in the Charter School for any reason; (B) not requesting a student's records or requiring a parent, guardian, or student to submit the student's records before enrollment; (C) not encouraging a student currently attending the Charter School to disenroll or transfer to another school for any reason; and (D) providing a copy of the California Department of Education ("CDE") notice regarding the requirements in Education Code Section

47605(e)(4)(A)-(D) to a parent/guardian or student if the student is 18 years of age or older: (i) when a parent/guardian or student inquires about enrollment, (ii) before conducting an enrollment lottery, or (iii) before disenrollment of a student. [Ref. Education Code Section 47605(e)(4)(A)-(D)]

- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School’s education programs. [Ref. Education Code Section 47605(ed)]
- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”).
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School shall comply with Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1.
- The Charter School shall comply with the Political Reform Act.
- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

\_\_\_\_\_  
Board President Signature

\_\_\_\_\_  
Date

# ELEMENT 1

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

*The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in ~~paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school,~~ and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.*

*California Education Code Section 47605~~(b)~~(5)(A)(i)-(ii)*

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## **VISION FOR THE 2020-202~~8~~5 CHARTER TERM**

We, the parents, teachers and board members of Orange County Educational Arts Academy, are a diverse community that comes together to support student success. We have a track record of significant academic growth and have an inspiring mission, vision and strategic plan for the next five years.

### **Mission**

The mission of the OCEAA community is to nurture all learners to become creative, critical thinkers by providing high quality standards-based instruction through the arts, technology, language and culture.

To launch into the next phase of powerful teaching and learning in pursuit of fulfilling this mission, the OCEAA community overwhelmingly approved to partner fully with *EL Education* (“ELED”), a nationally recognized school reform model with deep experience in raising student achievement. ELED was born in 1991 from a partnership between Harvard Graduate School of Education and Outward Bound, USA. ELED joined the character-infused philosophy of Outward Bound founder Kurt Hahn, which focuses on teamwork, courage, and compassion with an active approach to learning crafted by leading Harvard scholars. The model is articulated in detail through guiding core practices that will be referred to throughout Elements 1-3; an overview of ELED’s core practices can be found in Exhibit E.

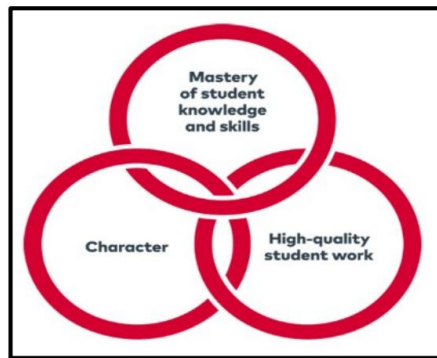
### **High Impact Partnership**

OCEAA’s relationship with ELED began in 2014-15 through professional development to support 4<sup>th</sup>-8<sup>th</sup> grade teacher implementation of ELED’s English language arts curriculum. Over the course of OCEAA’s 2015-2020 charter term, ELA achievement has increased significantly in the

percentage of students meeting and exceeding standards, and decreased significantly in the percentage of students not meeting standards as shown in Tables 1 and 2.

### Vision

To continue making gains, OCEAA is committed to the bold, holistic and expanded vision of excellence described in ELEDs Dimensions of Student Achievement (Exhibit F). Based on the belief that when students have completed their academic career and entered adult life, they'll be judged not by performance on standardized tests—but rather, by the quality of their work and the quality of their character, the Dimensions of Student Achievement combine mastery of knowledge and skills, character, and high-quality work in equal measure because lifelong success is built on strong character qualities, and character is shaped through engaging and challenging academic work that contributes to a better world. To realize that vision, OCEAA is aligning program outcomes with ELED's Three Dimensions of Student Achievement and allocating resources accordingly in the LCAP (Exhibit B).



It is OCEAA's intention to fully implement the ELED model in a dual language immersion setting through carefully coordinated professional development and strategic planning, with the goal of becoming a fully credentialed ELED school by 2025 (Exhibit G).

School scheduling and staffing further support OCEAA's mission and vision by providing:

- Instructional minutes per year which exceed the state minimum standards by 17,605 for kindergarten, 9,990 for grades 1 – 3 and by 6,403 for grades 4 – 8.
- 13 paid professional development days for teachers and early release Wednesdays for Professional Learning and Data Inquiry Cycles.
- Credentialed teachers in all core classes; the majority of teachers have Master's degrees. OCEAA complies with all credential requirements for TK classrooms as mandated by Education Code Section 48000(g).
- The Charter School will maintain the requisite adult to pupil ratio mandated by Education Code Section 48000(g) in its TK classrooms.
- Instructional coaching and support through teachers on special assignment ("TOSAs") in the arts, literacy, math, and technology.
- Bilingual instructional aides and intervention teachers.

- Behavioral supports through a Positive Behavioral Interventions and Supports (“PBIS”) Specialist devoted to school climate and character.

### **EDUCATIONAL PHILOSOPHY**

OCEAA’s educational philosophy is aligned with EL Education’s research-based design principles, which describe how learning best occurs:

- **The Primacy of Self-Discovery:** Learning happens best with emotion, challenge, and the requisite support. People discover their abilities, values, passions, and responsibilities in situations that offer adventure and the unexpected. In EL Education schools, students undertake tasks that require perseverance, fitness, craftsmanship, imagination, self-discipline, and significant achievement. A teacher’s primary task is to help students overcome their fears and discover they can do more than they think they can.
- **The Responsibility for Learning:** Learning is both a personal process of discovery and a social activity. Everyone learns both individually and as part of a group. Every aspect of an EL Education school encourages both children and adults to become increasingly responsible for directing their own personal and collective learning.
- **Empathy and Caring:** Learning is fostered best in communities where students’ and teachers’ ideas are respected and where there is mutual trust. Learning groups are small in EL Education schools, with a caring adult looking after the progress and acting as an advocate for each child. Older students mentor younger ones, and students feel physically and emotionally safe.
- **Success and Failure:** All students need to be successful if they are to build the confidence and capacity to take risks and meet increasingly difficult challenges. But it is also important for students to learn from their failures, to persevere when things are hard, and to learn to turn disabilities into opportunities.
- **Collaboration and Competition:** Individual development and group development are integrated so that the value of friendship, trust, and group action is clear. Students are encouraged to compete, not against each other, but with their own personal best and with rigorous standards of excellence.
- **Diversity and Inclusion:** Both diversity and inclusion increase the richness of ideas, creative power, problem-solving ability, and respect for others. In EL Education schools, students investigate and value their different histories and talents as well as those of other communities and cultures. Schools and learning groups are heterogeneous.
- **Service and Compassion:** Students and teachers are strengthened by acts of consequential service to others, and one of an EL Education school’s primary functions is to prepare students with the attitudes and skills to learn from and be of service.

Additionally, as a school committed to serving language minority and language majority students in a dual language program, OCEAA’s philosophy is further grounded in global citizenship and social justice, and where:

- Leaders and teachers recognize that they must prepare students for global citizenship in an increasingly complicated and interconnected world.
- Multilingualism is a key tool and a vital global skill that deepens understanding of other countries and cultures.
- Curricula that prepare students for global citizenship are interdisciplinary and include developing knowledge of diverse cultures, languages, and political systems, as well as knowledge of the physical terrains, ecosystems, and natural forces of the planet.
- Fully integrating global skills and knowledge into the curriculum is tied closely to environmental stewardship and social justice as students are challenged to grapple with the most complex problems facing the world.
- The arts are used as a window into disciplinary content in academic subjects, and provide opportunities to explore diverse cultures, perspectives, and regions of the world.
- Teachers invite students to make artistic choices and design opportunities for students to make independent decisions that are purposeful and meaningful. Students work through diverse arts traditions to reshape the arts, the world, and themselves.
- Teachers ask students to discover and attend to how others see themselves, their histories, and the world’s problems; that is, to hear and analyze multiple perspectives along the way to determining what young people can do to make a difference.

Finally, OCEAA’s philosophy includes the belief that 21<sup>st</sup> century learning is one that explicitly supports college and career readiness. The ELED Model prepares all students for college and career success by providing a college-bound curriculum with high expectations for all students, and fostering a schoolwide college-and-career-bound culture. A college-bound curriculum includes content area knowledge and skills, such as literature and algebra, academic research and writing skills, and technology literacy:

- Creating high-quality work, including finished, professional looking products, is an essential part of core and enrichment courses that prepare all students for college and careers.
- Technology literacy is woven throughout all subject areas and grade levels whenever resources allow.
- Habits of Scholarship, such as time management, persistence toward excellence, and “college knowledge” about such things as college admissions, financial aid requirements, and college environments are also part of a college-bound curriculum.
- Paving the way for college and careers begins in the primary and middle school years.

### **PROGRAM OBJECTIVES**

OCEAA strives for students to demonstrate excellence, in both Spanish and English, across *EL Education*’s three Dimensions of Student Achievement. To accomplish this goal, students and teachers must recognize and take responsibility for their respective roles as outlined below:

## Dimensions of Student Achievement

Dimension of Achievement	Students	Teachers and Leaders
Mastery of Knowledge and Skills	<ul style="list-style-type: none"> <li>• <b>Demonstrate proficiency and deeper understanding:</b> show mastery in a body of knowledge and skills within each discipline</li> <li>• <b>Apply their learning:</b> transfer knowledge and skills to novel, meaningful tasks</li> <li>• <b>Think critically:</b> analyze, evaluate, and synthesize complex ideas and consider multiple perspectives</li> <li>• <b>Communicate clearly:</b> write, speak, and present ideas effectively in a variety of media within and across disciplines</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that curriculum, instruction, and assessments are <b>rigorous, meaningful, and aligned with standards</b></li> <li>• <b>Use assessment practices</b> that position students as leaders of their own learning</li> <li>• Use <b>meaningful data for both teachers and students to track progress</b> toward learning goals</li> <li>• <b>Engage all students in daily lessons that require critical thinking</b> about complex, worthy ideas, texts, and problems</li> </ul>
Character	<ul style="list-style-type: none"> <li>• <b>Work to become effective learners:</b> develop the mindsets and skills for success in college, career, and life (e.g., initiative, responsibility, perseverance, collaboration)</li> <li>• <b>Work to become ethical people:</b> treat others well and stand up for what is right (e.g., empathy, integrity, respect, compassion)</li> <li>• <b>Contribute to a better world:</b> put their learning to use to improve communities (e.g., citizenship, service)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Elevate student voice and leadership</b> in classrooms and across the school</li> <li>• <b>Make habits of scholarship visible</b> across the school and in daily instruction</li> <li>• Model a <b>school-wide culture of respect and compassion</b></li> <li>• <b>Prioritize social and emotional learning</b>, along with academic learning, across the school</li> </ul>
High-Quality Student Work	<ul style="list-style-type: none"> <li>• <b>Create complex work:</b> demonstrate higher-order thinking, multiple perspectives and transfer of understanding</li> <li>• <b>Demonstrate craftsmanship:</b> create work that is accurate and beautiful in conception and execution</li> <li>• <b>Create authentic work:</b> demonstrate original thinking and voice, connect to real-world issues and formats, and when possible, create work that is meaningful to the community beyond the school</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Design tasks that ask students to apply, analyze, evaluate and create</b> as part of their work</li> <li>• <b>Use models of excellence, critique, and multiple drafts</b> to support all students to produce work of exceptional quality</li> <li>• <b>Connect students to the world beyond school</b> through meaningful fieldwork, expert collaborators, research, and service learning</li> </ul>

### CORE PROGRAM DESCRIPTION

**Two-Way Bilingual Immersion Program:** All students are enrolled in the Two-Way Bilingual Immersion Program (“TWBI”), a federally recognized best practice. OCEAA follows one of the most effective models for second-language acquisition (Collier & Thomas; Lindholm-Leary), which is the 90:10 two-way model. Initially, 90% of the day is taught in Spanish. As students progress through the program, the instructional day gradually transitions to 50% English and 50% Spanish by the time students reach grade 5. All students are initially taught literacy in Spanish with formal English literacy being added in grade 3. Academic content is divided equally between the two languages. OCEAA uses the *Guiding Principles for Dual Language Education, 3rd Edition* to assess and refine the program model.

**Core Content:** All students have access to core curricula and instruction that is standards based, rigorous, and aligned to ELED’s Instructional Core Practices. The following are brief descriptions of OCEAA’s instructional approach to core content instruction:

- **Reading:** Teachers in all subject areas and at all grade levels teach reading in English and Spanish so that students acquire content and develop skills such as analyzing, evaluating, researching, and writing. In primary grades, teachers balance content-based literacy and structured phonics lessons. In content areas and secondary classes, teachers engage

students in rich and rigorous evidence-based conversations about the texts they use for their research. Teachers differentiate lessons to enable all students to comprehend a variety of grade-level texts, including primary sources, informational articles, literature, poetry, data sets, and real-world texts like speeches and informational graphics.

- **Writing:** Teachers provide many opportunities for students to write for multiple purposes: to express their thoughts and feelings, to tell stories, to demonstrate understanding, to reflect on learning, to communicate ideas, and to develop and polish the craft of writing. Students write to learn (as a way of putting their emerging thinking on paper). They also learn to write, revise, and polish authentic pieces in varied genres for audiences beyond the teacher. Teachers develop and teach a common language for the process of writing and the elements of good writing. They use consistent practices for teaching and assessing writing. Teachers support quality writing within their discipline, providing opportunities for students to write like historians, scientists, mathematicians, and artists. While the nature and amount of writing varies by discipline and grade level, writing is a central vehicle for learning and communicating in all classrooms.
- **Math:** Teachers choose challenging curriculum and generative problems that will enable students to discover the mathematical concepts behind algorithms and procedures. They engage students by asking them to grapple with complex problems independently and to discuss and critique each other's strategies. Students learn to reason abstractly and quantitatively, to model real-world situations mathematically, and to construct and critique mathematical arguments. Teachers deepen students' conceptual understanding by equipping them to solve unfamiliar and complex problems. Deep conceptual understanding leads to mathematical fluency in which students are able to apply numeracy in various, more complex contexts. Teachers support students to build on foundational facts—vocabulary, algorithms, formulas, and number facts (such as times tables)—as one part of mathematical fluency. Students learn to use technology strategically in problem solving.
- **Science:** Teachers view science as a way to develop students' capacity to interpret the natural world critically and to engage productively in it. Teachers support students to read, write, think, and work as scientists do. They use learning expeditions, case studies, projects, problem-based content, collaboration with professional scientists and engineers, and interactive instructional practices to foster inquiry and enable authentic student research. When possible, student research contributes to the Charter School or broader community. Teachers reinforce the connections among science, mathematics, engineering, and technology as they lift up enduring ideas that cut across these disciplines. They cultivate scientific thinking and disciplinary skills in close reading, questioning, experimenting, using data, and communicating scientifically.
- **Social Studies:** Teachers view social studies as a way to develop students' capacity to interpret their world critically and to engage productively in it. Teachers help students understand the big picture and timeline of history through survey-type lessons but emphasize historical frameworks, trends, and concepts rather than memorization of myriad facts and details. By focusing on big ideas, teachers support students in appreciating and understanding diverse cultures and the connections among ancient and modern cultures.

Whenever possible, teachers choose strategic points to step out of survey mode and dive deep into case studies (often on local topics), during which students can engage in research and work as social scientists. Teachers also cultivate historical thinking and disciplinary skills such as close reading, questioning, using data, and communicating as social scientists do.

➤ **Arts:** Arts are celebrated as a central aspect of learning and life at OCEAA. Students experience art as an academic discipline and also in core academic subjects, where it engages students in problem solving, planning, and perseverance. They celebrate the unique capacity of the arts to express truth, beauty, and joy. Artistic performances are points of pride for the Charter School. Teachers and students analyze professional and student-created work models as the basis for understanding what excellence looks like and sounds like in the particular form. Through critique and revision, students render works of art that demonstrate complexity, craftsmanship, and authenticity.

➤ **Technology:** Technological literacy is developed by: providing students with new technologies (e.g., design and presentation software, social networking) to access and manage information and prepare for success in a knowledge economy; teaching students the ethical and legal issue surrounding access to and use of technology; providing technology as a tool for original research that enables students to produce high-quality products, performances, and presentations; maintaining high standards for the quality of work produced using technology; establishing learning targets for the technology skills (e.g., effective use of spreadsheet or presentation software) that are distinct from learning targets for the quality of thinking and content presented in the project.

In the ELED model, core content instruction is supported by schoolwide implementation of social emotional learning and assessment practices that cultivate student effort and persistence, executive functioning, and self-regulation.

➤ **Crew:** All students participate in homeroom “Crews” at least three times per week. The structure of Crew—regular meetings to support everyone’s learning and growth—makes time for students to build meaningful relationships with peers and their Crew leader, to reflect on and monitor academic progress, and to focus on character development. Crew is also an engine for equity and inclusion, a place where all students feel they belong and can succeed. Crew leaders strategically plan meetings to address and assess these multiple goals. The culture of Crew extends beyond the school walls to relationships with families and community members.

➤ **Student Engaged Assessment:** OCEAA has been implementing and building capacity in *EL Education*’s Student Engaged Assessment (“SEA”) practices since 2015. ELEDs SEA practices motivate students to become leaders of their own learning. Students track their progress toward standards-based learning targets, set goals, and reflect on growth and challenges across all three dimensions of achievement. Students and teachers regularly analyze quantitative and qualitative data, including assessments, reflections, and student work and use these data sources to inform goals and instruction. All TK-8 students

regularly present evidence of their achievement and growth through student-led family conferences, passage presentations, and celebrations of learning.

### **CURRICULUM STATEMENT**

OCEAA implements TK-8th grade core curricula that are aligned to the applicable state content standards and frameworks, including Common Core State Standards in ELA and Math, Common Core *en español*, History–Social Science Framework, Next Generation Science Standards (“NGSS”), National Core Arts Standards, and English Language Development (“ELD”) Standards and any other applicable standards (hereinafter, collectively “State Standards”). Curriculum at OCEAA is both publisher created and teacher created, including:

- Spanish Language Arts: Benchmark *Adelante*, novel-based units of study
- English Language Arts: *Engage NY/EL Education* ELA Modules
- English Language Development: *Engage NY* Units (Speaking & Listening Domains), *NewsELA*, *AR 360*
- Math: *Eureka Math*, *FactsWise* Fluency
- Science: *Stemscopes*, *Science Alive*, integrated units
- Social Studies: Houghton Mifflin, McDougal Littell, *History Alive*, Document Based Questions (DBQs), integrated units
- Arts: Arts Advantage; performance–based interdisciplinary units (ex: Gold Dust or Bust in grade 4)
- Crew: Habits of Character & Scholarship, *Second Step* Social Emotional Learning curricula, Mindfulness Practices, Community & Restorative Circles

OCEAA provides adequate personnel, textbooks (student workbooks, novels, etc.), digital subscriptions, materials, and instructional supplies for the full implementation of all program elements.

As part of ongoing professional development, teachers and school leaders collaborate to ensure that schoolwide, standards-aligned curriculum maps act as the foundation for all planning, instruction, and assessment. Curriculum maps for each content area describe a vertical sequence of learning targets that are to be addressed at each grade level and within each discipline. These targets become increasingly more sophisticated and rigorous as students progress through the grades. Curriculum maps also provide a year-at-a-glance view of what’s being taught and assessed across disciplines. Classrooms are dynamic systems that require responsiveness and flexibility. Therefore, it is sometimes appropriate to adapt or enhance a curriculum while maintaining fidelity to State Standards and the integrity of the curriculum’s aims and methods. Adaptation or enhancement is appropriate if it deepens students’ understanding of content, elevates challenge, addresses needed literacy or numeracy skills, and builds student engagement.

In addition to ensuring that all students achieve high levels of biliteracy and bilingualism, OCEAA will continue delivering a curriculum that sets students on a path towards 21st Century success. Students will continue to receive a comprehensive academic program that meets the following Common Core State Standards College and Career Readiness descriptors:

- Demonstrate independence
- Build strong content knowledge
- Respond to varying demands of audience, task, purpose, and discipline
- Comprehend as well as critique
- Value evidence
- Use technology and digital media strategically and capably
- Understand other perspectives and cultures

During the 2020-2028<sup>85</sup> charter term, OCEAA will add fieldwork, case studies and expeditions to the core curriculum as key components of developing achievement in the dimension of High Quality Student Work.

- **Designing Case Studies:** In the *EL Education* model, the term “case study” means two things. First, it is *an approach* to research: using a narrowed topic as a window into big ideas and concepts. Second, a case study can be *a structure* itself, outside of a project or learning expedition—a focused investigation that does not require (as a project does) a culminating product. Sometimes, ELED uses the term “case study” exactly as it is applied in the fields of law, business, or medicine, to refer to an investigation of a unique person, place, institution, or event (e.g., a study of inventors, including a case study of Thomas Edison; a study of race in America, including a case study of race in 1960s Milwaukee). Other times, ELED uses the term more loosely, to refer to a narrowed subtopic that allows students to focus their research on a particular category (e.g., the topic of birds narrowed to a case study of owls; a study of the Civil War, narrowed to a case study of children in the war) or to compare different perspectives (e.g., historical and current, local and international, scientific and historical, literary and real-life). In both uses, a case study helps students focus their research and become experts on a specific topic before they generalize their learning to broader concepts and content.
- **Incorporating Fieldwork, Experts, and Service Learning:** The *EL Education* model connects students to the world beyond school through meaningful fieldwork, collaboration with experts, and service learning. In addition to learning from text and classroom-based experiences, students use the natural and social environments of their communities as sites for purposeful fieldwork and service connected to academic work. They collaborate with professional experts and community members with firsthand knowledge of events and issues to ensure accuracy, integrity, and quality in their work. ELED differentiates between traditional field trips, in which students are often spectators, and fieldwork, in which students are active investigators, applying the research tools, techniques of inquiry, and standards of presentation used by professionals in the field. Service learning goes beyond charitable acts, such as cleaning up a city park, and extends also to rigorous academic products that provide a service for the community, such as energy audits of city buildings that help a city save money and reduce its carbon footprint.
- **Designing Learning Expeditions:** Learning expeditions are the signature *EL Education* curricular structure. They make standards come alive for students. These long-term, in-depth studies offer real-world connections that inspire students toward higher levels of academic achievement. Learning expeditions involve students in original research, critical

thinking, and problem solving, and they build character along with academic skills. All learning expeditions explicitly focus on building literacy skills, particularly in reading and writing informational text and writing from evidence. Learning expeditions take multiple, powerful elements of the ELED model and join them together. Learning expeditions are typically six to twelve weeks in duration, though sometimes longer.

### **MULTI-TIERED SYSTEM OF SUPPORTS: Plan for Academically Low-Achieving and Academically High-Achieving Students**

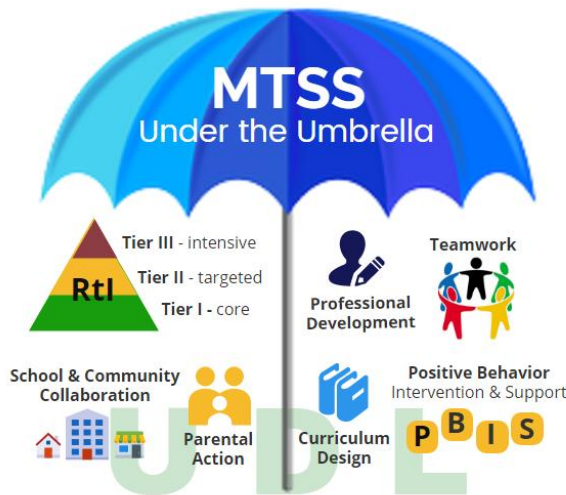
OCEAA was awarded a \$25,000 training grant and joined the second cohort of the California Scale-Up MTSS Statewide (“SUMS”) Initiative in February 2018. With technical assistance provided by the grant, OCEAA is working to develop, align, and improve academic and behavioral supports and services utilizing a coherent MTSS framework that engages all resources, leading to improved student outcomes. Beginning in fall 2019, the components of OCEAA’s MTSS include shared leadership, inclusive academic and behavior instruction, data-based decision making, positive school culture, and family partnerships.

- **Shared Leadership:** An operational MTSS Leadership Team that includes the School Director, general education teachers, RSP teacher, math and literacy TOSAs, and PBIS specialist, meets monthly to review performance data and use those data to monitor school and student progress, guide instructional practices, and make academic program decisions.
- **Inclusive academic and behavior instruction:** OCEAA has a multi-tiered instructional system available to all students to provide increasing levels of support and academic or behavioral interventions for students who need it. Intensive tier interventions are available for all students, regardless of eligibility of special education or other student support services.
- **Data-based decision making:** Universal screenings are in place for both reading and math and conducted three times a year. Progress monitoring data are gathered to check our students’ improvement. Educators use student data to guide reading and math instruction. Data are regularly and consistently collected and used for the following purposes: 1) identify students who need more or less intensive supports, 2) provide appropriate interventions with the multi-level support system, and 3) check if interventions are implemented as planned.
- **Positive School Culture:** All adults in OCEAA are actively involved in academic or social emotional instruction of students through a focus on Habits of Character. All faculty and staff in the Charter School have defined responsibilities for all students in the Charter School. OCEAA’s Habits of Character are: courage, perseverance, integrity, collaboration, and compassion.
- **Family Partnerships:** Family leaders are invited to serve on at least one committee that can make decisions on or advise school governance. All families are informed of the school’s committees/teams creating equal opportunity for families to actively participate in the school governance structure. Families participate in surveys that impact school

decisions, and receive information relevant to the education of their children through various platforms.

Of primary importance, the Two-Way Bilingual Immersion Program challenges students on a daily basis by learning in two languages. This creates a GATE-like learning environment. Next, the implementation of core practices from ELED’s High Quality Student Work dimension is another vehicle for challenging students beyond mastery of knowledge and skills. While the execution of High Quality Work is expected of all students, the effective use of Universal Design for Learning and differentiation are a means for ensuring all students are appropriately challenged to do more than they thought possible.

The graphic below identifies specific practices of OCEAA’s MTSS components and are described in further detail.



**RtI & PBIS Tiered Interventions At-A-Glance**

Academic (RtI)	Behavioral/Social Emotional (PBIS)
<ul style="list-style-type: none"> <li>• Intensive pull-out intervention, curriculum modification</li> </ul>	<ul style="list-style-type: none"> <li>• Intensive wrap-around services, Check and Connect, Functional Behavior Assessment (“FBA”), Behavior Intervention Plan (“BIP”)</li> </ul>
<ul style="list-style-type: none"> <li>• Targeted push-in, co-teaching and/or after school intervention based on data</li> <li>• Progress monitoring</li> <li>• Regrouping based on data</li> <li>• Parent collaboration</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted Check In Check Out, Social Skills Groups, counseling referrals based on data</li> <li>• Restorative Practices</li> <li>• Regrouping/phase out based on data</li> <li>• Parent Collaboration</li> </ul>

<ul style="list-style-type: none"> <li>• Universal screening: STAR math and reading</li> <li>• High quality math and literacy curricula</li> <li>• Curriculum adaptations/design using UDL and EL model to support/challenge all learners</li> <li>• Teacher intervention based on data</li> </ul>	<ul style="list-style-type: none"> <li>• Universal screening: Brief Externalizing and Internalizing Screener for Youth (“BEISY”)</li> <li>• Student Crew: Social Emotional Learning (“SEL”)/Habits of Character</li> <li>• Schoolwide discipline system</li> <li>• Positive incentives</li> <li>• Teacher intervention based on data</li> </ul>
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- **Teamwork:** Teachers meet in content, grade level and cross grade teams, in collaboration with RSP teachers and TOSAs, to review formative and summative assessment data and plan responsive differentiated instruction to support struggling students and further challenge students meeting standards.
- **Professional Development:** 13 student-free days, Wednesday early release days, 30 days of *EL Education professional* development and coaching on site, turnkey UDL and co-teaching training on site, leadership attendance at MTSS and PBIS sustainability networks; staff opportunities for external professional development/conferences and other training as needed.
- **Parental Action:** Parent-Staff communication conducted via Class Dojo, PowerSchool and School Messenger; Student-Led Conferences twice per year; parenting workshops to build capacity; culture of volunteerism; active shared leadership with English Learner Advisory Committee (“ELAC”), School Site Council (“SSC”) and Families Supporting OCEAA (“FSO”); Cal Schools Surveys and annual needs assessments.
- **School & Community Collaboration:** Collaboration with local schools and organizations, including, but not limited to, Help Me Grow, UCI School of Nursing, Regional Center of Orange County, Orange County School of the Arts, Healthy Smiles and Eye Mobile for Children.

**Goals and Actions to be Achieved in the State Priorities**

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

The current LCAP is on file with the District and is also available on our website at <https://oceaa.org/wp-content/uploads/2019/10/OCEAA-LCAP-101319.pdf> and as Exhibit B. The Charter School shall annually update and develop the LCAP in accordance with Education Code

Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33. [The Charter School shall also present a report on the annual updates to the LCAP and the local control funding formula budget overview for parents on or before February 28 of each year as part of a nonconsent item at a regularly scheduled Board meeting.](#)

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

## **PLAN FOR ENGLISH LEARNERS**

### **Overview**

The Two-Way Bilingual Immersion program will continue to be OCEAA's primary support for English Learners acquiring English language skills. TWBI creates an "additive bilingual" environment for all students:

- A second language is added; students keep their first language and learn a second
- Spanish-speaking and English-speaking students are language models for each other
- Bilingualism is the end result

In our Spanish-English TWBI program, Spanish-speaking and English-speaking students have different language acquisition needs:

- Language minority students acquire a second language best when their first language is established. At OCEAA, Spanish speakers are considered language minority students because English is the language of political power in the larger community; therefore, reading and writing are first taught in their home language, with English added later, supporting their second language acquisition.
- Language majority students acquire a second language best through immersion. At OCEAA, English speakers are considered language majority students because English is the language of political power in the larger community; therefore, immersion and initial literacy in the partner language (Spanish) supports their second language acquisition.

The 90:10 Model facilitates initial home language literacy instruction and partner language immersion simultaneously so that Spanish-speaking and English-speaking students can learn side by side. As the figure below illustrates, the model begins with 90% of the academic day taught in Spanish, with English instruction increasing annually until there is a fifty-fifty balance. In 7th and 8th grades, biliteracy is maintained with a minimum of two core academic classes taught in Spanish.

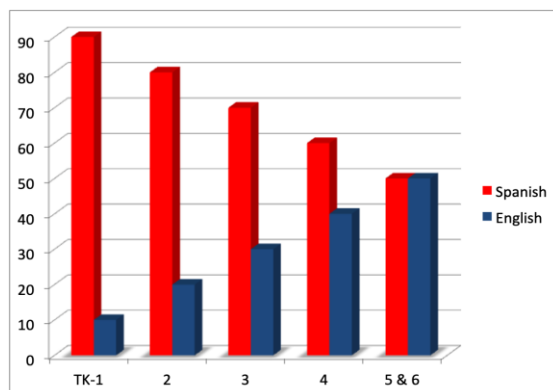


Figure 1. 90:10 TWBI Model

In grades TK-3, students receive designated ELD instruction matched to their level of English Language Fluency. The focus of ELD in grades TK-1 is oral language development, with phonics instruction beginning in grade 2. In grade 3, students continue to have designated ELD while formal English Language Arts instruction begins. In grades 4-8, integrated ELD and language bridging support transfer of skills across languages. When possible, additional opportunities for designated ELD are planned in the upper grades as part of Crew (e.g. preparation for student-led conferences, pre-teaching, Accelerated Reader 360 support).

### English Learners Equal Access to Core Instruction

The TWBI program at OCEAA promotes language acquisition and proficiency, oral language development, and enriched learning opportunities designed for students acquiring English language skills.

- ELs shall have full access to CCSS, NGSS and other State Standards, including standards for English Language Development, arts and technology.
- ELs shall have full access to all elements of the core program developed through partnership with EL Education including Crew, fieldwork, expeditions, service learning, student led conferences, and passage presentations.
- ELs shall have full access to the range of academic and behavioral supports described in OCEAA's MTSS, including ELD tutoring based on data.
- Instruction techniques, assessments, materials and approaches shall be focused on communicative competence and academic achievement covering listening, speaking, reading, and writing skills (aligned with California ELA/ELD Framework) in all areas of the curriculum.

## Identification and Initial Assessment

The Charter School will meet all applicable legal requirements for English Learners (“EL”), including long-term English Learners or English Learners at risk of becoming long-term English Learners, as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

OCEAA makes every effort to identify ELs prior to enrollment through cum folder review and administration of a home language survey upon a student’s initial enrollment in a California public school to all incoming parents. Students who require assessment are then administered the ELPAC initial assessment. The results of this test determine if the student is an English Learner or Initial Fluent English Proficient (“IFEP”):

- If a student initially tests at a Level 4 and has teacher and parent recommendation, the student can be classified as IFEP. They are not classified as an English Learner.
- If the student does not test at a Level 4 s/he is classified as an English Learner.

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

As a dual language school expecting to enroll ELs, OCEAA employs a teaching staff that is Bilingual, Cross-Cultural, Language and Academic Development (“BCLAD”) certified. In addition, ELs shall be supported by bilingual assistants, specialists, or trained volunteers per program designs. It is a goal for all teachers of ELs to be knowledgeable in differentiation and Universal Design for Learning practices that support all students in reaching English and primary language proficiency.

## Ongoing Assessment and Reclassification

For ELs, as with all students, progress monitoring takes place on an ongoing basis throughout the school year. Universal screening, unit projects and performance tasks, benchmark assessments, and teacher observations are used to gauge student progress and needs. In addition, ELs are administered the ELPAC summative assessment annually as part of the process for becoming eligible to be Reclassified to Fluent English Proficient (“RFEP”).

In keeping with guidance from the California Department of Education, OCEAA uses multiple measures in determining whether an English Learner is ready to be RFEP.

1. An “Overall Performance Level” of 4 on the ELPAC
2. Evidence of English proficiency comparable to that of native English speakers of the same age on the following assessments

- CAASPP ELA score of 3 or 4
  - Trimester Report Card ELA scores of 3 or 4
  - Grade-Level Writing Sample
  - Developmental Reading Assessment or STAR Reading
3. Teacher recommendation
  4. Consultation with parent/guardian

### **Effective Communication and Stakeholder Engagement**

OCEAA recognizes the importance of parent partnership in the reclassification process and dedicates personnel in the role of EL Coordinator to ensure compliance with parent/guardian notification, student identification, assessment, program placement, and reclassification. In addition, the EL Coordinator monitors the performance of reclassified students for at least three years from the students’ reclassification date, and organizes the implementation and awarding of OCDE’s Pathways to Biliteracy Awards in grades K, 3, 6 and 8.

Finally, the EL Coordinator, in collaboration with the School Director, creates a culture of shared leadership through the activities of the English Learner Advisory Council and School Site Council to communicate information and involve stakeholders in monitoring and evaluating the academic progress of English Learners.

### **PLAN FOR SPECIAL EDUCATION**

#### **OVERVIEW**

The staff of OCEAA will address the needs of students with disabilities (“SWDs”) with programming that adheres to the central tenets of Least Restrictive Environment (“LRE”), Free Appropriate Public Education (“FAPE”), and Educational Benefit. All students are given equal access to the Charter School regardless of disabilities, and OCEAA does not discriminate against any student nor use such a classification as a basis to deny admission to any student.

Beyond the commitment to provide programming that adheres to the letter and spirit of all applicable state and federal laws and regulations, OCEAA shall support SWDs with best practices across identification, instruction, metrics, professional development, parent outreach/engagement, processes and procedures.

As described below, OCEAA shall be its own local education agency (“LEA”) for the purposes of special education and shall apply directly for membership in a Special Education Local Plan Area (“SELPA”), in accordance with Education Code Section 47641(a). OCEAA has begun seeking bids from comprehensive Special Education services providers to assist us with the SELPA application process. OCEAA may elect to partner with one of these companies as a “sole source provider” to provide the necessary array of special education services for students with disabilities and other struggling learners.

Refer to Exhibit H for a draft proposal and letter of intent submitted to OCEAA by Futures Education, LLC (“Futures”) for review. Futures is a national leader in the field of special

education, with deep expertise in the design and delivery of programs and services for students with disabilities and other struggling learners.

**Mission Statement:**

OCEAA’s Special Education Team (leadership, teachers, related service providers) will work collaboratively with teachers, service providers, school administration, and parents to nurture all learners by making student-centered decisions in order to support the individual and holistic needs of all students. We will advocate for all students to access the necessary knowledge, skills and character to be successful. We will demonstrate a personal commitment to the academic, behavioral, social, emotional success and general well-being of all students.

**Vision Statement:**

We envision a Special Education Team that:

- Works together in collaborative teams to review data and plan instruction;
- Provides high-quality instruction aligned with State Standards, DLI program goals and ELED core practices;
- Monitors each student’s progress (academic, behavior, social and emotional) using universal screeners, formative and summative assessments;
- Establishes a school climate where staff intervene both academically and behaviorally when any student begins to experience difficulties in meeting grade-level benchmark(s);
- Seeks and implements research-based strategies for improving student achievement (Universal Design for Learning, Differentiated Instruction, Specialist Instruction, etc.);
- Provides all necessary services in the student’s least restrictive environment, with inclusionary practices (co-teaching) whenever possible; and
- Implements a system for developing staff members to include professional development and coaching and mentoring

**Values:**

In order to fulfill the mission of the special education team and move toward our vision, we seek to ensure each team member will be:

- |               |                  |
|---------------|------------------|
| ● Proactive   | ● Child-Centered |
| ● Team Player | ● Cooperative    |
| ● Accountable | ● Collaborative  |
| ● Positive    | ● Trustworthy    |
| ● Accepting   | ● Compassionate  |

**Goals:** *(View quarterly)*

1. Systematically monitor assessment data to drive instruction that results in improved academic performance for students with disabilities.

2. Implement the SELPA’s comprehensive special education handbook with written policies and procedures to be used as a guide throughout the Charter.
3. Ensure that the delivery of special education and related services are effective and efficient in supporting language acquisition in a DLI setting.
4. Conduct a needs assessment to assist with planning actions and services for SWD that align with LCAP goals.
5. Provide parent engagement opportunities to foster positive relationships and increase their knowledge base regarding special education.

## **POLICIES AND PROCEDURES**

The following provisions govern the application of special education services to OCEAA students:

OCEAA shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the Americans with Disabilities Act of 1992 (“ADA”), and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”).

All students will have access to OCEAA, and no student shall be denied admission based solely on disability status.

Pursuant to Education Code Section 47641(a), OCEAA shall be its own LEA for the purposes of special education and shall apply directly for membership in a Special Education Local Plan Area (“SELPA”). OCEAA shall consider membership in the following SELPAs: El Dorado County Charter SELPA; Los Angeles County SELPA, and Desert Mountain SELPA. In the event the Charter School seeks membership in a different state-approved SELPA, the Charter School shall provide notice to the District, the SELPA, and the California Department of Education before June 30<sup>th</sup> of the year before services are to commence.

Upon acceptance in a SELPA, the Charter School shall provide the District evidence of membership. The Charter School’s application and acceptance as an independent LEA member of a SELPA shall not be considered a material revision to this charter. As an LEA member of the SELPA, the Charter School shall receive state and federal revenues directly, in accordance with the SELPA’s allocation plan.

The Charter School, as an LEA, shall be responsible for complying with all provisions of the IDEA and implementing regulations as they relate to local educational agencies. OCEAA will assume full responsibility for providing special education and related services to eligible Charter School students in accordance with state and federal law, will agree to follow policies and procedures of the SELPA, and serve students who qualify for special education, instruction, and services. The Charter School will further agree to collaborate with the SELPA to respond to inquiries and request and provide access to information and records, as needed, and shall be responsible for maintaining confidentiality of student records.

A student with disabilities attending OCEAA shall receive special education instruction or designated instruction and services, or both, in a manner consistent with his or her individualized education program (“IEP”) or 504 Plan, as applicable and in compliance with the IDEA.

The Charter School may seek resources and services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

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

### **Services for Students under the IDEA**

*The following description regarding how special education and related services shall be provided and funded is being proposed by the Charter School for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition, and is not binding on the District. The specific manner in which special education and related services shall be provided and funded shall be set forth in a Memorandum of Understanding (“MOU”), delineating the respective responsibilities of the Charter School and the SELPA. A copy of the MOU shall be presented to District upon execution.*

### **Indemnification**

Because OCEAA shall operate as its own LEA for the purposes of special education, the District shall have no responsibility for the coordination or provision of special education services to OCEAA students. The Charter School shall be exclusively responsible for the coordination and provision of special education services of OCEAA students and for any and all other obligations of a school or school district relative to services for students with special needs, including identification of such students. OCEAA’s insurance and indemnification obligations pursuant to this Charter, specifically including all requirements to indemnify, defend, and hold harmless the District and all the “Indemnitees” as identified in the Indemnification section of this Charter shall extend with full force and effect to any and all matters in any way related to or arising from the Charter School’s compliance with the IDEA, Section 504, the ADA, the provision of services to students with special needs, and access to OCEAA and its facilities.

### **Services to Students with Disabilities**

OCEAA shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA. At all times, OCEAA shall comply with all state and federal laws related to the identification of students with special needs and the provision of special education instruction and related services and all SELPA policies and procedures and shall utilize appropriate SELPA forms.

### **Identification and Referral**

OCEAA understands that all children with disabilities residing in the community, including those who are homeless or are wards of the court and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services must be identified, located and evaluated. OCEAA personnel will actively seek out children in need of special education and related services in compliance with Child Find including, but not limited to, careful analysis of all student cumulative records, data, parent/family communications, and community notices.

OCEAA will develop, maintain, and implement policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs in accordance with state and federal law, and SELPA policies and procedures. OCEAA is solely responsible for obtaining the cumulative files, prior and/or current IEP and other special education information on any student enrolling in the Charter School. A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been fully considered and utilized, as appropriate. When a student transfers from OCEAA, OCEAA will follow applicable law in providing pupil records, including IEPs and supporting documents, to the new school.

#### **Assessment**

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. OCEAA shall determine what assessments are necessary, including assessments for all referred students, annual assessments and tri-annual assessments, in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

#### **Individualized Education Program (IEP)**

Responsibility for arranging necessary IEP meetings shall be conducted in accordance with applicable law. IEPs will be developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. The Charter School shall ensure the attendance of all necessary OCEAA employees at the IEP meetings in addition to representatives who are knowledgeable about the general education program at the Charter School. A review of each IEP will be conducted on at least an annual basis to review a student’s progress and make appropriate revisions.

#### **IEPs and Associated Metrics**

The centerpiece of special education programming is the IEP. An IEP is created for each student requiring special education services upon the completion of each assessment. The IEP Team recommend actions to be taken for the student and consist of the student’s parent(s), the student’s teacher, an OCEAA staff member, a special education authority, and if necessary, additional members familiar with the condition of the student.

Instructional staff (teachers and service providers) monitors their progress throughout the year to ensure that those students are on track for meeting growth goals. The IEP Team reviews student progress toward the goals specified in the IEP on an annual and a triennial basis. With respect to goals, a S.M.A.R.T. paradigm will be utilized across all students, irrespective of the educational disability.

In accordance with rules and regulations, OCEAA monitors student progress toward the goals specified in the IEP regularly and formally reviews each IEP at least on an annual and triennial basis, or more frequently if the need arises.

OCEAA shall, before the placement of the student with exceptional needs, ensure that the staff and other persons who provide special education services to the student be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained in a secure location at the school site. Service providers from other agencies who provide instruction or related service to the individual of the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

Therefore, OECAA commits to generating IEPs that it will adhere to the standards of: (1) internal consistency, or the degree to which the elements of the document are mutually supporting, and thus, “paint” a cohesive profile of the student; (2) the degree to which educational and therapeutic interventions are sound and adhere to accepted standards of practice; and (3) the degree to which the goals and benchmarks are measurable and support educational outcomes (e.g. are aligned to common core and grade level expectations).

### **Eligibility and Placement**

Decisions regarding eligibility, goals/objectives, program, placement in and exit from special education shall be determined by the IEP Team. Team membership shall be in compliance with state and federal law and shall include all required representatives. Services and placements shall be provided to eligible OCEAA students in accordance with applicable law and the policies and procedures of the SELPA.

### **Educational Services**

To the extent that the IEP requires special education or related services, OCEAA shall provide and/or arrange for such services. To the maximum extent appropriate, children with disabilities are educated using an age-appropriate inclusion model. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that the general education setting with the use of supplemental aids and services cannot be achieved satisfactorily.

### **Instructional Practices**

If the student is deemed eligible (or, in the case of three-year or re-evaluation re-eligible) for special education programming, OCEAA shall provide instruction that best meets the student’s

needs with a full continuum of instructional services inclusive of co-teaching, in-class targeted instruction and resource support.

With reference to integrated co-teaching (“ICT”), OCEAA shall establish a platform that encompasses a combination of the following:

- One Teach One Drift/Assist
- Parallel Teaching
- Alternative Teaching
- Station Teaching
- Team Teaching
- One Teach-One Observe

With the understanding that co-teaching requires intensive professional development and co-planning time, the co-teaching dyads will be provided with ample training, time, and other supports to ensure success of these structures.

If the student requires additional related services to benefit from their educational program, OCEAA’s staff shall provide services in accordance with best practices as advocated by professional organizations.

Driving principles include: (1) an educational model; (2) data-driven practices; (3) an inclusionary orientation that emphasizes the least restrictive environment; and (4) a multi-disciplinary approach that builds capacity of teachers, teaching assistants, and parents to help students with disabilities generalize skills throughout the curriculum.

### **Personnel**

OCEAA may hire related service providers (e.g. speech/language, occupational therapy, adapted physical education, nursing, and transportation, etc.) or may provide related services by hiring credentialed or licensed providers through private agencies or independent contractors. OCEAA and the District may, at their discretion, enter into a written contract separate from this Charter and for separate consideration, for the purchase of services from the District in the manner described in any such written contract.

OCEAA may employ a Special Education Lead. The Special Education Lead shall carry out the duties and functions of that position in providing oversight and coordination of special education services for OCEAA students.

OCEAA may employ its own special education teachers and/or service providers to provide special education services to OCEAA students. Any special education teachers and/or service providers employed by OCEAA shall provide all services in compliance with the SELPA’s policies for the provision of special education services. Any special education teachers and/or service providers so employed by OCEAA shall be solely an employee(s) of OCEAA for all purposes, including but not limited to for purposes of the Educational Employment Relations Act, and shall not be deemed or considered an employee(s) of the District for any purpose.

Sample job descriptions for the necessary staff that OCEAA may hire or contract with are provided in Exhibit I.

### **Parent Concerns**

**Students** with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process. OCEAA shall inform parents/guardians of their rights to raise concerns regarding special education needs or services to the Charter School. OCEAA shall respond to and address any and all parent/guardian concerns.

### **Complaints**

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. OCEAA shall address, respond to, and investigate all complaints regarding all special education services at the Charter School.

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

### **Due Process Hearings**

OCEAA may initiate a due process hearing on behalf of a student enrolled at the Charter School as is legally necessary or advisable. OCEAA shall participate in any due process hearing brought by a student enrolled in the Charter School. In the event that it is determined that legal representation is needed, OCEAA will be represented by legal counsel of its choosing. OCEAA has sole discretion to settle any matter in mediation or due process. The Charter School has sole discretion to appeal a due process hearing or take other legal action involving any OCEAA student necessary to protect its rights. As an LEA member of a SELPA, OCEAA acts as an autonomous LEA with all of the legal rights and responsibilities as they relate to SELPA membership, representation, participation, and adherence to applicable laws and SELPA policy.

### **Procedural Safeguards**

Parents/guardians of a student with an IEP at OCEAA determine whether to agree to evaluation and placement of their child and are included in the decision-making process when there is a change in placement under consideration. Parents/guardians are invited, along with teachers, to conferences and meetings to develop their child's IEP.

### **Discipline**

OCEAA will follow special procedures for the consideration of suspension and expulsion or involuntary removal of students with disabilities as outlined in its Suspension and Expulsion Policy (See Element 10).

### **Funding**

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

### **School District of Residence**

OCEAA shall be responsible for providing all special education services to all actively enrolled OCEAA students regardless of their school district of residence.

### **SELPA Requirements**

OCEAA agrees to adhere to all policies, procedures, requirements, and practices of the SELPA regarding identification, referral, record-keeping, and provision of services to special education students.

### **Contracted Services**

If needed due to a shortage of special education staff, it is the responsibility of the Charter School to seek out contracts, companies, or organizations to serve OCEAA students with special needs.

### **Copies of IEPs**

OCEAA staff shall comply with state and federal laws and SELPA procedures related to IEPs, including, but not limited to, those required by any web-based IEP system, the requirement that IEPs be affirmed and attested to by appropriate members of the IEP team.

### **Professional Development for OCEAA Staff**

The School Director, general and special education teaching staff, as well as other appropriate faculty and staff members will attend professional development and/or training meetings necessary to comply with state and federal special education laws, including those sponsored by the SELPA. OCEAA will seek professional development opportunities for staff through trainings facilitated by the District, colleges and universities, and private companies or agencies.

### **Professional Development**

To ensure the compliance with all IEPs, and adherence with the OCEAA's broader philosophy on building personnel capacity, teachers will be required to attend professional development on appropriate classroom modifications, effective instructional needs practices for special and general education students, and their roles and responsibilities when implementing IEPs.

The special education staff will also be available to provide ongoing consultation and support to general education teachers regarding best practices in modifying classroom instruction for at-risk students as well as their role in offering effective IEP delineated instructional services and supports.

### **Parent Outreach**

OCEAA recognizes the importance of involving parents or guardians in the educational process; in this manner, students can achieve optimal outcomes from their special education services. OCEAA will offer trainings for parents on topics pertaining to the provision of services.

OCEAA recognizes the importance of involving parents or guardians in the educational process; in this manner, students can achieve optimal outcomes from their special education services. As part of OCEAA's LCAP Goal 4, the Special Education Team will offer workshops or information sessions targeted to parents of SWD, and open to the general community, on topics of interest such as IDEA and Section 504, identification and placement procedures, specific learning disabilities and other categories of special education. Such events: (1) bring together people who are interested in special education and children with special needs; (2) support, strengthen and promote the welfare of children with special needs; and (3) promote an understanding of special education and a commitment to enriching the lives of children with special needs.

### **Reporting**

OCEAA, in collaboration with the SELPA, will collect and maintain the following information on students with disabilities as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability, and the number of students with disabilities who are English Learners;
- The number of students provided with test modifications and the types and the number of students exempted from State assessments;
- The settings in which students with disabilities, receive the services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended "in-school" and "out-of-school," organized by program eligibility and length of suspensions; and
- The basis of exit from OCEAA for students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.).

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of OCEAA's School Director or designee. The School Director or designee will ensure that a central file with all special education evaluation material and IEPs is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The School Director or designee will oversee access to these records and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of

the IEP, will be informed of their specific responsibilities in implementing the IEP, and expectations for privacy under FERPA.

### **Students with Temporary Disabilities**

Pursuant to Assembly Bill 2109, OCEAA may continue to enroll a student with a temporary disability who is receiving individual instruction in a hospital or other residential health facility in order to facilitate the timely reentry of the pupil in his or her prior school after the hospitalization has ended, or in order to provide a partial week of instruction to a student who is receiving individual instruction in a hospital or other residential health facility, for fewer than five days of instruction per week, or the equivalent, as described in subdivision (c) of Section 48206.3. (Education Code section 48207.) A student receiving individual instruction who has clearance by a medical professional to return to school shall be allowed to return to OCEAA, the school that he or she attended immediately before receiving individual instruction, if the student returns during the school year in which the individual instruction was initiated. (Education Code section 48207.3.)

### **Section 504 of the Rehabilitation Act**

OCEAA recognizes its legal responsibility to ensure that no qualified person with a disability will, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the school. A student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

A 504 Team will be assembled by the School Director or designee, and will include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 Team will review the student's existing records including academic, social and behavioral records, and will be responsible for making a determination as to whether an evaluation for Section 504 services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services, those evaluations may be used to help determine the student's eligibility under Section 504. The prior evaluation may be used to determine the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities.

The 504 team may also consider the following information in its evaluation:

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

- Test and other evaluation materials will be administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student’s aptitude or achievement level, or whatever factor the test purports to measure, rather than rejecting the student’s impaired sensory, manual or speaking skills.

The final determination of whether the student will be identified as a person with a disability is made by the 504 team in writing. Notice is given in writing to the parent/guardian of the student in their primary language along with any other procedural safeguards available to them under applicable law. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, the 504 team will make a referral for assessment under the IDEA.

If the student is found by the 504 team to have a disability under Section 504, the 504 team will determine what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education (“FAPE”). In developing the 504 Plan, the 504 team considers all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by OCEAA’s professional staff. The 504 Plan will describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

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

## ELEMENT 2

*Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 5205247607. The pupil outcomes shall align with the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.*

California Education Code Section 47605(~~bc~~)(5)(B)

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### **GOALS, ACTIONS AND MEASURABLE OUTCOMES ALIGNED WITH THE STATE PRIORITIES**

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

The current LCAP is on file with the District and is also available on our website at <https://oceaa.org/wp-content/uploads/2019/10/OCEAA-LCAP-101319.pdf> and as Exhibit B. The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term through the annual LCAP update. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33. The Charter School shall also present a report on the annual update to the LCAP and the local control funding formula budget overview for parents on or before February 28 of each year as part of a nonconsent item at a regularly scheduled Board meeting.

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

### **SCHOOLWIDE GOALS AND OUTCOMES**

As a public charter school, we recognize and accept a heightened accountability for reaching ambitious standards for student achievement.

OCEAA has clearly defined schoolwide and student outcome goals in compliance with California Education Code sections 47605(b)(5)(B) and 52060(d). Accomplishments in each of the goals and outcomes directly support our mission to nurture all learners to become creative, critical thinkers by providing high quality standards-based instruction through the arts, technology, language and culture.

OCEAA will continue to examine and refine details of student outcomes to reflect any changes to state or local standards and better serve our school mission, students, and community.

**PROGRAM GOALS**

OCEAA’s primary program goal is that students demonstrate bilingualism and bi-literacy in both English and Spanish as evidenced across ELED’s three Dimensions of Student Achievement: Mastery of Knowledge and Skills (“MKS”), Character, and High Quality Work.

With the support of an ELED School Designer, OCEAA’s Instructional Leadership Team develops and oversees a strategic plan that identifies multi-year impact goals and annual benchmarks in each dimension. These measurable goals are aligned with professional learning, progress monitoring and resources as outlined in OCEAA’s LCAP.

The 2019-20 school year is OCEAA’s first implementation year as an EL Education school; therefore, a focus on MKS and Character goals are prioritized while building capacity to set goals for High Quality Work.

MKS Multi-Year Impact Goals (2023)	MKS Benchmark for Year 1 (2019-20)
<p>Math</p> <ul style="list-style-type: none"> <li>➤ OCEAA will increase the percent of 3rd-8th grade students meeting or exceeding standards in math to 50% or above overall and to 30% for ELs.</li> <li>➤ In grades TK-2, 80 percent of students will meet <i>FactsWise</i> goals</li> </ul> <p>Literacy*</p> <ul style="list-style-type: none"> <li>➤ OCEAA will increase the percent of 3rd-8th grade students’ meeting or exceeding standards in ELA to 60% or above overall (with all grades at 50% or above), and to 40% for ELs, and decrease the Level 1 band by 20% for students with learning disabilities on state assessments.</li> </ul>	<p>Math</p> <ul style="list-style-type: none"> <li>➤ Increase the percentage of students meeting or exceeding standards from 39% by 4% to 43%</li> <li>➤ Increase the percentage of EL students meeting or exceeding standards from 21% by 4% to 25%</li> <li>➤ Decrease Level 1 SPED from 64.86% to 59.86%</li> <li>➤ 80% of students finish their grade level <i>FactsWise</i> goals</li> </ul> <p>Literacy</p> <ul style="list-style-type: none"> <li>➤ Increase the percentage of students meeting or exceeding standards in ELA from 50.9% to 54.9%, with an increase from 4 to 5 grades at or above 50% meeting or exceeding standards</li> </ul>

<ul style="list-style-type: none"> <li>➤ In grades TK-2, 80 percent of students will meet Spanish Developmental Reading Assessment (“DRA”) goals.</li> </ul> <p>* 3<sup>rd</sup>-8<sup>th</sup> grade goals for the California Spanish Assessment (“CSA”) will be added after baseline results are available from the 2018-19 administration</p>	<ul style="list-style-type: none"> <li>➤ Increase the percentage of EL students meeting or exceeding standards from 27.53% by 4% to 31.53%</li> <li>➤ Decrease Level 1 SPED from 62.16% to 57.15%</li> <li>➤ 10% increase in students meeting Spanish DRA goals</li> </ul>
<p><b>Character Multi-Year Impact Goal (2023)</b></p> <p>OCEAA graduates are ethical community members who take pride in their language, culture, and ability to face challenges with a growth mindset. They are compassionate, collaborative leaders who advocate for themselves and others.</p>	<p><b>Character Benchmark for Year 1 (2019-20)</b></p> <p>OCEAA students can explain how courage, integrity, compassion, collaboration, and perseverance support them in being effective learners and ethical people and are beginning to demonstrate these habits (prioritize measurement of compassion, perseverance &amp; collaboration)</p>

**Additional program goals include:**

- Student scores on state-standardized tests will continue to improve over the 2020-2023~~5~~ charter term overall and in all numerically significant subgroups.
- Students will gain the prerequisite knowledge to move to the next level of educational attainment.
- Students will demonstrate high levels of academic achievement and creativity resulting from the science, math, technology and arts curricula.
- Students will improve in their ability to execute high quality work.
- Students will have access to wellness initiatives (healthy meals, SEL and mindfulness training) that influence academic growth and achievement.

**Specific educational objectives that will be accomplished through the Charter School**

OCEAA strives to create a culture of compassion, collaboration, integrity, perseverance and courage that will permit graduates to be authentic leaders who can have a positive impact on their communities. Specific objectives designed to support a positive school culture and student success after attending OCEAA include:

- Development of staff and student ‘Crew’ culture that emphasizes relational trust and fosters character development.
- Implementation of Positive Behavioral Interventions and Supports within an MTSS framework to maintain low rates of suspension or expulsion.
- School wide commitment to a collegial teaching environment characterized by high expectations for personal professional growth as well as high student achievement.
- Enhanced support network for each child through parent compacts and parent education
- Programs and parent leadership opportunities.

- Effective integration of education, business, and community partnerships to support school educational goals.

## ELEMENT 3

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

California Education Code Section 47605(~~bc~~)(5)(C)

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OCEAA complies with all applicable District, State, and Federal assessment and accountability requirements. All students in grades 3 through 8 are assessed with the state designated standardized tests according to the California Assessment of Student Performance and Progress (“CAASPP”), which includes the Smarter Balanced Assessment Consortium (“SBAC”) assessments in ELA and mathematics, the California Science Test (“CAST”), California Spanish Assessment, and California Alternate Assessments (“CAAs”). English Learners will be assessed annually using the ELPAC.

Assessment methods described in this Element, as well as in Element 2, are aligned to the State Priorities and demonstrate multiple measures for each subject area. The Charter School affirms that its methods for measuring pupil outcomes for the State Priorities, as described in Element 2, shall be consistent with the way information is reported on a School Accountability Report Card as required by Education Code Section 47605(~~cb~~)(5)(C).

### **SYSTEM OF ASSESSMENTS**

OCEAA will continue to build upon its existing assessment system, which evaluates student performance relative to the curriculum, to the statewide standards, and to individual expectations. OCEAA’s Board has adopted a Standards Based Grading Policy. Teachers determine report card grades that describe students’ current level of proficiency in relation to specific standards on a 1-4 scale. SBG is recognized as a more effective measure of student achievement since it monitors in real-time what level of mastery students have achieved. Levels for academic learning are determined separately from levels for Habits of Character, which range from “unsatisfactory” to “excellent.” OCEAA schedules student-led conferences twice per year in which students communicate progress in their learning to family members or other caregivers. Student-led conferences address all of the Dimensions of Student Achievement: mastery of knowledge and skills, character, and high-quality student work. Standards based grading practices help teachers and leaders continually refine the alignment of curriculum, assessment and instruction.

### **Aligning Curriculum and Assessment**

OCEAA teachers and leaders engage in ongoing curriculum mapping of knowledge, skills, and habits of character. Curriculum maps consist of a vertical sequence of academic and character targets that are to be addressed at each grade level and within each discipline. These targets become increasingly more sophisticated and rigorous as students progress through the grades.

Curriculum maps also provide a year-at-a-glance view of what’s being taught and assessed across disciplines.

Through the curriculum mapping process, teachers and leaders articulate the major tasks that students will do to make progress toward long-term learning targets, including priority writing standards for each marking period. This helps teachers and leaders monitor the variety and complexity in product format over time. In addition, teachers and leaders identify formative assessments (e.g., lab notebooks, reading journals), summative assessments (e.g., mathematics unit tests), and on-demand assessments (e.g., on-demand writing) of discrete long-term targets.

**Aligning Assessment and Instruction**

Student-engaged assessment is a hallmark of the EL Education model. When assessment is done *with* students instead of *to* them, students take responsibility for and lead their own learning. They see themselves as the key actors in their own success. This creates a culture of engagement and achievement in which all students and adults believe that effort and reflection lead to academic growth and high-quality work. Teachers use multiple methods of formative and summative assessment to track students’ progress toward academic learning targets and Habits of Scholarship (e.g., perseverance, collaboration). Teachers continually analyze quantitative and qualitative evidence of student performance to inform their instruction. Students learn to reflect deeply and concretely on their own performance data, assess their own learning, use feedback from peers and teachers, and set goals for achievement. OCEAA teachers have received initial training in the use of Learning Targets, checking for understanding, sharing data with students and using Learning Target trackers, and will continue with more training in the upcoming partnership year.

**MULTIPLE MEASURES OF ASSESSMENT TO EVALUATE PUPIL OUTCOMES**

The chart below shows the Mastery of Knowledge and Skills (“MKS”) clusters and domains that are assessed and reported to parents on report cards. Multiple methods of assessments are used to assess student progress each trimester. In addition, summative CAASPP and ELPAC scores are reported to parents annually.

<b>Content Focus</b>	<b>MKS Clusters/Domains</b>	<b>Assessment Methods</b>
English and Spanish Language Arts K-8 (CCSS)	<ul style="list-style-type: none"> <li>➤ Reading Literary and Informational Text               <ul style="list-style-type: none"> <li>○ Foundational Skills K-5 only</li> </ul> </li> <li>➤ Writing for a Variety of Audiences and purposes</li> <li>➤ Speaking and Listening</li> <li>➤ Language</li> </ul>	<ul style="list-style-type: none"> <li>➤ STAR Renaissance Reading</li> <li>➤ DRA, High Frequency Words (“HFV”), Fluency</li> <li>➤ Unit and Module Assessments</li> <li>➤ Performance Tasks</li> <li>➤ CAASPP Interim and Summative Assessments (3<sup>rd</sup> to 8<sup>th</sup>)</li> <li>➤ CA Spanish Assessment</li> </ul>
English Language Development (ELD Standards)	<ul style="list-style-type: none"> <li>➤ Using English Purposefully</li> <li>➤ Interacting in Meaningful Ways</li> <li>➤ Understanding How English Works</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unit Assessments</li> <li>➤ ELPAC</li> <li>➤ Reclassification &amp; RFEP CAASPP data</li> </ul>

Math K-5 (CCSS)	<ul style="list-style-type: none"> <li>➤ Counting and Cardinality</li> <li>➤ Operations and Algebraic Thinking</li> <li>➤ Number and Operations in Base Ten</li> <li>➤ Number and Operations - Fractions</li> <li>➤ Measurement and Data</li> <li>➤ Geometry</li> </ul>	<ul style="list-style-type: none"> <li>➤ STAR Renaissance Math</li> <li>➤ Fluency Sprints</li> <li>➤ Unit and Module Assessments</li> <li>➤ Performance Tasks</li> <li>➤ CAASPP Interim and Summative Assessments (3<sup>rd</sup>-5<sup>th</sup>)</li> </ul>
Math 6-8 (CCSS)	<ul style="list-style-type: none"> <li>➤ Ratios and Proportional Relationships</li> <li>➤ The Number System</li> <li>➤ Expressions and Equations</li> <li>➤ Functions</li> <li>➤ Geometry</li> <li>➤ Statistics and Probability</li> </ul>	<ul style="list-style-type: none"> <li>➤ STAR Renaissance Math</li> <li>➤ Unit and Module Assessments</li> <li>➤ Performance Tasks</li> <li>➤ CAASPP Interim and Summative Assessments</li> </ul>
Social Studies K-8 (CA H/SS)	<ul style="list-style-type: none"> <li>➤ Knowledge</li> <li>➤ Literacy</li> <li>➤ Inquiry</li> <li>➤ Citizenship</li> </ul>	<ul style="list-style-type: none"> <li>➤ Projects and Presentations</li> <li>➤ Written Products</li> <li>➤ Unit Assessments</li> </ul>
Science K-8 (NGSS)	<ul style="list-style-type: none"> <li>➤ Poses questions and claims, supports with evidence</li> <li>➤ Creates scientific models to illustrate ideas and phenomena</li> <li>➤ Investigates and validates collaboratively</li> <li>➤ Designs and evaluates solutions</li> </ul>	<ul style="list-style-type: none"> <li>➤ Projects and Presentations</li> <li>➤ Science Journals and Lab Reports</li> <li>➤ Unit Assessments</li> <li>➤ CAST Summative Assessments (5<sup>th</sup> &amp; 8<sup>th</sup>)</li> </ul>
Arts K-8 (National Core Arts Standards)	<ul style="list-style-type: none"> <li>➤ Responding</li> <li>➤ Connecting</li> <li>➤ Creating</li> <li>➤ Performing</li> </ul>	<ul style="list-style-type: none"> <li>➤ Performances</li> <li>➤ Exhibitions</li> <li>➤ Performance Tasks</li> <li>➤ Portfolios</li> </ul>
Technology K-8 (ISTE)	<ul style="list-style-type: none"> <li>➤ Technology Operations</li> <li>➤ Creativity and Innovation</li> <li>➤ Communication and Collaboration</li> <li>➤ Research and Information</li> <li>➤ Critical Thinking</li> <li>➤ Digital Citizenship</li> </ul>	<ul style="list-style-type: none"> <li>➤ Typing Fluency</li> <li>➤ Rubrics to assess demonstrated proficiency with Microsoft Office and Google Docs</li> <li>➤ Rubrics to assess demonstrated proficiency with multi-media applications</li> </ul>

OCEAA also recognizes a variety of factors that influence academic achievement and growth. The chart below provides assessment methods for non-academic indicators that impact student success.

<b>Influencing Factors</b>	<b>Measurable Indicators</b>	<b>Assessment Methods</b>
Attendance	<ul style="list-style-type: none"> <li>➤ Average Daily Attendance</li> <li>➤ Chronic Absenteeism</li> </ul>	<ul style="list-style-type: none"> <li>➤ SIS data (PowerSchool)</li> <li>➤ CA School Dashboard</li> </ul>
Student Conduct & Character Development	<ul style="list-style-type: none"> <li>➤ Minor Behavior Reports &amp; Major Behavior Referrals</li> <li>➤ Suspensions &amp; Expulsions</li> <li>➤ Student perceptions of belonging, safety and wellness at school</li> <li>➤ Crew implementation</li> </ul>	<ul style="list-style-type: none"> <li>➤ SWIS reports</li> <li>➤ SIS data (PowerSchool)</li> <li>➤ CA School Dashboard</li> <li>➤ CA Healthy Kids and EL Character Surveys</li> <li>➤ Crew walkthroughs and implementation review</li> </ul>
Poverty	<ul style="list-style-type: none"> <li>➤ National Free and Reduced Lunch and Breakfast Program Participation</li> </ul>	<ul style="list-style-type: none"> <li>➤ SIS data</li> <li>➤ CA School Dashboard</li> </ul>
Parent Involvement	<ul style="list-style-type: none"> <li>➤ Attendance at conferences and events</li> <li>➤ Participation in Families Supporting OCEAA, leadership roles and committees</li> <li>➤ Parent perceptions of belonging to the school community</li> </ul>	<ul style="list-style-type: none"> <li>➤ Sign-in sheets and committee rosters</li> <li>➤ Room parents</li> <li>➤ Volunteer log</li> <li>➤ CA School Parent Survey</li> </ul>
Teacher Retention & Support	<ul style="list-style-type: none"> <li>➤ Number of returning teachers</li> <li>➤ Shared Leadership opportunities</li> <li>➤ Teacher perceptions of working conditions</li> <li>➤ Ongoing communication</li> <li>➤ Number of FTE curriculum specialists/coaches</li> </ul>	<ul style="list-style-type: none"> <li>➤ SARC</li> <li>➤ HR data</li> <li>➤ SWIFT FIA</li> <li>➤ Weekly PD feedback forms</li> <li>➤ CA School Staff Survey</li> </ul>

## ELEMENT 4

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

California Education Code Section 47605(~~bc~~)(5)(D)

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### **Non-Profit Public Benefit Corporation**

The Charter School is a directly funded independent charter school, operates as a California nonprofit public benefit corporation, and is governed in accordance with applicable California Corporations Code Sections and its adopted bylaws which are consistent with the terms of this charter. As provided for in the California Corporations Code, OCEAA is governed by its Board of Directors, whose members have a legal fiduciary responsibility for the well being of OCEAA.

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

OCEAA's Articles of Incorporation and its current and proposed Bylaws can be found in Exhibit J.

### **Board of Directors**

OCEAA is governed by a Board of Directors ("Directors"), made up of between five (5) and nine (9) Directors, including any representative appointed by the District Board of Education in accordance with Education Code Section 47604(c). Future Board members shall be selected in accordance with the corporate bylaws to represent parents, the arts community, educators, and the District. All Board members are selected with skills and experience to match their board responsibilities. Each director shall hold office for 2 years and until a successor director has been appointed and qualified.

The Directors meet on a regular basis, at least every other month and in compliance with the Brown Act and Education Code Section 47604.1(c), to advise OCEAA on the operations of OCEAA, staff, teachers, and students. Similarly, it advises on curriculum, instruction, fundraising, and governance, all with the purpose of increasing student academic and artistic achievement.

The Directors have a responsibility to solicit input from, and opinions of, the parents of OCEAA's students regarding issues of significance and to weigh the input and opinions carefully before taking action. The primary method for executing their responsibility is the adoption of policies and procedures to assist the staff in facilitating the implementation of the charter (see Exhibit K for OCEAA's organizational chart). The Directors continues to work on increasing parent engagement in a variety of ways including, but not limited to: attending school events, participating in open

communication forums, regular updates through the school newsletter, and being on campus to be available to parents. These efforts have increased communication and dialogue within our community.

The Directors meet regularly and as needed and will be responsible for carrying out Board responsibilities including, but not limited to, the following:

- Hiring and evaluating the Executive Director of OCEAA.
- Approving and monitoring the implementation of policies of OCEAA. These include effective human resource policies for career growth and compensation of the staff.
- Developing and monitoring an operational business plan that focuses on student achievement and artistic development.
- Approving and monitoring OCEAA's annual budget.
- Acting as fiscal agent. This includes the receipt of funds for the operation of OCEAA in accordance with charter school laws and the receipt of grants and donations consistent with the mission of OCEAA.
- Contracting an external auditor to produce an annual independent financial audit according to generally accepted accounting practices.
- Regularly monitoring the school's progress towards goals using multiple measures/data points.
- Involving parents and the community in the support of Charter School programs.
- Executing all other responsibilities provided for in the California Corporations Code, the Articles of Incorporation, Bylaws and this charter petition necessary to ensure the proper operation of OCEAA.
- Participating in dispute resolution procedures and complaint procedures when necessary.
- Approving charter amendments.
- Approving annual fiscal and performance audits.
- Approving personnel discipline (suspensions or dismissals), as needed.
- Appointing an administrative panel to act as a hearing body and take action on recommended student expulsions.
- Preparing and submitting on a semi-annual basis (mid-year and end of year), reports to the authorizer regarding OCEAA's progress in implementing this Charter and other specific matters as requested.

The Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of OCEAA any of those duties. The Directors however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

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

### **Executive Director:**

The Executive Director works with the Board of Directors and school leadership in refining and executing OCEAA's business strategy to ensure the financial, organizational, and educational quality of the school. The Executive Director oversees all functions at OCEAA, including but not limited to, nutritional services, accounting, after school programs, facilities/ custodial, central office and credentialed staff departments.

The Executive Director is tasked with three key elements:

#### **Leadership and General Management**

- Develop a shared vision for the future of OCEAA
- Hire, supervise, develop, and evaluate staff
- Lead by example and reinforce the core values, culture and policies of OCEAA
- Demonstrate a creative, collaborative attitude and approach

#### **Revenue, Development and Fiscal Management**

- Serve as the chief fundraiser for OCEAA to expand and diversify revenue streams
- Represent the school to all its constituents, including current and prospective funders
- Define clear and appropriate success measures, and effectively track progress towards OCEAA's strategic goals
- Manage and execute all district, county, state and federal compliance related items
- Monitor legislative and policy issues that impact OCEAA
- Balance operational budget
- Develop an effective, long-term strategic plan for facilities and capital investment

#### **Governance**

- Implement Board policies, goals, priorities and objectives, keep the Board informed of all relevant issues, and attend all Board and related committee meetings as required
- Identify and recruit new Board members whose talent, interests and commitment further OCEAA's mission, vision, and programs

The above duties may be delegated or contracted as approved by the Board to a business administrator of OCEAA or other employee, a parent volunteer (only in accordance with student and teacher confidentiality rights) or to a third-party provider (only in accordance with student and teacher confidentiality rights) as allowed by law.

### **School Director:**

The OCEAA School Director manages the day-to-day educational program by communicating and monitoring progress toward charter and LCAP goals.

The School Director is responsible for, but not limited to, the following:

- School Program Vision - Leads and coordinates a focus on the school’s program vision and goals.
- School Climate - Leads, establishes and manages a safe and positive school climate that engages students and parents.
- Instructional Program - Ensures delivery of a high-quality academic program through material and professional support. Constantly monitors the curriculum, instruction, intervention and assessment best practices.
- Teacher Supervision - Completes annual evaluations for OCEAA specialists and classroom teachers with input from specialists.
- Communication and Public Relations – Collaborates with staff and stakeholders to establish and maintain effective communication and positive school image.
- Attends District Administrative meetings as necessary and stays in direct contact with District regarding changes, progress, etc.

**Parent Involvement**

OCEAA has an active parent committee, Families Supporting OCEAA (FSO) comprised of Charter School staff, parents and guardians, which acts in an advisory capacity to OCEAA’s Board. The FSO is governed by bylaws adopted by the parents involved in the committee. Officers are elected annually and membership to FSO is updated annually. Meetings are held throughout the year allowing parents to collaborate on fundraising goals, understand how a Charter School operates, how it provides an educational service and how it is accountable to the community. The FSO serves as a venue to facilitate open and ongoing communication between the Charter School staff and home. Parents also participate in the governance of the Charter School through the SSC and ELAC.

OCEAA promotes parent involvement on a variety of levels, from volunteering at school events to working side-by-side with staff. Parents are encouraged to be advocates for their child’s education through our monthly meetings with administration, parent conferences, Board meetings, parent education workshops, weekly assemblies, and our open-door policy. In addition, OCEAA annually seeks feedback from parents through surveys, which OCEAA then uses to refine and improve the instructional program and services provided to our students and their families.

To encourage additional parent involvement, OCEAA provides several opportunities for parents to volunteer. It is our goal that these volunteer opportunities could entice our parents to have deeper levels of involvement at OCEAA. While the Charter School may encourage parental involvement, it will notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School, in accordance with Education Code Section 47605(n).

**School-Site Decision Making**

OCEAA includes staff, students, parents and other stakeholders in the decision-making process. Several committees support this inclusive process:

- Instructional Leadership Team (“ILT”) works collaboratively to make school-wide decisions related to curriculum, instruction and professional development. This committee includes teachers and administration.
- Student Leadership Team (“SLT”) promotes educational and recreational opportunities for students and staff. They are led by staff and there is an elected student board.
- Budget Committee oversees the Charter School’s budget and seeks input from teachers, support staff, parents, administration and the Board.
- FSO works collaboratively with students, teachers, administration, parents and community organizations to support educational goals and enrich the educational program.
- Wellness Committee is a group of students, teachers, support staff and parents who develop programming to promote healthy life-styles and choices.
- Arts Committee works to develop partnerships with community organizations to support and advocate for arts education. Arts coordinators, teachers, administration, and parents participate in this committee.
- Technology Committee promotes the use and integration of technology to support the educational goals and includes the technology coordinator, teachers, support staff and parents.
- MTSS Committee meets monthly to review performance data and use those data to monitor school and student progress, guide instructional practices, and make recommendations to the ILT.
- School Site Council (“SSC”) is a representative group of staff and parents who collaborate to develop, monitor and evaluate the Single Plan for Student Achievement (SPSA).
- English Learner Advisory Committee (“ELAC”), advises school officials on English learner programs and services and is dedicated to supporting parents of English Learners.

**Conflict of Interest**

The Board may initiate and carry on any program or activity or may otherwise act in any manner which is not in conflict with or inconsistent with or preempted by any law and which is not in conflict with the purposes for which schools are established.

A Board member cannot vote or participate in a discussion relating to a matter in which he/she has a personal financial interest. All officers, employees, and members of the OCEAA governing board shall comply with the Political Reform Act of 1974 (Gov. Code Section 87100 et seq., the “PRA”) and any attendant regulations as they may be amended from time to time, and all conflict of interest laws and prohibitions applicable to California non-profit corporations and/or California charter schools, including Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1.

As required, the Conflict of Interest Code has been submitted to the County Board of Supervisors for approval.

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

**Brown Act**

OCEAA and its governing board shall comply with the Ralph M. Brown Act as set forth in California Government Codes Section 54950 *et seq.* and any attendant regulations as they may be amended from time to time.

**Policies**

OCEAA maintains policies and procedures pertinent to its operation, which shall be subject to review and comments by the District. Should the provisions of this Charter conflict with the Articles of Incorporation, Bylaws, policies, or practices of the Charter School or the corporation, the provisions of this Charter shall prevail. OCEAA shall provide written notice to the District of any revisions to the Articles of Incorporation and/or Bylaws within three (3) business days of the adoption of such revision.

**Collaboration with Stakeholders**

It is OCEAA’s goal to maintain a collaborative effort with various stakeholders, such as parents, community partners and SAUSD, to continue to benefit all of our students.

## ELEMENT 5

*Governing Law: The qualifications to be met by individuals to be employed by the charter school.*

California Education Code Section 47605(~~bc~~)(5)

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### **Teachers**

OCEAA adheres to Education Code Section 47605(l), all California Commission on Teacher (“CTC”) Credentialing requirements, and the ESSA as they pertain to the hiring of all teachers for the Charter School.

Teachers must hold appropriate California teaching certificates, permits, or other documents ~~required for the teacher’s certificated assignment equivalent to that which a teacher in other schools would be required to hold~~ pursuant to Education Code Section 47605(l)(1). A copy of each teacher’s teaching credential is kept on file at the school site and is submitted to the District annually through the CBEDS/CALPADS reporting and additionally can be accessed through the California Commission on the Teacher Credentialing web page. OCEAA recognizes that AB 1505 requires all current teachers to be credentialed for their certificated assignment by July 1, 2025.

### **Non-Instruction**

All non-instructional staff such as business manager, community outreach specialist, nutrition services director, food services accountant, instructional assistant, nurse, health clerk, database coordinator, website coordinator, technology coordinator, activities coordinator, attendance clerk, receptionist, custodian and noontime supervisor personnel must possess experience and expertise appropriate for their position.

### **Administrators**

The Administrative positions may evolve as needed to meet the administrative needs of OCEAA. OCEAA currently employs a School Director and an Executive Director.

Administrators at OCEAA are committed to educational excellence with a demonstrated ability to use data to develop and meet program goals. Administrators shall also have excellent communication and organizational skills. Additionally, they will have a degree from an accredited college or university and may have advanced degrees and credentials, including EdD and/or other educational leadership experience and education.

It is preferred but not required that the School Director have a valid California Administrative Services Credential, expertise in math and literacy curriculum and instruction, arts and technology integration, and/or bilingual education in addition to experience in a charter school setting. Spanish/English bilingualism is preferred.

The Executive Director of OCEAA works with the Board of Directors and Charter School leadership in refining and executing OCEAA's business strategy to ensure the financial, organizational, and educational quality of the Charter School. Conversational Spanish is required for this position. The Executive Director is also expected to have seasoned qualifications and skills with communications, budgeting, marketing, operational and staff management.

### **Overall Qualifications of Staff**

OCEAA staff includes educators and support staff who seek to provide a high-quality education for our students. They share a strong desire and commitment to academic achievement through the arts, technology, language and culture.

OCEAA has a rigorous and collaborative selection process that includes students, teachers, support staff, administration and parents. The process generally includes:

1. Positions advertised to the public
2. Paper screening of candidate qualifications
3. Phone interview
4. Initial interview
5. Second interview to include a demonstration or performance task (if appropriate)
6. Reference check
7. Live Scan and TB clearance
8. Credential (if appropriate) and document verification
9. Other requirements as determined by the role

### **Salaries and Benefits**

OCEAA strives to maintain competitive salaries and benefit packages to retain well-qualified staff. Full health benefits are offered to full-time employees.

### **Performance Assessment**

Each OCEAA staff member receives performance evaluations annually by his/her supervisor. The goal is to provide feedback and assist the employee in growing or improving professionally. The criteria used for OCEAA's staff members in their evaluations include, but are not limited to:

1. Job Descriptions specific to the position
2. California Standards for the Teaching Profession (when applicable)
3. Professional Learning Plan Goals (when applicable)
4. California Professional Standards for Educational Leaders (when applicable)
5. Feedback from colleagues/students/families (when applicable)
6. Overall effectiveness

## ELEMENT 6

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

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

*(ii) ~~For all schools, the~~ development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (M), inclusive, of paragraph (2) of subdivision (a) of Section 32282, ~~and procedures for conducting tactical responses to criminal incidents. For schools serving pupils in any of grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (N) of paragraph (2) of subdivision (a) of Section 32282.~~*

*(iii) ~~That the school safety plan be reviewed and updated by March 1 of every year by the charter school. The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.~~*

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

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In order to provide safety for all students and staff, the Charter School has adopted and shall maintain full health and safety policies and procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts.

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

### **Procedures for Background Checks**

OCEAA complies with the provisions of Education Code Sections 44237 and 45125.1 regarding the fingerprinting and background clearance of employees, contractors and volunteers prior to employment and/or any one-on-one contact with pupils of the Charter School. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Executive Director and/ or School Director of OCEAA monitors compliance with this policy and reports to the Board of Directors on an annual basis or upon request of the District. The Board President shall monitor the fingerprinting and background clearance of the Executive Director and/ or School Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee. The Human Resources Manager serves as the custodian of records.

### **Role of Staff as Mandated Child Abuse Reporters**

All classified and certificated staff are mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District. The Charter

School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

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

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

### **Immunizations**

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

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

### **Medication in School**

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

### **Vision/Hearing/Scoliosis**

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

### **Diabetes**

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

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

**School Facilities**

OCEAA frequently assesses the safety of the school site using the state, county and city guidelines. Regular preventative maintenance is performed to ensure the structural integrity of our building and equipment.

The Charter School shall comply with Education Code Section 47610 by utilizing facilities that are either compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.

**Suicide Prevention Policy**

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

**Prevention of Human Trafficking**

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

**Feminine Hygiene Menstrual Products**

The Charter School ~~shall~~ will stock the school’s restrooms at all times with an adequate supply of menstrual products, available and accessible, free of cost, in all women’s restrooms and all-gender restrooms, and in at least one men’s restroom. The Charter School shall post a notice regarding the requirements of at least 50% of its restrooms with feminine hygiene products, and shall not charge students for these products, pursuant to Education Code Section 35292.6 in a prominent and

conspicuous location in every restroom required to stock menstrual products, as specified. This notice shall include the text of Education Code Section 35292.6 and contact information, including an email address and telephone number, for a designated individual responsible for maintaining the requisite supply of menstrual products.

### **All Gender Restrooms**

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

### **Nutritionally Adequate Free or Reduced Price School Meals**

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

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

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

### **Recess**

Except where a field trip or other educational program is taking place, if the Charter School provides recess, to the extent required by Education Code Section 49056, the Charter School shall provide supervised and unstructured recess, distinct from physical education courses and mealtimes, of at least 30 minutes on regular instructional days and at least 15 minutes on early release days. The Charter School shall not restrict a student's recess unless there is an immediate threat to the physical safety of the student or one or more of their peers.

### **California Healthy Youth Act**

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

### **Mental Health Education**

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

### **Mental Health Information**

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

### **School Safety Plan**

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

- a) child abuse reporting procedures
- b) routine and emergency disaster procedures
- c) policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- d) procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- e) a discrimination and harassment policy consistent with Education Code Section 200
- f) provisions of any schoolwide dress code that prohibits students from wearing "gang-related apparel," if applicable
- g) procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- h) a safe and orderly environment conducive to learning
- h)i) the rules and procedures on school discipline adopted pursuant to Education Code Sections 35291, 35291.5, and 47605
- j) procedures for conducting tactical responses to criminal incidents
- k) procedures to prepare for active shooters or other armed assailants by conducting a drill, if this topic is covered in the School Safety Plan
- l) procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school
- m) procedures to respond to incidents involving an individual experiencing a sudden cardiac arrest of a similar life-threatening medical emergency while on school grounds

n) a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose

The School Safety Plan shall be drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. Staff shall receive training in emergency response, including appropriate “first responder” training or its equivalent.

Disaster procedures included in the School Safety Plan shall address and include adaptations for students with disabilities. To the extent an employee, parent/guardian, educational rights holder, or student brings concerns regarding the procedures to the School Director and, if there is merit to the concern, the School Director shall direct the School Safety Plan to be modified accordingly.

#### **Emergency Preparedness Workplace Violence Prevention Plan**

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

#### **Bloodborne Pathogens**

OCEAA meets state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Board has established a written “Exposure Control Plan” designed to protect employees from possible infection due to contact with bloodborne viruses, including HIV and hepatitis B virus (“HBV”).

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

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

The Charter School shall function as a drug-, alcohol-, and smoke-free environment.

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

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

is very serious and will be addressed in accordance with the Charter School's anti-discrimination and harassment policies.

A copy of the policy shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable, and to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

### **Bullying Prevention**

By December 31, 2019, the Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying. The Charter School shall annually make available the online training module developed by the CDE pursuant to Education Code Section 32283.5(a) to certificated school site employees and all other school site employees who have regular interaction with children.

### **Supporting LGTBO Students**

Through the completion of the 2029-30 school year, the Charter School shall use an online training delivery platform and curriculum to provide at least one hour of required LGBTQ cultural competency training annually to teachers and other certificated employees and maintain records of such training as required by Education Code Section 218.

### **SAFETY Act**

Pursuant to AB 1955 (AB 2024), employees of the Charter School shall not be required to disclose any information related to a pupil's LGBTQ+ identity to any other person without the pupil's consent unless otherwise required by state or federal law. This provision shall not limit a parent's ability to request school records on behalf of their child.

### **Homicide Threats**

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

### **Gun Safety Notice**

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

**Transportation Services**

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

**Extreme Weather Policy**

On or before July 1, 2026, the Charter School will develop, adopt, and implement a weather policy that includes protocols for extreme weather conditions, and incorporate the standardized guidelines developed by the CDE.

## ELEMENT 7

*Governing Law: The means by which the charter school will achieve a balance of racial and ethnic balance among its pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.*

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

OCEAA considers pupils for admission without regard to 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, including immigration status, or association with an individual who has any of the aforementioned characteristics), fluency in English, or parent income/educational level. OCEAA strives, through recruiting, to achieve a balance of racial and ethnic balance of students/pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils that reflects the general population of the District (see Table 9). OCEAA rigorously recruits students in impacted areas and provides assistance to families in completing and returning registration applications.

**Table 9**  
**Student Demographics (Source: CDE DataQuest 2018-19 Enrollment)**

	Hispanic or Latino	American Indian or Alaska Native	Asian	Pacific Islander	Filipino	African American	White	Two or More Races	Not Reported
OCEAA	94.2%	0.1%	0.6%	0.2%	0.0%	0.2%	3.9%	1.0%	0.0%
SAUSD	92.9%	0.3%	2.7%	0.1%	0.3%	0.2%	2.6%	0.8%	0.2%

OCEAA’s Outreach Plan includes a marketing plan which details significant outreach activities in Spanish language media, and other language media as needed, including newspaper and television. The marketing plan also includes the preparation and distribution of recruiting materials in English and Spanish. OCEAA will develop applications in other languages, as needed.

The Outreach Plan schedules dates, times, and locations of open houses, informational meetings, and other activities in a manner which insures, to the extent possible, that all interested families are able to attend. Information may also be found on the school website.

OCEAA aims to enhance the instructional program and outreach through partnerships with the Orange County High School of the Arts, the Pacific Symphony, the Orange County Museum of Art, The Wooden Floor (Saint Joseph’s Ballet), El Centro Cultural de Mexico, Mexican Consulate, Santa Ana Arts Council, Santa Ana Arts organizations, Orange County Performing Arts Center, as well as regional colleges and universities such as California State University, Fullerton, Santa Ana College, Chapman University and the University of California, Irvine.

OCEAA provides an annual report of student enrollment indicating the composition of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils ~~composition of students~~ and the percentage of students from the District and steps taken to ensure a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils ~~balance~~ as described herein. The annual report disaggregates racial and ethnic demographics, free and reduced lunch participation percentage, special education, English Learners, including redesignated fluent English proficient pupils and includes the percentage versus total of those who applied and those who were admitted. OCEAA uses the results of the annual report to determine if the Outreach Plan needs to be modified to better achieve a balance of racial and ethnic pupils including special education pupils, and English learner pupils, including redesignated fluent English proficient pupils ~~balance~~ among OCEAA students that is reflective of the general population residing within the District.

## ELEMENT 8

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

*California Education Code Section 47605(bc)(5)(H)*

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

OCEAA admits all pupils who wish to attend OCEAA according to the capacity of the charter petition. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state. In accordance with Education Code Sections 49011 and 47605(de)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

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

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

The application process is comprised of:

- Parent/Legal Guardian's voluntary attendance at a school dual orientation presentation and tour which are held throughout the year.
- Completion of an OCEAA interest form and receipt of a lottery number to be used if a lottery is required.
- Following the lottery each year, applications are counted to determine whether any grade level has received more applications than availability. In this event, OCEAA holds a public

**Commented [A2]:** Please ensure this form is on the Charter School website.  
<https://www.cde.ca.gov/sp/ch/documents/rescscomplaints0323.pdf>

random drawing to determine enrollment for the impacted grade level(s), with the exception of existing students, who are guaranteed enrollment for the following school year.

Admission preferences in the case of a public random drawing is allowed in the following priority order:

1. Siblings of students admitted to or attending the Charter School
2. Children of OCEAA employees
3. Residents of the District
4. All other applicants

In accordance with the California Department of Education Language Policy and Leadership Office, Dual-Language Immersion (Two-Way Immersion) is language learning and academic instruction for native speakers of English and native speakers of another language. The ideal ratio of English learners to English speakers is 50:50, but to stay within the program design, the recommendation of many practitioners is that the ratio should never go below 33 percent for either language group. In order to provide a Dual Language Immersion (Two-Way Immersion) program, OCEAA will balance classrooms with native speakers of English, native speakers of Spanish and bilingual students (33 percent of each). Lottery will be drawn to ensure this linguistic balance is maintained based on language proficiency, not ethnic group. In order to provide an optimal language acquisition experience, as well as ensure access to state standards taught in the Spanish language, OCEAA's dual language enrollment practices for English only students will follow best practice recommendations similar to the district and other neighboring districts. They will be accepted in TK – 1<sup>st</sup> grades.

Bilingual and/or biliterate students will be accepted at any grade given that there is space available. 2<sup>nd</sup> through 8<sup>th</sup> grade students will participate in a biliteracy evaluation in order to determine language level in Spanish. This information will be used to determine the level of linguistic support these late-entry students will need in order to access core content taught in Spanish. Information will be shared with parents prior to enrollment with OCEAA's recommendation of degree of support the student will need and expected commitment required by parent and student (i.e. mandatory after school tutoring in Spanish).

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

The Board of Directors will take all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled in order of grade level by the designated lottery official (appointed by the School Director). Separate lotteries shall be conducted for each grade in which there are fewer vacancies than pupils interested in attending. All lotteries shall take place on the same day in a single location. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. Each grade level will contain 3 separate drawings; English dominant, Spanish dominant, and Bilingual. This is done with the hopes of achieving the 33/33/33 model for dual immersion programs. Within each grade level, students will be drawn from pools beginning with all applicants who qualify for the first preference category, and shall continue with

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

At the conclusion of the lottery, all students who were not granted admission due to capacity are placed on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the school year. In no circumstances does a waitlist carry over to the following school year.

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

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

Parents of admitted students are scheduled for an enrollment appointment, and must submit an enrollment packet, which shall include:

- Completion of enrollment forms
- Proof of Immunization
- Home Language Survey
- Completion of Emergency Medical Information Form
- Proof of minimum age requirements
- Oral Health Assessment Form.
- Report of Health Examination Form.
- Release of records<sup>1</sup>
  - Previous Report Card, if applicable
  - State testing records, if applicable
  - IEP/504, if applicable

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<sup>1</sup> The Charter School shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the Charter School before enrollment.



## ELEMENT 9

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

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

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

The Board selects and oversees an auditor with, at a minimum, qualifications as a Certified Public Accountant and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The audit verifies the accuracy of OCEAA's financial statements, attendance and enrollment accounting practices, and reviews OCEAA's internal controls. The annual audit is completed four months after the close of the fiscal year and a copy of the auditor's findings is forwarded to the District, the County Superintendent of Schools, the State Controller and to the CDE by December 15<sup>th</sup> each year. OCEAA's Executive Director along with an audit committee reviews any audit exceptions or deficiencies and reports to the OCEAA Board with recommendations on how to resolve them. The OCEAA Board submits a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District. Any disputes regarding the resolution of audit exceptions and deficiencies are referred to the dispute resolution process contained in this Charter. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

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

In the case that OCEAA either does not pay for or have an independent audit completed within one month of the applicable timelines, the District, may, at its option pay for an audit to be completed and subtract such payment from any funds due to the Charter School.

## ELEMENT 10

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

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

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

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

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

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

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

*California Education Code Section 47605(~~bc~~)(5)(J)*

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## Policy

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

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension, ~~and~~ expulsion, and involuntary removal, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians<sup>2</sup> are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and Procedures are available on request at the School Director's office.

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

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and

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

expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian ~~or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder,~~ and shall inform the student, and the student's parent/guardian ~~him or her~~ of the basis for which the pupil is being involuntarily removed, and the student's parent/guardian's ~~his or her~~ right to request a hearing to challenge the involuntary removal. If a student's parent/guardian ~~or educational rights holder~~ requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent ~~or guardian or educational rights holder~~ requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

## Procedures

### A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

### B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

~~Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall apply to pupils in any of grades 4 to 12, inclusive.~~

~~k)~~ Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.

~~l)~~ Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

~~m)~~ Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

~~n)~~ Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

Ⓟ) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.

Ⓟ) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

Ⓟ) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

Ⓟ) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

Ⓟ) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

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

1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act,

and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph

or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

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

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

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

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

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

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

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.

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

educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation,

which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
  - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or

other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

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

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

u) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

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

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

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

b) Brandishing a knife at another person.

c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.

d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n)

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

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

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

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

Suspension shall be preceded, if possible, by a conference conducted by the School Director or the School Director’s designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the School Director or designee.

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

#### **2. Notice to Parents/Guardians**

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

#### **3. Suspension Time Limits/Recommendation for Expulsion**

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the School Director or School Director's designee, the pupil and the pupil's parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

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

#### 4. Homework Assignments During Suspension

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

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

#### **D. Authority to Expel**

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

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

#### **E. Expulsion Procedures**

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

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

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

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.

3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall

be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **G. Record of Hearing**

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

### **H. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The final decision by the Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

### **I. Written Notice to Expel**

The School Director or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The School Director or designee shall send a copy of the written notice of the decision to expel to

the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

**J. Disciplinary Records**

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

**K. No Right to Appeal**

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

**L. Expelled Pupils/Alternative Education**

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

**M. Rehabilitation Plans**

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

**N. Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board of Directors following a meeting with the School Director or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The School Director or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

**O. Notice to Teachers**

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

**P. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities**

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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

#### 4. Due Process Appeals

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

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

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

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

#### 5. Special Circumstances

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

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

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

#### 6. Interim Alternative Educational Setting

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

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

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

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

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

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

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if

requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

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

## ELEMENT 11

*Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.*

*California Education Code Section 47605(~~bc~~)(5)(K)*

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All eligible employees at OCEAA participate in the State Teachers' Retirement System ("STRS"), Public Employees' Retirement System ("PERS") and the federal social security system as applicable to the position. OCEAA informs all applicants for positions within OCEAA of the retirement system options for employees of the school. The Human Resources Manager is responsible for ensuring that appropriate arrangements for the retirement coverage have been made.

OCEAA strives to offer salaries and benefits packages that are competitive to local school districts.

## ELEMENT 12

*Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.*

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

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No student may be required to attend the Charter School. Students who reside within the District who choose not to attend the Charter School may attend a school within their school of residence according to District policy or at another school district or school within the District through the District's intra- and inter-district policies. Parents and guardians of each student enrolled in the Charter School are informed that the students have no right to admission in a particular school of any local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

## ELEMENT 13

*Governing Law: The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.*

*California Education Code Section 47605(b)(5)(M)*

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

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

## ELEMENT 14

*Governing Law: The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.*

California Education Code Section 47605(~~bc~~)(5)(N)

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### **Disputes Between the District and OCEAA**

OCEAA and the District will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures.

In the event of a dispute between the Charter School and the District, Charter School staff, employees and Board members of the Charter School and the District agree to first frame the issue in written format (“dispute statement”) and to refer the issue to the District Superintendent and School Director of the Charter School, or their respective designees. In the event that the District Board of Education believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the District’s ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The Superintendent and School Director, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the Superintendent and School Director, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and School Director, or their respective designees, shall meet to jointly identify a neutral third party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the Superintendent and School Director, or their respective designees. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the District and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.

### **Internal Disputes**

Except those disputes between the District and OCEAA relating to provisions of this charter, all internal disputes involving OCEAA are resolved by OCEAA according to OCEAA’s own internal policies. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy of the Charter School’s policies and internal dispute resolution process. The District shall promptly refer all disputes not related to a possible violation of the charter or law to the Charter School.

## ELEMENT 15

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

California Education Code Section 47605(~~bc~~)(5)(O)

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The following procedures shall apply in the event the Charter School closes. The following procedures apply regardless of the reason for closure.

Closure of OCEAA will be documented by official action of the Board. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

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

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

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

As applicable, OCEAA will provide parents, students, and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. OCEAA will ask the District to store the original records of the Charter School students. All student records of the Charter School shall be transferred to the District upon Charter School closure. If the District cannot do so, OCEAA will work with the County Office of Education to determine a suitable alternative location for storage. All state assessment results, special education records, and personnel records will be transferred and maintained in accordance with applicable law.

As soon as reasonably practical, OCEAA will prepare final financial records. OCEAA will also have an independent audit completed within six months after closure. OCEAA will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. In the case that OCEAA either does not pay for or have an independent audit completed within one month of the applicable timelines, the District, may, at its option pay for an audit to be completed and subtract such payment from any funds due to the Charter School. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

OCEAA will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of OCEAA, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending OCEAA, remain the sole property of the nonprofit public benefit corporation. Upon the dissolution of the nonprofit public benefit corporation, all net assets shall be distributed to another public school that satisfies the requirements of paragraphs (a) through (e) of section III.A of Notice 2015-07 issued by the Internal Revenue Service and the Treasury Department entitled “Relief for Certain Participants in § 414(d) Plans” or any final regulations implementing 26 U.S.C. § 414(d) or to a State, political subdivision of a State, or agency or instrumentality thereof. Any assets acquired from the District or District property will be promptly returned to the District upon Charter School closure. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

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

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

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

## MISCELLANEOUS PROVISIONS

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### **Budget and Financial Reporting**

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

California Education Code Section 47605(~~g~~<sup>h</sup>)

Attached, as Exhibit L, please find the following financial documents:

- A projected 3-year budget
- And corresponding cash flow

These documents are based upon the best data available to the petitioners at this time.

OCEAA will complete and file any annual reports required pursuant to Education Code section 47604.33, and shall provide additional fiscal reports as requested by the District:

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

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

OCEAA records all revenues and expenses in ACCPAC accounting software or the Financial System approved by the District. All Governmental Funds of the Charter School are reported using the modified accrual accounting method, measuring cash and all other financial assets that can be readily converted to cash. All reporting conforms to the requirements of GASB 34 and all other pertinent governmental accounting and auditing standards.

OCEAA provides financial reports, in the manner prescribed by California's Standardized Account Code Structure ("SACS"), for the required September 15 report to the District and for the First and Second Interim Reports, Adopted Budgets, and Unaudited Actuals.

The Charter School also provides an annual independent audit, including financial schedules in the aforementioned formats to the District, the County Board of Education, the Controller, and the California Department of Education, as described above in Element 9.

Annually, no later than December 15th, the Charter School supplies the District with an annual statement of assets and liabilities. It is expected that this information is included in the annual independent fiscal audit. However, in the event that it is not contained in the audit or the audit is not completed by this date, the Charter School shall submit a separate document to the District containing this information.

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

### **Indemnification**

With the exception of the District's indemnification obligations related to the District's provisions of special education services as specifically described in this Charter's discussion of Special Education Services/Section 504, above, to the fullest extent permitted by law, OCEAA agrees to promptly, fully and completely indemnify, defend through counsel reasonably acceptable to Santa Ana Unified School District and hold harmless the Santa Ana Unified School District, the Santa Ana Unified School District's Board of Trustees, and each of their members, officers, Board appointed groups, committees, boards, and any other Board appointed body, and administrators, employees and attorneys, agents, representatives, volunteers, successors, and assigns ("Indemnitees") from and against any and all claims, demands, actions, causes of action, suits, losses, expenses, costs, penalties, obligations, or liabilities of whatever nature or kind, including, but not limited to, attorney's fees and litigation costs, that in any way arise out of or relate to any actual or alleged act or omission on the part of OCEAA, and/or on the part of the board of directors, officers, board appointed groups, committees, boards, and any other OCEAA appointed body, and administrators, employees, attorneys, agents, representatives, volunteers, subcontractors, invitees, successors, and/or assigns of OCEAA in any way related to the performance of and/or to the failure to perform in whole or in part any obligation under this Charter and/or in any way related to the operation or operations of OCEAA or of any other facility, program, or activity. The obligations of OCEAA to defend the Santa Ana Unified School District and the other Indemnitees identified herein is not contingent upon there being an acknowledgement of or a determination of the merit of any claim, demand, action, cause of action, or suit, and those obligations will be deemed to be

triggered immediately upon the assertion of any claim, demands, actions, cause of action, or suit within the scope of this paragraph. However, nothing in this paragraph shall be constructed to obligate OCEAA to indemnify Indemnitees for any claims, demands, actions, causes of action, suits, losses, expenses, costs, penalties, obligations, or liabilities resulting from an Indemnitee's sole negligence, from an Indemnitee's active negligence, or from an Indemnitee's willful misconduct where such sole negligence, active negligence, or willful misconduct has been adjudged by the final and binding findings of a court of competent jurisdiction; except, in instances where the active negligence or willful misconduct of an Indemnitee accounts for only part of the loss(es) involved, the indemnity obligations of OCEAA shall be for that portion of the loss(es) not due to the active negligence or the willful misconduct of such Indemnitees.

OCEAA further specifies that its indemnification, defense, and hold harmless obligations pursuant to this Charter extend to indemnify, defend, and hold the Indemnitees harmless from any and all financial obligations in the event of an unbalanced budget.

OCEAA's obligation to indemnify, defend, and hold harmless the Indemnitees, as set forth in this section of the Charter, shall survive the revocation, expiration, termination, or cancellation of this Charter or any other act or event that would end OCEAA's right to operate as a charter school pursuant to this Charter or cause OCEAA to cease operations.

Pursuant to Education Code Section 47604(d), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authorizing entity has complied with all oversight responsibilities required by law. OCEAA shall at all times be operated by or as a nonprofit public benefit corporation and shall provide to the District proof of its federal and state tax exempt status on or before July 1 following approval of this Charter. Further, OCEAA shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol(s) to ensure the District shall not be liable for the operation of the Charter School. Nothing in this paragraph shall serve to reduce or excuse OCEAA's obligations to obtain and maintain the insurance required by this Charter and/or its obligation to indemnify, defend, and hold harmless the Indemnitees, as set forth in this Charter.

### **Insurance**

OCEAA shall purchase and maintain in full force and effect at all times during the term of this Charter insurance in amounts and types and subject to the terms approved by the Santa Ana Unified School District's risk manager and as specified below. OCEAA's obligations to acquire and maintain insurance as provided in this section of the Charter shall survive the revocation, expiration, termination, or cancellation of this Charter or any other act or event that would end OCEAA's right to operate as a charter school pursuant to this Charter or cause OCEAA to cease operations until OCEAA has fully complied with the Closure Protocol set forth in this Charter and any additional closure procedures required by law, regulation, or required by the California Department of Education.

Without limiting this Charter and/or the defense, indemnity, and hold-harmless obligations of OCEAA, throughout the life of the Charter, OCEAA shall obtain, pay for, and maintain in full force and effect insurance policies issued by an insurer or insurers admitted by the California Insurance Commissioner to do business in the State of California and rated not less than “A or A-VII” by A.M. Best Insurance Rating Guide, or, in the case of self-insurance, with a California Joint Powers Authority, a memorandum or memoranda of coverage providing coverage as follows:

COMMERCIAL GENERAL LIABILITY insurance and/or coverage, which shall include coverage for: “bodily injury”, “property damage”, “advertising injury”, and “personal injury”, including, but not limited to, coverage for products and completed operations, sexual abuse/molestation, and sexual harassment with combined single limits of not less than \$5,000,000 per occurrence and \$10,000,000 in the aggregate. Additionally, Excess Liability coverage shall be procured in the amount of \$20,000,000 per occurrence.

COMMERCIAL AUTO LIABILITY insurance and/or coverage, which shall include coverage for owned, non-owned, and hired autos, with bodily injury and property damage liability limits not less than \$5,000,000 per person and per occurrence.

WORKER’S COMPENSATION insurance and/or coverage, as required by applicable law, with not less than statutory limits.

PROPERTY insurance and/or coverage, which shall include: (a) coverage for real property on a “special risk” basis with full replacement cost coverage and code upgrade coverage, (b) Fire Legal Liability, to protect against liability for portions of premises leased or rented, and (c) Business Personal Property, to protect on a Broad Form, named peril basis, for all furniture, equipment and supplies of OCEAA. If any Santa Ana Unified School District property is leased, rented or borrowed, it shall also be insured by OCEAA in the same manner as (a), (b), and (c) above.

PROFESSIONAL LIABILITY insurance and/or coverage, in an amount not less than \$1,000,000 per “claim” with an aggregate policy limit of \$20,000,000. This Professional Liability insurance and/or coverage must be “claims made.”

All of the insurance and/or coverage required by the foregoing provisions of this Charter shall: (a) be endorsed to name the Santa Ana Unified School District and its Board of Trustees, Board members, officers, Board appointed groups, committees, boards, and any other Board appointed body, and administrators, employees and attorneys, agents, representatives, volunteers, successors, and assigns (collectively hereinafter the “Santa Ana Unified School District and the Santa Ana Unified School District Personnel”) as additional insureds; (b) shall insure Santa Ana Unified School District and Santa Ana Unified School District Personnel to the same extent as OCEAA; (c) shall be primary insurance, and any insurance and/or self-insurance or coverage maintained by the Santa Ana Unified School District and/or by the Santa Ana Unified School District Personnel shall be in excess of OCEAA’s insurance and/or coverage required by the foregoing provisions of this Charter and shall not contribute with the primary insurance and/or coverage to be provided by OCEAA; (d) shall be on an “occurrence” basis rather than a “claims made” basis, excepting only educators’ legal liability and errors and omissions insurance and/or coverage, which shall be on a

“claims made” basis; and (e) shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of liability set forth in the applicable policy or memorandum of coverage.

Each policy of insurance and/or memorandum of coverage required by the foregoing provisions of this Charter shall be endorsed to state that coverage shall not be suspended, rescinded, voided, cancelled, reduced in coverage or in limits, or non-renewed, or materially changed for any reason, without thirty (30) days’ prior written notice thereof given by the insurer to the Santa Ana Unified School District by U.S. Mail, certified, or by personal delivery. In addition to such notice provided to the Santa Ana Unified School District by the insurer, OCEAA shall also provide the Santa Ana Unified School District with thirty (30) days’ prior written notice, by certified mail, return receipt requested, of the suspension, recession, voiding, cancellation, reduction in coverage or limits, non-renewal, or material change for any reason, of any policy of insurance or memorandum of coverage required by the foregoing provisions of this Charter. If at any time any policy of insurance or memorandum of coverage required by the foregoing provisions of this Charter is suspended, rescinded, voided, canceled, reduced in coverage or in limits, or non-renewed, or materially changed for any reason, Santa Ana Unified shall cease operations until such policy of insurance and/or memorandum of coverage is restored, and if the required insurance and/or coverage is not restored within two (2) business days, the Charter shall be subject to revocation pursuant Education Code Section 47607 and/or shall become void at the Santa Ana Unified School District’s option.

The acceptance by the Santa Ana Unified School District of the insurance and/or coverage required by the foregoing provisions of this Charter shall in no way limit the liability or responsibility of OCEAA or of any insurer or joint powers authority to the Santa Ana Unified School District.

Each policy of insurance and/or memorandum of coverage required by the foregoing provisions of this Charter shall be endorsed to state that all rights of subrogation against the Santa Ana Unified School District and/or the Santa Ana Unified School District Personnel are waived.

OCEAA shall provide to the Santa Ana Unified School District duplicate originals of each policy of insurance and/or each memorandum of coverage required by the foregoing provisions of this Charter, including all declarations, forms, and endorsements, which shall be received and approved by the Santa Ana Unified School District within thirty (30) days of the approval of this Charter and by July 1 and January 7 of each year thereafter, and at any other time that a policy of insurance and/or memorandum of coverage is changed and at any other time a request is made by the District for such documents. The duplicate originals and original endorsements required by this provision shall be signed by a person authorized by the insurer and/or joint powers authority to bind coverage on its behalf. The procuring of such insurance and/or coverage or the delivery of duplicate originals and endorsements evidencing the same shall in no way be construed as a limitation of the obligation(s) of OCEAA to defend, indemnify, and hold harmless the Santa Ana Unified School District and the Santa Ana Unified School District Personnel.

The limits of liability applicable to the policies of insurance and/or memoranda of coverage required by the foregoing provisions of this Charter shall not reduce or limit the obligation(s) of OCEAA to defend, indemnify, and hold harmless the Santa Ana Unified School District and the Santa Ana Unified School District Personnel.

The limits of liability applicable to the policies of liability insurance and/or memoranda of coverage in place of liability insurance required by the foregoing provisions of this Charter shall not be reduced by or apply to defense costs or attorney's fees incurred to defend against covered claims.

Any deductible(s) or self-insured retention(s) applicable to the insurance and/or coverages required by the foregoing provisions of this Charter must be declared to and approved by the Santa Ana Unified School District.

OCEAA shall promptly respond to all inquiries from the Santa Ana Unified School District regarding any claims against OCEAA and/or any obligation of OCEAA under the foregoing provisions of this Charter.

Additionally, OCEAA shall, at all times, maintain a funds balance (reserve) of its expenditures as suggested by Section 15450, Title 5 of the California Code of Regulations.

### **Administrative Services**

*Governing Law: The manner in which administrative services of the charter school are to be provided.*

*California Education Code Section 47605(gh)*

The Executive Director assumes the lead responsibility for administering OCEAA under the policies adopted by OCEAA's Board of Directors. OCEAA provides or procures most of its own administrative services, including but not limited to financial management, personnel, and instructional program development. OCEAA currently either works with internal staff or contracts with Charter School Management Corporation ("CSMC"), a business and development company specializing in charter schools, for administrative and "back office" services including, but not limited to, the following:

- Complete Bookkeeping Services
- Budget Creation / Fiscal Planning Services
- Cash Flow Management
- Local, State, and Federal Reporting
- Audit and Compliance Preparation
- Payroll Services
- Employee Benefits
- STRS and PERS Setup and Management
- Planning & Management
- Payroll Tax Payments
- Audit Preparations & Support
- LEA Plans
- Compliance Reporting to County & State Grantors
- Attendance Reporting
- Food Program - Implementation & Claims Reporting

- Training - Charter School Finance, Accounting & Operation Functions, Budgets, Financial Reports
- Quarterly & Annual Filings of Tax Forms (IRS, EDD, etc.)
- Property Tax Exemptions Filings

If the Charter School were interested in discussing the possibility of purchasing some of these or other services from the District, the specific terms and cost for these services will be the subject of a memorandum of understanding (“MOU”) between OCEAA and the District and subject to District availability.

The OCEAA Nutrition Services Department participates with the National Free and Reduced Meals programs and provides all students the opportunity to enjoy a nutritious breakfast and lunch. All meals are prepared fresh daily on site by the Nutrition Services Staff and include a fresh fruit and vegetable bar option. The Nutrition Services Manager writes the menus monthly which emphasize the importance of teaching families the life-long benefits of eating foods that meet and exceed the US Department of Agriculture, Food and Nutrition Services Guidelines. OCEAA’s current breakfast and lunch participation rates far exceed the state averages of 20% for breakfast and 55% for lunch at 34% and 91% respectfully.

**Facilities**

*Governing Law: The facilities to be used/utlized by the charter school. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.*

*California Education Code Section 47605(lg)*

Orange County Educational Arts Academy operates at two sites within the geographic boundaries of Santa Ana Unified School District, as authorized pursuant to Education Code Section 47605 *et seq.*

OCEAA’s campus has two buildings, and we seek to add a third address. The main building at 825 N. Broadway houses grades 1-8 and totals 43,400 sq. feet. The main building includes an 800 sq. feet kitchen which prepares fresh food daily for breakfast and lunch as well as a 4,100 sq. feet dining hall and an amply secured 8,300 sq. feet play space. There are 26 classrooms, 20 mobile iPad/Chromebook carts, a staff lounge, administrative offices, reception areas, a workroom, and ample storage and janitorial supply rooms. It was brought up to code for ADA compliance in 2002 and interior improvements were performed to meet current seismic requirements. Byer & Associates, Inc. conducted an appraisal of this property in January 2002 and it was determined by Byer & Associates that this site is suitable for the operation of a public school for grades K-8. In the summer of 2009, the building underwent renovations to accommodate two additional classrooms. All new construction was made observing current building codes and regulations.

The Annex building is at 826 N. Broadway, which is conveniently located directly across the 825 Broadway building. The Kindergarten Annex is a 9,685 square foot facility that has been leased for the purpose of housing both Transitional Kindergarten and Kindergarten. The facility contains

six classrooms averaging 700 sq. feet and a play/lunch area consisting of approximately 2,100 sq. feet.

OCEAA complies with the requirement of Education Code Section 47610 by utilizing facilities that comply with the California Building Standards Code as adopted and entered by the local building enforcement agency with jurisdiction over the area in which the Charter School is located. Regular maintenance and operations are provided by OCEAA's custodial staff.

OCEAA seeks to purchase the adjacent parcel at 817 North Broadway, a 7,500 square foot lot which would allow OCEAA to expand the property line of the current property at 825 North Broadway. The existing building, 817 N. Broadway building could be utilized for administrative offices, small group instruction/ intervention services, classrooms or meeting areas.

### **Transportation**

Transportation to and from the Charter School is the sole responsibility of the families who choose to attend OCEAA, except as required by law. Public transportation, and information regarding public transportation, is readily available for families wishing to attend OCEAA.

### **Potential Civil Liability Effects**

*Governing Law: Potential civil liability effects, if any, upon the charter school and upon the school district.*

*California Education Code Section 47605(~~g~~h)*

OCEAA is operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d). OCEAA's Articles of Incorporation are attached as Exhibit J.

Pursuant to Education Code Section 47604(d), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities required by law. OCEAA shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, OCEAA and the District shall maintain a memorandum of understanding which shall provide for indemnification of the District.

The corporate bylaws of OCEAA provide for indemnification of OCEAA's Board of Directors, officers, agents, and employees, and OCEAA will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks. Insurance amounts are determined by recommendation of the insurance company for schools of similar size, location,

and type of program. The District is named an additional insured on the general liability insurance of the Charter School.

The Board of Directors of OCEAA has instituted appropriate risk management practices, including screening of employees, establishing codes of conduct for students, staff, and participating families and procedures governing financial transactions and dispute resolution.

**Inspections**

Inspection or observation of any part of OCEAA may be conducted by SAUSD at any time for the District to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607, but SAUSD shall provide reasonable notice to the School Director prior to any observation or inspection. Third party inspections, observation monitoring and oversight activities may not be conducted on behalf of SAUSD without the mutual consent of the OCEAA Board.

**Amendments**

OCEAA will seek approval by the District for any material revisions to the charter in accordance with Education Code Section 47607. The OCEAA Board will approve any minor revisions and the District will be updated annually.

## CONCLUSION

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OCEAA is proud of the work it has done to offer an excellent educational option to families in the region. We look forward to building on our successes as well as capitalizing on opportunities for growth over the course of our next five-year term. OCEAA will continue to work closely with the SAUSD staff as well as the Orange County Department of Education to ensure the academic needs of all of OCEAA's students are met. All OCEAA stakeholders will partake in and be informed about our planned goals.

We ask that the SAUSD School Board grant this renewal petition for the Orange County Educational Arts Academy for another five-year term. By approving this charter renewal, the District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools.