

PEABODY CHARTER SCHOOL



PEABODY CHARTER SCHOOL ***Material Amendment and Renewal Charter***

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

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CHARTER SCHOOL INTENT AND CHARTER REQUIREMENTS

It is the intent of the California Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

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

In reviewing petitions for the establishment of charter schools the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

The Charter Schools Act (or Act)(Education Code Sections 47600 et seq.) requires each charter school to have a “charter” that outlines at least the sixteen (16) mandatory items of the Act.

AFFIRMATIONS/ASSURANCES

- The Peabody Charter School (“Peabody” or “School”) shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools.
- Peabody shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations.
- Peabody shall not charge tuition.
- Peabody shall admit all students who wish to attend the School, and who submit a timely application, unless the School receives a greater number of applications than there are spaces for students, in which case the applications will be processed in accordance with the Charter Schools Act and Section VII of this charter.
- Peabody shall not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, perceived sexual orientation, home language, or disability.
- Peabody shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Act.
- Peabody shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary.
- Peabody shall ensure that teachers in the School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core teachers.
- It is the expectation that all "new to Peabody" teachers will participate in a BTSA/Induction Program as appropriate to their credential or employment.
- Peabody shall at all times maintain all necessary and appropriate insurance coverage.
- Peabody shall follow any and all other federal, state, and local laws and regulations that apply to the Charter School including but not limited to the following:
 - Peabody Charter School shall comply with the Brown Act.
 - Peabody Charter School shall offer at a minimum, the same number of minutes of instruction set forth in paragraph (3) of subdivision (a) of Education Code Section 46201 for the appropriate grade levels.

- Peabody Charter School shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.
- Peabody Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.
- Peabody Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.
- Peabody Charter School shall comply with all applicable portions of the No Child Left Behind Act.
- Peabody Charter School shall comply with the Political Reform Act.
- Peabody Charter School shall comply with the Public Records Act (or if the State Board of Education adopts conflict of interest regulations applicable to charter schools, then the Charter School shall comply with these regulations).
- Peabody Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with any and all State Board of Education regulations applicable to charter schools.
- Peabody Charter School will submit to the district the annual Single Plan for Student Achievement and the Annual Accountability Report.
- National School Lunch Program if Charter School receives funding under such program.

I. INTRODUCTION

The staff, parents, and students of Peabody believe that our charter school allows the ability, flexibility, and latitude to provide innovative curriculum development and an outstanding instructional program. The charter school that we have created, Peabody Charter School, was first granted by the Santa Barbara Elementary School District (“District”) in 1993 and renewed in 1998 and 2003; its charter reflects the thoughts and ideas of parents, staff, and community, with the intent to structure the Peabody Charter School programs to provide an opportunity for all students to be successful life-long learners in the 21st century. Peabody Charter School is autonomous and responsible for all matters related to the governance of the school, including its administration, budget and fiscal operations, maintenance of the facility, food services, professional growth opportunities for staff, curriculum development, and the methodology and delivery of instruction to our ethnically and socio-economically diverse population, as outlined in this charter and other agreements between the parties such as the Memorandum of Understanding and the Facility Use Agreement.

While remaining academically and financially strong for the past thirteen years, Peabody has provided its students, community, and District with innovative and effective elementary instruction tailored to its constituents and its vision. The following are examples of how this partnership of educators, parents, and community members has worked together for the betterment of the students:

- Educational Excellence- In 2006, the school met or exceeded the state targets in English language arts and mathematics for every group. Also the API growth goals were met again in 2006, with an increase of 28 points school-wide, 29 points in the Latino sub group, and 21 points increase in the scores of white learners. Also, the gap on the API index has steadily declined since 2003.
- Teacher Competence- All classroom teachers have met or exceed the credential requirements of NCLB. No teacher is assigned to a position out of their credentialed area.
- Enrollment- The school has increased its enrollment every year, with a student population of 745 this year, which is very near the school’s capacity of 750.
- Enrichment- Students have many enrichment opportunities to enhance their educational experience. All K-6 students receive specialized instruction in physical education, multimedia visual arts, performing arts, Spanish, science, technology, and library.
- Parent Involvement- All parents are required to volunteer in the classroom and at various school activities and fundraisers.
- Fundraising- In the past few years the non-profit Peabody Foundation and other committees have raised over \$3 million for school programs and facilities.
- School Facility Improvements- A combined effort of the District and the School community led to the building of the state-of-the-art Exploration Center, a modern, beautiful three learning environment which houses a science lab, a library (with fireplace and small amphitheatre), and computer lab. Recent additional enhancements include privacy walls in the main building, field re-sodding, and new carpets for ten classrooms.
- Partnerships- Close, mutually beneficial relationships have been built with the SB Museum of Natural History, the UCSB Education Department and other local businesses.

This is merely an overview of the remarkable accomplishments at Peabody Charter School during the last thirteen years. Being a charter school has allowed the staff to use its expertise, energy, and resources to best serve the community.

II. EDUCATIONAL PHILOSOPHY AND PROGRAM

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

VISION

The school community of staff, parents, and K-6 students will work collaboratively to create a safe, caring, supportive, innovative, and academically challenging educational environment which ensures that all students are self motivated, competent, lifelong learners in the 21st century.

EDUCATIONAL PHILOSOPHY

We believe that learning best occurs when:

- Students have responsibility for their choices, actions, and learning;
- The instructional program is rich in authentic, hands-on educational experiences that include laboratory science, multimedia art education, environmental studies, community partnerships, and technology;
- There is acceptance of different learning styles and an emphasis on the many ways that students learn, such as in flexible groupings, multiple modalities, cooperatively, through multiple intelligences, and with personal choice.
- Specialists enhance the program and serve as teaching resources for performing and visual arts, science, physical education, GATE, Special Education, and technology;
- The staff collaborates and meets regularly to plan, reflect, analyze, and facilitate student-centered learning and assessment;
- The school supports teacher professionalism with appropriate budget allocations and time for planning, staff development, and instructional materials;
- Parents are expected and required to be actively involved in their children’s education *and* volunteer in the classroom and other school activities; and
- Teachers create instruction, curriculum, assessments, and requirements to meet the needs of all learners, including those who require remediation and those who require acceleration.

GOALS

Goals for the Charter School include but are not limited to the following:

- Student scores on state-standardized tests demonstrate sufficient annual improvement to meet the California Academic Performance Index growth targets for school-wide and numerically significant subgroups.

- It is the goal of the School to make adequate yearly progress (“AYP”) as defined by the No Child Left Behind Act (“NCLB”).
- Peabody uses benchmark assessments in its core classes throughout the school year in order to monitor student growth of the understanding of the content standards.
- Students gain the prerequisite knowledge to move to the next level of educational attainment.
- Students have access to support services (health care, counseling, mentoring) that influence academic growth and achievement.
- Students become self-motivated and competent lifelong learners.

LEARNERS IN THE 21st CENTURY

An educated person in the 21st century should possess the following characteristics:

1. An awareness of oneself as a member of an immediate as well as of a global society – an awareness that includes respect for all cultures.
2. The ability to cooperatively develop and apply problem-solving skills to new and ever changing learning experiences.
3. The knowledge to use technology as a tool for thinking, research, and production
4. Positive health and safety practices
5. The understanding of the value of hard work and responsibility in accomplishing a task successfully
6. The ability to discover connections between different subjects and various disciplines of thought in school and throughout society
7. The ability to communicate in a variety of modes (written, oral, and visual) with both individuals and groups
8. The knowledge of the importance of being an inquisitive life-long learner

PROGRAM ELEMENTS

Special aspects of the Peabody Charter program include:

- Extending the school day by 45 minutes over the Ed. Code requirements
- Performing and Visual Arts and p.e. as integral parts of the enrichment curriculum
- Support and/or tutorial programs for students with special academic or social needs
- Involved parents who share their expertise and resources
- Thematic units and standards-based interdisciplinary lessons
- Engaging and active learning experiences with an innovative and flexible approach to education
- Special education students integrated into regular classroom settings to the greatest extent possible.
- Time and resources allocated for Staff Development and Team Planning

- Use of informational technology throughout the curriculum
- Second language instruction for all students
- A non-profit foundation to support the vision and the goals of the school
- Service projects developed by the school community

In core academic classes, there is a major focus on curriculum that emphasizes the skills listed in the California Content Standards, with additional enrichment opportunities. Furthermore, the School aims to do the following:

1. Foster intellectual growth through creative and critical thinking
2. Promote, value, and respect a diversity of cultures and perspectives
3. Identify a variety of learning styles and incorporate a variety of teaching styles
4. Prepare students to meet the challenges of social and civic responsibilities in school and in the community
5. Provide students with research and technological tools for the twenty-first century

Peabody also strives to create an environment where the innovative use of technology enhances learning and improves student achievement for all students, including those with physical or learning disabilities. The School empowers all instructional staff to enhance classroom instruction by integrating technology into their lesson plans in alignment with California Content Standards and the National Educational Technology Standards for Students.

To develop curriculum to serve its diverse population, Peabody Charter School reserves the right to purchase state adopted textbooks or other book and non-book materials that meet state compliance requirements.

PLAN FOR ENGLISH LEARNERS

The School shall serve English Language Learners (“ELL”) at the school site through a sheltered English immersion program. Under this program the student is enrolled in a regular class and receives supplementary instruction in order to learn English. The School shall comply with all applicable federal law in regard to services and the education of English Language Learner (“ELL”) students. The School shall develop and implement, and maintain policies and procedures for the provision of services to ELL students in accordance with guidance published by the Office of Civil Rights of the U.S. Department of Education. At a minimum these policies and procedures shall ensure the following:

- Identify students who need assistance including the use of a home language survey and mandatory CELDT testing as required by law.
- Develop a program, which, in the view of experts in the field, has a reasonable chance for success.
- Ensure that necessary, appropriately credentialed staff, curricular materials, and facilities are in place and used properly.
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and assess the success of the program and modify it where needed.

Annual Assessments

Peabody Charter School will follow all CELDT testing timelines to ensure students receive proper instruction and shall comply with the applicable requirements of the No Child Left Behind Act with regards to ELL pupils.

Teacher Qualifications

Classes will be taught by highly qualified teachers who are certified or are in training for certification to teach English Language Learners (ex: CLAD and/or BCLAD, SDAIE, CLEP, etc.) with the support of instructional assistants.

PLAN FOR SPECIAL EDUCATION

Overview

The School will adhere to all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act of 2004 (IDEA), its amendments, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (“ADA”). All students will be given equal access to the school, regardless of disabilities, and the School will not discriminate against any student based on his or her disabilities. The School shall not require the modification of an IEP or 504 plan as a condition of acceptance at the Charter School.

The School recognizes the importance of providing education opportunities to all students regardless of physical challenges or special needs. To that end, the school pledges to work in cooperation with the District to ensure that the students enrolled in the School are served in accordance with applicable federal and state law. The Charter School shall follow all policies and procedures of the District’s SELPA in the provision of special education services. The Charter School is a “school of the District” for special education purposes, per Education Code sections 47614(b) and 47646(a).

IDEA

The School shall be deemed to be a public school of the District for purposes of special education pursuant to Education Code Section 47641(b). A child with disabilities attending the charter school shall receive special education instruction and designated instruction and services, provided by the District either in-house or by contract with a qualified third-party in accordance with the individualized educational program (“IEP”) in the same manner as a child with disabilities who attends another public school within the District.

A special education agreement will be developed between the District and the Charter School as part of the Memorandum of Understanding which spells out in detail the responsibilities for provision of special education services by the School and the manner in which special education

funding will flow through the District to the students of the School. As part of the MOU between the District and Peabody Charter School:

- The District shall receive and retain all State and Federal special education funds due to the Charter School.
- The District shall provide special education instruction and related services to Charter School students in the same manner as provided to other students of the District.
- The District shall provide funding to the Charter School for any special education instruction or related services provided by the Charter School in the same manner as is currently provided to other schools of the District.
- The Charter School shall pay its proportionate share of District-wide encroachment.

Section 504/ADA

The School shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of the School shall be accessible for all students with disabilities in accordance with the ADA.

Further, the School shall adopt and implement a policy which outlines the requirements for identifying and serving students with a 504 accommodation plan. The School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability which substantially limits a major life activity such as learning, is eligible for accommodation by the School and shall be accommodated.

A 504 team will be assembled by a site administrator or designee and shall include qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options and the legal requirements for least restrictive environment. The 504 team will review the student's existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.

- c. Tests are selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills.

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

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

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the regular program of the School along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

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

At Risk Students

The School promotes success for all students. Students who are not obtaining desired achievement levels in their academic studies are identified and provided support through tutoring as appropriate. Students with identified special needs have the opportunity to use resource classes for assistance with test taking and difficult class assignments, and learning strategies. These students are also given an appropriate testing environment and time to maximize their potential for success.

Students are not excluded for academic underperformance. The School has adopted intervention strategies to ensure achievement for all students.

At Peabody, low-achieving or at-risk students are defined in several ways. Any student who scores low on any section of standardized tests or locally developed assessments is considered at risk and may be placed in remediation classes. Students with learning disabilities that affect their progress in the general curriculum are given either RSP or SDC support. Other students who met 504 eligibility criteria can have support/accommodation either through the resource program or within their general curriculum program. Any student who is struggling or failing is considered at-risk and is given the opportunity to participate in any or all of the support program components offered by the school.

The structure of the curriculum and the instructional strategies in place in Peabody's classrooms are designed to maximize the learning opportunities for low-achieving and at-risk students. Low-achieving or at-risk students are integrated into the entire student body and participate fully in all aspects of the curriculum.

Parents of at-risk or low-achieving students are included in the development of strategies to meet the specific needs of the student. The staff believes that parent involvement plays an integral part in student success.

Students Achieving Above Grade Level

Many students at Peabody demonstrate an ability to achieve beyond grade level. Educational programs for these students provide challenging opportunities to develop academically, creatively, and socially.

Accordingly, Peabody is committed to providing these students with opportunities to study the core curriculum in-depth and at an accelerated pace, allowing for novelty in student outcomes and emphasizing higher level thinking skills. Annually, students are identified for participation in GATE, and those who are identified as Gifted and Talented are clustered in academic peer groups in each class with flexible academic groupings and specialized programs as needed. Teachers receiving GATE students provide a qualitatively differentiated curriculum according to California State guidelines.

III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

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

Academic Performance Index

It is the goal of Peabody to meet its Academic Performance Index Growth Targets on an annual basis.

The Academic Performance Index (API) is used to compare the position of Peabody with other similarly performing schools in California. In addition, Peabody's data from the API is analyzed. The objective of the comparison with other schools and the analysis of data is the ongoing improvement of all subgroups, educational equity for all, and the improvement of the school's academic performance as a whole.

The data on the API is examined by subgroup to determine areas in need of improvement. First, the teachers are trained to read, interpret, and analyze the data. Secondly, areas in need of improvement are targeted. The teachers analyze the data in the following ways:

- By group to determine which subgroups are performing at basic or below basic levels
- By individual students within subgroups to identify specific students who need remediation
- By specific test items to determine areas in need of remediation

From this analysis of data, the teachers develop remediation strategies to target low performing students. Remediation activities will be developed and may include but are not limited to the following:

- Inservicing the teachers on differentiated instruction and then implementing differentiated instruction within classes.
- The development of tutoring programs to support academic achievement. These programs may be held during the school day, after/before school, or on Saturday.
- School-wide focus on designated areas of growth.
- Teacher mentoring of specific targeted students.
- Development of remediation classes.
- Participation in District inservices or inservices by "outside" groups.

State Content Standards

It is the goal of Peabody to achieve the state content standards each year in its core subjects throughout the school year. School-wide analysis as well as grade level analysis of results in objectives for the next year. To the greatest degree possible, the analysis and approach to corrective action parallels the procedures outlined above for improving API scores.

Adequate Yearly Progress

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It is the goal of Peabody to make adequate yearly progress (“AYP”) as defined by the No Child Left Behind Act (“NCLB”) The plans listed above should facilitate this goal.

State Standardized Testing

It is the goal of Peabody to have its students show measurable growth each academic year as evidenced by scores on California’s state standardized test.

Attendance

It is the goal of the Charter School to strive, on average, to achieve individual student attendance of at least 95% of the academic school year.

Common Core of Learning

Peabody Charter School students will experience a common core of learning that is aligned with state standards and that fulfills the school’s vision. The purpose of Peabody Charter School’s charter is to meet the following outcomes.

Students, to the extent of their abilities will:

1. Possess the academic and personal characteristics of an educated citizen in the twenty-first century. This includes:
 - a. The ability to communicate clearly and expressively in writing, speaking, music and graphics
 - b. The ability to use oral and written language to accomplish tasks, to take charge of one’s life, to express opinions, and to function as a productive citizen
 - c. The ability to communicate with, understand, and respect other cultures
 - d. The ability to use technology to acquire, communicate, and create information
 - e. The ability to be information literate: to locate, assimilate, and evaluate information in all forms
2. Use ideas, problem-solving skills, and abstract thinking, as well as encourage self-expression and a positive self-image through participation in the visual and performing arts
3. Participate in an enrichment curriculum which will augment, enrich, and integrate with the core curriculum
4. Possess the ability to use the knowledge and skills of mathematics, think logically, and solve problems related to mathematics and communicate their ideas about mathematics in both written and verbal form
5. Have sufficient knowledge, skills, and strategies of science to be intelligent consumers, responsible users of scientific information, and scientific problem solvers
6. Participate in a program of physical education including lifelong concepts of fitness, health, and nutrition
7. Participate in a program of community or school service that reflects responsible citizenry in a democratic society and inter-dependent world

METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES

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

Peabody Charter School seeks to evaluate student performance activities that are worthwhile, significant, and meaningful: in short, activities that are authentic. Emphasis will be placed on evaluating what the students know rather than on what they do not know and on evaluating students' work rather than students. Assessment of these activities will be based on, but not limited to, the following:

1. The statewide content standards developed by the California Department of Education
2. Authentic performance assessments that are grade level appropriate, such as performances, exhibits, demonstrations, projects, and portfolios.
3. Teacher-developed testing procedures that will reflect the standards or benchmarks for each grade level as determined by Peabody Charter School's instructional team
4. Mandated special education testing that will continue to be administered
5. On-going student monitoring and parent communication utilizing progress reports, phone and email communications, student conferences, parent/teacher conferences

Criterion-referenced tests, end-of-unit tests, performance-based assessments, homework completion and class participation will form the basis of evaluating student performance and determining student grades.

Teachers review assessment data on an ongoing basis to identify general areas of needed improvement, modify curriculum and course content to meet those needs, gather new or additional instructional resources, and create new assessments to measure continued progress.

School-wide outcomes are measured as follows:

<u>OUTCOME</u>	<u>METHOD(S) OF MEASUREMENT</u>
State Content Standards	STAR, Internal and External Assessments, Teacher Records, Work Samples
Standardized Testing Growth	STAR, CELDT
Attendance	Attendance records
Academic Performance Index ("API") Growth Target	API Score
Adequate Yearly Progress	As measured by state in accordance with NCLB

IV. GOVERNANCE STRUCTURE

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

Legal Status

Peabody has constituted itself as a California non-profit public benefit corporation pursuant to California law and has applied for 501(c)(3) tax exempt status. The School shall be governed pursuant to its adopted bylaws, as subsequently amended from time to time, which shall be consistent with this charter.

The School operates autonomously from the District, with the exception of the supervisory oversight, special education services, and other services purchased by the Charter School from the District as outlined in the MOU between the parties. Pursuant to the Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the School or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the District has complied with all oversight responsibilities required by law.

Board of Directors

The School is governed by a Board of Directors (the “Board”). The Board is ultimately responsible for the operation and activities of the School. The primary method for executing their responsibilities is the adoption of policies that offer guidance and implementation of the charter and procedures to assist the staff in facilitating the execution of such policies. The Board consists of 11-13 members who govern Peabody as outlined in the bylaws. The nomination, election and term of each of the categories of Board members noted below will be outlined in the bylaws.

The Board’s composition of voting members is as follows:

- Three to four (3-4) parents of Peabody students;
- Three community members (depending upon the size of the Board);
- Three full-time certificated employees;
- One full-time classified employee; defined as any classified representative of the School, regardless of whether they are classified, classified supervisory or classified management.
- The Principal (who shall be a non-voting member of the Board); and
- The Chief Financial Officer/Treasurer (who shall be a non-voting member of the Board).

At the Principal’s direction, the Director of Fiscal Services will attend Board meetings and make regular budget and grant reports/recommendations to the Board.

If the District decides to exercise its right to place a representative on the Peabody Board in accordance with Education Code section 47604(b), the Peabody Board may be increased by an additional member if needed to maintain an odd number of voting Board members. The Board shall decide what category of member shall be added to the Board upon this occurrence.

The Board meets on a regular basis (e.g., monthly during the school year and as appropriate at other times). The responsibilities of the Peabody Board as further outlined in the bylaws include but are not limited to:

- Uphold the Vision of the School.
- Oversee the implementation of the School's charter.
- Provide notice and hold meetings in compliance with the Brown Act.
- Create and implement a Yearlong Strategic Plan for the School.
- Create external or sub-committees as needed, including but not limited to a Nominating Committee and a Finance Committee.
- Ensure compliance with applicable law such as the Public Records Act and policies such as Conflict of Interest.
- Approve all operational policies as well as work with the School's administration and faculty to implement such policies.
- Approve and monitor the budget and the School's fiscal practices, including the receipt of grants and donations.
- Provide oversight of instructional programs and materials.
- Approve personnel policies and the collective bargaining agreement.
- Hiring, evaluating, and disciplining the Principal (Employee Board members shall not be involved in hiring, supervision and evaluation of the Principal).
- Approve and have oversight of student and parent policies including but not limited to recruitment of staff, admissions, disciplinary policies including suspension and expulsion.
- Approve and monitor management of School liabilities, insurance, health, safety and risk-related matters.
- Approve all major non-emergency operational contracts/expenses over \$10,000 and all capital expenses over \$50,000.
- Receive and review quarterly financial reports and the yearly financial audit.

The Board adopts policies and procedures regarding self-dealing and conflicts of interest. The Board may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established. The Board may execute any powers delegated to it by law, and shall discharge any duty imposed by law upon it and may delegate to an employee of the School any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

PRINCIPAL

The responsibilities of the Principal or his/her designee may include, but are not limited to, the following:

- Attend District Administrative meetings as necessary and maintain contact with District.
- Develop Board meeting agenda in conjunction with the Board Chairman in compliance with the Brown Act and report all possible litigation to the Board.
- Hiring, discipline, supervision and dismissal of all employees of the School.

- Provide timely performance evaluations of all School employees and report all potential employee disciplinary actions to the Board (Employee Board members shall be excluded from these discussions with the Board).
- Propose policies for adoption by the Board.
- Provide comments and recommendations regarding policies presented by others to the Board.
- Communicate with School legal counsel and any outside consultants.
- Stay abreast of school laws and regulations.
- Approve all purchase orders, pay warrants, and requisitions and, upon approval, forward on for processing.
- Participate in the dispute resolution procedure and the complaint procedure when necessary.
- Establish and execute enrollment procedures and be the custodian of records.
- Provide all necessary financial reports as required for proper ADA reporting.
- Make budget line item revisions when necessary and report changes regularly to the Board.
- Develop and administer the budget in accordance with generally accepted accounting principles.
- Work with the Chief Financial Officer to present a quarterly financial report to the Charter Board.
- Provide assistance and coordination to the faculty in the development of curriculum.
- Oversee parent/student/teacher relations.
- Attend IEP meetings when necessary.
- Supervise student disciplinary matters.
- Coordinate the administration of standardized testing.
- Plan and coordinate all activities related to enrollment.
- Attend all Charter Board meetings and attend as necessary at District Board of Education meetings as the charter representative.
- Establish procedures designed to carry out Charter Board policies.

PARENT PARTICIPATION

Research indicates that parent involvement in school is positively related to the academic success of their students. To this end, parent participation in school programs and activities is a requirement at Peabody. Parents are encouraged to serve as members of the Board of Directors, on the Foundation, ELAC, PTSO, etc., and are welcomed in the classroom and school as volunteers.

Parents can be participants in the following groups:

- Foundation—oversees the school fundraising.
- ELAC—English Language Advisory Committee; elects one parent representative to act as liaison to the principal and attend District meetings.

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- PTSO—Parent, Teacher, Staff Association; all parents are encouraged to participate.
- Board of Director- Three parent representatives are selected in accordance with bylaws.

In addition, parents may fulfill the volunteer requirement in a variety of ways that may include but are not limited to the following:

- Attendance at specific School events for which volunteer hours are awarded.
- Volunteer and assist teachers, office staff, library, maintenance crews, etc.
- Aid in after hour events such as Saturday work days, performance events, school registration/preparation, and extra curricular activities such as dances, athletic events, etc.
- Share expertise.

Parents also are responsible for honoring the Enrollment Contract including overseeing their students' progress, work, attendance and behavior.

Parents are encouraged to express their concerns, to visit the School, and to meet with the staff.

CONFLICTS CODE

The School shall adopt and shall abide by a Conflicts Code.

BROWN ACT

The School shall comply with the Brown Act.

PUBLIC RECORDS ACT

The School shall comply with the Public Records Act and Education Code section 47604.3.

V. HUMAN RESOURCES

QUALIFICATIONS OF SCHOOL EMPLOYEES

Governing Law: The qualifications to be met by individuals to be employed by the

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School — California Education Code Section 47605(b)(5)(E)

Peabody recruits professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(d)(1), Peabody is nonsectarian in its employment practices and all other operations. The School shall not discriminate against any individual (employee or pupil) on the basis of race, ethnicity, national origin, religion, age, gender, sexual orientation, perceived sexual orientation, home language, or disability.

All employees should possess the personal characteristics, knowledge base and/or relevant experiences and the responsibilities and qualifications identified in the posted job description as determined by the School.

All employees shall be fingerprinted and shall successfully pass all required Department of Justice/Federal Bureau of Investigations and LiveScan™ checks and undergo background checks that provide for the health and safety of the School's faculty, staff and students. The Charter School shall maintain all the personnel files for its employees.

Teachers

The School shall comply with Education Code Section 47605(l), which states in pertinent part:

“Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.”

Core teaching faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resources of the School. In a school culture that promotes academic rigor and success for all students, grade level core teachers are responsible for, but not limited to:

- Core instruction
- Curriculum planning
- Collaboration with fellow teachers and administrators
- Student assessment
- Communication with parents

Candidates for these positions possess:

- A commitment to students and learning
- Knowledge about their subject material

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- A willingness to be innovative and dynamic in their instruction methods

These individuals must meet all of the following minimum requirements:

- Bachelor's Degree
- Valid California Teaching Credential and appropriate supplemental credential if required.

Additionally, core teachers, as defined by the No Child Left Behind Act (NCLB), meet the applicable definitions of the highly qualified requirements. Non-core teachers shall have flexibility regarding credentialing as allowed by State and Federal law. Non-core teaching positions include, but are not limited to, Physical Education, Art, Drama etc.

Educators providing specialized learning opportunities, including options for physical education, fine and performing arts, practical arts, and foreign language are required to hold a teaching credential and must have subject matter expertise, professional experience and the demonstrated ability to engage learner's participation in the educational process as determined by the School and meet any applicable requirements of the NCLB.

Non-Instructional

All non-instructional staff such as Business Manager, Attendance Clerk, Office Managers, custodian and cafeteria personnel must possess experience and expertise appropriate for their position as outlined in the job specification.

Administrators

The administrators of the School shall meet the minimum qualifications for the position as outlined in the job specification, which shall include, at a minimum the following requirements: The Principal of Peabody Charter School shall hold a California Administrative Services Credential and have at least five years experience in a school setting as a principal (or equivalent charter school manager). The Assistant Principal(s) shall hold a California Administrative Services Credential and have at least three years experience in a school setting (administrative experience is preferred). The Principal shall be responsible for implementing all the legal and administrative responsibilities of the School as well as serving as an instructional leader. This individual should be an exemplary communicator both in person and in written communications and possess the organizational and interpersonal skills necessary to run a school.

Overall Qualifications of Teachers

Peabody Charter School teachers are educators who seek to provide a quality education for students. They must possess the personal characteristics, knowledge base, and successful experiences in the responsibilities and qualifications identified in the posted job description. Employees of Peabody Charter School should be CPR/First Aid trained.

Peabody Charter School focuses on teacher leadership through professional development, team

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building, collaborative decision-making, and addressing the strengths of the school community.

Interviews and screening procedures will be handled by a committee composed of the Principal and members of the appropriate school staff. This committee will recommend the candidate to the Executive Committee that will make a recommendation to the Charter Board for the final approval to hire the candidate.

COMPENSATION AND BENEFITS

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

Employees at the School shall participate in STRS, PERS and the federal social security system as applicable to the position. The School shall inform all applicants for positions within the School of the retirement system options for employees of the School.

EMPLOYEE REPRESENTATION

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

The School shall be deemed the exclusive public school employer of the employees of the School for the purposes of the Educational Employment Relations Act.

RIGHTS OF SCHOOL DISTRICT EMPLOYEES

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school – Education Code Section 47605(b)(5)(M)

District Employees Working at Charter School as of March 13, 2007: The rights of District employees working at the Charter School as of March 13, 2007 (the date upon which the District Board of Education approved this materially revised and renewed charter), shall be as outlined in a Memorandum of Understanding between the District, the Charter School, and the applicable unions.

Charter School Employees Hired After July 1, 2007: All employees hired by the Charter School on or after July 1, 2007 shall be employees of the Charter School. The rights of Charter School employees who have left permanent status employment in the District to work at the Charter School shall be as outlined in District policy and collective bargaining agreements.

All Charter School employees, who become reemployed by District within 39 months of separation from the District, shall be restored disregarding the break in service, as per California Education Code 44931. **California Education Code 44931** provides that: Whenever any certificated employee of any school district who, at the time of his or her resignation, was classified as permanent, is reemployed within 39 months after his or her last day of paid service, the governing board of the district shall, disregarding the break in service, classify him or her as, and restore to him or her all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code. However, time spent in active military service, as defined in Section 44800, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period.

Negotiations

In accordance with the Educational Employment Relations Act (EERA) Peabody will negotiate with the applicable unions to create a new collective bargaining agreement unique to the mission and operation of the Charter School.

Grievances

Peabody Charter School will follow the Grievance Procedure described in the new contracts. The District will have no responsibility to process grievances brought against Peabody.

Salary Placement

All employees will be placed on a salary schedule to be developed by the Board as negotiated with the applicable exclusive representative, which shall provide total compensation that is commensurate with District total compensation.

Calendar

Deviations from the District approved calendar, including hours and days, must be approved by a majority of the Board and 51% of the staff and approved by the applicable union if required by law.

HEALTH AND SAFETY

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

A healthy and safe environment is imperative to productive teaching and learning. Health and safety practices as established in SBESD Board Policies and Administrative Regulations will be used as a starting point for developing comprehensive Charter School policies and procedures.

Peabody will develop, adopt, and fully implement a comprehensive set of policies and procedures that will serve to ensure the health and safety of pupils and staff. These policies will be incorporated into the School's staff, student, and volunteer handbooks. Expertise of the insurance carrier's loss-control personnel, safety professionals, and industrial hygiene specialists and the District oversight agent will be drawn upon in the development and implementation of this comprehensive integrated risk management program in accordance with all applicable provisions of law. These policies will be reviewed and updated as required in response to any change in conditions or operations that may affect the health and safety of students and staff

A health clerk will be employed to handle medical considerations in association with and under the supervision of a school nurse.

Supervision of Peabody students will be provided by school employees to ensure a safe and healthy learning environment.

Peabody students will be required to adhere to an established dress code and strict student code of conduct.

Disciplinary issues will be addressed at early stages to avoid unnecessary suspensions or expulsions.

Procedures For Background Checks

The Charter School will comply with the provisions of Education Code Section 44237 and 45125.1 regarding the fingerprinting and background clearance of employees, contractors and volunteers prior to employment and/or any one-on-one contact with pupils of the Charter School.

Role Of Staff As Mandated Child Abuse Reporters

All classified and certificated staff (including teachers in any non-core, non-college preparatory courses), as well as short-term employees and independent contractors, will be mandated child abuse reporters and will follow all applicable reporting laws.

TB Testing

The Charter School will follow the requirement of Education Code Section 49406 in requiring tuberculosis testing of all employees.

Immunizations

The Charter School will adhere to all law related to legally required immunizations for entering students pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

CPR/First Aid Training

All employees should be CPR/First Aid trained before the end of their 1st year of employment.

Medication in School

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

Vision/Hearing/Scoliosis

The Charter School shall adhere to Education Code Section 49450 et. seq. as applicable to the grade levels served by the School.

Emergency Preparedness

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school site. This handbook shall include but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations.

Drug Free/Smoke Free Environment

The School shall maintain a drug and alcohol and smoke free environment.

Integrated Complaint and Investigation Procedure

The Charter School has developed a comprehensive complaint and investigation procedure to centralize all complaints and concerns coming into the Charter School. Under the direction of the Charter School Board the Principal shall be responsible for investigation, remediation, and follow-up on matters submitted to the Charter School through this procedure.

Comprehensive Sexual Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School policy.

Procedures

The Charter School shall adopt procedures to implement the policy statements listed above.

VI. DISPUTE RESOLUTION

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

Disputes Between the District and the School

The School and the District will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures.

Actions That Could Lead to Revocation: Charter School Due Process

In the event that the District determines that the School has engaged in an act that could lead to revocation of the charter, the District and the Charter School shall have a face-to-face meeting within 10 days of the Superintendent's and/or designee's determination that a violation has occurred. Present in the face-to-face meeting shall be at least the Superintendent of the District or designee and the School's Principal. If after such meeting, the District determines that a violation has occurred which requires a cure, the District may send a formal written notification to the School outlining the alleged violation and demanding the violation be cured. The School shall have a reasonable amount of time after the date such formal written notice was sent to cure the violation. If the violation cannot be cured within the time period specified by the District, the parties may agree to another predetermined time to commence to cure and diligently prosecute the cure to completion.

Thereafter, revocation of the charter may be commenced by the District Board of Education in accordance with Education Code Section 47607 or applicable law.

Disputes not Leading to Revocation: Dispute Resolution

Disputes between the Charter School and the District regarding the alleged violation, misinterpretation, or misapplication of the charter (or any agreement between the parties that cross references this dispute resolution provision) between the parties shall be resolved using the dispute resolution process identified below.

The party initiating the dispute resolution process shall prepare and send to the other party a notice of dispute that shall include the following information: (1) the name, addresses and phone numbers of designated representatives of the party; (2) a statement of the facts of the dispute, including information regarding the parties attempts to resolve the dispute; (3) the specific sections of the charter or other agreement that are in dispute; and (4) the specific resolution sought by the party. Within ten days from receipt of the notice of dispute the representatives from the Charter School shall meet with representatives from the District in an informal setting to try to resolve the dispute.

If the informal meeting fails to resolve the dispute the party initiating the dispute resolution process shall notify the other party (the responding party) in writing that it intends to proceed to

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mediation of the dispute and shall request the State Mediation and Conciliation Service to appoint a mediator within seven days to assist the parties in resolving the dispute. The initiating party shall request appointment of a mediator who is available to meet as soon as possible but not later than 30 days after receipt of the request for appointment. If the State Mediation and Conciliations Service is not available, the parties shall mutually agree upon a mediator. The party initiating the dispute shall forward a copy of the notice of the dispute to the appointed mediator. The responding party shall file a written response with the mediator and serve a copy on the initiating party within seven business days of the first scheduled mediation. The mediation procedure shall be entirely informal in nature; however, copies of exhibits upon which either party bases its case shall be shared with the other party in advance of the mediation. The relevant facts should be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses. The rules of evidence will not apply and no record of the proceedings will be made. If an agreement is reached, the agreement shall be reduced to writing and shall be signed by the District and the Charter School. If the District and the Charter School fail to meet within the specified time line, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares the parties at impasse, either party may terminate mediation. In the event that mediation fails to resolve the entire dispute, the parties shall proceed to nonbinding arbitration. No statement made in mediation shall be used in a subsequent legal proceeding, as provide in California Evidence Code.

A party initiating the dispute resolution process shall notify the responding party that it intends to proceed to nonbinding arbitration and shall request the California State Mediation and Conciliation Service in writing to prepare a list of five arbitrators within five days. The parties may obtain assistance from another recognized dispute resolution organization or person instead of the State Mediation and Conciliation Service if mutually agreed. Beginning with the responding party, the parties shall alternatively strike names from the list until only one name remains. Striking names from the list shall occur within five days of receipt of the list by the responding party. The party initiating the dispute resolution process shall contact the State Mediation and Conciliation Service regarding the selection of the arbitrator. Arbitration shall be scheduled and conducted within 45 days of selection of the arbitrator. No later than five (5) days prior to the arbitration, the parties shall meet to attempt to frame the issue or issues to be submitted to the arbitrator, shall share all evidence, determine whether a court reporter is necessary, and attempt to settle the dispute, if possible. The function of the arbitrator shall be to hold an arbitration hearing concerning the dispute and to render a nonbinding decision within 30 days after the close of the hearing. The arbitrator is empowered to include in any award such remedies he or she judges to be proper. All costs of the arbitration, including but not limited to, the arbitrator's fees, per diem, travel, and subsistence expenses, and the costs, if any, of the hearing room and transcription of the hearing, shall be borne equally by the District and the Charter School.

This dispute resolution procedure shall not apply to any request for equitable or injunctive relief prior to the mediation to preserve the status quo pending the completion of that process. Except for such an action to obtain equitable or injunctive relief, neither party may commence a civil action with respect to the matters submitted to dispute resolution until that process is complete.

Internal Disputes

Except those disputes between the District and the School relating to provisions of this charter, all disputes involving the School and third parties shall be resolved by the School according to the School's own internal policies.

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

STUDENT ADMISSIONS POLICIES AND PROCEDURES

Governing Law: Admission Requirements, if applicable-Education Code Section 47605(b)(5)(H)

Pupils will be considered for admissions without regard to race, ethnicity, national origin, gender, disability, fluency in English, or parent income/educational level. No test or assessment shall be administered to students prior to acceptance and enrollment into the school. No tuition will be charged. As required by law, preference for enrollment in Peabody Charter School will be given to those who live within the former attendance area of the School. (See attachment) Further, admission to Peabody Charter School will require a commitment to the goals, objectives, and the vision of the school as set forth in the charter.

The application process is comprised of the following:

- Completion of a student enrollment form
- Parent/student signature of Enrollment Contract
- Proof of Immunization
- Home Language Survey
- Completion of Emergency Medical Information Form

Further admissions to Peabody Charter School will be random selection process based on space availability. Applications will be accepted during an open enrollment period for enrollment in the following school year. Following the open enrollment period each year, if the School receives more applications than seats available, the School will hold a public random drawing to determine enrollment for each grade level, with the exception of existing students who are guaranteed enrollment in the following school year.

Enrollment priority in the case of a public random drawing shall be allowed in the following priority order:

1. Current and returning Charter School students whose families have fulfilled and maintained their parent volunteer hours requirement throughout the year as outlined in the Enrollment Contract;
2. Children of School employees;
3. District residents living in the former attendance area of Peabody;
4. Siblings of currently enrolled in-District Charter School students;
5. In-district residents;
6. Siblings of currently enrolled out-of-District Charter School students; and
7. Out of district students.

At the conclusion of the random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the school year.

In no circumstance will a wait list carry over to the following school year.

NON-DISCRIMINATION

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

The racial and ethnic balance among the pupils of Peabody Charter School will be reflective of the general population residing within the current attendance area of the school.

If necessary, Peabody will implement a strategy that includes, but is not necessarily limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the District:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process.
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of the District.

PUPIL PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

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

Students who reside within Peabody's attendance area who choose not to attend the Charter School may attend another school according to District policy or attend another school district or school within the District through the District's intra and inter-district policies.

SUSPENSION AND EXPULSION PROCEDURES

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

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy

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shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

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

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

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

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

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504 of the Rehabilitation Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. The Charter School shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 of the Rehabilitation Act and would grant the District approval rights prior to the expulsion of any such student as well.

A. Grounds for Suspension and Expulsion of Students

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A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School sponsored event at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force of violence upon the person of another, except self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal/Administrator or designee's concurrence.
3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in or attempted to engage in hazing of another.
18. Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
19. Made terrorist threats against school officials and/or school property.
20. Committed sexual harassment.
21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment.

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

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Principal. 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 school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

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

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

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

2. Notice to Parents/Guardians

At the time of 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 suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

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

Upon a recommendation of Placement/Expulsion by the Principal or Principal's designee, the pupil and the pupil's guardian or representative will be invited to a

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

D. Authority to Expel

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

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the 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 Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing. The Board's decision is final there is no appeal to the District or to the County Office of Education.

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 School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;

6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

7. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

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

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

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

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

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

I. Written Notice to Expel

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

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

The Principal or designee shall send a copy of the written notice of the decision to expel to the District.

This notice shall include the following:

- a) The student's name
- b) The specific expellable offense committed by the student

J. Disciplinary Records

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

K. Expelled Pupils/Alternative Education

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

L. Rehabilitation Plans

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

M. Readmission

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

N. No Right To Appeal

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

VIII. REPORTING AND ACCOUNTABILITY

Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation - (Education Code Section 47605(g))

FINANCIAL REPORTING

All governmental funds of the Charter will be reported using the modified accrual accounting method, measuring cash and all other financial assets that can be readily converted to cash. All reporting will conform to the requirements of GASB 34 and all other pertinent governmental accounting and auditing standards.

Peabody will provide financial reports, in the manner prescribed by California's Standardized Account Code Structure (SACS), for the required September 15 report to the District and for the First and Second Interim Reports, Adopted Budgets, and Unaudited Actuals as required by the Education Code.

The Charter will also provide an annual audit, including financial schedules in the aforementioned formats to the District, the County Board of Education, the Controller, and the California Department of Education.

The Charter School shall supply the District with an annual statement of assets and liabilities, which may be included in the annual independent fiscal audit. However, in the event that it is not contained in the audit or the audit is not completed, the Charter School shall submit a separate document to the District containing this information.

INSURANCE

The Charter School shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amount as agreed to in a memorandum of understanding with the District. The District shall be named as an additional insured on all policies of the Charter School.

The School Charter School shall provide evidence of the above insurance coverage to the District.

ADMINISTRATIVE SERVICES

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

A Principal will assume the lead responsibility for administering the School under the policies adopted by the Board. Peabody may contract with the District for those services that can be provided efficiently and in a cost effective manner. The specific services, terms and cost for

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these services will be the subject of an annual memorandum of understanding between the Charter School and the District. Peabody will consider bids from the District and outside contractors for administrative, maintenance and operation services. Specific service contracts will be awarded based upon quality and cost effectiveness.

FACILITIES

Governing Law: The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. (Education Code Section 47605.6(b)(5)(D))

Peabody Charter School is located at 3018 Calle Noguera in the city of Santa Barbara. The Charter School shall be allowed to utilize these schools buildings, grounds, furnishings, equipment, and existing supplies for the duration of the charter. The District and the Charter School shall enter into a comprehensive facilities use agreement outlining the responsibilities of the parties to maintain Peabody School site.

AUDITS

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

The School will facilitate an annual independent audit of the school's financial affairs. The Board will select and oversee an auditor with education audit experience.

The audit will verify the accuracy of the School's financial statements, attendance and enrollment accounting practices and review the School's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the School. It is anticipated that the annual audit will be completed four months after the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the District, the County Superintendent of Schools, the State Controller and to the CDE by December 15th each year. The School's Principal along with an audit committee will review any audit exceptions or deficiencies and report to the District with recommendations on how to resolve them. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this charter.

CLOSURE PROTOCOL

Governing Law: A description of the procedures to be used if the charter school closes- Education Code Section 47605(b)(5)(P)

The following procedures shall apply in the event the Charter School ceases its operation as a charter school (i.e., the charter is revoked, or terminated or surrendered to the District). The following procedures apply regardless of the reason for closure. These procedures will not be

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invoked following a non-renewal or revocation by the District until the Charter School has exhausted all appeal rights.

Closure of the School will be documented by official action of the Charter Board. The action will identify the reason for closure.

The Charter Board will promptly notify the District of the closure and of the effective date of the closure.

The Charter Board will ensure notification to the parents and students of the termination of the charter. This notice shall be provided promptly, within 10 business days following the Charter School Board's decision to close the school. As applicable, the School shall transfer all appropriate student records to the District or if the District is unwilling to store such records back to the student's district of residence 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. § 1232g.

As soon as reasonably practical, the School shall prepare final financial records. The School shall also have an independent audit completed as soon as reasonably practical, which period is generally no more than six 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 shall be provided to the District promptly upon completion.

On closure of the School, all assets of the School, including but not limited to all leaseholds, tangible and intangible personal property and all ADA apportionments and other revenues generated by students attending the School, remain the sole property of the School and shall be utilized to pay any liabilities of the School, and if any assets remain they shall be distributed in to the District. On closure, the School shall remain responsible for satisfaction of all liabilities arising from the operation of the school.

As the School is organized as a nonprofit public benefit corporation under California law, the Board shall follow the provisions set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation, and shall file all necessary filings with the appropriate state and federal agencies.

IX. IMPACT ON THE DISTRICT

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

POTENTIAL CIVIL LIABILITY EFFECTS

Intent

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

Civil Liability:

Pursuant to the Education Code Section 47604(c), the District shall not be liable for the debts and obligations of the Charter School, operated as a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the District has complied with all oversight responsibilities required by law. In addition, the Charter School shall secure commercially reasonably general liability, errors and omissions, and property insurance. And, the Charter School shall enter into a mutual indemnification hold harmless agreement with the District.

X. CONCLUSION

By approving this charter renewal, the Santa Barbara Elementary School District will be fulfilling the intent of the Charter Schools Act to increase learning opportunities for all pupils; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of Charter Schools. To this end, Peabody pledges to work cooperatively with the District to answer any concerns over this document and to present the District with the strongest possible proposal for renewal of the Peabody charter. The term of the charter renewal shall expire on June 30, 2012. Renewal of the charter shall be governed by the standards and criteria in Education Code Section 47605.

The Charter Petition can be amended by mutual approval by the Charter Board and the District Board of Education.