

**PETITION FOR THE RENEWAL OF  
LIVE OAK CHARTER SCHOOL  
BY THE PETALUMA CITY ELEMENTARY SCHOOL DISTRICT**

Adopted by Live Oak Charter School, October 25, 2018  
Adopted by the Petaluma City School District, June 11, 2019

This petition by the Live Oak Charter School ("Live Oak" or the "Charter School" requests approval from the Petaluma City Elementary School District ("PCS" or the "District") under the provisions of the Charter Schools Act of 1992. The term of this renewal is from July 1, 2019 until June 30, 2024.

## **AFFIRMATIONS**

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### **AUTHORITY**

Live Oak Charter School operates under Charter #0382, obtained on May 10, 2001 and authorized by Petaluma City Elementary School District on January 12, 2001.

### **HISTORY**

Live Oak began operation in September 2001, operating under a charter authorized by Petaluma City Elementary School District (PCS). Now in its 18<sup>th</sup> year, Live Oak's charter was renewed in 2004, 2009 and most recently in 2014 for a five-year term that expires on June 30, 2019.

### **ASSURANCES AND DECLARATION**

As the authorized lead petitioner, I, Sarah Grossi, hereby certify that the information submitted in this petition for the renewal of Live Oak, a California public charter school located within the boundaries of PCS is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded this renewal, 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:

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

- *Live Oak I shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.*
- *Live Oak shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to, credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]*
- *Live Oak shall ensure that core subject teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. California Education Code Section 47605(l)]*
- *Live Oak shall at all times maintain all necessary and appropriate insurance coverage.*
- *Live Oak 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(d)(3)]*
- *Live Oak may encourage parental involvement, but shall notify the parents and guardians of applicant and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the School. [Ref. Education Code Section 47605(n)]*
- *Live Oak 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)]*
- *Live Oak shall, on a regular basis, consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]*
- *Live Oak shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]*
- *Live Oak shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]*
- *Live Oak 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").*
- *Live Oak shall comply with the Public Records Act.*
- *Live Oak shall comply with the Family Educational Rights and Privacy Act.*
- *Live Oak shall comply with the Ralph M. Brown Act.*
- *Live Oak shall comply with Government Code Section 1090, et seq., as set forth in Education Code Section 47604.1.*
- *Live Oak shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]*

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Sarah Grossi  
 Chair, Live Oak Charter School Board of Directors

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Date

## **PRIOR CHARTER TERM**

### **ACCOMPLISHMENTS: 2014-2019**

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#### **Academics**

- Implemented Comprehensive MTSS program
  - Tier 3 Targeted Intervention 2014
  - Tier 2 Academic Coaching Teams 2016
  - Tier 1 UDL Overhaul 2016
- Implementation of Fountas and Pinnell Reading Assessment System
- Implementation of Lucy Calkins Writers and Readers Workshops
- Adoption of CCSS aligned Math Investigations Curriculum
- Completed full implementation of Strings Orchestra Program for grades 3-8
- Performed at Green Music Center 2014-2018
- Implementation of S'cool Moves and 2<sup>nd</sup> Step SEL Program 2015
- Demonstrated 4 years of ELA/Math proficiency with 3 years of explicit instruction

#### **Operations & Finance**

- Reached Capacity Enrollment 2016
- Inclusion in Measure E Facilities Bond
- Wait list exceeds 100 2016
- Acquisition of Music Annex 2016
- Maintained 20% Annual Operating Reserve 2016-2018

## **CHARTER RENEWAL CRITERIA**

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

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

- (1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school wide and for all groups of pupils served by the charter school.
- (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- (3) Ranked in deciles 4 to 10 inclusive, in the API for a demographically comparable school in the prior year or in two of the last three years.
- (4) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
- (5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Education Code Section 52052.

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(b)(1), 47607(b)(2) and 47607(b)(4) (Also see Appendix "A": CDE DataQuest/CAASPP Reports):

\*Note on Testing Data

Assembly Bill 484 amended Education Code section 52052(e)(4) to allow schools that do not have an API calculated to use one of the following criteria to meet legislative and/or programmatic requirements:

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

The Charter School meets the charter renewal criteria established in Education Code Section 47607(b) by utilizing "the most recent API calculation" and "alternative measures" as allowed per Education Code Section 52052(e)(4)(A), as further specified below.

**Analysis of the Most Recent API Calculation**

LEGAL REQUIREMENTS FOR CHARTER RENEWAL	
Education Code Section 47607(b) – Charter School Must Meet at Least ONE Criteria for Renewal	
Renewal Criteria	Criteria Met
Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school wide and for all groups of pupils served by the charter school.	Yes; most recent API (2013) is 809; all subgroups met growth targets
Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.	Yes; 2013 rank of 5
Ranked in deciles 4 to 10 inclusive, in the API for a demographically comparable school in the prior year or in two of the last three years.	No
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.	Yes; see below
Has qualified for an alternative accountability system pursuant to subdivision (h) of Education Code Section 52052	Not Applicable
(Source: CDE DataQuest, accessed October 10, 2018)	

## Analysis of Comparison Schools Data

Live Oak Charter School

California Assessment of Student Performance and Progress (“CAASPP”) Scores, 2016-18:  
Percentage of Students Meeting or Exceeding Standards

Demographic	Assessment	2016	2017	2018
Schoolwide	ELA	63%	65.26%	62.50%
	Math	46%	46.32%	47.83%
White	ELA	62%	64.38%	62.98%
	Math	48%	48.76%	50.65%
Economically Disadvantaged	ELA	38%	43.91%	43.24%
	Math	23%	21.96%	18.92%

### Comparison Schools That Live Oak Students Would Otherwise Be Required to Attend

School	Schoolwide Assessment	2016	2017	2018
McKinley Elementary	ELA	51%	52.22%	62.63%
	Math	35%	47.58%	56.10%
Valley Vista Elementary	ELA	52%	45.51%	46.01%
	Math	39%	38.98%	34.36%
Grant Elementary	ELA	61%	64.13%	73.81%
	Math	49%	62.34%	67.78%
McNear Elementary	ELA	59%	56.90%	57.08%
	Math	56%	55.46%	54.09%
McDowell Elementary	ELA	20%	17.05%	25.00%
	Math	21%	28.41%	28.00%

### Comparison Schools That Are Demographically Similar in the District

School	Schoolwide Assessment	2016	2017	2018
Grant Elementary	ELA	61%	64.13%	73.81%
	Math	49%	62.34%	67.78%
Penngrove Elementary	ELA	57%	47.94%	55.76%
	Math	49%	54.34%	54.38%
McNear Elementary	ELA	59%	56.90%	57.08%
	Math	56%	55.46%	54.09%
McKinley Elementary	ELA	51%	52.22%	62.63%
	Math	35%	47.58%	56.10%

### **Analysis of Charter Renewal Criteria – Student Subgroups**

Education Code Section 47607(a)(3) 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.

As demonstrated in the tables above, Live Oak has either maintained a high level or shown growth in each numerically significant subgroup over the last three years with the exception of mathematics for economically disadvantaged pupils. We attribute this to Live Oak’s interleaved system of intervention, targeted small group instructional support, a highly trained and collaborative faculty and engaging interdisciplinary curriculum. Further refinement of the CCSS aligned Math curriculum implementation is targeted to improve performance for economically disadvantaged pupils.

# 1 EDUCATIONAL PROGRAM

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

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

## 1.1 MISSION

To ensure the humanity and potential of its students through an education resonant with their unfolding awareness and capacities, and supportive of the full and integrated development of mind, heart, and body.

## 1.2 PROGRAM

Live Oak provides a K-8 program informed by principles of the Alliance for Public Waldorf Education to children and families of Petaluma and surrounding communities. Live Oak’s model is rooted in a developmental approach to learning that cultivates the innate capacities of each child through age-appropriate curriculum. Live Oak educates the whole child – head, heart, and hands - through an education that integrates each child’s creative, intellectual, emotional, physical and social domains. Live Oak employs an interdisciplinary liberal arts program where art, music, and movement are integrated with core academic instruction. Exploration of the natural world, culture, language, math, artistic expression, music and the scientific method enliven curiosity which is the foundation of intellectual growth, conceptual flexibility, empathy and sense of connectedness.

As our globe becomes increasingly interwoven, it is essential that our efforts help children to recognize, appreciate, and navigate the diversity of human experience and knowledge. Gender and cultural literacy, civic responsibility, and nuanced historical perspectives are emphasized throughout the curriculum. Curiosity and focused observation, critical thinking and synthesis are similarly infused. The healthy development of a child’s sense of place is engendered through the exploration of their local environment and its relationships with complex global systems, from natural cycles and seasonal rhythms to economic and political exchange. Such a comprehensive education requires a sincere commitment to our children’s well-being and the cohesive experience of their learning. Live Oak is committed to the growth of each child into creative, thoughtful and articulate individuals well prepared for high school and ready to meet life’s many challenges with confidence and ingenuity.

Live Oak’s pedagogical development is led by professional educators with a commitment to progressive education, augmented with best practices from modern instructional methods and educational theory, and informed by developmentally articulated Common Core State Standards (“CCSS”), Next Generation Science Standards (“NGSS”), English Language Development Standards (“ELD”) and remaining State Content Standards (collectively referred to herein as “State Standards”). Our Main Lesson Teachers develop a close relationship with each child as they accompany students over several years of instruction. Lessons are designed in harmony with the

developmental moment to present subjects when students are most receptive and attuned to understand and incorporate the new understanding.

Through the engagement and support of our families and local community, Live Oak is able to extend the scope of public education beyond academic cores. Parent involvement in the classroom and extracurricular activities composes a seamless scholastic experience for students, where family life and academic life are unified and mutually supportive.

### **1.2.1 EDUCATIONAL PROGRAM GOALS**

- To create and maintain a dynamic, nurturing learning environment that attends to the developing needs of the whole child.
- To engage students with a curriculum that provides the foundational knowledge and skills required for successfully navigating the demands and complexities of human experience.
- To provide a school culture that values academic and artistic proficiency and that enables students to be self-motivated and competent lifelong learners.
- To maintain a community-based school that incorporates the unique qualities of southern Sonoma County, with engaged parent participation, and opportunities for learning that extend beyond the classroom into the greater community.

### **1.2.2 ATTRIBUTES OF AN EDUCATED PERSON IN THE 21ST CENTURY**

Live Oak's educational program helps children develop the abilities and attributes required of an educated person in the 21st century. From the perspective of Live Oak, these include the following:

- The ability to think critically, reason logically and problem solve creatively
- The ability to read informational text and literature with effective comprehension and fluency for academic and professional success as well as personal growth and understanding.
- The ability to communicate clearly through written and spoken language
- The ability to communicate in more than one language
- Possess a strong sense of numeracy and mathematical relationship
- Reason symbolically and quantitatively through mathematical formulae
- Be able to explain the reasoning behind problem solving strategies
- Understanding of the scientific process and a foundational knowledge of the various scientific disciplines
- The ability to engage in interdisciplinary thinking to integrate diverse bodies of thought and knowledge
- The capacity to observe phenomena, and to gather, organize, analyze, and synthesize perceptions into meaningful and justifiable concepts
- The ability to solve problems by analyzing issues from multiple perspectives
- The ability to concentrate, focus, and perform complex tasks to completion
- Possess a coherent, interwoven, and nuanced knowledge of world history and geography
- Commitment to culture and gender literacy and appreciation of the meaning, variety and embedded perspective of diverse cultures
- The ability to articulate the interpenetration of responsibilities and rights of the individual and society
- Demonstrate skill in practical and applied arts
- Can express and meet healthy emotional and social needs effectively

- Can express oneself creatively through visual arts
- Competency in musical and performing arts
- The ability to work cooperatively with others
- A demonstrated sense of responsibility, compassion, and conscientiousness
- A sense of social justice
- A respect for the environment and an understanding of the interconnectedness of natural systems.
- Self-motivation and a passion for life-long learning

### **1.2.3 COMPONENTS OF AN OPTIMAL LEARNING ENVIRONMENT: HOW LEARNING BEST OCCURS**

Live Oak was founded on the belief that learning best occurs in an educational environment that includes the following essential components:

- Developmentally appropriate curriculum that inspires a love of learning
- Relevant, challenging and pedagogically articulated lessons, projects, and coursework
- Educational approaches that focus on developing capacities for self-motivated learning and project completion
- Teachers who explore, understand, adapt and respond to each child's unique capacities and a prior knowledge
- Imaginative and engaging instruction that address multiple learning styles
- Attention to intellectual, emotional, and physical development
- Teaching methods that place high value on relational experiences and interpersonal interactions as well as on the capacity for self-reflection, and empathy
- Beautiful, functional, and safe facilities
- A school culture that supports healthy social relationships and conduct through proactive class discussions, embedded conflict resolution processes, and responsive behavior modification practices
- Strong communication between all members and bodies within the community
- A parent body that is well informed on the developmental needs of children throughout the grades
- Parents and guardians who are deeply involved in their child's education and supportive of the continued development of the charter school as an exemplary institution of public instruction.
- An administration committed to protecting the educational rights of all students, advocating for best practices in learning and development, engendering a healthy and productive work environment for faculty and staff, complying with state and public obligations, appropriately manage fiscal resources, and developing policies and procedures of an effective charter school
- Adequate resources and materials to provide the educational experiences necessary for successful delivery of the program

## **1.2.4 DESCRIPTION OF THE EDUCATIONAL PROGRAM**

Live Oak's Educational Program is a whole-child approach characterized by several key elements:

- A pedagogical foundation informed by the Principles for Public Waldorf Education
- Curriculum employing a developmentally articulated Common Core Curriculum
- Commitment to cultural literacy
- Supportive social environment
- Comprehensive arts instruction
- Effective learning support
- Multi-year class assignments
- Robust parent engagement in support of student learning and school development
- A vibrant school culture

### **1.2.4.1 PEDAGOGY INFORMED BY PRINCIPLES FOR PUBLIC WALDORF EDUCATION**

Live Oak's holistic pedagogical approach cultivates and integrates the student's capacities for thinking, feeling, and will-based action (head, heart, and hands) in a developmentally appropriate manner. Multi-sensory learning modalities are incorporated into daily lessons to create a learning approach that is supportive, challenging, and meaningful to each student. The stimulation of the child's imagination and creativity is viewed as foundational for the child's capacity for abstract reasoning.

Waldorf pedagogy identifies stages of development and instructional practices that are designed to meet the unfolding cognitive, empathic and physical capacities associated with each stage. Kindergarten emphasizes imaginative and creative play, balanced physical growth, and conceptual scaffolds through implicit instruction. Primary grades build on early foundations using experiential activities an exploration of concrete phenomena. Instructional methods blend explicit and implicit approaches and focus on the construction of meaning and understanding through development of perception, empathy and imagination. Middle School, characterized by the advancing cognitive capability of students, focuses on deep explorations of human thought and perspective, critical observation and analysis, adventures into the abstract, refinement of scholastic competencies, and the self-actualization of the adolescent.

Special attention is given to design and maintain rhythms in daily, weekly and annual cycles. This practice builds an environment supports of emotional security, reduces anxiety, and nurtures student learning. Seasonal festivals and traditional grade level projects and field trips contribute to a sense of progression that recognizes students' anticipation of their own maturation and growth.

Ultimately, three essential conceptions are dealt with throughout the curriculum: "Who am I?" "What is my place in the world?" and "How do I relate to others in the world?" These questions serve to organize three tiers of understanding through which the children move as they mature:

SELF: "Who am I?"

How the child internalizes the information he or she receives and incorporates the information into his or her intelligence and the picture of self that subsequently develops.

SELF IN THE WORLD: "What is my place world?"

How the child externalizes information he or she receives (skills), how the child relates to the world, and the picture of the world the student demonstrates.

SELF IN RELATIONSHIP: "How do I relate to others in the world?"

How the child utilizes both personal development (self) and extra-personal development (self in the world) to interact with others and to express his or her individual voice in the social community.

## **CORE PRINCIPLES OF PUBLIC WALDORF EDUCATION**

### **1. Image of the Human Being:**

*Public Waldorf education is founded on a coherent image of the developing human being.*

- Each human being is a unique individual who brings specific gifts, creative potential, and intentions to this life. Public Waldorf education addresses multiple aspects of the developing child including the physical, emotional, intellectual, social, cultural, moral, and existential. Through this, each child is helped to integrate into a maturing whole, able to determine a unique path through life.
- Rudolf Steiner's educational perspective is seen as an important, but not exclusive, source of guidance for an understanding of the image of the human being.

### **2. Child Development:**

*An understanding of child development guides all aspects of the educational program, to the greatest extent possible within established legal mandates.*

- Human development proceeds through similar developmental phases in each person. Each phase has characteristic physical, emotional, and cognitive dimensions and a primary learning orientation.
- The Public Waldorf educational program, including the curriculum, teaching methodologies, and assessment methods, work with this understanding of human development to address the needs of the individual and the class in order to support comprehensive learning and healthy, balanced development.
- Our developmental perspective informs how state and federal mandates, including curriculum sequence, standardized testing, and college and career readiness, are met.

### **3. Social Change Through Education:**

*Public Waldorf education exists to serve both the individual and society.*

- Public Waldorf education seeks to offer the most supportive conditions possible for the development of each student's unique capacities and for engendering the following qualities to work towards positive social change:
  - A harmonious relationship between thinking, feeling, and willing;
  - Self-awareness and social competence;
  - Developmentally appropriate, academically informed, independent thinking;

- The initiative and confidence necessary to transform intentions into realities; and
  - An interest in the world, with active respect and a feeling of responsibility for oneself, one's community, and the environment.
  - Such individuals will be able to participate meaningfully in society.
- 4. Human Relationships:**  
*Public Waldorf Schools foster a culture of healthy relationships.*
- Enduring relationships -- and the time needed to develop them -- are central to Public Waldorf education. The teacher works with each student and class as a whole to support relationship-based learning.
  - Healthy working relationships with parents, colleagues, and all stakeholders are essential to the well-being of the student, class, and school community. Everyone benefits from a community life that includes festivals, events, adult education, study, and volunteer activities.
  - Public Waldorf education encourages collaboration in schools, within the Alliance for Public Waldorf Education, among all schools working out of a developmental approach, in conjunction with the broader field of education.
- 5. Access and Diversity:**  
*Public Waldorf Schools work to increase diversity and access to all sectors of society.*
- Public Waldorf schools respond to unique demands and cultures in a wide range of locations in order to provide maximum access to a diverse range of students. Schools work towards ensuring that students do not experience discrimination in admission, retention, or participation.
  - Public Waldorf schools and teachers have the responsibility to creatively address the developmental needs of the students with the most inclusive possible approaches for all learners.
  - The Public Waldorf program and curriculum is developed by the school to reflect its student population.
- 6. Collaborative Leadership:**  
*School leadership is conducted through shared responsibilities within established legal structures.*
- Faculty, staff, administration and boards of a Public Waldorf school collaborate to guide and lead the school with input from stakeholder groups. To the greatest extent possible, decisions related to the educational program are the responsibility of those faculty and staff with knowledge and experience of Rudolf Steiner's educational model.
  - Governance and internal administration are implemented in a manner that cultivates active collaboration, supportive relationships, effective leadership, consequential action, and accountability. A Public Waldorf school is committed to studying and deepening its understanding of best practices of governance appropriate to its stage of organizational development.
- 7. Schools as Learning Communities:**  
*Public Waldorf schools cultivate a love of lifelong learning and self-knowledge.*
- Public Waldorf education emphasizes continuous engagement in learning and self-reflective practices that support ongoing improvement. At the individual and classroom level, teachers reflect regularly on their observations of the

students and of the educational process. Essential aspects of school-wide work and professional development include self-reflection, peer review, faculty and individual study, artistic activity, and research.

- Rudolf Steiner is an important, but not exclusive, source of guidance for the art of teaching and the informed exploration of the dynamics of society and childhood development.
- Public Waldorf schools encourage all community members to engage in active and ongoing ways to enhance their capacities as human beings through self-reflection and conscious social engagement.

#### **1.2.4.2 FACULTY**

Live Oak's Faculty includes interdisciplinary Main Lesson Teachers who provide instruction in core subjects, Specialty Teachers who provide training in enrichment subjects, and MTSS/RSP Teachers who provide targeted academic support. The faculty is trained in strategies to meet the developmental stages each grade and accommodate for the individual abilities and needs of each student. Constant monitoring and adjustment of curriculum is conducted to ensure that the material and approach is relevant and resonant with the developmental and intellectual capacity of the class as a whole, as well as students individually.

A unique approach at Live Oak is the assignment of Main Lesson Teachers to a class of students for multiple years. This "looping" protocol engenders significant depth to the teacher-pupil relationship and facilitates the establishment of norms and practices that ease start of year processes and tailored educational support. Academic monitoring and adjustment of individualized learning goals and supports is more consistent and effective when a student's academic instruction, monitoring, and advocacy is held by the same Main Lesson Teacher over time.

Small learning communities of collaborative teacher workgroups within the faculty optimizes the sharing of best practices and curriculum refinements. Regular faculty meetings, committee meetings, and expansive trainings are held regularly to continue professional development and the building of a high functioning team of professional educators.

#### **1.2.4.3 CURRICULUM**

Live Oak uses a curriculum informed by principles of Public Waldorf Education. Areas of study include Language Arts, Mathematics, History, Geography, Physics, Chemistry, Biology, Earth Sciences, Natural History, Physical Education, Music, Drama, Fine Art, Practical Art, Woodworking, Gardening, and Movement. CCSS are articulated according to our holistic model of child development.

Lessons and activities blend cognitive, auditory, visual, and kinesthetic approaches to address the students' various dominant learning styles and multiple intelligences, with a high priority placed on students' "learning how to learn." Alternative activities and more complex projects with attention to social groups create opportunities for students to use their individual strengths in understanding course material. Lessons are designed

to allow each child an intellectual, emotional, and physical connection with the material. The breadth of the curriculum endeavors to deepen each child's capacity for self-reflection, leading, in turn, to the birth of independent thought and abstract reasoning.

Teachers also help students cultivate an appreciation for the wonder and beauty of nature and human expression.

The school year is organized into two- to three-week multidisciplinary units thematically linked to developmentally articulated standards, and when possible, to the natural phenomena associated with the seasons. Interdisciplinary thematic blocks compose the framework for daily two-hour main lesson. Following main lesson, students have specialty classes or practice periods. Teachers use textbooks minimally as the imperative for resonant curriculum requires flexibility of content and sequence of unit elements. The students' learning and skill development are documented and enriched by their creation and maintenance of individualized Main Lesson Books that blend academic learning and artistic expression in a manuscript documenting the students learning for each unit.

Movement activities are infused into the everyday curriculum. Classrooms, as much as possible, are organized around maximizing the children's opportunities for movement and physical expression through games, circle-time activities, folk dance, and physical education.

#### **1.2.4.4 CULTURAL LITERACY**

The increasing diversity of the United States, the importance of pluralism and civic engagement and the recognition of the essential interdependence of our global society insist that multicultural awareness remains a critical component of education. Perry and Fraser (1993) believe that educational institutions can and should be the places where a new vision of society is created. In order for this vision to be congruent with the reality of our multicultural society, we must rethink the very value system upon which our schools are built, and follow with necessary school reform.

While our children bring with them diverse histories and cultures, they experience a modern world that is significantly altering cultural practices that risks the development of the healthy conception of the self in community (Erikson, 1997). To support students in securing a healthy self-conception in the modern era, Live Oak incorporates conscientiously chosen artistic, cultural and philosophical histories that affirm the innate value and appreciation of each child and their context. Contemporary and historical cultures are explored through geography, music, poetry, folklore, mythology, history, attire, and visual and dramatic art.

#### **1.2.4.5 COMPREHENSIVE ART INSTRUCTION**

Numerous opportunities for creative expression are made available throughout the curriculum with attention to both fine and applied arts, music and drama.

- **Fine Arts**

Through the grades, students are instructed in painting and sculpture, sketching, collage and multimedia visual arts. Color theory, composition and technique are key instructional components.

- **Applied Arts**

Handcraft projects using natural fibers are incorporated within the curriculum. These projects typically relate to the cultures that the students are currently studying, reflect the cultural backgrounds of particular students, or draw from local history and culture. Woodworking is also studied in the upper grades with attention to artisanal techniques to gain an appreciation for the labor and skill required to complete a project with success.

- **Music**

Children are immersed in a comprehensive music education throughout the grades. Choir and voice practice are the foundation of the class environment from Kindergarten through 8<sup>th</sup> grade. Pentatonic instruments are taught in the primary years, later replaced by recorders in the third grade. Training in stringed instruments (violin, viola, cello and bass) is also introduced in third grade, with percussion joining these and choir as major component to upper grades music at Live Oak.

- **Drama**

Each school year students participate in a class play. Set design, costume, acting and performance skills are taught by the teacher/director. Student performances develop public speaking skills and confidence as well as build group cohesion for the class.

#### **1.2.4.6 SUPPORTIVE SOCIAL ENVIRONMENT**

Our schools must support the emotional and social well-being of students. A school that is sincere in its efforts to reduce anti-social behavior, teasing, bullying, conflict and anxiety must be grounded in a value system of cooperation, healthy social models, and employ proactive behavior support programs to assist students in developing high performing social skills.

Live Oak supports the development of a positive social environment through proactive support of student culture. All classes hold regular class meetings using a restorative circles approach. Social emotional learning programs including Second Step are used to provide a common language and real-life training for students to develop empathy and self-regulation, executive function, problem solving, conflict resolution and bullying prevention skills. Frequent assemblies and orientations are used to reinforce school cultural practices and values. Parent meetings are also held regularly to discuss the dynamic social and emotional topography of each class. Counseling support is also provided for students through the SEEDS program. Self-confidence of children is fostered through positive discipline, displays of student work, dramatic and musical performances, and through the cultivation of academic and social proficiency. These

elements are designed to promote healthy social values and interactions throughout the school community: students, staff, and parents.

Peer and cross-age interaction is another important aspect of student life at Live Oak. The children support each other in many ways including small-group learning and peer tutoring. Mixed-age grouping provides opportunities for older and younger children to interact. In addition, students learn conflict resolution and interpersonal problem-solving skills.

Finally, a progressive discipline model is used. Rooted in restorative conferencing, Live Oak holds a philosophy of minimizing harm and supporting students to fulfill the natural obligations that arise from harm being caused. Live Oak takes seriously the safety and welfare of all children as they develop into socially competent and emotionally integrated adults.

#### **1.2.4.7 PARENT PARTICIPATION**

A significant body of research (Henderson & Bera, 1994; Olmstead & Rubin, 1983) indicates that when parents participate in their children's education, the result is an increase in student achievement and an improvement of students' attitudes. Increased attendance, fewer discipline problems, and higher aspirations also have been correlated with an increase in parent involvement.

The active participation of parents, both within and outside of the classroom, is essential in creating and implementing the Charter School's educational program and maintaining its supportive environment. Parents are strongly encouraged to share their time and talents with the school. They provide a bridge between home and school life, giving their children's education greater meaning and purpose by integrating the children's school life into their family life and into their community.

In addition to classroom assistance, the Charter School relies on parent volunteers to perform many non-classroom responsibilities including serving on the board and board committees, fundraising, outreach, and supporting festival life, as well as school maintenance and improvement, and clerical duties. However, the Charter School acknowledges that circumstances may not allow some parents to be involved to the extent that they might wish. Therefore, parental involvement is not a requirement for acceptance to, or continued enrollment at the Charter School and a statement to this effect shall be included in a prominent location on enrollment paperwork, in the student handbook, and on the Charter School's website.

#### **1.2.4.8 LEARNING SUPPORT**

Live Oak's learning support begins with exceptional faculty paired with class assistants to provide a higher staff to student ratio. Live Oak then employs comprehensive Universal Design for Learning ("UDL")-informed instruction to extend the effectiveness of instruction to the broadest set of students in the class. This instruction is accompanied by Academic Coaching Teams that provide in-class, targeted, flexible homogenous groups in English Language Arts ("ELA") and Math instruction for grades 1-5. In grades 6-8, significantly reduced class sizes for ELA and Math and the addition

of learning support staff for ELA intervention provides similar broad support in middle school to prepare students for high school.

A Multi-Tiered System of Support (MTSS) program further integrates tiered levels of intervention from small group to individual support. Students are identified for such assistance through Academic Coaching Teams, Faculty, and Learning Support Staff as well as parent or student request through the Student Study Team (“SST”) process. Reading and math intervention is integrated through assessment and monitoring practices to ensure all students have access to the curriculum. Academic support is provided through classroom assistants, tutors and intervention specialists.

#### **1.2.4.9 VIBRANT SCHOOL CULTURE**

Classes participate in planning and implementing cooperative group projects for the benefit of the Charter School and the greater community. Plays, Choir and Orchestra performances, 8<sup>th</sup> grade presentations, achievement ceremonies and community picnics characterize the community activities at Live Oak.

Careful attention is given to the celebration of seasonal festivals with special focus on events that can be appropriately observed in the school setting and on events that recognize the “world’s diversity” of celebration. Live Oak strives to honor and represent the cultures of all the students in the Charter School through festivals and celebrations.

## **2 WHOM THE CHARTER SCHOOL IS ATTEMPTING TO EDUCATE: TARGET STUDENT POPULATION**

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Live Oak Charter School is a full-time, classroom-based program chartered for Kindergarten through 8<sup>th</sup> grade. Live Oak is a neighborhood school serving families in the southern Sonoma County area including students from Marin, Sonoma and Napa counties. Prospective students include children of families interested in:

- A Waldorf inspired approach to education
- Interdisciplinary thematic education
- An educational program that is articulated with natural stages of child development
- A media sensitive learning environment
- Classical liberal arts education
- Fine and applied arts
- Instructional emphasis on critical thinking, compassion, and development of will
- A healthy, pro-active, and consistently cultivated social climate
- A school community that supports parent involvement
- A supportive learning environment
- A small neighborhood campus
- Engaging in long-term relationships with peers
- Developing long-term relationships with class teachers

## **2.1.1 ENGLISH LEARNERS**

The Charter School will meet all applicable legal requirements for English Learners (“EL”), including long-term English Learners or English Learners at risk of becoming long-term English Learners, as 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.

### **2.1.1.1 Home Language Survey**

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

### **2.1.1.2 English Language Proficiency Assessment**

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

The ELPAC consists of two separate assessments:

- Initial Assessment (“IA”)  
The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student’s time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.
- Summative Assessment (“SA”)  
ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

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

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

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

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

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

### **2.1.1.3 Reclassification Procedures**

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

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC.
- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents' opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

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

English-language development instruction will be provided for students at all levels of language proficiency and beyond. English Learners will be supported with specially designed academic instruction in English (“SDAIE”) strategies as well as other methods to help develop their English-skills and simultaneously address grade-level content in the core curriculum. The state ELD Standards will be taught through the CCSS for English/Language Arts (“ELA”) to ensure that English Learners develop proficiency in both the English language and the concepts and skills contained in the ELA standards.

#### **2.1.1.5 Monitoring and Evaluation of Program Effectiveness**

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

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

### **2.1.2 SPECIAL EDUCATION AND STUDENTS WITH DISABILITIES**

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

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

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

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.

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

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. A student who has a physical or mental impairment

that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, is eligible for protections under Section 504.

A 504 team will be assembled by the Executive Director and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team 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 which are designed to provide a single general intelligence quotient.
- Tests are selected and 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 reflecting the student's impaired sensory, manual or speaking skills.

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

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations 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 shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

The 504 Plan shall 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, must have a copy of each student's 504 Plan. The Executive Director will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

### **2.1.2.2 Services for Students under the "IDEA" as a Public School of the District Pursuant to Education Code Section 47641(b)**

*The following description regarding how special education and related services will 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 is provided and funded is set forth in a Memorandum of Understanding ("MOU"), delineating the respective responsibilities of the Charter School and the District. The following provisions are meant to summarize the Charter School Petitioner's understanding of the manner in which special education instruction and related services shall be provided by the Charter School and the District.*

*The language that follows is not meant to unilaterally bind the District, or to preclude alternative arrangements between the District and the Charter School as agreed upon in a MOU.*

The Charter School shall provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the Special Education Local Plan Area ("SELPA"). The Charter School shall remain, by default, a public school of the District for purposes of Special Education pursuant to Education Code Section 47641(b). However, the Charter School reserves the right to make written verifiable assurances that the Charter School shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEAs as a consortium.

As a public school of the District, solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b), in accordance with Education Code Section 47646 and 20 U.S.C. Section 1413, the Charter School seeks services from the District for special education students enrolled in the Charter School in the same manner as is provided to students in other District schools. The Charter School will follow the District and SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving

students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records. The Charter School will comply with District protocol as to the delineation of duties between the District central office and the local school site in providing special education instruction and related services to identified pupils. An annual meeting between the Charter School and the District to review special education policies, procedures, protocols, and forms of the District and the SELPA and District protocol, will ensure that the Charter School and the District have an ongoing mutual understanding of District protocol and will facilitate ongoing compliance.

As long as the Charter School functions as a public school of the District solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b), a MOU between the District and the Charter School spells out in detail the responsibilities for provision of special education services and the manner in which special education funding will flow to the students of the Charter School.

The District shall be designated the LEA serving Charter School students. Accordingly, the Charter School shall be deemed a public school of the District pursuant to Education Code Section 47641(b) and 47646(a). The Charter School agrees to adhere to the requirements of the Local Plan for Special Education and to District policies. As a public school of the District, solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b), in accordance with Education Code Section 47646 and 20 U.S.C. Section 1413, the Charter School seeks services from the District for special education students enrolled in the Charter School in the same manner as is provided to students in other District schools.

The Charter School acknowledges the importance of cooperating with the District so that the District can provide special education services to Charter School students. The Charter School agrees to promptly respond to all District inquiries, to comply with reasonable District directives, and to allow the District access to Charter School students, staff, facilities, equipment and records as required to fulfill all District obligations under this Agreement or imposed by law. The Charter School believes that the allocation of responsibility for the provision of services (including but not limited to referral, identification, assessment, case management, Individualized Education Program (“IEP”) development, modification and implementation) shall be divided in a manner consistent with their allocation between the District and its school sites.

### **2.1.2.3 Staffing**

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by California’s Education Code and the IDEA. Charter School staff shall participate in all mandatory District in-service training relating to special education.

It is the Charter School's understanding that the District will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists unless the District directs the Charter School that current District practice is for the individual school sites to hire site special education staff or the District and the Charter School agree that the Charter School must hire on-site special education staff. In that instance, the Charter School shall ensure that all special education staff hired by the Charter School are qualified pursuant to District and SELPA policies, as well as meet all legal requirements. The District may review the qualifications of all special education staff hired by the Charter School (with the agreement of the District) and may require pre-approval by the District of all hires to ensure consistency with District and SELPA policies. The District shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

#### **2.1.2.4 Notification and Coordination**

The Charter School shall follow District policies as they apply to all District schools for responding to implementation of special education services. The Charter School will adopt and implement District policies relating to notification of the District for all special education issues and referrals.

The Charter School shall follow District policies as they apply to all District schools for notifying District personnel regarding the discipline of special education students to ensure District pre-approval prior to imposing a suspension or expulsion. The Charter School shall assist in the coordination of any communications and immediately act according to District administrative policies relating to disciplining special education students.

#### **2.1.2.5 Identification and Referral**

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement District and SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

It is the Charter School's understanding that the District shall provide the Charter School with any assistance that it generally provides its schools in the identification and referral processes, and will ensure that the Charter School is provided with notification and relevant files of all students who have an existing IEP and who are transferring to the Charter School from a District school. The District shall have

unfettered access to all Charter School student records and information in order to serve all of Charter School's students' special needs.

In the event that the Charter School receives a parent written request for assessment, it will work collaboratively with the District and the parent to address the request. Unless otherwise appropriate pursuant to applicable State and Federal law, the Charter School and the District will provide the parent with a written assessment plan within fifteen days of receipt of the written request and shall hold an IEP within sixty days of parent's consent to the assessment plan to consider the results of any assessment.

The Charter School will follow District child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

#### **2.1.2.6 Assessments**

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. The District will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with the District's general practice and procedure and applicable law. The Charter School shall work in collaboration with the District to obtain parent/guardian consent to assess Charter School students. The Charter School shall not conduct special education assessments unless directed by the District.

#### **2.1.2.7 IEP Meetings**

It is the Charter School's understanding that the District shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings or as otherwise agreed upon by the District and Charter School: the Principal and/or the Charter School designated representative with appropriate administrative authority as required by the IDEA; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. It is the Charter School's understanding that the District shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEA, a speech therapist, psychologist, resource specialist, and behavior specialist; and shall document the IEP meeting and provide notice of parental rights.

#### **2.1.2.8 IEP Development**

The Charter School understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the District's IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the District and of the SELPA and State and Federal law.

The Charter School shall promptly notify the District of all requests it receives for assessment, services, IEP meetings, reimbursement, compensatory education, mediation, and/or due process whether these requests are verbal or in writing.

#### **2.1.2.9 IEP Implementation**

Pursuant to District policy and how the District operates special education at all other public schools in the District, the District shall be responsible for all school site implementation of the IEP. The Charter School shall assist the District in implementing IEPs, pursuant to District and SELPA policies in the same manner as any other school of the District. The District and Charter School will need to be jointly involved in all aspects of the special education program, with the District holding ultimate authority over implementation and supervision of services. As part of this responsibility, the Charter School shall provide the District and the parents with timely reports on the student's progress as provided in the student's IEP at least as frequently as report cards are provided for the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange unless directed otherwise by the District. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology unless directed otherwise by the District. The Charter School shall comply with any directive of the District as relates to the coordination of the Charter School and District for IEP implementation including but not limited to adequate notification of student progress and immediate notification of any considered discipline of special education students in such matters, the petitioners would notify the District of relevant circumstances and communications immediately and act according to District administrative authority.

#### **2.1.2.10 Interim & Initial Placements of New Charter School Students**

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), for students who enroll in the Charter School from another school district within the State, but outside of the SELPA with a current IEP within the same academic year, the District and the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time the District and Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law. In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional

needs who has an IEP and transfers into the Charter School from a district operated program under the same special education local plan area of the District within the same academic year, the District and the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the District agree to develop, adopt, and implement a new IEP that is consistent with federal and state law. For students transferring to the Charter School with an IEP from outside of California during the same academic year, the District and the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the District conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the District, and develops a new IEP, if appropriate that is consistent with federal and state law.

#### **2.1.2.11 Non-Public Placements/Non-Public Agencies**

The District shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. The Charter School shall not hire, request services from, or pay any non-public school or agency to provide education or services to special education students without the prior written approval of the District. The Charter School shall immediately notify the District of all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

#### **2.1.2.12 Non-discrimination**

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

#### **2.1.2.13 Parent/Guardian Concerns and Complaints**

The Charter School shall follow District policies as they apply to all District schools for responding to parental concerns or complaints related to special education services. The Charter School shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to the District unless otherwise directed by the District. The Charter School shall immediately notify the District of any concerns raised by parents. In addition, the Charter School and the District shall immediately bring to the other's attention any concern or complaint by a parent/guardian that is in writing and/or which involves a potential violation of state or federal law.

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

access to all facilities, equipment, students, personnel, and records to conduct such an investigation.

The Charter School and the District shall timely notify the other of any meetings scheduled with parents/guardians or their representatives to address the parent/guardian concerns or complaints so that a representative of each entity may attend. The District, as the LEA, shall be ultimately responsible for determining how to respond to parent concerns or complaints, and the Charter School shall comply with the District's decision.

The Charter School and the District shall cooperate in responding to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other agency, and shall provide timely notice to the other upon receipt of such a complaint or request for investigation.

#### **2.1.2.14 Due Process Hearings**

The District may initiate a due process hearing or request for mediation with respect to a student enrolled in Charter School if the District determines such action is legally necessary or advisable. The Charter School agrees to cooperate fully with the District in such a proceeding. In the event that the parents/guardians file for a due process hearing, or request mediation, the District and the Charter School shall work together to defend the case. In the event that the District determines that legal representation is needed, the Charter School agrees that it shall be jointly represented by legal counsel of the District's choosing.

The Charter School understands that the District shall have sole discretion to settle any matter in mediation or due process. The District shall also have sole discretion to file an appeal from a due process hearing or take other legal action involving any Charter School student necessary to protect its rights.

#### **2.1.2.15 SELPA Representation**

It is the Charter School's understanding that the District shall represent the Charter School at all SELPA meetings and report to the Charter School of SELPA activities in the same manner as is reported to all schools within the District.

#### **2.1.2.16 Funding**

The Charter School understands that it will enter into a MOU with the District regarding Special Education funding, and cannot at this time unilaterally dictate the funding relationship between the District and the Charter School. The Charter School anticipates, based upon State and Federal law that the fiscal relationship could be summarized as follows:

1. The District shall retain all revenue which is generated by the School for the delivery of special education and related services and shall be responsible for

initially funding the costs of services and responsibilities as set forth above.

2. On an annual basis, the District shall determine the cost of services provided by the District to the School beyond revenue received as set forth above. This charge shall be referred to as the "excess cost contribution" and shall satisfy the requirement of Education Code Section 47646(c). The District shall attempt to provide an update on costs semi-annually.
3. The School shall make payment by August 1 for excess costs contribution for the prior school year unless otherwise agreed by the parties. The excess cost contribution shall be determined as follows:

The District shall calculate the total cost of special education and related services provided by District staff, related services, and contracts for services with private vendors and any special equipment costs as described in J.2, above. Service costs shall include administrative time. Services shall include, but not be limited to, consultative services, instructional assistants, transportation, DIS services, self-contained classroom services, non-public school services, assessment costs, specialized equipment/ supplies, legal judgments and legal services used for complaints and due process matters. The School's share of legal judgments and legal services with regard to students who have been enrolled in both the School and the District will be based the time period of Student's enrollment in the School in relation to the due process complaint.

1. Costs for District staff will either be itemized by the actual cost or the cost will be determined based on the average cost of personnel for that particular service and the actual time allocated to the School.
2. Once those total costs are determined, they will be compared to generated revenue. To the extent that the costs exceed the revenue, the School shall pay the difference as the excess cost contribution
3. The District representative shall review the cost lists with the School representative on a semi-annual basis or as requested by the School. Any disputes over the cost lists will be handled pursuant to the dispute resolution process described within the approved charter.
4. Revenue shall be calculated following the SELPA finance plan.

## **2.2 Charter School Goals and Actions to Achieve the Eight State Priorities**

Please see the section "Goals, Actions and Measurable Outcomes Aligned with the Eight State Priorities" in Element 2 of the charter for a description of the Charter School's annual goals to be achieved in the Eight State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii).

### **3 MEASURABLE PUPIL OUTCOMES**

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

Live Oak expects students to demonstrate that they have attained standards for knowledge, skills, attitudes, and habits which reflect goals in the educational program. As stated above, the goal of the Live Oak is to provide a balanced education and nurture the whole child. The curriculum allows children to recognize and achieve their full individual potential.

In addition to the student outcomes in the acquisition of academic skills found in CCSS, as measured by standardized tests, the Charter School has benchmarks and performance goals that provide expectations for student/school achievement. Individual remediation plans are developed through an SST for students who consistently fail to demonstrate grade level progress. Live Oak is committed to meeting State Standards in accordance with Education Code Section 47605 (c.)

Live Oak shall meet the statewide performance standards and conduct the pupil assessments required pursuant to Education Code Section 60605. Furthermore, each classroom teacher shall prepare a year end narrative student report that shall assess each student's progress during that year for the benefit of the student and parents. These assessments shall be based upon a portfolio of student work, performance assessments, enumeration of subjects adequately completed, and a mention of areas needing additional focus. The report shall make reference to attitudes, study habits, and social abilities. Periodic parent conferences shall keep parents informed about student progress, and enlist their help in the achievement of their child. Public events are hosted in the fall and spring, where parents and members of the public will have the opportunity to observe student work. The Charter School and its teachers use both standardized testing and other reliable measures, such as Main Lesson Books, formative assessments, rubric-based evaluations of assignments, oral recitations, performances, demonstrations, teacher observations, and student self-evaluations.

The specific pupil outcomes are as follows:

#### **3.1 CORE ACADEMIC SKILLS**

Live Oak endeavors to instill the following academic competencies as defined through CCSS and pedagogically important concepts and skills:

##### **3.1.1 LANGUAGE ARTS**

###### **3.1.1.1 SPEAKING AND LISTENING**

- Ability to comprehend and collaborate
- Ability to present knowledge and ideas

### **3.1.1.2 READING – FOUNDATIONAL SKILLS**

- Demonstrate understanding of print concepts
- Demonstrate phonological awareness
- Ability to process text using phonics and word recognition
- Demonstrate fluency in developmentally appropriate text

### **3.1.1.3 READING – INFORMATIONAL TEXT AND LITERATURE**

- Ability to identify key ideas and details
- Understand elements of craft and structure
- Demonstrate the integration of knowledge and ideas
- Accomplish a range of reading tasks with different levels of complexity

### **3.1.1.4 WRITING**

- Effectively use different text types and understand how the intended purpose of a writing task impacts the technique and form used
- Competence in production and distribution of writing
- Ability to conduct research to build and present knowledge
- Understand and be able to communicate effectively through a range of writing tasks, purposes and audience

## **3.1.2 MATHEMATICS**

### **3.1.2.1 PRIMARY GRADES**

- Knowledge of counting and cardinality
- Ability to solve operations and engage in algebraic thinking
- Understanding of number and operations in base ten
- Proficiency in measurement and data
- Understanding of basic geometric concepts
- Knowledge of fractions and the ability to conduct operations using fractions

### **3.1.2.2 MIDDLE GRADES**

- Understanding of ratios and proportional relationships
- Knowledge of the number system
- Ability to interpret and solve expressions and equations
- Understanding of grade level geometry concepts
- Familiarity with the principles of statistics and probability
- Ability to interpret functions

## **3.1.3 SCIENCE**

- Ability to use observational methods and materials to investigate a scientific question
- Present scientific information clearly in a written format, utilizing observations to form conclusions

- Express awareness of the inter-connection of the natural world, and demonstrate respect for such relationships

#### **3.1.4 HISTORY/SOCIAL SCIENCE**

- Demonstrate cultural literacy through knowledge of myths, legends, the history of multiple civilizations, forms of government, biographies of key historical figures, and geography
- Demonstrate civic values and behavior, including community service

### **3.2 NON-CORE ACADEMIC SKILL**

#### **3.2.1 VISUAL AND PERFORMING ARTS**

- Demonstrate awareness of a variety of styles and forms in the fine arts of music, drama, and dance
- Participate in class plays and assemblies
- Self-expression through drawing and painting
- Demonstrate artistry, organization, and accuracy in Main Lesson Books

#### **3.2.2 MUSIC**

- Demonstrate musical proficiency in recorder, strings and percussion
- Demonstrate ability to read modern staff music notation
- Demonstrate skill in choral singing

#### **3.2.3 APPLIED ARTS**

- Creative expression through handwork, which includes knitting, crocheting, sculpting, sewing, leather craft, and other handicrafts.
- Demonstrate skill in the working of wood using hand tools and artisanal approaches to the craft

#### **3.2.4 MOVEMENT**

- Awareness of physical fitness and health and possession of the basic skills necessary to support such
- Demonstrate group interaction skills, sportsmanship, cooperation, and conflict resolution during participation in games and athletic activities

### **3.3 INTERDISCIPLINARY SKILLS**

#### **3.3.1 CREATIVITY AND CRITICAL THINKING**

- Demonstrate creativity and independent thought and expression through artistic projects, writing assignments, oral presentations, and class discussions
- Demonstrate the capacity for in depth critical thinking and synthesis throughout the disciplines

#### **3.3.2 SOCIAL SKILLS AND COMMUNICATION**

- Demonstrate the values of kindness, consideration and compassion toward their peers and respect toward their teachers

- Demonstrate the capacity to empathize with others; relating appropriately to the circumstances and emotional responses of others.
- Demonstrate bullying prevention and remediation strategies
- Demonstrate the capacity for emotional management and self-regulation
- Demonstrate skills in conflict resolution using restorative practices
- Demonstrate learning skills, executive function necessary for academic success

**3.3.3 WILL AND SCHOLARSHIP**

- Ability to complete projects requiring diligence and perseverance in design and execution

**3.4 REFINEMENT**

Pursuant to Education Code Sections 47605(b)(5)(A)(ii) and 47605(b)(5)(B), the Charter School has established goals, actions, and measurable outcomes both school wide and for each subgroup of pupils, which address and align with the Eight State Priorities identified in Education Code Section 52060(d). These goals, actions and outcomes as listed shall be reviewed and revised, as needed, on an annual basis as part of the LCAP process and as dictated by the state-adopted LCAP template. This annual update will specifically include “a description of any changes made to this goal, expected outcomes, metrics, or actions and services to achieve this goal as a result of this analysis and analysis of the LCFF Evaluation Rubrics” in alignment with the LCAP process and state mandated LCAP template. Revisions to the goals, outcomes, metrics, or actions and services stated above that are necessary to implement the LCAP and to maintain alignment with the California School Dashboard as it evolves shall not be considered a material revision to the charter, shall be submitted to the authorizer on an annual basis in accordance with Education Code Sections 47604.33 and 47606.5.

The table below provides the goals, pupil outcomes, and actions in alignment with the eight state priorities both schoolwide and for all groups of pupils served by the Charter School. The Charter School holds the same bar for student achievement overall (schoolwide) as it does for students within each numerically significant subgroup. As such:

- “Overall and for all numerically significant subgroups” specifically means that the goal is held for students overall and for each subgroup as detailed above.
- In the case where a goal is specific to a subgroup, as is the case in developing English fluency for English Learners, only the specific subgroup is listed.

The fact that the Charter School holds the same goal for its subgroups as it does for the overall student population should in no way be interpreted as not having goals for each subgroup.

STATE PRIORITY 1
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**BASIC SERVICES**

*The degree to which teachers are appropriately assigned and fully credentialed, every pupil has sufficient access to standards-aligned instructional materials, and school facilities are maintained in good repair.*

<b>ANNUAL GOALS</b>	<b>ANNUAL ACTIONS</b>	<b>MEASURABLE OUTCOME</b>	<b>METHOD OF MEASUREMENT</b>
Core teachers are required to hold a valid CA Teaching Credential or be working toward their credential with appropriate English Learner authorization as defined by the CA Commission on Teaching Credentialing (“CCTC”). Teachers will also be appropriately assigned.	Live Oak conducts credential review as part of teacher hiring process.	Initial and annual verification of core teacher credential as reported by the CA Commission on Teaching will show 100% of teachers holding adequate credentials and being appropriately assigned.	CCTC Report, CALPADS Report
	Live Oak conducts regular audits of Charter School teacher credentials to ensure compliance.		
	Live Oak informs credentialed staff when credentials are near expiration.		
Students have access to CCSS-aligned instructional materials as outlined in the petition.	Students have access to CCSS-aligned instructional materials as outlined in the petition.	Executive Director and Administrative Staff work to ensure adequate budget for instructional materials.	Records indicate appropriate instructional materials are purchased and work samples related to implementation are evident.
School facilities are maintained clean, safe and in good repair	Facility maintenance and improvement projects will be funded annually keep facility in good order.	Facility maintenance and improvement projects will be funded annually keep facility in good order.	Budget documents demonstrate adequate expenditures to maintain facility.
	Facility inspections will screen for hazards.	Inspections will be conducted according to regulations.	Site inspection documents are in compliance with state regulations.

**STATE PRIORITY 2**

**IMPLEMENTATION OF ACADEMIC CONTENT AND PERFORMANCE STANDARDS**

*Implementation of state- adopted academic content and performance standards, including how EL students will be enabled to gain academic content knowledge and English language proficiency*

ANNUAL GOALS	ANNUAL ACTIONS	MEASURABLE OUTCOME	METHOD OF MEASUREMENT
Core subject teachers will be provided with material and be trained on the implementation of Waldorf and CCSS.	Live Oak will embed a habituated practice of common curriculum development and training time in the master schedule, faculty meetings and in-service sessions.	Demonstrate embedded common curriculum development and training.	Faculty Agendas In-service Agendas Master schedule
Students will develop proficiency in core subjects with the implementation of the Waldorf and CCSS, including EL and IEP students	Live Oak will facilitate differentiated instruction through an integration of UDL best practices with a cohesive MTSS supports both in class, in small groups and in one to one targeted intervention.	Live Oak will demonstrate comparable performance with similar local schools	Progress Reports, Benchmark Assessments, CAASPP Assessments, ELPAC Data IEP progress data

**STATE PRIORITY 3**

**PARENTAL INVOLVEMENT**

*Parental involvement, including efforts the charter school makes to seek parent input in making decisions for the charter school, and including how the charter school will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.*

<b>ANNUAL GOALS</b>	<b>ANNUAL ACTIONS</b>	<b>MEASURABLE OUTCOME</b>	<b>METHOD OF MEASUREMENT</b>
Live Oak will provide opportunities for parent involvement through volunteer opportunities.	Live Oak will invite parents to provide chaperone support for field trips and events.	Demonstrate common presence of parent volunteers at events/trips.	Field Trip Chaperone Log
	Live Oak has parent volunteer opportunities in the classrooms.	Volunteer activity on campus demonstrating 2% of ADA parent volunteers per school day.	Annual Parent Survey Data
Live Oak will provide opportunities for parent/guardian representation on the Board and committees	Live Oak will have parents/guardians on the Board and school committees	Live Oak will have parents/guardians on the Board and school committees	A significant portion of the membership on the Board and committees are composed of parents/guardians
Live Oak will provide opportunities for parent input for decision-making.	Live Oak will conduct an annual parent survey. Live Oak will host forums for discussion of issues of interest to the parent community.	Survey Reports will indicate high level of parent satisfaction >80%	Annual Survey Report

STATE PRIORITY 4

**PUPIL ACHIEVEMENT**

*Pupil achievement, as measured by all of the following, as applicable: (A) Statewide assessments; (B) [n/a]; (C) Percentage of EL students who make progress toward English proficiency as measured by the ELPAC; (D) EL reclassification rate; (E) [n/a/]; (F) [n/a]*

<b>ANNUAL GOALS</b>	<b>ANNUAL ACTIONS</b>	<b>MEASURABLE OUTCOME</b>	<b>METHOD OF MEASUREMENT</b>
Live Oak students, in all applicable grade levels, will score at a comparable proficiency with similar local schools in ELA/Literacy and Math in: (A) CAASPP Statewide assessments (C) Percentage of EL pupils who make progress toward English proficiency on ELPAC (D) EL reclassification rate	Live Oak will provide instruction conducive to student learning with appropriate CCSS instructional materials throughout school year	The CAASPP scores will show that Live Oak students score at a comparable proficiency rate to similar local schools.	CAASPP Assessment
	Live Oak will use formative assessments to guide teaching and reteaching	Local assessments and reports demonstrate longitudinal student growth year over year	Progress reports, Benchmark Assessments, ELPAC Data IEP progress data
Live Oak will meet the annual academic targets as mandated by the State Board of Education	Live Oak will regularly review progress and adjust curriculum and instruction to support reaching stated targets	Student performance on California School Dashboard Indicators that are comparable to similar local schools.	California School Dashboard

**STATE PRIORITY 5**

**PUPIL ENGAGEMENT**

*Pupil engagement as measured by all of the following, as applicable: (A) School attendance rates; (B) Chronic absenteeism rates; (C) Middle school dropout rates; (D) [n/a] (E)[n/a]*

<b>ANNUAL GOALS</b>	<b>ANNUAL ACTIONS</b>	<b>MEASURABLE OUTCOME</b>	<b>METHOD OF MEASUREMENT</b>
(A) Live Oak will set and strive for a high school attendance rate to improve student academic success and community connectedness.	Live Oak will provide a safe, nurturing and positive learning environment with consistent information on the importance of school attendance to students and parents.	ADA for the year will exceed 94.5%	ADA Cumulative Report
(B) Live Oak will set and strive for low rates of Chronic absenteeism rates.	Parents and students will be informed of our attendance policies specified in the Student / Parent Handbook given out at the beginning of every year and to current students	Chronic absenteeism will be under 10% of the student population.	ADA Reports by student.
(C) Live Oak will strive for no middle school drop outs.	The Middle School Faculty team will monitor student progress and use SST and Parent conference processes to manage student academic progress and engagement	0% Drop Out Rate	Annual CALPADS data

**STATE PRIORITY 6**

### SCHOOL CLIMATE

*School climate, as measured by all of the following, as applicable: (A) Suspension rates; (B) Expulsion rates; (C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness*

ANNUAL GOALS	ANNUAL ACTIONS	MEASURABLE OUTCOME	METHOD OF MEASUREMENT
Live Oak will support a healthy and supportive school climate for academic and social emotional development. Live Oak will strive to prevent high amplitude, high harm, significant disciplinary incidents from occurring	Live Oak will employ behavioral support strategies, Social Emotional Learning Instruction, restorative practices and behaviorist support to minimize the potential for significant offenses to occur and reduce the potential for repeat or escalating discipline issues with individual students.	Suspension rate below 3% Annually.	Live Oak annual suspension and expulsion report (CALPADS or other)
		Expulsion rate below 1% Annually	Live Oak annual suspension and expulsion report (CALPADS or other)
Live Oak will set and strive to meet and lower targets in Absences	Live Oak will assess absences on a weekly basis and encourage regular attendance through notification and truancy protocols	94.5% ADA and Chronic Absenteeism below 10%	Annual ADA report

### STATE PRIORITY 7

**COURSE ACCESS (CONDITIONS FOR LEARNING)**

*The extent to which pupils have access to, and are enrolled in, a broad course of study, including programs and services developed and provided to unduplicated students and students with exceptional needs. "Broad course of study" includes the following, as applicable: - Grades K-8: English, mathematics, social sciences, science, visual and performing arts, health, physical education, and other as prescribed by the governing board.*

ANNUAL GOALS	ANNUAL ACTIONS	MEASURABLE OUTCOME	METHOD OF MEASUREMENT
Live Oak students, including all subgroups, will have access to and enroll in a broad and diverse educational program including core academic subjects as well as music, drama, movement, practical arts, fine arts and other enrichment electives.	All academic content areas will be available to all students, including student subgroups, at all grade levels.	All Subgroups will demonstrate progress towards annual targets in CAASPP Assessments.	CAASPP Assessment
	UDL, RTI, IEP, EL and other Differentiated Instruction Strategies will be employed to maximize accessibility for all students.		

STATE PRIORITY 8

**PUPIL OUTCOMES**

*Pupil outcomes, if available, in the subject areas described in State Priority 7.*

<b>ANNUAL GOALS</b>	<b>ANNUAL ACTIONS</b>	<b>MEASURABLE OUTCOME</b>	<b>METHOD OF MEASUREMENT</b>
High Academic Achievement in English, social sciences, foreign language, physical education, science, mathematics, and visual and performing arts	Live Oak students develop a deep understanding, mastery and application of important concepts that propel inquisitive life-long learning and will reach high levels of academic achievement.	Students will demonstrate comparable academic performance in standardized and locally benchmarked assessments to similar schools in the area.	CAASPP reports; Term Progress Reports, Longitudinal ELPAC Data, IEP progress reports
Live Oak implements a developmentally articulated CCSS curriculum, employing best instructional practices that meet the varied needs of all students.	Live Oak provides a diverse curriculum for students to practice and acquire core academic proficiencies as well as extended skills in art, music and athletics.	Master Schedule will demonstrate a diversity of course offerings.	Master Schedule
		Provision of academic support staff in a cohesive UDL/MTSS model.	Standards based progress reports ACT notes
Live Oak will foster positive student character, social emotional proficiency, restorative conflict resolution skills and self-regulation strategies.	Live Oak will employ SEL curriculum throughout the grades as well as restorative practices for prevention and mediation of conflicts.	Low referral rate to the office of <2% per day.	Referral note record
		High satisfaction in school survey.	School Survey
Live Oak will cultivate a campus climate and community culture that engages and inspires student participation	Live Oak provides a space and activities where students have the opportunity for involvement in responsible actions and social service in their local community	Presence of an active buddy program on site and participation in volunteer events in the broader community.	Notes and documentation of student engagement in community building events Faculty minutes.
	Live Oak offers events that involve students, parents/guardians, and staff	Hosting of at least 8 public assembly or festival events throughout the school year	Event/Academic Calendar, Event Artifacts

## 4 METHODS TO ASSESS PUPIL PROGRESS

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

Live Oak assesses students in each of the core academic skill areas through authentic assessment and state-mandated standardized tests. Assessments do not include letter grades in kindergarten and grades 1-5. Live Oak meets the State Standards in a developmentally appropriate manner and conducts pupil assessments required pursuant to Education Code Section 47605(c).

The Charter School's assessment strategies reflect its commitment to recognizing individual strengths and challenges and to assessing students in academic and non-academic areas using a variety of assessment tools. At regular intervals, the Charter School provides in-depth reports to Live Oak families in order to maintain clear communication between parents and teachers.

### 4.1 ASSESSMENT TOOLS TO MEASURE PROGRESS

The assessment tools used to evaluate student progress include:

- *Records of teacher observations and assessments* for each child are maintained. These include a record of individual growth and achievement in all three areas of development (intellectual, physical, and emotional).
- *Comprehensive Main Lesson Books* are collected throughout each year. They include samples of main lesson work, practice papers, tests, written work, reports and artwork for each unit and function as the student's portfolio.
- Completed *student projects*, both individual and group, are documented. Samples of these are displayed in public exhibitions.
- Site based Benchmark *reading and writing assessments* using standardized CCSS-aligned rubrics and assessment tools such as Lucy Calkins, Core Phonics, Fountas and Pinnell.
- *Norm-referenced standardized tests*, such as CAASPP, are administered in compliance with state law regarding charter schools.
- *EL Language competency assessments*, such as ELPAC, are administered in compliance with guidelines for EL students
- *Attendance rates, CALPADS and civil rights* data submitted for state and federal monitoring.
- The *California School Dashboard* reports several key elements of data listed elsewhere.
- *Oral recitations, presentations, reports, performances, and demonstrations* occur regularly in the life of each class and involve group and individual work.
- *School-wide assemblies and open house* is planned at least twice a year, during which student work is displayed and samples of class work are exhibited. Members of the District and general public are invited to attend.
- A *comprehensive grading rubric* is prepared and provided to parents at the end of each school term for each child. This includes an overview of the course work and a discussion of the child's achievement, performance, and growth in each of the various curriculum blocks and enrichment classes, as well as in social skills and work habits  
A *summative narrative* is prepared annually to provide parents with a thorough review of the student's participation and performance throughout the school year.

## 5 GOVERNANCE STRUCTURE OF THE SCHOOL

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

Live Oak is a directly funded, independent charter school operated as a California nonprofit public benefit corporation. The Charter School is subject to the limitations of this charter and of the Live Oak Charter School Bylaws . The District has the right to appoint a representative to serve on the Board. The nonprofit corporation confers on the District’s representative all rights and responsibilities exercised by any other director of the corporation.

The Charter School will operate autonomously from the District, with the exception of the supervisory oversight as required by statute and other contracted services as may be negotiated between the District and the Charter School. Pursuant to Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the Charter School, operated as a California nonprofit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the Charter School, as long as the District has complied with all oversight responsibilities required by law.

Attached, please find Appendix “B”, the Charter School’s Articles of Incorporation, Appendix “C” the Charters School’s Bylaws, and Appendix “D” the Conflict of Interest Code.

### 5.1 BOARD OF DIRECTORS

The Charter School’s Board of Directors’ (“Board of Directors” or “Board”) responsibilities include but are not limited to the following:

- Approving all major educational and operational Charter School policies
- Approving all major contracts
- Monitoring the financial condition of the Charter School and ensuring that the Charter School has adequate resources
- Determining faculty compensation
- Approving the Charter School’s budget
- Hiring the Executive Director and reviewing the Executive Director’s performance
- Approving major curriculum changes
- Approving termination of faculty members’ contracts
- Hearing Appeals of disciplinary matters and complaints pursuant to the Charter
- Monitoring the performance of Live Oak and taking necessary action to ensure that the Charter School remains true to its mission and charter

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

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an officer or employee of the Charter School or any third party any of those duties with the exception of budget approval or revision, approval of the fiscal audit, and the adoption of Board policies. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

The Charter School shall comply with the Brown Act.

The Charter School has adopted a Conflict of Interest Code that complies with the Political Reform Act and Corporations Code conflict of interest rules, and which shall be updated with any charter school-specific conflict of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Appendix "C". As required, the Conflict of Interest Code has been approved by the County Board of Supervisors.

### **5.1.1 Board Committees**

Consistent with the provisions of Paragraph 5.1 above, the Board may delegate to a committee of the board any of the powers and authority of the Board in the management of the business and affairs of the Corporation.

Currently, the Board has two active committees:

#### **5.1.1.1 Executive Committee**

The Executive Committee, comprised of the Board Chair, Board Treasurer, Board Secretary and Executive Director, meets monthly – usually two weeks prior to the regular board meetings. The Executive Committee:

- Receives reports from the Executive Director on ongoing business and upcoming compliance, finance and accountability responsibilities.
- Develops the Board Agenda for the next monthly meeting of the Board of Directors of Live Oak Charter School.
- Identifies and plans Board development projects.

#### **5.1.1.2 Finance Committee**

The Finance Committee, comprised of the Board Treasurer and the Executive Director, meets monthly – usually three weeks prior to the regular board meetings. The Finance Committee:

- Reviews Monthly Financials
- Develops and Reviews periodic budget reports, audits and compliance notices
- Discusses fiscal issues impacting school programs

### **5.1.2 Ralph M. Brown Act**

All meetings of the Board and Board committees shall comply with the Brown Act and, among other requirements, be open and public, and all persons shall be permitted to attend, except as otherwise provided by law. At least 72 hours before a regular meeting, the Charter School shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. Copies of meeting agendas shall be posted to Charter School facility and website.

## **5.2 EXECUTIVE DIRECTOR**

The Board hires an Executive Director whose responsibilities include, but are not limited to, the following, in addition to other responsibilities as further specified in the bylaws, employment contract, and job specification:

- Finance
  - Budget development, Payroll development, Approvals, contract negotiation
- Human Resources
  - Hiring, mentoring, evaluation, termination, contract development, salary schedule development, benefits management
- Facilities and Maintenance
  - Lease and maintenance agreements, service contracts, inspections and safety compliance
- Safety and Emergency
  - Development of site safety plan, asbestos plan, EOC head, site inspections, training of staff
- School Climate
  - Implementation of restorative practices, student and family engagement activities, student and staff discipline, staff leadership, Title IX Coordinator, Behavior Support
- Student Services
  - Attendance monitoring, Discipline, special services, protection of education rights
- Special Education and ELD
  - Ensure compliance of Special Education program, Child Find, FERPA, SST Process 504, ELD service management
- Curriculum and Instruction
  - Planning professional development, maintenance of student reporting system, acquisition of curriculum materials, coordination of instructional strategies
- Outreach and Communications
  - Planning and implementation of marketing strategies and communications including newsletter, website, calendar and other public events, Development of interagency relations
- Legal
  - Responsible for legal compliance
- Board Collaboration
  - Provide for the needs of board members, development of meeting materials and coordination of meetings, ensure compliance with relevant delegations.

## **5.3 ADMIN STAFF**

Admin Staff includes fiscal services manager, office manager, student services secretary and administrative assistant.

## **5.4 INSTRUCTIONAL STAFF (FACULTY)**

Live Oak's Faculty includes interdisciplinary Main Lesson Teachers who provide instruction in core subjects, Specialty Teachers who provide training in enrichment subjects, and MTSS/RSP Teachers who provide targeted academic support.

## **5.5 INSTRUCTIONAL SUPPORT STAFF**

Live Oak's Instructional support staff include class aides, Academic Coaches, and other adjunct educational support staff

## **5.6 NON-INSTRUCTIONAL STAFF**

Non Instructional staff includes event coordinators and garden coordinators

## **5.7 PARENTS**

Parent participation is essential to the success of Live Oak. Parents share their expertise and capacity in any number of ways, including classroom and playground support, outreach, fundraising, maintenance and improvement of the facilities, participation in parent education programs and class meetings, service on committees, and serving on the Board the Live Oak Foundation.

The Live Oak Foundation is a separate 501c(3) organization that is founded to provide fundraising support for Live Oak Charter School. The Board of the Live Oak Foundation is the governing body of the non-profit organization and is composed of parents and community members to steward fundraising efforts as well as facilitate volunteer projects and community building events to strengthen the academic programs, enrichment opportunities, special services and family engagement in the school. The Live Oak Foundation meets monthly and operates in accordance with an MOU with Live Oak Charter School.

The Live Oak Class Coordinator Council ("Council") organizes volunteer efforts and advises the Executive Director and Board on issues affecting families. The Council is a direct support to teachers and the parent community and assists with communication and logistics of classroom events, activities and projects. The Class Coordinator Council meets every two weeks and is composed of 1 or 2 parents from each class, Kindergarten through grade 8. The meeting is chaired by a school administrator. Information developed during council meetings are distributed through class email lists and the school newsletter as well as reports to the faculty and board as necessary.

## 6 EMPLOYEE QUALIFICATIONS

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

### 6.1 Key Employees

Live Oak designates the following to be key positions and the qualifications for those key positions:

#### 6.1.1 Executive Director

The qualifications for Executive Director are:

- Bachelor of Arts Degree
- California Teaching or Administrative Credential
- Waldorf Teaching Certificate of knowledge of Waldorf-inspired teaching methods
- Three or more years of experience in senior level administration
- Three or more years of experience in a position of fiscal responsibility

#### 6.1.2 Fiscal Services Manager

The qualifications for Fiscal Services Manager are:

- Bachelor of Arts Degree
- Knowledge of bookkeeping and general accounting principles
- Three or more years of experience in a position of organizational fiscal responsibility

#### 6.1.3 Office Manager

The qualifications for Office Manager are:

- Any combination of educational experiences equivalent to graduation from high school, supplemented by college-level course work in office management or a related field
- Three years of increasing responsibility in school office management experience including at least one year in an educational environment.

#### 6.1.4 Core Subject Teachers

The qualifications for Instructional Employees, those who teach the core academic classes of mathematics, language arts, science, and history/social studies, Bachelor of Arts Degree

- Hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing Demonstrated Subject Matter Competence
- Waldorf Training including Waldorf Certificate or Orientation Training of Waldorf-inspired teaching methods
- Experience in Waldorf-inspired educational environment
- For the purposes of teacher credentialing requirements, Live Oak "core" academic subjects include Language Arts, Mathematics, History/Social Science, and Science

### **6.1.5 Instructional Aides/Specialty Teachers**

- Live Oak instructional staff who do not teach "core" academic subjects or college preparatory courses, including art, foreign language, handwork, woodworking, movement, and gardening, will maintain full flexibility with regard to credentialing in accordance with Education Code Section 47605(l). These teachers shall at a minimum meet the following qualifications:
- Demonstrated subject matter competence
- Minimum one year experience teaching in an educational environment
- Non-teaching Instructional aides shall meet the following requirements:
  - Minimum of one-year experience in instructional support.

## **7 PUPIL AND STAFF HEALTH AND SAFETY**

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

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

*(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.*

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

In order to provide safety for all students and staff, the Charter School has adopted and will continue to implement a comprehensive set of health, safety, and risk management policies at its school site developed in consultation with the Charter School's insurance carrier.

These policies will be incorporated as appropriate into the Charter School's student and staff handbooks and will be reviewed on an ongoing basis in the Charter School's staff and Board. The Charter School shall ensure that staff are trained annually on the health and safety policies.

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

### **7.1 Procedures for Background Checks**

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Executive Director of the Charter School shall monitor compliance with this policy and report to the Charter School Board of Directors on a regular basis. The Board President shall monitor the fingerprinting and background clearance of the Executive 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.

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

All employees will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District. The Charter School shall provide mandated reporter training to all employees annually in accordance with Education Code Section 44691.

### **7.3 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.

#### **7.4 Immunizations**

All enrolled students who receive classroom-based instruction will be required to provide 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 7th grade students must be immunized with a pertussis (whooping cough) vaccine booster.

#### **7.5 Medication in School**

The Charter School will adhere 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.

#### **7.6 Vision, Hearing, and Scoliosis**

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

#### **7.7 Diabetes**

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but not be limited to, all of the following:

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

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

The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215.

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

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

#### **7.10 Emergency Preparedness**

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If assuming a facility that was previously used as a school site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for the Charter School. Staff shall receive training in emergency response, including appropriate "first responder" training or its equivalent.

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

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

### **7.12 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.).

### **7.13 School Safety Plan**

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

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

### **7.14 Blood borne Pathogens**

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including HIV and hepatitis B virus (“HBV”). Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

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

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

### **7.16 Facility Safety**

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.

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

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

### **7.18 Suicide Prevention Policy**

The Charter School shall maintain a policy on student suicide prevention in accordance with Education Code Section 215.

### **7.19 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.

### **7.20 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 schoolsite employees and all other schoolsite employees who have regular interaction with children.

### **7.21 Transportation Safety Plan**

The Charter School shall develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with

a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law.

## 8 RACIAL AND ETHNIC BALANCE

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

Live Oak will strive to achieve a racial and ethnic balance among its student population that is reflective of the general population residing within the territorial jurisdiction of the District. In order to more effectively achieve ethnic diversity reflective of our local community and strive to provide accessibility to underserved populations Live Oak will take the following actions.

- Provide priority enrollment for the students residing in the service area of nearby district school with highest percentage of unduplicated students.
- Provide priority enrollment for students residing in the service area of the authorizing district.
- Implement and review a comprehensive outreach plan, advise staff on community needs, and assist in welcoming new families to Live Oak.
- Ensure translation services are made available for families in need.
- Advertise through local vehicles to underserved populations.
- Translation of essential documents into Spanish or other languages as necessary.
- Curriculum development in support of cultural literacy.
- Provision of appropriate learning supports for EL students.
- Work to reduce impediments to enrollment at the school for underserved populations.

## 9 ADMISSION POLICIES AND PROCEDURES

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

Live Oak will actively seek a diverse student population through admissions policies that honor the civic principles and intent of public education. Applicants to Live Oak will be invited to orientations and tours held throughout the year to inform prospective families about the educational opportunities offered at Live Oak. These orientations will help attendees:

- Understand the pedagogical approach at Live Oak.
- Support media discernment practices that minimize the negative impacts of modern media upon student learning and development.
- Prepare a supportive home environment for the diversity and rigor of the academic program at Live Oak.
- Understand the ways to engage and develop the educational program and school community.
- Develop strong pathways of communication with staff and parent body.

### 9.1 OPEN ENROLLMENT PRACTICES AND NON-DISCRIMINATION

Live Oak accepts applications for enrollment from all students who reside in California. Live Oak affirms its commitment to non-discrimination in its admissions practices. Live Oak does not discriminate on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics.

Students who have been expelled from another school may require special consideration by the Board and may not be admitted.

### 9.2 ENROLLMENT PROCEDURE

The yearly admission cycle, including open enrollment and a random public drawing (or “lottery”) is conducted between January and March of each year. The Charter School’s Executive Director determines the specific application deadline and notification date for each school year. Live Oak will hold one annual lottery that provides applicants with an equal opportunity to attend the Charter School, based upon admission preferences listed below. The lottery is a random selection process by which applicants, with the exception of existing students, who are guaranteed admission in the following school year, are admitted or are placed on a wait list to enroll at the Charter School.

In accordance with Education Code Sections 49011 and 47605(d)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

#### 9.2.1 ENROLLMENT PRIORITIES

Given the civic imperative for charter schools to offer innovative, effective education to the general public, Live Oak is committed to enrollment procedures that are fair and without impediment to families in our local service area. Admission preferences in the

case of a public random drawing shall be given to the following students in the following order:

1. Siblings of students admitted to or attending the Charter School
2. Children of Charter School staff
3. Children who reside in the elementary school attendance area where the Charter School schoolsite is located.
4. Children residing in the Petaluma City Elementary School District
5. All other applicants.

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

### **9.2.2 LOTTERY PROCESS**

The Charter School shall publish a list of the rules to be followed during the lottery process on the admissions webpage of the Charter School's website. 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 Executive Director).

The lottery will take place on the Charter School's campus in a facility large enough to allow all interested parties to observe the drawing, or at another public venue near the Charter School large enough to accommodate all interested parties. The lottery will occur on a weekday evening or other time when most interested parties who wish to attend may do so.

Applicants qualifying for multiple preference groups may participate in the selection process for all preference groups for which they qualify. The steps for the lottery process are as follows:

1. Siblings of students admitted to or attending Live Oak will be admitted. If the number of applicants in this group who wish to attend an individual grade exceeds the available openings for that grade, a lottery will be conducted among this group of applicants for that grade. This lottery will be used to generate a rank order for students in this group who were not selected for admission. This rank order will be used to establish a waiting list for each grade that will be in effect until the list is exhausted or the next annual admission process is held.
2. Children of the school staff will then be admitted using the same procedure used for admitting siblings of Live Oak students.
3. Children residing in attendance area of the District school with the highest percentage of unduplicated students (McDowell in 2018) will then be admitted using the same procedure used for admitting siblings of Live Oak students.
4. Children residing in the District will then be admitted using the same procedure used for admitting siblings of Live Oak students.
5. All remaining applicants (i.e. those not in a preference group) will then be admitted using the same procedure used for admitting siblings of Live Oak students.
6. A single waiting list will be established for each grade except for kindergarten, which may have separate waiting lists for children in the one-year program and the

two-year program. The rank order of the waiting list will be based on the different preference groups and any lotteries within those groups.

7. In the event a space becomes available in any grade, Live Oak shall notify the parent of the next student in that grade on the wait list of the opening. Contact will be made by telephone and e-mail on three separate occasions. If the Charter School does not hear from the parent within seven (7) calendar days, or the parent declines the offer, Live Oak shall follow the same procedure for the next student on the list.
8. Late applications will be allowed to fill any available openings. If no openings are available, late applicants will be placed in a hold file until the pre-existing wait list is expended. Upon expending the pre-existing wait list, the hold file applications will be retrieved, and priority rank will be assigned to the applications according to the same process described in 1-6.

The Charter School shall securely maintain the records from each lottery for one calendar year from the date of the lottery.

## **10 ANNUAL INDEPENDENT FINANCIAL AUDIT**

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

Live Oak meets all mandated financial reporting deadlines, including preliminary and final annual budgets, and the first and second interim reports, as stipulated in state guidelines for reporting.

An annual independent financial audit of the books and records of Live Oak is conducted 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, through a request for proposal format, an independent auditor and oversees the completion of an annual audit of the Charter School's financial affairs. The auditor will have, at a minimum, a CPA and educational institution audit experience and will be approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The audit reviews the Charter School's internal controls and verifies the accuracy of the Charter School's financial statements, accounting practices, attendance, and enrollment. The audit is conducted in accordance with generally accepted accounting principles applicable to the Charter School. The annual audit is completed within six months of the close of the fiscal year. Copies of the auditor's findings are forwarded to District, the County Superintendent of Schools, the State Controller, and California Department of Education, as required by law.

The Board reviews any audit exceptions or deficiencies and decides how to resolve them. The Board reports to the District, regarding how any exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same, by no later than March 15 each year. 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

## 11 SUSPENSION AND EXPULSION PROCEDURES

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

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

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

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

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

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

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

Students of Live Oak Charter School may be suspended or expelled pursuant to the Charter School Discipline, Suspension and Expulsion Board Policy (attached as Appendix "E"), which complies with federal and state constitutional procedural and substantive due process requirements. The Charter School handbook (attached as Appendix "F") clearly describes Live Oak's expectations regarding attendance, participation, mutual respect, substance abuse, violence, safety, and work habits. The parent or guardian of each student will be required to verify that he or she has reviewed and understands the handbook prior to enrollment.

Live Oak will employ Social-Emotional Learning and behavior intervention supports to reduce the potential for significant discipline issues from occurring. Restorative practices will be used when appropriate

Any student who engages in repeated violations of the Charter School's behavioral or academic expectations will be required to attend a meeting with his or her parent or guardian, teacher, and the Charter School's administrator. The Charter School will prepare a specific, written remediation agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations, which may include, but are not limited to, suspension and expulsion. The Charter School's administrator will have the authority to suspend students who fail to meet the Charter School's expectations. The authority to expel rests with the Board, with the recommendation of the Charter School administrator.

A student who represents an immediate threat to health and safety may be immediately suspended pending the meeting with his or her parent or guardian, teacher, and the Charter School administrator.

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 him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing specified below for suspensions, 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 pursuant to the Suspension and Expulsion Policy.

Federal due process requirements for students with disabilities will be observed.

## **12.1 Suspension and Expulsion Policy**

Students attending Live Oak Charter School shall be subject to discipline in accordance with the provisions herein.

In general, no student in the Charter School shall be suspended or expelled from school without a finding by the Executive Director or designee that lesser remedies have failed to resolve the problem, or that there are no appropriate lesser remedies.

Staff shall enforce disciplinary rules fairly, consistently and without discrimination. The Board of Education shall notify each student's parent/guardian at the beginning of the school year of the availability of rules of the Charter School pertaining to student discipline. The Executive Director of the school shall notify students of all rules pertaining to student discipline at the beginning of the school year or at the time of enrollment in the schools. Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. The school may develop disciplinary rules to meet the school's individual needs.

### **Recess Restriction**

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the Executive Director of any recess restrictions they impose.

## **Detention after School**

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.

If a student will miss his/her transportation on account of being detained after school, the Executive Director or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the Executive Director or designee speaks to the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs.

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

## **Suspension from School**

### *Suspension: Definitions*

- Suspension from school means removal of a student from ongoing instruction for adjustment purposes.
- Day means a calendar day unless otherwise specifically provided.
- School-day means a day upon which the schools of the Charter School are in session or weekdays during the summer recess.
- Student includes a student's parent or guardian or legal counsel.
- Student with Previously Identified Exceptional Needs means a student who meets the requirements of Education Code 5206 and who, at the time the alleged misconduct occurred, was enrolled in a special education program.
- Executive Director's Designee means one or more administrators at a school site specifically designated by the Executive Director, in writing, to assist with disciplinary procedures.
- In the event there is not an administrator besides the Executive Director at a school site, the Executive Director may specifically designate, in writing, a certificated employee at the school site to assist with disciplinary procedures. Only one such certificated employee at a time may be designated as the Executive Director's primary designee for the school year.
- An additional certificated person may be designated by the Executive Director, in writing, to assist with disciplinary procedures when both the Executive Director and Executive Director's primary designee are absent from the school site. The name of the additional person and the person(s) designated as "Executive Director's designee", shall be on file in the Executive Director's office.
- Habitual means a frequent repetition.

- 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 \$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 Charter School property, or the personal property of the person threatened or his or her immediate family.

### **Suspension: Authority to Suspend**

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a student, including a student with previously identified exceptional needs, may be suspended from the school for not more than five consecutive school days for any of the reasons in Education Code [48900](#) upon a first offense, if the Executive Director or Executive Director determines the student has committed any of the acts enumerated in Education Code [48900](#) (a)-(e) or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

### **Suspension: Grounds for Suspension or Expulsion**

A student may be suspended for any of the acts listed in Education Code [48900](#), Education Code [48900.2](#), [48900.3](#), [48900.4](#) or Education Code [48901.5](#) if the act is related to school activity or school attendance occurring within a school under the jurisdiction of the Executive Director or the Executive Director or occurring within any other school Charter School(s), including but not limited to the following circumstances:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the school campus.
4. During, or going to or coming from, a school-sponsored/school related activity.

A student may not be suspended or recommended for expulsion unless the Executive Director or the Executive Director of the school in which the student is enrolled determines that the student has:

1. (1) Caused, attempted to cause, or threatened to cause physical injury to another person;  
or
1. (2) Willfully used force or violence upon the person of another, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission from a certificated school employee, which is concurred in by the Executive Director or the Executive Director's designee.

3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
4. Unlawfully offered or arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stolen or attempted to steal school property or private property.
8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this does not prohibit use or possession by a student of his or her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in 11014.5 of the Health and Safety Code.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in 243.4 of the Penal Code.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
16. Aids or abets the infliction or attempted infliction of physical injury to another person.
17. Committed sexual harassment as defined in Education Code [212.5](#). This conduct 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 subsection shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive.

18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Education Code [233](#). This sub-section applies to students enrolled in any of grades 4 to 12, inclusive
19. Intentionally engaged in harassment, threats, or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile education environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.
20. Making terroristic threats, as defined, against school officials or school property, or both.

### **Alternatives to Suspension**

Alternatives to suspension or expulsion will be used with students who are truants, tardy, or otherwise absent from assigned school activities. In lieu of disciplinary action prescribed by this policy, the Executive Director of a school, the Executive Director's designee, the Executive Director, or the governing board may require a student to perform community service on school grounds during nonschool hours. For purposes of this subsection "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This sub-section does not apply if suspension or expulsion is required by this Policy or the Education Code.

## **SUSPENSION: PROCEDURES**

### **Suspension by Teacher**

A teacher may suspend any student from his/her class, for any of the acts enumerated in Education Code [48900](#) for the day of the suspension and the day following.

The teacher shall immediately report the suspension to the Executive Director of the school and send the student to the Executive Director or designee for appropriate action. As soon as possible, the teacher shall telephone or write to the parent or guardian of the student asking them to attend a parent/teacher conference regarding the suspension.

Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests.

The student shall not be returned to the class from which he/she was suspended, during the period of the suspension, without the concurrence of the teacher and the Executive Director. A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more than one class per day, this paragraph shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended.

A teacher may also refer a student, for any of the acts enumerated in Education Code [48900](#), [48900.2](#), [48900.3](#), [48900.4](#) and [48901.5](#), to the Executive Director for consideration of a suspension from the school.

### **Suspension by Executive Director, Executive Director or Executive Director's Designee**

The Executive Director of the school, the Executive Director's designee, or the Executive Director may suspend a student from the school for any of the acts enumerated in Education Code [48900](#), [48900.2](#), [48900.3](#), [48900.4](#) and [48901.5](#), and pursuant to Education Code [48900.5](#) for not more than five consecutive school days.

### **Pre-suspension Conference**

Suspension shall be preceded by an informal conference conducted by the Executive Director or his designee or the Executive Director between the student, and whenever practicable, the teacher or supervisor or school employee who referred the student to the Executive Director or his designee or the Executive Director. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense.

### **Exception: Emergency Situation**

This pre-suspension conference may be omitted only if the Executive Director or Executive Director's designee or Executive Director determines that an emergency situation exists. "Emergency situation" means a situation determined by the Executive Director, the Executive Director's designee, or the Executive Director to constitute a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it, or is physically unable to attend for any reason; in such case the conference shall then be held as soon as the student is physically able to return to school.

### **Notice to Parents**

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian in person or by telephone.

A notice of the suspension shall be mailed to the parent/guardian of the suspended student. The notice shall be in the primary language of the parent/guardian insofar as is practicable. The notice shall include the following:

1. A statement of the facts leading to the decision to suspend.
2. The date and time when the student will be allowed to return to school.
3. A statement of the right of the student or parent/guardian to request a meeting with the Executive Director or Executive Director's designee.
4. A statement of the parent/guardian's or the student's right to have access to the student's record as provided by Education Code [49069](#).
5. A request that the parent/guardian attend the informal conference with school officials regarding the student's behavior, including notice that state law requires

parent/guardian to respond to such request without delay.

While the parent/guardian is required to respond without delay to a request for a conference regarding his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference, nor may the readmission of the student be contingent on the attendance by the student's parent/guardian at such conference.

A school employee shall report the suspension of the student, including the cause therefor, to the Charter School Executive Director.

### **Notice to Parents Upon Release of Minor Student to Peace Officer**

When a Executive Director or other school official releases a student to a peace officer in order to remove the minor from the school premises, with the exception of cases involving suspected child abuse, the school official shall take immediate steps to notify the parent/guardian or responsible relative of the student that the student has been released to the officer, and the place to which the student is reportedly being taken. In cases involving suspected child abuse, the school official shall provide the peace officer with the address and telephone number of the student's parent or guardian.

### **Notice to Law Enforcement Authorities**

The Executive Director of a school or the Executive Director's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate Section 245 of the Penal Code, relating to assault with a deadly weapon or force likely to produce great bodily harm.

The Executive Director of a school or the Executive Director's designee shall within one schoolday of the suspension or expulsion of any student by telephone or other appropriate method chosen by the school, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate subdivision (c) or (d) of Education Code [48900](#).

The Executive Director or the Executive Director's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of the student which may involve the possession or sale of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code relating to bringing or possessing on school grounds a firearm, a knife having a fixed blade longer than 2-1/2 inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, a stun gun or any instrument that expels a metallic projectile such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun.

### **Meeting with Executive Director or Executive Director's Designee**

If suspension is ordered by a Executive Director or a Executive Director's designee, the student or the student's parent/guardian shall have the right to request a meeting with the Executive Director or Executive Director's designee to discuss the causes, the duration, the school policy involved and other matters pertinent to the suspension.

If, after the meeting, the Executive Director or Executive Director's designee determines that no violation occurred, all records and documentation regarding disciplinary proceedings and suspension shall be destroyed immediately, and no information regarding the meeting shall be placed in the student's permanent record file or communicated to any person not directly involved in the disciplinary proceedings. If the determination is that the penalty imposed was inappropriate for the violation, the records and documentation concerning the suspension shall be revised to indicate only the facts leading to any other disciplinary action imposed by the Executive Director or the Executive Director's designee.

### **Suspension by Board of Education**

The governing board may suspend a student from school for any of the acts listed under Education Code [48900](#), [48900.2](#) and [48901.5](#) for any number of school days not to exceed twenty school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension shall not exceed thirty school days in any school year.

### **Hearing By Board of Education/Closed Session**

If the governing board is considering a suspension, disciplinary action, or any other action, except expulsion, against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code [49073](#) et. seq. The student may request, however, a public meeting and the request shall be granted if made in writing and served upon the clerk or secretary of the governing board within 48 hours after receipt of the board's notice of closed session, except any discussion at the meeting that may be in conflict with any other student's right to privacy, shall be in closed session.

### **12 Board Notice of Closed Session**

Before calling a closed session to consider suspension of, disciplinary action against, or any other action against a student except expulsion, the governing board shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent or guardian of the intent of the governing board to call and hold a closed session.

### **13 Suspension: Limitations on Suspensions**

A student may be suspended for no more than five consecutive school days for any of the reasons enumerated above under grounds for suspension, unless the student is suspended by the governing board which may suspend for any number of consecutive school days not to exceed twenty school days in a school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension by the governing board shall not exceed thirty consecutive school days in any school year.

A student shall be suspended for no more than twenty school days in a school year, unless for purpose of adjustment a student is enrolled or transferred to another regular school, an

opportunity school or class, or a continuation education school or class, in which case suspension shall not exceed thirty school days of suspension in one school year. Suspensions that occur while a student is enrolled in another school Charter School are counted in calculating the maximum number of days of suspension.

Notwithstanding the above paragraphs, if an expulsion of the suspended student is being processed by the governing board, the suspension may be extended by the Executive Director, or a person designated by the Executive Director, in writing, until such time as the governing board has rendered a decision.

Before acting to extend the suspension, the Executive Director or Executive Director's designee shall notify the student and the student's parent/guardian of the proposed extension with an offer to hold a conference concerning the extension to give the student and the student's parent/guardian an opportunity to be heard on the extension. Following the meeting in which the student and the student's parent/guardian are invited to participate, the Executive Director may extend the suspension only upon first determining that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

If the student or the student's parent/guardian requested a meeting to challenge the original suspension by a Executive Director or Executive Director's designee, that meeting may be held to decide both the merits of the suspension and the extension of the suspension order.

Notwithstanding the above paragraphs, an individual with exceptional needs may be suspended for up to, but not more than, 10 consecutive schooldays if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed 10 consecutive schooldays, or the student's placement may be changed, or both, if either of the following occurs:

- The student's parent or guardian agrees.
- A court order so provides.

#### **14 Suspension: Supervised Suspension Classroom**

A student suspended from a school for any of the reasons enumerated in "Grounds for Suspension or Expulsion" of this Policy may be assigned, by the Executive Director or the Executive Director's designee, to a supervised suspension classroom for the entire period of suspension if the student poses no imminent danger or threat to the campus, students or staff, or if an action to expel the student has not been initiated.

Students assigned to a supervised classroom shall be separated from other students at the schoolsite for the period of suspension in a separate classroom, building, or site for students under suspension.

Each student in the supervised suspension classroom is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the student is assigned to the classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, a school employee shall attempt to notify, in person or by telephone, the student's parent or guardian. Whenever a student is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify the student's parent or guardian in writing.

## **EXPULSION**

### **Expulsion: Definitions**

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel, as those terms are used in Education Code [46300](#).

Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. (Penal Code [12001](#))

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

Assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (Penal Code [240](#)).

Battery is any willful and unlawful use of force or violence upon the person of another (Penal Code [242](#)).

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 Charter School property, or the personal property of the person threatened or his or her immediate family.

Legal Counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California

Nonattorney Advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or the student's parent or guardian to provide assistance at the hearing

## **15 Expulsion: Authority to Expel**

A student may be expelled only by the governing board.

## **16 Expulsion: Grounds for Expulsion**

For a student to be expelled for any grounds enumerated in this section, the act must have been committed at school or at a school activity off school grounds as defined in section 48900:

The Executive Director or the Executive Director of schools shall recommend the expulsion of a student for any of the following acts, unless the Executive Director or Executive Director finds that expulsion is inappropriate, due to the particular circumstance:

1. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or (2) Willfully used force or violence upon the person of another, except in self-defense.
2. Possession of any knife, explosive or other dangerous object of no reasonable use to the student at school or at a school activity off school grounds.
3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee. (Education Code [48915\(a\)](#))

Upon recommendation by the Executive Director, Executive Director, or hearing officer/administrative panel, the Board may order a student expelled upon finding that the student violated the above "Grounds for Expulsion" (1)-(5) or committed any of the following acts:

1. Caused, attempted to cause, or threatened to cause physical injury to another person (Education Code [48900\(a\)](#)).
2. Possessed, sold or otherwise furnished any firearm, knife, 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, which is concurred in by the Executive Director or the designee of the Executive Director. [Education Code [48900\(b\)](#)].
3. Unlawfully possessed, used, sold or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. [Education Code Section 48900(c)].
4. Unlawfully offered, arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered or otherwise furnished to any person another liquid, substance, or material and

represented the liquid, substance or material as a controlled substance, alcoholic beverage or intoxicant. [Education Code [48900\(d\)](#)].

5. Committed or attempted to commit robbery or extortion. [Education Code [48900\(e\)](#)] And one or both of the following:
  - a. that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or
  - b. that due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

The Executive Director or the Executive Director of schools shall immediately suspend pursuant to Education Code [48911](#) and shall recommend to the governing board the expulsion of a student that he or she determines has committed any of the following acts:

1. Possessing, selling, or otherwise furnishing a firearm except with prior written permission to possess the firearm from a certificated employee, concurred in by the Executive Director or the designee of the Executive Director. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of the Charter School.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with 11053) of Division 10 of the Health and Safety Code.
4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of 48900 or committing a sexual battery as defined in subdivision (n) of 48900.

The governing board shall order a student expelled upon finding that the student committed an act listed in Education Code [48915\(c\)](#) for a minimum of one year from the date of the expulsion, except that the governing board may set an earlier readmission date on a case-by-case basis, and shall refer that student to a program of study that meets all the following conditions:

1. Is appropriately prepared to accommodate students who exhibit discipline problems.
2. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
3. Is not housed at the schoolsite attended by the student at the time of the suspension.

The governing board may order a student expelled upon recommendation by the Executive Director, Executive Director, hearing officer/administrative panel and upon finding that the student violated any of the following:

1. Caused or attempted to cause damage to school property or private property. [Education Code [48900\(f\)](#)]
2. Stolen or attempted to steal school property or private property. [Education Code [48900\(g\)](#)].
3. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clover cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this does not prohibit

use or possession by a student of his or her own prescription products. [Education Code [48900\(h\)](#)].

4. Committed an obscene act or engaged in habitual profanity or vulgarity. [Education Code [48900\(i\)](#)].
5. Had unlawful possession of or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. [Education Code [48900\(j\)](#)].
6. Knowingly received stolen school property or private property. [Education Code [48900\(1\)](#)].
7. Possessed an imitation firearm. As used in this section, "Imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. [Education Code [48900\(m\)](#)].
8. Committed sexual harassment as defined in Education Code [212.5](#). This conduct 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 subsection shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive. (Education Code [48900.2](#)).
9. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Education Code 33032.5. This subsection applies to students enrolled in any of grades 4 to 12 inclusive.
10. Intentionally engaged in harassment, threats, or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile education environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive. (Education Code Section 48900.4) and either of the following:
  - a. that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or
  - b. that due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

The governing board shall refer a student who has been expelled pursuant to subsection 2 or 5 to a program of study that meets all the conditions specified in subsection 4.

However, students expelled pursuant to subsection 5 may be referred to a comprehensive middle, junior or senior high school, or an elementary school, if the county Executive Director of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior or senior high school, or an elementary school.

## **Expulsion: Students with Previously Identified Exceptional Needs Conditions for Expulsion**

In a matter involving a student with previously identified exceptional needs who is currently enrolled in a special education program, the governing board may order a student expelled pursuant to Education Code [48915](#)(b) and (d) only if all of the following conditions are met:

1. An individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with 56340) of Chapter 2 of Part 30 of the Education Code.
2. The team determines that the misconduct was not caused by, or was not a direct manifestation of, the student's identified disability.
3. The team determines that the student had been appropriately placed at the time the misconduct occurred. (Education Code [48915.5](#) (a))

## **Exception to Parental Consent**

All applicable procedural safeguards prescribed by federal and state laws and regulations apply to proceedings to expel students with previously identified exceptional needs, except that notwithstanding 56321, subdivision (e) of 56506, or any other provision of law, parental consent is not required prior to conducting a pre-expulsion educational assessment pursuant to subdivision 4 or as a condition of the final decision of the local board to expel.

## **Notice to Parents**

The parent of each student with previously identified exceptional needs has the right to participate in the individualized education program team meeting following the completion of a pre-expulsion assessment pursuant to subdivision 4 through actual participation, representation, or a telephone conference call. The meeting shall be held at a time and place mutually convenient to the parent and the school Charter School within the period, if any, of the student's pre-expulsion suspension. A telephone conference call may be substituted for the meeting. Each parent shall be notified of his or her right to participate in the meeting at least 48 hours prior to the meeting. Unless a parent has requested a postponement, the meeting may be conducted without the parent's participation, if the notice required by this paragraph has been provided. The notice shall specify that the meeting may be held without the parent's participation, unless the parent requests a postponement for up to three additional schooldays pursuant to this subdivision. Each parent may request that the meeting be postponed for up to three additional school days. In the event that a postponement has been granted, the school Charter School may extend any suspension of a student for the period of postponement if the student continues to pose an immediate threat to the safety of himself, herself, or others and the local educational agency notifies that the suspension will be continued during the postponement. However, the suspension shall not be extended beyond 10 consecutive schooldays unless agreed to by the parent or by a court order. If a parent who has received proper notice of the meeting refuses to consent to an extension beyond 10 consecutive schooldays and chooses not to participate, the meeting may be conducted without the parent's participation.

### **Decision Based on Preexpulsion Educational Assessment**

In determining whether a student should be expelled, the individualized education program team shall base its decision on the results of a preexpulsion educational assessment conducted in accordance with the guidelines of Section 104.35 of Title 34 of the Code of Federal Regulations, which shall include a review of appropriateness of the student's placement at the time of the alleged misconduct, and a determination of the relationship, if any, between the student's behavior and his or her disability.

In addition to the pre-expulsion educational assessment results, the individualized education program team shall also review and consider the student's health records and school discipline records. The parent, pursuant to Section 300.504 of Title 34 of the Code of Federal Regulations, is entitled to written notice of the local educational agency's intent to conduct a pre-expulsion assessment. The parent shall make the student available for the assessment at a site designated by the local educational agency without delay. The parent's right to an independent assessment under Education Code [56329](#) applies despite the fact that the student has been referred for expulsion.

### **Decision of IEP Team**

If the individualized education program team determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to the applicable disciplinary actions and procedures prescribed under this Student Suspension/Expulsion Policy.

### **Appeal of Decision of IEP Team**

The parent of each student with previously identified exceptional needs has the right to a due process hearing conducted pursuant to Section 1415 of Title 20 of the United States Code if the parent disagrees with the decision of the individualized education program team or if the parent disagrees with the decision to rely upon information obtained, or proposed to be obtained.

### **Extension of Timelines Pending Appeal**

No hearing shall be conducted for an individual with exceptional needs until all of the following have occurred:

1. A pre-expulsion assessment is conducted.
2. The individualized education program team meets pursuant to subdivision (a).
3. Due process hearings and appeals, if initiated pursuant to Section 1415 of Title 20 of the United States Code, are completed.

Pursuant to subdivision (a) of Education Code [48918](#), the statutory times prescribed for expulsion proceedings for individuals with exceptional needs shall commence after the completion of paragraphs 1, 2, and 3, above.

### **Transportation**

If an individual with exceptional needs is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent.

## **Exceptions**

The restrictions and special procedures provided in Section 48915.5 for the expulsion of a student with exceptional needs shall not apply when the student possessed a firearm, knife, explosive, or other dangerous object of no reasonable use to the student, or the student committed or attempted to commit a sexual assault or committed sexual battery, at school or at a school activity off school grounds, unless for these acts the restrictions and special procedures in Section 48915.5 are mandated under federal law, including Section 1415 of Title 20 of the United States Code.

## **Expulsion: Procedures**

Recommendation to Board of Education

Where the Executive Director or Executive Director recommends to the governing board the expulsion of a student, he will prepare a report of the case to include:

1. The student's academic and attendance records. Transcript of grades/credit to date will be required for secondary students.
2. A chronological account of the development of the case and a statement of the conduct and recitation of the facts leading to the decision to recommend expulsion.
3. A description of actions taken by the school to correct the student's previous misbehavior and the effect the corrective action has had on the student.
4. A record of contacts with other agencies and the results of such contacts.
5. A description of contacts with the parents or guardian made by school personnel, including the purpose of the contacts, apparent reaction of parents or guardians, and effect on the student's behavior.
6. A copy of the summary of the final parent-student-Executive Director conference, if any.
7. A recommendation as to the time when the case should be reviewed, and the conditions, if any, which should be met before the student's return to school.
8. This report may be used by the Board in determining disciplinary action should it find that the student committed any of the acts enumerated in "Grounds for Expulsion".
9. A copy of the report shall be provided the student and student's parent/guardian.

## **Student's Right to Hearing**

An expulsion hearing shall be held within thirty schooldays after the date the Executive Director or the Executive Director of schools determines the student has committed any of the acts enumerated in Education Code [48900](#) et seq.

The student may request in writing a postponement of the hearing not to exceed thirty calendar days of an expulsion hearing. Any additional postponement may be granted at the discretion of the governing board.

The Executive Director or the Executive Director's designee may, for good cause, extend the time period for the expulsion hearing for an additional five school days, in the event that compliance by the governing board with the time requirements is impracticable. Reasons for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted. Once the hearing begins, it shall be conducted with reasonable diligence and concluded without unnecessary delay.

**Written Notice of the Hearing:**

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days prior to the date of the hearing. Such notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of disciplinary rules of the Charter School which relate to the alleged violation.
4. A notice of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1 to notify any other school Charter School in which the student attempts to enroll of the student's suspension for an offense listed in Section 48915.
5. The opportunity of the student or the student's parent/guardian to:
  - a. appear in person or to employ and be represented by legal counsel or by a nonattorney adviser.
  - b. inspect and obtain copies of all documents to be used at the hearing.
  - c. confront and question all witnesses who testify at the hearing.
  - d. question all evidence presented, and present oral documentary evidence on the student's behalf, including witnesses.
6. In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice prior to being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Prior to a complaining witness testifying, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.

**Conduct of Hearing Closed Session:**

Notwithstanding the provisions of Government Code [54953](#) and Education Code Section 35145, the governing board shall conduct a hearing to consider the expulsion of the student in a session closed to the public, unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted at a public meeting. If such request is made of the governing

board, the meeting shall be public. Whether the expulsion hearing is held in closed or public session, the board may meet in closed session to deliberate and determine whether the student should be expelled. The parent/guardian of the student, the student, and the counsel of the student, shall be allowed to attend the closed session if the governing board admits any other person to the closed session.

**17 Public Meeting , Rights of Complaining Witness.**

If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed- circuit television.

**Record of Hearing:**

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

**Failure to Make Objections:**

If the student, parent, guardian or attorney fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.

**Presentation of Evidence:**

Upon a finding that good cause exists the governing board or hearing officer/administrative panel may determine that either the identity of a witness or the testimony of the witness at the hearing, or both may 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 which shall be examined only by the governing board or the hearing officer/administrative panel. Copies of these sworn declarations, which are edited to delete the name and identity of the witness, shall be made available to the student.

**Technical Rules of Evidence Do Not Apply:**

Technical rules of evidence shall not apply to the hearing except that relevant evidence may be admitted and used as proof only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding except as provided in the above paragraph "Failure to Make Objections" or unless it would be admissible over objection in a civil action. The decision of the governing board to expel shall be based upon the substantial evidence showing that the student committed any of the above acts enumerated in "Grounds for Expulsion".

**Hearings Which Include Section 48900(n) Allegations.**

In hearings which include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

**Subpoenas:**

Before the hearing has commenced, the governing board may issue subpoenas at the request of either the Executive Director or the Executive Director's designee or the student.

Subpoenas shall only be issued for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board, hearing officer or administrative panel may issue subpoenas at the request of the Executive Director, Executive Director's designee or the student. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure.

Enforcement of subpoenas shall be done in accordance with Section 11525 of the Government Code.

Any objection raised by the Executive Director or the Executive Director's designee or the student to the issuance of subpoenas may be considered by the governing board in closed session, or in open session, if so requested by the student before the meeting. Any decision by the governing board in response to an objection to the issuance of subpoenas shall be final and binding.

If the governing board, hearing officer, or administrative panel determines, in accordance with subdivision (f) of Section 48918, that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).

Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

**Final Action By Board of Education:**

Whether the student expulsion hearing is conducted in closed or public session, by the governing board or by a hearing officer/administrative panel, the final action to expel shall be taken by the governing board at a public session.

**Time of Decision:**

The decision of the governing board, if it conducts the expulsion hearing, whether to expel a student shall be made within 10 schooldays following the conclusion of the hearing, unless the student requests in writing the decision be postponed.

If the governing board does not conduct the hearing or if the governing board does not meet on a weekly basis, the decision of the governing board whether to expel a student shall be made within 40 schooldays after the date of the student's removal from his or her school of attendance for the incident on which the expulsion is based, unless the student requests in writing that the decision be postponed.

**Maintenance of Records:**

The governing board will maintain a record of each expulsion, including the cause therefor, in the form of an ongoing log of student expulsions. The log shall contain the following information: the school attended by the expelled student, the date of the expulsion hearing, the cause for expulsion, and the date set for applying for readmission. However, the log shall not identify the expelled student by name. The log shall be made available to the public in the Charter School's administration office. The expulsion order shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon a request by the admitting school for the student's school record.

**Written Notice to Expel**

Written notice of the decision to expel or to suspend the enforcement of an expulsion order shall be sent to the student or student's parent/guardian by the Executive Director or the Executive Director's designee. Such notice shall include notice of the right to appeal such expulsion to the county board of education, a notice of the education alternative placement to be provided to the student during the time of expulsion and of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1, upon the student's enrollment in a new school Charter School, to inform that school Charter School of the student's expulsion. The student and student's parent/guardian shall be notified at the time the expulsion order is entered of the procedure for filing and processing a request for readmission, and the process for the required review of all expelled students for readmission. Notwithstanding the completion of the readmission process, the governing board may deny readmission.

Special Rules and Regulations For Hearings Involving Allegations Pursuant to 48900(n). At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to:

- (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing,
- (2) have up to two adult support persons of his or her choosing, present in the hearing at the time he or she testifies; and
- (3) to have the hearing closed during the time

they testify pursuant to subdivision (c) of Section 48918.

An expulsion hearing may be postponed for one schoolday in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations arise under subdivision (n) of Section 48900.

The Charter School shall provide a non-threatening environment for a complaining witness in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. The Charter School shall provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. In the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness's support persons to accompany him or her to the witness stand.

Whenever any allegation is made of conduct violative of subdivision (n) of Section 48900, complaining witnesses and accused students are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.

#### **Alternative Hearing By Hearing Officer or Panel**

In lieu of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer to conduct the hearing. Alternatively, the board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board of Education or employed on the staff of the school in which the student is enrolled. (Education Code [48918](#)(d) and (f)) Within three school days following the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the student to the governing board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student shall immediately be reinstated, or permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs.

Placement in one or more of these programs shall be made by the Executive Director or the Executive Director's designee after consultation with school Charter School personnel, including the student's teachers, and the student's parent or guardian. The decision not to recommend expulsion shall be final.

If the hearing officer or administrative panel recommends expulsion, findings or fact in support of the recommendation shall be prepared and submitted to the governing board. All

findings of facts and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing that the governing board may order.

A hearing conducted by the hearing officer or administrative panel shall be conducted in accordance with "Conduct of Hearing".

**Expulsion; Readmission; Rehabilitation Plan**

Upon the hearing officer's administrative panel's recommendation against expulsion, or following the governing board's own decision after the hearing not to expel, the student shall be reinstated immediately to a classroom instructional program, rehabilitation program or any combination of such programs by the Executive Director or Executive Director's designee after consultation with Charter School personnel including the student's teacher(s) and the parent/guardian of the student.

An expulsion order shall remain in effect until the governing board orders the readmission of the student. At the time the governing board orders expulsion of a student for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the Charter School or to the school the student last attended. For students expelled pursuant to 48915(c) the earliest date for readmission shall be one-year from the date the expulsion occurred, except that the governing board may set an earlier readmission date on a case-by-case basis. At the time of the expulsion order the governing board shall recommend a plan for rehabilitation for the student, which may include, but is not limited to:

1. Periodic review and assessment at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and/or other rehabilitation programs.
3. With parental/guardian consent, enrollment in a county-supported drug rehabilitation program if the offense was related to controlled substances as defined in Sections 11054 to 11058, inclusive of the Health and Safety Code, or alcohol.

A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Executive Director or the Executive Director's designee.

The Executive Director or the Executive Director's designee will hold a conference with the parent/guardian and the student. At the conference the conditions for readmission will be reviewed and verification obtained that the conditions have been met. School regulations will be reviewed and the student and the student's parent/guardian will be asked to indicate in writing their willingness to comply with the regulations.

The Executive Director will transmit the request to the governing board for consideration together with the Executive Director's recommendation. The governing board may consider

the request in closed session, however, the consideration will be in open session if a written request for open session is received from the student or the student's parent/guardian. The governing board shall readmit the student, unless the governing board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the Charter School.

If the governing board denies the readmission of an expelled student pursuant to paragraph 5, above, the governing board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student, or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in county community school. The Executive Director will notify the student or the student's parent/guardian, by registered or certified mail, or by personal delivery, of the decision of the governing board regarding readmission of the student in school. If the governing board denies readmission, the written notice shall include the reasons for denying readmittance and the determination of the educational program placement made by the governing board. The expelled student shall enroll in that program unless the parent or guardian of the student elects to enroll the student in another school Charter School.

**Expulsion: Suspension of Expulsion Suspension of the Expulsion:**

The governing board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year. The governing board's criteria for suspending the enforcement of an expulsion order shall be applied equally to all students including individuals with exceptional needs.

**Conditions of Suspension of Expulsion Order**

As a condition of the suspension of the expulsion order, the governing board may assign the student to a school, class or program which it deems appropriate for the student's

rehabilitation. The rehabilitation program may provide for the involvement of the student's parent or guardian in his or her child's education in ways that are specified in the program. Refusal by the parent or guardian to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the student has satisfactorily completed the program.

During this period of suspension of the expulsion order, the student shall be on probationary status.

The suspension of the expulsion order may be revoked by the governing board upon the student's commission of any of the acts enumerated in Education Code [48900](#) or [48900.2](#), or for any violation of the Charter School's rules and regulations governing student conduct. Revocation of Expulsion Order: Upon revocation of the suspension of an expulsion order, a student may be expelled under the terms of the original expulsion order.

Readmission of Student: Upon satisfactory completion of the rehabilitation assignment of a student, the governing board shall reinstate the student in a school or the Charter School and may order the expungement of any or all records of the expulsion proceedings.

### **Expulsion: Right to Appeal**

The student or the student's parent/guardian is entitled to file an appeal of the decision of the governing board to the county board of education.

The appeal must be filed within thirty days following the decision of the governing board to expel, even if the expulsion order is suspended and the student is placed on probationary status.

### **Expelled Individuals, Enrollment**

A student expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school Charter School during the period of expulsion unless it is a community school pursuant to subdivision (c) of Section 1981, a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Section 48660 et seq.

If the governing board receives a request from an individual who has been expelled from another school Charter School for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school Charter School, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the students or employees of the school Charter School. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of students as described in Section 48918 and this policy. The school Charter School may request information from another school Charter School regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school Charter School receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.

If a student has been expelled from his or her previous school for offenses other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or student, if the student is emancipated or otherwise legally of age, shall, upon enrollment, inform the school Charter School of his or her status with the previous school Charter School. If this information is not provided to the school Charter School and the school Charter School later determines the student was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing, as required above.

The governing board may make a determination to deny enrollment to an individual who has been expelled from another school Charter School for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the students or employees of the school Charter School.

The governing board of a school Charter School, when making its determination whether to enroll an individual who has been expelled from another school Charter School for these acts, may consider the following options:

1. Deny enrollment.
2. Permit enrollment.
3. Permit conditional enrollment in a regular school program or another educational program.

Notwithstanding any other provision of law, the governing board, after a determination has been made, pursuant to a hearing, that an individual expelled from another school Charter School for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school Charter School, shall permit the individual to enroll in a school in the school Charter School during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school Charter School, pursuant to Section 48200, or has enrolled in the school pursuant to an interCharter School agreement executed between the affected school Charter Schools pursuant to Chapter 5 of the Education Code

After a determination has been made, pursuant to a hearing, that an individual expelled from another school Charter School for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school Charter School, the Board of Education may permit the individual to enroll in a school in the school Charter School after the term of the expulsion, subject to the following conditions:

1. He/she has established legal residence in the school Charter School, pursuant to Section 48200.
2. He/she has enrolled in the school pursuant to an interCharter School agreement executed between the affected school Charter Schools pursuant to Chapter 5 of the Education Code

## **18 RETIREMENT PROGRAMS**

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

The staff at Live Oak participate in the Federal Social Security System and have access to other school-sponsored retirement plans according to policies developed by the Board and adopted as the Charter School's employee policies. The school retains the option for employees to participate in the State Teachers Retirement System and/or Public Employees Retirement System and to coordinate such participation, as appropriate, with the social security system or other reciprocal systems in the future.

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

## **19 PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

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

## **20 RETURN RIGHTS OF EMPLOYEES**

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

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

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.

## **21 DISPUTE RESOLUTION**

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

### **21.1 PUBLIC COMMENTS**

The Charter School and the Petaluma City Elementary School District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this Section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

### **21.2 DISPUTES ARISING FROM WITHIN THE CHARTER SCHOOL**

The Charter School shall have an internal dispute resolution process to be used for all internal disputes related to the Charter School's operations. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy of the Charter School's policies and internal dispute resolution process. The District shall promptly refer all disputes not related to a possible violation of the charter or law to the Charter School.

Disputes arising from within Live Oak, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and governing board members, will be resolved pursuant to policies and processes developed by the Charter School or that are stipulated in the Collective Bargaining Agreement with the Live Oak Charter Teachers Association. The District agrees not to intervene or become involved in any dispute unless the District has reasonable cause to believe that a violation of this charter or related laws or agreements has occurred; and/or the Board has requested the District to intervene in the dispute; and/or the Charter School fails, within a reasonable or legally mandated timeline, to address a complaint or problem about which the District has become aware based on its oversight role, or from the Charter School, or from reports of a third party. Nothing in this Section shall prohibit the District from conducting its oversight duties under the law..

### **21.3 DISPUTES BETWEEN THE CHARTER SCHOOL AND THE DISTRICT**

In the event that Live Oak and the District have disputes regarding the terms of this charter or any other issue regarding the Charter School and District's relationship, both parties agree to follow the process outlined below.

In the event of a dispute between Live Oak and the District, the parties agree to frame the issue in written format and refer the issue to the Superintendent, or designee, of the District and to the Charter School Administrator. In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter, the Charter School requests that this will be specifically noted in the written dispute statement, although it recognizes it cannot legally bind the District to do so. The Charter School Administrator and the Superintendent, or designee, of the District will informally meet and confer in a timely fashion to attempt to resolve the dispute relating to the provisions of the charter. The Board retains all rights for redress under the law.



## **23 CHARTER SCHOOL CLOSURE**

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

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

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

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

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

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

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including

cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33.

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

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

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

As specified by the Budget and cash flow report in Appendix "G" The Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

## **24 TERM AND RENEWAL**

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The term of this charter renewal will begin on July 1, 2019 and expire five years thereafter on June 30, 2024.

Upon agreeing that the plan has been satisfactory in its implementation, the District will renew this charter and any mutually agreeable amendments for a period of five years. This review process applies to any subsequent five-year renewal terms

## **25 MATERIAL REVISIONS**

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Any material revisions to this charter will be made in writing by the mutual agreement of the Charter School Board and the Petaluma City Elementary School District Board. All material revisions must specifically state the intent to modify or amend this Charter. Material revisions will be made pursuant to the standards and criteria in Education Code Sections 47605 and 47607. The review of and decision regarding a request for a material revision shall be performed as quickly as practicable and shall not be unreasonably delayed.

## **26 SEVERABILITY**

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The terms of this Charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the Charter will remain in effect, unless mutually agreed otherwise by the District and the Board. The District and the Charter School agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely manner, based in good faith.

## **27 FACILITIES**

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

As of the date of this Charter adoption, Live Oak is housed at 100 Gness Concourse, Petaluma, CA 94952, at the Sonoma-Marin Fairgrounds on a medium-term lease. The leaseholder, contracted service providers, and community volunteers conduct maintenance for the facility. Live Oak is included on local facilities bond opportunities to progress towards a more permanent campus and facility.

## **28 COMMUNICATIONS**

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All official communications between the Board and the District will be sent via First Class Mail or other appropriate means to the following addresses:

Live Oak Charter School  
100 Gness Concourse, #1  
Petaluma, CA 94952

Petaluma City Elementary School  
District  
200 Douglas Street  
Petaluma, CA 94952-2575

## **29 IMPACT ON AUTHORIZER**

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

### **29.1 LIABILITY AND INDEMNITY**

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

Pursuant to Education Code Section 47604(c), 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.

The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School. Further, the Charter School and the District shall enter into a memorandum of understanding, wherein the School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of the Charter School provide for indemnification of the Charter School's Board, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officers insurance, and fidelity bonding to secure against financial risks. Insurance amounts are determined by recommendation of the District and the Charter School's insurance company for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance of the Charter School.

The Board has instituted appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.

## **29.2 INFORMATION EXCHANGE AND RESPONDING TO INQUIRIES**

In accordance with Education Code Section 47604.3, Live Oak shall promptly respond to all reasonable inquiries from the District, including but not limited to, inquiries regarding financial records, and shall consult with the District regarding any inquiries. In addition, all legally required financial reports will be submitted to District, in the format required by the District within timelines specified by District each year.

## **29.3 OVERSIGHT COSTS**

The District may charge the oversight fees in accordance with Education Code Section 47613.

## **29.4 TRANSPORTATION**

The Charter School will not provide transportation for students from home to school or school to home, except as required by law. Transportation for extracurricular activities, such as field trips, will be contracted with a licensed contractor.

## **29.5 FINANCIAL PLAN**

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

Attached, as Appendix "H", please find the following documents:

- Budget narrative
- Financial Projection

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

The Charter School shall provide reports to the District and County Superintendent of Schools as follows in accordance with Education Code Section 47604.33, and shall provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code Section 47605(g) will satisfy this requirement.
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.

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607.

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

## **29.6 ADMINISTRATIVE SERVICES**

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

The Charter School will provide or procure its own administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human

resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

At any time, the Charter School may discuss the possibility of purchasing administrative services from the District. If the District is interested, the specific terms and cost for these services will be the subject of a memorandum of understanding between the Charter School and the District and subject to District availability and willingness to provide such services.