



**Fuente Nueva Charter School**

1730 Janes Road

Arcata, CA 95521

707-822-3348

July 1, 2020- June 30, 2025

Respectfully submitted to Arcata Elementary School District on March 27, 2020

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## **Affirmations and Declaration**

As the authorized lead petitioner I, Beth Ann Wylie, hereby certify that the information submitted in this petition for the renewal of Fuente Nueva Charter School (“Fuente Nueva” or the “Charter School”), located within the boundaries of the Arcata Elementary School District (“AESD” or the “District”) is true to the best of my knowledge and belief; I also certify that this petition renewal does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

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

- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, non-college preparatory teachers. [Ref. Education Code Section 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605(d)(3)]
- The Charter School may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]

- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”).
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School shall comply with Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1.
- The Charter School shall comply with the Political Reform Act.
- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

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Beth Wylie, Charter Director

Date: 3/27/2020

## Introduction

### Charter Renewal Term

*A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education or the state board may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time. Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code Section 47607(a).)*

In accordance with Education Code Section 47607(a)(1)-(2), Fuente Nueva Charter School requests a charter renewal term of five years, from **July 1, 2020 through and including June 30, 2025**.

### General Information

Fuente Nueva Charter School (“FNCS”) began operation in August of 2005. This year, our full Spanish-Immersion program serves 133 students, grades transitional kindergarten (“TK”) through fifth grade, who come from both our local and surrounding communities.

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Email address	<a href="mailto:bwylie@fuentenueva.org">bwylie@fuentenueva.org</a>
School website	<a href="http://apps.humboldt.k12.ca.us/sites/fuentenueva/">http://apps.humboldt.k12.ca.us/sites/fuentenueva/</a>
Grade configuration	Transitional Kindergarten – 5 <sup>th</sup> grade
Term of this charter renewal	July 1, 2020 – June 30, 2025
Original charter term	June 13, 2005 - June 30, 2010

### *Academic School Year and Instructional Minutes*

FNCS strives to maintain an academic calendar that aligns with schools in its local region. A copy of the calendar and instructional minutes are included in the Appendix A

### *Affiliations*

FNCS is a member and/or partner with the following organizations

- Charter Schools Development Center (“CSDC”): CSDC provides extensive training and advocacy for charter schools.
- California Charter Schools Association (“CCSA”): CCSA is the membership and professional organization serving charter schools within the State of California. California Charter Schools Association advances the charter school movement through state and local advocacy, leadership on accountability, and extensive resources.
- Humboldt State University: Humboldt State University places student teachers and volunteers at FNCS classrooms

### Fuente Nueva Charter School Accomplishments and Achievements

FNCS is proud of the fifteen years of service in its community educating students in a bilingual program that teaches both English and Spanish. The Charter School’s first graduates are now finishing college, working and traveling the world. These graduates are truly FNCS’ greatest accomplishments. While FNCS does not track graduate success formally, the Charter School is fortunate to receive regular visits from former students and is proud of the paths they have chosen. Several FNCS graduates have chosen to apply their language skills to live in Spanish speaking regions of the world and in their professional jobs. The consistent feedback from FNCS graduates is their gratitude for learning a second language early in their lives.

#### *Facilities*

It has been FNCS’ goal since its inception to occupy our own facilities. Today the Charter School is fortunate to lease a school property that fully meets its current programs’ needs. FNCS continually works to steadily improve campus safety as well as expand students’ opportunities to better enjoy the campus. Here are a few examples of what has been accomplished in recent years:

- Community efforts to fundraise and build an expansion to the playground which includes a full kindergarten playground and two additional multi-use play structures on the main playground
- Installation of full and junior size basketball court for primary students
- Completed both heat and lighting projects through PGE Prop. 39 Grant
- Installed a public address (“PA”) system for school notifications
- Upgraded the security and fire alarm systems
- Installed cabinetry in the classrooms
- Fully painted all classrooms and student bathrooms
- Installed a *Little Free Library* for students and the community

#### *Pathway School for the State Seal of Biliteracy*

Fuente Nueva is proud to be a part of the movement to promote biliteracy by offering a full Spanish-Immersion program for elementary-aged students. Following the guidelines offered by the California Department of Education, the Charter School offers a Pathway to the State Seal of Biliteracy Award. Students who exit the program at fifth grade are given a Pathway to Biliteracy

Achievement Award. This award signifies that students are on the path to proficiency in both English and Spanish. The award also recognizes the tremendous effort that is inherent to attending an immersion charter school that puts all students on a Pathway to biliteracy.

### *Schoolyard Habitat*

Fuente Nueva is located in rural California which has enabled it to distinguish itself as a certified Schoolyard Wildlife Habitat by the National Wildlife Federation. The campus has an active vegetable garden as well as several areas that are maintained for wildlife habitat. The students actively participate in outdoor scientific explorations where they learn about the natural world right outside their classroom doors. Through programs such as iNaturalist, students identify plants, animals and their signs of life. A native plant garden allows students to track the lifecycle of a plant and collect data as part of a phenology project.

### *Outdoor Learning Classroom and Gardens*

Fuente Nueva has the good fortune to partner with parents who hold expertise in restorative landscaping practices. In 2018 FNCS received a grant for materials and, through the hard work of parent volunteers, it has installed an outdoor classroom that is surrounded by a native plant garden. The outdoor space gives learners a chance to gather in a setting outside of the classroom in the beautiful Arcata Bottoms with views of the nearby hills and mountains.

### Student Success

The achievement of our students is wonderful evidence of the effectiveness of immersion education. The rigor necessary to learn all core content areas in a second language is an embedded benefit to immersion education. Students are challenged to use their critical thinking skills as they learn a new language and academic concepts concurrently. This additional rigor contributes to our students overall academic success. This is evidenced in the results of our annual state-wide testing scores. In 2019, 61% of FNCS students met or exceeded English Language Arts standards and 51% of students met or exceeded Mathematics standards on the California School Dashboard. We are proud of this accomplishment and look forward to five more years of high student achievement.

The visual, performing and written arts are core to our program at Fuente Nueva. We have long participated in a wide variety of student art and writing contests. It is with pride that we have had many students qualify for awards such in the Godwit Days Art Contest. In addition, we have multiple students published in poetry and short story books.

### Community Partnerships

We are located in the rural area known as the beautiful North Coast. We are fortunate to have access to multiple community partners that have provided everything from funding to volunteers, to access to outdoor education. It is through these partnerships that we have been able to offer a well-rounded Spanish-immersion program.



Fuente Nueva has been fortunate to receive grants from organizations such as Wells Fargo Bank, Humboldt Area Foundation, Save the Redwoods League, The North Coast Co-Op, and the Harper Family Foundation. These funds have provided our students access to quality playground equipment, a school garden, field trips to State and National Parks and more. In addition, we have been able to match funds to provide quality professional development opportunities in immersion education to all of our teachers.

FNCS' primary community partnership is with Humboldt State University ("HSU"). The Charter School is pleased to partner with various departments that seek opportunities for native Spanish speakers to volunteer in FNCS classrooms. This support enables the teachers to provide small group and 1-1 support to students. Student teachers are a regular presence on campus and bring fresh perspective to the classrooms. In addition, the HSU students share their cultural background and language which deepens Charter School students' value of bilingualism.

FNCS partners with the Office of Diversity and Inclusion, an HSU department, to provide tailored Equity, Diversity and Inclusion training to certificated and classified staff. Ongoing workshops provide tools for anti-racist educators who are continuously working to offer a program that seeks to promote racial, social, economic, and environmental justice. Fuente Nueva is in its second year of this partnership and looks forward to many more years to come.

Additional partnerships with local community organizations also benefit the program. One example is AmeriCorps who has provided everything from wetlands education to direct mentoring of students in need. We have also partnered with several local organizations that provide access to local ecological learning treasures such as the Manila Dunes, one of the largest natural dune areas remaining in California. These organizations include Friends of the Arcata Marsh, Friends of the Dunes, and the Redwood Audubon Society.

#### Extended Day Program

The Charter School sponsors the before and after school program entitled "Fuente Nueva Extended Day Program." All enrolled students at Fuente Nueva Charter School are welcome to attend. The program will run one hour prior to the school day and from student dismissal until 5:30 PM on all regularly scheduled school days. Summer Day Camp programs may be provided based on need and staffing. The program will focus on the needs of the whole child. The Extended Day Program will include a wide variety of enrichment activities, time to do homework, and homework support surrounded by lots of free choice time. Furthermore, it will provide an environment where children have a strong voice and use compassionate communication to create a positive community experience. The non-profit organization that operates the Charter School provides oversight of the program.

## Charter Renewal Criteria

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

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

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

*Such increases are documented below.*

**AND**

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

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

**OR**

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

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

**AND**

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

*This requirement is met through the documentation presented in the charter renewal*

*petition and appendices.*

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

**Analysis of Fuente Nueva Charter School Data (Education Code Section 47607(a)(3)(A))**

Fuente Nueva Charter School California Assessment of Student Performance and Progress (“CAASPP”) Scores, 2015-2019: Percentage of Students Meeting or Exceeding Standards

Demographic	Assessment	2015	2016	2017	2018	2019
Schoolwide	ELA	52%	65%	61.23%	77.55%	60.78%
	Math	26%	39%	51.02%	53.06%	50.98%
Hispanic or Latino	ELA	NA	NA	NA	69.23%	50%
	Math	NA	NA	NA	30.77%	38.89%
White	ELA	55%	71%	68.57%	80.64%	74.08%
	Math	25%	41%	54.49%	58.07%	62.96%
Economically Disadvantaged	ELA	43%	63%	64.29%	87.50%	50%
	Math	0%	42%	64.28%	62.5%	40%

**Analysis of Comparison Schools Data (Education Code Section 47607(b)(4))**

Comparison Schools That Fuente Nueva Charter School Students Would Otherwise Be Required to Attend

School	Schoolwide Assessment	2015	2016	2017	2018	2019
<b>Fuente Nueva Charter School</b>	<b>ELA</b>	<b>52%</b>	<b>65%</b>	<b>61.23%</b>	<b>77.55%</b>	<b>60.78%</b>
	<b>Math</b>	<b>26%</b>	<b>39%</b>	<b>51.02%</b>	<b>53.06%</b>	<b>50.98%</b>
Arcata Elementary	ELA	37%	43%	48.98%	51.70%	48.18%
	Math	27%	37%	42.86%	45.46%	49.63%
Morris Elementary	ELA	35%	35%	33.24%	39.50%	43.06%
	Math	33%	31%	32.54%	36.32%	40.72%
Washington Elementary	ELA	41%	42%	42.13%	35.32%	36.3%6
	Math	39%	35%	42.30%	35.32%	37.27%
Pacific Union Elementary	ELA	48%	47%	47.5%	46.90%	52.46%
	Math	34%	39%	44.69%	42.06%	40.12%

Comparison Schools That Are Demographically Similar in the District

School	Schoolwide Assessment	2015	2016	2017	2018	2019
<b>Fuente Nueva Charter School</b>	<b>ELA</b>	<b>52%</b>	<b>65%</b>	<b>61.23%</b>	<b>77.55%</b>	<b>60.78%</b>
	<b>Math</b>	<b>26%</b>	<b>39%</b>	<b>51.02%</b>	<b>53.06%</b>	<b>50.98%</b>
Redwood Coast Montessori	ELA	39%	48%	58.57%	65.67%	56.63%
	Math	28%	27%	34.27%	40.30%	42.17%
Coastal Grove Charter	ELA	61%	67%	58.46%	71.54%	58.82%
	Math	54%	65%	48.46%	52.56%	48.53%

**Alternative Measures of Student Outcomes** (Education Code Section 52052(f))

Student Climate Surveys

Statement			
	Rating	2017	2018
Students in this school help each other, even if they don't know each other very well.	Disagree	0%	2.1%
	Neither disagree or agree	20.8%	20.8%
	Agree	46.9%	45.8%
	Strongly Agree	32.3%	31.3%
If I am sad/angry or mad, there is an adult at school I feel I can talk about it.	Disagree	0%	2.1%
	Neither disagree or agree	14.6%	14.6%
	Agree	29.2%	41.7%
	Strongly Agree	58.3%	41.6%
The teachers at this school treat me with respect.	Disagree	0%	2.1%
	Neither disagree or agree	12.5%	10.4%
	Agree	29.2%	29.2%
	Strongly Agree	58.3%	58.3%
I feel like I am part of this school.	Disagree	4.2%	2.1%
	Neither disagree or agree	14.6%	16.6%
	Agree	43.8%	37.5%
	Strongly Agree	37.5%	43.8%
I feel safe in my school	Disagree	.9%	2.1%
	Neither disagree or agree	12.8%	10.8%
	Agree	23.%	22.9%
	Strongly Agree	63.3%	49.3%

### Annual Student Attendance

School Year	Annual Attendance Rate	Chronic Absenteeism	Dashboard Rating
2016-2017	95.07%	4.3%	n/a
2017-2018	96.24%	6.5%	Orange
2018-2019	95.89%	6.3%	Yellow

Chronic Absenteeism Rate	2016-2017	2017-2018	2018-2019
Fuente Nueva	4.3%	6.5%	6.3%
Arcata Elementary	17.9%	17.3%	0%- N/A
Humboldt County	15.2%	14.8%	15.7%
State of California	10.8%	11.1%	12.1%

### School Suspension Rate

	2015-2016	2016-2017	2017-2018	2018-2019
Fuente Nueva	0.8%	.9%	0.8%	0%
Arcata Elementary	2.5%	3.1%	1.7%	1.7%
Humboldt County	6.3%	6.4%	6.6%	5.7%
State of California	3.7%	3.6%	3.5%	3.5%

## Element 1: Educational Program

### Governing Law:

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

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

Education Code 47605(b)(5)(A)(i)-(ii)

### Mission

The Fuente Nueva Charter School Mission is to empower transitional kindergarten through fifth grade students to become engaged world citizens through a challenging and creative Spanish immersion program emphasizing academic excellence, the arts, community, and social responsibility.

### Local Control and Accountability Plan ("LCAP")

The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education. The Charter School shall submit the LCAP to the District and County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33. The Charter School reserves the right to establish additional and/or amend school-specific goals, outcomes and corresponding assessments throughout the duration of the charter.

The current LCAP is on file with the District and is also available in Appendix C and on the Charter School's website at:

<http://apps.humboldt.k12.ca.us/sites/fuentenueva/wp-content/uploads/sites/16/FNCS-LCAP-2017-2020-Adopted-6.2019.pdf>

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

Fuente Nueva takes advantage of the LCAP process to engage stakeholders to provide meaningful input into the program and student outcomes. Through this process all stakeholders share the responsibility of contributing to the definition of what it means to be an educated person in the

21<sup>st</sup> century and how learning best occurs. The LCAP is the strategic plan that guides us in our programs cycle of continuous improvement.

### Charter School Goals and Actions to Achieve the State Priorities

Please see the attached LCAP for a reasonably comprehensive description of the Charter School's annual goals to be achieved in the State Priorities, schoolwide and for all pupil subgroups, as described Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii).

### Educational Philosophy

At the core of our values and mission is the goal to empower students to become engaged world citizens in an enriching program that meets the needs of the whole child. A culturally and artistically rich Spanish-immersion program provides the foundation to this effort. As a program that values academic excellence, we provide a balance between Spanish language instruction, core academics, the arts, and character studies.

Each classroom teacher brings their own talents and strengths to the classroom in order to carry out the mission of the Charter School. The core values are threaded throughout classroom instruction. Both state-adopted and teacher created curriculum is used to teach Language Arts, Math and Science and Social Studies. As in all immersion programs, teachers work collaboratively to create their own curriculum to teach Spanish language arts. Additionally, they access a variety of pre-made materials designed for language learners.

Art, music and physical education are subjects that are threaded through the core-curriculum on a daily basis and also taught by specialty teachers in partnership with classroom teachers. While each classroom has its own unique environment, teachers work closely to unify our approach across the grades. We are continuously coordinating efforts to ensure a smooth transition from one grade level to the next. Weekly staff meetings and a small teaching staff enable a successful shared leadership for this goal.

Collaboration and teamwork are essential parts of every student's experience at Fuente Nueva. Teachers use ability-based grouping to provide an opportunity for students to excel at their own level. It is also equally as common for teachers to incorporate cross-ability tutoring and group work to enable the students involved to strengthen their understanding of a concept by teaching or learning from a peer.

Fuente Nueva holds our students to high behavioral expectations by instilling a value of respect for oneself, for others and for the Charter School. Students are acknowledged for taking responsibility for their learning, showing respect for our environment and sharing random acts of kindness through a school-wide incentive program. Students become self-motivated competent learners by being taught to reflect on their own learning, adopt a growth mindset and

set goals for future learning. In this rich and engaging classroom environment Fuente Nueva students are well supported to develop a life-long love of learning.

As an immersion program we provide an education in which the students acquire the language while being taught core curriculum content. Core content lessons are used as the vehicle for language acquisition in Spanish. Lessons include language objectives in addition to the content objectives. Furthermore, Spanish language arts is taught in all grade levels.

The overriding philosophy of immersion education is to educate students who are prepared linguistically and culturally to communicate successfully in a in both the United States and abroad. Immersion programs envisions a future in which all students develop and maintain proficiency in English and at least one other language. The most outstanding aspect of the aforementioned philosophy is summed-up by the idea of knowing how, when, and why to say what to whom. This concept goes beyond the teaching of grammar and vocabulary to also include multicultural awareness of world diversity.

Of the many benefits for the students in a language-immersion program, the greatest is that each child will emerge from the program with proficiency in two languages. If a student continues their studies beyond Fuente Nueva, he or she is likely to become fully bilingual. The language-immersion classroom prepares the 21<sup>st</sup> century learner by teaching the keys to successful communication by knowing how, when and why to say what to whom. As world citizens we can broaden our experiences and knowledge by acquiring the ability to understand and be understood in multiple languages. Furthermore, research concludes that students who study a second language at an early age have a distinct advantage over students who begin later.

Another benefit to learning a second language is that it improves a child's understanding of his or her own language and culture. As the students acquire language structure in their second language, they are continuously making comparisons between their native language and the target language. This strengthens students' critical thinking skills and helps them learn strategies such as paying close attention to cognates, context clues and patterns. Learning to make connections while scaffolding their understanding from what they already know builds essential and valuable learning skills. Immersion students are also known to develop a greater flexibility in thinking and problem-solving skills.

Finally, when teaching in an immersion classroom, teachers use a variety of learning strategies that meet the needs of the diverse learning styles present in any classroom. In this way, students are supported to access core content in the immersion classroom, despite the second language. The child-centered environment incorporates strategies such as Total Physical Response, Think Pair Share, KWL charts, realia, and manipulatives. Each of these strategies lowers the students' affective filter and provides direct support in accessing the core instruction.

A positive school culture and community experience for all involved is at the heart of Fuente Nueva. There are many ways to promote a cohesive community in which its members are respected as individuals and supported as a whole being. It is the intention of this Charter School



team to continue to work together as administrators, teachers, staff, charter council member, parent teacher organization and parents to provide our students with a well-rounded education in character traits and citizenship. A multidirectional approach will be taken to ensure this is an integral part of the program. School-wide behavior expectations, weekly character word lessons, class meetings, cozy corners, and a peace zone for conflict resolution are just a few examples of what our program currently includes.

Through multiple measures of assessment, the Charter School will continually evaluate the health of the school culture and find ways to improve and evolve to meet the needs of the changing student population. In a cycle of continuous improvement, teachers follow the research-based curriculum and add in their own personalized touch to meet the needs of their particular cohort of students. Regular and ongoing assessment allows teachers to measure student performance and adjust instructional planning based on student need.

### How Learning Best Occurs

We are an academically rigorous school that values community, fosters social responsibility, and develops well-rounded students who are prepared for the challenges of the 21st century. We are committed to providing instruction that incorporates best practices for meaningful learning. We embrace our Core Values that reflect the mission and vision of our learning community. We believe these Core Values to be essential components of an optimal learning environment. Our five Core Values function as the foundation upon which we structure our daily instruction to achieve student success academically, socially, and emotionally. These Core Values are the guiding force in operating a school that meets the needs of the whole child.

### Core Values

- A supportive and stimulating academic environment that nurtures the whole child
- Multilingual communication abilities and appreciation
- Empathy, compassion, and respect for cultural and ecological diversity
- A lifelong love of learning
- Collaboration and teamwork among community members

We are dedicated to helping every student achieve academic success. Our educators utilize research-based best practices to ensure that our instruction is meeting the needs of every child. We are committed to creating an environment where all students are engaged in an appropriately ambitious and rigorous course of study, with high standards of performance that are clear and consistent. The conditions for learning are modified and differentiated according to student needs. This instructional approach will result in students being prepared for success in the workplace, postsecondary education, and their civic responsibilities. Below we have outlined the building blocks that will establish Fuente Nueva Charter School as a school of academic excellence.

## Meeting Student Needs to promote Student Achievement

In recognition that every student learns at a different pace and capability, we have adopted the principles of Multi-Tiered System of Supports (“MTSS”). Through the implementation of MTSS, FNCS is engaged in a cycle of continuous improvement by regularly evaluating the Charter School’s progress across the domains of Administrative Leadership, Multi-Tiered System of Supports, Schoolwide Integrated Framework for Transformation (“SWIFT”), Family and Community Engagement, and Inclusive Policy Structure and Practice.

## Educated Person in the 21st Century

We strive to ensure that all of our students develop the skills and behaviors necessary for academic, personal, and professional success in the 21<sup>st</sup> century. Research at the Massachusetts Institute of Technology urges educators to foster a wide and diverse range of skills, traits, and characteristics in students. We embrace the educational need for change and commit ourselves to educating students to develop the following characteristics:

- strong knowledge of academic content
- problem solving capability
- creativity and the ability to work with multiple ways of representation
- motivation to learn, intellectual independence, and ability to self-educate
- communications skills (oral, written, teamwork, and interpersonal skills)
- global awareness, vision, a sense of human responsibility and ethics

Our high-quality instruction, community-based programs, focus on social responsibility, and an enriched learning environment that empowers students to be self-motivated, competent, compassionate, lifelong learners prepared for success in all aspects of life.

Additionally, 21<sup>st</sup> Century learners are given opportunities to develop their relationship with technology through engaging classroom projects and activities. Beginning in transitional kindergarten, students are exposed to the basic functions of a computer including keyboarding and mouse use, internet research and resources, communication through the World Wide Web, word processing, presentations and publications. Students become comfortable with technology, learning how to problem solve as situations arise.

## Students to be served

Fuente Nueva is a small TK-5 public charter school that offers a full Spanish-immersion program serving children in Arcata and the surrounding communities. Our current enrollment is approximately 133 students with a target full enrollment of 144 students.

Fuente Nueva does not discriminate on the basis of the characteristics listed in Education Code Section 220 or any additional legally protected subgroup by federal or state law, including

immigration status. Students from diverse ethnic and socioeconomic and geographical backgrounds are encouraged to attend. Parents interested in enrolling their children at Fuente Nueva are asked to consider making a commitment to continuous enrollment through our entire elementary program in order to gain the best academic results for their child. Immersion research shows that continuing in an immersion program through the highest grade offered in the school gives students the opportunity to gain the optimum results from a program such as ours.

Community Profile

Fuente Nueva Charter School is located on the edge of what is known as the Arcata Bottoms, a flat farming area of the city that leads up to the dunes. We are bordered by farmland, a neighboring school and small residential neighborhoods. Arcata is home to Humboldt State University, which offers a diverse set of programs including teacher credentialing. With an overall population of just under 18,000 people, the city has a demographic with an overwhelming majority of white citizens. We are fortunate to attract members of minority communities, including Latinos, who are interested in giving their child access to learn their heritage language. Arcata is located in a rural area of the North Coast, amidst the beautiful Redwood Forests, the Pacific Ocean coastline, the Humboldt Bay and many more natural wonders. We are fortunate to have this rich outdoor classroom in our backyard. Our student population is a combination of residents from Arcata and the surrounding communities.

Fuente Nueva Charter School Enrollment and Demographics Report, 2019-20

Fuente Nueva		TK/K	1st	2nd	3rd	4th	5th	Total Enrollment
Number of Students		24	24	24	24	22	14	133
Grades	Enrollment	African American not Hispanic	American Indian or Alaska Native	Asian	Hispanic or Latino	Pacific Islander		
TK-5	133	1.6%	.8%	0.8%	33.1%	0%		
		White not Hispanic	Two or More Races	None Reported (Ethnicity)	English Learners	Free and Reduced-Price Meals		
		51.6%	9.7%	2.4%	0%	38.7%		

Arcata Elementary School Enrollment and Demographics Report, 2017-18  
 (A school that FNCS students may otherwise attend)

Arcata Elementary		TK/K	1st	2nd	3rd	4th	5th	Total Enrollment
Number of Students		72	46	34	45	46	54	297
Grades	Enrollment	African American not Hispanic	American Indian or Alaska Native	Asian	Hispanic or Latino	Pacific Islander		
TK-5	297	2.4%	2.7%	2%	19.9%	0.3%		
Grades	Enrollment	White not Hispanic	Two or More Races	None Reported (Ethnicity)	English Learners	Free and Reduced-Price Meals		
TK-5	297	57.2%	14.1%	1%	7.1%%	70%		

Enrollment Projections

The below charts project both grade level enrollment and ADA for the following three school years.

Grade Level Enrollment			
	2020-21	2021-22	2022-23
TK/ Kindergarten	24	24	24
First Grade	24	24	24
Second Grade	24	24	24
Third Grade	24	24	24
Fourth Grade	23	23	23
Fifth Grade	21	21	21
Totals	140	140	140

<b>PROJECTED ENROLLMENT GROWTH FOR BUDGET DEVELOPMENT</b>				
		2020-21	2021-22	2022-23
GRADE TK/ K-3 PROJECTED ENROLLMENT		96	96	96
	ADA @ 0.95	91.2	91.2	91.2
GRADE 4-6 PROJECTED ENROLLMENT		44	44	44
	ADA @ 0.95	41.8	41.8	41.8
GRADE 7-8 PROJECTED ENROLLMENT				
	ADA @ 0.95	0	0	0
	<b>TOTAL ENROLLMENT</b>	140	140	140
	<b>TOTAL ADA</b>	133	133.7	134.4
# PUPILS ELIGIBLE FOR FREE AND REDUCED-PRICE MEALS		50	50	50
# EL PUPILS		1	1	1
# EL PUPILS ALSO ELIGIBLE FOR FREE AND REDUCED-PRICE		1	1	1
# OF FOSTER KIDS NOT ALREADY INCLUDED IN EL OR FREE AND REDUCED-PRICE MEALS		0	0	0
PROJECTED PERCENTAGE RATE OF ATTENDANCE		95.0%	95.25%	95.5%

School Calendar

Our school calendar has a minimum of 175 and a maximum of 180 days of instruction per school year. Our calendar provides, at minimum, seven teacher duty days to ensure that there is ample time for collaboration and program development. Our calendar is carefully aligned with District and/or other local schools. The daily schedule varies per grade level to meet the broad range of developmental abilities. We meet or exceed the required number of instructional minutes for all grade-levels. (See Appendix D for a sample daily schedule, Appendix A for school calendar and bell schedule with instructional minutes.)

A Day in the Life of a Student

As a student arrives to the campus, they are welcomed into our Extended Day Program as they await the opening of the classroom doors at 8:30 am. On Monday and Friday, the students meet in the Multi-Purpose Room to attend an all school meeting entitled *Réunion*. Students participate in weekly lessons to learn our “No excuse” Spanish language vocabulary and about the character word of the week. We sing songs in Spanish and English and share any special announcements. Each student then returns to their classroom for daily instruction.

Teachers structure their days around a number of special offering including the arts, gardening, and physical education. Students may also be participating in *Familias*, a program to promote

cross-age relationships. All students are all assigned to a Familia group that they are a part of throughout their years at Fuente Nueva. Each Familia group is approximately 24 students and contains students from every grade level. Another special favorite activity is weekly compañeros lessons where students in grades Tk/K and 5<sup>th</sup>, 1<sup>st</sup> and 3<sup>rd</sup> and 4<sup>th</sup> and 2<sup>nd</sup> “buddy up” for a cross age learning activity.

To further promote cross-age relationships, students break for daily snack and recess as a whole-school community. Students eat in their own classrooms or outside in our courtyard. During the afternoon break, our students break for lunch and recess by grade level grouping. A school lunch is available to all students on a daily basis.

After dismissal, students may take advantage of our Extended Day Program for continued care and learning opportunities. The program incorporates opportunities for additional learning support as well as a wide variety of enrichment activities. The students also enjoy ample amount of down time to select their own activity by following their creative process.

### Immersion Model

Fuente Nueva models our immersion program on a One-Way Full Immersion program with a goal of exiting students that are proficient in both English and Spanish. Our TK, kindergarten and first grade students spend virtually all of their instructional time learning in Spanish. The immersion portion of the day will include all curricular areas of Spanish language arts, math, science, and social studies. English is the language of instruction for character education and other various learning experiences with guest speakers, assemblies and field trips.

In second grade, students receive their first formal instruction in English Language Arts instruction. Students will transfer their Spanish reading skills to learning English language arts. As they move up grade levels, the amount of time learning in Spanish will decrease until they reach the Fourth grade when they receive approximately one hour per day of formal instruction in English Language Arts.

Fuente Nueva Spanish Immersion Model

<b>Grade</b>	<b>% of Spanish instruction: % of English Instruction</b>	<b>Spanish Subjects</b>	<b>English Subjects</b>
TK/Kindergarten	98:2	Spanish language arts, math, social studies, science	character education and other special classes
First Grade	92:8	Spanish language arts, math, social studies, science	Library, character education and other special classes
Second Grade	85:15	Math, social studies, science, Spanish language arts	English language arts, character education and other special classes
Third Grade	75:25	Math, social studies, science, Spanish language arts	English language arts, character education and other special classes
Fourth Grade	70:30	Math, social studies, science, Spanish language, arts	English language arts character education and other
Fifth Grade	70:30	Math, social studies, science, Spanish language, arts	English language arts character education and other

Curricular Design

Instructional methods and strategies implemented at Fuente Nueva Charter School are aligned to the Common Core State Standards, the Next Generation Science Standards, the History-Social Science Framework, the English Language Development Standards (“ELD”) and remaining State Content Standards (collectively, “State Standards”). The State Standards define for each subject and grade the most important knowledge that students must acquire and the skills they must master. Students will demonstrate appropriate age, developmental, or grade-level mastery of core academic skills.

In all curricular areas, hands-on, inquiry-based learning activities are a core component of our educational pedagogy. Universal Design for Learning principles are incorporated into classroom design, lesson planning and instruction. Therefore, when choosing curriculum materials, we look for programs that encourage meaningful learning experiences for the diverse learning population present at the Charter School. Challenging the most advanced learner is equally as important as supporting the students who are at risk of not meeting grade level standards.

Materials used to teach the core content areas are chosen by the current staff at Fuente Nueva Charter School. The core academic areas of math, language arts and science are supported with

state adopted curriculum materials in both English and Spanish. State adopted curriculum is implemented with a flexible approach to meet the needs of the individual class of students. Social studies curriculum is taught using teacher created materials that promote critical thinking to consider the multiple perspectives inherent to historical events. Both published teaching and teacher created materials are used in all curricular areas.

Spanish language arts curriculum has been created by teachers. To guide instruction, we have developed a formal scope and sequence for each grade level. Curricular materials such as Tesoros de Lectura, a state-adopted language arts program that provides a strong foundation in learning to read and write in Spanish. Additional resources such as Estrellitas in TK/K and 1<sup>st</sup> grade and Leer Naturalmente in grades 1-5.

Additional resources are constantly being sought after and piloted. As an immersion school with primarily English-speaking students learning Spanish as a second language, we are challenged to find materials that suit our students. The procurement process is a team effort to build a collections of authentic text libraries and curricular support materials such as anchor charts, realia, language games and more.

English language Arts (“ELA”) instruction is taught in a single classroom that is called the English Library. Formal ELA instruction is introduced to students through what is called Library. During their one Library visit per week students read with an adult at the “just right” reading level. Books at the students’ level are sent home for extra practice. Additionally, we ask families at every grade level to share reading time a minimum of twenty minutes daily.

Starting in second grade, ELA instruction includes readers and writer’s workshop, grammar instruction and literature circles. The English Library is heavily supported with resource push-in support and instruction aides to provide a low student to teacher ratio. To support the transference of concepts from one language to another, teachers work together to consider the timing of when concepts are taught. Through collaboration instruction is timed so that student learning compliments and enhances what is happening in each classroom. For example, in second grade students learn about the parts of speech in English at the same time that they are learning about them in Spanish. This mirroring of concepts continues through the grades. Additionally, teachers work together to ensure that content standards are taught in at least one language and when appropriate both.

Literature selections in the ELA curriculum are linked to the social studies content areas so that students are making connections between curricular areas. Critical thinking and creative writing are emphasized as students sharpen their communication skills in preparation for their later years of education and civic education. Involvement with our local and global community using through writing, reading, listening and speaking provides a platform for students to practice using their social justice skills in real life situations. All of this provides a comprehensive language arts program that supports individual educational needs and prepares students for engagement in the world community.



Handwriting is supported by a variety of programs that are offered in both English and Spanish. Teachers work together to ensure that handwriting benchmarks for each grade level are well articulated. In addition, teachers have implemented a school-wide system for labeling schoolwork assignments. Internally developed grade level benchmarks for writing are taught to provide uniformity in writing expectations with regards to labeling assignments, writing conventions and fine motor skills. Writing rubrics to refine the grade level expectations are under development. Portfolios are maintained that document student progress towards grade level expectations.

Mathematics is taught solely in Spanish in all grade levels. Currently, we are using a program created by Origo Math entitled Stepping Stones. Many immersion programs teach Math in Spanish due to the large number of universal symbols, cognates, and visual aids that support student comprehension. Teachers follow the adopted curriculum and add their own activities to enrich the learning process with hands-on manipulatives and real-life math applications. Whole and small group instruction along with peer tutoring are in place to support the needs of every learner. Systematic grade level expectations and benchmark assessments support students in gaining the necessary foundational skills in mathematics.

The Science curriculum is built around our local environment both on campus and beyond. Lessons are based on the Next Generation Science Standards and are designed to be both hands on and inquiry based. Teachers also use instructional materials developed by Delta Education, the Full Option Science System (“FOSS”) curriculum. Common vocabulary between the two languages, along with hands-on activities, makes Science an ideal subject to be taught in Spanish. Inquiry based learning emphasizes critical thinking skills and discovery learning which provides a broad, conceptual understanding of content taught at each grade level. Community resources are utilized to enrich learning at every grade level. Our area has a wealth of scientists and natural resources such as the redwood forest to be incorporated into the curriculum design.

Social studies curricula are teacher-designed instructional units based on the state standards. A variety of rich curriculum resources are gathered to support the area of study to include the multiple perspectives involved in any historical unit. Teachers reference the 2016 History-Social Science Framework to guide instruction. Careful consideration allows teachers to ensure that lessons cover a broad range of topics while also providing deep context to enable the students to use what they learn to evaluate current events and navigate our every changing world culture. Teachers offer students exposure to material that provides multiple perspectives of history. Equity-based, anti-racist education is accessed from resources such as Teaching Tolerance. The principles of social justice are present in the teaching of history, leading students to consider how they can engage in society to make the change they want to see.

### California World Language Standards

The Charter School is in the process of aligning student outcomes to the newly adopted World Language Standards for California Public Schools. These standards are umbrellaed under three areas of Communication, Cultures and Connection. Immersion students will demonstrate

appropriate age, developmental or grade-level mastery of Spanish language skills which will include, but not be limited to the following World Language Standards:

### ***Communication***

Real-world communication is purposeful and takes place in a variety of authentic **settings** that represent what a student will experience in the target cultures. These are the three modes of real-world communication:

- **Interpretive:** Language users listen, view, and read using knowledge of cultural products, practices, and perspectives.
- **Interpersonal:** Culturally appropriate listening and speaking, reading and writing, or viewing and signing take place as a shared activity among language users.
- **Presentational:** Speaking, signing, and writing take place for an audience of listeners, readers, and viewers in culturally appropriate ways.

The Communication Standard uses **structures** to capture the multiple components of **grammar** that students must learn to communicate with accuracy. Students must acquire the following:

- **Orthography:** the writing systems of languages that have them
- **Phonology:** the sound system (and **parameters** in ASL)
- **Morphology:** the rules for word formation
- **Syntax:** the principles of sentence structure
- **Semantics:** language-based meaning systems
- **Pragmatics:** systems for language usage

### ***Cultures***

Students must acquire the ability to interact appropriately with **target culture bearers** to communicate successfully. Culturally appropriate language usage requires an understanding of the relationships between the **products** and **practices** of cultures and their underlying **perspectives**. While acquiring knowledge of products, practices, and perspectives of the target cultures, learners engage in comparisons among their cultures and the target cultures, and also explore how cultures affect each other when they interact in multilingual and multicultural communities.

### ***Connections***

Language users address a variety of topics appropriate for their age and range of proficiency that increase their knowledge of numerous areas of the curriculum. As students develop their ability to communicate in the target language and cultures, they are able to more fully address topics that increase in complexity and learn how target-culture bearers understand and address discipline-specific and cross-disciplinary concepts.

## The Arts

Artistic expression is also a major pedagogical goal of our curriculum. Imaginative problem solving, group cooperation, cultural awareness, and high self-esteem are all reinforced through a well-balanced art curriculum. In our program, we explore the full spectrum of artistic expression through the study of visual arts, theater, movement, and music.

The arts curriculum at Fuente Nueva creates an environment in which children's individual personalities, natural talents, and imagination can be fostered so that all students develop a love for their own unique approach to artistic self-expression and their own ability to contribute to school exhibitions and performances. By the end of fifth grade, students will demonstrate artistic perception, skills, and knowledge through the arts program.

We believe the ability to create art is a seminal and innate human ability that certainly stands as one of humanities first modes of communication. Without a doubt, human experiences have been captured and suspended in time for us to contemplate through the many mediums of art. Instruction in art and music occur weekly and are designed to ignite the artist within every student. The teacher aims to give students a freedom of expression in art and music.

### *Visual Arts*

In presenting the visual arts to our students we provide students an opportunity to learn in a studio environment and to express their inner selves through their artwork. The art instructor leads students in this process with gentle guidance as students discover the elements of visual art, which include the following: line, color, shape/form, texture, value and space. Our students learn how to use multiple media and techniques, skills, processes and tools as they refine their innate artistic talents. Additionally, student develop an appreciation for art from different cultures around the world.

Students perceive, discuss and utilize the elements of visual art, develop observational skills, explore a wide variety of media and techniques, and, most importantly, realize the power of their imaginations. Students keep sketchbooks and participate in art historical / multicultural projects that enable students to understand and discuss the context in which such art is created. Furthermore, students plan and contribute to school and community exhibitions. Teacher observation of student effort serve as the basis for assessment in art.

### *Music*

Students learn about, practice, and experiment with rhythm, melody, and harmony. Students listen to and practice music from past and present cultures. Students practice voice, percussion, and basic musical instruments. Using a variety of musical instruments students apply what they learn by making music together. In addition, students perform school concerts each year. Teacher observation of student effort serve as the basis for assessment in music.

### *Physical Education*

We believe a healthy mind needs a healthy body. Our students are engaged in a variety of physical education opportunities under the guidance of their own classroom teacher or a specialty teacher when available. Our curriculum follows state standards and teaches students a variety of traditional sports along with creative cooperative games that promote positive character traits and sportsmanship. Additionally, elements of dance and choreography are incorporated into physical education lessons as well as school performances. In all classrooms, students take part in daily relaxation and movement activities that promote a mind and body that is ready to learn. Teacher observation of student effort serves as the basis for assessment in physical education.

### *Readers' Theatre*

Readers Theatre is a wonderful way for students to present their language acquisition. Every year the entire school provides a bilingual performance of a traditional story in the style of Readers Theater. These theatrical performances offer students an opportunity to express themselves in an alternative setting while demonstrating Spanish language development. Public speaking and theatrical performances also build self-confidence and self-esteem. Readers' Theatre has grown to be a loved tradition by the students and greater community.

### Current Curriculum and Materials

Below is a partial list of the curricular resources currently used at Fuente Nueva to reach our educational goals. Our teachers utilize the published curriculum as the foundation of a rich and diverse presentation of content studies. In addition to the published curriculum, multiple other sources such as literature, community presentations, field trips and real hand-on experiences are used to teach the State Standards. (See Appendix E for samples.)

#### Spanish Language Arts

- Tesoros de Lectura
- Leer Naturalmente
- Benchmark Guided Reading and Comprehension Programs
- Fountas and Pinnell Reading Assessment System
- DIBELS Assessment System
- Classroom libraries filled with a combination leveled libraries and trade books

#### English Language Arts

- Daily Five Cafe
- Houghton Mifflin Reading
- Grammar Punk
- Guided Reading Library
- Leveled Library
- Trade books

## Mathematics

- Origo Stepping Stones Matemáticas
- Khan Academy
- Variety of manipulatives

## Social Studies

- Interact, *learning through experience*
- Library collections acquired through a partnership with the Humboldt County Office of Education
- Historical Fiction Literature
- Local community resources such as the Fire Station, Clark Museum, Arcata City Hall, and Sumeg Village

## Science

- Delta Education, FOSS
- Library collections acquired through a partnership with the Humboldt County Office of Education
- Local community resources such as the Friends of the Arcata Marsh, Patrick's Point State Park, Wolf Creek Outdoor School, Friends of the Dunes

## Life-Long Learning Skills

The following skills are taught in Character Education and by classroom teachers throughout the regular school day. While this list is not exhaustive, practicing these skills will enable them to become self-motivated, competent, lifelong learners.

- Character Development: The ability to understand and accept the value of integrity and moral courage in all aspects of life and learning.
- Communication: The ability to listen, speak, read and write as appropriate to the intended audience in school, at home, or in the community.
- Cooperation: The ability to work productively with school peers, family members, and community members in order to complete assigned projects.
- Critical Thinking: The ability to form a reasonable opinion on matters requiring the active assessment and comparison of data to be a socially aware citizen.
- Caring and Respect: The ability to accept and demonstrate kindness and appreciation for cultural, linguistic, and socio-economic differences among peers and community members.
- Citizenship: The ability to be responsible by participating in the charter school and community at large.
- Conflict Resolution: The ability to resolve differences of opinion in a civil and fair manner.
- Responsibility: The ability to maintain the highest personal standards in studies and citizenship.

- Mindfulness and Self-Regulation Skills: The ability to apply the practice of mindfulness to self-regulating behavior in light of daily challenges.
- Growth Mindset: The ability to approach learning with an open resilient and persistent attitude.
- Study Skills: The ability to utilize note-taking strategies, questioning strategies, library research skills, goal setting, self-assessment, time management, test taking strategies and to reflect on one's own learning.
- Students will develop skills that will empower and support them in their own path of learning through and beyond their time at Fuente Nueva. Areas that will be explicitly taught and evaluated are:
  - Strong work habits and study skills
  - Ability to take responsibility for one's own learning through follow through and self-reflection.
  - An ability to constructively evaluate their own work and the work of others.

### Interpersonal Skills

We believe that everyone has the right to a safe, nurturing, and challenging learning environment. In order for this to occur, we must all have respect for each other and our classroom space. In daily interactions with our students, we model respectful and caring behavior. Our classrooms are all based on the principles of Restorative Practices which suggest that a school must first establish an environment that a student wishes to be a member. Students become members of their school community by collectively building empathy and compassion through regular classroom restorative circles. Students also engage in character trait studies through a variety of means, including weekly lessons on mindfulness and citizenship. Students learn the basic functions of their brain and how to practice simple mindfulness techniques. Students use these skills to navigate interpersonal relationships with other students and adults. Growth Mindset lessons are also woven into every classroom, making for an environment that considers the whole child.

FNCS has four basic rules, called the Guidelines for Success. Students and teachers analyze expected behavior across settings through the lens of these basic guidelines.

Our Guidelines for Success are:

- I care for myself
- I care for others
- I care for my school
- I care for language learning

Students will demonstrate:

- Developed leadership and citizenship skills

- Ability to engage in meaningful and compassionate peer and adult/student relationships
- Ability to effectively work in collaboration with others towards a common goal.
- Ability to apply concepts of social justice to both historical and current events.

### School Lunch

At Fuente Nueva we believe that nourishing our bodies with a balanced diet is essential for a well-prepared learner. In January of 2016, FNCS met a long-term goal and began our own on-site school lunch program. The staff is committed to providing a menu that is both kid-friendly and nutritious. Food exploration is encouraged; and, on the last Friday of each month, a traditional meal from another corner of the world is served during Viajes Culinarios (culinary trips). To stay true to our core values, we include many local and/or organic ingredients. In addition, organic milk, salad and fresh fruit is served with every meal. The Charter School shall provide each needy student with one nutritionally adequate free or reduced-price meal during each school day.

### Extended Day Program

We look upon our aftercare program as a relaxed extension of our school day. During aftercare, children can participate in both structured and unstructured arts and crafts, additional extracurricular activities, citizenship, extended reading and story time, homework club and, of course, ample free play. In addition, it is important for us that the children have the opportunity to develop life skills centered on the activities and chores of the aftercare program itself. We welcome visiting parents into the aftercare program, and we would be happy to hear from any parents who wish to organize a special activity or lesson.

### Professional Development

Fuente Nueva is committed to ongoing professional development of all members of our educational team. Teachers play a strong role in identifying their own professional growth areas. Each year, each employee and the Charter Director agree upon individualized professional development plan. The goals that are selected are tied to current school-wide student achievement goals. Through peer observations and consistent feedback, teachers are able to identify areas of growth. The Charter Director coaches the employees and has the responsibility of approving the final professional development plan. The employee is responsible for ensuring that the development plan is followed by seeking opportunities to meet their goals. Under the oversight of the Charter Council, the Charter School is responsible for providing adequate release time and financial support for all employees.

## Multi-Tiered System of Supports

All students learn in different ways on different days. At Fuente Nueva, staff work to meet the diverse needs of students by providing Multi-Tiered System of Supports that promotes individualized behavioral, social-emotional and educational plans that support specific student learning experiences. Below is a list of components for each area of student instruction

### Academic Instruction and Support

- Implementation of Universal Design for Learning to deliver curriculum
- Classroom aides present at all grade levels
- Push-in and pull-out services offered daily
- Regular after school tutoring by classroom teacher
- Tri-annual student data collection to achieve consistent student progress monitoring
- Weekly educational team meetings held for the purpose of reviewing student present levels, monitoring progress and identifying at-risk students
- Referral to Student Success Team meetings as needed
- Referral to Special Education as needed

### Behavior Instruction and Support

- Universal behavior expectations and supports present in all classrooms
- Ongoing classroom lessons to promote positive behavior and interpersonal relationships
- Restorative practices are followed both as a way to build classroom community and to repair harm when needed
- School Counselor services as a pull-out service, in the classroom and on school grounds
- Tri-annual student data collection to achieve consistent student progress monitoring
- Weekly educational team meetings held for the purpose of reviewing student present levels, monitoring progress and identifying at-risk students
- Referral to Student Success Team meetings as needed

### Social Emotional Instruction and Support

- All students evaluated by classroom teachers and the teaching team for social emotional learning needs
- Universal social emotional supports such as a restorative cozy corner present in all classrooms and spaces
- Trauma informed practices adopted by all staff with ongoing professional development
- Mindfulness techniques are taught to promote an understanding of how our brain works and ways to self-regulate and navigate daily challenges.
- Restorative practices used to repair harm and provide an opportunity for healing when harm has been caused



- Tri-annual student data collection to achieve consistent student progress monitoring
- Weekly educational team meetings held for the purpose of reviewing student present levels, monitoring progress and identifying at-risk students
- Referral to Student Success Team meetings as needed

### Plan for Students Performing Below Grade-Level Expectations

We are committed to working with students who are achieving below grade level, as demonstrated in ongoing informal and formal assessments to help them obtain academic success. In the general education classroom, a differentiated learning approach provides a learning environment where academically low achieving students can be challenged to improve, become responsible for their learning, and set personal and/or academic goals.

Students work in a variety of learning environments to foster academic growth which may include, but is not limited to, small group, 1 on 1, subject-based and/or interest/skill-based. Likewise, responsive teaching provides a safe environment that respects and responds to the student's social and emotional needs.

Universal supports are the first step in meeting the needs of students performing below grade level, but additional supports are introduced for any student who:

- Is performing more than one level below his/her actual grade level
- Is not on track to make at least one grade level of growth in reading, writing, and math
- Does not meet the two criteria above but has persistent challenges with the Charter School's academic or behavioral expectations

Such students are identified using the benchmark assessments, student portfolios, classroom assessments, teacher observations and parent input. For students who do not achieve proficiency on benchmarks as measured by Charter School grade level expectancies and assessments, the following interventions may be in effect:

- Pull-out and push-in services academic services are provided for students who are at risk of falling below grade level standards. Services are provided by staff members who are in close contact with classroom teachers so that the intervention time supports the students work in the regular classroom.
- Classroom accommodations and modifications such as preferential seating and checking for understanding
- After School Tutoring - Our classroom teachers provide after school tutoring in small groups. In extreme cases, 1-1 tutoring is provided by the resource teacher or paraprofessional.
- Mentoring – Community volunteers, including family members of Fuente Nueva children, students from local colleges, and senior citizen volunteers, are invited to work 1-on-1 and in small groups with students that would benefit from additional academic support. The

Charter Director implements and oversees the mentoring program to ensure that the appropriate screening and background checks are administered. Students and mentors are matched based on needs of the student and skills of the mentor, as well as compatible personalities.

- Special Education support - If a learning disability is suspected, students will be referred to the process for assessing for eligibility for special education or related services.

### Student Success Teams

Action plans are developed through the Student Success Team (“SST”) process that may involve resource staff, classroom teacher, parents and charter director. The team works together to support the child’s learning and to meet SST developed goals. The SST determines an intervention plan that meets the needs of the student who is performing below grade level. The SST closely monitors the student’s progress through formal and informal assessments and makes educational changes as needed to ensure academic growth.

The SST is a systematic, individual, solution-oriented approach to assist students with academic and/or social success. The SST clarifies problems and concerns, develops strategies and organizes resources, provides a system for school accountability, and serves to assist and counsel the parent, teacher and student. Students benefiting from an SST include, but are not limited to, those students achieving below or above grade level, English Learners, and students who have experienced issues that might hinder their academic success at school. Ongoing, regular communication with families through phone calls, conferences, letters, and emails are an important part of the process. Anyone who has a concern for a student can refer that student for an SST. Once a referral is received by the teacher, director or resource teacher, a meeting will be promptly scheduled. Parents will be encouraged to participate in the SST process.

The meeting is designed to support and enhance the education of the identified student. At each meeting an SST form is completed. An SST form includes the student’s strengths, current performance level(s), areas of concern, desired objectives, and specific strategies that will be used with the student to address the concerns, measurable goals and assessment means, and a timeline in which each objective is projected to be met. The SST process includes all pertinent parties including, but not limited to, the classroom teacher, the parents, and the Charter Director.

### Students Achieving Above Grade Level/Gifted Students

We are committed to advancing student achievement for all students. Students achieving above grade level and/or gifted students are identified through informal classroom assessments and teacher observation. Parents are notified by the classroom teacher at parent teacher conferences. Ongoing assessments are a critical element in planning and implementing a challenging and appropriate curriculum. By implementing data-driven instruction, teachers are able to modify the curriculum to meet the needs of students who are performing above grade level or are gifted. The ongoing assessment model allows teachers, students and parents to

evaluate the instruction and student progress regularly and make modifications to the curriculum to meet the needs of the student.

We foster a 'growth mind set' by providing an academic environment that encourages students to set challenging goals and strive for success. We incorporate project- and inquiry-based learning approach creates many opportunities for students achieving above grade level to explore and learn at a depth that suits their knowledge and skills. In addition, our teachers identify and design modifications that provide learning activities that develop problem solving and critical thinking skills, such as activities described in Level Three and Level Four of the Depths of Knowledge (i.e. synthesize, create, design, construct, evaluate, and critique). By providing a well-rounded and rich learning environment, FNCS ensures students have opportunities to gain a plethora of experiences such as: participation in the Humboldt County Spelling Bee, Science Fair, gardening, varied outdoor experiences both on and off campus, field trips to cultural and historical locations, community visitor program, and ample hand-on and exploratory learning opportunities.

### Plan for English Learners

Fuente Nueva Charter School will comply with federal, state, and district mandates regarding English Learner ("EL") including long-term English Learners or English Learners at risk of becoming long-term English Learners, education, re-designation of EL students and equal access to the curriculum. The basic components of our EL program are based on the high value of a multi-lingual, multi-cultural world. Teachers validate students home language and culture by empowering their voices and the honoring of their experiences and traditions. For students who are native Spanish speakers, our program will naturally support the English language development by providing instruction in their native language. It is believed that language skills transfer from native language to the target language best when some instruction is provided in the native language. This naturally occurs for native Spanish speakers in our Spanish-Immersion program where no less than 70% of instruction occurs in Spanish.

Academic instruction is intellectually rigorous for all students, including EL students. As an immersion school we are accustomed to incorporating teaching strategies that provide the necessary language scaffolds to allow the students to engage with the curriculum. These practices are used across all areas of the Charter School, creating a team effort to create an equity-based program implemented through a shared responsibility of all educators of the Charter School.

EL students receive daily ELD instruction from a combination of designated and integrated instruction. The EL teacher works individually and in small groups to advance the students English abilities while also supporting their success in the regular class assignments. Using a variety of research-based language assessments student progress is monitored. The classroom teacher works closely with the EL teacher to ensure the instruction is meeting the individual needs of the child. As a small school, we are able to be nimble and create unique programs for every EL student.

Following the legal requirements for English Learners including long-term English Learners or English Learners at risk of becoming long-term English Learners, as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification and the rights of students and parents, the Charter School regularly monitors and evaluates the program's effectiveness through ongoing teamwork and collaboration. Student progress is carefully monitored by all teachers who provide instruction to the students and well as the MTSS Leadership Team.

### *Home Language Survey*

We administer the home language survey upon a student's initial enrollment into the Charter School (Appendix F, enrollment form).

### *English Language Proficiency Assessment*

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

The ELPAC consists of two separate assessments:

- Initial Assessment ("IA")

The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student's time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.

- Summative Assessment ("SA")

ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

Both the ELPAC SA and IA are paper–pencil assessments administered in seven grade spans—K, 1, 2, 3–5, 6–8, 9–10, and 11–12. In kindergarten and grade 1, all domains are administered

individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually.

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

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

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

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

#### *English Learners Reclassification Procedures*

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

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

## *Strategies for English Learner Instruction and Intervention*

Supporting our English Learners requires that we take an approach that ensures the quickest acquisition of English. By linking the ELD standards to the other State Standards, we can ensure that EL students receive high-quality instruction in English language and other content areas. It also requires that we respect the culture and home language of our students. In order to reach the goal of English fluency, we provide a developmentally appropriate and highly structured approach to teaching English. We help students identify that their bilingual capacity will be an asset, as well as an admirable and valuable skill. Translators for non-English speaking parents will be provided when appropriate and possible. We serve our EL students in accordance with all applicable State and Federal laws and regulations. We adhere to the following plan with EL students:

- EL students receive daily small group instruction focusing on English language skills both out of and within the general education classroom. Best practices in ELD instructional strategies are implemented, including but not limited to: direct instruction; modeling; scaffolding; accessing and building prior knowledge; and vocabulary development.
- Materials used are research based and chosen to assist the careful articulation of skills for English language acquisition.
- EL students receive both push in and pull out services from the EL teacher, the resource teacher and the resource aide.
- Student progress is monitored through ongoing formal and informal assessment by the MTSS Leadership Team and the classroom teacher.
- The Charter School reports the number of EL students attending the Charter School to the district and the state.
- Parents receive written notification of their child's ELPAC scores.
- EL students who are not making appropriate academic growth will be referred to an SST for additional support.

Regular assessment of EL progress is assessed in the following way:

- ELPAC, as provided for above
- Comparing growth on the ELPAC and re-classifying students as needed
- EL students are making strong academic progress as measured by instructor developed assessments
- EL students are proficient in English in three years or less
- EL students are proficient in English Language Arts as evidenced by proficiency on state and standardized exams
- EL students are advancing from grade level to grade level, evidencing mastery of core subjects on par with native speaking students.

If students are not making sufficient academic progress as indicated through ELPAC data, we modify our EL program as needed. We ensure that teachers are qualified and supported to meet the needs of our EL students. We hire teachers that are CLAD/CLAD equivalent or BCLAD certified.

Ongoing professional development of the entire educational team enables us to continuously improve our services with a goal to increase student achievement.

### Section 504 of the Rehabilitation Act

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

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

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

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

of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education. In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

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

### Students with Disabilities

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities Education Improvement Act ("IDEA"). Fuente Nueva Charter School understands that the Charter School has the obligation to serve students with exceptional needs and that the Charter School, pursuant to applicable state and federal laws for special education, must ensure that all of its students have access to a Free Appropriate Public Education ("FAPE"). The Charter School complies with the Humboldt-Del Norte Special Education Local Plan Area ("SELPA").

The Charter School shall be categorized as a public school of the District in accordance with Education Code Section 47641(b). Pursuant to a Memorandum of Understanding with the District, Fuente Nueva Charter School, although designated a public school of the District for purposes of special education, will have the exclusive responsibility to provide special education and related services to its students and will retain the liability for such special education and related services, and the District will pass-through Fuente Nueva's share of the District allocation of special education funding from the SELPA.

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



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

As a public school of the District for purposes of special education, we understand that the District will have oversight of the Charter School's special education program. The Charter School will continue to comply with all reasonable requests for documents and records and shall allow the District site visits, with appropriate notice, as necessary.

Fuente Nueva provides a continuum of support services as outlined in the Humboldt-Del Norte SELPA plan to meet the needs of the students. The Charter School takes total responsibility for special education services at the Charter School. Fuente Nueva currently employs a resource teacher, a speech teacher and a special education aide to service special education students on campus, as well as to manage each special education student's IEP. All other services, including, but not limited to, occupational therapy and psychological testing, and nursing services needed on the continuum of program and service options, are provided as necessary by third party service providers. The Charter School does not discriminate on the basis of special education needs and ensures that the students' needs are being addressed to the extent of the law.

#### Services for Students under the "IDEA"

The Charter School will continue to provide special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA.

The Charter School will provide services for special education students enrolled in the Charter School. The Charter School will follow SELPA policies and procedures and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints and maintaining the confidentiality of pupil records.

The Charter School agrees to promptly respond to all District or SELPA inquiries, to comply with reasonable District or SELPA directives, and to allow the District or SELPA access to Charter School students, staff, facilities, equipment and records as required to fulfill all District obligations under this Agreement or imposed by law.

## Staffing

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

The Charter School will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

## Notification and Coordination

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

## Identification and Referral

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

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

Once a referral is received, parents are sent an assessment plan for their approval within 15 days. Once consent by the parent is received, the Charter School completes the formal evaluation and holds an IEP meeting within the 60-day timeline. Prior to the meeting, parents are given a written notice describing their rights. The IEP team shall be comprised of the parent(s), school psychologist (for initial and triennial IEPs), the Resource Specialist Teacher ("RST") and/or Speech Teacher, other specialists needed, a school administrator or designee, and the student's general education teacher(s). Should the IEP team determine that the student qualifies for special education or related services pursuant to current law, the team makes a determination of goals,

services, aids, and accommodations that provide an education in the least restrictive environment. After the initial IEP, the student will have an annual IEP meeting to review progress, goals and objectives, and reassessment prior to the IEP meeting every three years (Triennial IEP).

The Resource Specialist Teacher, other special education teachers, and the general education classroom teacher(s) work in partnership with the SELPA to provide an education that meets student needs, ensures that students are progressing toward their IEP goals, and moves the student toward the goal of meeting the State Standards.

### Assessments

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. The Charter School will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

### IEP Meetings

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

### IEP Development

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

## IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP, and at least as frequently as progress reports are provided for the Charter School's non-special education students. The Charter School shall also provide all home-school coordination and information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

## Interim and Initial Placements of New Charter School Students

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

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district operated program under the same special education local plan area of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the Charter School conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate that is consistent with federal and state law.

## Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

### Non-discrimination

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

### Parent/Guardian Concerns and Complaints

The Charter School shall adopt policies for responding to parental concerns or complaints related to special education services. The Charter School shall receive any concerns raised by parents/guardians regarding related services and rights.

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

### Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in the Charter School if it determines such action is legally necessary or advisable. In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

### SELPA Representation

Fuente Nueva Charter School is not an LEA for the purposes of special education and related services. It understands that the Arcata School District shall represent the Charter at all SELPA meetings. Fuente Nueva acts as a school of the District and special education funds flow through the District.

### Funding

The Charter School understands that it will be subject to the allocation plan of the SELPA. In exchange for providing our own special education services, Fuente Nueva shall continue to receive the same per pupil funding as the District in regard to AB 602 State and Federal funds based on the Humboldt-Del Norte SELPA funding model. All AB 602 State and Federal funds that the charter receives will be used for special education purposes only. The Charter School and the District will each be solely responsible for their own special education encroachment costs. Fuente Nueva agrees to defend and indemnify the District for anything related to special education at the Charter School.

## Element 2: Measurable Pupil Outcomes

### Governing Law:

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

Education Code Section 47605(b)(5)(B)

### Measuring the Outcome of Producing Educated Person in the 21st Century

We strive to ensure that all of our students develop the skills and behaviors necessary for academic, personal, and professional success in the 21<sup>st</sup> century as described in the section above titled, "Educated Person in the 21<sup>st</sup> Century". We measure the outcome of producing this person by assessing the following characteristics:

- strong knowledge of academic content
- problem solving capability
- creativity and the ability to work with multiple ways of representation
- motivation to learn, intellectual independence, and ability to self-educate
- communications skills (oral, written, teamwork, and interpersonal skills)
- global awareness, vision, a sense of human responsibility and ethics

### LCFF Compliance

#### General Assurances:

- Assurance the Charter School will comply with all requirements pursuant to California Education Code and 47605(b)(5)(ii) including the development of school wide goals for all subgroups as applicable to the state priority areas identified in Education Code 52060(d). Assurance of compliance with all elements of the Local Control and Accountability Plan, including the adoption of any templates required by the State Board of Education. The LCAP goals for Fuente Nueva can be found below.

Fuente Nueva Charter School understands the importance of data collection and analysis in measuring and improving student learning. Our current curriculum aligns with the State Standards. Student outcomes are measured through a variety of standards-based assessments

for every student. All core components including language arts, mathematics, science, and social science are implemented in accordance with Federal and State law and also through the use of curriculum-based, school-based and teacher designed assessments. Assessment data is used to measure student performance, to analyze data, and to convert results into specific measurable action plans that support strong academic achievement for English language development and are assessed in a comprehensive and dynamic system.

As required under the CDE regulations for grant funds received under the Local Control Funding Formula (“LCFF”), Fuente Nueva will comply with all elements of the Local Control and Accountability Plan, including the adoption of any templates required by the State Board of Education. This will include descriptions of the educational program and pupil outcomes that define annual goals for subgroup performance. Fuente Nueva staff will update accountability elements as directed by the CDE.

Fuente Nueva will identify how supplemental and concentration grant money received for the unduplicated student populations will be spent to address the academic needs of these students.

Fuente Nueva will align our school budget with the accountability plans and submit the plans and budget to the Arcata Elementary School District and/or the Humboldt County Office of Education as required by the CDE.

Student outcomes are measured through a variety of assessments that are both standardized curriculum assessments and teacher-created materials. Specific benchmark skills for each classroom level are under development for the purposes of providing a comprehensive program for students to seamless matriculate through the grades.

State Priorities pursuant to 52060(d)(2)

1. Implementation of State Standards
2. Parental Involvement and Family Engagement
3. Student Achievement
4. Student Engagement
5. School Climate
6. Course Access
7. Other Student Outcomes

Please see the attached LCAP for a reasonably comprehensive description of the Charter School’s pupil outcomes aligned with the State Priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals, in accordance with Education Code Section 47605(b)(5)(A)(ii).

### Element 3: Methods to Assess Pupil Progress towards Meeting Outcomes

#### Governing Law

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

Education Code Section 47605(b)(5)(C)

Fuente Nueva Charter School students will meet the State Standards and partake in the necessary pupil assessments required pursuant to Education Code Section 60605. Students are assessed in each of the core academic skill areas by a combination of curriculum embedded assessment, performance-based assessment, teacher-created formative and summative assessments and ongoing authentic assessments such as, teachers' observational logs, samples of students' work and running logs. Teachers also often incorporate the use of teacher-created rubrics for performance-based assessments, projects or written work.

#### State and Federal Accountability Measures

Students in the third grade and above participate in California Assessment of Student Performance and Progress. Results from the statewide assessment are used to confirm classroom assessments in addition to ensuring that adequate academic progress is being made by all students. While data is disaggregated and analyzed the small, intimate nature of our Charter School allows us to see student needs in the classroom in addition to the study of assessment statistics.

The results of the outcomes for measuring student achievement are included in the school accountability report card ("SARC") annually and posted on the Fuente Nueva website.

Smarter Balanced Assessment Consortium Assessments *are designed to measure student progress toward meeting college and career readiness.* Fuente Nueva staff members have implemented the SBAC assessment system.

ELAPC: Annually, all EL students are tested with the ELPAC to determine their language fluency and growth. All EL identified new students as well as all returning students are assessed within state time frame regulations. Scores are compared with previous year's scores to determine student growth. Using the ELPAC, students are tracked to ensure that they are achieving set goals for language development.

Other mandated assessments will be implemented as required including, but not limited to, the California Science Test ("CAST") and the Physical Fitness Test ("PFT").



## Formative Assessments

Fuente Nueva believes multiple assessment measures are vital for effective instructional planning and student learning. Ongoing formative assessments naturally lead to targeted instruction and help monitor the need for intervention and enrichment. By utilizing a backward-design approach, assessments are developed by individual teachers, collaboratively designed, or purchased from curriculum companies dependent on the objectives reflected within each essential core standard and those that further the mission and vision of the Charter School. Assessments are utilized on an individual basis for progress monitoring with students of different ability or skill levels. Assessments are also utilized as classroom-wide tools and indicators of the level of mastery for an entire class. Research-based assessments that provide important progress monitoring information are utilized throughout the school year. Such assessments include, but are not limited to:

- Exhibits/Projects
- Presentations
- Rubrics
- Student goal setting and reflection journals
- Skills inventories
- Anecdotal records
- Running records

## Summative Assessments

Fuente Nueva staff uses summative assessments as a tool to articulate the coherence between Fuente Nueva's instructional plans and goals with school, district, and state standards to provide documentation for students' long-term comprehension and retention of required content and skills. As with the formative assessments mentioned earlier, these assessments are developed by staff members individually and collaboratively, and then utilized to monitor mastery of content standards. They are aligned with the mission, vision, and goals of the school and with the State Standards. Assessments are purchased from curriculum companies, educational institutions, or standardized testing facilities. Such assessments include, but are not limited to:

- Curriculum based assessments including: Embedded chapter tests, Leer Naturalmente (Read Naturally in Spanish), Lexile Reading Level System
- School benchmark assessments and staff created assessments
- DIBELS (Literacy)

## Annual Self Study:

Fuente Nueva regularly reports progress toward meeting our measurable goals through the Charter School's annual LCAP. We report out to stakeholders through school newsletter,

individual teacher newsletters, student report cards, parent teacher conferences, and Charter Council Meetings.

The annual Local Control and Accountability Plan codifies the Charter School's performance in relation to goals, including growth over time. It is presented to the Charter Council as part of a regularly scheduled Council meetings and is approved by July of every school year. The LCAP is presented at annual stakeholder meetings and to community members on the Charter School website. School improvement goals and strategies are included in the LCAP. Parent input to the LCAP is received through multiple avenues including stakeholder meetings, annual parent surveys and meetings with the director. Fuente Nueva is a community of thinkers working together to build a powerful academic program.

During the development of the Charter School's LCAP data is collected, analyzed and reviewed as a formative tool to drive curriculum development and inform instruction. The data informs the Charter School's need to update and modify the LCAP on an annual basis.

#### Use and Reporting of Data

Multiple forms of assessment are analyzed and utilized to monitor and improve the Charter School's educational program. After analyzing students' test scores each school year, Fuente Nueva staff uses the data to design and implement a comprehensive school-wide plan to meet its outcomes and goals. The staff meets regularly to analyze all areas of the performance data and to determine areas needing instructional adjustment.

Student data is used on an ongoing basis as a measurement of student progress and identification for intervention services. Student data is collected in multiple formats that are shared between educators. The goal is to find trends in student achievement, identify students of concern and to guide team decisions in allocating intervention resources. Weekly meetings are held with our MTSS team to reflect on student outcomes and develop new approach to delivery of with strategies for additional student support where needed. Teachers meet bi-monthly to review student data and use the team approach to reflect and take action to provide support for students.

Student achievement data is also presented on a report card, a clear graphic format that is provided to parents three times a year. Standardized testing data is published annually on the Student Accountability Report Card and on the California Dashboard. Teachers have access to student/family information at all times. Parents may request a copy of student records by providing a signed release authorizing the release of such records.

#### Report Cards and Parent Communication

Fuente Nueva report cards are standards-based and include a section for teacher comments. Report cards provide an opportunity to communicate with parents about student progress towards meeting State Standards. Standards based report cards evaluate each skill by the

following criteria: 1= proficient, 2=almost proficient, 3=practicing, 4=needs additional work. In addition, report cards include a comment area. A sample second grade report card is included as Appendix G.

Report cards are distributed three times a year, at the end of each trimester. Parent-teacher conferences are held at the beginning of each school year after completion of the first assessment period, as well as in the spring after the completion of the second assessment period. Recorded assessments of the students occur prior to the parent-teacher conferences and these are reviewed, along with samples of students' work, during conferences. Additional conferences for individual students not making adequate progress will be determined by the parent, classroom teacher and Charter Director.

Daily or weekly forms of communication are sent from teachers to families regarding student behavior, student achievement, ongoing areas of study, and upcoming events in the classroom. Communication takes place in the form of weekly parent notes, emails, and/or website postings.

Student progress in Spanish language acquisition is assessed through embedded curricular assessments, Leer Naturalmente (Read Naturally in Spanish), Estrellita Spanish Language program, staff created interpersonal language benchmark assessments, teacher observation, student presentations, student work portfolios, and other professionally created tools. Student success in the content areas are also a strong indicator of the students' success in Spanish language development. Individual student progress in Spanish Language Arts is incorporated into the student report card. Students are evaluated in Reading, Writing, and Listening/Speaking.

#### Student outcomes and benchmarks of growth and improvement

Student assessment measures are delineated in the table below. For purposes of assessment benchmarks, we define mastery as the ability of the student to demonstrate command of a subject of study as evidenced by appropriate assessments and the student's ability to apply content knowledge in related instructional tasks. Proficiency takes practice, not knowledge alone. Proficiency and mastery are dependent upon the subject matter and grade level. They are measured by assessments created within the instructional design, backwards mapping or rubrics for projects.

<b>Assessment, Purpose, Grade Levels and Administration Timeline</b>			
<b>Assessment Tools</b>	<b>Performance Indicators and Student Outcomes</b>	<b>Grades</b>	<b>Administration Timeline</b>
<b>English Language Arts</b>			
SBAC Assessments (as regulated by CDE)	Mastery in reading and English Language Arts skills including reading, writing and oral communication as outlined by the State Standards	3-5	Yearly
Internally Created Assessments	Measure standards mastery	TK-5	Beginning of each school year, and end of the trimester
Publisher Designed Tests	Assess developmental range of decoding skills, reading strategies, vocabulary knowledge, comprehension, and high-frequency word recognition	TK-5	End of the unit or trimester
Dynamic Indicators of Basic Early Literacy (“DIBELS”)	Measure students’ ability to decode and read grade-level text	TK-5	Upon enrollment, three times a year
Informal Reading Inventories	Assess reading level, decoding skills, and comprehension	TK-5	Upon enrollment, each trimester
Writing Rubrics	Measure standards mastery	TK-5	Upon enrollment, each trimester
Any Other Federal and State Mandated Standards Tests (ELPAC)	Measure standards mastery	TK-5	Yearly
<b>Mathematics</b>			
SBAC Assessments (as regulated by CDE)	Conceptual understanding of mathematics and logical reasoning and the ability to apply them to real life situations as defined by the State Standards	3-5	Yearly

Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester
Publisher-Designed Assessments	Measure standards mastery	TK-5	End of lesson, unit or trimester
Any Other Federal and State Mandated Standards Tests	Measure standards mastery	2-5	Once per year
<b>Science</b>			
CAST assessment (as regulated by CDE)	Skills and strategies of science as defined by the Next Generation Science Standards, which will enable them to hypothesize, evaluate data, and define and solve problems in the areas of life, physical, and earth sciences	5	Spring of 5 <sup>th</sup> Grade Year
Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester
Publisher-Designed Assessments	Measure standards mastery	TK-5	End of lesson, unit or trimester
Federal and State Mandated Standards Tests	Measure standards mastery	TK-5	Once per year
<b>History/Social Studies</b>			
Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester
Publisher-Designed Assessments	Measure standards mastery	TK-5	End of lesson, unit or trimester
<b>English Language Development</b>			
Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester

Oral Language Development Assessments	Measure oral language development	TK-5	Every six weeks or as often as needed
ELPAC	Measure English Language Proficiency	TK-5	Upon enrollment and then yearly
<b>Physical Fitness</b>			
Anecdotal Records, Self- Evaluations, Student -Teacher Conferences	Solid understanding of physical fitness, nutrition and a healthy lifestyle	TK-5	End of the trimester
Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester
Physical Fitness Test	Measure students' physical fitness and endurance	5 <sup>th</sup> grade	Spring of 5 <sup>th</sup> grade year
<b>Visual and Performing Arts</b>			
Anecdotal Records, Self- Evaluations, Student- Teacher Conferences	Experience and appreciation for the fine and performing arts	TK-5	End of the trimester
Internally Created Assessments	Measure standards mastery	TK-5	End of the unit or trimester
<b>Technology</b>			
Student Produced Exhibits and Projects	Technology skills to support learning, enhance research, and improve communication	TK-5	Ongoing
Software-Based Assessments	Measure standards mastery	TK-5	End of the unit or trimester
<b>Social Responsibility</b>			
Anecdotal Records, Self-Evaluation, Student /Teacher Conferences	Experience and demonstration of social responsibility	TK-5	Ongoing

## **Element 4: Governance Structure of School**

### Governing Law:

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

Education Code Section 47605(b)(5)(D)

Pursuant to Education Code Section 47604(d): the authority that grants a charter to a charter school that is to be operated by, or as, a nonprofit public benefit corporation shall not be liable for the debts or obligations of the Charter School. The District will not be liable for any actions, debts, or obligations taken by the Charter School or any nonprofit public benefit corporation operating the Charter School.

The Fuente Nueva Charter School has constituted itself as a California non-profit public benefit corporation pursuant to California law.

The Charter School will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220.

### Arcata School District

#### Oversight, Agreements, Reporting, Revocation, and Renewal

The Arcata Elementary School District Board, in recognition of the spirit and intent of the charter, does not wish to exert day-to-day control or impose its own vision on the details of the Charter School's operation. By approving the charter, it has authorized the Fuente Nueva Charter Council to perform these functions.

The Fuente Nueva Charter School shall also follow all agreements outlined in the mutually agreed upon Memorandum of Understanding that exists between the Charter School and the District. The MOU is reviewed and approved by the Arcata Elementary School District board with each charter renewal.

The Arcata Elementary School District may inspect or observe any part of the Charter School at any time but shall provide reasonable notice to the Charter Director prior to any observation or inspection. Inspection, observation, monitoring, and oversight activities may not be assigned or subcontracted to a third party by the District without the advance, written mutual consent of the Charter Council.

If the governing board of the District believes it has cause to revoke this charter, the board agrees to notify the Charter Council in writing, noting the specific reasons for which the charter may be revoked, and grant the Charter School reasonable time to respond to the notice and take appropriate corrective action, in accordance with Education Code Section 47607 and its implementing regulations.

Renewal of the charter shall be governed pursuant to Education Code Sections 47605 and 47607 or 47607.2.

### Fuente Nueva Charter Council

The Fuente Nueva Charter Council (“FNCC” or the “Charter Council”) shall be comprised of no less than eight and no more than eleven members comprised of the following:

- At least six parents of enrolled children who are elected by the parents of Fuente Nueva Charter School students or appointed by the FNCC. Ideally there will be one parent from each grade level or equal
- At its option, the Arcata Elementary School District, may appoint a representative to sit on the Charter Council.
- At the Council’s option, one member representing the community at large. If filled, this member should have a strong interest in education, second language acquisition, Spanish language, or other relevant area, and should provide a positive outside perspective. Said position may remain vacant.

In addition, the Charter Director and one teacher, elected by the teaching staff, attend all Council meetings in an advisory capacity. The individuals shall not be considered members of the Charter Council.

Parent FNCC members are nominated and elected for a three-year term by parents of currently enrolled students. Elections are held annually in May with terms beginning and ending at the June FNCC meeting. FNCC members may serve an unlimited number of terms. Further information about the structure and process of the Charter Council can be found in the Appendix H, Bylaws of Fuente Nueva Charter School and the Charter Council Member Guide.

The Fuente Nueva Charter Council is the final decision-making body within the Charter School. The Charter Council acts as the primary steward of the vision, mission and values of the Charter School. All decisions made will be consistent with the approved vision, mission and values. Any necessary committees will be formed to facilitate this process such as: Strategic Planning Committee, Budget Committee, Evaluation Committee and other FNCC approved committees.

The FNCC will perpetuate the focus on continuous improvement of the Charter School through analysis of survey data, stakeholder feedback and student achievement. Moreover, the FNCC is responsible for the development, implementation and assessment of the annual budget, enrollment and school development, hiring policy, physical resources, and conflict resolution.



Finally, the FNCC will approve all development, personnel, financial and policy decisions for the Charter School.

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

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

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

### Charter Council Meetings

Charter Council will meet regularly, at least once a month (except during the summer) and in accordance with the Brown Act and Education Code Section 47604.1(c).

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

The Charter Council will attend an annual in-service for the purposes of training individual members on their responsibilities with topics to include, at minimum, conflicts of interest and the Brown Act.

### The Charter Director

The Charter Director will be the leader of the Charter School. The primary role of the Charter Director is to oversee the daily operations of the Charter School to ensure a complete and whole program is achieved according the Charter School's mission, vision and values.

The Charter Director shall perform assigned tasks as directed by the Charter Council and shall be required to undertake some or all of the tasks detailed below. These tasks may include, but are not limited to, the following:

#### Administrative

- Develop and maintain School Safety Plan and maintain a safe school environment
- Compile of all necessary school paperwork/reports required by the California Department of Education, the Humboldt County Office of Education, the Arcata Elementary School District and the Charter School.
- Take responsible steps to secure full and regular attendance at school of the students enrolled in accordance with policies established by the FNCC
- Maintain systems for student records
- Maintain communication with the district office personnel regarding budget and human resource reporting and paperwork requirements
- Act as Food Service Director for the National School Lunch Program needs

#### Facilities

- Maintain necessary communication with landlord in regard to lease negotiations, maintenance needs, and regular safety inspections.
- Order and maintain necessary supplies and oversee regular school care, maintenance and structural improvements
- Ensure the safety and security of facilities

#### Budget

- Oversee school finances to ensure financial stability
- Responsible for budget reporting and applications for state and federal funding
- Chair the budget committee formed through the FNCC
- Work with district business manager to develop adopted budget as per the FNCC and budget committee's guidance
- Acquire up to date budget from district and report status to FNCC Treasurer and the budget committee

#### Personnel

- In collaboration with the FNCC identify staff positions needed
- Chair all Hiring Committees
- Interview and hire non-certificated staff positions
- Ensure employee files are up to date and complete
- Responsible for oversight of staff onboarding orientation and initial training
- Responsible for supervision and evaluation of all non-certificated and certificated staff
- Organize and lead regular certificated and non-certificated staff meetings
- Support the all staff members in completing their jobs in an effective manner through observation and discussion of needs.
- Collaborate with teachers to assist in meeting professional development needs

### Instructional

- Maintain a Multi-Tiered System of Supports to provide student behavior social-emotional and academic support
- Manage student discipline, and as necessary participate in the suspension and expulsion process
- Create master school schedule
- Perform duties of state-wide testing site coordinator
- Collaborate with teachers to ensure curriculum development is in alignment with best practices and carry out the Charter School mission and values
- Ensure instructional materials are in place and up to date for all students

### Special Education Coordination

- Participate in all Student Success Team, 504 plan, and IEP meetings
- Coordinate services agreed upon at meetings
- Ensure that special education needs of students are met
- Oversee the coordination of contracted services such as speech, nursing, psychologist and occupational therapist.

### Enrollment

- Oversee the recruitment of a broad base of student enrollment to promote demographic composition similar to the district including percentage of socio-economic students and students with disabilities.
- Provide enrollment and attendance reports to Arcata Elementary School District for report to the County and State

### Community Relations

- Act as the spokesperson for Fuente Nueva Charter School with all community organizations with which it collaborates. Examples: Arcata Elementary School District employees, California Charter Schools Association, Redwood Coast Action Agency, Joint Powers Authority, HSU, and other schools.
- Attend meetings when applicable

### Communication

- Coordinate maintenance of Charter School website
- Coordinate monthly newsletter with all current school information
- Attend monthly FNCC meetings
- Attend the three 'summit' Amigos de Fuente Nueva ("AFN") meetings as identified by the AFN board
- Attend Arcata Elementary School District School Board meetings when requested
- Attend leadership meetings such as the Superintendent's Forum or Co-Op meetings
- Follow the FNCS grievance procedure

### Credential, Professional Development and Professional Organizations

- Maintain California Teaching Credential and Administrative Services Credential
- Seek and complete appropriate professional development related to job duties
- Maintain membership with local Association for California School Administrators

### Daily Operations

- Oversee all daily operations
- Provide back up support for absent staff members
- Ensure the safety and security of the facility

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the Charter Council to a business administrator of the Charter School, other appropriate employee, or third-party provider.

### Amigos de Fuente Nueva

Fuente Nueva Charter School is fortunate to have parents who, in collaboration with school leadership created Amigos de Fuente Nueva, a California 501(c)(3) non-profit corporation. The mission of this organization is to create a forum for community-based solutions and to raise funds to support the mission of Fuente Nueva

Charter School. The governance of AFN is separate from the governance of the Charter School and the AFN Board of Directors does not govern the Charter School.

### Additional Parent Involvement in Governance

Fuente Nueva recognizes that it was founded by the input of parent involvement in our governance. It is through parent service on the Fuente Nueva Charter Council that FNCS have become the school it is today. Currently, six parents serve on the Charter Council of Fuente Nueva Charter School. When appropriate additional parents serve on committees of the Council such as the Budget Committee or the School Safety Committee. These committees make recommendations to the FNCC with regards to staffing levels, material expenditures and other critical governance decisions.

School administration keeps parents involved in governance by regularly notifying them of the upcoming work of the Charter Council through the school newsletters and emails. Annual school surveys give parents a chance to provide valuable feedback that is used to guide the development of key school plans and budgeting. Through the school survey, FNCS measures parents' sense of involvement in Charter School governance. In the spring of 2019, 92% of parent respondents reported feeling that they had adequate opportunities to participate in the Charter School's decision-making process.

## Teaching Staff

The purpose of the Charter School is to meet the educational needs of the child; therefore, the teachers are responsible for providing a sound educational experience for students by following curriculum design as outlined in the charter and is in line with the mission, vision and values of the Charter School. The teachers are responsible for assessing students several times each year and utilizing the results of the assessment to perpetuate the cycle of continuous improvement. Furthermore, they are responsible for designing and implementing curriculum, and developing assessment tools for each grade. Some curriculum may be adopted by the teaching staff. Staff development is the responsibility of the staff members with the support of the Charter School.

The Teaching Staff will be comprised of the Charter Director and all credentialed teachers. One teaching staff member may be designated to advise the FNCC.

## Element 5: Employee Qualifications

### Governing Law:

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

Education Code Section 47605(b)(5)(E)

Fuente Nueva Charter School is nonsectarian in its employment practices and does not discriminate against any teacher based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation.

The key staff at Fuente Nueva Charter School shall include, but is not limited to:

- Charter Director
- Classroom Teachers
- Resource Teacher
- School Counselor
- Administrative support staff
- Extended Day Director
- Lunch Program Staff
- Paraprofessional instructional aides

Requirements for appointment to the role of Charter Director include but are not limited to: Clear California Teaching Credential, CLAD or BLCAD certification, California Administrative Services Credential, and five years of service in a certificated position at a primary or elementary school site. Additional desired qualifications are a graduate degree, experience in an immersion program and proficiency in Spanish. The FNCC reserves the right to hire a Charter Director who does not have an Administrative Services Credential with the expectation of a commitment to enroll in a qualified program to obtain a California Administrative Services Credential. The Charter Director is reappointed on an annual basis by the FNCC.

The Fuente Nueva Charter School retains or employs certificated classroom and resource teachers that hold the appropriate credentials issued by the California Commission on Teacher Credentialing. All first- and second-year teachers shall participate in the Beginning Teaching Support and Assessment induction program. Classroom teachers teach the core academic classes of mathematics, language arts, science and social studies. Classroom teachers are responsible for overseeing the students' academic progress and for monitoring grading and matriculation

decisions as specified in the Charter School's operational policies. Resource teachers are responsible for overseeing and coordinating school services for students who are identified to qualify for special education and related services or are at risk for not meeting grade level standards.

Fuente Nueva Charter School may also have special teachers who teach subjects such as visual arts, dance, music, or drama, but do not teach the core curriculum. These teachers are not bound by credential requirements. Special subject teaching staff, however, will possess an appropriate mix of subject matter expertise and professional experience, and will have demonstrated the ability to work successfully in an instructional capacity. Fuente Nueva may also provide special teachers in the enrichment program that will be offered after school hours.

Paraprofessional instructional aides, administrative staff and the Extended Day Director at the charter school support the core curriculum staff in both regular and special education. These staff members shall hold the necessary skills, knowledge and experience to perform their duties and shall hold either a Certificate of Proficiency for paraprofessionals from the Humboldt County Office of Education or have earned two years of full-time college credits.

## Element 6: Health and Safety Procedures

### Governing Law:

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

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

*(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.*

*(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.*

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

Fuente Nueva Charter School has a comprehensive set of health, safety, and risk management policies. These policies were developed in consultation with the Charter School's insurance carriers and the Humboldt County Office of Education risk management team.

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

### Procedures for Background Checks

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Charter School shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to Education Code Sections 44830.1 and 45122.1. The Charter Director shall monitor compliance with this policy and report to the Charter Council on a regular basis. The charter authorizer shall monitor the fingerprinting and background clearance of the Charter Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

### Role of Staff as Mandated Child Abuse Reporters

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



### Tuberculosis Risk Assessment and Examination

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

### Immunizations

All enrolled students who receive classroom-based instruction will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075.

### Medication in School

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school. The Charter School will adhere to Education Code Section 49414 regarding epinephrine auto-injectors and training for staff members.

### Vision, Hearing, and Scoliosis

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

### Nutritionally Adequate Free or Reduced-Price Meal

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

### School Safety Plan

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

- child abuse reporting procedures
- routine and emergency disaster procedures
- policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations

- procedures to notify teachers of dangerous students pursuant to Education Code Section 49079
- a discrimination and harassment policy consistent with Education Code Section 200
- provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel,” if applicable
- procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- a safe and orderly environment conducive to learning
- the rules and procedures on school discipline adopted pursuant to Education Code Sections 35291, 35291.5, 47605, and 47605.
- procedures for conducting tactical responses to criminal incidents

### Emergency Preparedness

The Charter School shall adhere to an Emergency Disaster Plan drafted specifically to the needs of the facility in conjunction with law enforcement and the Fire Marshal. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If assuming a facility that was previously used as a school site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for the Charter School.

Staff shall receive training in emergency response, including appropriate "first responder" training or its equivalent.

### Blood borne Pathogens

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

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

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

### Facility Safety

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

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

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

### Bullying Prevention

Fuente Nueva is committed to addressing bullying through both prevention and response to incidents of bullying. The Charter School has adopted procedures for preventing acts of bullying, including cyberbullying in the Right To Learn in a Safe Space: Harassment, Discrimination, Intimidation and Bullying Prevention Policy: Compliant with the Safe Place to Learn Act. The Charter School shall annually make available the online training module developed by the CDE pursuant to Education Code Section 32283.5(a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with children.

## **Element 7: Means to Achieve Racial and Ethnic Balance Reflective of District**

### Governing Law

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

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

### Geographical Area

FNCS is located within the boundaries of the Arcata Elementary School District. Although the area is not as racially or ethnically diverse as many other areas in California, Humboldt County is an economically depressed area with over half of the students receiving free or reduced-price meals. FNCS strives to be reflective of the general population residing within territorial jurisdiction of the District.

### Outreach and Recruitment Strategy

The Fuente Nueva Charter School will implement a student recruitment strategy that includes, but is not limited to, the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the general population residing within territorial jurisdiction of the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational materials that appeals to the various racial and ethnic groups represented in the District with specific emphasis on materials for the Spanish speaking population.
- The appropriate development of promotional and informational materials in languages other than English to appeal to limited English proficient population.
- The distribution of promotional and informational materials to agencies that serve the various racial, ethnic, and interest groups represented in the District such as: family resource centers, first five play groups, community services and doctor's offices.
- Innovative practices with the use of press releases, radio advertising, social media and local publicity
- Multilingual brochures are sent to local preschools, including federally funded and private programs.
- Open enrollment announcements are posted in local newspapers in both English and Spanish.
- Enrollment materials will be available in both English and Spanish on our website.
- A presentation for interested parents will be held annually.

- Presentations and promotional materials highlight our services for students who qualify for Special Education and/or 504services.
- Parents may visit the classrooms during open enrollment.
- Appointments with the Charter Director are available through-out the school year.

## Element 8: Admission Policies and Procedures

### Governing Law

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

Any student residing in the State of California is eligible to attend Fuente Nueva Charter School. Fuente Nueva Charter School will actively recruit a diverse student population that is representative of the rich diversity existing in the Arcata Elementary School District boundaries. FNCS will be nonsectarian in its programs, admissions policies, employment practices and all other operations. FNCS will not charge tuition and the Charter School will not discriminate in admissions or outreach against any pupil based upon any of the characteristics listed in Education Code Section 220. Open enrollment and lottery information is posted physically on campus in a publicly accessible location.

The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state. In accordance with Education Code Sections 49011 and 47605(d)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

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

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

### ***Continuous Open Enrollment for the Current School Year***

If a position is available during the course of the year and there is no waitlist for that position, students may be enrolled once a complete enrollment packet is on file. Students enrolling in any grade beyond the fifth school month of the first grade year will be required to take an oral language entrance assessment in order to assess the student's proficiency in the Spanish language. Results of the assessment shall be presented to the parent/guardian. We will also share with the parents the history of students who have found both successes and challenges in entering our program beyond first grade. Final enrollment is based upon parent/guardian choice.

### ***Transitional Kindergarten and Early Enrollment for Transitional Kindergarten***

Transitional Kindergarten is available within the kindergarten classroom to students who meet the legal age requirements for TK. Students will not spend more than two years in the combination Transitional Kindergarten/Kindergarten classroom.

In the event that there is space in the transitional kindergarten/kindergarten classroom and that the wait list has been exhausted, students who turn five after December 2<sup>nd</sup> may apply for early enrollment upon their fifth birthday. The Charter Council must determine the early enrollment is in the best interest of the child. The Charter School shall provide the parent or guardian with information regarding the advantages and disadvantages and any other explanatory information about the effect of early enrollment. The Charter Council shall vote on the early enrollment and, if approved, that seat will then become occupied for the purpose of continuous open enrollment.

### ***Open Enrollment for the Upcoming School Year***

The open enrollment period for positions open in all grades starting for the following fall is determined annually by the Fuente Nueva Charter Council and will be approximately the second Monday after winter break until the Wednesday prior to Presidents' Break. The date will be advertised through a variety of methods such as being posted on the website and distribution of flyers. Enrollment applications may only be submitted during this period and must be received by 4 p.m. on the last day of the open enrollment period.

### **Enrollment Application**

- *Complete enrolment applications for inclusion in the lottery must be timely submitted to the Charter School no later than the deadline published for that school year.*
- The enrollment application for admission shall include the following:
  1. Intent to Enroll Form
  2. District Residence Form.
  3. If student lives in Arcata Elementary School District "proof" of residency must be attached to District Residence Form to exercise the district preference. Proof can be

any of the following: property tax payment receipt; rental property contract, lease, or payment receipt; current utility service contract, statement, or payment receipt; paystub; voter registration; correspondence from a government agency; mortgage statement or insurance policy statement showing the address of residence; or declaration of residency executed by the parent or legal guardian of a pupil. The Arcata city limits are not the same as the boundaries of the Arcata Elementary School District. Parents can check their address on the Humboldt County Office of Education website, if they are unsure which district they reside in. Place of work does not affect the lottery process.

## **Preferences**

In the event that enrollment applications exceed capacity, students offered admission, with the exception of existing students, who are guaranteed admission in the following school year, will be determined in a lottery with acceptance in the follow priority order

1. Siblings of students admitted to or attending the Charter School
2. Children of teachers and/or staff of the Charter School (not to exceed 10% of total enrollment)
3. Siblings of FNCS alumni
4. Students who qualify for the free or reduced-price meal program<sup>1</sup>
5. Students who reside in the District, students who are currently enrolled in Arcata Elementary School and students who reside in the Arcata Elementary School attendance area - meeting the requirements of the SB 740 Charter School Facility Grant Program
6. All other students

All applications received during the open enrollment period will be included in the lottery. The lottery is conducted to determine applicants' classroom or waitlist placement. A student's enrollment application will be valid for the school year for which he or she applied. If the Charter School is unable to offer a student admission in the year for which he or she applied, the student must re-apply during the next year's open enrollment period.

The lottery will be held at the end of the next business day following the conclusion of the open enrollment period, The Charter Director and at least one other school employee will conduct the lottery as a public event in order to ensure that lottery procedures are fairly executed. Procedures include announcing each applicant's name and lottery number and recording the number on paper or digital format.

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<sup>1</sup> In order to be considered for this preference, families are given the option to submit a .Household Application for Free and Reduced Price School Meals The admission form shall be clear that this supporting documentation is not required for the purposes of admission and that this identification will be used solely to grant an admissions preference and for no other reason.



Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. For the first three preferences there are no weighted priorities assigned to the preference categories; rather, within each grade level, students will be drawn from pools beginning with all applicants who qualify for the first preference category and shall continue with that preference category until all vacancies within that grade level have been filled. Once all students from each preference category have been selected and there are remaining spaces available in that grade level, students from the second and third preference category will be drawn in the lottery and the drawing shall continue to be drawn from the fourth preference category, in which there are weighted priorities assigned, until all spaces are filled and preference categories are exhausted in the order provided above.

Admission and waitlist notifications will be sent to parents through the mail. The list of admitted and wait listed applicants will also be posted publicly at the Charter School.

FNCS offers five student slots for transitional kindergarten and nineteen student slots for kindergarten. Additional transitional kindergarten slots may be offered if the nineteen kindergarten slots are not filled via the lottery or if slots become available during the school year. There are twenty-four student slots offered in first, second, and third grade. All other grades will have available slots based on student attrition and configurations of combined grades, which may begin in second or third grade. Classroom and grade level capacity is determined by the Charter Council. The total number of student slots available at each grade level shall be announced publicly prior to the lottery for that grade level.

### **Age Requirements**

FNCS maintains the following age requirements:

- Transitional kindergarten: Students who turn age five between September 2 through December 2 of the school year. Transitional kindergarten is the first year of a two-year kindergarten program.
- Kindergarten: Student who turn age five on or before September 1 of the school year.
- First grade: Students who age six before September 1 of the school year they enter first grade.

### **Acceptance of Admission**

Initial rounds of admission offers are made by mail. It is the applicant's responsibility to keep the Charter School informed of any change in contact information. As a courtesy to other families, the Charter School requests that parents confirm their enrollment intentions upon the receipt of their admission acceptance letter. To accept the slot parents are required to submit a complete enrollment packet to the main office by 4:00 pm on the March 1 or, if March 1 falls on a weekend or holiday, the first school day following March 1. Students with incomplete enrollment packets

as of March 8th or, if March 8 falls on a weekend or holiday, the first school day following March 8 will be placed at the end of the waitlist.

A complete enrollment packet includes: Student Enrollment Form; Student Transition Summary Form; documentation of all required immunizations; a copy of a document that proves child's age - such as a student's official birth certificate, birth record, baptism certificate, passport, or affidavit of the parent, guardian or custodian of the minor; Health Examination Form and Oral Health Assessment Form; and when applicable, authorization for the Charter School to request and receive student records from all schools the student has previously attended or is currently attending.

Documentation of all required immunizations will be given an additional grace period until June 1.

The Health Examination Form and the Oral Health Assessment Form will be given an additional grace period until the first day of school.

*If any information provided to by the parents/guardians could indicate immigration status, citizenship status or national origin information, the Charter School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending the Charter School. If parents or guardians choose not to provide information that could indicate their children's immigration status, citizenship status, or national origin information, the Charter School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.*

### **Acceptance of Wait List Offers**

Subsequent offers of admission are made through contacting applicants by phone or by email. It is the applicant's responsibility to keep the Charter School informed of any change in contact information. When an applicant will be unreachable for a period of time, they may provide the Charter School contact information for a proxy to respond with their acceptance or denial of the position.

When an admission offer is made to a student on the waitlist, FNCS requires that applicants notify the Charter School within 48 hours to indicate whether or not they will accept; if offers are declined or applicants do not respond, the slot is then offered to the next applicant on the waitlist. After verbal acceptance of the slot is given, parents are required to submit a complete enrollment packet to the main office. The complete packet must be received within 5 school days of being offered a slot, otherwise the slot will be offered to the next applicant on the waitlist. See above for what is included in a complete enrollment packet

FNCS records all dates and communications regarding enrollment activity for each applicant. Each applicant's admission application is kept on file while actively on the waitlist. Enrollment packets are destroyed when positions are declined, or the waitlist expires.

## Element 9: Financial Audit

### Governing Law

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

Education Code Section 47605(b)(5)(l)

### Financial Audit

The Fuente Nueva Charter School will participate in the annual financial audit of the Arcata Elementary School District conducted by the independent auditors selected by the District in accordance with state law. The audit will verify the accuracy of the Charter School's financial statements, attendance, enrollment and accounting practices, and review the Charter School's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the Charter School. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars. It is anticipated that the annual audit will be completed within six months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the chief financial officer of the Arcata Elementary School District and the Charter Council.

The FNCC will review any audit exceptions or deficiencies and report to the Arcata Elementary School District Board with recommendations on how to resolve them and a timeline of expected resolution. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the superintendent of the District and the Charter Director. In the event that the District believes that the dispute relates an issue that could lead to revocation of the charter, this shall be specifically noted in a written dispute statement.

## Element 10: Pupil Suspension and Expulsion

### Governing Law

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

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

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

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

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

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

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

The Fuente Nueva Charter School has developed student discipline policies. These policies are available on the Charter School's website and may be seen in Appendix J. Policies describe expectations regarding mutual respect, substance abuse, violence, safety, and work habits.

Any student who repeatedly violates the Charter School's behavioral expectations may be required to attend a meeting with the Charter Director, the student's parent or guardian and classroom teacher (optional). Together, the parties will create a written agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension or expulsion.

Students who present an immediate threat to health and safety may be immediately suspended and later expelled by the Charter Council pursuant to the provisions herein. The Charter School's policies provide all students with due process ensuring the students constitutional rights and conform to applicable federal law while also enabling the Charter School to maintain a safe learning environment. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need for a material revision to the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. The Charter School will notify the district of any expulsions and will maintain suspension/expulsion data.

## **Introduction**

This Pupil Suspension and Expulsion Policy (the "Policy") for Fuente Nueva Charter School has been established in order to promote learning and protect the safety and well-being of all students. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. At the same time, the Charter School intends to provide effective interventions for pupils who engage in acts of problematic behavior to help them change their behavior and avoid exclusion from the Charter School.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students. The Policy will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. The Charter Director shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy is available on request at the Charter School's main office.

Discipline includes, but is not limited to, advising and counseling students, conferring with parents/guardians, detention during and after school hours, community service on or off campus, the 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 reasonable force necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

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 Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and 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 Section 504, the IDEA, the Americans with Disabilities Act of 1990 ("ADA") and 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.

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

## **Suspension**

### **Definition**

Suspension is the temporary removal of a pupil from class instruction for adjustment or disciplinary reasons. Suspension does not mean any of the following:

- Reassignment to another education program or class at the Charter School where the pupil will receive continuing instruction for the length of day prescribed by the Charter Council for pupils of the same grade level;
- Referral to a certificated employee designated by the Charter Director to advise pupils;
- Removal from the class, but without reassignment to another class for the remainder of the class period without sending the pupil to the Charter Director or designee.

While suspended, the pupils will be excluded from school and may not attend or participate in any Charter School activity at any time, no matter where such activity is taking place, unless otherwise agreed upon arrangements have been made. Violation may result in further disciplinary action.

The Charter School shall consider suspension from school only when other means of correction fail to bring about proper conduct or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

### **Authority**

The Charter Director or designee may suspend a student from class, classes or the Charter School for a period not to exceed five days. The Charter Director or designee may extend a student's suspension pending final decision by the Charter Council of the Charter School on a recommendation for expulsion. Such extended suspension should not exceed 10 days, unless specific procedural safeguards are met. Those are identified below.

On a recommendation for expulsion, the Charter Council may suspend a special education student being considered for expulsion in accordance with the laws relating to expulsion of special education students.

A pupil may not be suspended or expelled for any of the acts enumerated in this Policy unless the act is related to school activity or school attendance of Fuente Nueva Charter School. A pupil may be suspended or expelled for acts that are enumerated in this Policy and related to school activity or attendance that occur at any time, including, but not limited to any of the following:

- While on school grounds
- While going to or coming from school
- During the lunch period, whether on or off the school campus
- During, or while going to or coming from a school sponsored activity
- All acts related to school activity or school attendance occurring within the School

### **Grounds**

The Charter Director may use discretion to provide alternatives to suspension or expulsion recommendations that are age appropriate and designed to address and correct the student's specific misbehavior. Alternatively, students may be suspended or recommended for expulsion for any of the following acts (whether completed, attempted or threatened) when it is determined the pupil:

- Caused physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
- Possessed, sold or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from an authorized certificated school employee, with the Charter Director or designee's written concurrence
- Unlawfully possessed, used, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code sections 11053-11058 (including, but not limited to, opiates, hallucinogenic substances, stimulants, depressants and narcotic drugs), alcoholic beverage or intoxicant of any kind.
- Unlawfully offered, arranged or negotiated to sell any controlled substance as defined in Health and Safety Code sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid

substance or material and represented the same as a controlled substance, alcoholic beverage or intoxicant

- Committed or attempted to commit robbery or extortion
- Caused or attempted to cause damage to school property or private property (as used in this Policy, “school property” includes but is not limited to electronic files and databases)
- Stole or attempted to steal school property or private property
- Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, betel and e-cigarettes, whether or not they contain tobacco This section does not prohibit the use of his or her own prescription products by a pupil.
- Committed an obscene act or engaged in habitual profanity or vulgarity
- Unlawfully possessed or offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code section 11014.5
- 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
- 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
- Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma
- Engaged in, or attempted to engage in, hazing. “Hazing” means a method of initiation or pre-initiation 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. “Hazing” does not include athletic events or school-sanctioned events.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more pupils that has or can be reasonably predicated to have the effect of one or more the of the following:
  - Placing a reasonable pupil(s) in fear of harm to that pupil(s)’ person or property;
  - Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health;
  - Causing a reasonable pupil to experience substantial interference with his or her academic performance;
  - Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- An electronic act, for purposes of the immediately preceding bullet, means the creation or transmission, by means of an electronic device, including but not limited to, a



telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including but not limited to, any of the following:

- A message, text, sound, video or image.
- A post on a social network Internet Web site including, but not limited to:
  - Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed above.
  - Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - Creating a false provide for the purpose of having one or more of the effects listed above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- An act of cyber sexual bullying.
  - For purposes of this section, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described above. A photograph or other visual recording shall include the depiction of a nude, semi-nude or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording or other electronic act.
  - Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political or scientific value or that involves athletic events or school-sanctioned activities.
- An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- A “reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- Made terroristic 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.

- 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 5, inclusive.
- Caused 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 5, inclusive.
- Falsely activated fire alarm
- Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or recommended for expulsion for misconduct not specified above.

### **Procedures Required to Suspend**

#### **Step One**

The Charter Director or designee shall investigate the incident and determine whether or not it merits suspension.

*Searches:* In order to investigate an incident, a student's attire,<sup>2</sup> personal property, vehicle or school property, including books, desks, school lockers, computers and other electronic devices, may be searched by the Charter Director or designee who has reasonable suspicion that a student has violated or is violating the law or the rules of the Charter School. *Illegally possessed items shall be confiscated and turned over to the police.*

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<sup>2</sup> This does not include removing clothing to permit visual inspection of the under clothing, breasts, buttocks or genitalia of the pupil.

## **Step Two**

Unless a student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, a suspension will be preceded by an informal conference between the Charter Director or designee and the student in which the student shall be orally informed of the reason for the suspension, the evidence against him, the other means of correction that were attempted before the suspension and be given the opportunity to present informal proof of the student's side of the story. If the student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the informal conference will 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, hospitalization or detention in a correctional facility.

At the time of the suspension, a Charter School employee shall make a reasonable effort to contact the parent/guardian by telephone or in person to inform him/her of the suspension and the reasons therefor.

If a student is suspended without the informal conference, both the student and the parent/guardian will be notified of a student's right to return to school for the purpose of a conference.

## **Step Three**

The Charter Director or designee determines the appropriate length of the suspension. When suspensions do not include a recommendation for expulsion, they shall not exceed five days consecutive school days per suspension.

## **Step Four**

The Charter Director fills out a Notice of Suspension Form, a copy of which will be sent to the student's parent/guardian and to the student. A copy of this form is also placed in the student's cumulative file at the Charter School. The Notice of Suspension Form shall state the fact of suspension, its duration and the specific offense committed by the student. In addition, the notice shall state the date and time when the student may return to school. The notice shall also state that, if desired by the parent/guardian, a prompt meeting or hearing will be held at which the suspension may be discussed and at which the student may be present and afforded an opportunity to present informal proof of the student's side of the case. Additionally, if the Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request the parent/guardian to respond to such requests without delay.

### **Step Five**

The Charter Director or designee determines whether the offense warrants a police report. The Charter Director or designee will report certain offenses to law enforcement authorities.

When the Charter Director or designee releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the Charter Director or designee shall take immediate steps to notify the parent, guardian or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, unless the minor has been taken into custody as a victim of suspected child abuse.

### **Step Six**

The Charter Director or designee may require the student and the student's parent/guardian to sign a contract that states the conditions that the student is expected to meet while at the Charter School. Copies of the signed contract are kept by the school and given to the parent/guardian.

### **Special Education and Section 504 Student Suspensions**

When suspensions involve special education students or students with a 504 plan, a manifestation determination meeting shall be held no later than the 10<sup>th</sup> suspension day (whether consecutive or cumulative for the school year). The Charter Director or designee shall notify the student's special education teacher or regular education teacher when the student's cumulative days of suspension for that school year reaches eight. That teacher shall promptly notify Charter Director or designee of the need for the manifestation determination meeting. The manifestation determination meeting shall include the parent, and relevant members of the student's IEP Team or 504 Plan Team (as determined by the parent and the Charter School).

The student shall be treated as a general education student for disciplinary purposes, except to the extent that educational services must continue, if at the manifestation determination meeting the following are both determined in the negative, after reviewing all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parents: 1) the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability under the IDEA or section 504; or 2) the conduct in question was the direct result of the Charter School's failure to implement the IEP or 504 Plan. If it is determined at the manifestation determination meeting that 1) or 2) is answered in the affirmative, the conduct is deemed a manifestation of the disability.

If the conduct is deemed a manifestation of the disability, the IEP Team or 504 Team must conduct a functional behavioral assessment (or other appropriate assessment for the 504 student), create a plan and implement it, or if the plan is preexisting, review it and modify it as necessary to address the behavior.

In the case of a manifestation of a disability, the student will be returned to the placement from which he/she was removed, unless the IEP/504 team agrees to a change of placement as part of the modification of the behavioral intervention plan or updated 504 Plan. For special education and 504 students, a new manifestation determination meeting is required for all proposed suspensions exceeding ten cumulative days in one school year.

The special education student may be removed from school to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student: 1) carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under the jurisdiction of the Charter School; 2) 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 under the jurisdiction of the Charter School; or 3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Charter School.

#### Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 5, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.

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

#### **Expulsion**

##### **Definition**

Expulsion means involuntary disenrollment from the Charter School.

##### **Authority**

A student may be expelled either by the neutral and impartial Charter Council following a hearing before it or by the Charter Council upon a recommendation of a neutral and impartial Administrative Panel to be assigned by the Charter Council as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors. Each entity shall be presided over by a

designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Charter Council shall make the final determination.

The Charter Council, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class or program that is deemed appropriate for the rehabilitation of the pupil [or other conditions such as good behavior, attendance, etc.]. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the Charter Council's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

### **Grounds for Expulsion**

#### **Category I Expulsions – Mandatory Recommendation for Expulsion**

The Charter Director or designee shall immediately suspend a student, and recommend for expulsion, a student who has committed one or more of the following acts:

- Possessing, selling or otherwise furnishing a firearm, explosive, or other destructive device when a school employee verifies possession, unless the student obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the Charter Director or designee
- Brandishing a knife at another person
- Unlawfully selling a controlled substance
- Committing or attempting to commit a sexual assault or committing a sexual battery

#### **Category II Expulsions – Recommendation for Expulsion Required, Unless Inappropriate Under the Circumstances**

A student who has committed one of the following acts of misconduct must be recommended for expulsion, unless the Charter Director determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

- Causing physical injury to another person, except in self-defense
- Possession of any knife, explosive or other dangerous object of no reasonable use to the student
- Unlawful possession of any controlled substance, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis or for possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician
- Robbery or extortion

- Assault or battery on a school employee

### **Category III Expulsions – Discretionary Expulsion Recommendation**

In the discretion of the Charter Director or designee, any act that warrants suspension may warrant expulsion. Additionally, a student may be expelled for misconduct that is not listed above if the acts disrupt and/or present ongoing health and/or safety concerns, or the student has repeatedly engaged in the misconduct.

#### **Notice to Teachers**

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

#### **Procedures to Expel a Student**

##### **Step One**

Charter Director or designee investigates the incident and determines whether the offense results in a suspension. If so, the Charter Director or designee follows the procedures to suspend the student as outlined above.

##### **Step Two**

In the discretion of Charter Director or designee, a student's suspension may be extended pending expulsion. If such extended suspension exceeds 10 days, and for any suspension exceeding 10 days, the following procedures must be followed: 1) The Charter Director shall provide timely, written notice of the charges against the student and an explanation of the student's basic rights; 2) The Charter School will provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the student has a fair opportunity to present testimony, evidence and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel. At this hearing, it will be determined whether the presence of the student at the Charter School would cause a danger to persons or property or a threat of disrupting the instructional process.

If the proposed extended suspension is under 10 days, a meeting is held within five school days of the student's suspension to extend the suspension. The student and the student's parent/guardian are invited to attend this meeting with Charter Director or designee. The teachers may also be present.

At this meeting, the offense and the repercussions are discussed. An extension of the suspension may be granted only if the Charter Director or designee determines, after the meeting, that the presence of the student at the Charter School would cause a danger to persons or property or a

threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory expulsion recommendation, this is discussed so that it is understood by all parties. The purpose of the meeting is to decide upon the extension of the suspension order and may be held in conjunction with the initial meeting with the parents after the suspension.

### **Step Three**

The Charter School shall send a letter to the student and parent/guardian regarding the expulsion hearing. The expulsion hearing shall be held no later than 30 school days of the date that expulsion is recommended, unless a brief extension is requested by the student or the student's parent/guardian.

The letter shall be sent via certified mail to the student and the student's parent/guardian to the address reflected in the pupil's student file at least 10 calendar days before the date of the hearing. The letter shall notify the student and parent/guardian when and where the expulsion hearing will take place and the rights of the student with respect to the hearing, including:

- The date and place of the expulsion hearing;
- A statement of the facts, charges and offenses upon which the proposed expulsion is based;
- A copy of the Charter School's disciplinary rules relating to the alleged violation;
- Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
- The opportunity for the student or the student's parent/guardian to appear in person and/or to employ and be represented by legal counsel or a non-attorney advocate;
- The right to inspect and obtain copies of all documents to be used at the hearing;
- The opportunity to confront and question witnesses who testify at the hearing; [NOTE: If the revelation of the name of a student witness or requiring that the student testify could subject the student to risk, statements and reports of such students may be relied on in lieu of live testimony and the student witness' name does not have to be revealed.]
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witness testimony.



#### **Step Four**

The Charter Director shall maintain documents that may be used at the hearing and make them available for review by the student and/or the student's parent/guardian. These papers may include, but are not limited to, the following: A record of the student's attendance and grades, a record of previous infractions, a statement of the facts surrounding the case made by the Charter Director, a statement of the facts surrounding the case made by a witness, a law enforcement agency's report and any other relevant matter.

#### **Step Five**

An expulsion hearing shall be held before the Administrative Panel. 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 a complete written transcription of the proceedings can be made.

While the 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 evidence produced at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay evidence, although sworn declarations may be admitted as testimony from witnesses who are determined by the Administrative Panel that disclosure of their identity or live testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

#### **Step Six**

The decision of the Administrative Panel shall be in the form of a written recommendation, with findings of fact, to the Fuente Nueva Charter Council who will make a final determination regarding the expulsion. The final decision by the Fuente Nueva Charter Council shall be made within 10 days following the conclusion of the hearing, or within 40 school days after the date of the pupil's removal from the Charter School for the incident for which the recommendation for expulsion is made. If the Fuente Nueva Charter Council decides not to recommend expulsion, the pupil shall be reinstated and permitted to return to classroom programs. The decision not to recommend expulsion shall be final.

### **Step Seven**

The Charter Director or designee, following a decision of the Charter Council to expel a student, shall send written notice of the decision to expel, including the Fuente Nueva Charter Council's findings of fact, to the student or parent/guardian. The notice shall include the following:

- Notice of the specific offense committed by the student;
- 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 within the Charter School

Within 30 days of the decision to expel, the Charter Director or designee shall send written notice of the decision to expel to the student's district of residence, the County Office of Education and the charter authorizer (if different than the student's district of residence). This notice shall include the student's name and the specific expellable offense committed by the student.

### **Step Eight**

Expelled students are responsible for seeking alternative education programs, including but not limited to, programs within the County or their school district of residence.

### **Step Nine**

The Charter School shall maintain records of all student suspensions and expulsions at the school site. Such records shall be made available for the Arcata Elementary School District's review upon request.

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

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Charter Council or its designee following a meeting with the Charter Director and the pupil and parent/guardian 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 Charter Director or designee shall make a recommendation to the Charter Council following the meeting regarding determination. The pupil's readmission is also contingent upon the Charter School's capacity and any other admission requirements in effect at the time the student seeks admission or readmission.

## **Element 11: Employee Benefits and Retirement System**

### Governing Law

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

Education Code Section 47605(b)(5)(K).

Employee benefits shall be offered based on an employee's position and shall include, but not be limited to: health and welfare benefits, sick leave, personal leave and long-term leave as required by law. The Charter School ensures that payroll deductions and employer contributions are made to benefits such as Social Security and Worker's Compensation.

Eligible staff at the Charter School will participate in the State Teachers' Retirement System ("STRS") and Public Employees' Retirement System ("PERS"). Fuente Nueva retains the right to coordinate participation, as appropriate, with other reciprocal systems in the future, should it find that participation enables the Charter School to attract and retain a higher quality staff. The District shall cooperate as necessary to forward any required payroll deductions and related data. The Charter School shall pay the District a reasonable fee for the provision of such services.

## Element 12: Public School Attendance Alternatives

### Governing Law

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

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

All students who reside in the Arcata Elementary School District who choose not to attend the Fuente Nueva Charter School may attend other district schools or apply for an inter-district transfer to another school through the Arcata Elementary School District School Board. Parents and guardians of each student enrolled in the Charter School will be informed on admissions forms that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

### **Element 13: Description of Employee Return Rights**

#### Governing Law

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

Education Code Section 47605(b)(5)(M).

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

Existing Arcata Elementary School District employee agreements or laws relating to school districts or school district personnel will not cover Charter School employees. Arcata Elementary School District employees covered by existing employee agreements who transfer to the Fuente Nueva Charter School staff are no longer covered by these collective bargaining agreements. Employees covered by existing Arcata Elementary School District collective bargaining agreements who transfer into charter school programs retain the right to transfer back to appropriate positions in accordance with existing collective bargaining agreements.

## Element 14: Dispute Resolution

### Governing Law

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

Education Code Section 47605(b)(5)(N).

### Dispute Resolution

In any community, misunderstandings and conflicts inevitably arise. To this end, we have created guidelines to assist in problem solving, communication building, and conflict resolution.

### Disputes among Fuente Nueva Charter School Members

Parents, staff and community members who have a concern are asked to use the following flow chart to provide resolution to a dispute or concern.

Issues regarding **personnel**, support staff, teacher, or **classroom issue**

**1<sup>st</sup>** – talk to the Teacher

(If not resolved) **2<sup>nd</sup>** – talk to the Charter Director

(If not resolved) **3<sup>rd</sup>** – enlist the aid of the FNCC Parent Liaison as a mediator

(If not resolved) **4<sup>th</sup>** – brought before the Charter Council, as appropriate

Questions or concerns regarding the **general school program** (e.g. length of day, length of recess, supervision, lunch program, special classes offered, etc.)

**1<sup>st</sup>** – talk to the Charter Director

(If not resolved) **2<sup>nd</sup>** – enlist the aid of the FNCC Parent Liaison as mediator

(If not resolved) **3<sup>rd</sup>** – brought before the Charter Council, as appropriate

Concerns regarding the **administrative staff**

**1<sup>st</sup>** – talk to the administrator involved

(If not resolved) **2<sup>nd</sup>** – talk to the Charter Director (unless the issue is with the Charter Director)

(If not resolved) **3<sup>rd</sup>** – enlist the aid of the FNCC Parent Liaison as mediator

(If not resolved) **4<sup>th</sup>** – brought before the Charter Council, as appropriate

Request for the creation of a **new policy**

**1<sup>st</sup>** – enlist the aid of the FNCC Parent Liaison as an advisor

Depending on the issue, the FNCC Parent Liaison will either direct you to a teacher, the Charter Director, or will add the issue to the next FNCC agenda

Ideas for a **fundraiser or a community event**

**1<sup>st</sup>** – talk to the PTO

- (If not satisfied) 2<sup>nd</sup> – talk to the Charter Director
- (If not satisfied) 3<sup>rd</sup> – enlist the aid of the FNCC Parent Liaison as mediator
- (If not satisfied) 4<sup>th</sup> – becomes an item for the next FNCC agenda

If the FNCC, working with persons involved in the dispute, are unable to resolve the issue, assistance may be sought by Charter Council of the District Superintendent, depending on the seriousness and degree of confidentiality required in the matter. Appealing to the District Superintendent is considered a failure of the dispute process and is highly undesirable. Any decision by the District Superintendent is considered final. Any possible appeal is outside the scope of this document.

The above flowchart is designed to build a climate of perpetual mutual respect, collegiality, and trust. When misunderstanding or conflict arises, it is essential to try to resolve the issue by speaking directly to the person(s) involved. It is imperative that the first step be for both parties to agree to meet formally and discuss the problem. If a mediator is desired, identify a willing and mutually acceptable third party. Charter Council members may take on this role, but a mediator need not be a Charter Council member.

The following guidelines may be useful at this stage. In dealing with conflict, it is important to work on phrasing words in a way that is not blaming or judgmental. This technique can be used to facilitate positive and non-threatening dialogue. Refrain from using the words “always” and “never”.

E.g.:

“I feel \_\_\_\_\_ when \_\_\_\_\_ and I would like you to \_\_\_\_\_.”

“I feel \_\_\_\_\_ when \_\_\_\_\_ and I was hoping we could work together to \_\_\_\_\_.”

Active listening is essential in communication. Giving good eye contact to the speaker and allowing him or her to finish speaking without interrupting is key. In order to get the best clarity, it helps to repeat back to the person (in your own words) what he or she just said. It is also important to be aware of body language and tone of voice.

If the matter is not satisfactorily resolved by this method, both parties need to document the problem in writing, itemizing in particular, “This is the problem”, “This is what I have done” and “This is what I would like to see happen.” All parties need to submit their account of the situation to a FNCC member who will decide on future action.

If any party requests, the dispute will be put on the next Charter Council agenda. The FNCC representative involved in the issue is responsible for providing all supporting documents to the remaining membership in a timely fashion. The involved FNCC member will lead discussion of the issue. Any persons involved in the dispute must also attend the meeting and will be called upon to speak as well. If the issue is serious, the FNCC will schedule a special meeting more promptly. The goal of the FNCC is to mediate a resolution, or alternatively, prescribe a further course of action.

### Disputes between the School and the Charter-Granting Agency

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

In the event of a dispute between the Charter School and the District, the staff, Charter Council, and Arcata Elementary School District agree to first describe the issue in written format and submit to the Superintendent of the District and the Charter Director. In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.

The Charter Director and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two members from each of their respective governing bodies who shall jointly meet with the Superintendent of the District and the Charter Director to attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the Superintendent and Charter Director shall meet to jointly identify a neutral, third party mediator. The findings or recommendations of the arbitrator shall be non-binding, unless the Charter Council and District jointly agree to bind themselves.



## Element 15: Procedures for School Closure

### Governing Law

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

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

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

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

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

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

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

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

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

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

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

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

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

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

## Miscellaneous Charter Provisions

### Financial Statements

#### Governing Law

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

Education Code Section 47605(g).

Attached, as Appendix K please find the following documents: (These documents are based upon the best data available to the petitioners at this time.)

- Budget narrative
- A projected first year budget
- Financial projections and cash flow for three years of operation

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

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

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

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

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

### **Administrative Services**

#### **Governing Law**

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

Education Code Section 47605(g).

The Charter School will provide or procure its own administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

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

### **Facilities**

#### **Governing Law**

*The facilities to be utilized by the charter school. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.*

Education Code Section 47605(g).

The Charter School intends to remain at its current location at 1730 Janes Road, Arcata.

### **Potential Civil Liability Effects**

#### **Governing Law**

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

Education Code Section 47605(g)

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d). Pursuant to Education Code Section 47604(d), an authority that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School intends to and the District may enter into a memorandum of understanding with the District, wherein the Charter School shall indemnify the District for the actions of the Charter School under this charter.

The corporate bylaws of the Charter School shall provide for indemnification of the Charter School's Charter Council, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officers insurance, and fidelity bonding to secure against financial risks.

Insurance amounts shall be determined by recommendation of the District and the Charter School's insurance company for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance of the Charter School.

The Charter Council shall institute appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.

## Appendix

- A. Academic Calendar and Instructional Minutes
- B. CDE DataQuest/CAASPP Reports
- C. 2017-2019 LCAP
- D. Sample daily schedule
- E. Sample curriculum and instructional materials
- F. Enrollment form
- G. 2<sup>nd</sup> grade Report Card
- H. Fuente Nueva Charter School By-Laws
- I. Conflict of Interest Code
- J. School Discipline Policy, Right to Safe Learning Space Policy
- K. Budget Narrative, Financial projections and cash flow for three years of operation