

California Department of Education

M e m o r a n d u m

Date: June 4, 2007

To: Advisory Commission on Charter Schools

via: Marta Reyes, Director
Charter Schools Division

From: Deborah Domitrovich

Subject: CDE Staff Analysis of the Request for Charter Renewal from the New West Charter School

The New West Charter School (New West) has met the threshold requirement for renewal under *Education Code (EC)* Section 47607(b), and the school's charter (as revised) is generally consistent with the requirements of *EC* Section 47605. Therefore, California Department of Education (CDE) staff recommend that the school's charter be renewed for the five-year period specified in *EC* Section 47607(a), commencing July 1, 2007, and ending June 30, 2012. CDE staff also recommend that the renewal be conditioned upon execution (and periodic amendment, as necessary) of a memorandum of understanding with the CDE that covers all matters essential to effective oversight of the school's operation during the renewal period, including, but not limited to, continued participation in a Special Education Local Plan Area (SELPA). Finally, periodically in the analysis that follows, CDE staff recommends a few specific modifications of the revised charter.

Background

New West was granted a charter by the State Board of Education (SBE) in December 2001, after being denied by the Los Angeles Unified School District (LAUSD) governing board. However, for a variety of reasons (principally related to facilities and special education), the school's opening was delayed to 2003-04.

In accordance with *EC* Section 47605(k), New West submitted a request for renewal to the LAUSD governing board January 12, 2007. The LAUSD governing board denied the renewal request (on May 22, 2007), citing primarily that New West's description of admission procedures and student discipline did not meet *Education Code* requirements. The district also identified additional areas that it felt were not addressed in a reasonably comprehensive manner, including the home-school contract,

measurable outcomes, and components of the education program that were not sufficiently fleshed out.

Since New West's renewal request has been formally denied by the LAUSD governing board, the matter is now properly before the Advisory Commission on Charter Schools (ACCS) and the SBE.

Threshold Requirement for Renewal

EC Section 47607(b) establishes a threshold requirement for renewal of a charter as meeting at least one of the following criteria:

- (1) Attaining Academic Performance Index (API) growth targets in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- (3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
- (4) Academic performance that the charter authorizer determines to be at least equal to the academic performance of the public schools that the charter school's pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

As the attached tables show, New West has met all four thresholds. The school has shown consistently strong academic performance over its four years of existence (statewide and similar schools rankings 7-10 in the first three years for which data is available), the API was slightly over 800 in the last two years, and the actual growth exceeded growth targets by 29 points in 2004-05 and by 25 points in 2005-06.

Academic Performance Index (API)	2004-05	2005-06	2006-07
Ranking (Statewide / Similar Schools)	7 / 9	8 / *	8 / 10
Base API	752	783	803
Growth API	783	809	N/A
Growth Target	2	1	N/A
Actual Growth	+31	+26	N/A

* Invalid data prevented calculation of similar schools ranking.

Of LAUSD's 92 middle schools, New West outperformed all but three in terms of its API of 803 in 2006-07. Five LAUSD middle schools received a statewide API ranking equal

to New West (8) and only two schools received rankings higher (9). Comparisons of the significant subgroups served by New West and LAUSD in 2006-07 indicate that in every instance New West outperformed the district, generally by 100 points or more.

Comparison of 2006-07 Subgroup Base API	New West	LAUSD	Difference
African American	754	606	+148
Hispanic or Latino	786	630	+156
White	848	807	+41
Socioeconomically Disadvantaged	757	635	+122

California Standards Tests (Percent Proficient and Advanced)	2004	2005	2006
English-Language Arts (grades 6-8 combined)	45%	58%	61%
<i>LAUSD Comparison Figure</i>	21%	25%	27%
Mathematics (grades 6-7 combined)	37%	46%	54%
<i>LAUSD Comparison Figure</i>	21%	25%	26%
Algebra I (grade 8)	7%	20%	18%
<i>LAUSD Comparison Figure</i>	14%	11%	19%
History-Social Science (grade 8)	35%	40%	43%
<i>LAUSD Comparison Figure</i>	16%	17%	20%
Science (grade 8)	NA	NA	41%
<i>LAUSD Comparison Figure</i>	NA	NA	25%

Student Demographics*	2004	2005	2006
African American	39%	31%	22%
<i>LAUSD Comparison Figure</i>	12%	11%	11%
Asian	6%	7%	6%
<i>LAUSD Comparison Figure</i>	4%	4%	4%
Hispanic or Latino	18%	23%	25%
<i>LAUSD Comparison Figure</i>	73%	73%	73%
White	37%	34%	33%
<i>LAUSD Comparison Figure</i>	9%	9%	9%
Economically Disadvantaged	23%	23%	25%
<i>LAUSD Comparison Figure</i>	73%	77%	79%
English Learners	0%	0%	<1%
<i>LAUSD Comparison Figure</i>	81%	81%	79%

* Ethnicity from California Basic Educational Data System. Economically disadvantaged and English learners from Standardized Testing and Reporting Program.

New West has encountered fiscal problems during its first two years of operation related to weak internal controls, related-party transactions, and governing board inexperience coupled with over-reliance on fiscal services providers in monitoring the school's financial resources. The school's independent annual audit for 2003-04 found deficiencies related to internal controls. The school underwent a limited-scope review by the CDE Audits and Investigations (A&I) Division in January 2005 that confirmed the audit findings, and a follow-up audit conducted under the auspices of the Fiscal Crisis and Management Assistance Team (FCMAT) and the Los Angeles County Office of Education (LACOE) that was released in December 2005. The FCMAT audit found that New West had shown signs of improvement since the initial A&I audit, but that the school did not consistently implement proper internal controls. In March 2006, CDE recommended that New West be placed under close financial supervision and subject to periodic site visits by CDE to ensure that audit recommendations were being implemented. According to FCMAT reports and CDE staff observations, New West has done an excellent job during 2006-07 of implementing audit recommendations and generally improving its finances and organization. New West has indicated that it intends to continue its relationship with FCMAT because of the valuable assistance the organization has provided.

CDE staff conducted its annual site visit of New West on April 11, 2007. The primary focus of the visit was to review the educational component of New West's operations. Based on the visit, staff concludes that New West is: (1) making very good progress in correcting problems in governance and organization management that plagued the school during its first years of operation; (2) providing a sound educational program to its students; (3) gaining control over its financial operations and implementing sound financial practices; and (4) generally implementing the provisions of its charter.

On the basis of New West's solid academic achievement over the last four years, FCMAT's confirmation of the school's excellent work in implementing audit recommendations, and the CDE staff site visit, we would recommend that New West's charter be renewed for another five years from July 1, 2007 through June 30, 2012. The MOU will require an annual update and analysis from New West regarding student performance, and in the event the school does not meet growth targets, a progressive set of corrective actions and reporting to the SBE will be required.

Review of Elements of Revised Charter

Generally, the revised charter follows the structure of the existing charter with updates to reflect the passage of time and to indicate where the school is in relation to its outcomes. Highlights and recommended changes to the various charter sections are presented below:

I. Affirmations, Description of the School, and General Provisions of the Charter

In this section, New West provides an historical perspective of how the school came into existence and summarizes progress to date on academic measures. There is an assurances page stating the school's affirmation that it will comply with a number of requirements and there are provisions that address miscellaneous items such as limits on the charter, term of the charter, rights and responsibilities of parents, students and educators, conflict of interest policies, etc.

- *Affirmations* - We recommend modification of the Affirmations page to delete the affirmation that New West "elects to function as a public school within the District and its SELPA" since the school will become an LEA member of another SELPA (pg. 7).
- *Limits on the Charter*- We recommend that the language on page 14 regarding independent study be amended to state the following: *In the interest of maintaining individual student academic progress and minimizing disruption to the educational program as a result of an extended student absence, New West will consider, on a case-by-case basis, the use of short-term independent study contracts for students who receive prior approval for absences due to travel or extended illness, of three or more days in duration. Any such use of independent study will be limited to occasional, incidental instances of extended absences, and will be fully compliant with all applicable independent study laws and regulations. The governing board shall develop and maintain board policies and master agreements in accordance with Education Code Section 51745 et seq. and implementing regulations, and shall ensure, through consultation with the school's auditors, that all forms and procedures are in conformance with independent study law requirements.*
- *Legal Status of the School* - We recommend the last sentence under Legal Status of the School on page 14, which states that the authorizer is not liable for debts and obligations of the school as long as it has complied with all oversight responsibilities. This sentence places inappropriate limits on the SBE that do not belong in the charter.
- *Facilities* - Much of the language in the Facilities section appears to apply if the school had been approved by LAUSD. This language should be removed. Specifically, the steps required to satisfy the district on page 16 should be deleted.
- *School Founders* - The language in the section on School Founders is contrary to provisions that had previously been agreed to by the SBE and CDE defining who is a "founder" for purposes of enrollment preferences. The general policies and practices bulleted on page 19 should be revised to conform to those approved in

the original charter. In no event should any individual be considered a founder unless that individual completed requirements for founder status prior to September 2002.

- *Special Education* - The section on Special Education, on pages 21-24 will need to be revised to reflect the actual SELPA arrangements that New West secures prior to July 1, 2007.

II. Description of the Educational Program

The description of curriculum and instruction, and the theoretical basis for the program, are consistent with the minimum requirements of law and the general objective of the CDE and SBE to promote high quality schools. The school is implementing a program founded on research of the best practices in successful middle schools and it offers a standards-based program designed to prepare students for college preparatory courses in high school. New West provides an integrated curriculum, and a personalized learning environment with small class sizes.

- We recommend modification of the description in the charter of how New West will serve English Learner (EL) students (page 44-45) to reflect the specific programs and strategies the school is using with these students. The current charter contains general descriptions about what the school will do to serve EL students. Although New West's EL population makes up a very small percentage of its student population, the surrounding district has a substantial proportion of EL students and it is possible New West's EL population will increase as well. Therefore, specific information about how those needs are being met, and will be met in the future need to be included in the charter.
- The charter indicates generally the strategies that New West uses to increase learning opportunities and academic achievement of low-achieving or at-risk students; however, specific interventions taking place at the school are not described. Nor is there detailed information on how such students are identified. We recommend that specific information regarding program supports and interventions be included in the charter.
- The original charter proposed a Scholars-in-Residence program that would complement and supplement the core academic program by involving experts in various fields (artists, scientists, writers, etc.) in the classroom or in extracurricular classes. The proposed charter indicates that this program is currently "developing." We recommend information be added to the charter to flesh out program detail and provide a timeline for instituting such a program.
- The charter states that the school incorporates service learning into its program. However, the charter describes information about what should be included in

such a program rather than specific details regarding the program in place at New West. We recommend information be included in the charter regarding the specific program being implemented at the school.

III. Measurable Pupil Outcomes

This section contains exit outcomes in core academics, character development, and lifelong learning for students graduating from New West (pages 50-53). These outcomes are not measurable as stated. Although New West is performing very well on state standardized tests and is meeting API and AYP targets, we recommend the school restate the exit outcomes in specific measurable terms that will allow the school and CDE to determine how many students are meeting the outcomes and at what performance levels.

IV. Method of Assessment

This section includes a statement that New West participates in all required state assessments and describes the multiple measures of student achievement the schools uses. The charter also contains an extensive chart that details what assessments will be used for assessing various exit outcomes. The charter indicates that the overall success of the school is measured by performance on the state tests and the API.

- The section on Statewide Standardized Assessments (pages 54-55) contains (1) a list of statewide tests that New West administers that does not include the CELDT or physical fitness tests, and (2) contains a statement that New West requires that students “meet the minimum levels for satisfactory performance established by the State Board of Education for promotion to the next grade.” We recommend that the additional tests be added to the charter in (1) and that the sentence in (2) be deleted since the State Board does not establish minimum levels for promotion to the next grade.

V. Governance Structure

This section describes New West’s governing board composition and duties.

- The charter originally approved by the State Board required the Director/Principal, teacher representatives and staff representatives to the governing board be non-voting members in order to avoid real or perceived conflicts of interest. The new charter proposes making these representatives voting members of the board (pages 55-56). We recommend that the original language from the charter specifying these representatives be non-voting be restored and that conforming changes be made to the corporate bylaws, if necessary.

- Language indicating the district has a right to appoint a non-voting representative to the governing board should be replaced with language indicating the SBE has a right to appoint a voting representative to the board if it so chooses.
- Page 56 contains a statement which gives the governing board power to appoint new members and alternates to the board by majority vote of the board. We recommend that this language be eliminated and the following language be inserted: "If alternates are not available to fill a vacancy, then the Board may call for an election."
- Language on page 57 describing the number of board members that constitutes a quorum needs to be revised to be consistent with the governing board make up of 9 voting members instead of 13 consistent with our first recommendation above.
- New West needs to make explicitly clear in the charter that its governing board, Executive Committee, and Advisory Board will adhere to all laws governing open meetings (Brown Act), public records and confidentiality.
- New West requires a home-school contract with families in order to strengthen the partnership among parents, students, and teachers. Agreement to the contract is a condition of enrollment each year. Page 62 of the charter states that "non-compliance may result in a student losing his or her enrollment at New West." We recommend that sentence be deleted since it is unfair to penalize a student for failure of the parents to follow through on commitments in the contract.

VI. Qualifications for Employees

This section defines "core" academic areas (reading and language arts, mathematics, science, history, and social science) and includes a statement that teachers of core, subjects will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold and describes the qualifications for the school director/principal, teachers, non-credentialed instructional staff, and classified staff. There is a stated commitment to comply with *No Child Left Behind's* (NCLB) "Highly Qualified Teacher" provisions.

The charter states that administrators and instructional staff are employed under employment contracts and that non-instructional staff are at-will employees. Finally, assurances are given that fingerprinting and background clearances will be done for all new employees, and employees of contractors who have contact with the school's students.

VII. Procedures to Ensure Health and Safety of Pupils and Staff.

This section includes a detailed description of the elements contained in the school's health and safety plan, including plans for emergencies and natural disasters, administration of medications, child abuse reporting, student immunizations, etc.

VIII. Racial and Ethnic Balance

This section states the school makes a diligent effort to achieve a racial and ethnic balance that is reflective of the general population residing in the territorial jurisdiction of LAUSD and describes a number of recruitment efforts. The latest data on ethnicity indicates that New West has a greater percentage of African American students (22 percent verses 11 percent) and White students (33 percent verses 9 percent), and a smaller number of Hispanic or Latino students (25 percent verses 73 percent), with roughly an equivalent number of Asian students (6 percent verses 4 percent).

- Page 69 of the charter contains a statement that New West's objective is to achieve the district's goal of a student body that is composed of between 30-70% minority students. We recommend that this language be deleted since the SBE has no such minority enrollment targets.
- One of the recruitment strategies listed on page 70 indicates that informational meetings at public elementary schools will be conducted to inform parents of the educational opportunities available at New West. This language omits the reference in the original charter to informing parents in *underrepresented communities* of the opportunities at New West. We recommend the language be added to the charter to make clear the school is targeting this population for recruitment and enrollment.

IX. Admissions Requirements

This section describes the application, admission, and enrollment procedures for the school and indicates that a random public drawing will be held if the number of applications exceeds space available. Preference is extended for students currently enrolled, children of a specified number of founders, siblings and students who reside in the LAUSD attendance area.

The charter states that the school is nonsectarian in its application, admission, and enrollment policies and does not discriminate against any student on the basis of ethnicity, national origin, gender, or disability, and does not charge tuition.

- The charter on page 72, states that preference for enrollment will be available to applicants who attend or live in the attendance area of Richland Elementary School provided that New West receives funds through the SB 740 Charter

School Facility Grant program. Language stating that preference will be given provided New West receives SB 740 funding should be eliminated. The school must show that it meets a number of criteria, including that it give enrollment preference to students in the attendance area of a public elementary school in which 70 percent or more of the student enrollment is eligible for free or reduced priced meals, before it is eligible for SB 740 funding. Preference should not be contingent upon whether or not New West receives the funding.

- The language on page 72 of the charter indicates that continuing students and siblings may only be eligible for preferential enrollment if parents have complied with the home-school contract. We recommend this language be eliminated because it penalizes students for adult failure to comply with the contract.
- Page 73 of the charter contains a paragraph describing New West's participation in LAUSD's Public School Choice Program which involves accepting transfer students from identified low-performing schools on a space available basis. We recommend that New West report on whether it is in fact participating in such a program, and if the school is not participating, that the language be deleted from the charter.
- The enrollment packet that parents must complete and return prior to their child being accepted at New West is generally described on page 74 of the charter. The actual enrollment application materials contain a number of requirements that, taken as a whole, make the application process quite daunting and may have the potential impact of deterring less sophisticated or limited-English speaking parents from even applying to New West. For example, parents are required to submit STAR test results, if available, the child's report cards, a written statement and school documents describing a remediation plan if the child is not performing at grade level, confidential evaluations from one teacher and one administrator at the child's current school, and a written statement of at least 100 words explaining why the parent(s) have chosen to apply at New West. The application materials also contain statements stressing the importance of a student being able to achieve grade level proficiency as defined primarily by scoring 350 and above on STAR tests, thus possibly leaving the impression that a struggling or marginally successful student should not apply to New West.
- We recommend that the application and enrollment materials be revised for the 2008-09 school year to delete requirements related to: (1) the written statement regarding a remediation plan; (2) the 100 word statement about why New West was chosen; and (3) the evaluations from a current teacher and an administrator.
- Language on page 48 of the charter regarding student promotion and retention refers to "recommendations submitted by former teachers and administrators" as part of New West's assessment of students once they have been admitted to the

school. This reference should be eliminated to conform to our recommendation above. New West may want to add a statement to the materials which indicates that parents are encouraged to submit additional information about their child that they think may be helpful to the school in determining what additional supports the child may need to be successful at New West.

- We recommend that statements in the question and answer section of the application materials which indicate that the SBE has established a minimum performance level of 350 on the STAR tests as adequate for satisfactory performance in the next grade be eliminated. The statements are inaccurate. STAR tests were not intended to be used to determine grade level proficiency.
- Finally, we recommend that this section of the charter include a statement that there shall be no admission criteria, testing or other evaluation required of any applicant. This language was included in the original charter approved by the SBE, but was eliminated from the proposed charter.

X. Annual Audits and Reports

The section describes a process for conducting the annual financial audit that is compliant with statute. To the extent more specific provisions may be necessary for effective charter oversight; they can be incorporated in the memorandum of understanding (MOU) recommended by staff as a condition for renewal of the charter. This section also contains a description of the information that is included in the SARC report. SARC reporting requirements are also addressed in the MOU.

XI. Suspension and Expulsion Procedures

This section provides a detailed list of the offenses for which a student may be suspended or expelled and the process by which that will occur. A suspension or expulsion decision may be appealed to the Executive Committee and the governing board.

XII. Staff Retirement Benefit Issues

This section indicates the type of retirement benefits that may be offered to administrative, instructional, and staff employees, but does not describe specifically which plans are in place for employees. We recommend the charter be amended to describe the actual plan provided by the school.

XIII. Public School Attendance Alternatives

This section makes it clear that no student can be required to attend New West (consistent with law). Students not attending New West have other public school alternatives.

- If a charter school student is expelled, fails to graduate, or ceases enrollment in a charter school for any other reason, legislation that took effect January 1, 2006, requires the charter school to notify the superintendent of the school district within which the student's last known home address is located. We recommend that this language be added to this section of the charter.

XIV. Rights of Employees

This section describes the rights of LAUSD and other districts' employees to work in the charter school and return to the districts. The language is consistent with language in the regulations describing the criteria for review of SBE charter appeals CCR, Title 5, Section 11967.5.1).

XV. Dispute Resolution Procedure

This section describes an internal dispute resolution procedure for disputes arising within New West, and a procedure for resolving disputes with the SBE.

- The internal dispute resolution process on page 82 states that the district shall not intervene in internal disputes unless the matter relates to one of the reasons for potential revocation or it impacts the district's fundamental interests. We recommend this language be removed from the charter because it places limitations on the authorizer's ability to act that are not in statute.
- The charter needs to include a statement regarding dispute resolution between the SBE (as the charter authorizer) and New West to the following effect:

"Because the State Board of Education (SBE) is not a local education agency, it may choose to resolve any dispute with New West directly instead of pursuing a dispute resolution process.

"If the substance of any dispute between the SBE and New West is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the New West charter in accordance with *EC* Section 47607, the matter will be addressed accordingly by the SBE."

Further, language on page 83 that requires binding arbitration and the equal sharing of arbitration costs should be eliminated. The SBE does not have the ability to pay for such arbitration.

XVI. Public School Employer Declarations

This section states that New West is the exclusive employer for purposes of EERA.

XVII. Closure Procedures

This section contains a description of the procedures to be followed in the event the New West closes for any reason.

- The procedures described in the charter on pages 84 and 85 will need to be revised in accordance with the new regulations on closure procedures. More specific guidance for closure procedures will be included in the oversight MOU between the CDE and New West.

XVIII. Provisions Related to Funding, Legal Issues, and Business Affairs and Provisions Related to Changing the Charter

- There are numerous provisions on pages 85-92 that reflect LAUSD as the authorizer and reflect requirements that are applicable if the district was the authorizer. Changes will need to be made to these pages to reflect the SBE as the authorizer and to delete requirements that don't apply with the SBE as the authorizer.

Additional Considerations

Changes to Reflect the SBE as the Authorizer

The charter contains numerous references to LAUSD as the authorizer throughout the entire document. These references will need to be replaced and modified to reflect the SBE as the authorizer.

Petition for
Charter Renewal
for
New West Charter School

Charter Number 431

July 1, 2007 - June 30, 2012

submitted to the

Board of Education of the City of Los Angeles

and

Los Angeles Unified School District

under the

Charter Schools Act

California Education Code 47600 et seq.

by the

Board of Directors

New West Charter School

on

January 12, 2007

TABLE OF CONTENTS

<u>MISSION STATEMENT</u>	6
<u>ENDORSEMENTS OF THE CHARTER RENEWAL PETITION</u>	6
<u>AFFIRMATIONS</u>	7
<u>IMPACT STATEMENT</u>	8
<u>ACADEMIC CRITERIA FOR CHARTER RENEWAL</u>	8
<u>DESCRIPTION OF THE SCHOOL</u>	
I. History	9
II. Location and Contact Information	10
III. Student Body	10
IV. School Facilities	10
V. School Employees	12
VI. Grants	12
<u>GENERAL PROVISIONS OF THE CHARTER</u>	
I. Name of the School	13
II. Chartering Authority and Supervisory Oversight	14
III. Role of the Charter	14
IV. Limits on the Charter	14
V. Term of the Charter	14
VI. Legal Status of the School	14
VII. Size of the School	15
VIII. Facilities	15
IX. Educational Rights and Responsibilities	17
A. Rights and Responsibilities of Students	17
B. Rights and Responsibilities of Parents	17
C. Rights and Responsibilities of Educators	17
X. Compliance with No Child Left Behind (NCLB)	18
XI. School Founders	18
XII. Charter School Organizations	19
XIII. Transportation	20
XIV. School Inquiries and Inspection	20
XV. Confidentiality of Records	20
XVI. Conflict of Interest Policy	20
XVII. Exemption from Laws Governing School Districts	20
XVIII. Equal Rights Statement	20
XIX. Special Education	21

A. Charter School Special Education Responsibilities	21
B. Special Education Local Plan Area (SELPA)	23
C. District Responsibilities Regarding Special Education	23
D. Funding for Special Education	24
E. Procedural Safeguards and Due Process Hearings	24
F. Complaints Regarding Special Education	25
G. Modifications to Special Education Responsibilities and Funding	25

REQUIRED ELEMENTS OF THE CHARTER

I. Element A: Description of the Educational Program	25
A. Students to Be Served	26
B. What It Means to Be an “Educated Person”	27
C. How Learning Best Occurs	27
D. Educational Philosophy	28
1. An Integrated Middle School Curriculum	29
2. Personalized Learning Environment	29
3. Diversity of Learning Styles	30
4. Social Awareness	30
5. Recognition for Educators	30
6. Parental Involvement	30
7. Mutual Accountability	31
8. Some Specific Program Goals	31
E. Curricular and Instructional Design	32
F. Curriculum Guidelines	32
G. Overview of New West’s Educational Program	33
1. Elements of a Model Middle School	33
2. Guidelines for New West’s Educational Program	34
H. Core Curriculum	36
1. Reading and Language Arts	36
2. Mathematics	37
3. Science	37
4. History and Social Science	38
I. Supplemental Curriculum	39
1. World Languages	39
2. Visual and Performing Arts	40
3. Physical Education and Health	41
J. Instructional Materials	42
K. Service-Learning	42
L. Enrichment and Extracurricular Programs	42
M. Scholars-in-Residence Program	43
N. Academically Low-Achieving Students	43

O. Gifted and Talented Students	43
P. English Learners	44
Q. Students with Disabilities	45
R. Faculty Mentor Program for Student Counseling	46
S. School Calendar and Instructional Time	46
T. Attendance	46
U. Grading System and Report Cards	47
V. Student Promotion and Retention Policies	48
W. Professional Development for Educators	49
X. Accountability for the Educational Program	49
Y. Student Information System	49
Z. Matriculation to High School	49
II. Element B: Measurable Student Outcomes	50
III. Element C: Measuring Student Outcomes	53
A. Evaluating Student Performance	53
B. Statewide Standardized Assessments	54
C. Evaluating School Performance	54
IV. Element D: Governance Structure	55
A. Board of Directors	55
1. Membership	55
2. Duties	57
3. Strategic Plan	58
B. Executive Committee	58
C. Advisory Board	58
D. School Committees	59
1. Role of Committees in School Governance	59
2. Committee Structure	59
3. Committee Membership	59
E. Parental Involvement	60
1. Role of Parents in Operating the School	60
2. Home-School Contract	60
V. Element E: Employees	62
A. Director/Principal	63
1. Qualifications	63
2. Selection	64
3. Evaluation	64
B. Teachers	64
1. Qualifications	64
2. Selection	65
3. Evaluation	65
C. Non-Credentialed Instructional Staff	65

D. Non-instructional Staff	66
E. Personnel Policies	66
VI. Element F: Health and Safety	68
VII. Element G: Racial and Ethnic Balance	69
VIII. Element H: Application, Admission, and Enrollment Procedures	70
A. Application	71
B. Admission	72
1. Admission Preferences	72
2. Admission Lottery and Admission Priority List	73
3. Wait List and Late Applications	73
4. Public School Choice Program	73
C. Enrollment and Re-enrollment	73
D. Misrepresentation of Admission and Enrollment Information	75
IX. Element I: Annual Audits and Reports	75
A. Financial Audit	75
B. School Accountability Report Card	75
X. Element J: Student Discipline Policy including Suspension or Expulsion	76
XI. Element K: Staff Retirement Benefits	80
XII. Element L: Public School Attendance Alternatives	80
XIII. Element M: Leave of Absence for District Employees to Work at the School	80
XIV. Element N: Dispute Resolution Processes	81
A. Disputes Arising within the School	81
B. Disputes between the School and the District	83
XV. Element O: Public School Employer Declarations	84
XVI. Element P: Closure of the School	84

PROVISIONS RELATED TO FUNDING, LEGAL ISSUES, AND BUSINESS AFFAIRS

I. Charter School Funding	85
II. Grants, Loans, and Indebtedness	86
III. Funding by Other Persons or Organizations	86
IV. Court-ordered Integration	86
V. Financial Reporting	87
VI. Oversight Costs and District Responsibilities	87
VII. Business Management	88
VIII. Liability and Indemnification	89
IX. Insurance	89
X. Legal Services	90

PROVISIONS RELATED TO CHANGING THE CHARTER

I. Amendments and Revisions to the Charter	90
II. Changes in Charter School Law	90

III. Renewal of the Charter	90
IV. Dissolution of the Charter	91
V. Revocation of the Charter	92
VI. Severability	92

Charter for New West Charter School

July 1, 2007 - June 30, 2012

Mission Statement

New West Charter School provides an academically rigorous, highly individualized education for middle school students in grades 6-8. New West produces competent, independent, self-reliant students through a learning environment that promotes academic excellence and strong character development. New West students learn to think with curiosity and agility to ensure their success in college preparatory high school programs. The cornerstones of New West are:

- A rigorous core curriculum that provides a strong foundation in reading and language arts, mathematics, science, and history and social science, supplemented with enrichment in world languages, visual and performing arts, physical education and health, and information technology;
- A robust program of community service and extracurricular activities designed to have maximum synergy with the academic program;
- Performance standards that are clearly defined and closely monitored for individual students, the school's faculty, and the school as a whole;
- Shared responsibility among parents and educators for the school's policies for governance, operation, and curriculum — a collaborative educational community serving the best interests of students;
- A small student body (not to exceed 600) taught in classes as small as resources permit (25 students or less per class); and
- A personalized learning program that both encourages and challenges each student according to his or her ability through differentiated instruction in an integrated curriculum.

New West serves students of diverse cultural, ethnic, and socioeconomic backgrounds from the Westside communities of the greater Los Angeles area. New West families and educators share the common goal of fostering high academic achievement through high expectations, genuine accountability, and individualized attention. This home/school collaboration of involvement and commitment enables students to become competent, creative, self-motivated, lifelong learners who have a clear sense of their individual worth and their responsibilities to society.

Endorsements of the Charter Renewal Petition

The Board of Directors of New West Charter School (New West) submits this petition for renewal of its Charter (the Charter) to the Board of Education of the City of Los Angeles through the Los Angeles Unified School District (the LAUSD or the District) under the Charter Schools Act of 1992 [EC 47600 et seq.]¹. New West's Board presents this petition on behalf of the full-time

¹. References to the California Education Code are given in brackets.

credentialed teachers currently employed by New West. These teachers, by their signatures, have indicated that they are familiar with the school's operation and educational plan, and they are meaningfully interested in teaching at New West. This number of signatures exceeds the legal requirement that the charter petition must be signed by a number of teachers equivalent to at least one-half of the teachers that will be employed at the school during the first year of the charter renewal (2007-08 school year) [EC 47605(a)(1)(B)].

The board members, educators, staff, and parents of New West request that the LAUSD Board of Education grant New West continued status as a charter school for the years 2007 to 2012 pursuant to the Charter Schools Act. The Board of Directors and teacher signatories have authorized Dr. Sharon Weir to negotiate any amendments to the Charter necessary to secure approval by the LAUSD.

Affirmations

New West provides the following affirmations regarding the operation of the school and its educational programs [EC 47605(b)(4)]:

- New West is not a conversion of a private school to a public school, nor does it receive any public funds if a student also attends a private school that charges the student's family tuition [EC 47602(b)].
- New West is nonsectarian in its programs, admission policies, employment practices, and all other operations [EC 47605 (d)(1)].
- New West does not discriminate against any person on the basis of ethnicity, national origin, gender, disability, or place of residence within California [EC 47605 (d)(1)].
- New West admits all students who wish to attend New West, unless the number of applicants exceeds the school's capacity, in which admission is determined by a public random drawing according to the preferences specified in *Required Elements of the Charter. VIII. Element H: Admission Requirements. C. Admission and Enrollment Preferences.*
- New West is proactive in recruitment efforts and outreach programs to achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction [EC 47605(b)(5)(a)(ii)(G)].
- New West agrees that the District cannot require any of its employees to be employed by the school [EC 47605(e)], nor can the District require any student to attend the school [EC 47605(f)].
- New West does not enroll students over 19 years of age unless they are continuously enrolled in public school and making satisfactory progress towards the award of a high school diploma [EC 47612(b)].
- New West elects to function as a public school within the District and its Special Education Local Plan Area (SELPA) for all special education purposes including, but not limited to, funding, policies, programs, and compliance [EC 47641(b)].
- New West complies with the terms of this Charter as a performance-based contract with the District (see *General Provisions of the Charter. III. Role of the Charter*).
- New West complies with the District's policies for charter schools provided these policies do not restrict the school's right to fulfill the intent of the Legislature in enacting and revising the Charter Schools Act of 1992 including but not limited to the school's right to be "exempt from the laws governing school districts" [EC 47610].

- New West complies with all local, state, and federal laws and judicial mandates applicable to charter schools, charter schools as public agencies, and charter schools operated by a California Nonprofit Public Benefit Corporation.²

Impact Statement

New West's operation as a middle school serving the Westside of Los Angeles has minimal direct impact on the district's campuses, services, and educational programs. The following information summarizes the proposed operation and potential effects of the school [EC 47605(g)]:

- **Facilities.** New West's campus is located at 11625 Pico Boulevard, Los Angeles, CA 90064 in a building occupied on a long-term lease from a private party. New West, therefore, has no affect on District facilities unless, at some future time, the school seeks school facilities through the District as provided by EC 47614.
- **Students.** New West's current enrollment is about 300 students, most of who live in Los Angeles and would otherwise attend middle schools administered by LAUSD Local District 3 (primarily Emerson, Mark Twain, Palms, Paul Revere, and Webster Middle Schools). New West marginally reduces the overcrowding on those large campuses and provides an alternative for students better served educationally in a small school environment.
- **Administrative Services.** New West employs staff or contracts with outside parties to provide its own administrative services. New West does not make use of any District administrative services beyond the district's legally mandated oversight responsibilities.
- **Civil Liability.** New West operates as a California Nonprofit Public Benefit Corporation. The District, therefore, is not liable for the school's debts, obligations, acts, errors, or omissions provided the District fulfills its oversight responsibilities required by law. Furthermore, New West indemnifies, defends, and holds the District harmless for the school's acts or omissions. New West, which is not covered by the district's self-insured and commercial policies, carries at its expense the full range of insurance coverage required by the District.

Academic Criteria for Charter Renewal

A charter school that has been open for four years or more must meet academic performance standards and criteria prior to receiving renewal of its charter [EC 47607(b)]. New West is not legally subject to this academic performance review because it opened in September 2003 and has completed only three years of operation when its Charter is considered for renewal during the 2006-07 school year (i.e., 2003-04, 2004-05, 2005-06). Nevertheless, New West is a high-performing school whose students are achieving at a level that far surpasses all academic criteria for charter renewal [EC 47607(b)(1)-(4)].

New West's API has improved in its first three years of operation from 752 in 2004 to 783 in 2005 to 809 in 2006³. New West's 2004 API was 752, which ranked in the 7th decile statewide and 9th decile among similar schools. The school's 2005 API improved 31 points

². These laws and mandates include but are not limited to the Charter Schools Act of 1992, AB 602 (special education funding), the Americans With Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973 ("Section 504"), the Family Educational Rights and Privacy Act (FERPA), the No Child Left Behind Act of 2001, and the LAUSD's Modified Consent Decree.

³. Date from California Department of Education webpages for API reports (<http://ayp.cde.ca.gov>).

to 783. and met all federal Adequate Yearly Progress goals (only 13 of LAUSD's 89 middle schools had larger gains). The 783 API for 2005 is significantly greater than the average API's for schools in the District (649), across Los Angeles County (676)⁴, and throughout California (709). The 809 API for 2006 is significantly greater than the average API's for schools in the District (703), across Los Angeles County (658)⁵, and throughout California (720). If New West had been a District school, it would have ranked 4th out of 82 middle schools (API's of LAUSD middle schools range from 530 to 839). New West's academic performance is substantially higher to marginally lower than the 2006 API's of the District's nearby middle schools: Webster (609), Emerson (672), Palms (780), and Paul Revere (810). The achievement gap between white and African American and between white and socioeconomically disadvantaged students is substantially less at New West compared to those five District middle schools⁶.

Description of the School

I. History

New West originated as a parent-led, grass roots effort to start a small, high quality, public middle school on the Westside of Los Angeles. Planning began in 1999 by an ad hoc group of parents who had learned about the benefits of charter schools through their experiences at the five neighborhood elementary schools of what was then known as the Palisades Charter Complex (a group of District schools, including a middle and a high school, first chartered in 1995). New West was incorporated as a public nonprofit educational benefit corporation in 2000. An Organizing Committee with an Executive Board guided the efforts to establish the new school. This Committee oversaw a variety of subcommittees staffed by numerous parent volunteers who comprised New West's Development Group. Volunteers who contributed at least 100 hours of service to opening of the school were recognized as Founders of New West (see *General Provisions of the Charter. IX. School Founders*). A \$35,000 Charter School Planning Grant from the California Department of Education (March 2000) and a \$10,000 Walton Family Foundation Charter School Planning Grant (July 2000) were instrumental in supporting the initial costs of school development.

The LAUSD denied the initial petition in August 2000 to establish New West as a charter middle school. The Los Angeles County Board of Education subsequently denied a revised petition in January 2001. New West then submitted its charter petition to the California State Board of Education (SBE) through the California Department of Education (CDE) pursuant to Education Code Section 47605(j)(1). In December 2001, the SBE unanimously approved the New West charter petition and assigned the school charter number 431, with the final state-approved Charter dated January 15, 2002.

Due to difficulties in securing an appropriate site for its campus as well as extended SELPA negotiations, New West moved its initial opening date from fall 2002 to fall 2003. In May 2003, with approval from the CDE, New West signed a long-term lease on its present school site on Pico Boulevard in West Los Angeles. Architect Jennifer Wen donated pro bono architectural services and her husband Jeff Guh donated structural engineering services. Jennifer Wen and the board chairman volunteered their time and effort as project managers during an expedited construction schedule that completely renovated the building over the summer of 2003. Much of the funding for

⁴. Based on 2004 API data since county results are not yet available for the 2005 tests.

⁵. Based on 2004 API data since county results are not yet available for the 2005 tests.

⁶. Based on 2004 API data since subgroup results are not yet available for the 2005 tests.

construction and opening of the school came from a \$400,000 Implementation Grant, a \$250,000 loan from the Charter School Revolving Loan Fund, and about \$300,000 of personal loans from David and Nancy Eagle and his parents. As construction proceeded, Dr. Donald Gill, New West's Founding Director/Principal worked with founding parents to hire teachers and staff and make other arrangements for opening the school. The New West campus on Pico Boulevard was dedicated on September 7, 2003, and, the next day, about 275 students in grades 6-8 attended the first day of classes in their the new school.

II. Location and Contact Information

New West's middle school campus is located at 11625 Pico Boulevard, which is centrally located on the Westside within the City of Los Angeles. The school site is in a mixed commercial area of smaller retail and service businesses that is zoned for schools. New West is easily accessible given its location on or near major thoroughfares close to the intersection of the I-10 and I-405 freeways. The campus is a few blocks south of Stoner Avenue Park, which is currently used for the school's PE program, and a mile north of Mar Vista Park, which the school may use for athletic activities in the future. New West is located in Board of Education District 4 and Local District 3 of the LAUSD within the attendance area of Richland Elementary School, Webster Middle School, and University High School. New West can be contact by:

- Mail — New West Charter School, 11625 Pico Boulevard, Los Angeles, CA 90064.
- Telephone — 310-943-5444.
- Fax — 310-231-3399.
- Website — www.newwestcharter.org.
- E-mail — see website for a listing of e-mail addresses of the school's staff.

If New West moves to another location for any reason, that school site must be located within the district's geographic boundaries unless a suitable site is unavailable or the site is occupied on a temporary basis during a construction or expansion project [EC 47605.1(d)]. If New West proposes to open one or more additional sites for educational operations, then the school must petition the District for a material revision to its Charter regarding those additional locations [EC 47605(a)(4)].

Since New West occupies its current site under a long-term lease, there is no immediate need for the District to make available facilities sufficient to accommodate the school's in-district students [EC 47614(b)]. New West, however, reserves its right as a charter school to request, as allowed by charter school law, that the District provide a furnished and equipped facility near its present location. This facility must be comparable to the District schools that New West's in-district students would otherwise attend. Both the District and New West are bound by state regulations regarding the request for, reimbursement for, and provision of facilities as specified in EC 47614.

III. Student Body

New West's current school site can handle a maximum of about 300 students in its present configuration. For 2006-07, the school enrolled 303 students (107 6th graders, 103 7th graders, and 93 8th graders). About 51% of the students are male and 49% female. New West's student body is racially diverse with approximately 25% African-American, 37% White, 19% Latino, 7% Asian, and 12% other ethnicities, reflecting the diversity of the Los Angeles area in general.

IV. School Facilities

New West's school site is a commercial, two story building constructed in 1947. The property is occupied under a long-term lease with right for renewal (2003-2013). The building has about 10,000 square feet on the first floor and about 5,000 square feet on the second floor. In the

summer of 2003, the building's interior was completely redesigned and renovated to serve as a school. The building was inspected by certified structural engineer and declared safe in 2003. All renovations were completed in compliance with Los Angeles building code standards and regulations. The school site was inspected and cleared by the City Fire Marshall. The City of Los Angeles issued a Certificate of Occupancy before the school opened in September 2003.

The building and grounds are configured for optimal, efficient use as a school in a relatively small space. The campus includes:

- Twelve classrooms capable of holding 25 or more students each for a maximum school size of about 300 students (one is a resource classroom for special education purposes).
- One smaller classroom used by the resource teachers for special education purposes.
- Library (constructed during summer of 2005 funded by a grant from the S. Mark Taper Foundation).
- Media (computer) center (constructed during summer of 2005 funded by a grant from the S. Mark Taper Foundation).
- A central administrative and reception area at the school's entrance.
- Separate private offices for the Director/Principal and Assistant Principal.
- Teacher's lounge.
- Parent volunteer work area.
- Separate adult bathrooms for men and women.
- Separate student bathrooms for boys and girls.
- Ramps, elevator, and other required modifications to achieve full ADA handicapped access.
- A larger paved area on the side adjacent to the school's entrance that is used for drop-off in the morning, pick-up in the afternoon, physical education and recess during the school day, after school activities, and parking when students are not present.
- A smaller paved area at the other end of the school that has shaded picnic tables used for recesses, lunch, and various student activities during and after school.
- Metered and non-metered parking for employees, parents, and visitors is readily available on the streets surrounding the school.
- Large, outside wall mural, opposite the school's main entrance, painted by Latino artist Rafeal Escamilla to express the spectrum of diversity in Los Angeles, including historical and contemporary architectural landmarks as well as landscapes to educate students about culture and community in Los Angeles.
- Fencing and gates that provide security and restrict students from leaving or outsiders from entering the campus.
- Video security system to monitor campus gates and open areas inside and outside the school building.
- Wireless, broadband internet access throughout the building.
- New energy saving lighting.
- New, efficient HVAC equipment (summer 2003).
- New roof (summer of 2004).
- New student desks, chairs, and lockers.
- Teacher's desks, file cabinets, bookcases, tables, chairs, and most other interior furnishings donated by local businesses and law firms from their excess inventory.

Cleaning of the building and grounds, as well as minor maintenance, is handled by New West's janitors supplemented by other school staff and parent volunteers. The same people handle the small amount of gardening and landscaping at the school site. Pest management is handled by professionals paid by the school when needed. Maintenance and repair of the school's physical systems are handled by local companies paid by the school when needed unless a qualified parent volunteers to do the work (e.g., computers, plumbing, electrical, heating, and air-conditioning). Major repairs are the responsibility of the building's owner as specified in the lease agreement. Any repairs, remodeling, or additions at the school site are done in compliance with all applicable local building, safety, and fire regulations. The Director/Principal is responsible for inspecting the school's building and grounds to identify and correct safety and health hazards.

V. School Employees

The numbers and types of staff employed at New West vary depending on the level of funding received by the school from different sources and the programs such funding can support. For the 2005-06 school year, New West's employees include (full-time unless noted):

- Director/Principal.
- Assistant Principal
- Office and Systems administrator
- One full time office assistant
- One part-time office assistant.
- Twelve credentialed classroom teachers to provide instruction in the four core subjects (Reading and Language Arts, Mathematics, Science, and History and Social Studies) and various electives.
- Two credentialed special education resource teacher and one special education assistant.
- Librarian (part-time volunteer).
- Several non-credentialed elective teachers depending on need, availability, and budget (part-time or volunteer: e.g., Spanish, French, chess).
- Three non-credentialed physical education teachers (part-time).
- One instructional aide.
- Two janitors (part-time).

New West contracts with outside individuals and companies for the following services:

- Music program (beginning and intermediate orchestra offered as electives; jazz band offered as after-school extracurricular class).
- Business and administrative affairs (accounting, payroll, budgeting, and other financial and back-office services).
- Maintenance and repair services on as-needed basis (major repairs to the building are covered under the lease agreement).
- After school program.
- Special education services outside the expertise of the school's resource teachers.
- Legal affairs.

The number and types of employees in future years depends on the availability of funds, numbers of students, and programmatic needs. Parents and community volunteers provide enrichment programs, extracurricular activities, and adult volunteers in the classrooms as appropriate and needed. Parents contribute substantial time and expertise to assist in other aspects of the school's

day-to-day and long-term operation (e.g., room parents, traffic control, lunch monitors, clerical help, newsletter, grant writing, admissions, and governing board).

VI. Grants

New West competes successfully for grants and other funding that supplement the school's state-derived revenues. New West has received the following grants and loans:

- Planning Phase Charter School Start-Up Grant, California Department of Education: \$35,000, awarded in March 2000.
- Charter School Planning Grant, Walton Family Foundation, Inc.: \$10,000, awarded in July 2000.
- Implementation Grant, California Department of Education: \$400,000, awarded in June 2003.
- Charter School Revolving Loan Fund, California Department of Education: \$250,000, awarded in June 2003.
- Outside Wall Mural by Latino artist Rafael Escamilla, The Pico Beautification Organization working with New West and its students as a Community Partner, funded by Operation Clean Sweep, Neighborhood Matching Funds, City of Los Angeles Department of Public Works: \$10,000, awarded in October 2003.
- Friends of New West Charter School Greening and Beautification Project, Neighborhood Matching Fund, City of Los Angeles: \$10,000, awarded in May 2004.
- Library and Media Center, S. Mark Taper Foundation, Los Angeles: \$175,000, awarded in July 2004 (construction completed summer 2005).

General Provisions of the Charter

New West operates as a charter school to fulfill the intent of the California Legislature in establishing the Charter Schools Act [EC 47601]. Charter schools are meant by law to provide opportunities for teachers, parents, students, and community members to maintain a school that operates independently from the existing school district structure. This independence allows New West to accomplish the following as a charter school [EC 47601(a)-(g)]:

- Improve student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
- Encourage the use of different, innovative, and enhanced teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the school's learning program.
- Provide parents and students with expanded choices in the types of public educational opportunities available to them, and the opportunity to be involved in their children's education.
- Be accountable for meeting measurable student outcomes and using performance-based accountability systems to measure student and school success.
- Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

If the Board of Education approves a revised or renewed Charter, then New West provides written notice, including a copy of the approved Charter, to the Los Angeles County Superintendent of Schools, the State Superintendent of Public Instruction, and the California Department of Education.

I. Name of the School

The school's official name is New West Charter School. New West's Board of Directors retains the right to change the school's name at any time for any reason. New West will immediately inform the District when, and if, the school changes its name.

II. Chartering Authority and Supervisory Oversight

The Board of Education of the City of Los Angeles, working through the District, is New West's chartering authority for the five year term of the charter renewal from July 1, 2007, to June 30, 2012. The District is the supervisory agent that oversees New West. New West works collegially and collaboratively to meet the district's supervisory responsibility to [EC 47604.32]:

- Assign at least one District staff member to be the contact person for New West.
- Visit New West at least annually.
- Ensure that New West complies with all reports required of charter schools by law.
- Monitor New West's fiscal condition using the financial information it obtains from the school's annual reports listed in *Provisions Related to Funding, Legal Issues, and Business Affairs. V. Financial Reporting*.
- Provide timely notification to the California Department of Education if the school's petition for charter renewal is granted or denied, the school's charter is revoked, or the school ceases operation for any reason.

The district's cost of performing these duties and other supervisory functions is funded by the supervisory oversight fees that New West pays annually to the District (*see Provisions Related to Funding, Legal Issues, and Business Affairs. VI. Oversight Costs by Chartering Authority*).

The Los Angeles County Superintendent of Schools may, based on written complaints by parents or other information that justifies an investigation, monitor the operations of New West and conduct an investigation into the operations of the school [EC 47604.4].

III. Role of the Charter

The Charter constitutes a binding contract between New West and the District. The Charter is a performance-based agreement covering those terms and conditions required by law as well as those aspects of the relationship between New West and the District that need clarification. New West consults with the District about matters that arise not covered by the Charter. Disputes between New West and the District about the terms and conditions of the Charter, the meaning of the Charter Schools Act, or the applicability of local, state, and federal laws to charter schools are settled according to the dispute resolution process described under *General Provisions of the Charter: Section XIII.N.2. Disputes between the School and the Chartering Authority*.

IV. Limits on the Charter

New West cannot operate an adult school, children's center, or independent study programs except, in the latter case, as may be required for the occasional student who may be absent from the school for personal or health reasons. New West operates at a single site within the district's jurisdictional boundaries [EC 47605(a)(1) & (4)]. New West must submit and the District approve an amended charter petition prior to implementation if the school decides to expand its educational program to include other grade levels, to change its location, or to open additional school sites for conducting its educational operations.

V. Term of the Charter

The term of the Charter begins July 1, 2007, and ends June 30, 2012.

VI. Legal Status of the School

The school is operated by New West Charter School, a California Nonprofit Public Benefit Corporation formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 commencing with Section 5110 of Division 2 of Title 1 of the Corporations Code), as allowed by the Charter Schools Act [EC 47604(a)]. The District is not liable for the debts or obligations of New West, or for claims arising from the performance of acts, errors, or omissions by New West, if the District has complied with all oversight responsibilities required by law [EC 47604(c)].

The school operates according to New West's Corporate Bylaws, which are consistent with the terms of the Charter, the Charter Schools Act, and all other applicable laws. If the provisions of the Corporate Bylaws are in conflict with provisions of the Charter, then the provisions of the Charter shall control. New West provides the District with its corporate bylaws and informs the District when any changes to the bylaws are made.

New West, as a charter school, is part of the Public School System, as defined in Article IX of the California Constitution [EC 47615(a)(1)]. New West, as a charter school, is under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools, as provided in the Charter Schools Act [EC 47615(a)(2)]. New West is a "school district" for purposes of [EC 47612(c)]:

- Education Code — Part 9: Finance. Chapter 1: State School Funding. Article 1: Sources, Conditions of Apportionments, Amounts (commencing with EC 14000).
- Education Code — Part 24: School Finance. Chapter 3: State School Fund. Article 1: Appropriations, Sources, Conditions, Amounts of Support per Average Daily Attendance (EC 41301 & 41302.5).
- Education Code — Part 26.8: Charter Schools. Chapter 6: Funding. Article 10. Other Operational Funding Available to Charter (EC 47638).
- California Constitution — Article XVI. Public Finance (Sections 8 and 8.5).

New West operates under the supervision of the District as a direct-funded "independent" charter school. This means New West is autonomous from the District in most of its operations and receives its public funding directly under the Block Grant Funding Model.

VII. Size of the School

The Board of Directors has the authority, consistent with its Charter, to determine the size and grade-level breakdown of the student body at New West. The determination of school capacity is based on the school's academic program, the school's fiscal viability, the educational needs of currently enrolled students, the capacity of the school site, and the level of interest shown by students who want to attend the school. Determinations of class size and student:teacher ratios are based on credentialed teachers only.

New West's enrollment is limited to about 300 students at its Pico Boulevard school site. However, New West reserves the right to enlarge its school site, add additional sites, or move to a larger site so that the school can expand to a maximum enrollment of about 600 students in grades 6-8 (about 200 students per grade level). New West understands that moving to a new school site and/or adding grade levels represent material changes to the Charter that require consultation and approval by the District [EC 47605(a)(4)].

VIII. Facilities

New West works collaboratively with the District in exercising its right as a charter school to rent, lease, or purchase a school site of its choosing for conducting its educational operations. New West may construct, reconstruct, demolish, remodel, alter, or add to buildings or other

facilities at its school site provided that the school conforms to all city, county, and state building codes, health laws, safety regulations, and educational standards applicable to charter school facilities. New West has a Certificate of Occupancy that its school site is fully usable without conditions in order to conduct its educational operations. New West allows the District to inspect its campus and any of its school buildings or other facilities at any time.

New West keeps the District informed, on a timely basis, with regard to any planned change in the location of the school's campus or any new construction or remodeling of the school's existing facilities. New West agrees to the following steps to satisfy the District that its school site is financially feasible, educationally appropriate, and safe for occupancy and continued operation of the school:

- Provide copies of all relevant documents that specify the terms and conditions of rental, lease, or purchase agreements.
- Provide information about the site, including but not limited to the age and history of buildings, tenants of the site if shared with others, planned use of the space for educational purposes, emergency routes, traffic flow, parking, student drop-off zones, campus security, and separation of students from other tenants or neighboring properties.
- Provide structural plans and architectural drawings of the site, including planned alterations or new construction, for inspection and comment by the District with regard to size and arrangement of rooms, number and placement of bathrooms, ADA accessibility, entrances and exits, width of hallways, lighting, signs, safety, and security.
- Provide the report of a licensed structural engineer certifying that the facility is constructed to local building code standards and that the building is sufficiently structurally sound to be used by a county superintendent of schools for the operation of a community school.
- Conduct a parking and traffic safety study whose purpose is to address the adequacy of the school's drop-off and pick-up areas and procedures including the potential need for adult monitors to manage the safety of students entering and leaving the school grounds.
- Create a school security plan including containment of students, access to the school site, separation from other tenants of the site and neighboring properties, emergency plans and exit routes, and signage.
- Consider any site review recommendations made by the District regarding the school site and school facilities, but New West is not bound by such recommendations except as required by applicable building, health, safety, or educational laws related to charter school facilities.
- Provide a Certificate of Occupancy at least 45 days before commencing educational operations.
- Notify the District immediately if the school is cited at any time by any government agency (e.g., Cal OSHA or the Fire Marshall) for noncompliance with building, health, or safety regulations.
- Demonstrate that the costs of the school's facility, including alterations or new construction, can be accommodated within the school's budget.
- Instruct the owners of leased or rented property to notify the District if rental or lease agreements are terminated.

If New West moves or expands to another facility during the term of this charter, then New West must provide a Certificate of Occupancy to the District for that facility at least 45 days before educational activities at that facility begins. New West cannot use any location for which it has failed to provide a timely certificate of occupancy to the District, unless an exception is made by the District's Charter Schools Division. Notwithstanding any language to the contrary in this charter,

the interpretation, application, and enforcement of this provision are not subject to the dispute resolution process specified in *Required Elements of the Charter. XIV. Element N: Dispute Resolution Processes. B. Disputes between the School and the District*).

IX. Educational Rights and Responsibilities

New West believes that a strong, collaborative partnership among students, teachers, and parents provides the foundation for an educational culture that enhances the learning experience of all students. Inherent in this educational partnership are both rights and responsibilities.

A. Rights and Responsibilities of Students

- (5) Access to a free, nonsectarian public education without regard to race, sex, color, ethnicity, national origin, or disability.
- (6) Learn in a safe, clean, orderly, nurturing educational environment that encourages and challenges students to reach their maximum potential as “educated persons” in the 21st Century.
- (7) Develop skills and abilities in reading and language arts, mathematics, science, and history and social science that provide a strong foundation to become self-motivated, competent, life-long learners.
- (8) Participate fully in the core academic curriculum as well as differentiated instruction, homework assignments, community service projects, enrichment and extracurricular activities, special education, and remedial learning opportunities as may be appropriate for their individualized study plans.
- (9) Behave appropriately and maintain high ethical and moral standards, including honesty, respect, courtesy, and kindness in all their interactions with parents, teachers, administrators, staff, community members, and other students.
- (10) Participate in the governance (e.g., student council) and operation (e.g., school work days or fund-raising activities) of the school as appropriate for middle school students.
- (11) Understand and follow the student code of conduct.
- (12) Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school’s Charter.
- (13) Display a sense of pride and ownership in the success of the school.

B. Rights and Responsibilities of Parents

- (14) Participate in their children's learning on a day-to-day basis.
- (15) Promote the positive character development of their children.
- (16) Ensure that their children complete homework assignments and participate in school activities.
- (17) Act as their children’s advocate in seeking their children’s fullest educational development as individuals.
- (18) Help to support and develop school activities and programs.
- (19) Participate in the school’s governance, its operations, and the design and implementation of its educational program.
- (20) Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school’s Charter.
- (21) Display a sense of pride and ownership in the success of the school.

C. Rights and Responsibilities of Educators

- (22) Create an exciting, stimulating, and challenging learning environment for each child using a wide variety of learning experiences and teaching methods.
- (23) Teach the adopted curriculum with appropriate consideration for the learning abilities and accomplishments of each student.
- (24) Evaluate student success in meeting measurable student outcomes .
- (25) Address the learning potentials of all students as individuals who may range in ability from those who are low achieving to those who are highly gifted.
- (26) Communicate with parents about the achievements of their children as well as provide advice about how their children may become more successful.
- (27) Participate in professional enrichment, training, and collaboration to improve their abilities as well as the school's capacity for providing a quality education to all students.
- (28) Encourage and contribute to volunteerism by parents and community members who wish to contribute to the school.
- (29) Participate in the school's governance, its operations, and the design and implementation of its educational program.
- (30) Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- (31) Display a sense of pride and ownership in the success of the school.

X. Compliance with No Child Left Behind (NCLB)

New West, as a charter school that emphasizes high academic achievement, high expectations, high accountability, high parental involvement, a highly qualified teaching staff, and reliance on proven best practices of instruction, is fully compliant with the federal No Child Left Behind Act of 2001.

- **Academic Achievement.** New West is a high-performing school that meets all of its goals with respect to Adequately Yearly Progress (AYP) based on the academic achievement of its students.
- **Highly Qualified Teachers.** New West employs credentialed teachers who have mastery of their subject area in the core curriculum of reading and language arts, mathematics, science, and history and social science.
- **Paraprofessionals.** New West employs highly qualified, non-credential paraprofessionals, who have completed at least two years of higher education, to provide instructional support to the school's teachers.
- **Parental Involvement.** New West was founded by parents on the premise that parental involvement is a key element for success in a child's education. New West involves parents in all aspects of the school's operation and educational program.
- **Professional Development.** New West emphasizes professional development of its educators as a cornerstone for developing and maintaining a strong educational program that fosters academic achievement.
- **Educational Practices.** New West is a best-practices school whose educational policies, programs, and practices are based on the integration of professional wisdom with the best available empirical evidence about how to deliver instruction.
- **Public School Choice.** New West is a high-performing charter school that provides an alternative for some students who would otherwise attend a low performing school in need of improvement.

XI. School Founders

The Founders of New West are parents who volunteered substantive time, effort, and expertise during the planning and implementation stages leading to the opening of New West. Founders were required to contribute 100 hours of documented volunteer service and a continuum of service on one or more committees of the New West Development Group before the school completed its first year of operation. Monetary pledges or contributions of material goods were immaterial for determining founder status. Besides the inherent satisfaction of volunteerism that benefits children and the community, the primary reward for Founders is admission preference to New West for their children (not to exceed 10% of enrollment) (see *General Provisions of the Charter: Section XIII.H.3. Admission and Enrollment Preferences*). The following general policies and practices govern Founder status at New West:

- Founders are parents meaningfully interested at some time in having their children attend New West, whether or not their children actually enroll in the school when eligible.
- The children of Founders receive admission preference to the school⁷. The number of Founders' children cannot exceed 10% of the total number of children enrolled in the school at any one time during the schools first four years of operation (i.e., for the 2003-04 through 2006-07 school years). For 2007-2012, the percentage of Founders decreases by 1% per year (i.e., 9% for 2007-08, 8% for 2008-09, 7% for 2009-2010, 6% for 2010-11, and 5% for 2011-12). Thereafter, beginning in 2012-13, the children of Founders receive no admission preference.
- Status as a Founder is limited to those persons who completed requirements for Founder status before the end of New West's first year of educational operations in June 2004.
- Founders' children must comply with the same admission criteria, application deadlines, and conditions of enrollment as other students wishing to attend New West.
- New West's Board of Directors is solely responsible for resolving disputes about interpreting or applying these policies or any other aspect of Founder status.
- Founders elect three representatives and two alternates to the Board. Their role is to preserve the philosophy, the mission, and the dream of New West in terms of the ideals and principles given in the Charter.
- The awarding of founder status to New West volunteers ended in June 2004 and cannot be reopened during the term of this Charter (unless the school applies for and receives written approval from the District.)

XII. Charter School Organizations

New West maintains memberships in the California Charter Schools Association (CCSA) and the Charter School Development Center (CSDC) for the purpose of both promoting the charter model of school reform generally and enhancing New West's effectiveness as a charter school specifically. New West sends at least one teacher, administrator, and/or board member to at least one annual meeting of a state or local charter school organization. The school's teachers, administrators, and board members are encouraged to attend workshops held by CCSA, CSDC, or other similar organizations. New West plans on-campus seminars to keep its community of parents and educators informed about the evolving principles and practices of charter schools.

⁷. The number of founders' children taking advantage of this admission preference is a much smaller percentage of overall enrollment than allowed. Founders' children comprise less than 5% of New West's 2005-06 enrollment. Many Founders did not enroll their children of middle school age because of the delay in opening New West as well as the change in the school's location out of the Brentwood-Pacific Palisades area in which most Founder's reside.

New West's educators and/or board members are encouraged to attend the district's yearly Charter School Conference. They are also encouraged to participate in the district's Community of Practice Network to foster collegial, collaborative relationships with charter school operators and developers throughout the Los Angeles area.

XIII. Transportation

New West is not responsible for providing transportation between students' homes and the school's campus. Transportation for New West students with disabilities may be provided as required under applicable law pertaining to special education students (see Table 2 under *General Provisions of the Charter: Section XV.B. Special Education Policies, Procedures, and Practices*).

New West requests that parents participate in the school's car-pooling program to alleviate traffic conditions around the school, although such participation is not mandatory. A few students living near the school either walk or bicycle to school. Some students use public transportation that stops near the school. The school organizes traffic safety volunteers to manage the morning drop-off and afternoon pick-up of students in the parking lot adjacent to the school's entrance.

XIV. School Inquiries and Inspection

New West accommodates reasonable requests from the public for information about its operation with the understanding that the school abides by all applicable laws regarding the confidentiality of the records of individual students, parents, and employees. Visits to the school site by members of the public require prior approval by the Director/Principal of New West, who considers the health and safety of students and employees as well as disruption to the school's educational program before granting access.

New West promptly responds to and consults with the District, the Los Angeles County Superintendent of Schools, or from the State Superintendent of Public Instruction regarding all reasonable inquiries from these agencies, including, but not limited to, inquiries regarding its financial records [EC 47604.3]. The District may inspect or observe at any time any part of the school including its facilities, records, teaching programs, extracurricular activities, or any other part of its operation [EC 47607(a)].

XV. Confidentiality of Records

New West follows all applicable state and federal laws regarding the confidentiality of private information and records of students, parents, employees, and the school itself (e.g., Family Educational Records and Privacy Act). Specifically, the Director/Principal is responsible for a records management policy that covers the creation, maintenance, and destruction of student and employee records as required by law. Access to and disclosure of private information is limited to those persons who have a legal right to inspect and review documents (e.g., parents may inspect their own children's school files, or employees may inspect their own personnel files) or to those who need access to documents in the course of the school's normal operation (e.g., Director/Principal, teachers, and special education personnel). Basic information about students that usually appears in class rosters (e.g., names, ages, grade levels, addresses, and phone numbers) is shared within the school's community of employees, parents, and students for internal school purposes but cannot be distributed to any outside person or organization. Complaints about the contents of student or employee records, the accuracy of information, or violations of privacy are referred to the school's internal dispute resolution process.

XVI. Conflict of Interest Policy

New West's policy limits actual or potential conflicts of interest that may arise when the personal or professional interests of a stakeholder affect her/his ability to put the interests of the school before personal benefit. The conflict of interest policy applies to the board members,

administrators, teachers, staff, parents, community members, committee chairs and members, volunteers, and any other person or party who participates in the school's operation and educational program, all of whom are asked to agree in writing to uphold the policy. New West's policy has four essential elements⁸:

- **Full Disclosure.** Stakeholders are required to disclose any potential or actual conflict of interest.
- **Abstention from Discussion and Decision Making.** Stakeholders who have an actual or potential conflict of interest cannot participate in discussions or votes on matters related in any way to the area of conflict.
- **Abstention from Decision-Making.** Stakeholders who have an actual or potential conflict of interest cannot be substantively involved in decision-making on matters related in any way to the area of conflict.
- **Violation of Policy.** Anyone can report violations of the conflict of interest policy and have the allegations addressed through the school's dispute resolution procedures.

XVII. Exemption from Laws Governing School Districts

New West complies with the terms set forth in its Charter, with District policies applicable to charter schools, with the provisions of the Charter Schools Act, and with other laws and regulations applicable to charter schools. Otherwise, New West is exempt from laws governing school districts [EC 47610].

XVIII. Equal Rights Statement

New West, as a charter school, cannot engage in racial, sexual, or ethnic discrimination in any aspect of its operation [EC 235]. New West is nonsectarian in its programs, admission policies, employment practices, and all other operations [EC 47605(d)(1)]. New West cannot discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, national origin, or disability in any aspect of its operation, educational program, or dealings with students, parents, and employees [EC 47605(d)(1) and California Constitution, Article 1, Section 31].

XIX. Special Education

New West elects to function as a public school within the District and its Special Education Local Plan Area (SELPA) for all special education purposes including, but not limited to, funding, policies, programs, and compliance [EC 47641(b)]. The Charter Schools Act provides that [EC 47646(a)]:

- New West participates in state and local funding for special education in the same manner as any other public school in the District.
- A child with disabilities attending New West receives special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school in the District.
- The District ensures that all children with disabilities enrolled in New West receive special education and designated instruction and services in a manner that is consistent with their individualized education program (IEP) in compliance with the Individuals with Disabilities Education Act (IDEA) and implementing regulations.

⁸. See Frank Martinelli's *Creating an Effective Charter School Governing Board* (Charter Friends National Network, 2000).

A. Charter School Special Education Responsibilities

New West adheres to the provisions of the Individuals with Disabilities Education Act (IDEA) and state special education laws and regulations to assure that all its students with disabilities have a free, appropriate public education (FAPE). New West also ensures that no student otherwise eligible to enroll in their charter school is denied enrollment.

New West complies with Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act, and all Office of Civil Rights mandates for its students.

New West adheres to all District policies and procedures regarding special education.

New West adheres to the requirements of the Chanda Smith Modified Consent Decree, including compliance with the Annual Plan, submission of documents and information, participation in reviews, and attendance at informational sessions and meetings.

New West uses District forms to develop, maintain, and review assessments and IEPs in the format required by the District and enters assessment and IEP data into the District's designated data system (Welligent) in accordance with District policies and procedures. New West maintains copies of assessments and IEP materials for district review. New West submits to the District all required reports, including but not limited to SESAC and Welligent IEPs, in a timely manner as necessary to comply with state and federal and Modified Consent Decree requirements. New West develops Individual Transition Plans to help a student with disabilities, age 14 and older, in transitioning to adult living.

New West participates in the state's quality assurance process for special education (i.e., verification reviews, coordinated compliance self-reviews, complaints monitoring, procedural safeguards, and the local plan). New West participates in internal validation review (DVR).

New West is responsible for the management of its special education budgets, personnel, programs, and services. New West ensures that its special education personnel are appropriately credentialed, licensed, or on waiver consistent with California laws and regulations.

New West implements the programs and services, including providing related services, required by a student's IEP. New West may request related services (e.g., Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the District, subject to availability and on a "fee-for-service" basis, by submitting written requests to the District. New West may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

When a student transfers to New West from a District school or District affiliated charter school, New West provides those related services required by the student's IEP upon the student's enrollment. However, to allow for a smooth transition to New West, the District continues to fund services for thirty (30) days after enrollment for any special education student who has been receiving non-public agency (NPA) services from the District. This allows New West time to conduct an IEP team meeting and to execute contracts as necessary to facilitate the student's transition to New West. When requested by New West, a representative from the Local District Special Education Office may attend a student's first IEP meeting at New West to assist with transition issues.

When a student transfers to New West from another school district, New West provides related services required by the student's IEP upon the student's enrollment regardless of the type of service provider (school, NPA, or private). The IEP team meetings for such a

student are held within thirty (30) days of the student's enrollment in accordance with state and federal law.

The referral process includes Student Success Team meetings to review prior interventions, accommodations, and modifications, and to recommend further interventions as appropriate. New West identifies and refers students who demonstrate early signs of academic, social, or behavioral difficulty that may require assessment for special education eligibility and placement in a special education program.

New West is responsible for the development of assessment plans for students with suspected disabilities or, in the alternative, providing appropriate written notices to parents when denying a request for assessment. New West makes decisions regarding eligibility, goals, program, placement, and exit from special education by consensus of the student's IEP team.

If New West cannot provide an appropriate placement or services for a student with special needs, New West contacts the District to discuss placement and service alternatives. New West requests participation of a District special education representative at an IEP team meeting whenever special education programs outside of New West are anticipated, including but not limited to placement at a District school or at a non-public or private school. If an IEP team that includes New West personnel places a student in a special education program provided by another entity without District representation on the IEP team, then New West is fully responsible for the quality of the program, for any costs incurred for such a placement, and for monitoring progress towards the student's IEP goals.

New West promotes movement of students with disabilities into less restrictive environments as well as increased interactions of students with disabilities with non-disabled students. New West uses assessment and standardized testing procedures, including guidelines for modifications and adaptations, to monitor student progress.

New West provides planned staff development activities and school personnel participate in appropriate District trainings to support access by students with disabilities to the general education classroom, general education curriculum, integration of instructional strategies and curriculum adaptations to address the diverse learner, and interaction with non-disabled peers.

New West ensures that the teachers and other persons who provide services to a student with disabilities are knowledgeable of the content of the student's IEP.

New West ensures that student discipline and procedures for suspension and expulsion of students with disabilities are in compliance with state and federal law. Discipline procedures include positive behavioral interventions. In accordance with the Modified Consent Decree, New West collects data pertaining to the number of special education students suspended or expelled.

B. Special Education Local Plan Area (SELPA)

The District is approved to operate as a single-district SELPA under the provisions of California Education Code [EC 56195.1(a)]. New West elects to function as a public school within the District and its Special Education Local Plan Area (SELPA) for purposes of special education [EC 47641(b)]. The District determines the policies and procedures necessary to ensure that the protections of special education laws and regulations are extended to New West's students in the same manner as students in all District schools.

C. District Responsibilities Regarding Special Education

The District provides New West with information regarding special education decisions, policies, and procedures to the same extent as the District provides other schools within the District. The District provides training opportunities and/or information regarding special education to New West staff to the same extent as the District provides other schools within the District.

As required by the Charter Schools Act [EC 47646(a)], the District ensures that New West participates in special education funding in the same manner as any other public school in the District. The District also ensures that students with special needs enrolled in New West receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school in the District. Furthermore, the District ensures that all New West's students with disabilities receive special education and designated instruction and services in a manner that is consistent with their individualized education program (IEP) in compliance with the Individuals with Disabilities Education Act (IDEA) and implementing regulations.

D. Funding for Special Education

Since New West is considered to be a regular school within the District for the purposes of special education, New West participates in special education funding in the same manner as any other public school in the District [EC 47646(a)]. The District ensures New West receives an equitable share of special education funding and services consisting of either, or both, of the following:

- (32) State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the school for its students [Education Code 47646(b)(1)].
- (33) Any necessary special education services, including administrative and support services and itinerant services, that is provided by the SELPA on behalf of students with disabilities enrolled in New West [Education Code 47646(b)(2)].

New West is responsible for contributing to the District an equitable share of its charter school block grant funding to support the District's special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in New West [Education Code 47646(c)].

New West receives its allocated share of AB602 special education funds and is fiscally responsible for the provision of special education services and instruction to the students it serves. The allocated amount is calculated using a funding model based on student population (average daily attendance based on based on daily attendance for each student reported and certified according to District policies and procedures). New West may request specific related services from the District on a fee basis if the District has availability.

The District collects an equitable encroachment contribution from New West for district-wide costs for special education instruction and services. District-wide costs include: (1) maintaining a full continuum of program options; (2) professional development and training; (3) technical support for programs; (4) administration of due process proceedings, excluding any legal representation; (5) investigation of complaints; and (6) implementation of the Modified Consent Decree.

The annual encroachment percentage collected varies from year to year depending on the district-wide encroachment. The calculation of the encroachment contribution is based on a formula designed by the District's Budget Services Office.

E. Procedural Safeguards and Due Process Hearings

The District may invoke dispute resolution provisions set out in the Charter, initiate due process hearings, and/or utilize other procedures applicable to the New West if the District determines that such action is legally necessary to ensure compliance with federal and state special education laws and regulations or the Modified Consent Decree.

In the event that a parent or guardian of a student attending New West initiates due process proceedings, both New West and the District may be named as respondents. Whenever possible, New West and the District work together to resolve the matter at an early stage (e.g., informal settlement or mediation).

During due process proceedings and any other legal proceedings or actions involving special education, New West is responsible for its own representation. If New West retains legal representation for a due process proceeding or other legal proceeding or action, then the Charter School is responsible for the cost of such representation.

Because New West manages and is fiscally responsible for its students' special education instruction and services, New West is responsible for any prospective special education and related services, compensatory education and/or reimbursement awarded by a due process hearing officer, court, or settlement based on allegations that New West failed to fulfill its responsibilities under state and federal special education laws and regulations (e.g., identifying students with disabilities, assessing students, conducting IEP team meetings, developing appropriate IEPs, and implementing IEPs).

If the parent's attorney's fees and costs are to be paid because the parents are the prevailing party as a result of a due process hearing or settlement agreement based on New West's alleged failure to fulfill its responsibilities under state and federal special education laws and regulations, then New West is responsible for payment of those attorneys' fees and costs.

F. Complaints Regarding Special Education

The District investigates and responds to all complaints it receives pertaining to special education New West. This includes complaints filed through the District's Uniform Complaint Procedures and those initiated as Office for Civil Rights or California Department of Education Special Education Compliance Complaints. New West cooperates with the District when it investigates complaints and provides the District with any and all documentation needed to respond to the complaints. New West is solely responsible for any and all costs resulting from, arising out of, or associated with the investigation and implementation of appropriate remedies.

A. Modification to Special Education Responsibilities and Funding

The special education responsibilities of New West and the District, and the special education funding model, may be modified, supplemented, or clarified through a mutually agreed upon Memorandum of Understanding ("MOU"). If such an MOU is executed, then its provisions are incorporated by reference into this Charter and, to the extent necessary to carry out the intent of the MOU, supersede the provisions on special education responsibilities and funding set forth above.

Required Elements of the Charter

I. Element A: Description of the Educational Program

New West adopted a benchmarking approach to the development of its educational program. Specifically, New West Founders worked with educational researchers, using California Department of Education statistics, to identify the six highest performing middle schools in the state that serve similar populations of students as anticipated would enroll at New West. New West formed an Educational Study Panel⁹ that visited each of these six schools and gathered detailed information about curriculum, assessments, budgetary options, school organization, and other aspects of those schools' educational programs. Additionally, the Study Panel sought the advice of educational consultants and middle school principals of high-performing schools. The information gathered by the Study Panel was used to formulate the operational details of New West's educational program. Thus, New West bases its educational program on "best practices" synthesized from the different programs, methods, and strategies of those middle schools that the Educational Study Panel found to be most successful as a model to fulfill New West's educational mission. The work of the Educational Study Panel, the schools visited, and the resultant educational program are detailed in the document "*New West Charter Middle School Educational Program*," which was approved by the California Department of Education and the California Board of Education in May 2002 as a condition for opening New West in September 2003. The revised document, which remains central to New West's educational plan, is included as an addendum to this charter renewal.

Naturally, it is to be expected, even encouraged, that New West's education program evolves over time as the school's educators determine that it would be best to add, delete, or revise various policies, procedures, or practices in the best interests of the school's students. Accordingly, the role of the Educational Study Panel is now filled by the school's Director/Principal and teaching staff as part of their regular duties and ongoing professional development activities. New West intends to continue learning from other successful schools as well as from its own experiences in order to maintain and further improve a high level of student learning.

A. Students to Be Served

New West provides for the free, nonsectarian, public education of students in grades 6-8 who desire a broad and comprehensive foundation in reading and language arts, mathematics, science, and history and social science, supplemented by a variety of enrichment programs in the visual and performing arts, world languages, health and physical education, and extracurricular and enrichment activities designed to enhance the core curriculum. New West's educational program is designed for students who want to develop the skills, knowledge, and attitudes that prepare them to be successful in college preparatory courses at the high school level, as well as in continued educational pursuits throughout their lives. The school, which is open to any student who wishes to attend, enrolls a multi-cultural, multi-ethnic, socioeconomically diverse student body without respect to race, sex, color,

⁹. The Educational Study Panel was an all-volunteer parent group composed of six working members and four educational consultants. In keeping with New West's charter school philosophy, the panel included parent volunteers and educators who represented a wide range of professional experience including a writer/producer, a research doctor, a lawyer, two teachers, and a psychologist. The educational consultants, who were chosen because of their educational experience and expertise in middle school theory, curricular design, and implementation, included: Dr. James Stigler, internationally recognized educational researcher, author of *The Teaching Gap* and *The Learning Gap*, and a founding parent at New West; Karen Cooksey, Director of Curriculum and Instruction, Santa Barbara School District; Dr. Irvin Howard, one of the authors of *Taking Center Stage* and lead consultant on the Schools-to-Watch program; and Betty Bidwell, Principal of Imperial Middle School in La Habra, California.

ethnicity, national origin, or disability. New West promotes the school's philosophy and vision by seeking to attract students and families who share the school's core beliefs about home/school/community partnership, shared local control of the school's operation and educational program, and high student achievement through high expectations and genuine accountability. For geographic reasons, most New West students come from Westside neighborhoods of Los Angeles served by the District (a small minority of students reside in Beverly Hills, Culver City, Inglewood, and Santa Monica). New West's educational program addresses students of all abilities in a manner that meets the individual needs of every student. New West has a full service special education program that provides children with special needs an appropriate education in a least restrictive environment that assures students with disabilities have full access to the school's educational program to the same extent as students without disabilities (see *Special Education*).

B. What It Means to Be an “Educated Person”

The process of education is the development of knowledge and cognitive abilities, physical and interpersonal skills, emotional and attitudinal predispositions, and character formation and work habits. New West recognizes that the domain of education is broader than formal schooling. Accordingly, New West integrates the formal schooling that takes place within its walls with a broader perspective in order to equip students to live — and continue to learn — in an increasingly complex and information-rich modern world. Thus, New West has the objective of enabling students to become self-motivated, competent, and life-long learners.

New West students work with teachers, parents, community member volunteers, and their peers to become actively involved in their own learning, both in determining the nature of their educational endeavors and in being active participants in their learning experiences. At New West, middle school students develop their abilities to think about and discuss ideas and issues critically, and to question and inquire about the world around them. They understand the rigors of mathematical proof and how to apply the scientific method of investigation. They remain intellectually flexible. They are able to analyze and understand complex systems. They learn to think holistically, abstractly, and creatively. They understand how to set and achieve goals in a variety of situations. They learn to reason critically and creatively. They communicate with clarity, focus, and understanding of the audience they are addressing. Acquiring these skills depends on the abilities of carefully selected teaching professionals who use teaching materials and methods appropriate for communicating the thought processes and philosophy to which New West subscribes.

Students at New West develop academic and social skills appropriate for an ever-changing, globally interconnected, multicultural, and multiethnic world. New West recognizes that society in the 21st Century is an informational society requiring high levels of literacy, clarity of thinking skills, and increased abilities to process information. Indeed, so much information is available and accessible in today's world that New West students learn not only to access information, but also to use, filter, and critically analyze that information. In addition, New West graduates have a concept of themselves as being part of a larger, interconnected system of life in which national and global interdependence continues to increase as technology becomes more powerful, accessible, convenient, and complex. Therefore, as part of their New West experience, students are involved in meaningful, productive, flexible, and adaptive learning, with the purpose of their education being the development of genuine learning skills. Graduates of New West know how to live and learn in this new and ever-changing world.

Students at New West learn to be proactive in their social behavior and choices. They are able to act ethically and to take responsibility for their own actions. They are able to work and live harmoniously with others in a multicultural and multiethnic world. They are able to understand and relate to the complexity of the natural environment in which they live. They are able to see the possibility of continuity within change and, with their awareness of the integrity of the system of life always lively at any level of their activity, they are able to interact with the natural and human environments in which they find themselves in ways that are flexible, purposeful, and creative.

C. How Learning Best Occurs

New West recognizes that children learn best when immersed in a culture of education that both challenges and nurtures their development as individuals. Teachers, parents, and community members must work together to create a culture unified by the high value placed on education. In the environment New West seeks to create, education is not merely a stage to be traversed on the route to adulthood, but rather a lifelong perspective that knits together the home, the school, and the community.

Thus, within the educational culture provided by teachers, parents, and community, New West believes students learn best when:

- (34) They are an integral part of a strong educational value system that pervades their home, their school, and their community.
- (35) They have developmentally appropriate challenges to grow both intellectually and emotionally.
- (36) They have opportunities to develop multiple dimensions of intelligence and competencies.
- (37) They are intrinsically motivated by the process of learning as facilitated by a constructive educational environment and flexible curriculum adaptive to the needs of individual students.
- (38) They are respected for and encouraged to develop their individual learning styles.
- (39) They are active participants in the educational program through hands-on lessons, an integrated curriculum, and thematic and project-based learning.
- (40) They are encouraged to extend their core learning in reading and language arts, mathematics, science, and history and social science through enrichment activities in the visual and performing arts, world languages, technology, and physical education.
- (41) They are engaged in collaborative and cooperative learning encounters with their peers under the guidance of knowledgeable adults.
- (42) They are engaged in the mastery of facts and in the application of their accumulated factual knowledge to real life situations.
- (43) They have opportunities to demonstrate personal competence and integrity as contributing members of the community.
- (44) They are equipped to develop an understanding of and respect for individual and cultural differences as well as an ability to deal with those differences in a responsible and mature manner.
- (45) They appreciate the interdependence among peoples, which reinforces their ability to empathize with and demonstrate compassion toward others.
- (46) They accept the challenge of transitioning from one language to another, and develop strong English language skills in the most positive and timely manner possible, with the help of skilled teaching staff.

D. Educational Philosophy

New West uses a common curriculum (for each grade level/course) and a common set of assessments that are aligned with the curriculum. The curriculum is aligned with state content standards. The primary assessment tools are of three types: standardized tests, curriculum-specific tests, and ongoing performance assessments used to monitor continuously the progress of each student's learning. New West places a heavy emphasis on teacher learning (professional development) as well as student learning. Teacher learning, like that of students, primarily takes place at the school, in the context of the specific standards, curriculum, and assessments being used. The school week is organized to give teachers regular, ongoing opportunities to collaborate in the improvement of teaching and learning at the school. Recent research supports this kind of teacher learning as the most effective way to attain long-term gains in student achievement.

1. An Integrated Middle School Curriculum

A sound educational methodology begins with recognition of the limitations of past practice. Knowledge has traditionally been organized and presented to students through specialized subject areas that contain much that is known about the world and how to understand it. New West begins with the presupposition that presenting knowledge as a set of separate, discrete blocks is not an optimal method of engaging the attention or fostering the intellectual and personal development of middle school students. We believe it is essential to add another approach — “an integrated curriculum that will present knowledge as a more integrated whole in order to show how the various parts fit together.”¹⁰

An integrated curriculum enables teachers and students at New West to concentrate intensively on the skills needed to learn as well as the content of the individual subjects. A pedagogy that features an integrated approach not only increases the students' mastery of the material, it furthers the development of their reasoning, logic, and analytic skills. A synergistic program of community service enables students to reinforce their academic achievements by putting their knowledge to practical use.

New West's middle school educational methodology addresses itself directly to the question “what does it mean to be an educated person in the 21st Century?”¹¹ A meaningful and qualitative educational program addresses itself to all aspects of a student's personal development. It imparts not only a set of core intellectual skills but also a sense of values including a commitment to function as a responsible member of a civic community. As educated persons of the 21st Century, graduates of New West have strong concepts of themselves as self-motivated, competent, and lifelong learners. They have academic and social skills appropriate for an increasingly technological, ever-changing, globally inter-connected, multicultural world.

The educational program at New West also addresses the development of intuitive and inter-personal skills that allow New West graduates to behave responsibly and prudently, as they become proactive in their social behavior and social choices. New West students have gone far toward the development of a normative understanding of the need to treat those they meet in life as individuals and not as members of a particular gender, ethnic, cultural or language group. Only by developing this

¹⁰. For an excellent statement of this research, see J. Beane, “The Middle School: The Natural Home of Integrated Curriculum” in Educational Leadership (Volume 49, Issue 2, October 1991).

¹¹. We have been much influenced by the report of the Carnegie Council on Adolescent Development, Turning Points: Preparing American Youth for the 21st Century (New York: Carnegie Corporation, 1989).

understanding can they work and live harmoniously with others in a multicultural and multiethnic world.

2. Personalized Learning Environment

New West currently enrolls about 300 students (about 100 at each of the three grade levels) and limits its maximum size to about 600 students (about 200 per grade level). New West endeavors to maintain its current class size of about 25 students per teacher as funding permits. New West plans to reduce effective class size further, as funding permits, by utilizing trained teaching aides, parent volunteers, and Scholars-in-Residence working under the direction of classroom teachers, to provide help as necessary to insure the progress of each student to meet individual needs. Individual needs are also met by having students be "mobile" by moving through the school day among classrooms and sub-groups that best suit their proficiency in a particular subject, and by having students participate in intervention or accelerated programs during and after school as may be appropriate. Through these methods, New West expects to promote high academic achievement for all students to the best of their individual abilities.

3. Diversity of Learning Styles

Students are best served by classroom teaching that recognizes the many facets of learning, the variety of learning styles (e.g., oral, visual, or kinetic), and the diversity of abilities among students. Students deserve an educational curriculum and an educational methodology that enable them to master a heterogeneous subject matter in a manner that fosters a devotion to education as a lifelong process. Students further need an educational approach that assigns high priority to problem solving, critical thinking, and the development of oral, written, and artistic communication. Students need and deserve the opportunity to develop fully the skills at which they individually excel, whether they are verbal, quantitative, analytic, social, performing, or visual talents, while at the same time realizing their maximum potential in other skill areas.

4. Social Awareness

Students in the middle school years benefit greatly from the opportunity to participate in extracurricular social activities that foster the values of cooperation and of sharing responsibility. To nurture this dimension of students' development, New West provides numerous social forms of participation such as student government, clubs, athletics, orchestra, and yearbook. The local community is especially rich in parents who are involved in the arts, media, journalism, science, technology, business, medicine, and law. Involvement of these parents can make this dimension of New West's educational program especially rich.

5. Recognition for Educators

Fundamental to the New West venture are well-qualified teachers whose professional morale is buoyed by the personal esteem and appreciation of parents whose children they teach. Teachers are treated as valued professionals whose knowledge of the educational process, derived through long and ongoing training in how to accomplish the best, is the absolute prerequisite for the success of New West. Teacher morale is further reinforced by providing structured and fully regularized opportunities for teachers to make their own professional inputs into the educational curriculum and the way it is taught. Educational research has shown that the teachers whose students perform best are those who have the critically important educational opportunity of small classes. Teachers also have available the full range of modern

amenities including audio-visual services and broadband connections to internet technology. Most importantly, teachers require the supportive assistance of parent volunteers, teaching aides, and a future Scholars-in-Residence (see *Required Elements of the Charter: Section I.M. Scholars-in-Residence Program*).

6. Parental Involvement

New West believes that close, strong, on-going collaboration between parents and educators is the single most important determinant of student success. To that end, each parent of a New West student is required to commit time and effort to the school. Parents contribute their personal and professional skills on a volunteer basis to help New West achieve its educational goals. The intent is to have home, school, and community viewed as three facets of a single, seamless educational value system. To this end, New West has a Home-School contract that outlines what is expected of parents with respect to participating in their children's education (not to be confused with "home schooling"; see *Required Elements of the Charter: Section IV.E.3. Home-School Contract*).

7. Mutual Accountability

People perform best when they know most clearly what is expected of them, as well as the consequences of meeting (or failing to meet) those expectations. Everyone in the New West community has a hand in determining the school's academic and behavioral standards, and everyone joins together in monitoring individual and collective progress at the school. The feeling New West fosters is one of *ownership* — it should be second nature for every member of the school's community to think of New West as "my school."

8. Some Specific Program Goals

The following perspectives serve as a useful summary of the objectives that guide New West's philosophy of middle school education:

- (47) New West is a "best practices" school that innovates by incorporating the most successful proven programs and practices of middle school education.
- (48) New West, in striving for innovation and excellence in its core curriculum, uses the California state content standards for reading and language arts, mathematics, science, and history and social science as a "floor" or "foundation" on which to build, not a "ceiling" for which students must strive.
- (49) New West provides greater learning opportunities for its students through small class size and more instructional time .
- (50) New West emphasizes "individualized" learning through differentiated instruction that maximizes the exceptional abilities of each student, allowing them to excel or remediate as necessary.
- (51) New West celebrates a strong partnership between students, parents, teachers, administrators, staff, and community members.
- (52) New West emphasizes multi-disciplinary studies in a curriculum that takes a traditional, rigorous approach to all subjects.
- (53) New West encourages students to be innovative and high achieving — i.e., the "leaders of tomorrow" — with confidence, diplomacy, and integrity.
- (54) New West strives for a gender-neutral curriculum to support all students' access, real and perceived, to all aspects of school life.

- (55) New West promotes a broad program of enrichment and extracurricular activities designed to complement the school's curriculum.
- (56) New West emphasizes individual accountability when assessing student achievement and collective accountability when assessing the school's progress toward its educational goals.
- (57) New West utilizes portfolio collections of student work evaluated according to school-wide rubrics for monitoring student progress.
- (58) New West utilizes Student-led Conferences which require the student to present his/her portfolio to his/her family/guardians for review and explanation.
- (59) New West employs credentialed/certificated, NCLB highly-qualified teachers, who are chosen for their demonstrated excellence in their fields of study, their ability to work collaboratively, their excitement about the prospect of ongoing professional development, and their commitment to the opportunities available to charter schools.
- (60) New West uses teaching aides, parent volunteers, and "Scholars-in-Residence" to help in the classroom, to offer enrichment and extracurricular experiences, and to help inspire and model a love of learning in the school's students.
- (61) New West requires parent participation as one of the cornerstones of its educational program.
- (62) New West promotes community involvement in the school and requires student involvement in the community.

E. Curricular and Instructional Design

New West's central focus in curricular development is aligning and integrating state content standards, state curriculum frameworks, the school's desired exit outcomes, multiple measures of assessment, and relevant classroom instructional methods and materials. New West organizes the design and implementation of its educational program around the following curricular and instructional dimensions applied to each of the core academic and supplemental content areas discussed in the following sections:

- (63) **Instructional Objectives.** Define what is taught and learned (i.e., the state content standards for each area of the curriculum as identified by subject in the following sections).
- (64) **Instructional Design.** Strategically selected and sequence the information that is taught, including what to teach, when to introduce skills and concepts, how to select examples, how to integrate standards, and how to teach for transference and generalization.
- (65) **Instructional Delivery.** Establish procedures and strategies for teachers to use in developing students' skills and knowledge, including what teachers and students do (e.g., modeling, pacing, reinforcement, questioning, corrections, feedback) and the structure of delivery (e.g., teacher demonstration or modeling, guided practice, peer-mediated instruction, and independent practice and application).
- (66) **Differentiation.** Establish procedures and strategies for students with special academic, emotional, or physical needs, for students who are advanced learners, and for students who are English language learners, including decisions about modification of materials and the pacing of content and objectives.
- (67) **Assessment.** Address the three critical purposes of assessment: entry level assessment for instructional planning (i.e., how to determine skill levels through

meaningful indicators of proficiency prior to instruction); monitoring student progress toward the instructional objective (i.e., how to determine student progress on skills and concepts during instruction); and post-test assessment toward learning standards (i.e., how to determine the teaching effectiveness and student proficiency after instruction).

- (68) **Instructional Materials.** Select instructional materials that: have an appropriate sequencing of content, skills, and strategies; provide an adequate number and range of examples; address prerequisites for learning through a sufficient review of previously taught content, skills, and strategies; and include assessment tasks that parallel the content to be mastered.

F. Curriculum Guidelines

The primary resources for determining the detailed content and scheduling of the curriculum for core disciplines are:

- (69) **State curriculum frameworks.** These are developed by the California Curriculum Development and Supplemental Materials Commission and adopted by the California State Board of Education.
- (70) **State content standards.** These are developed by the California Commission for the Establishment of Academic Content and Performance Standards (Academic Standards Commission) and adopted by the California State Board of Education pursuant to the Leroy Greene California Assessment of Academic Achievement Act [EC 60600 et seq.].

The state curriculum frameworks and state content standards, as cited individually in the following sections, are incorporated by reference as part of the Charter. New West uses these frameworks and standards as the baseline control for assessing the school's curriculum. New West incorporates revised versions of the state curriculum frameworks and state content standards as they become available. The sections below outline some of the fundamental principles that guide the school's curriculum.

G. Overview of New West's Educational Program

Discussion and details of many operational aspects of the school's curriculum and other educational activities are presented in a separate document — the *New West Charter Middle School Educational Program*. This description of the school's educational program is included as an addendum to this charter renewal. This document was researched and written by the school's Educational Study Panel in 2001-02 (see footnote 4 above), reviewed by the California Department of Education, and approved by the State Board of Education in May 2002 as a condition for the school to open in September 2003. The *Educational Program* supplements and enhances the educational philosophies, curricular design, and academic aspirations presented in this section of the charter renewal (*Element A: Description of the Educational Plan*).

1. Elements of a Model Middle School

New West's Educational Study Panel was guided by its research to reach the following conclusions regarding the design of a model educational program.

- (71) Middle school must not be a junior version of high school.
- (72) Middle school must be student-based, not subject-based, and must create a strong sense of ownership and community for the students if the school is to hold onto the adolescent students during these difficult, emotional, "at-risk" years.
- (73) Middle school must present a welcoming environment for all — students, teachers, parents, families, and community members.

- (74) Middle school must be small, with small class size.
- (75) Middle school must create a culture and climate of respect and safety.
- (76) Middle school must be a place where it is “safe to be smart.” Students must become life long learners, and not fall prey to the negative pressures of adolescence.
- (77) Middle school must be a supportive place where it is “safe to be who you are,” regardless of race, religion, ethnicity, culture, sexual orientation, disability, or abilities.
- (78) Middle school must be academically excellent, developmentally responsive, and socially equitable.
- (79) Middle school must encourage cooperation and collaboration.
- (80) Middle school must be staffed by experts at teaching young adolescents. Teachers must ensure “success” for all students. They must love to work with this age group. They must be flexible academically and psychologically. They must have a mastery of techniques to engage students actively and to differentiate instruction. They must use a multi-materials approach to instruction.
- (81) Middle school must let inspiration, not information, drive teaching techniques and teaching materials that cover the content standards, to foster curiosity, creativity and the thirst for information among students.
- (82) Middle school must have parental involvement and excellent communication between home and school to foster success and pride in the school.

2. Guidelines for New West’s Educational Program

The Educational Study Panel’s goal was to create a paradigm for an excellent Los Angeles public middle school based on the conclusions from its research as listed above. The Educational Study Panel used the following guidelines in developing its educational blueprint — the *New West Charter Middle School Educational Program*. These same guidelines continue to apply as the school strives to fully develop and improve its educational program during its first few years of operation.

- (83) **School Accountability.** Each and every member of New West’s school community, from administrator to teacher to student to parents to community volunteers to non-instructional staff, is fully accountable for their role in the educational, financial, and emotional success of the school.
- (84) **Standards-Based Curriculum.** New West’s educational program is standards-based and fully aligned with the State of California Department of Education Standards.
- (85) **Professional Educators.** New West employs fully credentialed middle school educators who work as a team under the guidance and direction of the school’s Director/Principal.
- (86) **Academic Excellence.** New West has an academic culture of high expectations, high standards, and high accountability for all students.
- (87) **Multiple Learning Opportunities.** New West provides multiple opportunities for students to explore a rich variety of topics and interests, using instructional strategies that actively engage students and foster their curiosity and creativity.
- (88) **Students as Assets.** New West has a strong, formalized advisor/advisee program for building assets. Students meet together daily throughout the year with

the same teacher. This program has a strong team-building and service-learning component drawing on concepts outlined in the Building Assets for Youth Program. The advisor/teacher, who is also the homeroom teacher, works with advisees/students to build a trusting, nurturing relationship that allows them to deal with sensitive issues and concerns. The intent is for students to gain emotional strength, self-knowledge, and social skills through their participation in the advisory program.

- (89) **Small Class Size.** New West believes that size counts — small class size is a high priority when allocating resources. Class size is as small as possible, never greater than about 25 students per classroom, in order for teachers to provide differentiated instruction that addresses the many different levels of ability and learning styles of students.
- (90) **Heterogeneous Classes.** Students are grouped heterogeneously to preserve a dynamic and challenging classroom¹². This prevents a “smart versus dumb” classroom mentality, and better reflects real-life experience in the workplace. Classes are inclusive, respectful, and tolerant, and challenge each student according to their abilities. Compacting instruction, then differentiating instruction through depth, complexity, and/or novelty, is employed to address gifted students. Remedial opportunities, supplemental instruction, and modified assignments are available to students having academic difficulty.
- (91) **Individualized Instruction.** New West is developing individualized learning plans for each student. When students first come to New West, their past records are analyzed and they are tested and evaluated to develop a baseline profile of their academic achievements and abilities. Early in the school year, a Personalized Education Plan (PEP) is developing for each student through a collaborative process involving the student, the parents, and the student’s teachers based on past record and current testing and assessments. The PEP will specify the school’s academic expectations and the student’s goals for meeting or moving beyond those expectations. The PEP will also identify elements of asset development, study skills, and social skills on which the student should focus.
- (92) **Welcoming Environment.** New West maintains a school environment that is accessible, inclusive, and welcoming for students, parents, teachers, administrators, and community members. There is excellent and frequent communication between home, school, and the community to keep all parties informed and involved. The result is ownership and pride in the school.
- (93) **“Team” Identity.** New West finds the heterogeneous team (or family) model to be an attractive way to create school community and friendly competitive challenge, without the academic achievement component. “Families” are designed to prevent any student from “falling through the cracks.” A Family consists of the four core subject teachers, who remain responsible for the same group of students all year, and who meet together with those students as a Family. These teachers review issues affecting each student, perceive trends or changes in behavior, and intervene in a timely fashion.
- (94) **Block Scheduling.** New West uses the block scheduling of core subjects during some part of its weekly calendar to provide extended class time for in-class projects and learning opportunities.

⁸. The exception is mathematics, where students are placed in different classes according to their level of mastery of the state curricular standards.

- (95) **Mentoring.** New West has a strong mentoring component between students and their homeroom teacher, who is usually one of their core subject teachers. This is accomplished through abbreviated home room periods at the beginning and/or end of school as well as the possibility of additional time for advisor/advisee meetings at lunch. The intent is to provide an opportunity to build student assets, to talk about events or issues of the day, and to schedule individual private time with students as needed. Touching base with the homeroom group twice a day creates a much stronger bond between teacher and students.
- (96) **Scholars-in-Residence.** New West is developing a program that brings members of the community to the school to offer master classes, inspire role models, and teach enrichment classes. Scholars-in-Residence might include professional writers, mathematicians, scientists, historians, cultural anthropologists, artists, performers, and others willing to contribute to the educational opportunities available at the school.
- (97) **Character Development.** New West fosters a positive school environment and individual success by encouraging students to develop a strong character and become responsible, ethical members of society. Faculty role-modeling, mentoring, the Home School Contract, the school's discipline policy, an emphasis on personal responsibility, and service learning component all focus on this goal.
- (98) **Social Equity.** New West embraces the diverse cultures, ethnicities, religions, and life styles represented in the school, in our nation, and in the world. New West continually adapts to meet its students' diverse and changing needs. Social events such as mixers, dances, and picnics, for students and for families, help the school feel a sense of community.
- (99) **Study Skills.** New West offers study skills education, mentoring in the home room, course expectations in every class, and enrichment and after-school courses. It is essential for later academic success that middle school students learn time management, research skills, and a personal understanding of "doing your best work."

H. Core Curriculum

New West's core curriculum consists of the following subject areas taught by credentialed, NCLB highly qualified teachers:

1. Reading and Language Arts

With regard to the basic tenets for teaching reading and language arts in grades 6-8, New West will:

- (100) Make reading and language arts exciting, relevant, and fun!
- (101) Present an effective reading and language arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Reading/Language Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- (102) Cover the grade-level curricular content specified in *English-Language Arts Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- (103) Emphasize content and learning experiences in reading and language arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics

listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.

- (104) Emphasize reading and language arts as central to all academic subjects for obtaining and communicating information.
- (105) Emphasize English Language Development Standards as required for English-language Learners as appropriate per their level of proficiency.
- (106) Teach fiction and non-fiction writing.
- (107) Set high standards for fundamental spelling and grammar skills.
- (108) Teach students strong, fundamental skills for researching information, taking notes, organizing ideas, developing an outline, using the dictionary, and editing and revising.
- (109) Develop oral communication skills through group discussions and classroom presentations.
- (110) Expose students to the different modes of written expression, from poems to movie scripts, as well as the diversity of literature through time and across cultures.
- (111) Develop the mechanics of creative writing, journalism, business communication, and scientific writing.
- (112) Endeavor to recruit a cadre of Writers-in-Residence (e.g., volunteers who professionally rely on reading and language arts such as authors, journalists, and screen writers from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” such as creative writing as part of the school’s enrichment and extracurricular educational program.

2. Mathematics

With regard to the basic tenets for teaching mathematics in grades 6-8, New West will:

- (113) Make mathematics exciting, relevant, and fun!
- (114) Present an effective mathematics curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Mathematics Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999; the draft framework now being worked on will be used when adopted by the State Board of Education).
- (115) Cover the grade-level curricular content specified in *Mathematics Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000 revised edition).
- (116) Emphasize content and learning experiences in mathematics that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.
- (117) Emphasize fluency with traditional (abstract) mathematical concepts, statistics, and computation skills.
- (118) Employ innovative and interactive teaching methods that have proved most effective in teaching mathematics including its relevance as a life skill for everyday living.
- (119) Use a serial approach to the continuum of mathematics to provide the necessary building blocks for deeper conceptualization.

- (120) Integrate mathematics with scientific quantification to emphasize the interrelationships among math, science, and technology.
- (121) Use the computer as integral part of the study of mathematics.
- (122) Endeavor to recruit a cadre of Mathematicians-in-Residence (e.g., accountants, engineers, and other community volunteers who use mathematics on a daily basis) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

3. Science

With regard to the basic tenets for teaching science in grades 6-8, New West will:

- (123) Make science exciting, relevant, and fun!
- (124) Present an effective science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 2003).
- (125) Cover the grade-level curricular content specified in *Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2003 revised edition).
- (126) Emphasize content and learning experiences in science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.
- (127) Develop a traditional and an integrated science program that combines the core sciences of biology, physics, and chemistry, each year.
- (128) Teach students to understand and intuitively use the scientific method: identify a problem and pose relevant questions, state a hypothesis, conduct an experiment, understand the variables, analyze the data, and reach a conclusion or solution that serves as the hypothesis for the next round of inquiry.
- (129) Compensate for traditional gender bias experienced by girls in science, which becomes especially prevalent at the middle school level, by choosing teachers and textbooks that make scientific knowledge and inquiry exciting to all students.
- (130) Study science in a global context that addresses environmental issues and their social implications.
- (131) Introduce the basic concepts of physics and chemistry so that students may develop an early appreciation for these subjects.
- (132) Teach science and mathematics as co-operative and closely integrated subjects.
- (133) Use the computer as an integral part of science and technology for information retrieval, data acquisition, scientific analysis, and communication of results.
- (134) Take science field trips that integrate with the curriculum and enrich the appreciation for science and technology.

- (135) Engage students in Science Portfolio Projects and Science Fair Projects that are accomplished on site with the help of “tutors,” “volunteer” parents, and “service learning component” high school and college students.
- (136) Endeavor to recruit a cadre of Scientists-in-Residence (e.g., volunteer professional scientists and engineers from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

4. History and Social Science

With regard to the basic tenets for teaching history and social science in grades 6-8, New West will:

- (137) Make history and social science exciting, relevant, and fun!
- (138) Present an effective history and social science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *History-Social Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 2001 updated edition).
- (139) Cover the grade-level curricular content specified in *History-Social Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- (140) Emphasize content and learning experiences in history and social science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.
- (141) Treat a thorough knowledge of geography as fundamental to understanding the flow of history, the interrelationships among the world’s peoples, and man’s interaction with the natural world.
- (142) Study the contributions of scientists, writers, explorers, composers, artists, leaders, and keepers of the cultural heritage in perspective to their time and place in history.
- (143) Present historical material through many mediums: performance, literature, historical letters and other primary sources, art, biography and historical account.
- (144) Develop in students a global perspective on the diversity of cultures, and the dignity of the individual by using comparative philosophy, ethics, religion, economic systems and government, as well as foods, fashions and the arts, to sensitize students to the world around them and the diversity families they live among.
- (145) Teach cultural diversity, both ancient and modern, through studying archeology, anthropology, history, and geography.
- (146) Seek to create an International Studies model that interrelates all subjects studied at New West.
- (147) Endeavor to recruit a cadre of Scholars-in-Residence (e.g., community volunteers who are historians or social scientists) who want to participate in classroom teaching, supervise projects, and give “Master Classes” such as archeology or religions of the world as part of the school’s enrichment and extracurricular educational program.

I. Supplemental Curriculum

New West core curriculum is supplemented by the following elective or required subject areas. New West may also offer elective courses in others areas designed to meet the needs and interests of the school's students (e.g., debate, journalism, creative writing, science fair projects, and study skills). The supplemental curriculum is taught by a combination of the schools regular teachers, the schools non-credentialed instructional staff, and/or Scholars-in-Residence who have an interest and expertise in the elective subject. Grading and credit for electives is determined by the Director/Principal in accordance with school policies and in consultation with the person(s) teaching the course.

1. World Languages

With regard to the basic tenets for teaching world languages in grades 6-8, New West will:

- (148) Make learning a second language exciting, relevant, and fun!
- (149) Present an effective world languages curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Foreign Language Framework for California Public School: Kindergarten through Grade Twelve* (California Department of Education, 2003).
- (150) Cover the grade-level curricular content specified in *Foreign Language Standards: Draft Interim Content and Performance Standards* (California Department of Education, 1995; revised content standards for foreign languages will be used when adopted by the State Board of Education) and *Standards for Foreign Language Learning: Preparing for the 21st Century* (American Council on the Teaching of Foreign Languages, 1995).
- (151) Emphasize content and learning experiences in world languages that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.
- (152) Take advantage of developing brain pathways at an early enough age to make language acquisition easy, and to use the learning of languages to open new pathways in the brain.
- (153) Endeavor to offer choices in second languages, modern and classical, such as Spanish, French, Chinese, Japanese, or Latin, as feasible.
- (154) Use the study of language to help develop international competence by increasing students' awareness and appreciation of other cultures and beliefs.
- (155) Teach world languages in an immersion program, if possible.
- (156) Establish a language lab to promote language acquisition, if possible.
- (157) Use an integrated approach in which reading and the language arts facilitate and reinforce language fluency.
- (158) Study great books in their original languages.
- (159) Seek a grant to create an International Studies Program that interrelates language and cultural studies to all other subjects studied at New West.
- (160) Endeavor to recruit a cadre of Linguists-in-Residence (e.g., community volunteers fluent in languages other than English) who want to participate in classroom teaching, supervise projects, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

2. Visual and Performing Arts

With regard to the basic tenets for teaching the visual and performing arts in grades 6-8, New West will:

- (161) Make learning about the visual and performing arts exciting, relevant, and fun!
- (162) Present an effective visual and performing arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1996; the draft framework now being worked on will be used when adopted by the State Board of Education).
- (163) Cover the grade-level curricular content specified in *Visual and Performing Arts Content Standards for California Public Schools: Prekindergarten through Grade Twelve — Dance, Music, Theatre, Visual Arts* (California Department of Education, 2001).
- (164) Emphasize content and learning experiences in the visual and performing arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.
- (165) Treat the visual and performing arts as an integral component of a balanced liberal arts education.
- (166) Implement the visual and performing arts as a comprehensive, curriculum-based educational component, designed to introduce art, music, and culture, both in the classroom setting, and in combination with multiple museum and concert visits.
- (167) Incorporate in the curriculum slide-illustrated and music-recording discussions, as well as studio art, music, and performance experiences.
- (168) Study the visual and performing arts from both historical (classical) and contemporary (multi-media, digital arts) perspectives.
- (169) Train teachers through professional development workshops to use the visual and performing arts as a way of studying and communicating about core academic subjects.
- (170) Endeavor to recruit a cadre of Artists-in-Residence (e.g., artists, musicians, and actors from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

3. Physical Education and Health

With regard to the basic tenets for teaching physical education and health in grades 6-8, New West will:

- (171) Make physical education and health exciting, relevant, and fun!
- (172) Present an effective physical education curriculum incorporating elements of the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Physical Education Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1994).
- (173) Incorporate elements of the grade-level curricular content specified in *Challenge Standards for Student Success: Physical Education* (California

Department of Education, 1998) and *Moving into the Future: National Standards for Physical Education: A Guide to Content and Assessment* (National Association for Sport and Physical Education, 1995).

- (174) Develop an effective health curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Health Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2003).
- (175) Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Health Education* (California Department of Education, 1998).
- (176) Provide a physical education program that prepares students for the State's physical education testing in terms of fitness and that also offers both individual and team sports including volleyball, soccer, basketball, baseball, softball, track, dance, gymnastics, and other physical activities that promote life-long fitness, teamwork, and individual abilities.
- (177) Focus on issues of good-sportsmanship, maintaining a healthy body, and performing at their personal best in an atmosphere of fun.
- (178) Have students learn and apply good physical, social, and emotional health concepts related to healthy nutrition, substance abuse, sex education, and other issues.
- (179) Endeavor to recruit a cadre of Coaches-in-Residence (e.g., community members with special athletic talents or coaching experience) who want to participate in physical education instruction, supervise sports, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

J. Instructional Materials

New West evaluates the instructional materials used in the school's educational program on a yearly basis. New West relies on the professional judgment of its educators to select educational materials that best meet the needs of students at the different grade levels. Educational materials are selected from state-adopted lists to ensure that they reflect state content standards for the core subjects of reading and language arts, mathematics, science, and history and social science. New West includes professional development time for teachers to learn how best to use the selected instructional materials in the curriculum. New West plans ahead and budgets sufficient resources to insure that all students have the needed textbooks, workbooks, computer software, and other instructional materials. New West prints its own report cards and purchases assessment tools such as testing texts and state and national standardized testing materials as needed.

K. Service-Learning

New West incorporates service-learning as an integrated component of its educational program. In service-learning, students learn and develop through active participation in thoughtfully organized activities in the community, including but not limited to civic, charitable, social, or environmental involvement. Such participation addresses community needs, strengthens the bonds between student, school, and community, and instills personal and social responsibility. Moreover, research has shown that service-learning increases

student learning when it is integrated into and enhances the school's academic program. New West embraces the following strategies to promote service-learning¹³:

- (180) Develop policies and plans to ensure that students have academically meaningful, sequential, and sustained service-learning experiences.
- (181) Link service-learning to state and school academic standards, assessments, and accountability tools.
- (182) Work collaboratively with community partners, state organizations, and national service providers (e.g., AmeriCorps and VISTA) to ensure that roles and responsibilities are clear, service is meaningful, and all partners are committed to success.
- (183) Give students a voice by involving them in planning, implementing, and evaluating service-learning activities.
- (184) Provide ongoing training and professional development for teachers, administrators, community partners, students, and family members so that everyone understands service-learning.
- (185) Include service-learning as a vital instructional strategy in teacher education programs.

An integral part of the community learning component of New West's curriculum is the Scholars-in-Residence Program that brings knowledgeable parents and community members to campus to participate in various aspects of New West's educational program (see *Required Elements of the Charter: Section I.M. Scholars-in-Residence Program*).

L. Enrichment and Extracurricular Programs

New West's in-school enrichment programs and after-school extracurricular activities are part of the school's overall educational plan. These programs and activities supplement and complement classroom instruction in the core academic areas, and provide ancillary experiences for students that broaden their skills, knowledge, and attitudes in areas not addressed by New West's formal curriculum. The nature and schedule of activities varies as parents come and go, as community members volunteer their time, as the educational needs and expertise of classroom teachers evolve, and as the interests and talents of the student body change from year to year. Many of the enrichment and extracurricular activities are presented or supervised by Scholars-in-Residence as described in the next section.

M. Scholars-in-Residence Program

New West's developing Scholars-in-Residence Program is intended to supplement and complement the core instructional program taught by the school's credentialed teachers. Scholars-in-Residence may include: parents, interested community members, or hired part-time teachers, who are, for example, authors, journalists, or screen writers (Writers-in-Residence), accountants or engineers (Mathematicians-in-Residence), historians or social scientists (Scholars-in-Residence), scientists or engineers (Scientists-in-Residence), volunteers fluent in a foreign language (Linguists-in-Residence), artists, musicians, or actors (Artists-in-Residence), and athletes or coaches (Coaches-in-Residence). These people, who have become experts in their areas through education, training, professional practice, or avocation, inspire and model the love of learning and high achievement among New West's students. The intent is to have a substantive number of volunteer "educators" available to participate in classroom activities, to supervise projects under the direction of the classroom

¹³. Adapted from *Service Learning: Linking Classrooms and Communities* (The Report of the Superintendent's Service-Learning Task Force, California Department of Education, 1999).

teachers, and to offer “Master Classes” as part of the school’s enrichment and extracurricular educational program.

N. Academically Low-Achieving Students

New West has the goal of increasing learning opportunities for all of its students, with special emphasis on expanded learning experiences for students identified as academically low achieving and at-risk. The initial component of New West’s program for low-achieving and at-risk students is early identification of students with deficiencies in any academic area but especially the core subjects of reading and language arts, mathematics, science, and history and social science. New West notifies and works with the parents of low-achieving students so they can be actively involved in the development and implementation of remediation of their children’s academic deficiencies. Students at risk of failing to meet state adopted academic standards, or who are at risk of retention, receive intervention and extra attention in and outside the classroom. Raising the proficiency of academically low-achieving students usually involves some combination of differentiated instruction (see the next section), required supplemental education classes after school, on weekends, and/or during the summer, and at-home remedial work. Emphasis is on methods that allow low-achieving and at-risk students to gain new knowledge, to learn new strategies for acquiring information and solving problems, and to enhance their perspective on the value and excitement of learning.

Professional development for New West’s teachers includes specific training in recognizing academically low-achieving and at-risk students, understanding how they can be helped to raise their achievement levels, and applying appropriate methodologies including differentiation and intervention in the classroom. The school’s role includes counseling parents about parenting styles that foster high educational expectations of children, the cognitive and socio-emotional needs of low-achieving children, and strategies to use at home to reinforce and extend the remedial efforts that take place at school.

O. Gifted and Talented Students

New West is a high-performing school with many gifted and talented students whose learning characteristics, thinking aptitudes, and abilities differ significantly from those of their same-aged peers. New West emphasizes an educational culture of differentiated learning in which gifted and talented students can acquire skills and understanding at advanced ideological and creative levels matching their potentials. Differentiated instruction includes complexity (making connections or seeing relationships), acceleration (advanced content through curriculum compacting), novelty (introducing new areas of study), and depth (exploring a subject in greater depth). Differentiation at New West includes lessons, discussions, and approaches that involve the whole class, flexible groups within a class with students changing groups to be taught at the appropriate level, tiered lessons that have specific learning objectives aligned to the needs of individual students, and clustering of students in special classes.

New West’s gifted students are served also by the school’s emphasis on developing a diverse spectrum of high-quality in-school enrichment programs and after-school extracurricular activities. These supplemental educational activities provide a framework for classes especially designed to address the varied talents of the school’s gifted students (for example, an advanced class in creative writing, a math club, or a jazz band that provides new horizons in music).

Gifted and talented students are assessed and identified on the basis of intellectual, creative, academic, or leadership ability and achievement, talent in the visual and performing

arts, or other criteria that the school finds appropriate. New West recognizes that its educational program must be flexible enough to accommodate students that achieve highly in all areas as well as those who demonstrate special abilities in just one area.

Professional development for New West's teachers includes specific training in recognizing gifted and talented students, understanding what differentiated instruction is, and applying differentiation in the classroom. The school's role include counseling parents about parenting styles that support giftedness, the cognitive and socio-emotional needs of high-achieving children, and strategies to use at home to reinforce and extend differentiated experiences at school.

New West believes that differentiated instruction according to the abilities and achievement levels of individual students is the appropriate methodology for addressing the needs of all students from the lowest achieving to the most highly gifted. Differentiation provides a richer, more meaningful learning experience for all students by insuring that instruction is individually tailored to engage each student to achieve their full potential. Consistent, frequent use of differentiation over time raises the achievement levels of all students in the class.

P. English Learners

Learning best occurs for English learners when there is a program for English language development that assists, encourages, and motivates students to achieve English language proficiency at the fastest possible rate. Such a program includes structured immersion instruction for English learners, such as specially designed academic instruction in English and sheltered English strategies to ensure access by English learners to the full range of educational opportunities that New West envisions for all its students.

New West administers the California English Language Development Test (CELDT) to identify and assess students whose primary language is not English, as identified on the Home Language Survey that is distributed to parents with enrollment and re-enrollment forms. Results of this test determine appropriate instructional strategies for students acquiring the English language. Teachers use school benchmark assessments to monitor progress and to determine if students need interventions. New West's program allows English learners to achieve the following:

- (186) Academic proficiency in all dimensions of the English language.
- (187) Proficiency in the English language at an appropriate rate of time.
- (188) Academic achievement in all subject areas at a comparable rate to their peers.
- (189) Self-esteem and pride in one's language and culture and the ability to relate positively to all cultural groups.

Q. Students with Disabilities

New West is fully inclusive in providing special needs students with a free and appropriate education (FAPE) in a least restrictive environment as an integral part of New West's educational culture (see *Special Education*). New West's approach to special education is an extension of the school's mission to have "a personalized learning environment that both encourages and challenges each student according to his or her ability through differentiated instruction in an integrated curriculum" (see *Mission Statement*). New West provides a full service special education program based on the following values and goals:

- (190) New West embraces the diversity of students as individuals and guarantees the right of each student to equity and access to New West's educational opportunities.

- (191) New West acts as the advocate of each student who requires individualized attention to participate fully in New West's educational program.
- (192) The unique instructional needs of students are identified early and accurately, followed by regular, ongoing reassessments of those needs and the school's success in providing for them.
- (193) Students with disabilities, to the greatest extent possible, are integrated with non-disabled peers into New West's educational environment that spans a home-school-community continuum of educational experiences, and includes the full range of academic, non-academic, and extracurricular activities.
- (194) The individualized education plan (IEP) of each student emphasizes powerful, positive results through collaborative partnerships that involve the student, the student's parents, teachers, special education personnel, and school and SELPA administrators.
- (195) The IEP is formulated in ways that allow the student with disabilities to meet or exceed New West's high standards for academic excellence, character development, and lifelong learning (see Table 1), and prepare the student to continue these skills at a college preparatory high school.
- (196) Students with disabilities are taught or served by fully qualified teachers and special education personnel capable of meeting their needs.
- (197) Regular classroom teachers include special education issues as a regular part of their professional development efforts in order to better identify, assess, understand, and serve students with disabilities.
- (198) New West bases its special education program on research and best practice, and has a committee that focuses on special education to monitor and revise the school's policy and programs accordingly.
- (199) New West conforms to all federal and state laws in its decisions, programs, and actions to guarantee special needs students with a free and appropriate public education (FAPE).
- (200) New West follows the recommendations of the California Department of Education with respect to grading, promotion, and retention of special needs students¹⁴.

R. Faculty Mentor Program for Student Counseling

New West has plans to develop a counseling program that matches each student with a Faculty Mentor, who is a full-time educator at the school (usually the homeroom teacher or an administrator). The mentor and student meet on a regular basis throughout the three years of middle school to evaluate the student's progress and discuss any academic or personal difficulties that the student may be having. The Faculty Mentor closely monitors the development of each student while at the same time serving as an advocate who the student can trust to discuss problems and prospects that may arise at school.

S. School Calendar and Instructional Time

As a charter school, New West determines its daily, weekly, monthly, and yearly school calendar, including the length of the school year, the length of the school day, the total number of instructional minutes and days, the hours of daily operation, the daily class schedule, and other parameters of its instructional calendar. New West's school calendar is set by the Director/Principal and approved by the Board of Directors. New West provides the District with its bell schedule annually by November.

¹⁴. See *Guidelines for the Promotion and Retention of Special Education Students* (Task Force for the Promotion and Retention of Special Education Students, Special Education Division, California Department of Education, 2000).

New West currently follows a single track instructional school calendar that extends from early September to the middle of June. Typically, there are 180 school days (35-36 weeks). The school day during 2006-7 begins at 8:30 AM with dismissal at 3:30 PM four days a week and 1:30 PM the fifth day to allow time for the weekly professional development activities. The total number of instructional minutes is about 58,000 per year (not counting lunch, recess, and class changes), which substantially exceeds the 54,000 minutes of instruction required by law for charter schools serving grades 6-8 [EC 46201(a)(3)(C) and 47612.5(a)(1)].

The daily class schedule, which is currently a mixture of traditional periods and block scheduling, is set to best accommodate the curriculum and the strengths of the classroom schedules. Additionally, provided resources and/or volunteers are available, New West envisions extended day, after-school enrichment, extracurricular, and remedial instruction activities lasting 60-180 minutes depending on the activity and daily school schedule.

New West's calendar includes substantive opportunities for the professional development activities of the educational staff. Teachers are required to report to school one week before the first day of classes. There are a number of "pupil free days" scattered throughout the year and weekly "pupil free afternoons" when students are dismissed from school early. Each individual teacher typically has one free period each day. These pupil free times provide New West's instructional staff ample time for classroom preparation, grade level and subject area conferences, curriculum development, professional development, staff meetings, and other activities relevant to the school's educational program.

T. Attendance

New West's attendance policy maximizes both student learning and the revenues available for the school's education program based on average daily attendance (ADA) rates. Regular, continuous attendance is one of the school's academic expectations of its students. Suspension or expulsion of students with continued attendance problems is governed by New West's discipline policy that includes counseling of students and parents, progressive intervention and remediation, and due process procedures (see *Required Elements of the Charter: Section X. Element J: Student Discipline including Suspension or Expulsion*).

New West's attendance accounting system complies with all District, county, state, and federal requirements and laws applicable to charter schools regarding attendance records, attendance reports, attendance audits, and ADA accounting, auditing, and certification for the purpose of apportioning school funding. New West maintains written records that document all student attendance and makes these records available for audit and inspection as requested [EC 47612.5(a)(2)]. Classroom teachers record student attendance electronically on a daily basis through the student accounting software, with backup physical signed copies of attendance records.

The student information system is used to generate attendance summaries and reports required for school funding apportionments or other uses (see *Required Elements of the Charter: Section I. Y. Student Information System*). New West provides the District with the following attendance reports:

- (201) Weekly attendance up to the fourth week prior to norm day (provided in September).
- (202) First 20 days of instructional actual enrollment by grade level (provided in October).
- (203) Monthly statistical report (provided on the Friday after the last day of the school month).
- (204) P1 and P2 attendance reports (provided the first week of January and April, respectively).

U. Grading System and Report Cards

New West's grading system and report cards allow the school to record and assess student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes, and to communicate levels of achievement to students and their parents. The report cards reflect:

- (205) Progress at each grade level toward meeting New West's graduation standards for academic excellence (critical thinking and core academics), character development (personal qualities), and lifelong learning (interpersonal and life skills) as described in Table 1 under *Required Elements of the Charter: Section II. Element B. Measurable Student Outcomes*.
- (206) Competency with respect to grade-level state content standards for the core curriculum in reading and language arts, mathematics, history and social science, and science as adopted by the State Board of Education pursuant to Education Code Section 60605 [EC 47605(c)(1)] (see "Core Academics" in Table 1).
- (207) Competency with respect to grade-level state content standards for the supplemental enrichment curriculum in world languages, visual and performing arts, and physical education and health (see "Core Academics" in Table 1). Not yet implemented.
- (208) English language development (ELD) scores that measure the achievement of English learners toward English language competency.
- (209) Recognition for participating in enrichment and extracurricular activities.
- (210) Modifications appropriate for students with identified special needs as recommended by the student's IEP Team.

New West's report cards are evolving toward a standards-based grading system in which academic achievement scores indicate progress toward meeting school and state learning standards (e.g., 1=not proficient, unable to meet the standard; 2=partially proficient, partially meets the standard, 3=proficient, meets the standard; 4=advanced, exceeds the standard). Students are also graded for their effort toward meeting academic achievement standards (e.g., 1=poor; 2=inconsistent; 3=consistent; and 4=strong). The same four-level assessment applies to evaluations of work and study habits as well as learning and social skills. English language learners are graded in their advancement toward meeting state ELD standards in reading, writing, listening, and speaking (e.g., 1=beginning, 2=early intermediate, 3=intermediate, 4=early advanced, and 5=advanced). The assessment instruments used to determine student scores are given in Table 1 under *Required Elements of the Charter: Section II. Element B: Measurable Student Outcomes*.

New West currently issues report cards three times per year, at the end of each trimester, with additional progress reports issued during each trimester. The first reporting period focuses on early identification of low-performing and high-performing students who require intervention and/or differentiated instruction to meet their education needs.

V. Student Promotion and Retention Policies

New West assesses each student, upon admission to the school. This assessment of student ability and academic accomplishments is based upon, but not limited to, standardized test scores from the last grade attended before entering New West (usually grade 5), student transcripts from the previous year (usually grade 5), recommendations submitted by former teachers and administrators, and grade 6 classroom proficiency testing of review materials that takes place at New West during the first weeks of school (i.e., during the first reporting period). This baseline and the supporting documents become part of the student's permanent record used to assess and track student progress.

New West's policy regarding the promotion and retention of students is compatible and integrated with state standards. New West's promotion standards anticipate the entrance expectations of local public, private, and parochial high schools, to create a seamless matriculation to the next level of education. New West's promotion standards are based on progress toward attaining the skills, knowledge, and attitudes discussed below under *Measurable Student Outcomes*. Measures for evaluating student progress towards New West's graduation standards are discussed below under *Required Elements of the Charter: Section III. Element C: Measuring Student Outcomes*. New West does not endorse or practice a policy for grade-level advancement based on "social promotion."

New West's promotion and retention policy is modeled on the basic elements specified in Education Code Section 48070.5. The policy includes, but is not necessarily limited to, the following key points:

- (211) The student's teacher(s) base the criteria for promotion and retention on a combination of statewide achievement tests (CST and CAT-6), student classroom grades accounted for in report cards, written evaluations and testimonials, and other authentic indicators of academic achievement as indicated in Table 1.
- (212) With respect to standardized achievement tests, the required levels of proficiency set by New West for promotion to the next grade level are consistent with the minimum levels required for satisfactory performance established by the State Board of Education.
- (213) Levels of proficiency in reading and language arts, and mathematics, are given the greatest weight in determining whether to promote or retain students.
- (214) All student records are accessible for inspection when requested by a student's parents.
- (215) Students at risk of being retained are identified as early in the school year as practicable to allow the greatest amount of time possible for intervention and remediation of weaknesses.
- (216) The parents of students at risk of being retained are notified as early in the school year as practicable and they are given the opportunity to consult with the educators responsible for the decision to retain or promote.
- (217) Parents can appeal to the Director/Principal the decision to promote or retain a student.
- (218) Intervention and opportunities for remedial instruction are provided to students who are identified as being at risk for retention.

W. Professional Development for Educators

Professional development, which can be simply described as a lifelong commitment to professional competency, is a cornerstone of New West's educational plan. New West expects that its educators to be enthusiastic about professional development just as the school has the educational objective for its students to become self-motivated, competent, lifelong learners. Continued, sustained professional development and advancement are important criteria in yearly evaluations of the instructional staff with regard to promotion.

New West makes appropriate allocations in its instructional calendar to provide time for professional development. The Director/Principal, working with the teaching staff, is responsible for planning, scheduling, and monitoring the professional development activities of the school's instructional staff. Faculty are encouraged to attend professional conferences, to schedule on-campus workshops and seminars, to investigate best practices in middle school education, to confer with other middle school teachers, and to meet with elementary and high school faculties to address seamless transitions between schools.

Professional development includes time and opportunity for New West faculty to learn about new curricular materials that are adopted for use by the school. Most important, however, is for New West to provide time for its teachers to engage in critical reflection, to learn about pertinent educational issues, and to collaborate with colleagues through formal and informal discussions that sustain the school's reform efforts. It is through professional development that new teaching methods, new educational interventions, and new innovative programs are implemented and integrated into New West's educational program.

X. Accountability for the Educational Program

The Director/Principal, working collaboratively with the school's administrators, teachers, and parents, is responsible for the development of the school's educational program, including selection of books and curricular materials, measurable student outcomes, and methods for assessing student outcomes. New West relies on the experience of its educators and parents, the educational literature, best practices at other middle schools, and advice of educational experts and consultants, including instructional experts of the District, as may be appropriate to provide guidance about various aspects of the school's educational program. New West's Board of Directors has final authority to approve all aspects of the school's educational program including all substantive revisions to the educational program that may be required over time.

Y. Student Information System

New West maintains a computerized Student Information System (SIS) to manage student records including enrollment information, demographic information, emergency information, attendance, class schedules, grades, report cards, CBEDS information, state standardized test results, NCLB disaggregated data, disciplinary actions, and any other information that may be relevant about student activity at the school. The SIS provides data that can be used in a variety of ways including evaluation of student academic progress, ADA accounting, school surveys, the annual programmatic audit, and retrospective studies and prospective projections that may relate to the operation of the school and its academic programs.

Z. Matriculation to High School

Students graduating from New West are prepared in terms of academic excellence, character development, and life-long learning skills to continue their education at a rigorous, college preparatory high school. It is anticipated that most New West graduates will matriculate to local District high schools as either neighborhood residents or charter students.. Others will attend local parochial and private high schools. Acceptance at any of these public, parochial, or private schools is dependent on the specific admission policies of those schools.

II. Element B: Measurable Student Outcomes

New West students graduating from grade 8 meet the general goals for academic excellence, character development, and life skills that are outlined below in *Table 1: Student Exit Outcomes and Assessment Methods*. More specifically, with respect to academic excellence, measurable student outcomes (graduation standards) at New West include competency in the school's rigorous core curriculum that is aligned to state content standards for reading and language arts, mathematics, science, and history and social science as adopted by the State Board of Education pursuant to Education Code Section 60605 [EC 47605(c)(1)] (the state standards for each content area are identified in *Required Elements of the Charter: Section I.H. Core Curriculum*). These graduation standards are compatible with entrance expectations at local public, private, and parochial schools.

New West’s graduation standards presume the satisfactory progress of students through a continuum of skill and grade levels. Accordingly, New West’s exit outcomes are further subdivided into a list of the specific content and "classroom-level" skills that are taught in each subject area and grade. These specific grade and skill-level criteria are based on the California grade-level state content standards for reading and language arts, mathematics, science, and history and social science. Additionally, there is a similar breakdown of “benchmark” skills (i.e., promotion standards) that students must demonstrate at various points throughout their enrollment at New West in order to progress to each consecutive grade or skill level. These specific classroom-level and benchmark skills are incorporated into New West’s report cards (see *Required Elements of the Charter: Section I.U. Grading System and Report Cards*). Methods for assessing the exit outcomes and successive subject area/grade level criteria in measurable terms are outlined in the next section (see *Required Elements of the Charter: Section III.A. Evaluating Student Performance*).

Exit outcomes, grade-level content, criteria for classroom-level skills, and benchmark standards for students with special needs are adapted as appropriate according to a student’s Individualized Educational Program. Additionally, New West’s reading and language arts standards for students with limited English proficiency (LEP) are consistent with the English Language Development standards mandated by state law [EC 60811].

Table 1. Student Exit Outcomes and Assessment Methods. Assessment methods: ST=standardized tests, P=portfolios, OE=observation/evaluation, SE=self-evaluation, IC=in class tests and quizzes, GP=group projects, CS=community service, STPS=student, teacher, parent surveys.

Exit Outcomes for Students Graduating from New West	Assessment Methods
<p>ACADEMIC EXCELLENCE</p> <ul style="list-style-type: none"> • Critical Thinking <ul style="list-style-type: none"> – <u>Observational Skills</u>: Students demonstrate their ability to see and convey findings using all their senses, to consider their audience and choose appropriate communication mediums, and to recognize the depth and breadth needed to get their message across effectively. – <u>Analytical and Reasoning Skills</u>: Students demonstrate their ability to analyze information and provide accurate details in an organized manner, make fair comparisons, find distinguishing characteristics, and put things to the test in a rational way. – <u>Decision Making Skills</u>: Students demonstrate their ability to evaluate options through the filter of their core ethical values, determine the significance to them personally, and predict the impact their choices will have on themselves and others. • Core Academics <ul style="list-style-type: none"> – <u>Reading and Language Arts</u>: Students demonstrate mastery in reading, writing, listening, speaking and presentation skills, in multiple forms of expression, with communication skills 	<p>ST, P, OE, SE, GP</p> <p>ST, P, OE, SE, IC, GP, CS</p> <p>P, OE, SE, STPS</p> <p>ST, P, OE, SE, IC, GP</p>

Exit Outcomes for Students Graduating from New West	Assessment Methods
<p>appropriate to the setting and audience; and comprehend and critically interpret multiple forms of expression, including literature from various time periods and cultures.</p> <ul style="list-style-type: none"> – <u>Mathematics</u>: Students demonstrate the ability to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, etc. – <u>Science</u>: Students demonstrate their ability to utilize scientific research and inquiry methods to understand and apply major concepts underlying various branches of science, which may include physics, chemistry, biology, astronomy, and earth sciences. – <u>History and Social Science</u>: Students understand and apply civic, historical, and geographical knowledge in order to serve as responsible citizens in today’s world of diverse cultures. – <u>World Languages</u>: Students communicate and interact effectively in at least one language in addition to their native language and they will understand key aspects of the culture of the second language. – <u>Visual and Performing Arts</u>: Students develop an appreciation for the arts, and self and group expression in the various visual and performing arts. 	<p>ST, P, OE, SE, IC</p> <p>ST, P, OE, SE, IC, GP</p> <p>ST, P, OE, SE, IC, GP</p> <p>ST, P, OE, SE, IC, GP, CS</p> <p>OE, SE</p>
<p>–</p>	<p>OE, SE, STPS</p>
<p>CHARACTER DEVELOPMENT</p>	
<p>• Personal Qualities</p>	
<ul style="list-style-type: none"> – <u>Respect</u>: Students demonstrate their respect for others by being tolerant of differences, using good manners, being considerate of the feelings of others, and dealing peacefully with anger, insults, and disagreements. 	<p>OE, SE, STPS</p> <p>OE, SE, CS, GP, STPS</p>
<ul style="list-style-type: none"> – <u>Caring</u>: Students show they care by being kind, compassionate, expressing gratitude, forgiving others and helping people in need. 	<p>OE, SE, STPS</p>
<ul style="list-style-type: none"> – <u>Trustworthiness</u>: Students build a good reputation by being honest, reliable, and loyal, and having the courage to do the right thing. 	<p>OE, SE, CS, GP, STPS</p>
<ul style="list-style-type: none"> – <u>Fairness</u>: Students demonstrate fairness by being open-minded, listening to others, not taking advantage of others, not blaming others carelessly, and by playing by the rules, taking turns and sharing. 	<p>P, OE, SE, STPS</p>

Exit Outcomes for Students Graduating from New West	Assessment Methods
<ul style="list-style-type: none"> – <u>Responsibility</u>: Students always do their best and demonstrate accountability for their choices by doing what they are supposed to do, persevering, using self-control, being self disciplined, thinking before they act and considering the consequences. 	P, OE, SE, STPS
<ul style="list-style-type: none"> – <u>Adaptability</u>: Students demonstrate their ability to embrace change, challenge assumptions, consider different angles, make speculations about all sorts of possibilities, and fully pursue their natural curiosity. 	OE, SE, CS, GP, STPS
<ul style="list-style-type: none"> – <u>Creativity</u>: Students demonstrate their ability to use their imagination to create visionary ideas, consider “What if . . . ?” scenarios operate from their “gut” level and make remote connections between seemingly unrelated ideas or things. 	_____
<ul style="list-style-type: none"> – <u>Citizenship</u>: Students demonstrate good citizenship by doing their share in making their school, community, and larger society better by cooperating with others, staying informed and voting, being a good neighbor, obeying laws and rules, respecting authority, and protecting the environment. 	OE, SE, STPS
<hr/> <p>–</p>	OE, SE, STPS OE, SE, STPS
<p>LIFELONG LEARNING</p>	
<ul style="list-style-type: none"> • Interpersonal Skills 	OE, SE, STPS
<ul style="list-style-type: none"> – <u>Team Player</u>: Students participate effectively in a team, demonstrating their ability to share responsibility, divide work and to make an individual contribution to group efforts. 	OE, SE, STPS
<ul style="list-style-type: none"> – <u>Teaching</u>: Students demonstrate an individual ability to teach others. 	
<ul style="list-style-type: none"> – <u>Leadership</u>: Students demonstrate their ability to communicate ideas effectively to justify their position, persuade others, and responsibly challenge existing procedures and policies. 	OE, SE, STPS
<ul style="list-style-type: none"> – <u>Negotiation</u>: Students demonstrate their ability to work toward agreements involving the exchange of resources and resolving different interests and opinions. 	OE, SE, GP, P, STPS OE, SE, GP, P, STPS
<ul style="list-style-type: none"> – <u>Diversity</u>: Students demonstrate their ability to work well with individuals from diverse backgrounds. 	OE, SE, IC, ST, STPS
<ul style="list-style-type: none"> • Life Skills 	
<ul style="list-style-type: none"> – <u>Fitness and Wellness</u>: Students develop healthy lifelong habits and a balanced approach to physical fitness, nutrition, emotional stability, and positive social relations. 	
<ul style="list-style-type: none"> – <u>Technology</u>: Students develop competency in information 	

Exit Outcomes for Students Graduating from New West	Assessment Methods
<p>technology and learn to evaluate critically all aspects of the technology.</p> <ul style="list-style-type: none"> – <u>Consumer Responsibility</u>: Students critically evaluate the nature and impact of available goods and services and begin to make responsible choices. – <u>Time Management</u>: Students select goal-relevant activities, set priorities, allocate time and prepare and follow schedules. 	

III. Element C: Measuring Student Outcomes

A. Evaluating Student Performance

New West uses multiple measures of student achievement to assess individual student progress and to facilitate continuous program evaluation (see Assessment Methods in Table 1). The overall goal of New West’s assessment procedures is to monitor the progress of individual students toward attaining the academic excellence, character development, and life-long learning skills necessary to continue their education at a rigorous, college preparatory high school. Progress toward attaining the graduation skills, knowledge, and attitudes listed above in Table 1 is evaluated on an ongoing basis in each class through each grade level by compiling a comprehensive, longitudinal learning record for each student. This record of achievement is based on a variety of assessment methods including, but not limited to, conventional standardized test results, student portfolios of work accomplished, authentic written observations, and evaluations by teachers, written self-evaluations by students, classroom tests and quizzes, presentations of group projects, written evaluations of community service efforts, and student, teacher, and parent surveys. These assessments are aligned and integrated with state grade-level curriculum frameworks, state grade-level content standards, and New West’s graduation standards as specified in Table 1.

During the school year, student achievement is regularly monitored through the use of curriculum-based measures. Progress toward mastering state content standards and meeting the student exit outcomes of Table 1 is evaluated using classroom-level assessments aligned to the school’s curricular standards as appropriate for each grade-level and content area. Each fall, during the first reporting period, students are tested in the core content areas using standardized performance assessments. These fall assessments are evaluated by grade-level teacher groups to determine individual student strengths and weaknesses. These results allow for the identification of students who require, for example, differentiated gifted instruction or remedial intervention in the form of in-class attention or after-school tutorials. The standardized performance assessments are repeated in the spring during the fourth reporting period to assess student progress and identify students who may require remedial instruction during the summer.

New West, in designing and implementing its student assessment program, uses established scoring criteria and cross-validation of different measures and different evaluators to enhance the validity, reliability, and objectivity of non-quantitative assessment measures of student work such as portfolios and subjective evaluations by teachers.

Individual classroom teachers are primarily accountable for assessing their students' achievements with regard to classroom-level work and state content standards. Teachers are given time to meet on a regular basis to review student work and discuss the efficacy of the curriculum-based performance assessments. Team Leaders or Faculty Mentors, who consult with the teachers who are most familiar with a student's work, are primarily responsible for grade-level assessments and progress toward fulfilling the skills, knowledge, and attitudes required for graduation. Teachers and Team Leaders may request other participants in a student's educational program to provide grades, evaluations, or other assessments as may be appropriate for their instructional role. Teachers are given time to meet on a regular basis to review student work and to establish performance standards.

Student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes is communicated to students' parents by means of report cards and regular conferences with the student's teachers and Faculty Mentor. The grading system and report cards are described above under *Required Elements of the Charter: Section I.U.*

Assessment methods for students with special needs are adapted as appropriate according to a student's Individualized Educational Program. Additionally, New West administers the California English Language Development Test (CELDT) to assess the English fluency of all students whose primary language is not English [EC 60810]. The Director/Principal and the school's student success committee are available to explore solutions to problems or situations that may interfere with an individual student's ability to attain the skills, knowledge, and attitudes expected of New West students.

B. Statewide Standardized Assessments

New West administers to its students all tests required by state law that are applicable to charter schools. New West administers, in the same manner as other public schools, the statewide student assessments that are part of the Standardized Testing and Reporting Program (STAR) pursuant to Education Code Section 60605 [EC 47605(c)(1)]. As a condition of apportionment of state funding [Education 47612.5(a)(3)], New West provides annual certification that its students have participated in all required state testing programs. Currently, these state-wide standardized tests are the California Standards Test (CST) and the California Achievement Test (CAT-6).

New West uses the results of the California Standards Test (CST) as one of the multiple measures for assessing individual student achievement. New West requires that students meet the minimum levels for satisfactory performance established by the State Board of Education for promotion to the next grade. CST results are also one factor in determining whether students are eligible for New West's remedial or accelerated instructional programs. The results of standardized tests are not used as the basis for assigning grades in any content area on a student's report card.

New West anticipates researching a second standardized testing procedure for the purpose of cross-validation with the CST and California Achievement Test (CAT-6) to better characterize student strengths and weaknesses. New West continues over time to examine and refine its methods for assessing student outcomes to reflect the school's mission and any changes in statewide student assessments authorized in statute that may become applicable to charter schools.

C. Evaluating School Performance

The primary measures of New West's overall school performance are CST and CAT tests scores and the Academic Performance Index (API), which is a key part of the Public Schools Accountability Act of 1999 [EC 52056(a)]. The API is a single numeric score

between 200 and 1000 that reflects a school's overall annual performance on the Stanford 9 achievement test. The API score is used to assign a decile ranking that summarizes each school's performance relative to all schools statewide and to the 100 schools with the most similar demographic characteristics. API scores and rankings are also disaggregated for numerically significant subgroups of a school's student body based on gender, ethnicity, and socioeconomic status. The State Board of Education has adopted an API of 800 as the interim statewide target indicating a high level of performance to which all schools should aspire.

New West uses the API as its principal external benchmark to track the success of the school's educational efforts from year to year in comparison with other middle schools. Besides striving for the highest possible "all schools" and "similar schools" API ranking, New West compares itself to the local public middle schools with which it most directly "competes." These "all school," "similar school," and "local school" comparisons include analyses of numerically significant demographic subgroups (i.e., gender, ethnicity, and socioeconomic status). The school API and subgroup API's for New West and local middle schools are tracked longitudinally (i.e., evaluate the same-aged student cohorts at the successive grade levels) and cross-sectionally (i.e., evaluate successive student cohorts passing at the same grade level). Additionally, New West analyzes the school's classroom and grade-level test results and content cluster results. These analyses are used to determine if New West's educational program is working equally well in all content areas for all groups of students or if some adjustments are required.

New West holds itself accountable for meeting the annual API growth targets established by the State Board of Education for the school as a whole and for each numerically significant subgroup of students. The annual growth target is 5% of the difference between the school's API and the interim statewide performance target of 800. To be in compliance with statewide performance expectations, New West must meet 80% of the established API growth targets for each of the numerically significant subgroups. If New West fails to meet its API growth targets, then the school will convene its curriculum committee, its Educational Study Panel, and its Board of Directors to develop a plan for improvement of student performance that exceeds the API targets.

IV. Element D: Governance Structure

A. Board of Directors

The Board of Directors of New West Charter School, the California nonprofit public benefit corporation that operates the school, is New West's chief decision-making body.

1. Membership

The Board is comprised of 14 members (plus alternates) representing the school's various constituencies as follows:

- (219) **Director/Principal.** The school's Director/Principal is appointed by the Board of Directors. The school's Assistant Principal, if any, serves as the alternate for the Director/Principal.
- (220) **Three Parent Representatives.** The 3 Parent Representatives and 2 alternates are elected from and by parents whose children attend New West. Parent Representatives serve two year terms. Normally, 2 representatives and 1 alternate are elected in odd numbered years and 1 representative and 1 alternate are elected in even numbered years.

- (221) **Three Founder Representatives.** The 3 Founder Representatives and 2 alternates are elected from and by New West's founding parents. Founder Representatives and their alternates serve two year terms. Normally, 1 representative and 1 alternate are elected in odd numbered years and 2 representatives and 1 alternate are elected in even numbered years.
- (222) **Three Teacher Representatives.** The 3 Teacher Representatives and 2 alternates are elected from and by New West's full-time credentialed teachers. Teacher Representatives and their alternates serve two year terms. Normally, 1 representative and 1 alternate are elected in odd numbered years and 2 representatives and 1 alternate are elected in even numbered years.
- (223) **Staff Employee Representative.** The Staff Employee Representative and alternate are elected by New West's full-time non-instructional employees. The Staff Employee Representative serves a two year term. Normally, the staff representative is elected in odd numbered years and the alternate is elected in even numbered years.
- (224) **Two Community Representatives.** The 2 Community Representatives and 1 alternate are appointed by majority vote of the Board of Directors from volunteers who express an interest in the school. One should have experience in education and the other experience in business, and the alternate community can have a background in either expertise. These representatives cannot be founders, parents of children attending New West, or employees of the school.
- (225) **District Representative.** The District has the right to appoint one representative to the Board of Directors [EC 47604(b)]. The District representative, who is normally a member of the staff of Local District 3 in which New West is located, is a non-voting, ex officio member of the Board. It is the responsibility of the District to fill this position and notify New West of the District's choice.

The election of board members, or changes in the Board's composition, may not violate New West's Corporate Bylaws that state "interested persons" (e.g., employees or other persons compensated by New West, or their relatives) cannot constitute more than 49% of the persons serving on the Board. The employee members of the Board are permitted to participate and vote on all matters except those involving personnel, employment policies, financial matters affecting salaries and benefits, and other issues where there may be a conflict of interest.

The election or appointment of board members is governed by the rules established by the Board of Directors. The Director/Principal is responsible for conducting annual elections of Founder, parent, teacher, and staff board members and their alternates by their respective constituencies. These general elections usually take place in the fall of each year according to the following schedule:

- (226) **Even numbered calendar years:** one Founder and one founder alternate representatives, two parents and one parent alternate representatives, one teacher and one teacher alternate representatives, and one alternate staff representative.
- (227) **Odd numbered calendar years:** two Founders and one founder alternate representatives, one parent and one parent alternate representatives, two teachers and one teacher alternate representatives, and one staff employee representative.

Elected alternates to the council become full representatives if a regular member resigns at any time during their term, with the longest serving alternate being the first to assume full board membership. If alternates are not available to fill a vacancy, then the Board, at its discretion, may either call for an election or appoint board members and/or alternates

by majority vote. A vacancy in an appointed board position, including alternates, may be filled at any time by majority vote of the Board. New West is responsible for notifying the District in writing of any change in board membership.

Board members may resign by submitting a written notice to the Director/Principal or Chair of the Board, although this written resignation is not required to fill the vacant position in the case of a written resignation made verbally before the Board. The Board confirms each resignation at its next meeting and takes actions immediately to fill the vacant position according to its rules for electing board members. Board members who miss three regular or special meetings in a row without an excuse, or who are absent for one-third or more of board meetings over the course of a school year can be removed from their board position by majority vote of the Board. The Board may remove an individual board member with or without cause for any reason by majority vote.

2. Duties

The Board manages the corporation and has sole authority for all aspects of the school's operation and educational program including, but not limited to, the development and implementation of policies related to curriculum, enrichment and extracurricular educational activities, student evaluation, personnel, professional development, budget and finance, facilities and maintenance, admissions, scheduling, community relations, classroom usage, use of the school site, safety, discipline, proposals for charter revision and renewal, dispute resolution, and interactions with the District and other educational agencies. The Board is governed in its operations and its actions by New West's Corporate Bylaws, which are consistent with the terms of the Charter, the Charter Schools Act, and all other laws applicable to charter schools managed by nonprofit public benefit corporations. The Board appoints and employs the Director/Principal and vests that person with the authority to hire employees, work with volunteers, establish school policies, and take actions as necessary to operate the school in accordance with the Charter.

The Board is responsible for electing the Officers of the Corporation as allowed by the Corporate Bylaws. The corporate officers, who do not have to be members of the Board, are:

- (228) President (Executive Officer), who is normally the Director/Principal.
- (229) Secretary, who is normally the school's chief administrative assistant.
- (230) Chief Financial Officer, who is normally the school's fiscal manager.
- (231) Chair of the Board, who is elected by the Board from the founder and parent members of the Board.

These corporate officers normally participate in the meetings and other activities of the Board, but they do not have voting rights unless they are also board members.

The Board operates according to the Corporate Bylaws of New West. In general, the Board conducts its business by consensus but employs Robert's Rules of Order and takes formal votes on issues as the need arises. Only board members or alternates sitting in for an absent board member can vote. The transaction of any business, except adjournment, requires a quorum defined as at least one-half of the sitting voting board members (i.e., excluding the ex officio District representative) who have been appointed or elected at the time of the meeting, including alternates who are filling in for board members absent from a board meeting (e.g., a quorum is 7 if one or none of the 13 voting Board positions are vacant). The Board generally conducts its business related to the school on the basis of published agenda and the board keeps appropriate records of

all its actions. The Board's business is usually conducted in open public session according to Board rules, but the Board reserves the right to meet in closed session to discuss and decide issues of a confidential nature. All teachers, parents, and community members are encouraged to attend board meetings, but members of the public can only speak on issues before the board when recognized by the chair of the meeting. The Board typically allows and encourages open public comment by a limited number of speakers on any issue to be decided in public session. The Board normally meets monthly but may convene more frequently as necessary to conduct its business.

Alternates to the Board replace regular board members who are absent from part or all of a board meeting. An alternate substituting for a board member participates as a full member of the Board in all board business with the following exceptions: revision of the corporate bylaws, election of corporate officers, and nomination, appointment, or election of board members.

Board members, including alternates, and the corporation's officers must excuse themselves from participating in discussions and decisions about matters that may involve actual or potential conflicts of interest (see *General Provisions of the Charter: Section XIV. Conflict of Interest Policy*). Such conflicts may arise whenever a board member may either receive some advantage or suffer some disadvantage because they have personal, business, or monetary interests in a matter before the Board. Board members either excuse themselves voluntarily or are excused by a majority vote of board members if the Board determines that there is an actual or potential conflict of interest, which may be brought to the attention of the Board of Directors by any person.

3. Strategic Plan

The Board holds an annual retreat to assess the school's operation and educational program, discuss plans for the school's future, and update the school's Strategic Plan. The Strategic Plan, which includes both specific one year and broader five year goals, is distributed widely to the New West community before being presented at a regular board meeting for public discussion and Board approval.

B. Executive Committee

New West's Executive Committee is comprised of the Director/Principal, one teacher elected yearly by and from the teachers who are board members, and the Chair of the Board. If Director/Principal is the board's chair, then the third member of the Executive Committee is elected by the Board from the parent and founder representatives. Vacancies on the Executive Committee are to be filled immediately. The Executive Committee:

- (232) Sets the agenda for board meetings.
- (233) Deals with routine matters not requiring the attention of the full Board.
- (234) Refers issues to the Board as may be appropriate.

The Executive Committee is operational in nature rather than a deliberative, decision-making body. It cannot establish school policy or exercise the authority of the Board with respect to material issues concerning the school's operation nor the terms and conditions of the Charter. The Executive Committee normally meets weekly but may convene more or less frequently as necessary to conduct its business.

C. Advisory Board

New West may have an Advisory Board comprised of four distinguished members of the community representing the public and/or private sectors of education, business, and

government. The purpose of the Advisory Board is to provide advice, expertise, and resources related to charter schools, middle school education, fund raising, community relations, and other areas relevant to the success of the school. The Executive Committee and/or the Board of Directors may consult with the Advisory Board or its members when appropriate. The Board appoints members of the Advisory Board from applications received or solicited by the school. The Advisory Board, which is informed of school activities and issues on a regular basis, meets with the Board as needed but not less than once each school year.

D. School Committees

1. Role of Committees in School Governance

The work of the Board of Directors is accomplished normally through the activities, reports, and recommendations of various standing and ad hoc committees. Issues arising before the Board of Directors may be referred to a committee for consideration and formulation of recommendations and resolutions that are presented in writing to the Board for final approval. All teachers, parents, and community members are encouraged to attend any committee meeting that is of interest to them.

2. Committee Structure

The Director/Principal is primarily responsible for managing and coordinating the activities of the school's various committees if they are established as well as acting as the liaison between the Board and the school's committees. The Director/Principal may delegate responsibilities for managing one or more committees to another administrator, a teacher, a parent, a founder, and/or a community volunteer. The Board may from time to time establish and/or abolish such standing and special committees, as it may desire to report directly to the Board or through the Director/Principal. The school's committees cover the following functions, but may or may not be separate committees:

- (235) Admissions and enrollment
- (236) Grants
- (237) Fund-raising
- (238) Curriculum and educational programs
- (239) Enrichment and extracurricular activities
- (240) Special education and student success
- (241) Library
- (242) Parent resources
- (243) Personnel and hiring
- (244) Community relations
- (245) Diversity
- (246) Dispute resolution

3. Committee Membership

Committees typically have both parent and teacher members as appropriate and necessary with the mutual understanding that teachers are advisory and parents carry the burden of committee work whenever possible and appropriate. Committee membership is also open to part-time or full-time employees of the school as well as founders and community members. Each board member typically serves on at least one committee. The Director/Principal, who is an ex officio member of each committee,

assures that each committee has a chair or co-chairs at all times who staff the committee, organize meetings, and report to the Director/Principal or the Board, as necessary.

E. Parental Involvement

1. Role of Parents in Operating the School

The success of New West is dependent on local school control through shared governance between the educators and the parents who have a vested interest in the school. A meaningful partnership involves the Director/Principal and the teachers being responsive to the concerns of parents about the educational program of the school. In turn, parents have the responsibility to respect the professional experience and expertise of the Director/Principal and the teachers. While parents are involved in all levels of decision-making at New West through their elected representatives and committee work, their primary role in operating the school is to assist, enhance, facilitate, and extend the ability of the educational staff to conduct the school's educational activities. Such parental involvement has the significant advantage of relieving teachers from many of the administrative details of operating the school so that they can devote their time, energy, and expertise to classroom teaching, curriculum, and professional development.

2. Home-School Contract

A central tenet of New West's philosophy is that students are best able to reach their full potential when there is a high level of involvement by their parents in their education. Moreover, research has shown that stakeholder involvement is important to the success of a program and to the satisfaction of the participants. Accordingly, part of the school's educational plan is an agreement between parents and the school — known as the Home-School Contract — whose intent is to encourage parental involvement and cooperation that will, in turn, ensure success of the school's educational program. Such a contract is designed to empower parents with respect to their children's education by strengthening the partnership among parents, students, and teachers.

Another tenet of the school's philosophy is that parents choose to send their children to New West because they have high expectations of the school and the benefits that they and their children will receive. In turn, the school has high expectations of parents to contribute to the team effort needed to fulfill those expectations. Excellence in a charter school cannot be accomplished nor maintained without the active participation of the parents of enrolled students.

A third tenet of the school's philosophy regarding parental involvement is that diversity in the parent population is a great strength that improves the educational program for all. Parents have different philosophies and approaches to their involvement in their children's education outside of school. Likewise, parents contribute in many different ways to the collective responsibility of running a charter school and making its educational programs a success. Recognizing that each parent, like each child, is unique in terms of background, experience, and ability, parents are asked to contribute to the school's success by volunteering their skills, time, and resources to the extent that they are able above the minimum requirements of the Home-School Contract.

The Home-School Contract, which is signed as a condition of enrollment before the beginning of each year, or whenever a new student is enrolled, includes the following requirements of the parents who have children attending New West:

- (247) Volunteer at least 8 hours per school semester per family (16 hours/year) during school hours, weekends, or evenings to participate in a school project, event, or classroom activity in addition to the other requirements of the Home-School Contract.
- (248) Read the Charter to understand the educational plan of the school, the school's operation, and the roles, rights, and responsibilities of parents and their children.
- (249) Participate in car pool/transportation program to reduce pollution and traffic congestion and follow the rules for drop-off and pick-up of children.
- (250) Attend a mandatory orientation meeting to learn about charter schools, the school's educational program, the Home-School Contract, and ways in which parents can contribute to the success of both their child and the school.
- (251) Participate in the election of parent representatives to the Board of Directors.
- (252) Complete and return all required forms, questionnaires, and other requests for information.
- (253) Ensure the completion of homework and class projects.
- (254) Reinforce at home the importance of education on a daily basis and discuss with each child what was taught at school.
- (255) Assure that each child arrives at school on time, dressed appropriately, and ready to learn.
- (256) Understand and reinforce the Student Conduct Code and the Student Dress Code.
- (257) Attend all scheduled parent-teacher conferences each year for each child.
- (258) Attend back-to-school night, open houses, and other school-wide events.
- (259) Keep informed about the school by reading the school's newsletter or information provided on the website.
- (260) Attend at least two parent education seminars each year concerning the school's curriculum, child development, parenting skills, and other topics relevant to the education of their children.
- (261) Participate as a family in extracurricular school events such as book fairs, plays, talent shows, festivals, and fund-raising activities.
- (262) Exercise respect for other members of the New West community, including administrators, teachers, staff, community volunteers, parents, and students.
- (263) Use the school's dispute resolution process to settle complaints, conflicts, and disputes that may involve New West and/or members of the school's community, including administrators, teachers, staff, community volunteers, parents, and students.
- (264) Reimburse the school for school property that is lost or damaged by their children.
- (265) Self-report their compliance with the Home-School Contract using the forms provided by the school.

Agreement to the contract by parents is one of the terms of admission and enrollment each year for students who want to attend New West. Information about the

Home-School Contract is available to the parents of prospective students as part of the admission application packet so that students and parents can make informed judgments whether they can fulfill the terms of the agreement. Parents must return the signed contract with the child's enrollment (new students) or re-enrollment (continuing students) forms.

Parents and students are responsible for fulfilling their responsibilities to the school as described in the Home-School Contract. Non-compliance may result in a student losing his or her enrollment at New West. The Director/Principal, in consultation with the Board of Directors, is responsible for administering and enforcing the Home-School Contract, counseling parents who may be substantially non-compliant, and considering exceptions in the form of reduced requirements for parents whose particular circumstances may include transportation difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations. Policies regarding non-compliance with and exceptions to the Home-School Contract are applied to all parents in an equal and consistent manner that is nondiscriminatory, provides due process protections, and preserves the privacy and confidentiality rights of students and parents. Disputes involving the Home-School Contract are resolved through the school's dispute resolution process.

V. Element E: Employees

All persons working at the school are employees of New West, which operates as a nonprofit public benefit corporation (see *General Provisions of the Charter: Section VII. Legal Status of the School*). New West's Board of Directors, in consultation with the Director/Principal and/or the school's committee dealing with personnel issues, has sole authority for making all decisions about the employment of all persons working at the school. These responsibilities include establishing job descriptions, qualifications, and selection procedures, determining the terms and conditions of employment including salary and benefits, interviewing and hiring personnel, determining job assignments, and evaluating, promoting, and terminating the school's employees.

New West personnel can be employees of the District or other school district or educational agency, provided that any persons working in this dual capacity receive New West's consent prior to accepting the second position or they are school district personnel who elect to take a charter school leave if allowed by their collective bargaining agreements and/or district personnel policies (see *Required Elements of the Charter: Section XIII. Element M: Leave of Absence to Work at a Charter School*). It is the responsibility of the employee to make sure that they comply with the policies of their union and/or school district regarding leave-of-absence to work at New West on a part-time or full-time basis. New West personnel are not covered by any collective bargaining agreements between the District and its employee unions, although New West employees have the right to join or form employee organizations (see *Required Elements of the Charter: Section XIII. Element O: Employee Collective Bargaining Rights*). The LAUSD, or any other school district, cannot require its employees to work at New West [EC 47605(e)]. New West employees must be U.S. citizens or have an immigration status that allows them to work in the United States in the position for which they are employed by the school.

All new employees of the school and all employees of any entity that has a contract with New West who have contact with the school's students are subject to a criminal background check including the submission of fingerprints for the purpose of obtaining a criminal record summary as described in Section 44237 of the Education Code [EC 47605(b)(5)(F) & 45125.1(a)]. The person being investigated pays the costs of fees and processing charges related to the criminal background check and fingerprinting. The Director/Principal is responsible for ensuring that the providers used by the school to do the criminal background check and fingerprinting meet the

standards of the California Department of Justice. No person who has been convicted of a violent or serious felony is hired by New West or employed by any entity on a contract basis to work at the school site [EC 44830.1(a), 45122.1(a), & Sections 45125.1].

A. Director/Principal

The Director/Principal is the chief academic and financial officer responsible for both day-to-day and long-term operation of the school. The broadly defined duties of the Director/Principal include but are not limited to the following:

- (266) Implement the Charter and its philosophies and practices.
- (267) Participate in the governance of the school.
- (268) Oversee the school's curriculum and academic policies.
- (269) Prepare and manage the school's budget.
- (270) Supervise the preparation of the annual Financial Audit and Programmatic Performance Report.
- (271) Represent the school in fund-raising efforts including grant applications and solicitations for support from private and public entities.
- (272) Interact with the District, local private and public schools, charter school organizations, and the community on matters related to the school's operation and educational program.
- (273) Serve as an ombudsperson to investigate, mediate, or otherwise resolve complaints and problems that may arise between students, teachers, staff, parents, and community members.
- (274) Evaluate the job performance of all school employees on a yearly basis.
- (275) Communicate with all stakeholders on a regular basis.
- (276) Manage the school on a daily basis.

1. Qualifications

New West's Board determines the qualifications of the Director/Principal based on the school's needs at the time it is necessary to fill the position. In general, the Director/Principal is expected to have the following abilities, experiences, and attitudes:

- (277) Bachelor of Arts, Bachelor of Science, or equivalent degree.
- (278) Obtained or working toward an advanced graduate degree.
- (279) A visionary who is on the cutting edge of educational reform.
- (280) Creative and innovative in his/her approach to education.
- (281) Fluent with current educational theory and curriculum development.
- (282) Knowledgeable about and supportive of charter schools.
- (283) Demonstrated leadership and decision-making skills.
- (284) Demonstrated managerial skills to include goal setting, budget control, team building, and corrective action.
- (285) Demonstrated ability to collaborate with parents, students, staff, and the community.
- (286) Demonstrated teacher advocacy skills.
- (287) Demonstrated accountability and communication skills.
- (288) Ability to demonstrate skills in utilizing "broad vision."

- (289) Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- (290) Specific abilities to fulfill the Director/Principal duties described above.
- (291) An administrative services credential is preferred but not required.

2. Selection

New West's Board of Directors determines the selection process for hiring a new Director/Principal . The Board may take into consideration the established policies and procedures of the District for selecting principals but is not bound by them.

3. Evaluation

The Board conducts written performance evaluations of the Director/Principal on an annual basis. Part of the evaluation is based on progress toward meeting specific goals established each year for the Director/Principal by the Board. The Board provides opportunities for comments from parents, teachers, staff, and community members as part of its information gathering process.

B. Teachers

Teachers are primarily responsible for developing, planning, and implementing the school's educational program in the classroom. In addition to their classroom instructional role, the broadly defined duties of the teachers includes but is not limited to the following:

- (292) Understand the Charter and its philosophies and practices.
- (293) Participate in the governance of the school.
- (294) Involve them individually and collaboratively in professional development activities that advance their skills, knowledge, and attitudes in the best interests of themselves, their students, and the school.
- (295) Work with the school's varied stakeholders in support of the home-school-community continuum of educational culture that the school holds as one of its central tenets.
- (296) Participate in the school's fund-raising activities including grant applications and solicitations for support from private and public entities.
- (297) Serve as the advocate of their students in promoting a learning environment that allows each student to fulfill their potential in terms of academic achievement and social development.

1. Qualifications

New West teachers primarily responsible for classroom instruction in the core academic areas of reading and language arts, mathematics, science, and history and social science must 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 by state law [EC 47605(l)] and must meet federal requirements regarding highly qualified teachers pursuant to the provisions of the No Child Left Behind legislation. Prospective employees provide these documents at the time they apply for work at New West, and the documents are confirmed for validity by the Director/Principal before a teacher is hired and annually as long as the teacher is employed at the school. The credentials of teachers are on file at the school and can be inspected by the District at any time. New West provides the District with copies of credentials whenever a new teacher is hired or there is a change in the credentials of a currently employed teacher (e.g., a teacher changes from emergency to full certification).

New West has flexibility with regard to qualifications and credentialing for full-time, part-time, and occasional instructors in non-core elective, enrichment, and extracurricular classes. In general, New West expects its core and non-core teachers to have the following abilities, experiences, and attitudes:

- (298) Bachelor of Arts, Bachelor of Science, or equivalent degree.
- (299) Demonstrated excellence as a teacher including knowledge of the subject matter they teach.
- (300) Creative and innovative in his/her approach to education.
- (301) Fluent with current educational theory and curriculum development.
- (302) Knowledgeable about and supportive of charter schools.
- (303) Ability to work collaboratively with other educators in interdisciplinary units.
- (304) Desire to work with parents and community members to strengthen the home-school-community union to envelop students with a continuum of educational culture.
- (305) Willingness to be responsible and accountable for the performance of their students.
- (306) Ability to present materials in ways that attract and hold students' attention.
- (307) Understanding of different student learning styles and how to adapt their teaching styles to them.
- (308) Ability to assess student growth in a variety of ways (e.g., standardized tests, classroom exams, presentations, projects, and portfolios).
- (309) Ethical and compassionate behavior with respect to their interactions with students especially but also parents, other educators, and community members.
- (310) Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- (311) Specific abilities to fulfill the teacher duties described above.

2. Selection

The Director/Principal selects an ad hoc committee of teachers and parents with which to work when interviewing, evaluating, and selecting each new teacher to be employed at New West.

3. Evaluation

The Director/Principal evaluates teachers annually. The results of the annual review are shared with the committee dealing with personnel matters and summarized for the Board of Directors. New West's written teacher assessment tools incorporate some of the California Standards for the Teaching Profession (California Commission on Teacher Credentialing, 1997). The annual review includes a set of Professional Standards, including the expectation that teachers support and implement the goals and objectives of the Charter. Other parts of the teacher assessment tool include self-evaluation, peer-evaluation, and comments from parents, staff, and community members. Teachers are working towards a Professional Growth File that documents all evidence of professional growth and excellence including in-service classes, courses, conferences, committee work, peer coaching, curriculum development, and student progress.

C. Non-Credentialed Instructional Staff

The Director/Principal, in collaboration with the committee dealing with personnel issues, is responsible for supervising the non-credentialed instructional staff needed to carry out the school's educational program. The non-credentialed instructional staff includes, but is not limited to the following positions: teaching aides; art and music instructors; world language instructors; physical education and health instructors; remedial, gifted, and talented instructional specialists that work under the supervision of credentialed teachers; instructors for enrichment, extracurricular, and community service activities; and Scholars-in-Residence. Some of these non-credentialed staff members normally hold part-time or full-time paid positions, others are retained on a contract basis, and others are volunteers, depending on the needs and resources of the school.

New West has the flexibility intended by the Legislature with respect to the qualifications and experience of its non-credentialed staff involved in non-core, non-college preparatory instruction at the school [EC 47605(l)]. Wherever possible, depending on the fiscal resources and needs of the school, New West fills these positions with credentialed teachers on a part-time or full-time basis. When this is not possible, members of the non-credentialed instructional staff are expected to have an undergraduate degree, be working toward their degree, or have at least five years of experience in an area of expertise related to their position. New West develops, as needed, the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-credentialed instructional staff that are used to supplement the school's core academic program taught by the school's full-time credentialed teachers. Non-credentialed staff assist credentialed teachers but they are not assigned primary responsibility for teaching core academic subjects nor do they count when calculating class size and student:teacher ratios.

D. Non-instructional Staff

The Director/Principal is responsible for supervising the non-instructional staff needed by the school to staff its operations (e.g., administrative assistants, secretaries, custodial staff, and food services workers). New West develops, as needed, the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-instructional staff employed at the school. Minimum requirements for office and clerical staff include, but are not limited to, computer skills (including working knowledge of word processing, spreadsheets, data base programs, accounting software, and internet communication management), written and verbal communication skills, and filing and organizational abilities. The Director/Principal is responsible for a yearly written evaluation assessing the performance of non-instructional staff members.

E. Personnel Policies

New West's personnel policies include an employee handbook and written employment contracts, although entering into such a contract with any individual employee is at New West's discretion. Changes to the school's personnel policies require approval by the Board of Directors.

New West is competitive with local public and private schools in terms of salary schedules, work schedules, health benefits, retirement benefits, vacation, sick leave, absences with replacement pay, and opportunities for on-job training and professional development. Generally, New West anticipates that administrators and instructional staff have employment contracts while non-instructional staff are at-will employees. New West personnel policies and procedures include, but are not necessarily limited to, the following elements:

- (312) **Job descriptions:** qualifications including abilities, experiences, and attitudes; education levels and credentials/licenses; broadly defined duties and responsibilities; professional development requirements; agreement to work to fulfill the principles and practices of the Charter; participate in school governance, including election to the Board of Directors and serving on school committees, as an integral part of employment.
- (313) **Hiring:** recruiting; interviewing; job offers and acceptances; soliciting references; verification of degrees, credentials, licensure, and previous employment; criminal background checks; initiating employment; and orientation of new employees.
- (314) **Employment status:** exempt (salaried) versus non-exempt (hourly) employment; contract versus at-will employment; full-time versus part-time employment; employees versus independent contractors; tenure, notice periods, and procedural protections; eligibility for benefits; outside employment; rights of parent and community volunteers; right to unionize (see *Required Elements of the Charter. Section XIII. Element O: Employee Collective Bargaining Rights*).
- (315) **Compensation:** salary and hourly pay schedules; overtime work and compensatory leave time; incentives and bonuses; supplemental compensation for special duties.
- (316) **Time and attendance:** work day, work week, and work year; break and lunch periods; pay periods; time sheets; unauthorized lateness and attendance.
- (317) **Insurance benefits:** health and dental insurance; life insurance; accidental death and dismemberment insurance; short-term and long-term disability benefits; workers compensation insurance; unemployment compensation; coordination of benefits.
- (318) **Retirement benefits:** see *Required Elements of the Charter. Section XIII. Element K: Staff Retirement Benefits*.
- (319) **Holidays:** national, religious, and personal holidays; eligibility, scheduling, and accrual of vacation days.
- (320) **Personal leave:** eligibility, amount, duration, return to work, and accrual; integration with disability policy.
- (321) **Leave of absence:** eligibility, terms, and durations related to personal, bereavement, family medical (illness, pregnancy, care of a family member), educational, military, and jury duty leaves; unauthorized absences.
- (322) **Health and safety issues:** smoke-free, alcohol-free, drug-free policy; immunizations, vaccinations, and health testing (e.g., tuberculosis); blood-borne pathogens; child neglect and abuse reporting; first-aid and emergency response training.
- (323) **Employee Conduct:** interactions with students, parents, and staff members; dress and appearance; punctuality.
- (324) **Performance evaluation:** frequency, format, and standards of evaluations; observation of performance; employee participation; persons responsible for evaluations of different employees.
- (325) **Professional development:** professional development portfolios; participation, expectations, and requirements; reimbursement and time-off.
- (326) **Non-harassment:** prohibiting, reporting, investigating, and remediating verbal, physical, and sexual harassment of employees, students, and parents.
- (327) **Non-discrimination:** see *General Provisions of the Charter. Section XVI. Equal Rights Statement*.
- (328) **State and federal workplace law:** employees protected by state and federal laws and regulations regarding civil rights (e.g., age discrimination, disability, and equal pay

legislation) and workplace practices (fair labor standards, family and medical leave, extended insurance coverage, retirement benefits, and occupational safety and health standards).

- (329) **Reimbursements:** travel (transportation, lodging, meals); school use of personal automobiles; telephone expenses; school supplies; other professional expenses; school credit cards.
- (330) **Conflict of interest:** see *General Provisions of the Charter: Section XIV. Conflict of Interest Policy*.
- (331) **Employment records:** contents of personnel files; access to, use of, and release of personnel information; privacy and confidentiality.
- (332) **Grievance procedures:** see *Required Elements of the Charter: Section XIV.B. Disputes Arising within the School*.
- (333) **Collective bargaining rights:** see *Required Elements of the Charter. Section XIII. Element O: Employee Collective Bargaining Rights*.
- (334) **Discipline:** grounds for discipline; progressive discipline policy including demotion and termination; relationship to performance evaluation; appeal and due process rights.
- (335) **Termination of employment:** voluntary resignation; retirement; death; involuntary termination including non-renewal of contract, termination of at-will employment, elimination of position, or immediate discharge for cause; exit interview; return of school property; employment references.
- (336) **Receipt of personnel manual:** agreement that the employee handbook is not a contract and that New West retains the unilateral right to modify, clarify, supplement, or eliminate any portion of the employee handbook.

VI. Element F: Health and Safety

The Director/Principal, working in collaboration with a health and safety committee, formulates and enforces the health, safety, and risk management policies, procedures, and practices of New West. New West engages appropriate inspectors, consultants, contractors, or other professionals from public agencies or private companies when their expertise is required to inspect, evaluate, and/or correct health and safety conditions at the school. The practices and procedures followed by the school include, but are not limited to, the following requirements:

- All students, school employees, and volunteers who help at the school and have contact with students are required to provide records documenting those immunizations required by law including tuberculosis testing.
- All school employees and volunteers who are alone with students at any time are required to have a criminal background check and furnish a criminal record summary as described under *Required Elements of the Charter. Section XIII. Element E: Staff Employment*. The employee or volunteer is responsible for the cost of such check.
- The administrative and instructional employees of the school are instructed on a regular basis of their duty as mandated child neglect and abuse reporters.¹⁵
- Regular school-wide drills are used to practice the school's plans for response to natural disasters and emergencies, including fires and earthquakes.
- All administrative, instructional, and staff employees are trained in emergency response, including appropriate "first responder" training or its equivalent.

¹⁵. See The California Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters, Office of Child Abuse Prevention, California Department of Social Services.

- The school, under the direction of the Director/Principal, maintains a regular program for inspecting the school's building and grounds to identify and correct safety and health hazards including those related to auxiliary services such as food services, custodial services, maintenance, landscaping, and hazardous materials.
- The school's buildings and other facilities are inspected on a regular basis by the Fire Marshal.
- The school's buildings and other facilities are certified to be free of substantial seismic and toxic hazards.
- The school follows best-practice, effective, least toxic, pest management practices to ensure the health of the school's students, employees, and visitors (see Healthy Schools Act of 2000 [EC 17608]).
- The school's buildings and other facilities meet the requirements of the Americans with Disabilities Act.
- The school's buildings and other facilities comply with state and federal workplace health and safety standards.
- The school complies with the Asbestos Hazard Emergency Response Act (AHERA) regarding asbestos-containing materials at the school site.
- The school's playground and athletic facilities meet local, state, and federal safety codes.
- The school cannot occupy or use any part of its school site that does not have a Certificate of Occupancy issued by the City of Los Angeles, a copy of which is provided to the District.
- The school has an acceptable use policy that complies with the Children's Internet Protection Act and requires responsible use of computers for educational purposes and filtering software to protect students from inappropriate, offensive computer accessible information from the internet or elsewhere.
- The school's campus is a drug, alcohol, and tobacco free environment.
- The school has a traffic policy that ensures the safety of students arriving at and leaving the school.
- The Director/Principal designates the person(s) responsible for administering prescription drugs and other medicines to students based on written consent of the parents and written instructions from a physician.
- The school has a zero tolerance policy with respect to violence and the possession of firearms or other weapons on campus by students, employees, parents, or visitors.

Upon request from the District, New West provides copies of its health, safety, and risk management policies as well as reports related to inspecting, evaluating, and/or correcting health and safety conditions at the school. The District is notified if New West is cited by any agency (e.g., Cal OSHA or the Fire Marshal) for failure to comply with health and safety regulations applicable to charter schools.

VII. Element G: Racial and Ethnic Balance

New West has integrated, multiethnic student body that provide a rich and diverse multicultural educational environment that encourages students to reach their full academic potential regardless of race, color, ethnicity, or national origin. New West's makes diligent efforts to recruit students of various racial and ethnic groups so as to achieve a balance that is reflective of the general population residing within the territorial jurisdiction of the school district. New West's objective is to achieve and maintain the district's ethnic balance goal of a student body whose

“other white” : “non-white” ratio is between 70:30 and 30:70 (i.e., minority students are 30-70% of the student body).

New West maintains an accurate accounting of diversity within its student body as well as documentation of its recruitment efforts. The following approaches are used, as may be required, to achieve racial and ethnic balance:

- Maintain a racial and ethnic diversity committee of parents, educators, and community members to oversee New West’s efforts in recruiting a wide diversity of students and ensuring a supportive environment for students of all backgrounds while attending the school.
- Follow an application, admissions, and enrollment policy that incorporates a timeline allowing for a broad-based recruiting effort (admission is by lottery if applications exceed the available space).
- Distribute informational materials about New West to a broad variety of community groups and agencies that serve the various racial and ethnic groups represented in the anticipated attendance area of the school.
- Request principals of elementary schools across the Westside of Los Angeles to send home to parents of fifth grade students information provided by New West about its programs and admissions.
- Conduct an outreach program of informational meetings, coordinated with New West open houses at the school, at public elementary schools to inform parents of the educational opportunities available at New West.
- Provide informational materials, recruitment brochures, and applications in English and Spanish, and arrange for Spanish speaking translators to be present at school meetings.
- Establish formal, ongoing, long-term “little sister” relationships with nearby public elementary schools whose over-crowded student bodies are comprised of primarily minority or socioeconomically disadvantage students.
- Solicit additional public and private funding to provide transportation and other support services that may facilitate interested graduates of these “little sister” schools in continuing their education at New West.
- Discuss with the District the possibility of participating in the district’s Capacity Adjustment Program (CAP) if New West is at less than full capacity. The assignment of CAP students to New West would be governed by a separate “CAP Student Memorandum of Understanding” mutually agreed to by New West and the District.

These efforts to enhance the racial and ethnic diversity of the school’s student body comply fully with all laws that prohibit discrimination against individuals or groups of individuals (see *General Provisions of the Charter. Section XVI. Equal Rights Statement*).

VIII.Element H: Application, Admission, and Enrollment Procedures

The Board of Directors determines the policies, processes, and procedures governing application, admission, enrollment (new students), and re-enrollment (continuing students) at New West. The policies conform to the following requirements:

- New West admits all students who wish to attend the school provided that the school’s capacity at each grade level is not exceeded [EC 47605(d)(2)(A)].
- If the number of students seeking admission is greater than the school’s capacity, then admission is determined by a public random drawing [EC 47605(d)(2)(B)].

- New West is open to all students without regard to where they live in California, which school district they live in, or which school they currently attend [EC 47605(d)(1)].
- New West is nonsectarian in its application, admission, and enrollment policies and does not discriminate against any student on the basis of ethnicity, national origin, gender, or disability [EC 47605(d)(1)].
- New West does not charge an application fee or tuition nor require or solicit any monetary contribution, pledge, or promise as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities [EC 47605(d)(1)].
- The District cannot require any student to attend New West [EC 47605(f)].
- New West complies with federal law regarding homeless children and youth enrolling, attending, and succeeding in school.¹⁶

A. Application

Application is the process by which prospective students notify New West of their interest in attending the school. Applicants complete and submit the school's application by the application deadline (the school does not accept incomplete applications). Applications are usually available in December with a March deadline for admission the next school year. This deadline is usually coordinated with local public and private schools to give students and their parents an opportunity to consider the full range of educational opportunities available to them. Late applications are accepted at any time, but the applicant loses any admission preference for which they might otherwise have qualified.

The application packet for admission to New West includes information that allows students and parents to assess the school's operation as a charter school, its educational programs, the academic and behavioral expectations of students, and the rights and responsibilities of students and parents who wish to become part of the New West family. The application packet typically includes:

- (337) New West's *Mission Statement*, an overview of the school's educational philosophy, and a summary of the academic goals and expectations of the school and its students.
- (338) Information about New West's Director/Principal, the school's instructional staff, and members of the Board of Directors.
- (339) A description of New West's educational program including a school calendar, daily schedule, core curriculum, enrichment and extracurricular programs, attendance expectations, grading policy, testing and evaluation procedures, promotion and retention policy, and graduation standards (exit outcomes).
- (340) An overview of the school's academic performance (e.g., recent CST and API results).
- (341) A description of New West's shared governance structure and how the school encourages parental involvement.
- (342) Information about the Home-School Contract with a prominent statement that exceptions to the provisions of the contract may be allowed on a case-by-case basis in the form of reduced requirements for parents whose particular circumstances may include transportation difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations.

¹⁶. See Education for Homeless Children and Youth Program. Title VII-B of the McKinney-Vento Homeless Assistance Act, as Amended by the No Child Left Behind Act of 2001. Non-Regulatory Guidance, U.S. Department of Education, July 2004.

- (343) Description of the application, admission, and enrollment process including application deadlines, admission and enrollment preferences (see section B.1.), admission lottery and admission priority, conditions of enrollment, and consequences of misrepresenting admission and enrollment information.
- (344) The rights and responsibilities of students, parents, and teachers.
- (345) A prominent statement that New West operates under oversight of the District but, as a charter school, is exempt from most laws and regulations governing public schools.
- (346) A prominent statement that the school district in which a student resides has the responsibility for the public education of a student who voluntarily withdraws or is expelled from New West.
- (347) A brief description of what charter schools are and how they differ from regular public schools.

B. Admission

Admission is the process by which applicants are admitted to New West. All students who complete the application process are admitted. However, if there are more applicants than available spaces, then admission is determined by a public random drawing with consideration given for the admission preferences given below.

1. Admission Preferences

The following order of preferences applies to students who are continuing enrollment or applicants who are seeking admission to New West (listed in declining order of priority):

- (348) **Continuing students.** These are presently enrolled students who plan to continue attending New West the next school year. To maintain eligibility for this preference, parents must: (1) have their child enrolled at New West on the last day of the school year (i.e., their child has not been withdrawn or expelled); (2) comply with the terms of the Home-School Contract (including completion of volunteer hours); (3) certify in writing during the spring of each year that they are meaningfully interested in having their child continue attending New West; and (4) return re-enrollment forms by the announced deadlines. New West is responsible each year for notifying parents of enrolled 6th and 7th grade students of these requirements and providing reasonable time to correct any deficiencies.
- (349) **Founder preference.** This preference is available to applicants whose parents are Founders of the school¹⁷. The conditions for attaining Founder status and the maximum number of Founders' children enrolled at any time are specified in *General Provisions of the Charter: Section IX. School Founders*.
- (350) **Sibling preference.** This preference is available to applicants whose brother(s) or sister(s) are: (1) continuing their enrollment at New West, (2) graduated from New West, or (3) applying at the same time and already granted admission through the lottery (e.g., twins applying to the same grade or brother and sister applying to different grades). To maintain eligibility for this preference, parents must comply with the terms of the Home-School Contract (including completion of volunteer hours).

¹⁷. The U.S. Department of Education declares that admission preference can be given to "children of a charter school's founders (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment)" (see Non-Regulatory Guidance, Title V, Part B. Public Charter Schools, Office of Elementary and Secondary Education, U.S. Department of Education, July 2004, p. 12).

- (351) **SB 740 preference.** This preference is available to applicants who attend or live in the attendance area of Richland Elementary School provided that New West receives funds through the SB 740 Charter School Facility Grant Program [EC 47614.5(c)(2)(A)]¹⁸.
- (352) **LAUSD preference.** This preference is available to applicants who reside anywhere within the geographic boundaries of the District [EC 47605(d)(2)(B)].
- (353) **New Applicants.** This category includes all other applicants who wish to attend the school (i.e., applicants residing in other school districts throughout California).

2. Admission Lottery and Admission Priority List

If the number of students who wish to attend New West exceeds the school's capacity, then the admission of new students is determined solely by a separate, public, random drawing for each grade level with consideration given for the admission preferences listed in the previous section [EC 47605(d)(2)(B)]. The lottery is held at the school on the day announced in the application materials (attendance is not required).

All applicants who complete the school's application by the application deadline are included in the lottery. Each applicant receives an admission priority based on the order in which applicants to each grade level in each admission preference category are selected in the admission lottery. The order of admission of students at any time before or during the school year is based solely on the order of applicants on the admission priority list.

3. Wait List and Late Applications

Applicants not admitted immediately through the lottery are placed on a wait list in the same order they are selected in the lottery. Students on the wait list are notified immediately when space becomes available and have about two weeks to complete and return the enrollment forms to guarantee a place at New West.

Late applications are accepted at any time but the applicant loses any admission preference for which they might otherwise qualify. Students who complete their application after the application deadline do not participate in the lottery. Their names are added to the end of the admission priority list on a first-come first-served basis according to the date the complete application is received by the school office. If space still exists at any grade level after the admission priority list has been exhausted, then admission is open on a first-come first-served basis to any applicant who submits a complete application.

4. Public School Choice Program

The District provides public school attendance alternatives to students attending identified low-performing schools as required under the public school choice provisions of the federal NCLB Act of 2001.¹⁹ New West, as a high-achieving charter school, participates in the District's Public School Choice Program (PSCP) by accepting transfer students from identified low-performing schools on a space available basis. The District first notifies the school of its intent to name New West as a PSCP school before informing parents that New West is available as one of the public school alternatives offered to eligible PSCP students.

¹⁸. New West is eligible for these funds because it is located in the attendance area of Richland Elementary School, which has more than 70% of its students eligible for free or reduced price meals.

¹⁹. See Public School Choice, Non-Regulatory Guidance, U.S. Department of Education, Draft -- February 6, 2004.

Such students and their parents must, however, follow the same application, admission, and enrollment procedures as any other student applying for admission to New West, including the Home-School Contract. If space is available when the school receives the complete application, then a PSCP student receives preference for admission over other students of the same grade level who complete their application on the same day. The District is solely responsible for providing transportation for PSCP students as required by NCLB. New West provides continued enrollment of admitted PSCP students through 8th grade subject to the provisions of NCLB and the policies of the District regarding PSCP students.

C. Enrollment and Re-enrollment

Enrollment and re-enrollment are the processes by which the parents of admitted applicants and continuing students, respectively, complete the required school forms and attend mandatory meetings relevant to their child attending New West for the next school year. Enrollment packages are sent to the parents of applicants usually immediately after they are admitted to New West with a deadline for return 2-3 weeks later. Re-enrollment packages are sent to parents of continuing students usually in the last weeks of school for return 2-3 weeks later. The packages ask parents to furnish or complete the following (not all are required of returning students):

- (354) Biographical information about child, family, and previous schools.
- (355) Affirmations that require parent signatures to indicate they are aware of school policies and programs.
- (356) Birth certificate.
- (357) Request for transfer of school records to obtain the student's records from the last school attended.
- (358) Emergency medical information and release.
- (359) Health records documenting immunizations required by law including tuberculosis testing.
- (360) Home language questionnaire.
- (361) Special education questionnaire.
- (362) Free and reduced-price lunch program questionnaire.
- (363) Family Educational Rights and Privacy Act (FERPA) notification and permission to release directory information.
- (364) School records and test results indicating the admitted student graduated from grade 5, 6, or 7 (depending on the grade level at which the student enters New West).
- (365) Self-nomination form to run for election as the parent representative to the school's Board of Directors.
- (366) Carpool information.
- (367) Home-School Contract signed by the parents and child.
- (368) Volunteer survey form.
- (369) Elective choices for fall semester.
- (370) After school program survey.

The packages also include information about the new school year such as a school calendar, teacher assignments, class schedules, required books and supplies, and announcements about extracurricular and enrichment activities.

New and returning students and their parents may be required to attend mandatory meetings at school in preparation for the new school year. These meetings may include:

- (371) Assessment testing before the beginning of school to assess academic abilities and progress.
- (372) Special education consultations and, if possible, IEP meetings to address any problems that may interfere with the student's success in school.
- (373) Meet the teacher events for students and parents to hear from the teachers responsible for the core subjects and electives about the upcoming school year.
- (374) Orientation events that introduce incoming students to their new classmates, their new school, and its educational program.

Failure to fulfill an enrollment obligation indicates parents are no longer interested in having their child attend New West. If parents and/or their children miss required meetings or parents fail to complete or return enrollment/re-enrollment forms by the announced deadline, then their children's place at New West is offered to the next applicant on the admission priority waiting list. New West makes a reasonable effort to contact the families of applicants and continuing students to be sure that they are no longer interested in attending New West. If parents have some problem attending a meeting or returning the enrollment package, then it is their responsibility to contact the school to arrange an extension of time for completing their responsibilities.

D. Misrepresentation of Information

New West requires the immediate withdrawal from school of any student whose parents misrepresent their legal status as guardians, their place of residence, or any other material information on any school document, including but not limited to application and enrollment forms, when such misrepresentations, whether intentional or not, provide some unfair advantage in gaining admission to New West.

IX. Element I: Annual Audits and Reports

New West drafts several annual reports as part of the schools accountability responsibilities for the school's operation and educational program. The reports are available to New West's stakeholders, to the District, and to the public at large. The Financial Audit and the School Accountability Report Card discussed in the following two sections collectively serve as the Annual Report to the Board of Directors required by the Corporate Bylaws.

A. Financial Audit

New West's financial/business manager engages an independent public accountant, certified by the State of California, to audit the school's financial statements on an annual basis in accordance with generally accepted auditing standards and the audit guide issued by the Controller of the State of California. The auditor prepares a report, in a format acceptable to the District that includes: actual and revised budget figures; projected revenues, expenditures, and fund balances; audited financial statements consistent with Standardized Account Code Structure; and a review of the school's internal controls. To the extent required under applicable federal law, the audit scope includes items and processes specified in any applicable Office of Management and Budget Circulars. The audit also verifies the accuracy of the school's attendance and enrollment accounting practices. The school's financial/business manager reviews any audit exceptions or deficiencies and reports to the Board of Directors with recommendations on how to resolve them.

New West provides a copy of its independent financial audit to the District, the State Controller, the Superintendent of the Los Angeles County Office of Education, and the Charter Schools Division of the California Department of Education by December 15 of each year. The school also reports to the District how audit exceptions and deficiencies have

been or will be resolved by the school to the satisfaction of the District according to an agreed-upon timeline. The District reports back to the school in writing on a timely basis any concerns it may have about the school's financial audit or the school's remediation efforts to correct audit exceptions and deficiencies, which must be resolved to the satisfaction of the District.

B. School Accountability Report Card

New West prepares each year a School Accountability Report Card (SARC) as required by state and federal law. The purpose of the SARC is to inform the parents of enrolled students, parents of prospective students, teachers, staff, and the community at large about conditions and progress at the school. New West uses the model SARC template developed by the California Department of Education. The SARC template contains the following kinds of information:

- (375) Descriptive information about the school and its curriculum.
- (376) Mission statement.
- (377) Opportunities for parental involvement.
- (378) Demographics of the student body.
- (379) School safety and climate for learning, including suspensions and expulsions.
- (380) California Standards Test (CST) results, including comparisons by subgroups to district and state results.
- (381) California Achievement Test (CAT-6) results, including comparisons by subgroups to district and state results.
- (382) California Physical Fitness Test results for 7th grade compared to district and state results.
- (383) Academic Performance Index (API) results and growth targets, including comparisons by subgroups to similar schools, district, state results.
- (384) Summary of participation in federal intervention programs
- (385) Adequate Yearly Progress (AYP) results, including comparisons by subgroups to district and state results.
- (386) Class size statistics.
- (387) Teacher and staff information, including credentials, education level, teacher evaluations, substitute teachers, counselors, and other support staff.
- (388) Curriculum and instruction, including leadership, school instruction, professional development, textbooks, instructional minutes, and numbers of minimum days.
- (389) Fiscal and expenditure data, including average salaries, total expenditures per student, and types of services funded.

The Director/Principal serves as or appoints a SARC coordinator to manage the preparation and dissemination of the SARC. New West makes the SARC available on its website as well as distributing it to parents of current and prospective students.

X. Element J: Student Discipline Policy including Suspension or Expulsion

New West's student discipline policy, as described below, relates to the school's expectations of its students regarding attendance, school behavior, dress, mutual respect, substance abuse, violence, safety, and work habits. Students and their parents are required to verify that they have reviewed and understood the policy at the beginning of each school year.

New West's discipline policy involves both zero tolerance offenses and progressive disciplinary consequences including, but not limited to, verbal warnings, written warnings, loss of privileges, isolation in a supervised area, detention during or after school, notices to parents by telephone or letter, parent conferences, suspension, expulsion, and required withdrawal from the school. The discipline policy applies to student misconduct related to school activities regardless of when the misconduct occurs and regardless of whether the misconduct occurs on or off the school's grounds. Misconduct applies to the following actions by a student (the usual consequences are given in parentheses):

- Threatened, attempted, or caused serious physical injury to another person (zero tolerance leading to immediate suspension followed by expulsion).
- Willfully used force or violence against another person except in self-defense (zero tolerance leading to immediate suspension followed by expulsion).
- Caused, attempted to cause, threatened to cause, or participated in any hate crimes or other acts based on age, sex, race, ethnicity, or disability (zero tolerance leading to immediate suspension followed by expulsion).
- Engaged in harassment, threats, or intimidation directed against any school personnel or students (zero tolerance leading to immediate suspension followed by expulsion).
- Made terrorist threats against school personnel, students, and/or school property (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, sold, or furnished a firearm, knife, explosive, other dangerous object, or imitation of these banned objects, unless, in the case of possession, the student obtains permission from the Director/Principal prior to bringing the object onto campus (zero tolerance leading to immediate suspension followed by expulsion; in the case of a firearm, the federal Gun-Free Schools Act of 1994 mandates expulsion for at least one calendar year except on a case-by-case basis).
- Possessed, used, negotiated to sell, sold, furnished, or been under the influence of any controlled substance, prescription drug, alcoholic beverage, or intoxicant of any kind (not including use or possession of a student's own prescription products) (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, used, negotiated to sell, sold, or furnished any drug paraphernalia (zero tolerance leading to immediate suspension followed by expulsion).
- Stole, attempted to steal, knowingly received, or otherwise was involved in the theft of private or school property (zero tolerance leading to immediate suspension).
- Committed or attempt to commit robbery or extortion (zero tolerance leading to immediate suspension).
- Harassed, threatened, or intimidated another person who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of preventing that person from being a witness and/or retaliating against that person for being a witness (zero tolerance leading to immediate suspension).
- Engaged in, or attempted to engage in, hazing [as defined in EC 32050] (progressive discipline, suspension, expulsion, and/or required withdrawal from the school depending on seriousness and duration of misconduct).
- Aided or abetted the infliction or attempted infliction of physical injury to another person (progressive discipline, suspension, expulsion, and/or required withdrawal from the school depending on seriousness and duration of misconduct).

- Vandalized or otherwise purposefully damaged or destroyed school property (progressive discipline, suspension, expulsion, and/or required withdrawal from the school depending on seriousness and duration of misconduct).
- Committed an obscene act or engaged in habitual profanity or vulgarity (progressive discipline, suspension, expulsion, and/or required withdrawal from the school depending on seriousness and duration of misconduct).
- Possessed, used, negotiated to sell, sold, or furnished tobacco, or any product containing tobacco or nicotine products (progressive discipline, suspension, expulsion, and/or required withdrawal from the school depending on seriousness and duration of misconduct).
- Disrupted school activities or willfully defied the valid authority of school personnel (progressive discipline, suspension, and/or required withdrawal from the school depending on seriousness and duration of misconduct).
- Failure to abide by the terms of a written remediation agreement drafted in response to repeated behavioral problems (suspension and/or required withdrawal from the school).
- Violation of the student honor code with respect to academic activities (progressive discipline, suspension, and/or required withdrawal from New West depending on seriousness and duration of misconduct).

New West's discipline policy provides students and their parents with an opportunity for due process. Due process includes the following:

- A fair, impartial investigation of alleged student misconduct.
- Written notice to the student's parents when discipline involves more than a verbal warning.
- An opportunity for the student and the student's parents to respond to charges of misconduct and subsequent disciplinary measures.
- An opportunity for the student and the student's parents to work cooperatively with the school to formulate consequences and corrective actions appropriate for the misconduct.
- The right of parents to request intervention by the student success committee when chronic disciplinary problems are impeding a student's school performance.
- Access to the school's procedures for resolving disputes arising within the school including a hearing before the Director/Principal, appeal to the Executive Committee, and appeal to the Board of Directors, whose decision is final.

Any student who repeatedly violates the school's behavioral expectations is required to attend a meeting with the appropriate school staff and the student's parents. The school prepares a specific, written remediation agreement outlining future expectations for the student's conduct, timelines, and consequences for failure to meet the expectations which include, but are not limited to, suspension, expulsion, or required withdrawal from the school. Pursuant to the school's adopted policies, the Director/Principal may discipline students who fail to comply with the terms of a remediation agreement, up to and including suspension, expulsion, or required withdrawal of the student from school.

New West's discipline policy regarding suspension, expulsion, and required withdrawal from school includes the following steps as may be appropriate for the circumstances:

- School employees notify the Director/Principal that a student's conduct warrants suspension, expulsion, or required withdrawal (and immediate notification of the local law enforcement agency if there is danger to others or risk of serious damage to school property).

- The Director/Principal conducts an informal conference with the student and his/her parents as soon as possible. The Director/Principal provides written notification of the reason for the disciplinary action and the evidence against the student. The student and/or the student's parents have the right to present the student's version and evidence in his/her defense.
- The informal conference is not required in an emergency situation that involves clear and present danger of serious damage to school property and/or the lives, safety, or health of any person. In an emergency situation, depending on the circumstances, the student is taken to and held in the school office or other supervised area, the student's parents are advised to remove their child from the school grounds and to not return until notified of the student's right to return, and/or law enforcement agencies are notified.
- The Director/Principal makes a preliminary determination no more than two days after the informal conference as to whether the student is to be suspended, expelled, or required to withdraw from the school.
- The Director/Principal mails written notice of the preliminary determination to the student and the student's parents within two days of making that decision. The notice includes the reason for the suspension, expulsion, or required withdrawal, the length of time before the student can return to school, the school's disciplinary procedures, the student's due process rights, and the date, time, and place of the suspension/expulsion hearing.
- A suspension or expulsion hearing is scheduled within one week of the written notice before a three person student conduct panel. The panel members are chosen by the Director/Principal from among the school's administrators and credentialed teachers. The Director/Principal conducts the hearing unless he/she is involved directly in the event(s) that led to suspension or expulsion, in which case the three member panel chooses amongst themselves the person to conduct the hearing. The hearing is conducted informally but in a way that provides the student, the student's parents, and other's who are involved in the event(s) with an equitable opportunity to present evidence and hear witnesses. The hearing, which is closed to the public, is open to only those invited by the Director/Principal because of their involvement in the matter, including those people requested by the student's parent by written notice to the Director/Principal.
- A written decision describing the course of action chosen by the student conduct panel is mailed to the student's parents, copied to the Board of Directors, and placed in the student's file. The decision specifies the length of suspension or expulsion as well as any conditions that must be met before the student can return to school.
- The student's parents (or the student if at least 18 years of age) or the Director/Principal may appeal the conduct panel's decision to the Executive Committee and the Board of Directors as allowed by the school's internal dispute resolution procedure (see *Required Elements of the Charter. Section XIV.A. Disputes Arising within the School*).

The length of suspension for students is usually five consecutive days or less. If the suspension exceeds five consecutive school days, the Director/Principal meets with the student's parents to discuss the progress of the suspension upon completion of the fifth day of suspension. The school and the student's parent work together to provide the student with classroom materials and assignments to be completed at home during the length of the suspension.

Expulsion is mandatory if the Director/Principal finds the student's actions involved a zero tolerance offense. The Director/Principal is also obligated to recommend expulsion when, due to the nature of the violation, the student's presence at New West causes a continuing danger to school property or an ongoing threat to the lives, safety, or health of any student, employee, or other person related to the school. The Director/Principal may also expel a student, or recommend

a required withdrawal, when other means of correction are not feasible or have repeatedly failed to bring about acceptable conduct.

A student who is expelled or required to withdraw from New West loses the right to attend the school as a continuing student. If a student is expelled or required to withdraw, then New West immediately notifies the District or other school district in which the student resides. New West works cooperatively with that school district to assist with the educational placement of the student in an appropriate setting as quickly as is practical given the particular circumstances of the student and nature of the misconduct. However, the school district of residence, not New West or LAUSD, has full responsibility for the continued public education of the student. New West reports to the school district where the student is likely to attend all the incidents wherein the student engaged in violent behavior, criminal misconduct, and/or other serious offenses that did or could impose a threat to students or school personnel. New West provides notification to the District of any expulsions or required withdrawals and includes suspension, expulsion, and required withdrawal data in its annual performance report.

Special procedures apply to disciplining a student with disabilities. In a matter involving a student who has an IEP, New West follows all legally mandated procedures for student discipline, including suspension, expulsion, and required withdrawal from the school. In particular, a student with an IEP has the right to have the IEP team review the student's current educational program and recommend a behavior support plan to remedy discipline problems within the context of the student's special needs. In general, New West suspends, expels, or requires withdrawal of the student only if an IEP team meeting is held, the team determines that the misconduct was not caused by, or was not a direct manifestation of, the student's identified disability, and the team determines that the student was appropriately placed at the time the misconduct occurred. The IEP team is responsible for determining alternative educational settings that allow the student to continue to participate in general education, although in another location, and to receive services that enable the student to meet the goals of his/her IEP while addressing the behavior that is the subject of the discipline. New West collects and provides the District with data regarding the suspension and expulsion of special education students as required by the District's Modified Consent Decree.

XI. Element K: Staff Retirement Benefits

New West offers retirement benefits to all of its administrative, instructional, and staff employees who perform creditable service. Currently, as of the 2005-06 school year, the school's teachers and administrators are entitled to participate in the State Teacher's Retirement System (STRS) and other staff are entitled to participate in the Public Employees' Retirement System (PERS) as described in Education Code Section 47611(a). The Board of Directors, at its discretion after consultation with the school's employees, may offer some combination of a school sponsored retirement plan, the federal social security program, STRS, and/or PERS. New West informs all applicants for positions at the school about each of the following [EC 47611(b)]:

- The retirement system options available to the applicant, including but not limited to whether coverage under STRS or PERS, or both, is available.
- The possibility that working at New West may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the school.

XII. Element L: Public School Attendance Alternatives

New West is a school of choice that does not have a defined attendance area but is available for students who wish an alternative to attending their local neighborhood public school that serves grades 6-8. If a student withdraws or is expelled from New West, then the school district in which

the student resides works with the student's parents to find a place for the student in another public school that is as near as possible to the student's place of residence in accordance with the established enrollment and transfer policies of that school district. The district in which the student resides has full responsibility for the continued public education of any student who withdraws or is expelled from New West.

XIII. Element M: Leave of Absence for District Employees to Work at the School

All provisions pertaining to leaves and return rights for certificated employees of the District are in accordance with the current UTLA/District Collective Bargaining Agreement. New West follows the provisions outlined in the UTLA/District Bargaining Agreement (Article XII, Section 17.0. Personal Leave (Unpaid) for certificated employees of the District). In accordance with this agreement, District employees in permanent status who wish to work at New West are granted an unpaid leave for a period not to exceed two semesters (filing deadline is April 15th for teaching at New West the next school year). At the end of the two semester unpaid leave, the employee must return to or resign from employment with the District.

Employees of other school districts or educational agencies are governed by their employer's personnel policies and/or labor union agreements with respect to leaves of absence to work at New West and their right of return to work for their school district.

XIV. Element N: Dispute Resolution Processes

A. Disputes Arising within the School

New West's internal dispute resolution process, as described below, addresses complaints, conflicts, and disputes that involve the school and its various stakeholders, including prospective students and their families. The Director/Principal is responsible for administering and monitoring the internal dispute resolution process. The following general principles govern all levels of New West's internal dispute resolution process:

- (390) Emphasis on written school policies, dispute resolution training, and open, honest, collegial communications to avoid misunderstandings and conflicts between or among students, parents, teachers, administrators, staff, and community members.
- (391) Provisions for notification, participation, and due process for all parties involved in a dispute.
- (392) Assurances of fair, equitable, unbiased treatment of all parties involved in a dispute without fear of retaliation.
- (393) Investigation, hearing, and resolution of disputes in a timely manner with provisions for appropriate remedies if a problem is discovered.
- (394) Guarantees of privacy and confidentiality with respect to public release of information regarding personal information, personnel files, student records, and other sensitive matters.
- (395) Adherence to the school's conflict of interest policy that requires persons to refrain from participating in mediating or resolving a dispute when they are personally involved or have a self-interest in the outcome of the dispute.
- (396) Alternative procedures when appropriate or required by law such as for disputes involving special education, expulsion of students, or termination of staff, or disputes involving someone who would otherwise serve as a facilitator in the dispute resolution process (e.g., complaints about the Director/Principal would bypass that person and be handled by the Executive Committee).

- (397) Requirements that the school's stakeholders follow the specified steps in the internal dispute resolution process rather than contacting people inappropriately or settling grievances via ad hoc methods of their own choosing.
- (398) Review and revision of the internal dispute resolution process annually to ensure its efficacy and responsiveness to the school's stakeholders.

New West uses a hierarchical approach to settling internal disputes that involves the following sequential levels of resolution:

- (399) **Personal interaction.** The parties directly involved in the dispute make good faith efforts to resolve the problem through direct, open discussions among themselves.
- (400) **Peer mediation.** The Director/Principal appoints and arranges for dispute resolution training for student, parent, teacher, and staff mediators, who are available to facilitate informal resolution of conflicts among peers not settled by personal interactions.
- (401) **Supervisory intervention.** Disputes not resolved through peer mediation are referred to an appropriate, non-involved, or next-most-responsible person. For example, a teacher handles disputes among students, another mutually agreeable teacher handles disputes between a student and a teacher, the Director/Principal handles disputes among parents, among teachers, or between teachers and parents, and a member of the Executive Committee or Board of Directors handles disputes between parents or teachers and the Director/Principal. The intent is to handle disputes reaching this level through intervention and mediation in a way that encourages informal resolution before invoking the following levels of dispute resolution.
- (402) **Director/Principal.** Disputes not resolved informally are submitted in writing with all available documentation to the Director/Principal, who provides copies of the complaint to all involved parties within three days. The Director/Principal usually hears the dispute directly, but may refer it to a Board of Directors committee that is better able to seek a resolution (e.g., a complaint about unsafe school conditions might be referred to the health and safety committee, or a complaint about a teacher's classroom performance might be referred to the personnel committee). The Director/Principal investigates the complaint, interviews involved parties, accepts written statements and documentation from the involved parties, and takes other steps that may be necessary to reach a fair, impartial conclusion about the dispute. The Director/Principal renders a decision in writing within seven days as to the resolution of a dispute and possible remedies, and communicates the decision to all involved parties.
- (403) **Executive Committee.** Any person who is a party to a dispute has 14 days to appeal the determination of the Director/Principal to the Director/Principal, who convenes the Executive Committee and provides copies of the appeal to all involved parties with seven days of receiving the appeal. The appeal must be in writing and include all available documentation about the dispute. The Executive Committee, including the Director/Principal, may decide to uphold the judgment of the Director/Principal without further deliberations, it may decide to hear the appeal itself, it may decide to refer the appeal directly to the full Board of Directors, or it may decide to refer the appeal back to the Director/Principal for further deliberation. Decisions by the Executive Committee on the merits of an appeal are made only after all parties have an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that is shared among all parties. The decision of the Executive Committee is made in writing within 14 days of receiving the appeal and communicated immediately to all parties by the Director/Principal.
- (404) **Board of Directors.** Any person who is a party to a dispute has 14 days to appeal the determination of the Executive Committee to the Chair of the Board of Directors, who

refers the appeal to the full Board of Directors and provides copies of the appeal to all involved parties within seven days of receiving the appeal. The appeal must be in writing and include all available documentation about the dispute. The Board of Directors appoints an ad hoc committee of five impartial members to hear the appeal. Parties to the dispute have an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that is shared among all parties. The decision of the ad hoc committee is made in writing within 30 days of receiving the appeal and communicated immediately to all parties by the Director/Principal. The determination of the ad hoc committee is the school's final decision on the dispute.

The District, at its discretion, refers all complaints regarding any aspect of the school's operation, for which there appears to be no implication regarding the district's fundamental interest, to the school's Director/Principal for resolution in accordance with the school's adopted internal dispute resolution policies. The District agrees not to intervene in any dispute unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked or has a clear, significant, material implication regarding the district's fundamental interest as the chartering entity. The District has the right, as part of its supervisory responsibilities as the chartering authority, to investigate disputes arising within the school.

B. Disputes between the School and the District

New West and the District agree that the best defense against disagreements is open, collegial discussions between their staffs to try to resolve the matter in dispute at the earliest possible moment. If resolution is not reached by mutual agreement of the staffs, then the dispute is handled through following process:

- (405) Any controversy, claim, or dispute arising out of or relating to the Charter, or the breach thereof, must be submitted in writing ("Written Notification"). The Written Notification identifies the nature of the dispute. The Written Notification is tendered by personal delivery, by facsimile, or by certified mail. The Written Notification is deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. Written Notifications are to be addressed as follows: (a) Director/Principal (enter name), New West Charter School, 11625 Pico Boulevard, Los Angeles, CA 90064; or (b) Director of Charter Schools (enter name), Charter Schools Office, Los Angeles Unified School District, 333 S. Beaudry Avenue – 25th Floor, Los Angeles, CA 90017.
- (406) A written response ("Written Response") is tendered to the other party within twenty (20) business days from the date of receipt of the Written Notification. The parties agree to schedule a conference to discuss and resolve the controversy, claim, or dispute at issue ("Issue Conference"). The Issue Conference takes place within fifteen (15) business days from the date the Written Response is received by the other party. The Written Response is tendered by personal delivery, by facsimile, or by certified mail. The Written Response is deemed received: (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail.
- (407) If the controversy, claim, or dispute is not resolved by mutual agreement at the Issue Conference, then either party may request that the matter be resolved by

mediation. Each party bears its own costs and expenses associated with the mediation. The mediator's fees and the administrative fees of the mediation are shared equally among the parties. Mediation proceedings commence within 120 days from the date of the Issue Conference. The parties mutually agree upon the selection of a mediator to resolve the controversy or claim at dispute. The mediator may be selected from the approved list of mediators prepared by the American Arbitration Association. Mediation proceedings are administered in accordance with the mediation rules or guidelines of the American Arbitration Association.

- (408) If mediation is not successful, then the parties agree to settle the controversy, claim, or dispute by arbitration conducted by a single arbitrator in accordance with the rules or guidelines of the American Arbitration Association. The arbitrator must be an active member of the California State Bar or a retired judge of the state or federal judiciary of California. Any arbitration award rendered is final, binding, and legally enforceable upon all parties. Judgment of any arbitration award may be entered in any court having proper jurisdiction. Each party bears its own costs and expenses associated with the arbitration. The arbitrator's fees and the administrative fees of the arbitration are shared equally among the parties.
- (409) Any party who fails or refuses to submit to arbitration bears all costs and expenses incurred by the other party in compelling arbitration of any controversy, claim, or dispute.
- (410) If either party fails to comply with the prescribed timelines set forth in paragraphs one and two above, then the parties proceed forward with mediation, which commences within 160 days from the date of the Written Notification.

XV. Element O: Public School Employer Declarations

New West, operating as a nonprofit public benefit corporation, is the exclusive public employer of all of the school's employees for the purposes of the Educational Employment Relations Act as specified in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code [EC 47611.5(b)]. This part of state law deals guarantees the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

Since New West currently employs administrators, teachers, and staff on an "at-will" and/or contractual basis, the school does not comply with those statutes and regulations governing public school employers that establish and regulate tenure or a merit or civil service system. New West is responsible for all policies and procedures related to hiring, promotion, tenure, discipline, and dismissal of all of the school's employees [EC 47611.5(c)].

XVI. Element P: Closure of the School

New West may cease to operate as a public school because of failure to renew the Charter, dissolution of the Charter, revocation of the Charter, or voluntary closure (see *Provisions Related to Changing the Charter*). Closure is defined as the last day needed to accomplish all of the following tasks related to terminating the school's operations, not the last day of educational operations (i.e., scheduled classes).

- New West immediately notifies students, parents, the LAUSD, other school districts in which New West students reside, the Los Angeles County Superintendent of Schools, and the State Superintendent of Public Instruction if termination of the school's educational program is imminent.

- The Board of Directors, in consultation with the District, determines the last day of educational operations (i.e., scheduled classes), the last day of employment for teachers and other staff, and the estimated date for final closure of the school.
- The Board allocates and retains sufficient personnel, space, funds, and other resources for the orderly closure of the school after the end of the school's educational operations.
- The Board retains the Director/Principal, or another person who has appropriate expertise, with pay to manage the school's closure, including authority to retain, hire, or contract for administrative staff and business services as may be required to terminate the school's operations in an orderly way.
- New West and the District work collaboratively to ensure the maintenance, transfer, and archiving of student records. New West is responsible, if possible, for transferring a student's cumulative record to the students' districts of residence and/or to the school to which the student transfers. Furthermore, the parents of students enrolled in New West over the last seven years before closure are notified by mail at their last known address that middle school records for their child(ren) are available at the school office for a limited amount of time. Any remaining student records still at the school on the day of final closure are disposed or destroyed in a manner that ensures confidentiality of the records unless the District agrees to accept custodial responsibility for them.
- The retained staff, working with the Board, determines (audits) the net assets and net liabilities of New West. The assessment includes an accounting of the school's assets, including cash and accounts receivable and an inventory of property, equipment, and supplies. It also includes an accounting of the school's liabilities including any accounts payable, reductions in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.
- The Board, to the extent feasible, directs the retained staff regarding liquidation of school assets to pay off any outstanding liabilities.
- The Board, working with the retained staff, is responsible for disposing of the school's assets and liabilities as directed in New West's corporate bylaws. Assets of the school are liquidated to pay off outstanding liabilities. Restricted assets, such as grants and categorical funds, are returned to the authorizing entity. Any unencumbered funds provided by public agencies revert to the District for final disposition as allowed by law after the school's final closure.
- The Board's Financial Officer, working with the retained staff, ensures that the regular financial reports required by the Charter are prepared and filed until final closure. A final audit of the school's assets and liabilities is performed and communicated to the District. The cost of the reports and audit is a New West liability paid from the school's remaining assets.
- New West is responsible for all liabilities of the school at the time of closure. The District is not liable for any debts or obligations of the school if it closes provided the District has complied with all oversight responsibilities required by law [EC 47604(c)].
- Any and all other assets of the school remaining at the time of closure are the property of New West, the nonprofit public benefit corporation, to be used or disposed of as allowed by its corporate bylaws.

Provisions Related to Funding, Legal Issues, and Business Affairs

I. Charter School Funding

New West is entitled by law to full and fair funding as provided in the Charter Schools Act [EC 47615(a)(3)] and this entitlement, by law, must be liberally construed [EC 47615(b)]. Furthermore, it is the intent of the California Legislature that New West is provided with operational funding that is equal to the total funding that would be available to a similar school serving a similar student population in terms of numbers of students by grade level and proportion of economically disadvantaged students [EC 47630(a) & 47632]. The District is not responsible for providing supplemental operational funding to New West beyond that which the school is entitled to by law.

New West operates under the supervision of LAUSD as an “independent” charter school autonomous from the District in most of its operations. As such, New West is “funded directly” under the Charter Schools Block Grant Model, which defines the financial relationship between the District and the school. Specifically, the intent of the Block Grant Model is to:

- Provide maximum budgeting flexibility to the district’s charter schools.
- Allow the district’s charter schools autonomy in implementing their charter programs using funds budgeted for that purpose including the categorical block funds.
- Continue to identify ways in which the District can fiscally support its charter schools in developing models to improve the education of all district students.

As an “independent charter school” operating under the Block Grant Model, New West receives its funding directly through appropriate accounts established in the county treasury by the Los Angeles County Superintendent of Schools [EC 47651(a)(1)]. Direct funding applies to all funding New West is eligible to receive including, but not limited to, the school’s general purpose entitlements (including state general purpose block grant and local in-lieu-of property tax funding), its categorical block grant, AB 602 special education funding, lottery funds, and other state and federal categorical aid [EC 47651(b)].

New West has the right to use its general purpose entitlement (including general purpose block grant and in-lieu-of property tax funding) and its categorical block grant for any lawful public school purpose determined by the Board of Directors [EC 47633(c) & 47634(i)]. The Board of Directors determines the use of all other funding received by New West in accordance with the specific conditions, requirements, and limitations, if any, that may be placed on the use of funds received from different sources.

II. Grants, Loans, and Indebtedness

New West, acting as a nonprofit public benefit corporation, has the right to apply for grants from foundations, corporations, and local, state, and federal agencies. With respect to applications for state and federal categorical programs, New West is deemed to be a “Local Education Agency” (“LEA”) for the purposes of determining eligibility unless otherwise provided by the Charter Schools Act [EC 47636(a)(1)]. New West is solely responsible for completing its own applications and meeting all requirements of the funding agency related to programmatic and fiscal eligibility, accounting, and reporting.

New West, acting as a nonprofit public benefit corporation, has the right to incur financial obligations in the form of loans, bonds, letters of credit, long-term debt, and rentals, leases, or acquisitions of real estate. New West provides the District with full financial documentation regarding any such financial transactions in a timely fashion that allows the District to evaluate the agreements prior to their execution. The District is not liable for the debts or obligations of New

West because the school operates as nonprofit public benefit corporation [EC 47604(c) and 41365(f)(2)] (see *General Provisions of the Charter. Section VI. Legal Status of the School*). New West includes in all financial documents a prominent statement that the school's nonprofit public benefit corporation is solely responsible for any liability that may arise from the school's financial transactions.

III. Funding by Other Persons or Organizations

New West has the right by law to accept grants, funding, or other assistance from private persons and organizations to operate the school [EC 47603]. Furthermore, as a nonprofit public benefit corporation, New West has the right to both solicit and administer funds in any way that is compatible with applicable laws governing such corporations unless specifically prohibited by laws governing charter schools. The parents, teachers, and administrators of New West are proactive in seeking such assistance to advance the educational goals of the school. New West encourages parent contributions to help fund the school's enrichment activities but does not require any monetary contribution as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities. New West has sole discretion with respect to the use of funds or other assistance made available to the school by private persons or organizations.

IV. Court-ordered Integration

New West is subject to the requirements of the Crawford Court Order. The school's plan to achieve and maintain the District's ethnic balance goal, which is within a 70:30 or 30:70 ratio, is described in *Required Elements of the Charter. VII. Element G: Racial and Ethnic Balance*.

V. Financial Reporting

New West prepares and submits the following quarterly reports to the District and the Los Angeles County Superintendent of Schools as required by law [EC 47604.33]:

- On or before July 1, a preliminary budget.
- On or before December 15, a first interim financial report that reflects changes through October 31.
- On or before March 15, a second interim financial report that reflects changes through January 31.
- On or before September 15, a final unaudited report for the full prior fiscal year.

These reports include actual and revised budget figures as well as projected revenues, expenditures, and fund balances. New West completes and submits these fiscal reports using the state-approved forms provided by the California Department of Education. Currently, the school submits annual financial data using the Alternative Form.

Additionally, New West prepares and submits the following reports in the required format and within timelines specified by LAUSD each year:

- Provisional Budget: – spring prior to next fiscal year.
- Final Budget – July of the fiscal year.
- Unaudited Actuals – July following the end of the fiscal year.
- Audited Actuals – November following the end of the fiscal year.
- Classification Report – monthly on the Monday after the last day of the school month.
- Other financial information needed by the District to assess the fiscal condition of the charter school

New West also arranges for an independent certified public accountant to audit the school's financial statements on an annual basis (see *Required Elements of the Charter. IX. Element I: Annual Audits and Reports. A. Financial Audit*). The report of the independent auditor is submitted by December 15 of each year to the District, the State Controller, the Superintendent of the Los Angeles County Office of Education, and the Charter Schools Division of the California Department of Education.

VI. Oversight Costs and District Responsibilities

New West pays the district's actual costs of supervisory oversight not to exceed one percent (1%) of the school's revenue [EC 47613(a)], where "revenue of the school" means general purpose entitlement and categorical block funding [EC 47613(f)]²⁰. Included in the district's supervisory fee are the district's costs of performing its supervisory duties [EC 47604.32(f)] and assessing the school's financial status [EC 47604.33(c)]. The District may charge indirect costs for grants it processes for the charter school, not to exceed the rate allowed by the grant.

As one of its supervisory responsibilities, the District uses any financial information it obtains from New West, including, but not limited to, the reports listed in the preceding section, to fulfill its legal obligation to assess the fiscal condition of the school [EC 47604.32 (d)]. The District reviews New West's interim reports, unaudited actuals, budgets, and other financial statements to determine the school's fiscal status and make sure that the school operates with a balanced budget, ends the year with a positive fund balance, and provides sufficient reserves for contingencies. When reviewing the school's financial records, the District looks for financial indicators that could lead to fiscal problems, if not addressed. These indicators include, but are not limited to negative variances in budgeted vs. realized revenues, spending beyond budgeted amounts, and negative cash flows.

If a problem is detected with New West's financial condition, then the District notifies the school, specifies what is needed to resolve the problem, and establishes a timeline for compliance. The District works cooperatively with the school by providing information, forms, contracts, advice, and recommendations that help resolve the problem. The school must take corrective action and submit documentation to the District that the problem is resolved by the established deadline. If the school fails to meet the deadline or resolve the problem, then the District drafts a written notification requesting the documentation with a statement of consequences should New West fail to comply.

VII. Business Management

New West is responsible for reasonable plans and systems to manage its business and administrative affairs efficiently and effectively. The school is responsible for reasonable internal controls that ensure sound financial practices, clear delineations of responsibility, and adherence to generally acceptable accounting principles applicable to charter schools. New West conducts all of its financial operations in a timely manner and for all programs (regular, categorical, and special education) follows the procedures established by the District and state and federal governments, as appropriate and applicable to charter schools.

New West is responsible for arranging its own business, financial, administrative, and personnel services as necessary to meet the operational needs of the school. These services include, but are not limited to, the following [EC 47613(d)]:

- Bookkeeping, budgeting, cash flow, audit management, and other financial services.

²⁰. If New West were to occupy substantially rent-free facilities provided by the District, then the District could charge for its actual supervisory costs not to exceed three percent (3%) of the revenue of the charter school [EC 47613(b)].

- Payroll, employee benefits, and other human resource services including fingerprinting and criminal record processing.
- Purchasing, procurement, bidding, and inventory.
- Grants, donations, loans, and their management.
- Local, state, and federal compliance issues.
- Student information including enrollment, attendance accounting, standardized test processing, and academic records.
- Reports required by laws applicable to charter schools.

These duties are performed, as may be appropriate and cost-effective, by either qualified school employees or business management firms familiar with charter school operations.

For federal programs, including Title I, New West is responsible for meeting the eligibility and fiscal requirements established by the federal government and completing the Consolidated Application if the school elects to receive funding directly. New West provides the District with all financial and related reports, including enrollment attendance, to enable the District to meet its requirements by law. Notwithstanding New West's expectation to receive Title I funding under federal guidelines, said funding may not be forthcoming until the school meets established criteria for a determined school year.

The District may, at its discretion, provide services to New West on a fee-for-service basis, if requested by the school. In such a case, the District determines the cost of providing such services including any overhead cost incurred by the district office providing the service. The use of such services requires a memorandum of understanding negotiated between New West and the District.

VIII. Liability and Indemnification

The District is not liable for the debts or obligations of New West, or for claims arising from the performance of acts, errors, or omissions by the school, if the District has complied with all oversight responsibilities required by law [EC 47604(c)]. To the fullest extent permitted by law, New West agrees, at its own expense, to indemnify, defend, and hold harmless the District and the Board of Education and their members, officers, directors, agents, representatives, employees, and volunteers from and against any and all claims, damages, losses, and expenses, including but not limited to attorney's fees, brought by any person or entity whatsoever, arising out of, or relating to this charter agreement. New West further agrees, to the fullest extent permitted by law, at its own expense, to indemnify, defend, and hold harmless the District and the Board of Education and their members, officers, directors, agents, representatives, employees, and volunteers from and against any and all claims, damages, losses, and expenses, including but not limited to attorney's fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission of acts committed by New West, and its officers, directors, employees, and volunteers.

IX. Insurance

The District provides no insurance coverage to New West under any of district's self-insured programs or commercial insurance policies. New West secures and maintains, as a minimum, insurance as set forth below with insurance companies acceptable to the District to protect the school from claims that may arise from its operations. The following insurance policies are required:

- Workers' compensation and unemployment insurance. This coverage, in accordance with provisions of the California Labor Code, is adequate to protect New West from claims under the Workers' Compensation Acts that may arise from its operations including employers liability limits of \$1,000,000/\$1,000,000/\$1,000,000.
- Comprehensive bodily injury, property damage, commercial auto liability, and general liability insurance. This policy protects New West's assets in the event that it is sued or found liable for some debt, wrong, or injury to persons or property (general liability coverage including options for employees and volunteers as additional insured, sexual abuse coverage, educator's professional liability, corporal punishment, employee benefits liability, student accident coverage, and general liability broadening endorsement). The combined single limit coverage is not less than \$5,000,000 for each occurrence including commercial auto liability coverage of at least \$1,000,000 combined single limit (or \$5,000,000 combined single limit if the school operates student bus services. The policy is endorsed to name the District and the Board of Education of the City of Los Angeles as named additional insured. Furthermore, the policy provides specifically that any insurance carried by the District, which may be applicable to any claims or loss, is deemed excess to New West's primary insurance despite any conflicting provisions in the district's Policy for Charter Schools. Coverage is maintained with no self-insured retention above \$25,000 without approval by the District.
- Fidelity bond insurance. This coverage applies to school employees and parent/community volunteers who handle, process, or otherwise have responsibility for funds, supplies, equipment, or other assets of the school. The minimum amount of coverage is \$50,000 per occurrence, with no self-insured retention.
- Errors and omissions insurance. This liability coverage protects New West's employees and members of the Board of Directors from personal liability arising from their work at or involvement in the school, its operation, and its educational program (directors and officers liability coverage). The policy includes sexual molestation and abuse. The minimum limit is \$3,000,000 per occurrence.

If New West decides any other type of insurance is necessary to protect the school, its employees, and its students, then its purchase is entirely the responsibility of the school (e.g., coverage for student accidents or for damage or theft to school, employee, or student property).

New West furnishes the District's Office of Risk Management and Insurance Services with copies of certificates of the above insurance policies, signed by an authorized representative of the insurance carrier, within 30 days of all new policy inceptions, renewals, or changes. Facsimile or reproduced signatures may be acceptable but the District reserves the right to require complete certified copies of the required insurance policies. Certificates must be endorsed as follows: "The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the Los Angeles Unified School District."

X. Legal Services

New West retains and funds legal services as may be required from time to time in the operation of the school. In general, when needed, New West seeks legal counsel familiar with charter schools, charter school laws, and public education. All decisions with regard to legal services and legal proceedings are the sole responsibility of the Board of Directors. New West provides the District with copies of complaints or other legal documents if the school becomes involved in a lawsuit or other legal proceedings as either plaintiff or defendant.

Provisions Related to Changing the Charter

I. Amendments and Revisions to the Charter

New West's Charter is a "living" document that evolves over time as the school matures, changes its practices, refines its operations, and improves its educational program in response to the needs of its students, parent, and employees. New West's Board of Directors may approve additions, revisions, and other changes, small and large, to the Charter over its five year term to reflect the current state of the school's operations and educational program. Any such changes are submitted in writing to the district's Charter Schools Office for determination as to whether or not the proposed changes rise to the level of material revisions of the Charter. The District has a maximum of 30 days to inform New West in writing that the District either approves the changes or considers them to be material revisions that require a formal review and approval process. Material revisions of the provisions of the Charter require the approval of the district's Board of Education. Petitions to the District for material revisions to the Charter are governed by the standards and criteria specified in Section 47605 of the Charter Schools Act [EC 47607(a)(2)].

II. Changes in Charter School Law

During the term of the Charter, there may be additions, deletions, revisions, and other changes to the Charter Schools Act and other state and federal laws and regulations applicable to charter schools. New West and the District are bound by those changes in law and become part of the Charter once they take effect. Both parties agree that such changes in law do not require an immediate revision of the Charter but can be incorporated the next time the Charter comes before the Board of Education for approval of material revisions or charter renewal requested by the school. If there is dispute over the meaning or applicability of changes in charter school law, then the District and New West follow the dispute resolution process given in the Charter.

III. Renewal of the Charter

The Charter, which expires on June 30, 2012, can be renewed for one or more subsequent five year terms by the District upon petition by New West [EC 47607(a)(1)]. Renewal of the Charter is governed by the standards and criteria in Section 47605 of the Charter Schools Act [EC 47607(a)(2)].

After New West's fourth year of operation (i.e., September 2007), the school is required to meet at least one of the following criteria prior to receiving renewal of its Charter:

- Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
- The District determines that New West's academic performance is at least equal to the level of the public schools that the school's students would otherwise have been required to attend, as well as the academic performance of the schools in LAUSD in which New West is located, taking into account the composition of the student population that is served at New West. This determination is based on documented and clear and convincing data as well as student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program for demographically similar student populations in the comparison schools.

New West and the District agree to work collaboratively on a timely schedule to satisfy the district's processes and timelines for charter renewal effective July 1, 2012, or earlier as may be agreed upon by the school and school district. New West anticipates that the District-sponsored evaluations of the school will begin in the spring of 2011 and be completed by October 2011. The evaluation is based on three sources of data: observation, interviews, and examination of archival records. The school's data are compared to its Charter, looking at evidence of the school meeting expectations for improving teaching and learning. New West then has the opportunity to review the findings and incorporate them in the development of its renewal proposal. The process of renewal is similar to that followed by a new charter petitioner, with additional consideration given to the school's record of success as a charter school. New West must, at a minimum, demonstrate how it meets the goals and objectives described in the Charter including improved student learning and achievement. Additionally, New West must address how it fulfills the legislative intent of the Charter Schools Act [EC 47601] (see *General Provisions of the Charter*). The renewal process may be fast-tracked if New West demonstrates exceptional success.

IV. Dissolution of the Charter

New West may elect voluntarily to relinquish its Charter at any time before the end of its term in 2012, provided that dissolution of the Charter does not cause closure of the school in the middle of a school year. Dissolution of the Charter requires all of the following affirmations taken in the order given:

- A two-thirds majority vote (>66.7%) by written ballot of all voting members of the Board of Directors.
- A simple majority vote (>50%) by written ballot of all full-time credentialed teachers.
- A simple majority vote (>50%) by written ballot of all parents who respond to a school-wide referendum on charter dissolution.
- Approval of the closure by the District.

New West must notify the District of any proposal to relinquish the Charter. If dissolution of the Charter is imminent, then New West agrees to work with the District regarding closure of the school (see *Required Elements of the Charter. XVI. Element P: Closure of the School*).

V. Revocation of the Charter

The District, as the charter-granting entity, may revoke the Charter of New West if it is found that the school does any of the following [EC 47607(c)]:

- Commits a material violation of any of the conditions, standards, or procedures set forth in the Charter.
- Fails to meet or pursue any of the student outcomes identified in the school's Charter.
- Fails to meet generally accepted accounting principles, or engages in fiscal mismanagement.
- Violates any provision of law.

Prior to revoking school's Charter, and after conducting appropriate investigations, the District must notify New West in writing of the specific violation(s) that might lead to charter revocation. The District must give New West a reasonable opportunity to cure the violation, unless the District determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the school's students [EC 47607(c)]. If there is dispute over the matter, then the District and New West follow the dispute resolution process given in the Charter.

The State Board of Education (SBE), based upon the recommendation of the State Superintendent of Public Instruction, may take appropriate action, including, but not limited to revocation of the Charter, if the SBE finds any of the following [EC 47604.5]:

- Gross financial mismanagement that jeopardizes the financial stability of New West.
- Illegal or substantially improper use of school funds for the personal benefit of any officer, director, or fiduciary of New West.
- Substantial or sustained departure from measurably successful practices such that continued departure would jeopardize the education development of the school's students.

VI. Severability

The terms of the Charter are severable. In the event that any of the Charter's provisions are determined to be unenforceable or invalid for any reason, the remainder of the Charter remains in effect, unless mutually agreed otherwise by the District and New West. The District and New West agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.