

SECTION 6. HEALTH AND SAFETY PROCEDURES

The procedures that the school will follow to ensure the health and safety of pupils and staff. These shall include the requirement that each employee of the school furnish the school record summary as defined in Section 44237.

---California Education Code Section 47605 (b) (5) (F)

Monterey County Home Charter School has adopted the Monterey County Office of Education's policies to health, safety and risk-management issues including but not limited to:

- MCHCS will operate as a public school on the campus of the Monterey County Office of Education at 915 #B Blanco Circle, Salinas, and at 519 ½ Broadway St. King City, and will follow the health and safety policies of the Monterey County Office of Education.
- A requirement that all enrolled students and staff members provide records documenting immunization to the extent required for enrollment in non-charter public schools.
- **Role of staff as mandated or non-mandated child abuse reporters**
MCHCS will train each member of its staff regarding their role as mandated child abuse reporters as specified in California's Child Abuse and Neglect Reporting Act (Penal Code 11164– 11174.3, 11165.7, which defines "mandated reporters").
- Policies and procedures for response to natural disasters and emergencies including fires and earthquakes.
- **Seismic safety (structural integrity and earthquake preparedness)**
MCHCS will operate on the grounds and facilities of the Monterey County Office of Education at #B Blanco Circle, Salinas, and at 519 ½ Broadway St., King City, all of which California's Division of the State Architect has approved for seismic safety.
- **Federal requirements for school facilities, including the Americans with Disabilities Act**
MCHCS will operate on the grounds and facilities of the Monterey County Office of Education at #B Blanco Circle, Salinas, and at 519 ½ Broadway St. King City, and all of which California's Division of the State Architect has approved for compliance with federal requirements for school facilities including the Americans with Disabilities Act. Cal-OSHA requirements relating to Ergonomic safety.
- **Immunizations, health screenings, administration of medications**
MCHCS will ensure that when a student requires a health-related examination or medication while at school, a qualified individual will conduct the examination or administer the medication, according to current California law and MCOE procedures. Policy stating MCHCS staff does not administer prescription drugs to students and that parents assume all responsibility relating to the administration of prescription drugs and other medications.
- **Building codes and zoning restrictions**
MCHCS will operate on the grounds and facilities of the Monterey County Office of Education at #B Blanco Circle, Salinas, and at 519 ½ Broadway St. King City, all of which California's Division of the State Architect has approved for compliance with building codes and zoning restrictions and the California Building Fields Act.

- Tolerance for use of drugs and/or tobacco.**
MCHCS functions as a drug, alcohol, and tobacco free work place. MCHCS will operate on the grounds and facilities of the Monterey County Office of Education, at 915 #B Blanco Circle, Salinas, and at 519 ½ Broadway St. King City, and will follow the Monterey County Office of Education Policies SP 4020 (Drug and Alcohol-Free Workplace), BP 3513.3 (Tobacco-Free Schools and Workplace), BP and AR 5131.6 (Alcohol and Other Drugs) and BP and AR 5131.62 (Tobacco), which together prohibit tobacco, alcoholic beverage or controlled substance use at any time in facilities and vehicles operated by the Monterey County Office of Education.
- Method for conducting criminal background checks on employee candidates, as required by E. C. 44830.1 and 45122.1, to ensure that the charter school does not hire any person who has been convicted of a violent or serious felony.**
It is required that each MCHCS employee submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237. MCHCS will comply with the provisions of Education Code 44237 and 45125, and all other applicable state and federal laws including the requirement that as a condition of employment each new or returning employee, or as a condition of a contract, each contractor must be fingerprinted for submission to the Department of Justice for the purpose of obtaining a criminal record summary.
- Include the examination of faculty and staff for tuberculosis as described in E.C. § 49406**
MCHCS will require all newly hired faculty and staff to be examined during the 60 days prior to employment to determine that he or her is free of active tuberculosis, as described in Education Code 49406.
- Cal-OSHA requirements relating to preventing contact with blood-borne pathogens.
- Natural disasters and emergencies**
The MCHCS Comprehensive School Safety Plan (CSSP) (see Appendix L) that relates to both the established safety procedures of the Monterey County Office of Education and the particular safety environment of the school. This plan is subject to refinement based on practical experience and input from qualified school safety advisers.
- Description of the charter school's safety plan and disaster preparedness plan**
MCHCS will operate as a public school within the Monterey County Office of Education, and will follow the health and safety policies of the Monterey County Office of Education. MCHCS has developed a comprehensive school safety plan, as required by Education Code 32280 ff. for submission to the MCHCS Charter Advisory Board. The MCHCS Comprehensive School Safety Plan is included in Appendix L.
- The use of instructional supplies**
MCHCS will follow the Monterey County Office of Education Policy SP and AR 4257 (Employee Safety), which requires safe work practices and working conditions, and provides for training in safe and healthy work practices for all employees. MCHCS will provide training for its staff and students in the safe and healthy use of instructional supplies, equipment, and electronic devices used for instructional purposes.

These policies have been incorporated, as appropriate, into the school's staff handbook and/or safety plan, and are reviewed on an ongoing basis by staff members and by the MCHCS Charter Advisory Board.

Summary of Student Direct Contact Policy

All MCHCS students are to have direct, face-to-face contact with an MCHCS staff member at least once every two weeks, excluding school holidays.¹⁰

When it has been determined that a student has not had direct, face-to-face contact with an MCHCS staff member in a two-week period, administrators will work with MCHCS teachers and staff members to establish direct, face-to-face contact with the student on the next school day. If direct, face-to-face contact cannot be established on this day, then on the following day, an attempt to establish direct, face-to-face contact with the student will be made via a home visit.

Upon enrollment, students and parents will be provided with a copy of this policy as well as a copy of the Student/Parent Handbook.

A copy of the Student Direct Contact Policy can be found in the *2016-17 MCHCS Student & Parent Handbook*, which is included in Appendix D.

¹⁰ Digital face-to-face communication (e.g., FaceTime, Skype, etc.) shall be permitted to take the place of direct, face-to-face communication no more than two times each school year unless approved by a site administrator.

SECTION 7. RACIAL AND ETHNIC BALANCE

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

---California Education Code Section 47605 (b) (5) (G)

All students who enroll in Monterey County Home Charter School (MCHCS) do so on a voluntary basis and are considered for admission without regard to ethnicity, national origin, gender or disability. MCHCS is committed to achieving a student racial and ethnic balance that reflects the demographics of Monterey County.

The table below illustrates via percentage how the 2016-17 MCHCS study body demographically compares to Monterey County (2015) in regards to racial and ethnic balance.

	African American	Asian	Hawaiian	Hispanic	Native American	White
Monterey County 2015	2.38%	5.64%	.46%	59.58%	.25%	31.53%
MCHCS Student Body 2016-17	.7%	.3%	.3%	67%	.7%	30%

MCHCS enrolls students via public random drawings (PRDs) that occur throughout the school year. This being the case, student outreach and recruitment takes place continually. Methods of achieving racial and ethnic balance will be implemented through a student recruitment strategy that includes, but is limited to, the following elements:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
 - This includes information meetings that are scheduled by MCHCS administrators and hosted by MCHCS administrators or staff members.
 - Information meetings are hosted multiple times per month, throughout the year, on the MCHCS campus or at alternate sites.
- Promotional and informational materials (available in English and in Spanish) distributed to libraries, schools, public organizations, community centers, and the media that appeal to the variety of racial and ethnic groups present in Monterey County, including students whose native language is a language other than English.
- Audiovisual advertisements that are broadcasted to the community via movie theatres, radio stations, public access television, etc.
- The maintenance of a school website.
- Outreach meetings hosted in various parts of the county to reach prospective students and parents.
- In addition, MCHCS receives referrals from many schools, district offices, the District Attorney’s office, medical professionals, social workers, and former students and families.
- Recruitment will focus on, but not be limited to, the following geographic areas.

- The city of Salinas
- Cities and towns north and east of Salinas including:
 - Prunedale
 - Hollister
- Cities and towns located on the Monterey Peninsula, including the following:
 - Monterey
 - Seaside
 - Marina
 - Pacific Grove
 - Carmel
- Cities and towns located in South Monterey County, including the following cities and towns:
 - Gonzales
 - Soledad
 - Greenfield
 - King City

When combined as an aggregate group, the populations of the above noted cities and towns create an ethnic and racial balance that is reflective of Monterey County as a whole. Strategized recruitment in these areas will help ensure that the MCHCS student body maintains an ethnic and racial balance that most closely mirrors the general population residing within the geographic areas from which MCHCS enrolls students.

MCHCS school administrators will work with MCHCS staff members to organize and staff ongoing outreach events and/or advertising campaigns within the territorial areas that the school serves.

SECTION 8. ENROLLMENT PROCESS

The MCHCS enrollment process is non-discriminatory and open to all students who reside in Monterey County and all contiguous counties. Admission will not be based on ethnicity, national origin, gender or disability. MCHCS programs, enrollment policies, employment practices, and other operations are non-sectarian.

Monterey County Home Charter School requires prospective students to complete the following enrollment procedures:

1. Prospective parents (and high school students) must attend an information meeting.
 - a. Students interested in enrolling in the independent study program must take and pass the Independent Study Placement Test before they proceed with the enrollment process.
 - b. Previously enrolled students and parents are expected to attend an information meeting, though they may request that an administrator exempt them from this requirement.
 - c. Current MCHCS parents wishing to enroll another child may request that an administrator exempt them from this requirement.
2. Enrollment Application Packet, birth certificate, verification of parent/guardian identity, guardianship documentation (if applicable), and immunization records must be submitted for a student to be included in a public random drawing (PRD).
 - a. If a student/parent/guardian are unable to provide any of the documents noted above, then an administrator will contact the student/parent/guardian to provide support through the enrollment process.
3. After the PRD, parents are contacted and informed either that their student has been enrolled or that their student has been placed on the waiting list.
 - a. If a waiting list has been established, then students wishing to enroll in MCHCS will be added to the bottom of the waiting list in the order in which they are selected in the PRD.
 - b. The student at the top of the waitlist will be enrolled once an enrollment space becomes available.
 - c. Parents of students on the waiting list will be contacted once an enrollment space is available for their student.
4. After student enrollment is confirmed, an office team member schedules the student for her/his intake assessment, and meets with an administrator to assign the student to a teacher.
5. An office team member works in conjunction with the teacher to schedule the student's first meeting with the teacher.
 - a. At the beginning of each semester, the teacher schedules the initial visit.
6. At this first teacher meeting, the master agreement is signed, and the student becomes officially enrolled.
 - a. Teacher confirms that the student has completed intake assessments; if the student's intake assessments have not been completed, then the teacher directs the student to the appropriate assessment session so that the student can complete his or her intake assessments.

Office team members process new students per the "Checklist for New Students," which includes, but is not limited to, the following items:

1. Verification that all necessary documents have been submitted to the MCHCS office.
2. Verification of student and parent identities.
3. Verification that Enrollment Application Packet (EAP) contained all required information.
4. Verification of student's special programs/classifications (i.e., EL, SPED, 504 Plan, homeless, migrant, etc.).
5. Verification that each adult listed in the EAP has been checked against the Megan's Law Sex Offender Registry.

MCHCS extends admission preference to children of parents whom meet the following criteria:

1. Members of the Monterey County Board of Education.
2. Employees of MCOE or MCHCS.
3. Members of the MCHCS Charter Advisory Board.

In addition, MCHCS extends admission preference to all siblings of currently enrolled students and to all foster and/or homeless students.

Admission preference allows students to be enrolled on a first-come, first-serve basis. If no enrollment slots exist at the time that the completed enrollment application packet (EAP) is submitted, then students who receive admission preference will be placed at the top of the waitlist in order of receipt of completed EAP (earliest submitted EAP will be at the top of the list, followed by the next-earliest submitted EAP, etc.).

The quantity of open enrollment slots that are available at any one time are determined by an MCHCS administrator.

If a student is exited from MCHCS (e.g., per the MCHCS Progressive Discipline Policy, an inability to display growth in academic performance,¹¹ optional withdrawal, etc.), the student will be referred either to their district of residence or to another educational program. In addition, MCHCS will notify the district of residence that the student has been dis-enrolled from MCHCS. The Monterey County District Attorney's Office will be notified with the names of any former MCHCS students that have not enrolled with another school or district within two weeks of his/her disenrollment from MCHCS.

If a student is unwillingly dismissed from MCHCS, a parent/guardian has the right to appeal the dismissal within two school days after notification of the decision; all such appeals should be directed to the MCHCS principal in writing.

¹¹ Student performance is measured by multiple measures, including, but not limited to: internal and state assessments; assignments; individualized learning goals; and teacher recommendations. An MCHCS administrator is responsible for determining whether a student is making sufficient academic progress. This process is currently under review and will be represented as a flowchart or a procedural document per the approval of this charter renewal petition.

SECTION 9. ANNUAL INDEPENDENT FINANCIAL AUDITS

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

---California Education Code Section 47605-(b) (5) (I)

Monterey County Home Charter School (MCHCS), as a locally funded charter, will remain under the legal arm of the Monterey County Office of Education (MCOE). Therefore, MCHCS will maintain the same financial relationship with the Monterey County Office of Education with respect to issues of budgeting, auditing, accounting, and financial reporting as it has since becoming a charter school.

Thus, MCHCS follows the same audit process as other instructional programs under the jurisdiction of MCOE. This involves the independent audit of each fiscal year; this annual financial audit will employ generally accepted accounting procedures.

The MCHCS principal will review any audit findings, exceptions, or deficiencies and will report to the MCHCS Charter Advisory Board (CAB) with recommendations on how to resolve them. The CAB will submit a report to MCOE describing how findings, exceptions, and deficiencies have been or will be resolved to the satisfaction of MCOE along with an anticipated timeline for the same. Audit appeals or requests shall be submitted to the Education Audit Appeals Panel (EAAP) in accordance with public law.

SECTION 10. PUPIL SUSPENSION, EXPULSION, AND DIS-ENROLLMENT

The procedure by which pupils can be suspended or expelled.

---*California Education Code Section 47605 (b) (5) (J)*

Procedures for dis-enrolling Charter School students are implemented pursuant to the MCHCS Progressive Discipline Policy and to the written agreement signed by the parent, student, and Charter School teacher upon enrollment. All dis-enrolled students receive sufficient notification, and shall have an opportunity to be heard and allowed due process as indicated in Education Code Section 48900 *et seq.*

MCHCS follows the policies and procedures for suspension, expulsion and due process as designated by the Monterey County Board of Education.

The California Education Code and MCOE procedures are designated in the policies that follow.

SUSPENSION AND EXPULSION, DUE PROCESS

Monterey County Home Charter School follows the policies and procedures for student suspension, expulsion, and due process as designated by the Monterey County Board of Education's board policies and administrative regulations. The California Education Code and procedures are designated in the following:

Monterey County Home Charter School has established policies and standards of behavior to promote learning and to protect the safety and well being of all students, staff, and campus visitors. When these policies and standards are violated, it may be necessary to suspend and/or expel a student from regular instructional practices.

Except where suspension for a first offense is warranted in accordance with the law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. Expulsion is an action taken by the Principal for severe or prolonged breaches of disciplinary policy by a student. Except for single acts of grave nature, expulsion is used only when there is a history of misconduct; when other forms of discipline, including suspension, have failed to bring about proper conduct; or when the student's presence causes a continuing danger to himself/herself or others. The grounds for suspension and expulsion shall be specified in Monterey County Office of Education's board policies and administrative regulations. Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Mandatory Expulsion Recommendation

The Principal or designee must immediately suspend and recommend expulsion when the following occur at a school activity and the Principal must expel upon finding that the student committed the act exclusive of the special education exceptions* noted below:

- 1) Possessing, selling, or otherwise furnishing a firearm.
- 2) Brandishing a knife at another person.
- 3) Unlawfully selling a controlled substance.
- 4) Committing or attempting to commit a sexual assault.
- 5) Possession of an explosive as defined in 18 USC 921.

*If a student is receiving special education services (e.g., speech, RSP, SDC, adapted P.E., etc.), the administrator must immediately refer the student for an IEP team evaluation in order to determine whether the behavior is a manifestation of an identified handicap and whether the student was in the appropriate placement when the behavior occurred.

Mandatory Expulsion Recommendation Unless Inappropriate

The Principal or designee must recommend expulsion unless the Principal finds that the expulsion is inappropriate due to the particular circumstances when the following occurred at school or a school activity, or in cases where the special education exceptions* as noted below may apply:

- 1) Causing serious injury to another person, except in self-defense.
- 2) Possession of a knife or other dangerous object of no reasonable use to the student.
- 3) Unlawful possession of a controlled substance, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis.
- 4) Robbery or extortion.
- 5) Assault or battery upon any school employee.

The Principal may or may not recommend expulsion when either: 1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or 2) Due to the nature of the act, the presence of the pupil constitutes a continuing danger to the physical safety of the pupil or others.

* If a student is receiving special education services (e.g., speech, RSP, SDC, adapted P.E., etc.), the administrator must immediately refer the student for an IEP team evaluation in order to determine whether the behavior is a manifestation of identified handicap and whether the student was in the appropriate placement when the behavior occurred.

Discretionary Suspension or Expulsion Recommendation

In cases that are not grounds for automatic suspension or expulsion, the Principal or designee will refer to the MCHCS Progressive Discipline Policy to provide guidance when determining if an action warrants a suspension or expulsion. The behavioral history and number of school infractions that a student has received will be used to help determine this decision. The principal or designee may or may not suspend or recommend expulsion when the following acts occur at school or at a school activity:

- 1) A pupil continues to exhibit unacceptable conduct and other means or behavioral corrections are not feasible or have repeatedly failed to bring about proper conduct.
- 2) Due to the nature of the act, the presence of the pupil constitutes a continuing danger to the physical safety of the pupil or others.
 - a. Unlawfully possessed, used, furnished, or been under the influence of any controlled substance, an alcoholic beverage, or attempted to commit robbery or extortion.
 - b. Committed or attempted to commit robbery or extortion.
 - c. Causing or attempting to cause damage to school property or private property.
 - d. Stolen or attempted to steal school property or private property.
 - e. Possessed or used tobacco, or products containing tobacco or nicotine products, clove cigarettes, or betel, exclusive of prescription products.
 - f. Committed an obscene act or engaged in habitual profanity or vulgarity.
 - g. Unlawful possession of, offering, arranging, or negotiating to sell any drug paraphernalia.
 - h. Disruption of school activities, or otherwise willfully defying authority of school employees engaged in the performance of their duties.
 - i. Knowingly receiving stolen school or private property.
 - j. Possession of an imitation firearm.
 - k. Harassing, bullying (including cyber bullying), threatening, or intimidating a student who is a complaining witness in a school disciplinary proceeding, for the purposes of either preventing the student from being a witness or retaliating against the student for being a witness.
 - l. Committing a hate crime as described in CA Ed. Code 200-201.
 - i. "Hate crimes" (or "hate violence") means any threat or act of physical intimidation,

harassment, bullying (including cyber bullying), force, or violence that is directed against any person or group of persons or their property because of ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group.

- m. Intentionally engaging in harassment, threats, bullying (including cyber bullying), or intimidation directed against a group of pupils.
- n. Harassing, threatening, or intimidating school personnel. In addition, this includes student harassment, threats, or intimidation directed against school personnel as additional grounds for suspension or recommendation for expulsion.

* If a student is receiving special education services (e.g., speech, RSP, SDC, adapted P.E., etc.), the administrator must immediately refer the student for an IEP team evaluation in order to determine whether the behavior is a manifestation of identified handicap and whether the student was in the appropriate placement when the behavior occurred.

Zero Tolerance

Monterey County Home Charter School supports a zero tolerance approach to serious offenses. This approach makes the removal of dangerous students from the classroom and/or from campus a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the principal or designee any incidence of offenses specified in law, board policy, and/or administrative regulations as cause for suspension or expulsion.

Student Due Process

The Monterey County Home Charter School Principal or designee shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The principal or designee shall comply with procedures for notices and appeals as specified in the California Education Code, board policy, administrative regulations, and other applicable laws. (For discretionary expulsion, refer to CA Ed. Code 48900, 48900.2, 48900.3, 48900.4, 48900.5, and 48900.7; for mandatory expulsion, refer to CA Ed. Code 48915; and for suspension, refer to CA Ed. Code 48900.)

Suspension Procedures

Suspension shall be initiated according to the following procedures

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent, and, whenever practical, the teacher, supervisor, or MCHCS employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or MCHCS personnel. If a student is suspended without conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parents or guardian to attend a conference with MCHCS officials.

Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendations for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days. In the case of MCHCS students, they may not come to the MCHCS campus or any MCHCS facility during the duration of the suspension. They may, though, continue with their home school or independent study course work at off campus locations.

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

4. Authority to Expel

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

Expulsion Procedures

1. Expulsion Hearing

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

In the event an Administrative Panel hears the case, it will make a recommendation to the MCHCS Charter Advisory Board (CAB) for a final decision on whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

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

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges, and offenses upon which the proposed expulsion is based;
3. A copy of the MCHCS discipline policy which relates to the alleged violation;
4. Notification of student's or parent/guardian's obligation to provide information about the student's status at MCHCS to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

2. Record of Hearing

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

3. Written Notice to Expel

The Principal or designee, following a decision of MCHCS Charter Advisory Board (CAB) to expel, shall send written notice of the decision to expel, including the MCHCS CAB's adopted findings of fact, to the student or parent/guardian; this notice will also be sent to the student's new school. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district which the student seeks to enroll of the student's status with MCHCS.

The Principal or designee shall send a copy of the written notice of decision to expel to the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

4. Disciplinary Records/Notice to District of Residence

MCHCS shall maintain records of all student suspensions and expulsion. Student cumulative files will be updated with this information. Such records will be made available to the authorizer upon request.

A student's district of residence is notified when a student is no longer enrolled with MCHCS.

5. Right to Appeal

Students and parents may choose to appeal decisions made by the MCHCS administration or MCHCS Charter Advisory Board (CAB). Students and parents may choose to formally address their complaints to the Monterey County Board of Education. If necessary, the MCHCS administration or CAB will provide the Monterey County Office of Education and/or the Monterey County Board of Education with its recommendation regarding the complaint. In these situations, the Monterey County Office of Education and/or the Monterey County Board of Education have the authority to make final decisions. Interested parties should contact the MCHCS Principal to proceed with formal complaints or appeals as outlined in the Monterey County Office of Education Board of Education's policy.

Monterey County Home Charter School
SUSPENSION AND EXPULSION, DUE PROCESS

Legal References:

Education Code 48900 *et seq.*

SECTION 11. RETIREMENT SYSTEMS FOR STAFF

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.

---California Education Code Section 47605 (b) (5) (K)

Charter School certificated staff members participate in the California State Teachers' Retirement System, (STRS), and classified staff members participate in the California Public Employees' Retirement System (PERS) and Federal Social Security System as appropriate. Such participation is according to the same guidelines and requirements as all other Monterey County Office of Education employees.

SECTION 12. ATTENDANCE ALTERNATIVES

The public school attendance alternatives for pupil residing within the school district (county) who choose not to attend charter schools.

---California Education Code Section 47605 (b) (5) (L)

Charter School enrollment is voluntary and tuition free. No student is required to enroll in the Charter School. Parents and students who choose to not attend the Charter School may: attend a public school within their district of residence; pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence; or attend a private school recognized by the California Department of Education.

SECTION 13. DESCRIPTION OF EMPLOYEE RIGHTS

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

---California Education Code Section 47605 (b) (5) (M)

Monterey County Home Charter School certificated staff are employees of the Monterey County Office of Education (MCOE). MCHCS teachers shall have the right to return to comparable positions within any MCOE departments or programs when vacancies occur and provided they are qualified and hold the appropriate credential(s). Certificated staff are entitled to all rights, privileges, of the MCOETA/MCOE collective bargaining agreement; MCOETA/MCOE collective bargaining contracts will be controlling.

MCHCS classified staff shall have the right to transfer to any MCOE similar position in accordance with the CSEA/MCOE collective bargaining agreement. All MCHCS classified staff are entitled to all rights and privileges of the CSEA/MCOE collective bargaining agreement; CSEA/MCOE collective bargaining contracts will be controlling.

MCHCS certificated and classified staffs are subject to compliance with all of the Monterey County Board of Education's Board Policies and Administrative Regulations pertaining to employee rights and obligations.

SECTION 14. DISPUTE RESOLUTION PROCESS

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

---California Education Code Section 47605 (b) (5) (N)

The dispute resolution process listed in this section shall not be a prerequisite to the initiation of charter revocation proceedings under Education Code section 47607.

The Monterey County Superintendent of Schools, the Monterey County Board of Education, and the Monterey County Home Charter School (MCHCS) have had a long-standing relationship. The school will continue to support a positive, mutually beneficial relationship. Should a dispute arise regarding any portion of this charter, the Monterey County Superintendent of Schools shall notify the Charter School in writing of any non-compliance with the terms of the charter. The Superintendent shall give the MCHCS Charter Advisory Board not less than fifteen (15) working days to respond in writing, documenting measures to be taken to bring the program into compliance or give appropriate clarification of the situation. The Superintendent has up to thirty (30) working days to accept the response and notify the Charter School in writing of the acceptable resolution of the dispute. This time frame may be extended by mutual agreement of the parties. If the response of the Charter School is not accepted by the Superintendent, the issue will be presented to the County Board of Education by both parties. The Monterey County Board of Education shall hear the issue and render a decision.

Should an internal dispute arise (e.g., a student, parent, or employee), a complainant shall submit in writing the issue to the MCHCS Principal. The complaint must be in writing and specific as to the issue or policy. If the complainant is not satisfied with the resolution by the Principal of MCHCS, the complainant may bring her/his issue to the MCHCS Charter Advisory Board (CAB) for review. If the complainant is still not satisfied with the resolution recommended by the MCHCS CAB, then the complainant will follow MCOE's Uniform Complaint Procedures.

The following process is used to resolve disputes should they arise between MCOE and MCHCS:

- Either party may commence the dispute resolution process by notifying the other party in writing of its desire to engage in the dispute resolution process. The notice shall state the basis of the dispute and the remedy proposed or outcome sought.
- MCHCS shall choose a delegate or an advocate to represent MCHCS with regard to the matter in dispute. This delegate/advocate shall then meet with a delegate/advocate from MCOE and attempt to resolve the dispute through informal conference.
- If a meeting with a delegate/advocate from MCOE fails to resolve the dispute, the matter shall be directed to the County Superintendent of Schools. The Superintendent shall meet with the MCHCS delegate/advocate within 14 days after the meeting with the first MCOE delegate/advocate and attempt to resolve the dispute.
- If a meeting with the County Superintendent of Schools fails to resolve the dispute, MCHCS may seek to have the dispute addressed by the MCOE Board of Trustees. Such a meeting will be subject to all applicable procedures of the Ralph M. Brown Act (Gov. Code §54950 et seq.).
- If resolution still cannot be reached, the dispute shall be submitted to a mutually agreed upon mediator, and funding of mediation shall be in good faith and shall be shared equally between the parties. Mediation shall not be used in matters concerning MCOE liability, or student health and/or safety, unless both parties agree to mediate.
- The recommendations of the mediator, if any, are not binding. If mediation does not resolve the dispute between MCOE and MCHCS, either party may pursue any other legally available remedies.

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Governing Board designates the following compliance officers as internal investigators. They are responsible for receiving and investigating complaints and ensuring County Office compliance with law:

Consolidated Categorical Aid Programs Assistant Superintendent Educational Services	755-0373
Migrant Education Migrant Education Director	755-6402
Child Care and Development Head Start Director	755-0352
Child Nutrition Head Start Director	755-0352
Special Education Associate Superintendent Special Education	755-0340
Civil Rights Guarantees (Including but not limited to harassment & discrimination) Personnel Director	755-0382

Notifications

The Superintendent or designee shall meet the notification requirements of the California Code of Regulations, Title 5, Section 4622, including the annual dissemination of County Office complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.

Procedures for Addressing Complaints

The following procedures shall be used to address all complaints, which allege that the County Office has violated federal or state laws or regulations governing educational programs.

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the California Code of Regulations, Title 5, Section 4632.

The County Office will use its uniform complaint procedures when addressing all complaints regarding any issue related to a protected class identified by law.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts to the extent possible and practicable. (Title 5, Section 4630)

All parties involved in allegation shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

The complaint shall be presented to the Personnel Director, who will then give it to the appropriate compliance officer. The Personnel Office will maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, County Office staff shall help him/her to file the complaint. (Title 5, Section 4600)

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

Step 2: Mediation

Within ten (10) days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the County Office's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The Compliance Officer shall hold an investigative meeting within five days of receiving the complaint or as soon as practicable, or within five (5) working days of an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The investigative procedure will include: 1) interviews with the complainant, the individual(s) alleged to have engaged in the discriminatory acts, witnesses, and others who may have knowledge of the relevant events; 2) gathering of all relevant documents; and, 3) analysis of all information.

Meetings between the complainant and the alleged perpetrator are at the complainant's option.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Confidentiality to the complainant, victim, witnesses, and alleged perpetrator is ensured to the extent possible and practicable.

Step 4: Response to the Complainant and The Appeals Process

Within 60 calendar days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written report. This report will include:

1. The findings and disposition of the complainant, including corrective actions, if any.
2. The rationale for the above disposition based on all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
3. Notice of the complainant's right to appeal the decision to the Board of Education in the following manner:

Within five (5) calendar days after issuance of the Compliance Officer's report, the complainant may file his/her appeal in writing to the Superintendent or his/her designee. The Compliance Officer shall send the Superintendent's decision to the complainant within 120 days of the County Offices' initial receipt of the complainant or within the time period that is specified in a written agreement with the complainant.

4. Notice of the complainant's right to appeal the decision to the California Department of Education in the following manner:

If dissatisfied with the County Office's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the County Office's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the County Office's decision and must include a copy of the locally filed complaint and the County Office's decision (Title 5, Section 4652).

The report of the County Office's decision shall be written in English and in the language of the complainant wherever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the County Office will arrange a meeting at which a community member will interpret it for the complainant.

Step 5: Final Written Decision

The Compliance Officer's final written decision will include: 1) findings about the complaint allegations, which are based on facts established during the investigation; 2) conclusions based on the applicable legal standards; 3) a determination as to necessary corrective actions, punishment and discipline; and, 4) a determination as to who is responsible for implementing corrective actions, punishment and discipline.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of County Office expectations. The report shall not give any further information as to the nature of the disciplinary action.

Policy

Revised: 11/04/15 Community Relations

MONTEREY COUNTY OFFICE OF EDUCATION

Salinas, California BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Monterey County Superintendent of Schools (County Superintendent) and the Monterey County Board of Education (County Board) recognize that the Monterey County Office of Education (MCOE) is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. MCOE shall investigate complaints alleging failure to comply with such laws and/or alleging retaliation, unlawful discrimination, or bullying and shall seek to resolve those complaints in accordance with the MCOE's uniform complaint procedures (UCP). [5 CCR 4620]

The County Board encourages the County Superintendent to seek early, informal resolution of complaints at the site level whenever possible and appropriate, and to ensure that prompt, thorough and impartial investigations are conducted. To resolve complaints which cannot be resolved through such informal process, the County Board has adopted this uniform system of complaint processes as specified in 5 CCR 4600- 4670 to codify the procedure.

MCOE's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging MCOE's violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs or in any other program receiving state or federal funding.. [5 CCR 4610]

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - (cf. 6159 - (cf. 6171 - (cf. 6174 - (cf. 6175 - (cf. 6178 -

Child Care and Development) Individualized Education Program)

Title I Programs)

Education for English Language Learners) Migrant Education Program)

Career Technical Education)

2. Any complaint alleging unlawful the occurrence of discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her actual or perceived

characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender,

UNIFORM COMPLAINT PROCEDURES (continued) BP 1312.3

(cf. 0410 - (cf. 4030 - (cf. 4031 -

Nondiscrimination in MCOE's Programs and Activities) Nondiscrimination in Employment)
Complaints Concerning Discrimination in Employment)

gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in MCOE programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance. [5 CCR 4610]

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging MCOE violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. [5 CCR 4610]

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions against MCOE)

4. Any complaint alleging that MCOE has not complied with legal requirements related to the development, adoption and implementation of the local control and accountability plan. [Education Code 52075]

(cf. 0460 - Local Control and Accountability Plan)

5. Any complaint alleging non-compliance with the requirement for the development and adoption of a Comprehensive School Safety Plan.
6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
7. Any other complaint as specified in an MCOE policy.

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adults. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The County

Superintendent or designee is urged to ensure that the use of ADR is consistent with state and federal laws and regulations.

UNIFORM COMPLAINT PROCEDURES (continued) BP 1312.3

MCOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination (such as discriminatory harassment, intimidation or bullying), the Superintendent or designee is required to keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 Unauthorized Release of Confidential/Privileged Information) (cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, MCOE staff shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through MCOE's UCP.

Non-UCP Complaints

The following complaints shall not be subject to the MCOE's UCP but shall be referred to the specified agency: [5 CCR 4611]

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, MCOE's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. [Education Code 35186]

(cf. 1312.4 - Williams Uniform Complaint Procedures)

UNIFORM COMPLAINT PROCEDURES (continued)

BP 1312.3

Legal Reference: EDUCATION CODE

200-262.4 8200-8498 8500-8538 18100-18203

32289

35186 44110-44114 48985 49010-49013 49060-49079

Prohibition of discrimination,
Child care and development programs Adult basic education
School libraries

School safety plan, uniform complaint procedures
Williams uniform complaint procedures
Reporting by School Employees of Improper Government Activities Act Notices in language other than English
Student fees
Student records

49490-49590

52060-52077

52075

52160-52178

52300-52490

52500-52616.24 Adult schools

52800-52870 54400-54425 54440-54445 54460-54529 56000-56867 59000-59300 64000-64001

School-based program coordination Compensatory education programs Migrant education
Compensatory education programs Special education programs

Special schools and centers Consolidated application process

Child nutrition programs
Local control and accountability plan, especially

Complaint for lack of compliance with local control and accountability plan requirements Bilingual education
programs
Career technical education

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state 12900-12996 Fair Employment and Housing
Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 4600-4687 4900-4965

Application of section
Uniform complaint procedures
Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221
1232g 1681-1688 6301-6577 6801-6871 7101-7184 7201-7283g 7301-7372 12101-12213

Application of laws
Family Educational Rights and Privacy Act
Title IX of the Education Amendments of 1972
Title I Basic programs
Title III Language instruction for limited English proficient and immigrant students

Safe and Drug-Free Schools and Communities Act
Title V Promoting informed parental choice and innovative programs Title V Rural and low-income school programs
Title II Equal opportunity for individuals with disabilities

UNIFORM COMPLAINT PROCEDURES (continued) UNITED STATES CODE, TITLE 29

794 - Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
100.3 Prohibition of discrimination on basis of race, color or national origin 104.7 Designation of responsible employee for Section 504

8. 106.8 Designation of responsible employee for Title IX
9. 106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Adopted: 3/1/95
Revised: 7/01; 3/20/02; 6/16/04; 9/03/08; 11/04/15

BP 1312.3

SECTION 15. LABOR RELATIONS (COLLECTIVE BARGAINING)

The Monterey County Office of Education is the Charter School employer for Educational Employment Relations Act (EERA) purposes. Wages, hours and conditions of employment are negotiable and delineated in the collective bargaining agreement between the Monterey County Office of Education and the Monterey County Office of Education Teachers Association (MCOETA/CTA/NEA).

Any and all proposed changes to this Charter that impact wages, hours, and conditions of employment of certificated staff employment are subject to the collective bargaining agreements between MCOE and MCOETA.

Monterey County Home Charter School classified staff are subject to the collective bargaining agreement between the Monterey County Office of Education (MCOE) and the California School Employees Association (CSEA), Chapter 35. Any and all proposed changes to the Charter that affect the wages, hours, and conditions of employment of the classified staff are subject to the collective bargaining agreement between CSEA Chapter 35 and the Monterey County Office of Education.

SECTION 16. SCHOOL CLOSURE PROCEDURES

A description of the procedures to be used if the charter school closes.

---*California Education Code Section 47605 (b) (5) (p)*

The following procedures shall apply in the event MCHCS closes. The following procedures apply regardless of the reason for closure.

Notification of layoffs of certificated employees of MCHCS must be completed by March 15th of the academic year. Classified employees notification of layoffs shall be completed by April 29th of the academic year. These actions are in compliance with statutory notification requirements and timelines for layoff of employees by the Monterey County Office of Education (MCOE) (and, by extension, by MCHCS).

Certificated staff will be afforded rehiring and seniority rights to employment as specified in the collective bargaining agreement between MCOE and MCOETA.

Classified staff will be afforded rehiring and seniority rights to employment as delineated in the collective bargaining agreement between MCOE and CSEA Chapter 35.

Closure of the school shall be documented by official action of the Monterey County Board of Education (MCBE). The action shall identify the reason for closure. The MCBE shall ensure notification to the parents and students of the school about the closure and will provide information to assist parents and students in locating suitable alternative programs. This notice shall be provided promptly, within ten (10) business days following the MCBE's decision to close the school. As applicable, the school shall transfer all appropriate student records to the MCOE and shall otherwise assist students in transferring to their next school. All transfers of student records shall be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232(g).

As soon as is reasonably practical, the school shall prepare all final records. The school shall also have an independent audit completed, as soon as is reasonably practical, which is generally no more than six (6) months after closure. The school shall pay for the final audit. The audit shall be prepared by a qualified certified public accountant, selected by the school and approved by the MCOE. The audit findings shall be provided to the MCOE promptly upon completion.

Upon closure, the school shall remain responsible for satisfaction of liabilities arising from the operation of the school. After all liabilities have been satisfied, all remaining assets of the school, including but not limited to all tangible and intangible personal property and all ADA apportionments and other revenues generated by students attending the school, will remain the sole property of the Monterey County Office of Education.

Outline of the School Closure Procedures

Closure of Monterey County Home Charter School will be conducted in conformity with the California Department of Education's *Charter School Closure Process* (accessible online at <http://www.cde.ca.gov/sp/cs/lr/csclosurerules.asp>) leading up to and at the time of the closure.

As of the date of the filing of this petition, the *Charter School Closure Process* was revised on September 9, 2016. Based on the current information, MCHCS expects that its closure procedures will be substantially as follows, altered only to the extent required by subsequent revisions made to the *Charter School Closure Process* by the California Department of Education:

Closure of MCHCS

The revocation or non-renewal of the Monterey County Home Charter School shall be documented by the official action of Monterey County Superintendent of Schools and by an official action of the Monterey County Board of Education (MCBE) as authorizing entity. Within ten (10) calendar days following the latter of the two official actions, MCBE shall provide notice of the Monterey County Home Charter's closure to the California Department of Education (CDE).

The County Superintendent of Schools or his or her designee shall send notice of the Monterey County Home Charter's closure to:

1. Parents or guardians of students
2. MCBE
3. The Special Education Local Plan Area in which the Monterey County Home Charter participates
4. The retirement systems in which the Monterey County Home Charter's employees participate
5. The California Department of Education

Notification to all the parties above shall include at least the following:

1. The effective date of the closure
2. The name(s) of and contact information for the person(s) handling inquiries regarding the closure
3. The students' school districts of residence
4. How parents or guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

In addition to the four required items above, notification to the CDE shall also include:

1. A description of the circumstances of the closure
2. The location of student and personnel records

In addition to the four required items above, notification to parents, guardians, and students shall also include:

1. Information on how to transfer the student to an appropriate school
2. A certified packet of student information that may include grade reports, discipline records, immunization records, and any other appropriate information
3. Information on student completion of college entrance requirements for all high school students affected by the closure

The County Superintendent or his or her designee shall provide notification of the closure to all school districts that may be responsible for providing education services to the former students of Monterey County Home Charter School (MCHCS) so that these districts can assist in facilitating student transfers. The closure shall occur at the end of an academic year if at all feasible.

All transfers of student records shall be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C Sect. 1232(g). The Monterey County Office of Education shall store the original records of all MCHCS students. All MCHCS student records shall be transferred to and shall thereafter reside in the Monterey County Office of Education upon the closure of the school.

The Superintendent of Schools or his or her designee shall transfer all personnel and student records to the Monterey County Office of Education or to such other entities as may otherwise be responsible for closure-related activities in accordance with applicable law. Such records shall contain the following information:

1. All state assessment results, special education records, and personnel records.
2. A list of students in each grade level and the classes they have completed.
3. The students' districts of residence.

Submission of personnel records shall include any employee records maintained and/or stored by MCHCS. These include, but are not limited to, records related to performance and grievance.

The Superintendent of Schools or his or her designee shall work with MCBE to accomplish the following, as necessary:

1. Establish a process for the transfer of student records to each student's home district or to another school to which the student will transfer.
2. Assist parents in transferring students to a new school.
3. Agree to a plan allowing MCBE to accept charter school records in the event the charter school is unable to maintain them, in a manner that will reflect the timelines stated in 5 CCR, sections 16023-16026.

As soon as reasonably practical, the County Superintendent of Schools or his or her designee shall prepare final financial records. At the sole expense of MCOE, the County Superintendent of Schools shall have an independent audit completed within six months after closure, prepared by a qualified Certified Public Accountant that he or she selects. The audit shall include:

1. An accounting of all financial assets.
2. An accounting of all liabilities.
3. An assessment of the disposition of any restricted funds received by or due to the charter school.

This audit may serve as the MCHCS's annual audit. The MCHCS school closure procedures shall include plans for the completion and filing of any annual reports required, including, but not limited to:

1. Preliminary budgets
2. Interim financial reports
3. Second interim financial reports
4. Final unaudited reports

These reports shall be submitted to the CDE and to MCBE in the forms required. If the County Superintendent of Schools chooses to submit this information before the forms and software are available for the fiscal year, alternative forms will be used if they are approved in advance by the CDE. These reports shall be submitted as soon as possible after the closure action, but no later than the required deadline for reporting for the fiscal year.

The closeout audit shall determine the disposition of all liabilities of the charter school. The school closure procedures shall ensure disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed. Such disposal shall include, but not be limited to:

1. The return of any donated materials and property according to any conditions set when the donations were accepted.
2. The return of any grants and restricted categorical funds to their source according to the terms of the grant or state and federal law.

The submission of final expenditure reports for any entitlement grants and the filing of Final Expenditure Reports and Final Performance Reports, as appropriate.

This process includes a final audit of the charter school that includes specific plans for disposition of any net assets and for the maintenance and transfer of pupil records. The net assets of MCHCS, if any, will be transferred to the MCOE.

What the employment status relative to the MCOE of charter school employees is and what it will be in the event the charter school ceases or in the event employees seek employment within MCOE will be as determined by the provisions of MCOE's Collective Bargaining Agreements.

SUPPLEMENTAL INFORMATION SECTION

Financial Plan

The financial plan is included as Appendix N of this charter renewal petition.

Impact Statement

Conservatively, MCHCS estimates that it will continue to serve approximately 300 students each school year through 2022. As per the Memorandum of Understanding (MOU) between MCHCS and the Monterey County Office of Education (MCOE), administrative support services will be provided to the school by MCOE. This MOU is entered upon every five years and may be modified by mutual agreement at any time during the term. MCHCS will agree to pay MCOE the indirect fees for support according to the amount set by the state each year. This supervisory fee will be for the actual costs of supervisory oversight, not to exceed 3% (Education Code 47613).

The current Memorandum of Understanding (MOU) is included in Appendix A.

Facilities

Physical resources: MCHCS currently has the use of five portable buildings on the grounds and in the facilities of MCOE West Campus #7, #9, #10, #15, and #16. West Campus #15 houses the MCHCS school office, West Campus #16 houses the MCHCS resource room, West Campus #9 and #10 houses most of our teachers, and West Campus #7 functions as a classroom for students and as a meeting room for the MCHCS staff.

MCHCS also has access to additional MCOE rooms/buildings for student/staff/parent meetings, for staff development workshops, and for student assessments/state testing.

Some MCHCS teachers meet with students and homeschool parents/guardians/mentors in public places, such as libraries, where access is available to the public.

In addition to the facilities outlined above, MCHCS operates one facility in King City (located at 519 ½ Broadway St.), and one facility in Salinas (915 #B Blanco Circle). These leased facilities provide additional space for MCHCS to deliver academic support to students. In addition to housing site-based classes and workshops for students, these facilities provide closed-door meeting rooms (necessary to maintain confidentiality) and offices for special education team members.

MCHCS utilizes buildings that are maintained by the MCOE (with the exception of the King City and 915 #B Blanco Circle facilities) and are clean and safe for our family and teacher use. Clean and well-stocked restrooms are located in West Campus #5, #6, and at the end of building #18 at MCOE, and in each of the other facilities (i.e., King City and 915 #B Blanco Circle). All of these facilities are in compliance with the Fields Act and the Williams act, and per MCOE requirements.

The annual MCHCS budget reflects the expenses of leasing both the King City and the 915 #B Blanco Circle facilities.

Special Education

Overview

Monterey County Home Charter School (MCHCS) shall be deemed a public school of the Monterey County Office of Education (MCOE) in accordance with Education Code Section 47641. A charter school that is deemed to be a public school of the MCOE for purposes of special education shall participate in state and federal funding for special education in the same manner as any other public school of the MCOE (Education Code Section 47646(a)). MCHCS shall ensure that all children with disabilities enrolled in MCHCS and who are eligible to receive special education services shall receive such services in a manner that is consistent with their Individualized Education Program (IEP) as appropriate to a non-classroom-based program, and is in compliance with the Individuals with Disabilities in Education Improvement Act, Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. MCHCS will comply with all provisions applicable with state and federal laws and the SELPA Local Plan for Special Education. No student will be denied admission based on disability or lack of available services. MCHCS will implement a student study team process for any student potentially in need of Section 504 or special education services; MCHCS will be responsible for providing such services.

For a summary of the timelines that MCHCS's special education program operates in compliance with, please see Appendix M ("Chapter 12 – Summary of Timelines," *Monterey County SELPA Procedural Handbook (January 2016)*).

Coordination with SELPA (Special Education Local Planning Area)

MCHCS shall comply with all state and federal laws related to the provision of special education instruction and related services and all Special Education Local Plan Area (SELPA) policies and procedures; and shall utilize appropriate SELPA documents. Moreover, at least one MCHCS special education team member will attend trainings offered to ensure compliance with SELPA policies and procedures when they change.

In addition, it must be noted that the MCHCS special education team regularly (i.e., multiple times per month) consults SELPA personnel about MCHCS special education policies, procedures, and practices.

Referrals

MCHCS shall have the responsibility to identify, refer, and work cooperatively in locating MCHCS students who have or may have exceptional needs that qualify them to receive special education services. MCHCS 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.

Related Monterey County SELPA Policies, Procedures, and Practices Regarding Referral for Placement

1. Students are enrolled in age-appropriate general education classrooms with special education support when the IEP team determines that the student's goals can be achieved in this type of setting and that it will provided the student with a free and appropriate public education (FAPE).
2. There is active family involvement in addressing student needs, determining the required placement and services, and designing the IEP.

3. Students who are served by their district of residence are enrolled in the inclusion program according to the district's established procedures.
4. If the program identified by the IEP team as required by the student is operated by an LEA other than the district of residence, SELPA approved procedures will be followed for referral and placement.

Assessments

MCHCS will be responsible for assessing all students who have suspected areas of disability and all students who already receive special education services. Assessments will be conducted according to state and federal codes as well as the SELPA Policies and Procedures Manual.

IEP Implementation and Instruction

MCHCS shall be responsible for all IEP implementation and standards-based learning. Special education students will receive equal access as all other students that are enrolled at MCHCS. Each special education student's IEP will be implemented as written. All supports and services necessary to support student progress will be documented and supervised by the MCHCS special education team at the MCHCS campus. MCHCS shall be responsible for providing all curriculum, standards-based learning materials, accommodations, modifications, and assistive technology.

Related Monterey County SELPA Policies, Procedures, and Practices Regarding Instruction, Curriculum, and Assessment

1. IEP goals are developed in each area of identified need and are standards-based.
2. Students receive instruction and learn side-by-side with their non-disabled peers.
3. Appropriate supports, instructional accommodations, and curriculum modifications are provided within the general education setting to enable the student to achieve the IEP goals and to benefit from participation with general education peers.
4. Students are instructed, as appropriate, about their disability, effective compensatory skills, and how to obtain necessary accommodations and modification.
5. Alternative communication modes and adapted equipment devices are used as needed for instruction of individual students.
6. Behavior problems are viewed as areas of instructional need, indicating where skills for more appropriate behaviors must be acquired and practiced; behavior goals and behavior plans are developed and utilized when appropriate.
7. Students are provided with instructional strategies and supports that focus on increasing independence.
8. Data on student performance (task analyses, data sheets, graphing, etc.) is collected regularly and this data is used to inform instruction and to make program changes as needed.

9. Student progress is communicated to parents through informal means as well as in progress reports as specified in the IEP.
10. Students participate in statewide assessment through administration of the appropriately identified California Assessment of Student Performance and Progress assessments.

Due Process

MCHCS will use best faith efforts to resolve any disputes between educational entities, including SELPA, MCOE, and other local education agencies (LEAs), regarding the provision of special education services in MCHCS without resorting to formal procedures. MCHCS may initiate a due process hearing or request mediation with respect to a student enrolled in MCHCS if MCHCS and the MCOE determine such action is legally necessary or advisable. MCHCS agrees to communicate fully with the MCOE in such proceedings. In the event that MCHCS determines that legal representation is needed, MCHCS will be responsible to follow all state and federal laws and for all costs associated to their legal action. MCHCS understands that they shall have sole discretion to settle any matter in mediation or due process.

Requests for Information

MCHCS agrees to fully comply with any lawful requests for information made by the MCOE with regard to special education services and individual students. The MCOE will establish regular meetings with MCHCS for the purposes of reviewing special education and/or Section 504 compliance.

Special Education Staffing

MCHCS shall provide its own properly credentialed and fully qualified special education staff. The school shall be responsible for referrals, identification, assessments, IEP, and Section 504 team meetings, implementation of IEPs and Section 504 Plans, complaints, mediations, and due process hearings. MCHCS may contract with any other school district for services, provided that such are available and are at no cost to the Monterey County Board of Education and/or MCOE.

Funding

Special education federal and state funding will be distributed as outlined in the Monterey County SELPA Income Distribution Agreement. MCHCS shall be responsible for all special education costs incurred.

Transition of Special Education Students between LEAs

The Monterey County SELPA Procedural Handbook outlines the process for notifying the district of residence and chartering district when a special education student enrolls, becomes eligible, ineligible and/or leaves the charter school. The handbook also outlines the transition to or from a district when a student with an IEP enrolls in, or transfers out of, MCHCS. All policies and procedures stipulated by the SELPA Handbook, county, and state and federal law will be followed accordingly.

Section 504

The MCHCS recognizes its legal responsibility to identify and support students who qualify for 504 services. If a student is found eligible by the 504 team to have a disability under Section 504 and it is an impediment to the student's educational progress, MCHCS will develop a 504 plan that will meet the student's needs in order to receive educational benefit. If a student enrolls with a 504 Plan, the 504 team will review and implement the 504 Plan as agreed to by all team members including the parent.

Special Education students are initially identified through the enrollment process, then their school records, which include the IEP. (WASC p. 13-14)

Students who may be identified as needing special education services will be referred for assessment to MCHCS in accordance with Education Code 56320.

Facilities

All facilities used by the Charter School will not present physical barriers that would limit an eligible student's full participation in educational and extracurricular programs.

Transportation

Students who require transportation due to their identified educational disability will have documentation within their IEP stipulating how MCHCS will address such specialized transportation needs.

Students with an identified disability/disabilities will be served in a manner that is consistent with their IEP. An IEP team comprised of the parent, at least one MCHCS teacher, at least one MCHCS administrator or designated representative, and at least one MCHCS special education teacher will review the IEP annually. Delivery of special education services will be provided as specified in the IEP.

The IEP must also indicate that the parent has requested that "they" (the parent) will provide consistent academic instruction via the home study program and that this type of delivery is appropriate and is the best placement for the student in accordance with Education Code section 51745.

Independent Study

Annual Audit

The K-12 public school guidelines for independent study will be evident in the annual audit. Thus, MCHCS will comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the California Education Code and will implement regulations adopted there-under.

Student-To-Teacher Ratio and Attendance/Apportionment Credit

MCHCS will meet the requirement related to the ratio of average daily attendance (ADA) to full-time equivalent (FTE) certificated employees as prescribed under the California Education Code 51745.6(a).

MCHCS acknowledges that apportionment credit for independent study/ home school may be claimed only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certified teacher per EC 51747.5(b).

Written Agreement

MCHCS requires that a current written agreement for each pupil be maintained on file and will include, at a minimum, the following components:

1. The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.

2. The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.
3. The specific resources, including materials and personnel that will be made available to the pupil.
4. The duration of the independent study/home school agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
5. A statement regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.
6. A statement of the number of course credits, or, for elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
7. The inclusion of a statement that independent study/home school is an optional educational alternative in which no pupil may be required to participate.
8. Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study/home school, and all persons who have direct responsibility for providing assistance to the pupil.

MCHCS Independent Study/Home School Teachers

MCHCS acknowledges that each independent study/home school student will be supervised by an appropriately credentialed teacher per EC 51747.5(a).

MCOE Board Policy 6158 (Independent Study)

The Monterey County Board of Education (County Board) and the Monterey County Office of Education (MCOE) recognize their responsibility for the education of all students, and authorize the Monterey County Superintendent of Schools (County Superintendent) to establish an independent study as an optional alternative instructional strategy by which students may reach curriculum objectives and fulfill graduation requirements.

The primary purpose of independent study is to individualize the educational program for students whose needs may be best met through study outside the regular classroom setting. Independent study entails a commitment by both the parent/guardian and the student. As the student gets older, he/she assumes a greater portion of the responsibility involved. At the elementary level the parent or guardian must demonstrate a commitment to support the student's instruction and the student must demonstrate achievement as well or better through this strategy as in a regular school program. At the secondary level, the major commitment must be made by the student with support from the parent or guardian. The County Superintendent or designee shall determine that the prospective independent study student understands and is prepared to meet the MCOE requirements for independent study. Independent study may be offered only to students who can achieve in this program as well as or better than they would in the regular classroom.

The County Superintendent or designee should ensure that a written independent study agreement, as prescribed by law, exists for each participating student. [Education Code (EC) 51747]

The County Board recognizes that independent study may be used as an option to encourage students to remain in school. Teachers should carefully set the duration of independent study assignments in order to help identify students falling behind in their work or in danger of failing or dropping out of school.

To foster each student's success in independent study, the County Board establishes the following maximum lengths of time which may elapse before an independent study assignment is due:

1. Special assignments extending the content of regular course of instruction:

Students in grades K-3: four weeks
Students in grades 4-8: four weeks
Students in grades 9-12: six weeks

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum:

Students in grades K-3: four weeks
Students in grades 4-8: four weeks
Students in grades 9-12: six weeks

3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum:

Students in grades K-3: four weeks
Students in grades 4-8: four weeks
Students in grades 9-12: six weeks

4. Continuing and special study during travel:

Students in grades K-3: six weeks
Students in grades 4-8: six weeks
Students in grades 9-12: ten weeks

5. Volunteer community service activities that support and strengthen student achievement:

All students: two weeks

When circumstances justify a longer time, the County Superintendent or designee may honor the request of an individual student or his/her parent/guardian to extend the maximum length of an assignment as follows:

Students in grades K-3: eight weeks
Students in grades 4-8: eight weeks
Students in grades 9-12: twelve weeks

Consequences for Failure to Complete Assignments

Alternative Education Department:

If twenty percent or more of weekly assignments are incomplete, this will result in review of the agreement, and the student may not be allowed to continue in independent study.

A second infraction of twenty percent or more incomplete weekly assignments will result in termination of the agreement.

Evaluation findings shall be kept in the student's permanent record. [EC 51747]

Monterey County Home Charter School:

If twenty percent or more of weekly assignments are incomplete, this will result in a review of the agreement.

A second infraction of twenty percent or more incomplete weekly assignments will result in a review of the agreement.

A third infraction of twenty percent or more incomplete weekly assignments will result in a review of the agreement, and could result in a termination of the agreement; thus, the student might not be allowed to remain enrolled in Monterey County Home Charter School.

A fourth infraction of twenty percent or more incomplete weekly assignments will result in a termination of the agreement, and the student will not be allowed to continue as a student of Monterey County Home Charter School.

The County Superintendent should provide students enrolled in independent study programs the same access to services and resources as is provided to students enrolled in other programs.

The County Superintendent is encouraged to establish regulations to implement this policy and provide an annual report to the County Board regarding the number of students in each type of independent study programs, the ADA generated, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete this program.

Legal Reference:

EDUCATION CODE

17289 Exemption for facilities

41976.2 Independent study programs; adult education funding

42238 Revenue limits

44865 Qualifications for home teachers and teachers in special classes and schools

46300-46307.1 Methods of computing average daily attendance

47612.5 Independent study in charter schools

48204 Residency based on parent employment

48206.3 Home or hospital instruction; students with temporary disabilities

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48916.1 Educational program requirements for expelled students

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52206 Gifted and talented education; use of independent study to augment program

52522 Adult education alternative instructional delivery

52523 Adult education as supplement to high school curriculum; criteria

56026 Individuals with exceptional needs

58500-58512 Alternative schools and programs of choice

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

19819 State audit compliance

COURT DECISIONS

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

EDUCATION AUDIT APPEALS PANEL DECISIONS

Lucerne Valley Unified School District, Case No. 03-02 (2005)

Adopted: 11/19/86

Revised: 9/18/91; 6/21/95; 01/09/13; 10/02/13; 02/19/14

MCHCS Independent Study Written Agreement

MCHCS will maintain written agreements for each pupil that will include, at a minimum, the following components:

- The manner, time, frequency, and place for submitting a pupil’s assignments and for reporting his/her progress.
- The objectives and methods of study for the pupil’s work, and the methods utilized to evaluate that work.
- The specific resources, including materials and personnel that will be made available to the pupil.

Charter School Compliance with Newly Adopted Legal Requirements

Governing law requires a renewal petition to include, among other elements, “a reasonably comprehensive description of any new requirement of charter schools enacted after the charter was originally granted or last renewed.” (Ed. Code, § 47607, subd. (a)(2).) The regulations governing charter schools further clarify that a charter renewal petition must also include “a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.” (5 Cal. Code Regs., § 11966.4(a)(2))

There are a number of legal requirements affecting charter schools that have been enacted since the approval of the 2012-2017 charter petition:

1. Education Code section 313.1: Added new definitions of “long-term English learner” and “English learner at risk of becoming a long-term English learner.” (Effective 1/1/16)
 - a. “Long-term English learner” means an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores far below basic or below basic on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.
 - b. “English learner at risk of becoming a long-term English learner” means an English learner who is enrolled in any of grades 5 to 11, inclusive, in schools in the United States for four years, scores at the intermediate level or below on the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores in the fourth year at the below basic or far below basic level on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.

MCHCS reviews student data to identify long-term English learners (LTEL) and English learners at risk of becoming a long-term English learner. Students who fall into either of these definitions are required to attend a supplemental English support class designed for LTEL and English

learners at risk of becoming LTEL students; attendance at such a supplemental English support class is *in addition* to the other elements of the EL program as explained in Section 1 of this charter renewal petition. Such students are required to attend these supplemental English support classes until they no longer fall under the definition of a LTEL or an English learner at risk of becoming a LTEL.

2. Education Code section 48850 et seq.: Requires provision of certain services for homeless and foster students and clarifies that “local educational agency” includes all charter schools. (Effective 1/1/16)

In fulfilling our responsibilities to homeless/foster pupils, MCHCS communicates and works with organization such as county placing agencies, care providers, advocates, and the juvenile courts to maintain stable school placements and to ensure that each homeless/foster pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions are based on the best interests of the homeless/foster pupil and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

In addition, a foster child who changes residences pursuant to a court order or decision of a child welfare worker or a homeless child or youth shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

Last, MCHCS operates in compliance with the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), which requires public schools, including charter schools, and county offices of education to immediately enroll a homeless child or youth seeking enrollment except where the enrollment would be in conflict with subdivision (d) of Section 47605. In such instances, information that would allow MCHCS to identify a student as a homeless student would be collected through the MCHCS enrollment documents.

3. Education Code section 44691: Requires annual mandated reporter training and process for providing proof of completion of training within first six weeks of school year or within six weeks of commencing employment. (Effective 1/1/16)

MCHCS works in conjunction with the MCOE Human Resources Department to ensure that all MCHCS employees complete annual mandated reporter training. An MCHCS administrator collects the proof of completion certificates/documentation from each employee and then submits the documents to the MCOE Human Resources Department.

4. Education Code section 234.1: Requires charter schools serving grades 7-12 to provide certificated employees with information regarding school site/community resources providing support to LGBTQ students, or related to the support of students who may face bias or bullying on the basis of religious affiliation or perceived religious affiliation. (Effective 1/1/17)

MCHCS’s primary school-site resource related to such pupils is Harmony at Home’s Sticks and Stones (i.e., mental health counseling) program counselors. All MCHCS certificated employees receive training on how to secure these services for students.

MCHCS certificated employees are provided with a directory of community-based organizations that provide support to LGBTQ or other at-risk pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils.

5. Education Code section 44030.5: Requires charter school to report change in credential holders' employment status to CTC under certain circumstances. (Effective 1/1/14)

MCHCS works in conjunction with the MCOE Human Resources Department to ensure that an applicable change in a credential holder's status is reported to CTC.

6. Education Code section 49414: School districts, county offices of education, and charter schools shall provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered pursuant to subdivision (d), and school nurses or trained personnel may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

MCHCS has provided emergency epinephrine auto-injectors to trained personnel who have volunteered to use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

7. Education Code section 221.5(f):

- (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.
- (b) A school district shall not prohibit a pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2.
- (c) A school district shall not require a pupil of one sex to enroll in a particular class or course, unless the same class or course is also required of a pupil of the opposite sex.
- (d) A school counselor, teacher, instructor, administrator, or aide shall not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex or, in counseling a pupil, differentiate career, vocational, or higher education opportunities on the basis of the sex of the pupil counseled. Any school personnel acting in a career counseling or course selection capacity to a pupil shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.
- (e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.
- (f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

MCHCS does not discriminate with regard to a student's gender identity, irrespective of the gender listed on the pupil's records. Moreover, the unofficial records of a student whose gender identity differs from the gender identified on the student's birth record are recorded using the student's preferred name and gender identity. The official records of a student whose gender identity differs from the gender identified on the student's birth record are stored in a locked file cabinet in the principal's office in a location separate from the records of students who do identify with the gender identified on the student's birth record.

8. SB 359—California Mathematics Placement Act of 2015:

SECTION 1.

The Legislature finds and declares all of the following:

- (a) Pupil achievement in mathematics is important to prepare pupils for college and their future careers, especially those careers in the fields of science, technology, engineering, and mathematics (STEM).*
- (b) Placement in appropriate mathematics courses is critically important for a pupil during his or her middle and high school years. A pupil's 9th grade math course placement is a crucial crossroads for his or her future educational success. Misplacement in the sequence of mathematics courses creates a number of barriers and results in pupils being less competitive for college admissions, including admissions at the California State University and University of California.*
- (c) The most egregious examples of mathematics misplacement occur with successful pupils and, disproportionately, with successful pupils of color. These successful pupils are achieving a grade of "B" or better, or are testing at proficient or even advanced proficiency on state assessments. Nevertheless, they are held back to repeat 8th grade mathematics coursework rather than advancing to the next course in the recommended mathematics course sequence.*
- (d) Mathematics misplacement has far-reaching impacts on a pupil's confidence, general knowledge of mathematical concepts, and high school experience, and may also impact the college career opportunities available to the pupil.*
- (e) New research shows that it is less common for pupils of color, even high-achieving pupils of color, to reach calculus by grade 12 compared to their white and Asian peers.*
- (f) All pupils, regardless of race, ethnicity, gender, or socioeconomic background, deserve an equal chance to advance in mathematics.*
- (g) With the shift towards implementation of the Common Core State Standards for Mathematics, it is particularly important for all pupils to have access to high-quality mathematics programs that meet the goals and expectations of these standards.*
- (h) It is crucial for teachers and guidance personnel to advise pupils and parents on the importance of accurate mathematics course placement and its impact on future college eligibility so pupils may take each course in the mathematics course sequence.*
- (i) California faces a looming shortage of college-educated workers in an increasingly competitive global economy.*
- (j) A policy for correct mathematics placement must be addressed in order to ensure a fair process and chance of success for all pupils.*

SEC. 2.

Section 51224.7 is added to the Education Code, to read:

51224.7.

- (a) This act shall be known, and may be cited, as the California Mathematics Placement Act of 2015.*
- (b) Governing boards or bodies of local educational agencies that serve pupils entering grade 9 and that have not adopted a fair, objective, and transparent mathematics placement policy, as described in paragraphs (1) to (5), inclusive, as of January 1, 2016, shall, before the beginning of the 2016–17 school year, develop and adopt, in a regularly scheduled public meeting, a fair, objective, and transparent mathematics placement policy for pupils entering grade 9 that does all of the following:
 - (1) Systematically takes multiple objective academic measures of pupil performance into consideration. For purposes of this paragraph, "objective academic measures" means measures, such as statewide mathematics assessments, including interim and summative assessments authorized pursuant to Section 60640, placement tests that are aligned to state-adopted content standards in mathematics, classroom assignment and grades, and report cards.*
 - (2) Includes at least one placement checkpoint within the first month of the school year to ensure accurate placement and permit reevaluation of individual pupil progress.**

(3) Requires examination of aggregate pupil placement data annually to ensure that pupils who are qualified to progress in mathematics courses based on their performance on objective academic measures selected for inclusion in the policy pursuant to paragraph (1) are not held back in a disproportionate manner on the basis of their race, ethnicity, gender, or socioeconomic background. The local educational agency shall report the aggregate results of this examination to the governing board or body of the local educational agency.

(4) Offers clear and timely recourse for each pupil and his or her parent or legal guardian who questions the pupil's placement.

(5) For nonunified school districts, addresses the consistency of mathematics placement policies between elementary and high school districts.

(c) Governing boards or bodies of local educational agencies serving pupils who are transitioning between elementary and middle school or elementary and junior high school may develop and implement a mathematics placement policy for these pupils, as applicable, that satisfies paragraphs (1) to (5), inclusive, of subdivision (b).

(d) Each governing board or body of a local educational agency shall ensure that its mathematics placement policy is posted on its Internet Web site.

(e) For purposes of this section, "local educational agency" means county office of education, school district, state special school, or charter school.

SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

MCHCS consulted SB 359 as one of the primary resources when developing the MCHCS Mathematics Course Placement Protocol (see Appendix I).

Appendix

Appendix A: Current Memorandum of Understanding (MOU) between MCOE and MCHCS

Appendix B: CCSA Accountability Framework Technical Guide

Appendix C: “Measuring the Impacts of Schools Using Assessments in the Absence of Student-Level Data”

Appendix D: *2016-17 MCHCS Student & Parent Handbook*

Appendix E: Fall 2016-17 Site-Based Class Schedule

Appendix F: *The Falcon Flyer*

Appendix G: Individualized Learning Plan (ILP) with Individualized Intervention Plan (IIP) Included

Appendix H: 2016-17 MCHCS Local Control and Accountability Plan (LCAP)

Appendix I: MCHCS Executive Summary of the 2016-17 Comprehensive Math Plan

Appendix J: Draft of MCHCS Charter Advisory (CAB) Bylaws

Appendix K: Job Descriptions of MCHCS Staff Members

Appendix L: MCHCS Comprehensive School Safety Plan (CSSP)

Appendix M: “Chapter 12 – Summary of Timelines,” *Monterey County SELPA Procedural Handbook (January 2016)*

Appendix N: MCHCS Financial Plan