



“Table of Contents of Legal Requirements”:

This charter has been created in the format encouraged by the California State Board of Education in its adopted “Model Application for Charter Schools” and goes beyond the legal requirements of Education Code Section 47605. According to the State Board of Education, the Model Application format ensures that charter petitioners cover all of the minimum elements required by law in a systematic way. However, as the Model Application format requires that statutory provisions in the Charter Schools Act be addressed out of the order presented in the Education Code, this “Table of Contents of Legal Requirements” is presented to assist the Reviewer in establishing that all requirements of law have been met.

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AFFIRMATIONS/ASSURANCES

The Charter School:

- Shall meet all statewide standards and conduct the student assessment tests pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- Shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
- Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations.
- Shall not charge tuition.
- Shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).
- Shall admit all pupils who wish to attend the Charter School, 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 each application will be given equal chance of admission through a public random drawing process. Preference in the public random drawing shall be granted only in accordance with Education Code Section 47605(d)(2). Except as provided in Education Code Section 47605(d)(2) and Education Code Section 51747.3, admission to the Charter School shall be determined according to the place of residence of the student or his or her parents within San Diego County or its contiguous counties.
- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEIA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and Title II of the Americans with Disabilities Act of 1990 (“ADA”).
- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary.



- Shall ensure that 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 non-core, non-college preparatory teachers.
- Shall at all times maintain all necessary and appropriate insurance coverage.
- 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 a transcript of grades or report card, and health information.
- Will follow any and all other federal, state, and local laws and regulations that apply to the Charter School including but not limited to:
 - The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.
 - The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
 - The Charter School shall comply with any jurisdictional limitations to locations of its facilities.
 - The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
 - The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
 - The Charter School shall comply with the Public Records Act.
 - The Charter School shall comply with the Family Educational Rights and Privacy Act.
 - The Charter School shall comply with the Ralph M. Brown Act.



- The Charter School shall meet or exceed the legally required minimum of school days.
 - The Charter School shall meet the requirements of Education Code Section 47612.5 and Education Code Section 51745 et. seq. as relates to independent study.
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INTRODUCTION

In 1992, the California State Legislature passed the Charter Schools Act, creating the vehicle for parents and educators to collaborate on innovative educational opportunities for children throughout the state of California. Pursuant to Education Code Section 47601, charter schools were created as a method to accomplish all of the following:

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

Juan Bautista de Anza Charter School (the “Charter School”) fully embraces the Legislative intent of the Charter Schools Act, and its mandate. Specifically, the Charter School will:

- Improve pupil learning by expanding access to AP and other elective courses not currently offered by local school districts;
 - Increase learning opportunities for low-achieving pupils by allowing them to do credit recovery through online technology;
 - Demonstrate the effectiveness of teaching using a combination of online, project-based community leadership interactions.
 - Create opportunities for teachers to play an active role in shaping a unique curriculum;
 - Provide a 21st century technology enhanced and a one to one teacher supervised educational program for parents that is not offered by any school district in the region;
 - Demonstrate its ability to successfully operate these academic programs within a performance-based context;
 - Provide competition to other school programs that will stimulate the improvement of all public schools in the region.
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- The Charter School will operate a distinct educational program under this charter. The program will be an exclusively online program for grades six through twelve. Each



student is guaranteed access to learning through the use of online technology 24/5. This approach accommodates both student learning styles and lifestyles.



I. FOUNDING GROUP

The California State Board of Education, in its Model Application for Charter Schools, has stated that the founding group of a charter school should be able to present evidence that it and its members have the necessary background in the following areas:

- Curriculum, instruction and assessment;
- Finance, facilities and business management; and
- Organization, governance and administration.

The following founders provide the background and necessary expertise in the above areas to ensure the success of the School:

Dr. Sandra Thorpe, who launched Cortez Hill Academy as Windows Charter School in 1996 believes that education has to move, change and adapt with our 21st century technology and information systems. Dr. Thorpe taught leadership and curriculum for National University for six years and has had extensive educational experience in K-12 curriculum while serving as an administrator at each level.

Dr. Barbara Coates, CEO worked with San Diego City and County Offices of Education as both an administrator and Director of the Avid program for the County Offices. She fully understands the need to address learning differences and allowing each student to have the opportunity to follow a variety of learning pathways.

Todd Engstrand, CFO is a senior project engineer with PBS&J Engineering. He handles projects that total over two million dollars each year and fully understands the importance of staying both on time and within the planned budgetary requirements. He was awarded National Engineering Project of the Year award in 2009.

Jan Nicholas is a visionary educator who long ago understood that each student learns differently and these needs have to be addressed for both student success and achievement. She began a forerunner to the charter school by opening a school for students who were bored with the traditional academic approach and gave them an opportunity to advance at exponential rates through an individualized instructional program.

Diane Kumler assists our students locally with her fourteen years of experience as a Borrego Springs librarian. She encourages all students to do research through a variety of sources. She fully supports the addition of technology and the integration of learning with real books rather than textbooks.

Current Board Members



Linda Haddock, CEO, Executive Director, Borrego Springs Chamber of Commerce
Todd Engstrand, CFO, Director of Operations, Yuima Water District
Roger Anthony, Clerk, retired businessman
Marjorie Schuessler, retired teacher

The following consultants have been hired to assist in the development and operation of this Charter School:

Middleton, Young & Minney, LLP, Sacramento, CA

Middleton, Young & Minney, LLP is California's most experienced, knowledgeable and respected firm working in the unique area of charter school law.

As a leader in charter school representation since the passage of California's Charter Schools Act of 1992, MYM offers expertise in every facet of charter school creation, expansion and operation — including charter petitions and negotiations, MOUs, non-profit incorporation, board governance, facilities, student issues, policy development and more. MYM is a leader in charter school law, with experience representing over 350 charter schools throughout the state.

MYM's expertise encompasses every facet of California charter school law, from planning to ongoing operation including but not limited to the following:

- Nonprofit incorporation
- School Finance
- Representation Before State and Federal Agencies
- Board Governance
- Student Issues
- Special Education
- Facilities Development
- Personnel and Labor Relations
- Litigation
- In Service Training

EdTec, Los Angeles, CA

EdTec helps its schools craft comprehensive, realistic budgets — income statements, balance sheets, and cash flow statements — that stand the test of time and are based on solid revenue projections and expense assumptions. Over the course of the year, EdTec provides detailed monthly financial reports and analysis on the year-to-date budget and recommends budget revisions when appropriate to account for unforeseen changes in circumstances. EdTec closely



monitors the school's cash flow situation and provides short-term cash flow financing when possible to help its schools meet their obligations.

EdTec also keeps the books of its partner charter schools so financial information is readily accessible, accurate, and actionable by the director and board. EdTec handles and tracks the financial transactions of its schools, ensuring that all funds are collected from the district, county, and state, and all bills are paid in a timely way. More often than not, EdTec staff needs to work with the district on a regular basis to help them understand all the funds from different sources owed to the schools.

EdTec files all required financial reports to the State, County, and District. We also work closely with the school's auditor to ensure a fast, hassle-free audit process with no audit exceptions.



II. EDUCATIONAL PHILOSOPHY AND PROGRAM

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

The school serves high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements. – California Education Code Section 47605(b)(5)(A)(ii). Juan Bautista de Anza has fulfilled the A-G requirements and has established initial WASC accreditation.

Juan Bautista de Anza Charter School provides an alternative to the traditional factory model of education that fills the classrooms of traditional schools, especially secondary schools where standards and testing push teachers into skill and drill mechanisms that do not allow for creative thinking, problem solving, or teamwork. For over forty years, researchers have discovered that each child develops differently. Valid and reliable research demonstrates that Learning Styles (Dunn and Dunn), Emotional Intelligence (Goleman), and Multiple Intelligences (Gardner) have a direct impact on academic achievement and success in life. Incorporation of technology with laptop computers and digital cameras improves this motivational approach, test scores automatically rise because learning is occurring at an exponential rate.

This 21st century approach to learning provides a blended model that allows every student to proceed at their own pace, followed daily by their assigned teacher (Educational Coordinator) who checks on the progress being made in their classes and informs parents when there is a concern. Students have access throughout the day to JBdA teaching staff and 24/5 to California credentialed teachers through Advanced Academics Online Educational Program. Cultural literacy is addressed through monthly curriculum aligned field trips to museums and areas such as the Anza-Borrego Desert State Park and the San Diego Zoo/Safari Park. Leadership development, a main focus in the school, is achieved through Horse Wisdom classes where the horses teach the students, and Service Learning Projects. Service Learning requires a project that will help in the student’s specific community or involves a career goal. A minimum of 40 hours of volunteer work per semester is required. Both leadership opportunities are required for graduation.

Mission Statement



Juan Bautista de Anza will provide alternative learning paths, while maintaining the highest academic standards, for all students in grades six through twelve.

Vision Statement

To empower students to use their individual abilities to gain experience and knowledge thereby affording them opportunities to make significant contributions to our ever changing world.

Expected School-wide Learning Results

All JBdA students will:

1. Develop personal responsibility.
2. Utilize current technology appropriately.
3. Use multiple forms of communication effectively.
4. Set continuous goals.

Core Values Statement

That Juan Bautista de Anza Charter School shall promote individual student leadership potential using the three C's – communication, compassion and creativity.

- Communication allows for many pathways of understanding to learn process and receive information
- Compassion is the ability to view one's own and others existence and actions from a non-judgmental open-minded perspective.
- Creativity involves opening one's mind to new perspectives while discovering ideas that may not be discovered using linear thought processes.

Educational Philosophy

Whom the School is Attempting to Educate:

The independent study online program will meet the needs of students who:

- Learn best from one to one teacher provided assistance.
- Want to be proficient in 21st Century technology skills and can succeed by using independent study environments for a majority of their academic year.
- Desire to become leaders through working with horses while participating in leadership and team building activities that use Arabian horses that teach the three "C"s, Communication, Compassion, and Creativity. The school's curriculum is



designed for interactive instruction in the study of ecology, history, paleontology, geology, biology and zoology through school sponsored field study.

- Students who live in school districts that cannot offer the breadth of curricular offerings available online.
- Students missing credits to either complete grade levels or to graduate on time.
- Students who have dropped out of school but now wish to graduate.
- Students being homeschooled whose parents still want them to earn a high school diploma.
- Students with scheduling conflicts and students who are not well-suited to a traditional classroom setting. Students who desire to learn at an accelerated pace.



What it means to be an educated person in the 21st Century

The successful 21st century learner must use technology, not textbooks, be able to communicate orally and in writing, be a compassionate team player, and definitely be encouraged and allowed to think in creative ways. This means that no two students will think exactly the same on any question, student work will take on new directions as a diverse student population brings their own experience to the table and we expand on each other's knowledge.

How Learning Best Occurs

Overview

The Charter School believes that learning best occurs when:

1. One-to-one teaching through an integrated blended model of instruction using hands on experiential learning and an A-G approved curriculum is a part of the overall instructional program used by the Charter School.
2. Learning styles, talents, and multiple intelligence strategies are considered as part of student strengths.
3. Students are permitted to work at their own pace while at the same time are challenged to stretch their skills.
4. The curriculum best suits the needs and learning styles of each child, allowing for alternative methods to achieve core standards.
5. Experiential learning in real-life situations is part of the process and is supported by parents, teachers, and the community working together as a team.
6. Small group instruction supports student learning.
7. Positive, safe, and educationally conducive environments exist.
8. Staff and parental co-operation is present along with appropriate communication channels.
9. Time for teacher mentoring of students and parents is allotted.
10. Access to updated technology is integrated into the curriculum.
11. Learners see that what they learn applies to and is connected to the real world.
13. Activities are integrated and meaningful.
14. Learners work individually and as members of a team.

Aspects of Learning

The Charter School believes that learning occurs best using the following conditions:

1. Non-traditional structure- The no "one size fits all" approach develops independent learners and thinkers by giving time and support for actual processing of information and reframing it



through analysis and meta-cognition. This approach increases not only motivation but improves self-esteem and self-efficacy.

2. Empowerment and Collaboration- Teamwork is a 21st century skill that requires give and take as well as respect for others' knowledge and talents. The ability by the learner to formulate a project that requires use of individual strengths will enhance through a synergistic formula the outcome of goals and allow for dynamic new strategies. Parents, teacher, and community members become collaborators in each child's progress and growth. The needs of low-achieving students can be carefully considered in the individualized curriculum that specifically addresses strengths and weaknesses of each student. Students who have had difficulty adapting to traditional school settings will find the individualized approach especially supportive of their unique needs and interests.

3. Health and Well-Being- The mind, body, spirit connection is vital to high level performance. Respect for oneself is of highest priority. Scientific evidence exists that proves rising the levels of emotional intelligence have a profound impact on the ability to succeed in life. Physical health and the brain are interconnected and must be addressed as a whole. An understanding of synergism (the whole is greater than the sum of the parts) will assist in student awareness and promote creative thinking.

4. Community Support and Integration –“It takes a village to raise a child,” and all children need support from not only family, but from others within the community. Community service projects provide a vehicle for involvement in various needs that will benefit both the students and their community sponsors. This charter hopes to develop relationships with corporations, foundations, and various organizations that can facilitate the highest quality of educational opportunities for enhancement of personal growth through apprenticeships and community service in business and professional environments.

5. Technology as Tool- Textbooks are outmoded two years from the date of publication. Age-appropriate curricula and materials as well as extensive use of the local library will be the cornerstone for research. Students will be introduced to basic and advanced software applications, web design, presentation software, and other applications. Students will be instructed in how to use the Internet for research, writing and communication with age-appropriate filters. It is important to understand that business in the 21st century will be conducted in places other than traditional offices. Our students will be able to access and respond to information anywhere in the world and have immediate access to new technology as it becomes available

6. Arts and Creativity- As part of addressing individual student learning styles and multiple intelligences, the arts allow for exciting pathways of sharing information. Drawing, painting, and/or digital photography will be incorporated in learning projects as part of the communication



process. Scholastic Aptitude Test scores have been proven to be significantly higher for students exposed to any of the arts, music, drama, or fine arts including photography.

7. Project Based Learning- Over the past twenty five years, studies in neuroscience and psychology have provided new information that clearly demonstrate a direct cognitive link between exploring, negotiating, interpreting, creating and problem solving. The Charter School supports the theory that students have inherent drives to learn, need to be taken seriously, and do important work. Our service learning projects are specifically structured for students grades six through twelve and required for high school graduation. These projects provide a systematic teaching method that engages students in learning knowledge and skills through an extended inquiry process structured around complex, authentic questions and carefully designed products and tasks.

Highly Qualified and Supported Teachers

The faculty will consist of well-prepared and certified teachers. All teachers, in accordance with Education Code Section 47605(l), will meet the requirements of the No Child Left Behind Act. Professional development and teacher collaboration will be scheduled on a regular and ongoing basis to support teachers throughout their career. In establishing a professional teaching environment the Charter School will ensure collaborative planning time for teachers to design student focused curriculum, pedagogy and assessment through which students can make connections, and deepen their understanding of concepts and the Charter School at higher levels.

Attendance Guidelines

The Charter School will offer the same number of instructional minutes as set forth in Education Code 47612.5(a) for the appropriate grade levels and will operate at least for the required minimum of 175 days. The Charter School expects that students will submit work daily on school days unless ill and documented by a physician's note. The Charter School will maintain written records that contemporaneously document all student attendance and make these records available for audit and inspection.

Teachers contact students online, by phone or by video conference to monitor progress and answer questions daily Teachers track and evaluate student work on a daily and basis. Monthly progress reports are communicated to parents via email or regular mail and by phone conferences.



Curriculum and Instructional Design

Full-time Online Program and Online Courses Offered as Part of the Academic Program

The Charter School will utilize the online curriculum developed by Advanced Academics (“AAI”) to serve grades six through twelve in San Diego County and contiguous counties. AAI is a subsidiary of DeVry University and has been providing online curriculum to school districts in 30 states throughout the country, including 30 school districts within California. All of the courses can be completed anywhere a computer and Internet access are available. The courses include text, animations, streaming video and audio, educational games, and other engaging content. This online content is delivered in both a synchronous and asynchronous format.

Courses in all core subject areas are aligned with common core standards.. More than 90 semester-length courses, including Advanced Placement, electives and foreign languages are offered to students who enroll in the Charter School. Our partnership with Advanced Academics allowed our students to have immediate access to core standards instruction. Every high school student is now in core standards aligned classes. Core classes for high school are also A-G approved by the University of California.

Every course offered by the Charter School, regardless of the field of study, is developed by instructional designers under the guidance of subject area experts. Each course has built-in assessments at both the unit and course levels. These assessments can be utilized to measure student mastery of content standards and determine whether the student requires any remedial assistance to succeed in the program. The program also will provide real-time reporting of student progress to involve parents and school administrators in the educational process.

Online Learning:

Online learning is growing rapidly across the United States within all levels of education as more and more students and educators become familiar with the benefits of learning unconstrained by time and place. Across most states and all grade levels, students are finding increased opportunity, flexibility, and convenience through online learning. Teachers are discovering a new way to reach students. Administrators are exploring ways to offer a wider range of courses to students and professional development opportunities to teachers. The post-secondary market continues to set the online learning trend, according to iNacol, the International Association for K-12 Online Learning

AAI has assisted more than 20,000 students across the country in realizing their full potential. AAI provides high-quality secondary school curriculum taught by certified teachers and



supported by an advanced technology platform specifically designed to support online learning for secondary education. AAI's online learning services are used across the country for advanced learning, traditional students seeking a non-traditional environment, alternative learners, scheduling conflicts, dropout recovery, and missing credits. AAI provides students access to online learning and assistance 24 hours a day, 7 days a week with certificated teacher assistance 245.

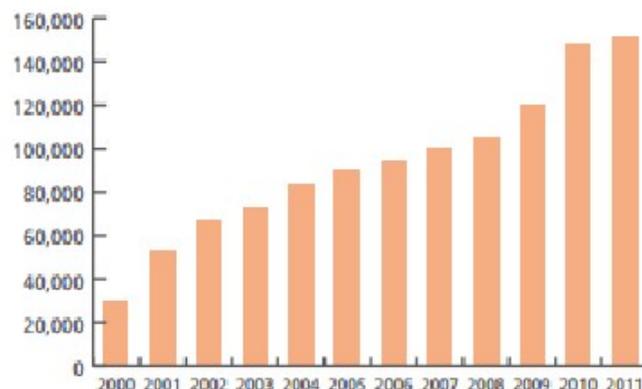
All schools currently using our program are accredited through their regional accreditation agencies. Advanced Academics is NCA (North Central Association of Colleges and Schools) accredited and CITA (Commission on International and Trans-Regional Accreditation) accredited through its distance education division and the CSU (California State University System) A-G course approvals

AAI employs several levels of support personnel for students. Students receive direct support from highly-qualified teachers, teaching assistants, and student support and retention teams. Once students are admitted into the program, AAI support staff work will work with the Charter School and utilize the LMS to assist in monitoring student engagement and success. To provide assistance to students 24/7, AAI utilizes its student support team, which handles both general and technical issues. All personnel can be reached by phone or through secure instant messaging or e-mailing systems.

Success of the Advanced Academics Model

As the recent Synthesis of Online Learning presented by iNACOL pointed out, online learning is being viewed not only as an expanded option for students but also as a powerfully effective means of delivering education for students, In fact, more than 1,000,000 online course enrollments took place in the K-12 segment in the U. S. in 2008.

Full-Time Online Charter School Enrollments



Center for Education Reform Data, January 2012



And, most importantly, we're seeing research confirming online learning's effectiveness and improved teaching:

"One conclusion seems clear: On average, students seem to perform equally well or better academically in online learning."

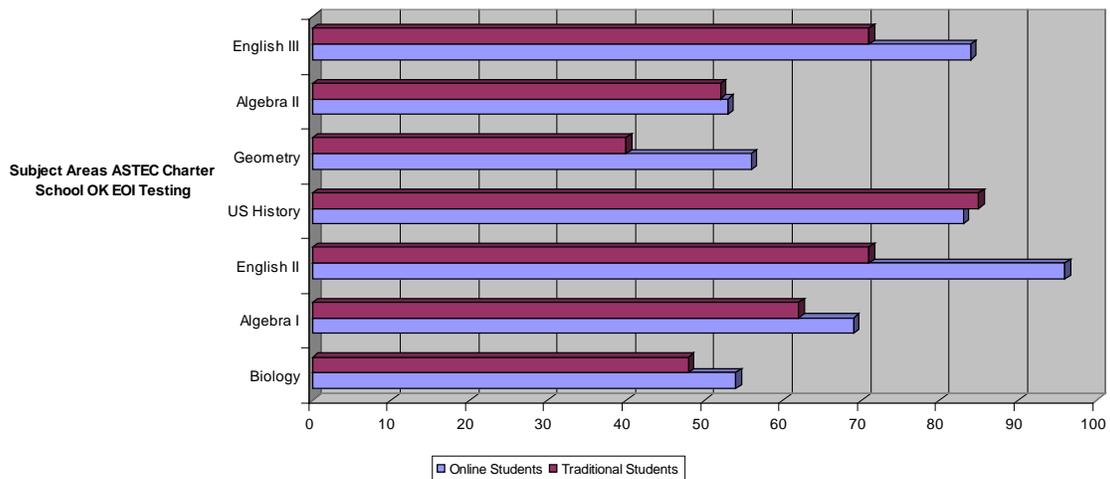
"Of those who reported teaching face-to-face while teaching online or subsequently, three in four reported a positive impact on their face-to-face teaching."

- -Source: Synthesis of New Research in K-12 Online Learning, iNACOL, March 2009



Advanced Academics' online programs are proving effective as well. Recently, Advanced Academics was able to compare the performance on end-of-instruction testing of traditional brick-and-mortar students with online students through our Oklahoma Virtual High School program. Per the following chart, the online student performed better than traditional students in nearly all subject areas:

Online Student Performance Compares Favorably with Traditional Students: Percent of Students Scoring Satisfactory or Above

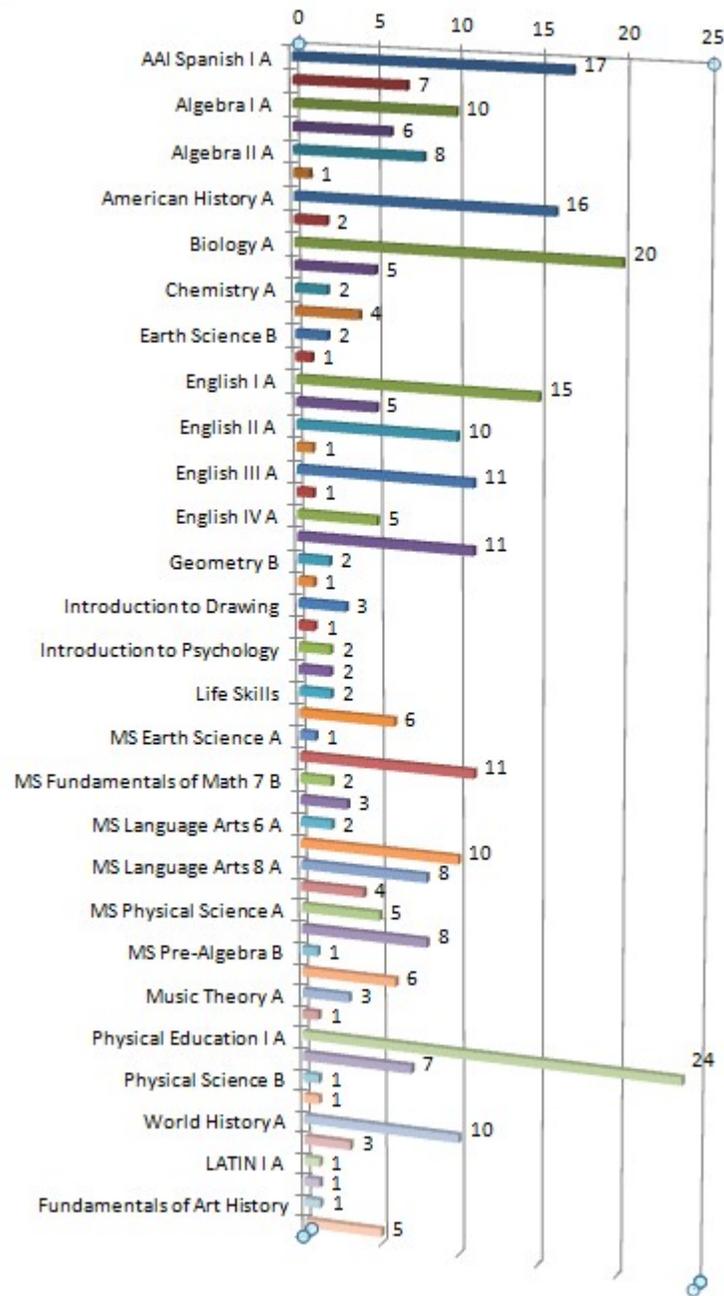


Record Keeping System for Online Courses:

Assignments, grades, instant messaging, and e-mail are stored at the database level in the Advanced Academics LMS. Paper assessments are stored within each course that is set aside for each student. For each element stored, an audit trail is created. At present, all assignments and communication are retained indefinitely. Historical reports are available at any time online to district administrators. The database and transaction logs are backed up to tape nightly according to the grandfather-father-son strategy.



Current Student Enrollments in AAI Courses





Field Work, Independent Study and Online Academic Program

In addition to the full-time online educational program, the Charter School will also offer a program that combines leadership opportunities through our Horse Wisdom classes and Cultural Literacy through our curriculum aligned field study.

The Charter School will tailor the balance between these instructional methodologies to the needs of each child, through the use of the Learning Style Inventory that includes a leadership component focusing on Communication, Compassion, and Creativity.

How Subjects Are Addressed in the Educational Program:

Writing – will be done with the use of built-in computer audio and visual dictionary programs in English and Spanish to assist the individual student. AP classes will be part of our distance learning program.

Reading – students will order books from the library that relate to the current subject at the level they are capable of comprehending and using. These books may be in English or Spanish. The San Diego County libraries have wireless internet access available 24 hours a day and can order books from local college and university libraries as well as other branches. The AAI curriculum provides an extensive reading list that directs the student to the materials needed for completion of each class.

Math – Students will pass the online math classes with the assistance of our teaching staff and the online teachers. Online classes provide opportunities to reach higher levels of math including AP calculus, trigonometry, algebra II, and probability and statistics. Individual tutoring will be provided by a JBdA teacher.

Science – All science classes are provided online with the exception of chemistry where students may need to attend a community college in order to have a “wet lab” experience. Science will be introduced experientially on field trips using the Anza-Borrego desert state park to demonstrate geology, paleontology, astronomy, plant life, life cycles, weather, local animals and insects along with their respective historical relationships. Health and well being are addressed through study of the horses and by self paced online PE classes. AP environmental science is also offered.

History/Social Science –A variety of classes using video allow for a realistic level of historical interpretation, and interpret past events and issues within the context in which an event unfolded rather than present-day norms and values. Students construct, and test hypotheses; collect, evaluate, and employ information from multiple primary and secondary sources; and apply it in written and oral presentation. Students relate current events and topics to the physical and human and oral presentations. Students relate current events and topics to the physical and human



characteristics of places and religions. Students analyze how change happens at different rates at different times; understand that some aspects can change while others remain the same; and understand that change is complicated and affects not only technology and politics, but also values and beliefs. World geography demonstrates relationships of cultures and changing values according to the political viewpoint, values and leaders throughout history.

Physical Education – Online classes provide a self paced individualized program. In addition, the school offers karate, softball, soccer, and kayaking to develop skills.

The Arts – Art classes are offered online and as part of our cultural literacy field trip program. Music will be a supplemental program offered as part of our enrichment component.

Foreign Language – JBdA offers Chinese, French, German, Latin and Spanish which affords a wide variety of choice for our students. In addition, we have a Spanish teacher onsite to assist our students and grade papers.

Service Learning Projects- students are required to participate in 40 hours each semester during 11th and 12th grades as part of the leadership focus at JBdA. Credit may be earned for service learning in every grade and all students are encouraged to. A variety of choices are acceptable and they may choose several types of volunteer opportunities over their school career, with subsequent written descriptions and evaluations of the activity. The purpose of the community service is to provide opportunities for Charter School students to experience a variety of real life setting, thus enabling them to make career path choices that encourage alignment with their passions and interests.

Partnerships for the Educational Program:

Prospective partners in the development of curriculum for the school include, but are not limited to: The Anza Borrego Desert State Park, the Anza-Borrego Foundation and Institute, the Desert Protective Council, the Borrego Art Institute, the Borrego Springs Chamber of Commerce, and other community organizations located in the contiguous counties. Currently the Charter School has joined the San Marcos Chamber of Commerce, the Borrego Springs Chamber of Commerce, and the Salton City Chamber of Commerce. We are partnering with the West Shores Lions Club to establish a Leo Club for our students in order to have mentors for their service learning projects and other programs that will benefit the area. The Charter School is actively working to establish partnerships with all of these entities in order to further enrich the educational environment for the students enrolled in the program.

Research Supporting Instructional Program of the Charter School:

The Charter School acknowledges that every child is a unique learner. Research during the 80's and 90's on learning styles and multiple intelligences proved irrevocably that one size does not



fit all.” Howard Gardener’s multiple intelligence models clearly demonstrated the importance of identifying individual variances in abilities that we inherit and that continue to evolve as we mature. Dr. Rita Dunn’s learning style model uncovered 21 significant factors that affect a child’s ability to learn and retain information. Furthermore, additional research demonstrated that successful learners almost always incorporated their strengths when asked to perform. Unsuccessful learners often were unaware of their skills and did not use them to achieve at school.

Approximately 95% of preschool and kindergarteners prefer tactual and kinesthetic learning. The children often left behind are those who cannot readily adapt to an instructional delivery system that increasingly requires visual and auditory processing. When coupled with the other learning style preferences that become a mismatch, the stress put on a child often manifests in lack of motivation and actual physical distress. Hands-on experiential learning does not require that a student sit all day and watch and listen, rather students are actively engaged in the learning process by doing. - Project based learning and the experiential activities incorporated in the online courses assist students in learning by doing. The online curriculum meets the needs of learning styles by incorporating auditory, visual and tactual comprehension through the use of video, auditory and processing tactually on the keyboard. In addition there is strong evidence that supports the notion of service learning projects contributing to success and confidence upon reaching adulthood. A majority of colleges and universities acknowledge the importance of character development during high school volunteer programs and use this information as part of the admissions process.

Last Child in the Woods, by Richard Louv makes a strong case for using natural surroundings, “Unlike television, nature does not steal time, it amplifies it. Nature offers healing for a child living in a destructive family or neighborhood. It serves as a blank slate upon which a child draws and reinterprets the culture’s fantasies. Nature inspires creativity in a child by demanding visualization and the full use of the senses.”

The 3 “C’s” of Juan Bautista de Anza, Communication, Compassion, and Creativity can be taught by a horse. Linda Kohanov, has specialized in equine-facilitated human development programs since 1997. Her equine experiential workshops focus on leadership techniques, consensus building, intuition, creativity, sensory awareness and empowerment. In her 2007 book, WAY OF THE HORSE, she states, “Horses help over-civilized people reconnect with the wisdom and rhythms of the natural world... and model cooperation over competition, relationship over territory, responsiveness over strategy, emotion and intuition over logic, process over goal and the creative approach to life that these qualities engender.

Educators know that experiential learning works. For example, students who read the cookie recipe, put together the ingredients, bake and smell the cookies, then eat them will most likely remember them. Students who work with horses as a herd mate, are picked through mutual choosing, spend time energy grooming, and at last can use an imaginary lead line enticing a



1,200 pound animal to follow them, assimilate through observation and participation many of the qualities necessary for leadership.

As Kohanov has observed, “The horses are calling us. Now that we’re finally willing to listen, they have endless wisdom to share”.

Advantages of Project Based Learning:

Projects use actual real life experiences. These projects include all areas allowing students to progress at their own interest and ability level. The Charter School believes that each student is gifted and that our duty is find those gifts and allow the student to flourish in our setting. The very basis for projects allows a student to go above and beyond by not defining and limiting responses. Thus, we encourage strengths and bolster weak areas by addressing them through the project requirements. We foresee our students developing their own in-depth projects as juniors and seniors using real world teamwork and technology. Using service learning projects allows for synthesis in the following areas:

- Overcomes the dichotomy between knowledge and thinking, helping students to both “know” and “do”.
- Supports students in learning and practicing skills in problem solving, communication, and self-management.
- Encourages the development of habits of mind associated with lifelong learning, civic responsibility, and personal or career success.
- Integrates curriculum areas, thematic instruction, and community issues.
- Creates positive communication and collaborative relationships among diverse groups of students.
- Meets the needs of learners with varying skill levels and learning styles.
- Engages and motivates bored or indifferent students.

From Introduction to Project Based Learning, pg. 6



Expected Learning Outcomes

Effective Language and Communication Skills:

1. Student can read and comprehend verbal and written communication skills.
2. Student can effectively communicate ideas in writing, using appropriate grammar, tone, and style of writing.
3. Student can separate fact from opinion and respect differing opinions.
4. Student can read and analyze research and draw conclusions.

Effective Mathematical Skills:

1. Student demonstrates arithmetic skills to function in the business world.
2. Student demonstrates understanding of geometry and can apply skills for measurement.
3. Student demonstrates basics of algebra and connects them in practical applications.
4. Student demonstrates working knowledge of basic statistics and probability.

Effective Science Skills:

1. Student understands the relationships between physical and life sciences and the environment.
2. Student is equipped to analyze various scientific systems and new data in physical and life sciences.

Effective Social Science Skills:

1. Student demonstrates understanding and responsibilities used in the political process.
2. Student demonstrates basic knowledge of various forms of government.
3. Student identifies the course of history that formed the United States and other nations.
5. Student demonstrates basic understanding of cultural diversity, its causes, and how diversity continues to affect interpersonal, national and global relationships.

Effective Personal/Leadership Skills:

1. Student demonstrates the ability to set goals and maintain a course of progress toward those goals.
2. Student identifies the benefits of maintaining health through nutrition, exercise, and life choices.
3. Student identifies the importance of participation in the community, including volunteer services.
4. Student identifies his preferred learning styles and leadership preferences and seeks methods to use them to enhance individual strengths.
5. Student demonstrates skills needed to seek employment and become a lifelong learner.



Independent Study Legal Compliance

The Charter School will comply with all applicable independent study laws including but not limited to California Education Code Sections 51745, *et seq.*; 47612.5; 47634.2; and Title 5, California Code of Regulations, Sections 11700-11705; and 19850-19854. These laws require, among other things, that the Charter School will operate pursuant to an adopted independent study Board policy; each student will have a master agreement as required by law; and the Charter School must file for a funding determination as a condition of funding.

Technology

The Charter School will provide a computer, digital camera and reimbursement for an Internet connection to any students that do not already have one at home when enrolled as full-time students in the Charter School for purposes of participation in online courses and completion of research projects. The online courses can be accessed anywhere in the world via the Web.

Professional Development

We expect staff and parents to work together in ongoing professional development. Both formal and informal training is necessary to promote higher levels of learning as well as creating new insights. Staff and parents will be provided with an understanding of how to address the learning/leadership styles of both themselves and the students. Teachers who will be doing project-based learning will be given training on how to successfully implement project-based learning.

Plan for Students Who are Academically Low Achieving

Students who are academically low achieving will be identified by Charter School teachers through ongoing progress and attendance reports, placement tests, course assessments, standardized test results, and parent and student observation. The Charter School utilizes strategies to improve student success such as curriculum modification, online diagnostic classes and intervention along with parent education. The highly individualized program will ensure that no child is left behind.

The Charter School identifies students who are performing below or above grade level, or those students otherwise having issues that are impacting the student academically. Student-parent conferences are held immediately in order to adjust the program in order to make the necessary changes in the student's individualized instructional program.



All agencies involved with a student's social, emotional, and academic growth are welcome to request a meeting with school staff, student and parent in order to evaluate and make recommendations for student success.

The Charter School's 12 meeting steps shall include:

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

After implementation of a plan and follow up, if the problem continues, revisions to the plan may be discussed, or if necessary, a referral for special education or Section 504 assessment might be deemed necessary.

Special Strategies for the Full-time Online Program:

Students who need additional assistance can receive technical support 24/5. They may also communicate one-on-one with their teachers from 8 a.m. to 4 p.m. weekdays. Our teachers communicate with the students through phone, email, and instant messaging. A virtual whiteboard is always available to help visual learners master new concepts. The charter plans to pilot two new programs to assist students, Word Q and Word Speak that directly overlay the online curriculum.

Plan for Students Who are Academically High Achieving

Students who are academically high achieving will be identified by teachers of the Charter School through ongoing progress and attendance reports, placement tests, course tests, standardized test results, and parent and teacher observation. Students who are performing above grade level will have the opportunity to take as many as 12 Advanced Placement classes. Students enrolled in the high school will also have the opportunity to take up to two full college courses offered by DeVry University at no cost to the student or charter school. We believe that students should experience college and earn college credits while still in high school if they are academically ready for the rigor of college curriculum.



Plan for English Learners

Overview

The Charter School will meet all applicable legal requirements for English Learners (“EL”) as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. The Charter School will continue to implement strategies for serving English Learners which are research based, supported by Charter School resource, and evaluated annually for effectiveness.

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) when appropriate.

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment¹ and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

English Learner Instructional Strategies and Curriculum

Students identified as English learners will be given the opportunity to learn online and with the assistance of CLAD certified teachers. Students are educated in a full immersion program, and the program is modified to meet individual needs of English learners.

All teachers instructing English Learners will hold a CLAD credential or a California Commission on Teacher Credentialing (“CCTC”) equivalent.

¹ The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing from their prior school of enrollment.



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 CELDT,
- 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 Charter School's 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 and 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.
- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Plan for Serving 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 in Education Improvement Act ("IDEIA").

The Charter School shall be categorized as a "public school" within the District in conformity with 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 LEA's as a consortium. As described below, the Charter School shall comply with the Memorandum of Understanding ("MOU") between the District and the Charter School



related to the delineation of duties between the District and the Charter School. This MOU between the Charter School and the District shall be renegotiated annually.

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 School shall be accessible for all students with disabilities.

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. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the School.

A 504 team will be assembled by the Director of the Charter School and shall include parents/guardians, 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 IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.
- c. Tests are selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately



reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice 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 IDEIA, a referral for special education assessment will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team 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 modification 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 site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed regularly to determine the appropriateness of the Plan, continued eligibility or readiness to discontinue the 504 Plan.

Transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.

Two years ago the Charter School obtained initial (WASC) Western Association of Schools and Colleges accreditation, a full review of our school will occur in 2013.

Advanced Academics is already accredited by both the North Central Accrediting Agency and the Commission on International and Trans-Regional Accreditation (CITA) as an online service provider. In addition, all core classes are now A-G approved by the UC/CSU systems.

- **Course Transferability**

The Charter School will inform parents of all courses that transfer for credit during our academic planning meetings held at orientation and prior to each academic year. In addition to



the A-G UC/CSU approved course list that will be included on our website a statement regarding the transferability of courses to other public high schools will be included. Both the A-G list and transferability of classes will be updated on an annual basis. A state-certified high school diploma will be issued to all students who meet the Charter School's graduation requirements:

- **Graduation Requirements**

Minimum Graduation Requirements: Successful completion of credits in the following subject areas:

- Technology (computer literacy)/and electives – 20 credits
- Math – 30 credits
- Science – 40 credits
- English – 40 credits
- History/Social Science – 30 credits
- The Arts – 20 credits
- Physical Education – 10 credits
- Foreign Language – 10 credits
- Service Learning- –10 credits
- Horse Wisdom 10 credits

Credits will be assigned to each class based on specific criteria with JBdA teachers grading all written work including Service Learning Projects., Distance learning AP classes rate at a higher credit level. This structure allows for additional credit for advanced levels of work. Grades 10, 11, and 12 will be expected to take additional credit for advanced levels of work. Grades 10, 11, and 12 will be expected to take additional courses online to complete higher level requirements in math, science, English and history.

Total 220 units



III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

Governing Law: The measurable pupil outcomes identified for use by the Charter School. “Pupil outcomes,” for purpose of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.--California Education Code Section 47605(b)(5)(B)

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured.--California Education Code Section 47605(b)(5)(C)

Measurable Student Outcomes

The goal of the Charter School is to create a school that engages and assists all students to become self-motivated, competent, engaged learners. The Charter School will ensure alignment of its curriculum with Common Core State Standards in order to ensure success for all students in meeting the requirements of state-required standardized tests. The Charter School’s student outcomes include goals that are measured through state standardized testing and individualized instructional planning as measured through assessment of student projects and presentations, course tests and teacher observation.

The Charter School shall pursue the following mathematically measurable student outcomes:

School-Wide Outcomes

OUTCOME	METHODS OF MEASUREMENT
The Charter School shall make Adequate Yearly Progress (AYP) as defined by the No Child Left Behind Act	Annual AYP determination
The Charter School shall meet or exceed a 90% attendance rate.	Period two (2) attendance count.
The Charter School shall meet or exceed its Academic Performance Index (API) growth target school-wide and within reportable subgroups on an annual basis	Annual Academic Performance Index determination
The Charter School shall receive an average score of “satisfied” or “very-satisfied” on annual Parent satisfaction surveys	Annual Parent satisfaction surveys
The Charter School shall exceed the State-wide average scores on the CST in ELA and Math as broken down into reportable subgroups.	CST scores



The Charter School shall have 90% of its students who have been enrolled since 6 th grade passing the CAHSEE on a first attempt	CAHSEE scores
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In addition, the Charter School will have the following individual student outcome goals:

- Read and comprehend written instruction, information, and resource materials.
- Effectively communicate ideas in writing using appropriate grammar, tone, and style of writing.
- Effectively communicate ideas in art using the basics of composition and design.
- Separate fact from opinion, respecting differing opinions.
- Comprehend and follow verbal instructions.
- Verbally communicate ideas to groups and individuals in a manner appropriate to the audience.
- Become experts at understanding non-verbal communication.
- Demonstrate the use of arithmetic skills to function in a business world.
- Demonstrate the practical uses of geometry.
- Demonstrate and perform the basics of algebra.
- Use higher level critical thinking skills to solve problems.
- Demonstrate use of technology and be able to apply it to real life.
- Demonstrate the ability to analyze data and draw conclusions.
- Recognize the effects of sciences, technologies, and societies on one another and the environment.
- Identify the course of history that formed the USA and other nations.
- Demonstrate an understanding of diversity and develop a respect for all cultures and individuals.
- Identify the benefits of maintaining good health through nutrition, exercise, and life choices.
- Identify the importance of participation in the community, including volunteer services.
- Identify individual strengths and find various avenues to support and develop them.
- Demonstrate the skills and processes needed to seek employment or higher education.
- Demonstrate honesty, respect, and discipline.

Individual student outcome goals shall be measured through:

These individual goals will be measured through:



Research papers, projects, public presentations, parent/teacher observations content area proficiency demonstrations, systematic collection of student work over a period of time that exhibits progress will be gathered.

- Video and audio records of student work, e.g., a student reading aloud, and making a presentation will become indicators of student progress.
- Journals will reflect the student's own performance in academic areas including critical thinking skills.
- Projects that are developed by student teams will be evaluated.
- Report cards will provide narratives regarding student growth in academic and social areas.
- Online course assessments.

Online Course Assessments:

In order to ensure that online courses provide regular assessment to students, AAI have developed an assessment system for online courses that will be one element of the Charter School's assessment system for students. After a series of lessons, students will complete assessments, which may include written papers, essay, other file-based products, and myriad other assessment types that can be electronically graded for immediate feedback to students. File-based assessments like paper and essays provide students with clear directions and grading expectations. Each unit ends with a unit exam, and each course also includes a midterm and final exam. Assessment weights can be found within the course syllabus or through each student's My Grades section of the LMS.

Data Analysis Techniques

Using the data analysis techniques discussed below, the Charter School will review student performance data to reflect upon and make ongoing improvements as necessary to its educational program and to these stated outcomes.

Assessment Philosophy

The Charter School's philosophy regarding student assessments is that:

1. A holistic understanding of each student's growth and achievement must be determined.
2. Assessments should focus on the student's progress toward the above proficiency standards for each grade level rather than comparing a student's performance against another student.
3. There needs to be a clear relationship between a desired student outcome and the means used to assess it.
4. Assessing how students apply knowledge is as important as assessing what knowledge they have gained.



5. Quality assessment promotes and supports self-reflection and self-evaluation that facilitates constructive change on the part of students, staff and parents.
6. Individualized self paced learning allowing for subject mastery is a constant goal at JBdA with teachers assisting students by allowing them to redo assessments and retake tests.

Methods of Assessment

The following assessments are utilized by the Charter School:

- ***Embedded Assessment*** of students' work may include, but is not limited to, a review of assignments; evaluation of student work products, projects, and special assignments, and locally administered evaluations of student work. Scheduled summative assessments are performed at the end of a unit, course, or sequence of lessons. The chapter test, final exam, writing projects, and presentations are all examples of summative assessments.
- ***State Standardized Testing.*** The Charter School shall conduct all required pupil assessment tests pursuant to Education Code Section 60605 and 60851 or any other pupil assessments applicable to pupils in non-charter public schools. These tests include, but are not limited to: STAR, CELDT, SABLE/2, CAHSEE and physical education testing. These results will be provided to the Borrego Springs Unified School District each year.
- ***California High School Exit Exam*** will be administered in accordance with State law.
- ***End of Course Exams*** Successful completion of end-of-course assessments, regardless of type, will be required of all students wishing to obtain a Charter School diploma. Every student is required to display an understanding and working knowledge of the essential knowledge and skills taught in each course. In all cases, measures to ensure secure testing and confidentiality of records and transmission of tests and related information will be implemented.

Use and Reporting Of Data

Report of Individual Student Progress

The online structure provided through our Master Agreements directly benefits the student, and parents through the ability to track each student's progress in every course minute by minute and shows clearly through the "Parent Portal" whenever a parent wishes to see their student's grades and assessments. Every twenty days a progress report is emailed or mailed directly to the student's parents. Educational Coordinators are responsible for daily monitoring of their assigned students. Any student falling behind is immediately counseled and encouraged to complete the three needed daily assessments. Parents are notified when progress is not being made and student parent conferences scheduled when no progress is occurring during any three day period in our



current Learning Period. Learning Periods (LPs) vary from 16 to 20 days in each semester, amounting to 5 per semester.

Individualized student evaluation data will be utilized by the teacher in tailoring the student's education program and updating the master agreement as necessary.

Use of Achievement Data to Improve Upon Charter School Programs

Staff receives data on student achievement and progress during regularly scheduled staff meetings LPs and uses this data to help monitor and improve the Charter School's education program.

The Charter School utilizes a combination of assessment tools to review the educational program on an ongoing basis and to suggest improvements in areas of low performance for all identified student populations. The Charter School consults with our client representative from AAI to assess the student achievement data and provide recommendations for changes to the curriculum or to address any deficiencies identified in the analysis. The Charter School shall also conduct an annual parent satisfaction survey and report the results of this to the District.

Performance Report

The Charter School will compile and provide to the District Board of Education an annual performance report. This report will, at a minimum, include the following data:

- Summary data showing student and school progress toward the goals and outcomes discussed above. This data will be displayed on both a Charter School-wide basis and disaggregated by grade level subject area and reportable subgroup categories to the extent feasible without compromising student confidentiality.
- A summary of major decisions and policies established by the Charter School Board during the year.
- Data on the level of parent involvement in the Charter School's governance (and other aspects of the school, if applicable) and summary data from an annual parent and student satisfaction survey.
- Data regarding the number of staff working at the Charter School and their qualifications, proof of required credentialing, background clearance, and tuberculosis clearance.
- A copy of the Charter School's health and safety policies and/or a summary of any major changes to those policies during the year.



- Information demonstrating whether the Charter School implemented the means listed in the charter to strive to achieve a racially and ethnically balanced student population.
- An overview of the Charter School's admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists and the numbers of students expelled and/or suspended.
- Analyses of the effectiveness of the Charter School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.
- Other information regarding the educational program and the administrative, legal and governance operations of the Charter School relative to compliance with the terms of the charter generally.

The Charter School will work closely with the District Board of Education, should the Board wish to expand upon the above list. The Charter School will use the information compiled in the performance report to evaluate and improve upon its programs as necessary.

Pursuant to Education Code Section 47604.3, the Charter School will promptly respond to all reasonable inquiries, including, but not limited to inquiries regarding its financial records from the District. The Charter School will automatically submit all financial reports required under Education Code Section 47604.33 and 47605(m). The Charter School recognizes the right of the District to conduct random inspections of the Charter School pursuant to Education Code Section 47607.



IV. GOVERNANCE STRUCTURE

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

Non-Profit Public Benefit Corporation

The Charter School is operated by Juan Bautista de Anza Charter School (“Charter School”), a California Nonprofit Public Benefit Corporation.

The Charter School operates autonomously from the District, with the exception of the supervisory oversight as required by statute and other contracted services as negotiated between the District and the Charter School. Pursuant to California Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the Charter School because it is operated by a California non-profit benefit corporation and is also not liable 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.

Board Of Directors

The Charter School is governed by a corporate Board of Directors who is selected, and serves, and governs the Charter School in accordance with their adopted corporate bylaws, which shall be maintained to align with the terms of this charter and applicable law.

In accordance with Education Code Section 47604(b), the District may appoint a representative to serve on the Board of Directors.

Board Duties

The Board of Directors will be responsible for the operation and fiscal affairs of the Charter School including but not limited to:

- Approval of the annual school budget, calendar, salary schedules, major fundraising events, and grant writing;
- Negotiation and approval of a MOU or other contracts with the District;
- Approval of all contracts, contract renewals, and personnel actions (e.g., hiring, discipline, dismissal)
- Approval of bylaws, resolutions, and policies and procedures of school operation



- Approval of all changes to the charter to be submitted to the District as necessary in accordance with applicable law
- Long-term strategic planning for the Charter School;
- Participation as necessary in dispute resolution;
- Monitoring overall student performance;
- Filling the position of Director, as necessary (subject to the disclosure and recusal of the employee Board member);
- Evaluation of the Director (subject to the disclosure and recusal of the employee Board member);
- Monitoring the performance of the Charter School and taking necessary action to ensure that the school remains true to its mission and charter;
- Monitoring the fiscal solvency of the Charter School;
- Participation in the Charter School's independent fiscal audit;
- Participation in the Charter School's performance report to the District;
- Participation as necessary in student expulsion matters; and
- Increasing public awareness of the Charter School
- Fundraising efforts

The Charter School's Board of Directors may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established.

Board Meetings

The Board of Directors meets at least quarterly (except for summer months) to review and act on its responsibilities. All meetings shall be held in accordance with the Brown Act.

The Charter School shall adopt a conflicts code which shall comply with the Political Reform Act, Government Code Section 87100, and applicable conflict restrictions required by the



Corporations Code and any conflicts restrictions that may be adopted in the future as applicable to the Charter School.

The Board of Directors meetings are headed by a Board President, who is elected annually amongst the Board at the concluding meeting of the school year.

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

Board Delegation of Duties

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee or contractor of the Charter School any of those duties with the exception of employment of the Principal, dismissal of employees, approval of Board policies, approval of the budget or budget revisions or purchases over \$25,000. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

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

Charter School Director

The Director will be the leader of the school. The Director will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Director must report directly to the Charter School Board of Directors, and s/he is responsible for the orderly operation of the school and the supervision of all employees in the Charter School.

The Board of Directors intends to hire a Director who is responsible for administering the school in all of the aspects of its day to day operations, working with the Charter School Board of Directors, the District, students, parents, and community members and the other governing bodies specified by local and state law. The Director's duties shall include, but are not limited to, the following:

- Provide instructional leadership to the Charter School



- Attend meetings at the District as requested by the District and stay in direct contact with the District to assist the District in its oversight duties;
- Supervise all employees of the Charter School; make recommendations to the Board of Directors regarding the hiring of all Charter school employees;
- Provide performance evaluations of all Charter School employees at least once annually;
- Prepare proposals of policies for adoption by the Board of Directors;
- Provide comments and recommendations regarding policies presented by others to the Board;
- Advise the Board and make written recommendations to the Board on programs, policies, budget and other school matters;
- Communicate with the Charter School's legal counsel;
- Stay abreast of school laws and regulations;
- Participate in the dispute resolution procedure and the complaint procedure when necessary;
- Approve applications for grants;
- Attend meetings with the Chief Financial Officer of the District on fiscal oversight issues periodically upon request;
- Provide all legally required financial reports to the District;
- Develop and administer the budget as approved by the Board in accordance with generally accepted accounting principles;
- Present quarterly financial reports to the Board of Directors;
- Provide assistance and coordination in the implementation of curriculum;
- Oversee parent/student/teacher relations;
- Attend IEP meetings as required by law;



- Oversee student disciplinary matters;
- Coordinate the administration of Standardized Testing;
- Plan and coordinate student orientation;
- Attend all Charter School Board meetings and attend as necessary District Board meetings;
- Site safety;
- Foster an amicable relationship between District and the Charter School and facilitate a sharing of resources between both entities;
- Establish a Communication Model to facilitate communication among all the groups within the Charter School, between the Charter School and the District, and between the Charter School and the community at large;
- Graduations;
- Develop the Charter School annual performance report and SARC;
- Present performance report to the Charter School Board and, upon review by the Charter School Board, present report to the District Board and the District Superintendent; and
- Facilitate open house events.

The above duties may be delegated or contracted as approved by the Board to another employee of the Charter School or to an appropriate third party provider as allowed by applicable law



V. HUMAN RESOURCES

Qualifications of School Employees

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

In accordance with Charter School health and safety policies, described below, all employees shall be fingerprinted and background checked and receive background clearance and tuberculosis clearance prior to commencing employment with the Charter School.

The Charter School's key staff members (Director and Teachers) will meet the following qualifications:

Director Qualifications

The Charter School's Director will be the instructional leader at the school and will be responsible for helping the school and students achieve the outcomes outlined in this charter petition. The Director will have the following qualifications:

Required knowledge, skills, and abilities:

- Understanding of implementing online educational model
- Understanding of California independent study laws
- Demonstrated experience in the evaluation of employees
- Ability to form partnerships on behalf of Charter School
- Knowledge of research supporting curriculum design
- Ability to manage professional development program
- Openness to managing a complex educational program
- Knowledge of school management

Required educational level:

- Master's Degree Required
- Administrative Services Credential Required

Required experience:

- 3 plus years teaching and 3 years administrative experience
- Experience in performance assessment
- Experience in school management



Teacher Qualifications

Required knowledge, skills, and abilities:

Candidates are evaluated using these standards:

- Experience with project-based learning
- Experience teaching in an online environment
- Highly Qualified under applicable requirements of the No Child Left Behind Act
- Technologically knowledgeable
- Experience with serving an ethnically and culturally diverse student body
- Reflective in their practice

Required educational level / credentialing:

Charter School teachers will be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold, in accordance with Education Code section 47605(I), and shall meet applicable “highly qualified” requirements required by the No Child Left Behind Act.

Physical education, service learning, Horse Wisdom/Leadership classes are defined as non-core, non college preparatory.

Student to teacher ratio will be in accordance with Education Code Section 51745.6. The Charter School will maintain auditable files of teacher credentials in compliance with applicable law.

Teacher Recruitment

The Charter School will develop a comprehensive teacher recruitment policy to attract highly-qualified, credentialed teachers. The Charter School recruitment strategies for employing highly qualified teachers include using established teacher credentialing services, such as EdJoin, Monster.com, college employment fairs, among other generally acceptable strategies.

Professional Development

Professional development will be provided on an ongoing basis and will be built into the school calendar. Professional development workshop days include:



- An intensive one-week retreat during the summer to receive training for the online curriculum component and develop curriculum and instructional strategies for the site-based and independent study program that address the needs of our targeted student population.
- A comprehensive monthly staff meeting.
- Other designated professional development days scheduled throughout the school year.

Professional development needs will be assessed through analysis of student assessment data, annual parent surveys, and formal staff discussions on recommended modifications to the educational program.

Compensation and Benefits

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

The Charter School will structure its employee compensation plan in a manner that will attract candidates with the necessary skills and experience.

The Employees shall participate in the Social Security system.

The Director shall coordinate and ensure appropriate participation in applicable retirement programs.

Employee Representation

Governing Law: A declaration whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act.—California Education Code Section 47605 (b)(5)(O)

The Charter School shall be deemed the exclusive public school employer of the Charter School teachers, staff and other employees of the Charter School for purposes of the Educational Employment Relations Act. The Charter School recognizes the employees' rights under the EERA provisions to organize for collective bargaining.

Rights of School District Employees

Governing Law: A description of 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—California Education Code Section 47605 (b)(5)(M)



Persons employed by the Charter School are not considered employees of the District for any purpose whatsoever. Employees of the District who resign from District employment to work at the Charter School and who later wish to return to the District shall be treated the same as any other former District employee seeking reemployment. The Charter School shall not have any authority to confer any rights to return on District employees. 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.

Health and Safety

Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school record summary as described in Section 44237—California Education Code Section 47605(b)(5)(F)

In order to provide safety for all students and staff, the Charter School will adopt and implement full health and safety procedures in consultation with its insurance carriers and risk management experts to implement the above policies.

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

- **Procedures for Background Checks**

Employees and contractors of the Charter School will be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Director of the school shall monitor compliance with this policy and report to the Charter School Board of Directors on a quarterly basis. The Charter School Board President shall monitor the fingerprinting and background clearance of the 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.

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

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the District.

- **TB Testing**



Employees will be tested for tuberculosis prior to commencing employment as required by Education Code Section 49406.

- **Immunizations**

All students enrolled and staff 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.

- **Medication in School**

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school.

- **Diabetes**

Beginning in the 2010-11 school year, the Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students. The information sheet shall include, but shall not be limited to, all of the following:

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

- **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 human immunodeficiency virus (HIV) and hepatitis B virus (HBV).



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

- **Drug Free/Alcohol Free/Smoke Free Environment**

The Charter School shall function as a drug, alcohol and tobacco free workplace.

- **Facility Safety**

The Charter School shall comply with Education Code Section 47610 by utilizing 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 School shall conduct fire drills as required under Education Code Section 32001.

Comprehensive Sexual Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual 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 sexual harassment policy.

Dispute Resolution

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

Disputes Between the School and the Charter-Granting Agency

The Charter School and the District will be encouraged to attempt to resolve disputes between them amicably and reasonably without resorting to formal procedures.

1. In the event of a dispute between the Charter School and the District, the employees of the Charter School agree to first frame the issue in written format and refer the issue to the Superintendent of the District and Principal of the School. In the event that the District Board of Trustees believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code 47607, the Charter School



requests that this shall be specifically noted in the written dispute statement. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the District's ability to proceed with revocation in accordance with Education Code Section 47607.

2. The Charter School Director and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) business days from receipt of the statement.
3. If this meeting fails to resolve the dispute, the Superintendent and the Director shall meet to jointly identify and agree upon a neutral third party mediator. The format of the mediation session shall be developed jointly by the Superintendent and Director. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split between the District and the Charter School. All timelines and procedures in this dispute resolution procedure may be revised if mutually agreed upon by the District and the Charter School. The Director and Superintendent may assign a designee(s) for participation herein.
4. If the dispute remains unresolved after mediation, both the Charter School and the District shall be deemed to have exhausted their administrative remedies, thus, allowing either Party to pursue any further available legal remedy under the law.



VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION POLICIES

Student Admission Policies and Procedures

Governing Law: Admissions requirements, if applicable. [Education Code Section 47605(b)(5)(H)]

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School shall comply with all applicable legally required minimum and maximum age requirements.

Upon admission to the Charter School, the registration process is comprised of the following:

- Completion of a student registration form;
- Proof of Immunization;
- Home Language Survey;
- Completion of Emergency Medical Information Form;
- Proof of minimum and maximum age requirements, e.g. birth certificate;
- Execution of a master agreement as required by independent study law.

All students who wish to attend the School shall be admitted, subject only to capacity. Admission to the Charter School shall be determined by the place of residence of the student or his or her parent in the State, as provided in Education Code Section 47605(d)(2).

If the number of students who wish to attend the school exceeds the school's capacity, admission, except for existing students of the Charter School, shall be determined by a public random drawing. In the case of a public random drawing, the following will be given preference for admission to the school:

1. Existing students enrolled in the School;
2. Siblings of existing students enrolled in the School.
3. Children of school staff; and
4. Students who reside in the District.

All applications drawn after reaching capacity will be placed on a wait-list, in order in which they are drawn.



Non-Discrimination

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

The Charter School will implement a student recruiting strategy that includes but is not necessarily limited to the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the territorial jurisdiction of the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the district.
- Student recruitment efforts may include, but are not limited to, direct mail, print advertising, and informational meetings directed toward targeted student populations to recruit students from the various racial and ethnic groups represented in the district.
- Radio, television and newspaper advertisements may also be utilized to promote broad-based recruitment efforts.

Public School Attendance Alternatives

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

No student may be required to attend the Charter School. Students who reside within the District who choose not to attend the Charter School may attend 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 policies. Parents and guardians of each student enrolled in the charter school will be informed on admissions forms that the 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.



Suspension/Expulsion Procedures

Governing Law: The procedures by which pupils can be suspended or expelled—California Education Code Section 47605 (b)(5)(J)

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at Juan Bautista De Anza Charter School (“Charter School”). When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as Charter School’s policy and procedures for student suspension and expulsion, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student & Parent Information Packet which is sent to each student at the beginning of the school year.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, use of alternative educational environments, suspension and expulsion.

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

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that these Policy and Administrative Procedures are available on request at the Director’s office.

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

A student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEIA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. Charter School will follow all applicable federal and state laws when imposing any form of discipline on



a student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is 1) related to school activity, 2) school attendance occurring at Charter School or at any other school, or 3) a Charter School sponsored event. A Pupil may be suspended or expelled for acts that are enumerated below and related to school activity or attendance that occur at any time, including, but not limited to, and of the following:

- a) while on school grounds;
- b) while going to or coming from school;
- c) during the lunch period, whether on or off the school campus; or
- d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force of violence upon the person of another, except self-defense.
3. 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 students had obtained written permission to possess the item from a certificated school employee, with the Director or designee's concurrence.
4. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
6. Committed or attempted to commit robbery or extortion.



7. Caused or attempted to cause damage to school property or private property.
8. Stole or attempted to steal school property or private property.
9. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
10. Committed an obscene act or engaged in habitual profanity or vulgarity.
11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
13. Knowingly received stolen school property or private property.
14. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
15. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.



19. Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family..
20. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 7 to 12, inclusive.
21. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 7 to 12, inclusive..
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 7 to 12, inclusive.
23. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.

Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.



C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Director or the Director's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Director. The conference may be omitted if the Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Placement/Expulsion



Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of Placement/Expulsion by the Director or Director's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Director or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the Charter School Board following a hearing before it or by the Charter School Board upon the recommendation of an Administrative Panel to be assigned by the Charter School Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the Charter School Board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures

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

In the event an administrative panel hears the case, it will make a recommendation to the Charter School Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

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

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based;



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

F. Special procedures for Expulsion Hearings Involving Sexual Assault or Battery Offences

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

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



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



made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay and sworn declarations may be admitted as testimony from witnesses of whom the Charter School Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

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



I. Written Notice to Expel

The Director or designee following a decision of the Charter School Board to expel shall send written notice of the decision to expel, including the Charter School Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Director or designee shall send a copy of the written notice of the decision to expel to the student's district of residence. This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

J. Disciplinary Records

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

K. No Right to Appeal

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

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

M. Rehabilitation Plans

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



than one (1) year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

N. Readmission

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

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

i. Notification of District

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

ii. Services During Suspension

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

iii. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members



of the IEP Team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

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

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

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

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

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

iv. Due Process Appeals



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

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

v. Special Circumstances

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

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

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

vi. Interim Alternative Educational Setting

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

vii. Procedures for Students Not Yet Eligible for Special Education Services



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

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

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

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

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

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

CHARsTER SCHOOL ATTENDANCE POLICY

Students enrolled at the Charter School must attend on the days of the regular school calendar (175) per year. Virtual students obtain credit by logging onto their courses in the Roads program provided by Advanced Academics. The State of California also requires that students spend a minimum of 64,800



minutes engaged in the learning process. Parents can track the number of minutes students are online in the Roads curriculum through the “Parent Portal”.

Students may also report additional study off line in the Education Log.

Students not engaging in work either on and off line for a period of 8 days per semester will be withdrawn from the school for truancy. Juan Bautista de Anza is a school of choice and students always have the option of returning to their school of residence. Juan Bautista de Anza will notify the student’s school of residence when a student is withdrawn due to truancy.



VII. FINANCIAL PLANNING, REPORTING AND ACCOUNTABILITY

Budgets

Budgets And Cash Flow

Governing Law: The petitioner or petitioners shall also 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 please find a projected budget for the 2009-10, 2010-11, and 2011-12 fiscal years. Although not required by law because this is not a new charter school, this budget demonstrates the fiscal viability of the material revision of the charter petition to include a full-time online program.

Financial Reporting

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

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 47605(g) will satisfy this requirement.
2. 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, State Department of Education and County Superintendent of Schools.
3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
4. By September 15, a final non-audited report from 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.

Insurance



The Charter School shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. The District Board of Education shall be named as an additional insured on all policies of the Charter School. Prior to opening, the Charter School shall provide evidence of the above insurance coverage to the District.

Administrative Services

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

The Director will assume the lead responsibility for administering the Charter School under the policies adopted by the Charter School's Board of Directors. The Charter School will contract with an appropriate third-party for all "back-office" administrative services, including but not limited to financial management, personnel, and instructional program development.

Facilities

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

The Charter School desires to locate its administrative offices within Borrego Springs Unified School District's attendance boundaries. Further, it may operate one or more learning centers in San Diego County or adjacent counties (as long as the terms of Education Code Section 47605.1(c) are met) for student access and completion of assignments, teacher meetings, and testing. It shall utilize California Building Standards Code or Field Act compliant facilities in accordance with Education Code Section 47610. The Charter School may utilize facilities owned by DeVry University for testing or other educational purposes.

Transportation

No transportation to and from school will be provided for students by the Charter School except as required by law for students with disabilities.

Independent Fiscal Audit

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



An annual independent fiscal audit of the books and records of the Charter School will be conducted as required under the Charter Schools Act, section 47605(b)(5)(I) and 47605(m). The books and records of the Charter School and the nonprofit corporation will be kept in accordance with generally accepted accounting principles, and shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers K-12 Audit Guide.

An audit committee will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and shall be included by the State Controller's Office 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.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Principal, along with the audit committee, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same.

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

Closure Protocol

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

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

The Board of Directors will promptly notify parents and students of the Charter School, the District, the San Diego County Office of Education, the School's SELPA, the retirement systems in which the School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include



the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board 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 School.

The Board 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 they will provide to the entity responsible for closure-related activities.

As applicable, the 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 School will ask the District to store original records of Charter School students. All records of the School shall be transferred to the District upon School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

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

As soon as reasonably practical, the School will prepare final financial records. The School will also have an independent audit completed within six months after closure. The School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the 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 School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the School, all assets of the School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues



generated by students attending the School, remain the sole property of the School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the District or District property will be promptly returned upon 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 School shall remain solely responsible for all liabilities arising from the operation of the School.

As the School is operated by a non-profit public benefit corporation, should the corporation dissolve with the closure of the 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, Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.



VIII. IMPACT ON THE DISTRICT

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

Potential Civil Liability Effects

Intent

This statement is intended to fulfill the terms of Education Code Section 47605(g) and provides information regarding the proposed operation and potential effects of the Charter School on the District.

Civil Liability

The Charter School shall be operated by Juan Bautista de Anza Charter School, Inc., a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d. The specific purposes for which the corporation is organized are for the operation of a California public charter school for educational services in accordance with the Education Code Section 47600, et seq.

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 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 Charter School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of Charter School shall provide for indemnification of the Charter School's Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks. The District shall be named an additional insured on the general liability insurance of the Charter School.



As stated above, insurance amounts will be determined by recommendation of 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 of Directors of Charter School will institute appropriate risk management practices, including screening of employees, establishing codes of conduct for students, and dispute resolution.



IX. CONCLUSION

By approving this material revision to the charter of the Juan Bautista de Anza Charter School, the Borrego Springs Unified School District will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanded learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools. The Petitioners are eager to work independently, yet cooperatively with the District to set the highest standard for what a charter school should and can be. To this end, the Petitioners pledge to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal for approval of a material revision to the charter. The Charter School's material revision shall be considered approved as of the date of the charter revision's approval. Renewal of the charter shall be governed by the standards and criteria in Education Code Section 47605 and Education 47607 as applicable.