

King/Chavez Academy of Excellence

May 10, 2001

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A Charter School Proposal

Presented to

The Board of Trustees  
San Diego Unified School District

Prepared in compliance with the terms, conditions and requirements of applicable charter school law and submitted in cooperation with parents, teachers, community leaders and other interested citizens of San Diego.

**King/Chavez Academy of Excellence  
Charter School  
A Charter School Proposal**

**Vision**

King/Chavez Academy of Excellence will provide K-8 students with the tools necessary for leadership and service throughout the 21<sup>st</sup> century. The five educational goals of the school will be 1) academic achievement, founded upon models of direct instruction, cooperative learning and faculty collaboration, 2) cultural identity and a celebration of diversity, 3) knowledge of the civil rights movement, 4) technological competence, and 5) adaptability to change.

**Background**

In September of 2000 another charter school in San Diego, Holly Drive Academy, developed an annex at 735 Crosby Street in Logan Heights. The annex grew to 150 K-6 students within the school year. The community established the annex as its own school, with a separate identity, governance board and record of achievement. Of the current student population, approximately 90% are Hispanic and 10% African American; 95% qualify for free and reduced lunch; 60% of the families are on welfare; and 75% of the students entering perform below grade level. The school intends to grow to an optimum size of 500 students. It added a seventh in 2001-2002 and an eighth grade the year after. It currently has a waiting list in all grades. At the most recent evening programs, 90% of student families participated. The majority of the staff speak fluent Spanish.

**Fifteen Required Charter Elements (A-O)**

**Element One (A)- Educational Program**

King/Chavez Academy of Excellence (“School”) answers a neighborhood need by providing a safe and challenging educational experience while promoting the joy and importance of learning. It will achieve the five goals of its vision through a research based mix of the following elements:

- Small class size
- State Frameworks
- Parent Involvement
- Faculty collaboration
- Cross age learning
- English immersion

The King/Chavez Academy sees itself as an inclusive neighborhood school where everybody knows your name. The School curriculum emphasizes literacy and includes technology, athletics, arts, community service and personal responsibility. The faculty grades their students in the “old school” A-F format. The school will convene during traditional school hours, on-site, single tract, year round. It intends to provide two hours per week of Spanish. It also intends to offer tutorial assistance after regular school hours. To promote faculty collaboration, staff development, self-evaluation, and individualization of student learning, the school also plans for the entire faculty to meet after regular school for an hour and a half each week. The school has developed other after-hours programs, as funding has permitted, to provide clubs and extra curricular activities. It envisions a vibrant community engagement effort, bringing adults on to the campus and into the classroom. It endeavors to assure that each student gets a faculty home visit every year.

The King/Chavez Academy educational program will encourage a faculty team approach to the integration of language, technology, life sciences and life skills in the classroom. The program will additionally provide:

- Physical education
- Fine arts (a neighboring professional artist currently assists the program)
- Structured recess
- Community service
- Nutritious meals

Initially, in grades K-5, students will be taught by direct instruction in reading, writing and arithmetic. This will be balanced by several “Learning Centers” that will promote conceptual understanding through hands-on activities. The curriculum will include the California framework/content standards aligned and state-adopted curricula in

:

- Language Arts
- Math
- Science
- Social Studies

Initially, in grade 6, students will refine their basic skills through core subjects. There will be two homerooms with each teacher responsible for two subjects. Students will be placed in one of the heterogeneous homerooms based on their current academic development. ~~Students will spend 75 minutes each day in each class.~~

- Group A- Literature/Drama
- Group B- Math Concepts/Grammar
- Group C- Math Problem Solving/Science
- Group D- Social Studies/Writing

Initially, in grades 7 and 8, students will refine their basic skills through core subjects. There will be four homerooms with each teacher responsible for two subjects. Students

will be placed in one of the four heterogeneous homerooms based on their current academic development. ~~Students will spend 90 minutes each day in each class.~~

- Group A- Literature/Drama
- Group B- Math Concepts/Grammar
- Group C- Math Problem Solving/Science
- Group D- Social Studies/Writing

Examples of these groupings which are not meant to be inclusive of all of the state framework/content standards are as follows:

#### Group A

In this course students will examine the elements of various novels. We will use a framework for understanding great literature, students will achieve mastery of basic approached to and understanding of the novel. Recreation of scenes in dramatic form will also help students comprehend the basic elements of setting, plot, crisis, resolution, etc., in a deeper manner.

#### Group A Instructional Materials

A reputable recommended book list. Novels: Lion, Witch and Wardrobe, Hobbit, etc.

#### Group B

This course will stress conceptual understanding of math procedures and problem solving for fifty percent of the time. The instructor will use manipulatives, word problems, and examination of math terminology, etc., to enhance student understanding. The other half of the time students will undertake an intense study of English grammar, including the lost art of sentence diagramming.

#### Group B Instructional Materials

State Standards Aligned, Supplemental workbooks, manipulatives.

#### Group C

This course will stress the technical. Fifty percent of the time students will memorize and practice the steps necessary to solve basic math problems, pre-algebra problems, and first year algebra problems. The other half of the course will explore the Foss science kits and the scientific method.

#### Group C Instructional Materials

State Standards Aligned, Supplemental workbooks, manipulatives

#### Group D

Here students will learn the fundamentals of essay writing as they examine world cultures and religions in a social studies context. Each student will also create and learn art, poetry and music.

#### Group D Instructional Materials

Houghton Mifflin social studies

State Standards Aligned, Supplemental workbooks, manipulatives

Spanish and P.E. will be integrated into the weekly program for all grades as prep time.

Guided Reading and Guided Math small group instruction will be woven into the instructional day for all grades. In the afternoon all students will be able to participate in clubs which emphasize arts and athletics and academic remediation.

The King/Chavez Primary Academy course requirements will meet all state academic standards applicable to charter schools.

King/Chavez Primary Academy will offer, at a minimum, the same number of minutes of instruction as set forth in Education Code section 46201(a)(3). The typical school day will begin at approximately 8:00 A.M. and end at 3:00 P.M.. The School will at minimum adhere to state standards for the number of instructional minutes in each subject e.g. 200 minutes of physical education every 10 days.

A technology plan during the life of its charter will include:

- Acquisition of appropriate software, hardware, and routing access
- A management plan that will encourage daily access to and use of technology
- Course competencies in computer literacy
- Student use of technologically advance software to supplement the core curriculum and promote the practice of higher level thinking skills
- Parent access to literacy courses and a management plan to promote after school at-home us by students while providing an opportunity to strengthen the role of parents in homework assistance and class-work skill reinforcement for the students as the return the next day to school.
- Appropriate safeguards to ensure access to educational information only.

On-going professional development for faculty members may typically include:

- A one-week long teacher preparation session in August before the opening of school.
- Collaborations every Monday from 3:15-4:15 p.m. with the school staff only and once a month with other affiliated school Directors and/or staff.
- Professional development hours and days.
- Various professional development workshops throughout the year.
- Staff Development that covers necessary training in Literature – Open Court; Math - McDougal Littell; 6th grade Math course 3, 7th grade Pre-Algebra and 8th grade Algebra; Science - state adopted course/ Houghton-Mifflin; Social Studies - Hartcourt Brace; Physical Education - (SPARK)
- Training in Standardized Testing, California Frameworks/Content Standards, Guided Reading, Aligning and Teaching to the California Standards to the Proficient Level, Special Education, Teaching English Language Learners, and relevant health and safety issues.
- Opportunities for Grade Level Teams to meet and collaborate on establishing a standards-based “timeline” that incorporates the above and includes; Open Court Literature, Math, Science, Social Studies, the Arts, Athletics, Frameworks and other content rich units of study. This facilitates the presentation to students of multi-

faceted material to tap into multiple intelligences, modes of learning and comprehension for all English Language Learners.

While King/Chavez Academy of Excellence envisions itself as a school of daily attendance, this charter also sanctions the possibility of independent study as a conceivable adjunct to its regular program. The School also reserves the right to refine its master calendar in the best interest of its student population while always providing, at a minimum, the instructional minutes stipulated by applicable charter school law.

### **Meeting the needs of special learners**

King/Chavez Excellence Academy provides a rigorous academic program which challenges all students including students who are achieving substantially above grade level. For students achieving above grade level additional coursework, homework, and small group opportunities are provided.

Students who are achieving substantially below grade level will be identified by teachers, standardized testing, and multiple measure assessments and will be referred to the Student Study Team (SST) process. For students achieving substantially below grade level, state-adopted curriculum provides review and reteach programs. Edusoft software allows teachers to monitor the progress of students who are achieving below grade levels and provide software generated tests and instruction based on California framework/content standards which have not been achieved. Individual and small group tutoring as well as homework clubs are available to students who are not achieving at grade levels.

English Language Learners (ELL) children will be identified through the California English Language Development Test (CELDT) and staff will be Cross-Cultural Language Acquisition Design (CLAD) certified or trained.

For English language learners, the King/Chavez ELL provides a content-based ELL program during whole class instruction. Teachers draw on the Ell components of Open Court and McDougal Little in the primary and secondary grades. During whole class instruction teachers utilize materials within the state adopted curriculum and engage students by using thematic planning and SDAIE strategies. Manipulatives, visuals, graphic organizers, and interactive communication are just a few of the ways teachers create and educational environment that fosters language acquisition through content based lessons. Small group intervention is provided. Teachers work on simplifying classroom materials using SDAIE methods in a predominantly English speaking setting. When needed, teachers work one-on-one with students to ensure that beginning English speakers progress at an accelerated rate.

Ultimately, King/Chavez Academy of Excellence aims to have its pupils become self-motivated, competent, lifelong learners, prepared to thrive throughout their lives.

## **Special Education**

The School will (A) comply with all State and Federal laws for special education including Child Search/Find efforts. These efforts will include: 1. The establishment of a Student Success Team process to exhaust all general education alternatives before a referral to Special Education is made; 2. The inclusion of testing procedures and the evaluation thereof which allows for the pre-identification of children with disabilities; 3. Annual inservice for faculty regarding the identification of children with disabilities.

The School shall be deemed, at least initially, a district public school for the purposes of special education. The District will provide special education funding and services for the School's special education pupils to the extent required by law. Specifically, the District will (A) serve children with disabilities in the same manner as it serves children with disabilities in its other schools; and (B) provide funds in the same manner as it provides funds to its other schools [ IDEA §1413 (a)(5)]. The School will pay the District the District's special education encroachment for each student. The District may provide the School, by mutual agreement, funding instead of services in those cases where the School has the capacity to appropriately meet the needs of its special education students and the District finds it in the best interest of students to do so.

The School reserves the right to act in the future as its own LEA (Local Education Agency) for the purposes of special education while the District may exercise any rights it has not to serve as the SELPA (Special Education Local Plan Area) for the School LEA. The School also reserves the right to become its own SELPA as provided by law. The School will notify the District Board by October 1 if it intends to elect either of these options prior to the school year when they would take in effect. ~~**The district retains the right to review and approve a change in the manner which special education services are delivered—Any change in the manner in which special education services are delivered, including a change to act as its own LEA or become its own SELPA is subject tot the District Board's approval.**~~

To the extent the School opts for District delivery of special education services, it will support the District's implementation of these services and will make facilities available in a manner consistent with the District's need to provide services to all special education students.

The school will comply with the minimum age requirements for public school attendance (Ed. Code 47610) and will maintain student records in compliance with Ed Code 47612.5.

## **Element Two (B)- Measurable Pupil Outcomes**

King/Chavez Academy of Excellence students will meet all academic standards as adopted by the State Board of Education and applicable to charter schools.

King/Chavez Academy of Excellence intends to promote its students with:

- A diploma from the King/Chavez Academy of Excellence.
- A transcript and course of study that meets all requirements for entry into a traditional public school.

Habits of mind and body that prepare each student to excel in school and life.

- Students will become self-motivated, competent, and lifelong learners gleaned from teacher observation;
- Standards will be set to meet or exceed California State Content and Performance Standards in the areas of English-Language Arts, Mathematics, Social Studies, and Science and will be measured on standardized tests including the California Standards Test;
- Students will master age appropriate principles of mathematics and logical reasoning and be able to apply them to real life situations demonstrated in written and oral assessments;
- Students will develop the ability to obtain the sufficient knowledge, skills, and strategies of science which will make them able to hypothesize, evaluate data, and define and solve problems through observation, analysis, construction, testing, and communication of findings using appropriate methods, materials, and tools of technology demonstrated in written and oral assessments;
- Students will have general knowledge of civics, history, and geography demonstrated in written and oral assessments;
- Students will exhibit healthy social-emotional skills and self-esteem by demonstrating respect for diversity and making positive choices for themselves and in interpersonal relationships gleaned from teacher observation;
- Students will demonstrate cognitive processing abilities utilizing complex and critical thinking skills by identifying, accessing, integrating, and utilizing available resources and information to: reason, make sound decisions, solve realistic problems in a variety of contexts, and articulate their thought process demonstrated in written and oral assessments;
- Students will apply lifelong learning skills including: goal setting, study skills, planning, implementing and completing tasks, and the ability to reflect on and evaluate one's own learning demonstrated in written and oral assessments;
- Students will understand what it means to be socially responsible and will participate in their school and their community gleaned from teacher observation;
- Students will be responsible for working cooperatively and collaboratively in a variety of situations gleaned from teacher observation;
- Students will recognize and pursue healthy habits of fitness, hygiene, and safety and demonstrate their physical skills to enable them to participate in individual and team activities demonstrated in physical activity tests.

- Students will meet state standards for their grade level in English Language Arts and Mathematics as measured by standardized assessments.

King/Chavez Academy of Excellence will ~~aim to achieve scores~~ set student performance standards which are consistent with the Academic Performance Index (API) at or above those targeted by the State and No Child Left Behind (federal) programs (AYP). ~~(SDUSD District Accountability Framework and above those API scores of District schools that King/Chavez Academy of Excellence compares itself to, listed below.~~

The School will demonstrate student improvement on standardized tests that compare favorably with neighboring District schools (Kimbrough, Logan, Perkins, Sherman, Burbank) that have similar student populations (e.g., ethnicity and social-economic background).

The School will have higher student attendance rates than neighboring District schools.

The School will have higher staff attendance rates than neighboring District schools.

The School will have a higher rate of parent participation than similar District schools.

### **Element Three (C)-Method of Measuring of Pupil Progress**

King/Chavez Academy of Excellence will comply with all state (API) and federal (AYP) assessment and accountability requirements applicable to charter schools. The School will certify that its pupils have participated in the state-testing program in the same manner as other District students. In addition to these, King/Chavez Academy of Excellence intends to measure pupil progress with longitudinal data, teacher observations, oral presentations, written and oral assessment which are teacher generated, software generated or state-adopted curriculum generated, and portfolio and performance based assessments. King/Chavez Academy of Excellence will measure progress on an ongoing basis so parents and educators know how well students are performing.

Initially, all students will be tested for practical and conceptual understanding every Friday.

Since team or project learning is usually embedded in class work and is frequently not the specific subject of particular courses. King/Chavez Academy of Excellence intends to separately assess applied learning skills such as oral presentations, team collaboration, and problem solving.

Daily instruction will also provide consistent feedback through teacher observations, project achievements, criterion referenced tests, open-ended tasks, and writing samples.

The School will incorporate District methods to measure there rates:

- Student attendance
- Staff attendance

- Parent participation

The School will make available a traditional transcript for each student in order to ease transfer of credits to other schools and to better communicate with parents. Students will earn traditional grades for all classes, including the Language Arts, Math, Social Studies, Science and AAA's.

The School will ~~periodically~~ issue *at a minimum twice annual* Report Cards and/or Progress reports ~~but retains the ability to change the frequency of progress reports and report cards in order to provide more effective and meaningful feedback to students and parents.~~

The Edusoft program will assess student performance relative to State Content Standards. King/Chavez Academy of Excellence will maintain contemporaneous written records that document pupil attendance and shall make these records available for audit and inspection.

#### **Element Four (D)-Governance**

While King/Chavez Academy of Excellence intends to collaborate extensively with the San Diego Unified School District ("District"), King/Chavez Academy of Excellence shall be operated as a separate legal entity, independent of the San Diego Unified School District. King/Chavez Academy of Excellence School will operate as a departmental subdivision of King Chavez Academy of Excellence Charter Management Organization (CMO). The King Chavez Academy of Excellence CMO is a duly constituted California nonprofit public benefit corporation and governed in accordance with applicable California Corporations Code Sections. As provided for in the California Corporations Code, King/Chavez Academy of Excellence (CMO) will be governed by its Board of Directors, whose members have a legal fiduciary responsibility for the wellbeing of the school.

The King/Chavez Academy of Excellence board will have at least five members. Board members shall be selected to represent parents, the community-at-large, and the business community. All future Board Members will be selected - with skills and experience to match their board responsibilities – by a majority vote of the then current Board.

*King/Chavez Academy of Excellence ~~will comply with~~ agrees to be bound by applicable law, has adopted a conflict of interest code, and complies with applicable open meeting and public records act laws.*

The governing board of San Diego Unified School District shall be entitled to a single, representative on the King/Chavez Academy of Excellence board of trustees.

The King/Chavez Academy of Excellence board will be responsible for:

- Hiring and evaluating the chief executive officer of the school
- Evaluation of the business manager of the school

- Approving and monitoring the implementation of general policies of the school. These will include effective human resource policies for career growth and compensation of the staff.
- Developing and monitoring an operational business plan that focuses on student achievement.
- Approving and monitoring the school's annual budget.
- Contracting an external auditor to produce an annual financial audit according to generally accepted accounting practices.
- Contracting with an educational management organization, if deemed appropriate.
- Regularly measuring progress of both student and staff performance.
- Involving parents and the community in the support of school programs.
- Executing all other responsibilities provided for in the California Corporations Code, The Articles of Incorporation Bylaws, and this charter necessary to ensure the proper operation of the school.

### **Parent and Community Involvement**

King/Chavez Academy of Excellence will engage parents, teachers and community leaders, meeting on a periodic basis, to advise King/Chavez Academy of Excellence on the operations of the School program, staff, teachers, students and fundraising, all with the purpose of increasing student achievement. The School will hold about four Parent Nights annually, in addition to about three annual Parent Workshops where parents and students use projects to learn together.

Parents are engaged by participation in parent advisory groups, oral and written communication, parent nights and day coffees, web-site, home visits, participation in school events, and fundraising and work project opportunities.

### **Element Five (E)- Employee Qualifications**

To the extent required by law, teachers in the school will be required to hold a Commission of Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. ~~This will include emergency permits and credentials.~~ As provided by law, the school may exercise flexibility with regard to those teaching non-core, non-college preparatory course. All requirements for employment set forth in applicable provisions of law will be met, including but not limited to credentials as necessary.

The School will ~~strive to~~ comply with the "Highly Qualified" provisions of the No Child Left Behind Act (NCLB). Teachers will meet the requirements of NCLB for any core academic subject.

King/Chavez Academy of Excellence may employ qualified adults to assist credentialed teachers in student instruction. A teacher may supervise another teacher when mutually agreed to by the teachers and King/Chavez Academy of Excellence.

Within the provisions of the law, King/Chavez Academy of Excellence reserves the right to recruit, interview and hire anyone at anytime who has the best qualifications to fill any of its position vacancies so long as the provisions of NCLB are followed. Also within the provisions of law, the School reserves the right to evaluate the expertise of each teacher and accordingly assign that teacher classrooms, curriculum subjects or mentoring assignments as it deems in the best interest of students so long as the provisions of NCLB are followed.

The School will seek particularly well qualified teachers that also demonstrate high interest in Science, Physical Education, Computers and the Visual and Performing Arts as well as facility with Spanish.

The School will avail itself of any and all credentialing methods approved by the State of California, as needed. This includes the development of or participation in a charter intern and/or induction program consistent with standards established by the California Commission on Teacher Credentialing.

The School will evaluate teachers based on Attitude, Attendance, “Above and Beyond” and Teaching excellence as well as the state standards for the teaching profession. The evaluations will be completed by the Academy Director/Principal and submitted CEO, using objective measures and instruments, before May 15 at which time teachers may be offered a contract to work at the School for the next year.

The School will maintain a current copy of teacher certificates on file and ready for inspection.

**The Principal/Director, or any other administrator at King/Chavez Academy of Excellence, must have leadership abilities and a comprehensive educational vision that is consistent with the school’s mission and educational program. In addition, the Principal/Director should possess skills in hiring and supervising and motivating excellent teachers, technological and data-analysis experience, and if possible, business experience.**

**The King/Chavez Academy of Excellence may also employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and a demonstrated capacity to work successfully in an instructional support capacity.**

The principal/director will design a staff development plan for each school year which is data driven, consistent with measurable student goals, enhances the California framework/content standards, strives to meet API, AYP targets, and enhances the cultural mission of King/Chavez Academy of Excellence.

King/Chavez Academy of Excellence will not discriminate against any applicant or employee on the basis of race, creed, color, national origin, age, gender, disability, sexual orientation, or other basis prohibited by law.

**Element Six (F)- Health and Safety Procedures**

King/Chavez Academy of Excellence will comply with all applicable safety laws. ~~King/Chavez Academy of Excellence will require that each employee of the school furnish the school with a criminal record summary as described in Section 44237 of the Education Code including the requirement that, as a condition of employment, each new employee not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary~~

**King Chavez Academy of Excellence will require all applicants for employment, even those certificated employees that have a valid teaching credential, to submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary in pursuance of Education Code 44237 and 44830.1.**

King/Chavez Academy of Excellence will develop further health, safety, and risk management policies in consultation with its insurance carriers and risk management experts.

The School will conduct initial and on-going tuberculosis screenings of employee candidates as well as screenings of all adults assigned to classrooms on an on-going unsupervised basis, all as required by law. The school will provide health screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a traditional Public School.

The school will require immunization of students as a condition of school attendance to the same extent as would apply if students attended a non-charter public school.

King/Chavez Academy of Excellence, at its own cost and expense, will be responsible for obtaining appropriate permits from the local public entity with jurisdiction over the issuance of such permits, including building permits, occupancy permits, fire/life safety inspections and conditional use permits, all as may be required to ensure a safe school and facilities for staff and students.

The facility is located at 735 Cesar Chavez Parkway San Diego Ca 92113 within the boundaries of the San Diego Unified School District.

The School will maintain on file and ready for inspection a copy of facilities inspections occurring after its initial occupancy.

The School will maintain safety and disaster plans appropriate to its site and ready for inspection.

### **Element Seven (G)- Achieving Racial and Ethnic Balance**

The School will, at a minimum, do the following as it strives to achieve a racial and ethnic balance of students that reflects the general population of the entire school District:

- Announce the School's interest in seeking applications in publications the District provides for such purposes.
- Expend at least 20 hours of staff time annually in community and regional outreach efforts, including presence at public meetings, to recruit applicants of diverse backgrounds.
- Expend at least \$500 annually on print and electronic media, flyers and direct mail to recruit applicants of diverse backgrounds.

The School will establish an open enrollment period of at least 60 consecutive days each year within the months of January through May. Notice of the open enrollment period, the admissions process, and the place of any lottery will be included in public literature. This includes the appropriate recruitment materials, advertisements and forums mentioned above. History has shown that because of the popularity of King/Chavez's program, any enrollment period exceeding much more than 60 days may serve to create ill-will as the number of qualified applicants who do not survive the lottery multiplies with time.

The School will maintain auditable records of the above activities and expenditures. The School will also maintain an accurate accounting of the ethnic and racial balance of students enrolled in the School. Recruitment materials will include the following information about admission requirements.

### **Element Eight (H)- Admission Requirements**

King/Chavez Academy of Excellence will endeavor to accommodate all students who apply for admission. For Applicants to qualify for admission:

- The student and a parent or guardian must together attend one complete King/Chavez Academy of Excellence orientation session. These sessions will be held at convenient times. They will detail what the School expects of the student and his or her family as well as what the student and family should expect of the School.
- A parent or guardian must complete and return a simple, non-discriminatory application by a published deadline ending the open enrollment period.
- The student and a parent or guardian must sign a statement that they are familiar with and agree to abide by all policies and procedures set forth in the School's student handbook.

- A student seeking admission to any grade within King/Chavez Academy of Excellence must be successfully promoted from their prior grade.

**No child shall be denied admission to the school if a parent refuses to participate in parent work at the school.**

If more students apply and qualify than can be admitted, priority for admissions shall be assigned in the following order:

1. Returning or existing students.
2. Siblings of returning or existing students.
3. ~~Children of employees of the King/Chavez Preparatory Academy, of the King/Chavez Primary Academy, of the King/Chavez Athletics Academy, of the King/Chavez Arts Academy and of the King/Chavez Academy of Excellence charter school.~~ **Children of the founding members of the charter school.**
4. Siblings of students who have attended in the past the King/Chavez Preparatory Academy, King/Chavez Primary Academy, the King/Chavez Arts Academy, the King/Chavez Athletics Academy, King/Chavez Academy of Excellence, or any future King/Chavez CMO operated charter schools.
5. All other students permitted by law.

All qualified applicants from the open enrollment period become members of the School's applicant pool. Grade levels (e.g., 6<sup>th</sup> grade) shall be filled in priority order. At such point that filling a priority would exceed the capacity of the grade, then a lottery shall be held for all and only qualified applicants within that priority. Applicants will be admitted in the order their names are drawn from a lottery hat. After capacity has been reached for that grade, names shall be placed on a waiting list, again in the order they are drawn from the hat. Sibling applicants shall be drawn individually and then given the same placement on the waiting list in their respective grades as the best one drawn between them. Should a grade level lottery pool consist of less than 40% of one gender or the other, that pool shall be split into two pools, one for each gender and a name shall be taken from each gender hat in repeating cycles, starting with the underrepresented gender hat.

An adult citizen of good standing, not otherwise employed by the School, will testify in writing, under penalty of perjury, that he or she personally witnessed each lottery pursuant to the above, and that each was random, public and conducted as advertised.

**~~If a lottery is held it will be in accord with the guidelines set forth in the San Diego Unified School District Charter School Policy and Guidelines.~~**

As space becomes available during a school year, the School will mail a letter to the applicant with the highest rank on the applicable waiting list, return receipt required. The letter will give the applicant five full business days from receipt of the letter to notify the School Director or clerk, verbally or in writing, of the applicant's intentions. The School

will also attempt at least twice to contact by phone those applicants with phones. In the absence of an affirmative or timely response, the School will eliminate the applicant from the pool and proceed to the next eligible applicant. All waiting lists extinguish annually at the end of the School's formal academic year, or as otherwise determined by the CMO Board of Trustees.

The School will maintain auditable records of the above activities.

The School shall be non-sectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender or disability. The charter school will not determine admission based on the place of a student's residence, or the residence of his or her parents or guardians, within the state. The School certifies that, to the best of its knowledge, all its admissions procedures, policies and criteria comply with non-discrimination statutes and applicable law. The School and its CMO shall defend, indemnify and hold harmless the District from any and all challenges alleging that the School's admission procedures do not comport with applicable laws.

#### **Element Nine (I)- Annual Financial Audits**

King/Chavez Academy of Excellence will contract with an independent auditor for an annual financial audit that will be produced according to ~~generally accepted accounting principles~~ state adopted guidelines for independent financial audits for public charter schools ~~generally accepted accounting principles applicable to schools and will be undertaken by an auditor with experience in education finance.~~ King/Chavez Academy of Excellence will transmit a copy of the audit to the District - as well as to the County Superintendent of Schools, the State Controller and the State Department of Education - by December 15 of each year.

Should the audit note any exceptions or deficiencies, the School will follow a procedure whereby the School:

- Informs in writing all audit recipients of any exception and/or deficiency the School disputes or believes it has already corrected by the time of submitting the audit, along with supporting documentation;
- Informs all audit recipients in writing of a proposed timetable with benchmarks for the correction of each exception and/or deficiency still outstanding at time of audit submission; and
- Resolves all outstanding or disputed exceptions and/or deficiencies to the mutual satisfaction of the District and the School by no later than the following June 30<sup>th</sup> or other time as may be mutually agreed to.

King/Chavez Academy of Excellence will avail itself of the well-tested plans and systems used by its CMO to provide information for an independent audit.

The School will:

- Prepare and file with the District on or before September 15 an annual statement of receipts and expenditures of the charter school for the preceding fiscal year (Education code section 42100); and
- Prepare and file with the District a preliminary budget on or before July 1, an interim financial report on or before December 15, a second interim financial report on or before March 15, and a final un-edited report for the full prior year on or before September 15 (Education Code section 47604.33).

### **Element Ten (J)- Student Suspensions and Expulsions**

King/Chavez Academy of Excellence will regard suspension and expulsion as a last resort. Criteria for suspension and expulsion of students shall be consistent with all applicable federal statutes and state and federal constitutional provisions. ~~King/Chavez Academy of Excellence has developed policies, in collaboration with parents and teachers, that observe fair and lawful standards of due process~~ King/Chavez will follow expulsion and suspension guidelines as outlined in this charter. All related hearings conform to the state and federal laws regarding discipline, special education, confidentiality, and access to records.

The following represent typical grounds for suspension and expulsion:

- The threat, causation or attempted causation of physical injury to another person
- Possession of a weapon (e.g., firearms, knives or explosive)
- Unlawful possession, use, sale, offer or being under the influence of any controlled substance, alcoholic beverage or any intoxicant
- Robbery or attempted robbery of school property
- Obscene or offensive acts or habitual profanity or vulgarity
- Bullying, sexual harassment, excessive disruption in class, fighting

A student suspension or expulsion may only be applied with the approval of the School CEO or his or her designee(s). The School will provide the student and parent or guardian with a written notice of suspension or expulsion and the reasons therefore and provide due process right including the due process rights. A suspension or expulsion may be appealed to a sub-committee authorized by the King/Chavez Board that shall have the right to rescind or modify the suspension or expulsion. The parents or guardians of the student will have ten days from delivery of the written notice of suspension or expulsion to declare in writing their request for an appeal. The sub-committee shall convene a hearing within fifteen days of a receipt of a timely request for an appeal. At the hearing, the student shall have the right to representation, the right to present evidence and the right to question School representatives. The sub-committee members will consider evidence and/or testimony as it deems appropriate and render a written decision that shall be in the best interests of the student and the School. That decision shall be final.

Once a charter student is expelled, rules of district residency apply. A charter-expelled district student must be treated the same as a districted expelled student and comply with Education Code section 48915.1.

**Element Eleven (K)- STRS, PERS and Other Retirement Coverage**

The School ~~may elect to~~ will participate in the State Teachers Retirement System and/or Public Employees Retirement system for all eligible employees and coordinate such participation, as appropriate, with the social security system or other reciprocal systems.

The District agrees to include the School's monthly STRS and PERS reports with the District's reports for submission. The School will provide the data in the required format with all required information. Further, the School will bear responsibility for monitoring and reporting membership information. The District will bear no responsibility for any reporting errors or omissions. The School agrees to defend and indemnify the District from any charter employees' claims related to STRS and PERS reporting errors or omissions. ~~SDUSD agrees to defend and indemnify the charter school from any charter school employees' claims of STRS and PERS reporting errors or omissions.~~

The School may establish retirement plans for employees that may include, but shall not be limited to, establishment of a section 403(b) or 401(k) plan.

**Element Twelve (L)- Attendance Alternatives**

King/Chavez Academy of Excellence is a school of choice. No student is required to attend. Students choosing not to attend King/Chavez Academy of Excellence may attend other public schools within their home school district. Transportation is the parental responsibility for families who choose to attend King/Chavez Academy of Excellence, unless such transportation is provided by the School at its sole discretion.

King/Chavez Academy of Excellence will inform each parent or guardian that their student has no right to admission in a particular school as a result of charter enrollment, except to the extent the right is extended by the local educational agency.

**Element Thirteen (M)- Employee Return Rights**

~~The leave and return rights of District employees who choose to work at the charter school, or who after having chosen to work at the charter school wish to return to the District, shall be set forth in District policies, procedures, or collective bargaining agreements, which apply to non profit corporation charter schools, or in individual agreements with staff as approved by the School and District.~~

King/Chavez Academy of Excellence may employ staff, on-loan or permanently, from other entities including other districts and the San Diego County Office of Education.

Any current SDUSD employee who resigns his/her position with the SDUSD to become an employee of King/ Chavez School of Excellence shall have any rights to return as

**granted by the District. King/Chavez shall have no authority to bind the District to re-employing a former employee or allowing a leave of absence. All employees of King/Chavez will be considered the exclusive employees of King/Chavez and not SDUSD unless otherwise mutually agreed in writing.**

The School will be the employer for collective bargaining purposes.

#### **Element Fourteen (N)- Dispute Resolution with San Diego Unified School District**

**Regarding disputes on matters outside the Board's authority under Education Code section 47607(c)-(d),** Both San Diego Unified School District and King/Chavez Academy of Excellence will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures. In the event of a dispute between the School and the District regarding the terms of this charter or other issue regarding the School's and the District's relationship, both parties agree to apprise the other, in writing, of the specific disputed issue(s) and that writing shall include relevant facts. **Matters within the Board's authority under Education Code section 47607 ( c ) and/or ( d ) are not subject to this dispute resolution process.**

In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter, this **For all other disputes, they** shall be specifically noted in the written dispute statement the District provides the School. Within 30 business days, or longer if both parties agree, of sending written correspondence, a School representative and a District representative shall meet and confer in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, a School representative and a District representative shall meet again within 10 business days, or longer if both parties agree, to identify a neutral, third-party participant to assist in dispute resolution. The format of the third-party aspect of the dispute resolution process shall be developed jointly by the representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The finding or recommendation of any arbiter shall be non-binding, unless the governing boards of the School and District jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third-party participant shall conclude within 30 business days of identifying the mutually agreed to third-party. The School and the District shall share all mediation and/or arbitration costs and all other costs associated with dispute resolution equally.

In the event that the above process does not result in an agreement over the dispute, both parties agree to continue negotiations in good faith toward a resolution of the dispute. If the matter cannot be mutually resolved, the charter school shall be given a reasonable period of time to correct the violation, unless the District determines, in writing, that the violation constitutes a severe and imminent threat to the health and safety of the School's pupils. In such event, the District reserves the right to take any action it deems appropriate and the School reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those

cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the School's pupils.

The dispute resolution process permits oral notice, followed immediately by written notice.

***If the substance of a dispute is a matter that could result in the taking of appropriate action, under the terms of Ed Code 47607, including, but not limited to, revocation of the charter, the matter will be addressed at the chartering district's discretion in accordance with that provision of law and any regulations pertaining thereto.***

Complaints to the District relating to the operation of the School and not to the terms of this charter or other issue regarding the School's and the District's relationship will be resolved as set forth below, Element 21- Internal Dispute Resolution.

### **Element Fifteen (O)- Public School Employer**

King/Chavez Academy of Excellence declares that through its CMO it shall be the exclusive public school employer of the employees at the School for the purposes of the Educational Employment Relations Act. Further, the King/Chavez Academy of Excellence shall retain the right to establish its own lawful procedures for discipline and dismissal.

King/Chavez Academy of Excellence will select all school staff. No employee of San Diego Unified School District, or any other district, shall be required to work at King/Chavez Academy of Excellence. Those selected for employment shall enter into a contractual agreement with the School's CMO to make their services available to King/Chavez Academy of Excellence. King/Chavez Academy of Excellence shall have the authority to terminate the position in accordance with the terms of that agreement.

### **Element Sixteen (P) – School Closure**

Should the Charter School cease operation, ~~all assets secured from the appropriation of public funds, including private funds granted or donated to the charter school, and all assets originally transferred to the charter school by the District, shall be returned to the District.~~ *The assets of the charter school shall be first prioritized towards paying any debts of the charter school including any overpayment or over apportionment of state funding, and any and all fees or sums due to the district.* All other assets will be distributed in accord with laws and regulations in force that govern the dissolution of non-profit public benefit corporations. The charter will comply with all portions of EC47605(b)(5)(P), including the requirement that there shall be "a final audit of the 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". Further, the school will notify parents, students, the California Department of Education, districts affected by the closure, and the San Diego County Office of Education. *A copy of student records should be given to parents or guardians*

and the original student records should be returned to the district. District property that is transferred to the charter school together with the facilities remains District property, is not an asset of the charter school, and must be returned to the District when the school closes.

## **Other Charter Elements**

### **17. Accountability**

~~King/Chavez Academy of Excellence will abide by the SDUSD "Charter School Accountability Contract for Student Achievement and Sound Charter Implementation" as explicated in Appendix A of the *San Diego City Schools Charter School Policy and Guidelines*, approved November 27, 2001.~~

### **18. Legal Status and Liability**

King/Chavez Academy of Excellence will be operated by a non-profit public benefit corporation. As such, San Diego Unified School District shall not be liable for the debts or obligations of the School.

The School and its CMO shall hold harmless, defend and indemnify the District, the Board of Education, its officers and employees, from every liability, claim or demand which may be made by reason of: (a) any injury to person or property sustained by the School, its officers, employees or authorized volunteers; and (b) any injury to person or property sustained by any person, firm or corporation caused by any act, neglect, default, or omission of the School, its officers, employees or agents. In cases of such liabilities, claims or demands, the School at its own expense and risk shall defend all legal proceedings which may be brought against it and/or the District, the Board of Education, its officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of them.

The School will purchase General Liability and Auto Liability in the amount of at least \$2,000,000 per occurrence, \$5,000,000 aggregate, naming the District as an additional insured, and Worker's Compensation insurance within statutory limits. As an alternative, the School may purchase and maintain insurance with limits and coverage as deemed mutually acceptable to the District's risk manager and the School.

## **19. Funding**

The School elects to receive funding directly from the State of California through the County Treasurer and the County Office of Education in accordance with applicable law and the State's block grant program for charter schools. The School through its CMO will act as its own fiscal agent. The District agrees it will comply with law in its use its ability to transfer funds from the School's Treasury Account ~~to the District only with specific permission from the School or from its CMO.~~

While King/Chavez Academy of Excellence does not expect the District to advance to the School future revenues (i.e., smooth out the School's revenue stream), nothing in this charter shall prevent the District from electing to do so at the School's request.

The District agrees to forward the School's full share of local aid to the School's account at the County Treasurer each month when due and to send separate notice to the School of each deposit amount without delay.

## **20. District Services**

The School and the District will negotiate in good faith on an annual basis to develop a Memorandum of Understanding (MOU) separate from this charter, one that establishes more specifically the financial and service relationship between the two parties. The School's purchase of goods and services, if any, from the District shall not negate the operational independence of the School from the District. Breach of the MOU shall not necessarily constitute breach of this charter.

The School does not anticipate purchasing any optional services from the District other than services for special education, food service, student pupil accounting and testing. ~~The District, consistent with the charter School MOU, agrees to provide its rationale for determining fair and reasonable pricing of any purchased services.~~

~~The District may charge for the actual cost of supervisorial oversight of the School not to exceed one percent of annual revenues. In addition, the School agrees to pay the pro-rata share of any District provided facilities costs as defined in Education Code Section 47614 (Proposition 39), or two percent of School's annual revenue, whichever is lower.~~

*The district shall charge for the cost of supervisory oversight in conformity with Education Code section 47613.*

## **21. Information Exchange**

### **School and District – Records, Reports and Visits**

King/Chavez Academy of Excellence agrees that the School will promptly respond to all reasonable inquiries, including inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries. (Ed Code section 47604.3)

The records of the School are public records under the California Public Records Act. However, a record differs meaningfully from a report that must be newly prepared. If the District requests a special report of the School that is neither an existing record nor a record required by applicable law, by this charter or by the School's annual MOU, then the District agrees to pay to the School the School's actual cost of producing such a report.

The District may inspect or observe any part of King/Chavez Academy of Excellence at any time. The District agrees it will not do so unreasonably, ~~without notice~~, or by causing a disruption of student instruction or School operations except in the case of an emergency.

The School shall provide the District reports as required by current law:

- CBEDS
- ADA reports J18/19
- Budget J210 - preliminary and final
- A school accountability report card using a state approved format
- Copies of the annual, independent financial audit

And, as an accommodation to the District, the School shall further supply the District:

- Reconciliation of the annual audit with the J210
- Copies of all state mandated test results:
- STAR
- CELDT
- SABE/2

Finally, on or before September 15, the School will approve, in a format prescribed by the Superintendent of Public Instruction, an annual statement of all receipts and expenditures of the School for the preceding fiscal year and will file a copy of that statement with the District.

Changes in these reporting requirements may be incorporated by reference into this charter when the District and the School mutually update their MOU (See Funding, Element 19).

The charter school shall permit the District to inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel and pupil

records, unless law prohibits disclosure to the District of any such records. The charter school shall promptly comply with all such reasonable written requests. The records of the charter school are public records under the Public Records Act (Government Code section 6520 et seq.). Pursuant to Education Code 47607, the District shall have the right to inspect or observe any part of the charter school at any time, ~~upon reasonable notice.~~

### **School and Parents — Transferability of Credits**

~~The School shall notify student parents or guardians of the reasons for its belief that all course credits at King/Chavez Academy of Excellence are as transferable as those of a traditional District school to other schools. Such notice shall occur via School publications that may include recruiting materials, parent and student handbooks, and occasional newsletters.~~

### **22. Internal Dispute Resolution**

The King/Chavez CMO Board of Directors will adopt policies and processes for airing and resolving disputes (other than those between San Diego Unified School District and King/Chavez Academy of Excellence relating to provisions of this charter or the relationship between them, which are covered in Element Fourteen (N), above).

The District agrees to refer all complaints regarding operations of King/Chavez Academy of Excellence to the School's CEO for resolution in accordance with the School's adopted policies. In the event that the School's adopted policies and processes fail to resolve the dispute, the District agrees not to intervene in the dispute without the consent of the School unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked. Notwithstanding the above, the District Board of Trustees shall have the ability to intervene in and respond to complaints about the operation of King/Chavez Academy of Excellence as is required by law.

### **23. Mandated Cost Recovery**

The School will be responsible for recovering from the state all eligible mandated costs applicable to the School. ~~The District shall, within ninety days of receipt, reimburse the School for the School's pro rata share of mandated costs that the District recovers using the School's enrollment or using any other basis that incorporates King/Chavez Academy of Excellence to the extent that recovery exceeds the actual cost attributable to the School.~~

### **24. Administrative Services**

King/ Chavez CMO will contract with Charter School Management Corporation (CSMC) for the provision of back office and compliance services for the School. CSMC has been the business services provider for King/Chavez for two years, and currently provides

back office services for over 30 charter schools throughout California. CSMC has committed to providing dedicated, local San Diego support for the CMO. A CSMC project manager, with former experience as a charter schools business manager in San Diego County at both the District and school level, will provide local support. CSMC assists the CMO with all accounting, fiscal, attendance, audit related, and compliance issues including but not limited to payroll, purchasing, grants, categorical funding, contributions, inventory, employee contributions, and mandated fiscal reports. In addition, it has created and implemented fiscal and operating procedures used by the CMO. Three individuals, two of them bilingual, will operate the front office administrative desks and provide an experienced interface with CSMC.

The School will use templates provided by the SDUSD financial operations office to complete required financial records.

The School will annually prepare and submit the following reports to the District and the County Superintendent of the schools as prescribed in education code section 47604.33:

- On or before July 1, a preliminary budget, a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of section 47605 satisfies this requirement.
- On or before December 15, an interim financial report. This report shall reflect changes through October 31.
- On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
- On or before September 15, a final unaudited report for the full prior year.

The Academies will adhere to the District's reporting requirement and provide the following reports as required by law:

- CBEDS (California Basic Educational Data System).
- ADA (Average Daily Attendance) Reports J18/19.
- SARC (School Accountability Report Card).

~~King/Chavez will contract with an independent auditor, in addition to CSMC, to conduct an annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statement and reporting practices. The audit will be conducted in accordance with GAAP as applicable to public schools and in compliance with the audit provisions of the Schools' charters and charter school legislation. Clear audit reports will be submitted to the District, County Office of Education, State Controller and CDE.~~

The King/Chavez CMO Board of Directors will meet routinely to review Academy profit and loss statements, cash flow projections, reports of budget to actual results, and balance sheets. It will also address audit deficiencies, if any, formal or informal, and determine the means for resolving any such deficiencies in a timely fashion.

## **25. Charter Term**

The petitioners request the San Diego Unified School District Board of Trustees approve a renewal term of this charter that shall begin for a five-year period on July 1, 2006 and end June 30, 2011. ~~The School justifies this five-year term based on the successful record of the School's educational design.~~

## **26. Charter Revisions**

Material revisions to the charter must be approved by the District's Board of Trustees. However, any proposed revisions to the charter will be presented to the District for a determination as to whether it is a material revision that must be approved by the District Board of Trustees. The District will make its determination and, if required, the District Board of Trustees will consider the revision for approval within 60 days of submission by the School or within a time mutually agreed to.

## **27. Severability**

The terms of this charter are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the District and King/Chavez Academy of Excellence. The San Diego Unified School District and King/Chavez Academy of Excellence agree to meet to discuss and resolve any issue or differences relating to invalidated provisions in a timely and proactive fashion.

## **28. Renaming Rights**

King/Chavez Academy of Excellence reserves the right, upon reasonable notice to those affected, to rename the School.