

Our School

Manzanita Charter Middle School is located at 1615 Carlson Blvd. in Richmond. Manzanita Middle School is a true community school, parents and teachers work together to create the best possible learning environment for their children. Manzanita Middle School serves 150 students in grades six through eight, predominantly from the surrounding areas. Manzanita is a unique family cooperative that requires parents to contribute volunteer work each month, plus attend monthly membership meetings. Because the parents volunteer, there is a close working relationship between teachers and parents; therefore, students receive more individualized attention. .

The school has been in operation since September 2000. In 2005, Manzanita was designated as a California Distinguished School and in 2007, participated in the pilot phase of the Cambridge Education Charter Program Quality Review (CPQR). Cambridge Education recommended Manzanita for Certified Charter School status through March 2010. Manzanita boasts a high percentage attendance rate (97%), as well as high STAR test scores.

Manzanita Charter Middle School:

- Shall not discriminate on the basis ethnicity, nationality, race, gender, disability, religion, sexual orientation, and/or association with individuals with one or more of the above actual or perceived characteristics [Ref. Education Code Section 47605(d)(1)]
- Shall conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools [Ref. Education Code Section 47605(c)(1)]
- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations [Ref. Education Code Section 47605(d)(1)]
- Shall not charge tuition [Ref. Education Code Section 47605(d)(1)]

Our Mission

Through active family involvement in self-governed public education, Manzanita Charter Middle School (a cooperative charter), seeks to create a safe, nurturing, and diverse educational community for our children.

Our vision is to prepare students academically and socially to be well-rounded individuals who contribute positively to themselves, their families, the community, and our world.

Element A: Educational Program

Manzanita Charter Middle School is a parent cooperative, developmentally-based school with a strong emphasis on an academic and creative curriculum, taught within a secure and safe community in which all students belong and feel that they are "part of a family" We believe our children's education involves shared commitment and responsibility among our teachers, our parents, the community, and our individual learners. (Note: While we will use "parent" throughout this document, we recognize the variety of adults who may play parental roles in the children's lives, and we will encourage and support the involvement of all.)

MANZANITA CHARTER MIDDLE SCHOOL

I. Who will be the students?

Manzanita Charter School, a parent cooperative, is designed to educate sixth-, seventh-, and eighth-grade students whose parents see themselves as essential participants in their children's learning. We start with the belief that parental involvement is a key ingredient in ensuring student success. Therefore, family commitment to work with and support the school is a condition for admission. A number of activities count towards this work commitment, including, but not limited to, chaperoning students on study trips, arranging community service, and campus maintenance. The school helps all families meet their commitment, and makes suitable arrangements for assistance when needed.

Because the population of the district includes many racial, ethnic, and economic groups, the school will strive to have its student body reflect that diversity. Acknowledging that it is often difficult to achieve diversity in a school of choice, we affirm our commitment to diversity, and encourage all sectors of our community to join our school.

II. What it means to be an "educated person" in the twenty-first century

Manzanita Charter School provides a vital alternative educational program for students who can benefit from a small, family environment that values individuals' skills and abilities. The school provides a safe, nurturing environment where parent participation assures that someone is always available to help and support students and staff.

Our students study history and read literature in order to understand the underlying foundations of their society and of other cultures. Language arts and fine arts are essential to help our students express and communicate their ideas and feelings. Mathematics and science provide an understanding of the physical world and their relationship to the natural world.

No one of these curricular elements is more important than any other, and there is no reason to teach any of these subjects outside of the context of the real world. Whenever possible, the context is as "close to home" as possible, in order to engage the students' interest. Once engaged, the learning effort may branch out in many directions, through any or all of the disciplines.

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

III. How does learning best occur?

At Manzanita, we foster an environment of respect, caring, and a commitment to academic and creative excellence. Our instructional strategies are designed to ensure that students have multiple avenues to meeting the state standards. We firmly believe in creating a secure environment for our students, based on self-esteem, self-respect, and concern and respect for others. It is precisely such an environment in which students are able to explore and to not be afraid of learning. They learn that making mistakes or taking the risks involved in creative and critical thinking processes lead to new learning and discoveries. At a time in their lives, when many children are coping with feelings of inadequacy or of being different or left out, we seek to actively work as a community on intrapersonal and interpersonal skills, and the recognition and solution of social problems.

We recognize that all students learn in different ways and that an effective academic program must respond to these differences. Accordingly, our teachers will use a broad mix of innovative and traditional teaching styles including:

- cooperative learning (working in groups)
- student-centered learning (teacher as coach)
- Socratic questioning (detailed oral questioning of students)
- technology-based learning (interactive media and Internet)
- lectures and presentations (teacher as coach, multimedia presentations)
- experiential learning (hands-on projects and labs)
- guided instruction (teacher as facilitator)
- direct instruction (lectures and presentations)
- theme based learning (focused themes)
- student study trips (designed to extend learning)
- student initiated and planned academies
- after school and lunchtime support (teachers available for individual work)

Teachers make use of these strategies within their classes in order to provide multiple learning opportunities for students as they master the state standards. Learning is extended through well-designed student study trips and students are provided choice through the implementation of student-planned academies.

Student study trips are key to teaching the whole child at Manzanita Charter School. Study trips are tied to directly to course curriculum for hands on learning that also increases Manzanita Charter School students' awareness of the world outside their own neighborhood. Study trips include the entire grade level group, which strengthens the community. Study trips are proposed by both teachers and students and encourage curiosity, new ways of thinking about the world, and familiarity with the public transportation system. Overnight trips are typically held for each grade level and focus on outdoor skills connected to the curriculum. Each year, the 8th grade class will strive to complete their three years of middle school with a study trip to Washington D.C. This trip is dependent on financial resources from parents and fundraising.

MANZANITA CHARTER MIDDLE SCHOOL

Students design and lead an elective called Academy; which occurs once a week throughout the year. Each academy is planned as a small multiage group with a common interest with a staff or parent lead. These Academies have included Drama, Dance, Martial Arts, African Drumming, Farming, and Yearbook.

We recognize and support learners who need additional programs to develop their skills. We provide multiple means for learning the course content. At weekly staff meetings, staff discusses students who show signs of needing additional support. These discussions generate a Student Success Team (SST) led by one designated staff member who coordinates with the on-site Resource Teacher. Currently, a private grant provides funding for an after-school academic support program. When fiscally able, Manzanita Charter School will continue the after-school program and will apply for applicable grants to help fund further programs.

III. Curriculum Content Overview

At Manzanita Charter Middle School, we are implementing a challenging, standards-based curriculum that provides students with opportunities to make connections to their community and their world. The curriculum at Manzanita Charter School is structured to meet or exceed the State of California Content Standards for sixth, seventh, and eighth grades. In support of their standards-based curriculum, Manzanita textbooks are chosen from the state-adopted list of texts. Close collaboration among staff members supports teaching across the curriculum enabling students to make connections across course content areas. Teachers encourage students to develop critical thinking, interpersonal, and organizational skills. Key elements of Manzanita's curriculum include:

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

Following is an overview of the curriculum in each of the core academic content areas. Manzanita staff will examine the effectiveness of the selected curricula on an ongoing basis and make changes as it deems appropriate to best meet the needs of its students.

English Language Arts

The overall goals of the Language Arts program are to help students formulate and express their ideas effectively, and appreciate literature for its own sake. Our curriculum involves

MANZANITA CHARTER MIDDLE SCHOOL

thematic learning to compliment other subject areas. Themes are based on the California Language Arts Standards, as well as the concerns and interests of students. Students learn

strategies that help them both enjoy different types of reading and encourage greater comprehension. At each grade level, many forms of literature including short stories, novels, plays, poetry, and essays are studied and discussed. Cooperative learning is also encouraged.

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

Mathematics

Mathematics classes are oriented toward the mastery of foundation skills as well as mastering California standards. Instruction techniques include direct instruction, guided practice, independent practice, and multiple ways of assessing student learning. All classes are note-based, project-based, have nightly homework practice, and include regular quizzes and tests. The standards-based curriculum includes a focus on the development of higher order thinking skills. In sixth grade, students focus on computational concepts including fractions, percentages, and decimals while building a deeper understanding of place value and numerical relationships. The curriculum includes exercises and activities that relate these concepts to real life situations. Seventh grade mathematics is an applications-based curriculum linked to the state mathematics standards where students review computation skills including decimal operation, fraction operations, integers, exponents, and pre-algebra while learning about statistics, probability, and geometry. In eighth grade, students learn to manipulate algebraic expressions; learn to solve problems with inequalities, absolute value, quadratics, and rational expressions. They are able to graph lines and curves and extrapolate the equation of a line from two data points.

In order to provide additional support to 7th and 8th grade students, the school implements an independent math period to address skill gaps and provide homework support. The goal of the additional period is to ensure that students are well prepared for high school mathematics.

History/Social Studies

The overall goal of the history/social studies curriculum is to help the students understand social systems and their own roles in society by emphasizing the development of an understanding of history rather than memorizing facts. History Workshops and thematic units are used as appropriate. At all grades, the curriculum units are mapped to the appropriate content standards and students are assessed based on their mastery of the standards.

Sixth Grade: Ancient Civilizations

MANZANITA CHARTER MIDDLE SCHOOL

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

Seventh Grade: Medieval and Early Modern Times

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

Eighth Grade: United States History

Students in eighth grade study the ideas, issues, and events from the founding of the colonies, through the Revolutionary War, the framing of the Constitution, up to World War I. The class traces the development of American politics, society, culture, and economy and students learn how these elements created regional differences. Students are able to see connections between the rise of industrialization and their lives. Current events and social issues are discussed throughout the year. The course continuously examines the ideal of democracy through the lens of each historical era.

Science

The overall goal of our science program is to prepare scientifically literate students who will have the ability to understand the rapidly changing world they will face as adults and the confidence and skills to act positively and influentially in it. The use of the Scientific Method is emphasized. The Science program provides multiple hands-on learning experiences. Students become involved in the processes of scientific inquiry and gain knowledge of concepts fundamental to modern scientific theory. It is emphasized that science is a process of exploration and revision of existing knowledge. We encourage discussion about the relationships among science, technology and society, and allow students to form their own understanding of the benefits and challenges inherent in scientific discovery. Investigation and experimentation are part of the California standards for all grade levels. Following California content standards for Science, the area of focus for sixth grade is Earth Science, for seventh grade is Life Science and the eighth grade focus is Physical Science. Curriculum at each grade level is linked to the California Science content standards.

Visual Arts

At Manzanita, we view the Arts as essential to help our students express and communicate their ideas and feelings. Our goals are to expose students to a wide variety of arts, and encourage an understanding of the communicative nature of the arts. The visual arts curriculum is driven by the four areas of the Visual Arts Standards: Artistic Perception; Creative Expression; Historical and Cultural Context; Aesthetic Valuing; and Connective Relationships and Applications. The intent is to encourage growth in each student's perceptions and skills, as well as confidence in their abilities. The visual arts curriculum is integrated into other areas of the school's curriculum including links to the Social Studies/History curriculum.

Physical Education

Students of all grade and skill levels are encouraged to develop team and individual skills. Warm-up and strengthening exercises are utilized to stress both immediate and long-term health benefits. Skill building is promoted through sports activities.

Technology

Manzanita is committed to providing an environment in which technology is integrated throughout the curriculum in order to enhance student productivity, efficiency, creative expression, communication, and access to information. We seek to prepare students to effectively use current and future technologies both inside and outside of the classroom.

Students are challenged to:

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

Student technology projects include word processing assignments and reports, working with spreadsheets, and developing PowerPoint presentations. Students are encouraged to use technology regularly to communicate, collaborate, research, locate, evaluate, collect data, write, analyze, report, and learn. Our goal is to make technology a tool that facilitates students reaching their objectives, while enhancing the skills they will need to function in the 21st century.

IV. Support for English Learners at Manzanita Charter School

An inclusive environment, such as the one provided at Manzanita Charter School, gives English Learner (EL) students an opportunity to learn from and with his/her English-speaking peers, rather than being segregated with others who are also struggling with the language. English learner students are identified, by using the same methods used by the District; a home language survey and the California English Language Development Test (CELDT). All teachers are given a spreadsheet that identifies students who are English learners and their proficiency level. Teachers then individually plan their curriculum to ensure that these students have full access to the material and teachers modify their instruction as needed.

In order to support the learning of English Learners, Manzanita actively recruits and hires bilingual instructional and support staff. Manzanita's instructional staff has been trained in instructional strategies for teaching English Learners. Teachers make use of Specially Designed Academic Instruction in English (SDAIE) strategies in working with their students. The school is committed to providing EL students with full access to a challenging, standards-based curriculum and the support necessary to be successful. The goal of our program is for EL students to learn English and meet age-appropriate academic achievement standards for grade promotion and graduation. Manzanita Charter School works with the District to ensure, that English learners are retested yearly using the CELDT to determine if they are eligible for reclassification and to ensure that EL students are making appropriate progress. As a result of the assessment on the California Standards Test (CST) and the CELDT, EL students are provided with focused support to address the gaps in their learning.

V. Support for Struggling Students

Students who score below proficiency on the California Standards Tests, or are receiving grades of D or lower in their course work, need extra attention to be successful. All students at Manzanita Charter School are supported by both the small school size as well as the small class sizes. These structures are especially beneficial for those students who would normally struggle. Weekly faculty meetings are devoted to student issues and identify students who are struggling. Once struggling students are identified, strategies for their support are brainstormed, discussed, and implemented by the entire faculty. Continuous evaluation of the student's work and Student Study Teams are utilized to determine which strategies best assist the student in meeting the learning outcomes. Teachers differentiate within the classroom to meet the needs of struggling student, as well as offering one-on-one assistance at lunch and before and after-school. Currently, Manzanita offers an after-school program for homework help, Math and English support, as well as enrichment so that struggling students can receive additional academic support. Additional strategies used, include, but are not limited to; mentoring from other students, peer-tutoring, modified curricula, additional teacher support, etc. Through monthly membership meetings and required volunteer hours, parents are informed as to any extra academic needs of the students and are recruited to help create additional support strategies and work with the students to ensure success. Struggling students are truly embraced by the "family-feel;" of the school and supported in every way possible.

VI. Special Education Program

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

The Process Used to Identify Students who qualify for Special Education Programs and Services

Manzanita Charter School has the responsibility to make referrals of any students enrolled at Manzanita who are believed to be eligible for special education assessment and/or services through a seek and find process, regardless of whether such students are identified by teachers, or services are requested by the parent. Prior to making such a referral, Manzanita Charter School convenes a Student Study Team (SST) within ten school days, as needed, to determine if alternative interventions are appropriate. One Manzanita Charter School teacher, as part of his or her administrative responsibilities, acts as the Special Education Coordinator (referred to as the Designee). One of the Designee's responsibilities is to conduct regular surveys of the entire faculty to find possible candidates for SST support. At the monthly SST meetings, parents, teachers, and the student are invited to share all information regarding the student's strengths and challenges. Non-special-education accommodations are developed, and a follow-up meeting is scheduled. If the accommodations are not effective, the student is referred to the appropriate

MANZANITA CHARTER MIDDLE SCHOOL

qualified District-referred specialist for testing. The appropriate qualified specialist may be a qualified school psychologist, occupational therapist, speech and language pathologist, behavioral specialist, or the RSP teacher. Prior to making the referral, Manzanita Charter Middle School consults with the West Contra Costa Unified School District (hereinafter the “District”). Qualified District-referred specialists determine what assessments, if any, are necessary and arrange for such

assessments for all referred students (initial, annual, and tri-annual assessments). The District’s special education service provider or specialist consults with the designated representative of Manzanita prior to offering assessments conducted by individuals outside of the District or the SELPA. Manzanita does not conduct unilateral independent assessments without prior written approval from the District.

How Manzanita Provides or Accesses Special Education Programs and Services

The RSP teacher and Manzanita’s Designee are responsible for arranging the necessary meetings for Individualized Education Programs (IEP) in writing. Manzanita Charter Middle School is responsible for having the designated representative of Manzanita in attendance at the IEP meetings (along with a primary teacher, parents, District representatives, etc.). District responsibility includes documentation of the IEP meeting and ensuring parental rights. The IEP teams makes decisions regarding eligibility, IEP goals/objectives, program, placement, monitoring, and exit from special education services. Services and placements are provided to all eligible Manzanita Charter Middle School students in accordance with IDEA, and the policies, procedures and requirements of the District and of any SELPA Local Plan for Special Education. Services, whenever feasible, are provided at Manzanita in a manner consistent with the school program design. For students who enroll in Manzanita Charter Middle School from outside the District with a current IEP, it is the responsibility of Manzanita Charter School to implement the existing IEP to the extent possible and to notify the District immediately to schedule an IEP within 30 days. During this 30 day period, Manzanita Charter Middle School will provide comparable services, as required by Education Code section 56325. For students who were previously enrolled in the District, the District agrees to forward the student’s cumulative file, including all special education files, to Manzanita Charter School within 10 days of notification. In addition, the District provides consultative assistance to help Manzanita transition the student as identified in the student’s IEP.

The School’s Understanding of its Legal Responsibilities for Special Education Students

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

How Manzanita Charter School Meets Legal Obligations for Special Education Students

It is understood and agreed that all students have access to Manzanita Charter Middle School and no student is denied admission or counseled out of Manzanita due to disability. Manzanita Charter

MANZANITA CHARTER MIDDLE SCHOOL

School has small classroom sizes designed to accommodate students with various learning styles and academic needs. To the extent that the agreed-upon IEP requires educational or related services to be delivered by staff other than Manzanita staff, the District provides and/or arranges for such services. District services include consultative services by District Special Education staff to Manzanita staff, a School Psychologist, a part-time Speech and Language Pathologist, Behavior Specialist, Occupational Therapist, or other specialists as noted in the Special Education Memorandum of Understanding between the District and Manzanita Charter Middle School, if indicated by a student's IEP. Manzanita Charter Middle School does not unilaterally authorize any program or services to comply with the IDEA without prior consent of the District. Manzanita staff members attend in-service training conducted by the District or SELPA on the referral system and criteria as well as other relevant workshops, and in-service training regarding issues related to special education. Collaborative Manzanita staff meetings also include training, and discussions that include seek and find procedures, sensitivity training, federal and state legal issues, and regulations.

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

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

Given that the District provides Special Education services to Manzanita, it retains all equitable revenue, which is generated by the Manzanita Charter Middle School for the delivery of Special Education and related services and is solely responsible for the financial costs of these related services and responsibilities as required by law or otherwise set forth above. On an annual basis,

MANZANITA CHARTER MIDDLE SCHOOL

the District determines what, if any, excess cost contribution is to be made by Manzanita Charter Middle School to the District for the prior year's delivery of service.

504 Services

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

Element B: Measurable Pupil Outcomes

Manzanita Charter School provides a developmentally- and standards-based curriculum in each of the sixth, seventh, and eighth grades that emphasizes the following nine outcome areas. Teacher presentation of information and classroom work considers the individual learning styles of each student. Teachers also consider students' developmental levels in a variety of areas, with the goal of best meeting these learning needs so as to achieve and exceed the educational standards of each grade level and to prepare each student for a successful high school experience.

One of our main goals at Manzanita Charter School is to foster a love of learning and an intellectual curiosity in our students. We recognize that learning is a lifelong process and promote a positive and enthusiastic disposition toward learning in each of our students. The classroom atmosphere at Manzanita Charter School is one in which students feel secure and comfortable in voicing their opinions and thoughts.

Core Academic Skills

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

MANZANITA CHARTER MIDDLE SCHOOL

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

Lifelong Learning Skills

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

Citizenship Skills

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

MANZANITA CHARTER MIDDLE SCHOOL

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

Element C: Methods to Assess Pupil Progress toward Outcomes

At Manzanita, student performance is monitored through the use of both formative and summative assessments which allow for tailoring differentiated interventions for all students as needed to increase achievement for all students. Manzanita Charter Middle School administers all mandated state, including the California Standards Test (CST) and the California English Language Development Test (CELDT).

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

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

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

Following is a chart outlining each of our pupil outcomes (described above in Element B) and the specific assessment measures to evaluate student progress toward achieving them:

Methods to Assess Progress toward Pupil Outcomes

Outcome	Assessment
Proficiency in English language arts	<ul style="list-style-type: none">• California State tests (CST, CELDT)• Projects and Reports (visual and written)• Oral presentations• Teacher designed quizzes and tests• Student reflections• Portfolios• Grades and other school-designed assessments
Proficiency in mathematics	<ul style="list-style-type: none">• California Standards test CST)

MANZANITA CHARTER MIDDLE SCHOOL

	<ul style="list-style-type: none"> • Curriculum-embedded assessments • Teacher designed quizzes and tests • Grades and other school-designed assessments
Proficiency in history-social science	<ul style="list-style-type: none"> • California Standards test (CST) • Curriculum-embedded assessments • Portfolios • Teacher-designed quizzes and tests • Projects and Reports (visual and written) • Grades and other school-designed assessments
Proficiency in science	<ul style="list-style-type: none"> • California Standards test (CST) • Projects and Reports (visual and written) • Portfolios • Teacher-designed quizzes and tests • Curriculum-embedded assessments • Grades and other school-designed assessments
Proficiency in the visual arts	<ul style="list-style-type: none"> • Projects and presentations (visual and written) • Teacher-designed quizzes and tests • Portfolios • Grades and other school-designed assessments
Lifelong learning skills	<ul style="list-style-type: none"> • Teacher observations and narratives • Student self-evaluations
Character skills	<ul style="list-style-type: none"> • Teacher observations and narratives • Student self-evaluations

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

As described in element A above, Manzanita Charter Middle School assesses English Language Learner (ELL) students in accordance with the law, including administering the home language survey, and the California English Language Development Test (CELDT). Manzanita uses annual CELDT data, teacher and parent observations, and California Standards (CST) test data to identify ELL student needs and reclassify English Language Learners students as English proficient when appropriate.

Data Collection, Analysis, and Reporting

Teachers at Manzanita collect and analyze student data from a number of sources on an ongoing basis, both collaboratively and in their individual classrooms. Based on this data analysis, teachers alter their instruction and create interventions as necessary. Moreover, Manzanita Charter School will administer an annual survey to measure the satisfaction of the school’s parents, students, and staff.

MANZANITA CHARTER MIDDLE SCHOOL

Manzanita Charter Middle School uses multiple measures to examine and analyze growth over time. The school will examine CST data and school-created data both for individual students, for cohorts of students, and by classes. Further the school will disaggregate data based on relevant demographic characteristics as appropriate including gender, English learner status, Special Education status, economic disadvantage, and ethnicity.

Manzanita makes use of the ZOOM! Data Source data analysis and reporting tools to disaggregate data, analyze trends, and provide reports that teachers can use to identify gaps in student learning. Because assessments are aligned to standards, the ZOOM! Data Source will be able to provide information on specific standards that students have mastered. More specifically:

MANZANITA CHARTER MIDDLE SCHOOL

At the *Classroom level*, aggregated classroom data is managed by each teacher and reviewed on a regular basis for indications of curricular elements that have been mastered and those that need to be re-taught. Additionally, individual student progress on the classroom level is reviewed by each teacher and used to create bimonthly accountability reports, quarterly progress reports, and semester report cards. Classroom-based assessment tools are used to monitor student progress in their mastery of the California State standards for each subject. The regular review uses the analysis tools built into ZOOM! Data Source which allow for both aggregate and disaggregated analysis.

At the *Grade level*, student progress by grade level is reviewed upon the creation of bimonthly accountability reports, quarterly progress reports, and semester report cards. Eighth grade students are also monitored on academic and social/emotional levels one-on-one by their mentors on a monthly basis. ZOOM! Data Source reports of both aggregate and disaggregated data are reviewed monthly by staff for each grade level to assess academic growth or decline. STAR test scores are reviewed annually by both grade and subject area to ensure progress and address any challenges. Progress of eighth-grade students in particular is discussed at weekly staff meeting as part of the 8th grade mentoring program.

At the *School level*, staff members review ZOOM! Data Source reports including both aggregate and disaggregated data monthly staff to assess school-wide growth. STAR test scores are reviewed annually for growth or decline in each subject area as well as disaggregated by demographic characteristics to identify equity issues.

Based on the analysis of student performance data, Manzanita Charter School has modified its strategic plan through the creation of programs in areas of need (examples include an after-school academics program and additional support for EL students). The curriculum has been modified at the classroom level in response to similar analysis. Students may spend a larger amount of time reviewing material, or creating projects, to help better understand a difficult topic.

Reports to Stakeholders

Manzanita Board and staff believe that parent support for their students' education is a key to student success. The school believes that regular information sharing fosters parent's ability to support their students. Every two weeks, parents receive an accountability report which includes current grades, unexcused absences and tardies, and behavioral comments. Parents also receive formal quarterly and semester grades. Twice a year, the school schedules formal parent-teacher conferences to discuss student progress and informal parent-teacher contact through phone calls and informal meetings happen throughout the year.

The school staff also prepares periodic reports on aggregated and disaggregated grade-level and schoolwide data both to the school's governing Board as well as to the school's membership.

Element D: Governance

The governance structure of Manzanita Charter Middle School will reflect the family cooperative philosophy and the essential parent involvement required of our charter. The charter school is a non-profit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation regulations.

Manzanita Charter Middle School and the district shall enter into a separate agreement to defend, indemnify, and hold one another harmless with respect to school operations and associated matters, allocate risks associated with day-to-day management solely to Manzanita Charter Middle School, and require Manzanita Charter Middle School to provide for public liability and property damage insurance for the benefit of and reasonably acceptable to the District. Manzanita Charter Middle School shall not issue enrollment packages to prospective students, enter into employment contracts, or otherwise engage in activities related to instruction under this Charter until all required insurance certificates have been delivered to the District.

The school will be governed by an elected Manzanita Charter Middle School Board of Directors (the “Manzanita Board”) who will be responsible for the determination of day-to-day operations, with certain decisions to be determined by a majority vote of the family membership (the “Manzanita Membership”), all as more particularly set forth in the Bylaws of Manzanita Charter Middle School (the “Bylaws”)

The Manzanita Board of Directors will be composed of five or more Directors
Membership positions filled annually by election by the Manzanita Membership:

- 1 • **Board Chair** (Executive Board member)
- 2 • **Fiscal Manager** (Executive Board member)
- 3 • **Secretary** (Executive Board member)
- 4 • **Personnel Chair**

One representative from the charter district (in accordance with charter school law, to be appointed by the district as it sees fit)

Additionally an advisory committee with,

One to Two Non-voting Faculty Representatives (selected annually by the teaching staff)

One Non-voting Administrative Representative (selected by joint decision of representatives of the teaching staff and Board of Directors)

The terms for the positions described above, and all other membership positions determined by a majority vote of the family Membership, and that of the faculty and staff representatives will be the academic school year. The schedule and procedures for elections are detailed in the Bylaws. The number and type of elected membership positions may be modified as needed and determined by the Board of Directors in accordance with procedures discussed in the Bylaws and the Board Operations Policy.

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

MANZANITA CHARTER MIDDLE SCHOOL

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

The Manzanita Membership will function as a second source of decision-making, as described in the Bylaws. Meetings of the membership will be regularly scheduled throughout the school year. Each family will be represented at these meetings. Decisions will be made following a modified consensus model. If consensus cannot be reached by following the consensus process as outlined in the Bylaws, then a vote will be taken. Each family will have one vote, and decisions are determined by a majority vote.

The administrative on-site manager or other designee will facilitate the day-to-day business of the school. The administrator or designee will be responsible for providing general information to the public about the school, directing questions to the proper Director(s), keeping accurate school records, helping to resolve day-to-day conflicts with the assistance of parents, teachers, and the school community, and overseeing daily operations as outlined in our Bylaws. The manager or designee will be hired as a contract employee pursuant to written job specifications developed jointly by the Board and the teaching staff, with contract terms and compensation determined by the Board. After hiring, the manager will report to the Board.

Both the Manzanita Board and the Manzanita Membership shall act in accordance with the Bylaws and the Manzanita Charter Middle School charter. As a publicly supported, public benefit corporation, the Manzanita Charter Middle School acknowledges its responsibility to permit public access to its deliberations and documents. Therefore, the Manzanita Charter Middle School Board of Directors and the meetings of the Manzanita Membership shall comply with the Ralph M. Brown Act (Gov. Code §§ 54950, et seq.), Public Records Act (Gov. Code §§ 6450, et seq.), and all other statutes applicable to charter schools, subject to the exemptions therefore set out in Education Code § 35147, and such other statutory provisions as may be enacted from time to time.

Parent Involvement

As a parent cooperative, parents are actively involved in the operation and decision-making of the school. Each family has a vote at Membership meetings, ensuring that parents have a role in making major decisions about the school. Additionally, parents are encouraged to play an active role at the school through volunteering at the school. Parent volunteer activities include supporting teachers in the classroom and with administrative tasks; chaperoning field trips; providing for school maintenance; and supporting all school activities.

Element E: Employee Qualifications

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

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

Element F: Health and Safety

Manzanita Charter Middle School complies with Education Code Section 44237. In consultation with its insurance carriers, Manzanita Charter School has developed guidelines to ensure the health and safety of pupils, families, and staff.

Manzanita has adopted and implemented a comprehensive set of health, safety, and risk management policies. These policies were developed in consultation with the school's insurance carriers and at a minimum address the following topics:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- Policies and procedures for response to natural disasters and emergencies, including fires and earthquakes.
- Policies relating to preventing contact with blood-borne pathogens.

MANZANITA CHARTER MIDDLE SCHOOL

- A policy requiring that full-time instructional and administrative staff receive training in emergency response, including appropriate “first responder” training or its equivalent.
- Policies relating to the administration of prescription drugs and other medicines.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A policy that each employee of the school submits to a criminal background checks and furnishes a criminal record summary pursuant to Education Code Section 44237.

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

In furtherance of its commitment to serve the educational needs of the local school community, the Manzanita Charter Middle School Board of Directors uses its best efforts to continue maintain the principal educational site of the school, within the geographic boundaries of the District. The school’s current location is at 1615 Carlson Blvd. in Richmond, CA.

Element G: Racial and Ethnic Balance

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

- Publicizes Manzanita Charter School in the various neighborhoods being served (e.g., distributes written materials and attends community events that offer visibility and contact with diverse groups of potential families).
- Hosts open houses and campus tours.
- Provides an anti-bias curriculum.
- Maintains non-sectarian policies with respect to the school's programs, admissions, employment practices, and all other operations and shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability.

Element H: Admissions

Manzanita Charter Middle School will be open to all students of middle school age living in the state of California. No student will be required to attend this school. No tuition will be charged by the school. Through an active recruitment, the racial and ethnic balance of the school will seek to be reflective of the general population of the community served.

Application Procedures

Manzanita’s application due dates and timeframe are scheduled to coincide with those of local private schools. We want to encourage Manzanita Charter Middle School as an alternative to parents both in private and public schools. The school holds multiple information events and provides ample notification to prospective parents and the wider community prior to the school’s application deadline which is usually in March.

Families interested in submitting an application will be encouraged to attend an information night event to ensure an understanding of the Manzanita Charter School cooperative program and the family’s obligation to the school. The parent(s)/guardian(s) of the applicant must evidence commitment to the goals and the philosophy of the school by signing a Family Agreement as part of the application process. Students must evidence a willingness to participate, do homework, respect others, be honest, and work cooperatively by signing a Student Agreement as part of the application process.

Application Policy and Timeline

The schedule below represents Manzanita’s tentative timeline for the admissions process. The approximate dates may be changed based on circumstances.

- Mid Nov: Schedule and begin to advertise information events 4-6 weeks before event.
- Mid Dec: Inform current families via letter whether or not they are in good standing based on meeting their volunteer commitments as well as notification of the number of volunteer hours necessary to be in good standing.
- December 15: At least two weeks in advance, submit press release to West County Times with information event dates.
- January: Hold information meetings.
- Early January: Distribute Returning Student Notification to current students.
- Mid Jan: Deadline for current families to submit Returning Student Notification.
- February: Hold information meetings.
- End Mar: Deadline to submit New Student Applications (including sibling applications)
- Early April: Send acceptance confirmation to applicants not involved in the lottery
- Mid April: Hold Lottery
- Late April: Send confirmation letters to new students accepted through the lottery and waitlist confirmation to applicants placed on the waitlist in the lottery
- April/May: Deadline for applicants offered admission to return Student Enrollment Packet.

Applications must be mailed or delivered to the school site (or designated address) by the advertised application deadline (usually in March). Applications must be complete and legible.

Within three weeks of the application deadline, written notices will be mailed to families of applicants who are offered admission as well as to those who are not. In some special cases we may not be able to give a final decision on this date.

MANZANITA CHARTER MIDDLE SCHOOL

Within five weeks of the application deadline, Manzanita Charter School must receive the Student Enrollment Packet from the families who accept admission to Manzanita Charter School. Families who fail to return the Student Enrollment Packet may lose their space at Manzanita Charter School, and the space may be offered to another family.

Advertising

The Manzanita Charter School website will be updated with the dates of information events. Approved flyers or brochures also will be distributed. The Educational Reporter at West County Times (Bay Area News Group: also publisher of CC Times & El Cerrito Journal) will be sent an email two weeks prior to information events. An ad may be placed in the West County Times, the Richmond Globe, Parents Press, or Kensington Outlook. Notices will be posted on online appropriate message boards and online venues including Craigslist.

Lottery Process

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

- To continuing students in good standing.
- To siblings of continuing students or of students who have graduated whose families were in good standing. We include this priority for the sake of the continuity of the school community and the viability of the cooperative model.
- To students who reside within WCCUSD.
- To students who reside outside the WCCUSD.

In the event that, after applying the foregoing admission priorities, we have more applicants than spaces available, a public random drawing will take place within the priority category that has exceeded the spaces available. The Administrator or designee will schedule a date with a WCCUSD designee who would conduct the lottery (pull the names). The district designee will sign a form stating that the lottery was conducted by an impartial party, and on what date.

A notice will be posted at the Manzanita Charter School site which states the lottery is open to the public. Applicants will be notified of the lottery date in writing, notified that the lottery is open to the public as required by law.

Families of students who have been admitted through the lottery will be notified in writing. Those families must return the Student Enrollment Packet by the due date, or their spot may be offered to another family.

Element I: Annual Fiscal and Performance Audit Reports

The school's Administrator and the chair of the Board's Fiscal Committee work with the external auditor to complete the yearly audit. The audit verifies the accuracy of Manzanita Charter Middle School's financial statements, revenue-related data collection and reporting practices, and reviews Manzanita's internal controls. The audit is conducted in accordance with generally accepted accounting principles by an independent, District-approved accounting firm with expertise in public school business. To the extent required under applicable federal law, the audit scope is expanded to include items and processes specified in any applicable Office of Management and Budget Circulars.

The Administrator and the Fiscal Chair review any audit exceptions or deficiencies and reports to the Manzanita Board of Directors with recommendations on how to resolve them. No later than December 31 of each calendar year, all audit exceptions and/or deficiencies are resolved to the satisfaction of the Board of Directors. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this Charter.

Element J: Pupil Suspension and Expulsion Policies and Procedures

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 Manzanita Charter School (the "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 Handbook which is sent to each student at the beginning of the school year. The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, 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.

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

MANZANITA CHARTER MIDDLE SCHOOL

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“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. The 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 the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

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 Administrator 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 Sections 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 Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid

MANZANITA CHARTER MIDDLE SCHOOL

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 Section 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 Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 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.

MANZANITA CHARTER MIDDLE SCHOOL

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 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 4 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 4 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 4 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 Administrator or the Administrator'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 Administrator. The conference may be omitted if the Administrator 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 Administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If 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 Administrator or Administrator’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 Administrator 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 Governing Board following a hearing before it or by the Governing Board upon the recommendation of an Administrative Panel to be assigned by the Governing 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 Governing 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 Administrator 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 Governing 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 the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the 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 Offenses

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 Governing 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 Governing 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 Governing Board who will make a final determination regarding the expulsion. The final decision by the Governing Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Governing 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 Administrator or designee following a decision of the Governing Board to expel shall send written notice of the decision to expel, including the Governing 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 Administrator 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 Governing Board decision to expel shall be final.

MANZANITA CHARTER MIDDLE SCHOOL

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 Governing 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 Governing Board following a meeting with the Administrator 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 Administrator shall make a recommendation to the Governing 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 who is suspended for more than ten (10) school days during a school year.

a. 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.

b. 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.

c. 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.

d. 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 Administrator 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.

e. Interim Alternative Educational Setting

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

f. 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 Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

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

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

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to 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 that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Element K: Teacher's Retirement

Manzanita Charter Middle School teachers participate in the State Teachers Retirement System (STRS). The school also offers Public Employees Retirement System (PERS) for all eligible staff. Manzanita makes the required employer contribution for both STRS and PERS.

Additionally, Manzanita Charter School makes the required employer contribution toward federal social security for those employees not covered by PERS. The school's Employee Handbook contains information on employee retirement rights.

Element L: Public School Attendance Alternatives

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

Element M: Employee Rights

Manzanita Charter Middle School is the official employer of record of all employees. Manzanita employees who leave the WCCUSD to take a job at Manzanita and who later choose to return to the District shall be treated the same as any other former District employee seeking re-employment. Employment procedures are set forth separately in the school's Employee Handbook.

Element N: Dispute Resolution Process, Oversight, Term, and Renewal

I. Dispute Resolution

The Manzanita Charter School Board of Directors has adopted policies and procedures for airing and resolving internal disputes.

The governing board and staff of the WCCUSD agrees to refer all complaints regarding the school's operations to the Chair of the Manzanita Charter Middle School Board for resolution in accordance with the school's adopted policies. Parents, students, board members, volunteers, and staff have been provided with a copy of the school's policies and dispute resolution, and have agreed to work within the stated parameters. In the event that Manzanita's adopted policies and processes fail to resolve the dispute, the chartering district will not intervene in the dispute without providing reasonable prior written notice to the Manzanita Charter School Board specifying the rationale for the District's decision to intervene on the basis that either (i) the matter relates directly to one of the reasons specified in law for which a charter may be revoked; (ii) such intervention is reasonably necessary in order for the District to avoid liability to the aggrieved party; or (iii) such intervention is directly related to the District's exercise of a duty, responsibility, or authority as the chartering agency under the Charter Schools Act, this Charter, or the Memorandum of Understanding (MOU) between the District and Manzanita Charter School.

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

MANZANITA CHARTER MIDDLE SCHOOL

In the event that any dispute arises between the District and Manzanita Charter School relating to this Charter, the parties hereby agree to initially attempt to settle such dispute by meeting and conferring with each other and to make a good faith attempt to resolve the dispute.

In the event that the parties are unable to resolve any dispute by meeting and conferring, the parties shall then attempt to settle any such dispute by a non-binding mediation, before a single neutral mediator, subject to the following:

- The mediator shall be assigned at random by a mutually agreed upon mediation service provider located within Contra Costa County.
- A demand for mediation must be in writing and must be made by the aggrieved party within forty-five calendar days of the event giving rise to the demand.
- The mediation shall commence within forty-five calendar days from the date of the receipt of the Mediation Demand, and shall be concluded no later than fifteen calendar days thereafter.
- The administrative costs of conducting the mediation shall be shared equally between the parties.

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

II. Charter Oversight, Renewal, and Term

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

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

The charter may be amended, from time to time, by the Manzanita Charter School Board of Directors with notice to and consent of the District. In the event of any disagreement over a proposed charter amendment, the Manzanita Charter School Board representatives will meet and confer with District representatives to resolve the issues and, if necessary, work through the

MANZANITA CHARTER MIDDLE SCHOOL

dispute resolution process set forth under this Element (Element N).

III. Revocation

Any revocation of the Petition shall comply with governing law.

Element O: Public School Employer

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

Element P: School Closure Procedures

The following procedures shall apply in the event Manzanita Charter closes, and they apply regardless of the reason for closure. Closure of Manzanita Charter School will be documented by official action of the Board. The Manzanita Board of Directors is designated as the responsible entity to conduct the school closure related activities. The action will identify the reason for closure.

The Board of Directors will ensure notification of the closure to the parents or guardians of students at Manzanita Charter School and will provide information to assist students in locating suitable alternative programs. Manzanita Charter School will provide parents or guardians of students, and the WCCUSD (West Contra Costa Unified School 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"). Manzanita Charter School will ask the WCCUSD to store the records of the charter school or distribute student records to the district of residence of each student with a copy to the family.

The Manzanita Charter School Board will promptly notify the WCCUSD, the California Department of Education (CDE), the Contra Costa County Office of Education (CCCOE), (STRS) the retirement system in which school employees participate, and the parents or guardians of students. Notice of the closure to the parties listed shall include: the effective date of the closure, the contact information for the person(s) handling inquiries regarding the closure, the students' school districts of residence, how parent or guardians may obtain copies of student records. Notification to the CDE must also include: a description of the circumstances of the closure and the location of student and personnel records.

MANZANITA CHARTER MIDDLE SCHOOL

As soon as reasonably practical, but no later than 60 days after closure, Manzanita Charter Middle School shall prepare final financial records. Manzanita Charter School will also have an independent audit completed as soon as reasonably practical, generally no more than six months after closure and will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by Manzanita Charter Middle School and will be provided to the WCCUSD promptly upon its completion. In the case that Manzanita Charter School either does not pay for or have an independent audit completed within one month of the applicable timelines, the WCCUSD may, at its option, pay for an audit to be completed and subtract such payment from any funds due to the Charter School.

Upon closure of Manzanita Charter 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 Manzanita Charter School, remain the sole property of the Manzanita Charter Middle School, non-profit corporation and shall be distributed to another governmental entity engaged in public education upon the dissolution of the nonprofit public benefit corporation in accordance with the nonprofit's Articles of Incorporation. On closure, Manzanita Charter Middle School shall remain solely responsible for all liabilities arising from the operation of the school.

Since Manzanita is organized as a nonprofit public benefit corporation, the Manzanita Charter School Board will follow the procedures set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation, which may include bankruptcy, and file all necessary documents with the appropriate state and federal agencies.