



2025-2032

# Nevada City School of the Arts Charter Renewal

# Table of Contents

|  |           |
|--|-----------|
| <b>AFFIRMATIONS AND DECLARATION .....</b>                                    | <b>1</b>  |
| <b>COUNTYWIDE BENEFIT .....</b>  | <b>4</b>  |
| <b>CHARTER RENEWAL CRITERIA .....</b>  | <b>5</b>  |
| A.    DASHBOARD PERFORMANCE – SCHOOLWIDE .....                               | 6         |
| B.    DASHBOARD PERFORMANCE - SUBGROUPS PERFORMING BELOW STATE AVERAGE ..... | 6         |
| C.    PERFORMANCE ON LOCAL ASSESSMENTS.....                                  | 8         |
| D.    NCSA PERFORMANCE ON DASHBOARD INDICATORS.....                          | 12        |
| E.    CHARTER SCHOOL SUCCESSES OVER THE PAST CHARTER TERM.....               | 15        |
| <b>ELEMENT 1: THE EDUCATIONAL PROGRAM .....</b>                              | <b>17</b> |
| A.    OUR MISSION.....   | 17        |
| B.    OUR PHILOSOPHY .....   | 17        |
| C.    WHOM THE SCHOOL IS ATTEMPTING TO EDUCATE.....                          | 19        |
| D.    WHAT IT MEANS TO BE AN EDUCATED PERSON IN THE 21ST CENTURY .....       | 19        |
| E.    NCSA IDENTIFIES AN EDUCATED PERSON AS ONE WHO: .....                   | 20        |
| F.    HOW LEARNING BEST OCCURS: .....  | 20        |
| G.    EDUCATIONAL GOALS .....  | 21        |
| H.    ATTENDANCE .....   | 22        |
| I.    MULTI TIERED SYSTEM OF SUPPORTS.....                                   | 22        |
| J.    SERVING STUDENTS WITH DISABILITIES .....                               | 24        |
| K.    SECTION 504 OF THE REHABILITATION ACT .....                            | 25        |
| L.    ENGLISH LEARNERS.....  | 26        |
| M.    ENGLISH LEARNERS AND CORE INSTRUCTION.....                             | 28        |
| <b>ELEMENT 2: MEASURABLE PUPIL OUTCOMES .....</b>                            | <b>30</b> |
| A.    CORE ACADEMIC SKILLS.....  | 30        |
| B.    MEASURABLE OUTCOMES ALIGNED WITH THE EIGHT STATE PRIORITIES.....       | 32        |
| <b>ELEMENT 3: MEASUREMENT OF PUPIL PROGRESS .....</b>                        | <b>34</b> |
| <b>ELEMENT 4: LOCATION OF CHARTER SCHOOL .....</b>                           | <b>37</b> |
| <b>ELEMENT 5: GOVERNANCE STRUCTURE .....</b>                                 | <b>38</b> |
| <b>PARENTS MAKE UP THE ENTIRETY OF THE GOVERNANCE COUNCIL AT NCSA.....</b>   | <b>39</b> |

|  |           |
|--|-----------|
| <b>ELEMENT 6: EMPLOYEE QUALIFICATIONS .....</b>                | <b>40</b> |
| <b>ELEMENT 7: HEALTH AND SAFETY PROCEDURES .....</b>           | <b>41</b> |
| <b>ELEMENT 8: STUDENT POPULATION BALANCE.....</b>              | <b>43</b> |
| <b>ELEMENT 9: FINANCIAL AUDIT .....</b>                        | <b>44</b> |
| <b>ELEMENT 10: PUPIL SUSPENSION AND EXPULSION.....</b>         | <b>45</b> |
| <b>ELEMENT 11: EMPLOYEE RETIREMENT SYSTEMS.....</b>            | <b>68</b> |
| <b>ELEMENT 12: DISPUTE RESOLUTION.....</b>                     | <b>69</b> |
| 1. DISPUTES ARISING FROM WITHIN THE SCHOOL.....                | 69        |
| 2. DISPUTES BETWEEN THE CHARTER SCHOOL AND NCBE .....          | 69        |
| 3. OVERSIGHT, REPORTING, REVOCATION, AND RENEWAL.....          | 70        |
| <b>ELEMENT 13: ADMISSION POLICIES AND PROCEDURES .....</b>     | <b>71</b> |
| <b>ELEMENT 14: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES .....</b> | <b>71</b> |
| <b>ELEMENT 15: EMPLOYEE RETURN RIGHTS.....</b>                 | <b>77</b> |
| <b>ELEMENT 16: CLOSURE PROCEDURES .....</b>                    | <b>78</b> |
| <b>MISCELLANEOUS PROVISIONS .....</b>                          | <b>80</b> |
| <b>OPTIONAL MISCELLANEOUS CLAUSES.....</b>                     | <b>83</b> |
| <b>SIGNATURES.....</b>   | <b>84</b> |



## AFFIRMATIONS AND DECLARATION

As the authorized lead petitioner, I, Holly Pettitt, hereby certify that the information submitted in this application for charter renewal for Nevada City School of the Arts (“NCSA” or the “Charter School”), a California public countywide benefit charter school authorized by the Nevada County Board of Education (“NCBE”) with oversight by the Nevada County Superintendent of Schools (“NCSOS”) (collectively referred to herein as “County”), is true to the best of my knowledge and belief; and further, I understand that if awarded the renewal, the Nevada City School of the Arts will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605.6(d)(1)]
- The Charter School declares that it shall be deemed the exclusive public-school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605.6(b)(6)]
- The Charter School shall be non-sectarian in its programs, admission policies, employment practices, and all other operations. [Ref. Education Code Section 47605.6(e)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605.6(e)(1)]
- The Charter School shall admit all students who wish to attend the Charter School unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Sections 47605.6(e)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or of that student’s parent or legal guardian within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605.6(e)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605.6(e)(2)(C). [Ref. Education Code Section 47605.6(e)(2)(A)-(C)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605.6(e)(1)]

- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”) and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”).
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold the Commission on Teacher Credentialing (“CTC”) certificate, permit, or other document required for the teacher’s certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. [Ref. Education Code Sections 47605.6(l)(1) and 47605.4(a)]
- The Charter School shall always maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. Education Code Section 47605.6(e)(3)]
- The Charter School may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605.6(n)]
- The Charter School shall adhere to each of the conditions in Education Code Section 47605.6(e)(4)(A)-(D), including: (A) not discouraging a student from enrolling or seeking to enroll in the Charter School for any reason; (B) not requesting a student’s records or requiring a parent, guardian, or student to submit the student’s records before enrollment; (C) not encouraging a student currently attending the Charter School to disenroll or transfer to another school for any reason; and (D) providing a copy of the California Department of Education (“CDE”) notice regarding the requirements in Education Code Section 47605.6(e)(4)(A)-(D) to a parent/guardian or student if the student is 18 years of age or older: (i) when a parent/guardian or

- student inquiries about enrollment, (ii) before conducting an enrollment lottery, or (iii) before disenrollment of a student. [Ref. Education Code Section 47605.6(e)(4)(A)-(D)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. Education Code Section 47605.6(d)(2)]
- The Charter School shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605.6(a)(1) and 47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b) and 47610]
- The Charter School shall comply with all applicable portions of the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by Every Student Succeeds Act ("ESSA").
- The Charter School shall comply with the California Public Records Act, Government Code Section 7920, *et seq.* ("CPRA").
- The Charter School shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, 34 CFR Part 99 ("FERPA").
- The Charter School shall comply with the Ralph M. Brown Act, Government Code Section 54950, *et seq.* ("Brown Act").
- The Charter School shall comply with Government Code Section 1090, *et seq.*, as set forth in Education Code Section 47604.1 ("Section 1090").
- The Charter School shall comply with the Political Reform Act, Government Code Section 81000, *et seq.* ("PRA").
- The Charter School shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]

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Holly Pettitt, Lead Petitioner

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Date

## COUNTYWIDE BENEFIT

*Governing Law: A county board of education may only approve a countywide charter if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. Education Code Section 47605.6(a)(1)*

*Governing Law: A county board of education may grant a charter for the operation of a charter school under this part only if the board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. Education Code Section 47605.6(b)*

Nevada City School of the Arts was founded in 1994 by a dedicated group of parents and educators who wanted to provide their children with high-quality public education that fostered creativity and exploration. The Charter School began as a 3<sup>rd</sup> through 8<sup>th</sup> grade program. In the sixth year of operation, NCSA founders began to extend the scope of the Charter School to include the primary grades, Kindergarten through 2<sup>nd</sup>. In 2005, NCSA's enrollment was at 206 students. In 2008, NCSA's growth plan began. The Charter School increased enrollment from 225 to 427 students in Transitional Kindergarten ("TK") through eighth grades when the Charter School split the multi age classes into two separate grades making two full classes per grade in K - 8. Now, entering the 2025-2026 school year, NCSA will have completed their growth plan with 490 students enrolled in Transitional Kindergarten through 8<sup>th</sup> grade.

Originally sponsored by the Nevada City School District, in 1996 NCSA sponsorship moved to Twin Ridges School District and, finally, was last renewed as a countywide benefit charter by the Nevada County Board of Education in 2017.

Nevada City School of the Arts is one of several existing charter schools that operate within Nevada County which approached Nevada County Superintendent of Schools to be their charter authorizer in 2007. These charter schools have a proven track record of academic and fiscal success.

In 2014, NCSA assumed responsibility for their own financial management and business services and is considered a direct funded, independent charter school. The services provided by NCSA will benefit the population that the Charter School serves. The practices of the Charter School are based on sound educational principles and will benefit the students who attend.

NCSA has continued to develop in both breadth and scope. The NCSA administrative team includes the School Director, Assistant Principal, Business Manager with a full business services team, a development director, two school secretaries, and two office administrators. The faculty currently includes 22 classroom teachers, 2.5 special education teachers, 1 counselor, 1 reading specialist, 1 math specialist, 2 school psychologists, several special education support paraprofessionals, 15 full time and 3 part time instructional assistants, 1 full-time music teacher, one part time and two full time art teachers, and 1 full time PE teacher and a PE Assistant. In addition, many specialists in the fields of dance, music, and art are engaged to deliver specialized elective instruction in grades 4-8 under the supervision of credentialed teachers.

## CHARTER RENEWAL CRITERIA

*Pursuant to the amendments made to Education Code Section 47607, and the creation of Education Code Section 47607.2, by Assembly Bill 1505 (2019), at the time of charter renewal, a chartering authority shall consider the performance of the charter school on the state and local indicators reported the California School Dashboard ("Dashboard"), and, in some circumstances, the performance of the charter school on assessments deemed to be "verified data." In addition to the shift toward assessing Dashboard data, Assembly Bill 1505 also created a three-tiered system of evaluating charter schools' performance.*

*The three performance categories are as follows:*

- *High Performing – Presumptive renewal if the charter school meets the established renewal criteria – Education Code Section 47607(c).*
- *Low Performing – Presumptive non-renewal if the charter school meets the non-renewal criteria, unless the charter authority makes a finding to approve for a two-year term – Education Code Section 47607.2(a).*
- *Middle Performing – Presumptive renewal unless the charter school failed to meet or make sufficient progress toward meeting standards and closure is in the best interest of students, evaluated using the Dashboard and Education Code Section 47607.2(b).*

***The California Department of Education ("CDE") evaluates all charter schools and places them on renewal tracks annually and makes that report available to the public. According [to this report](#) from the CDE, NCSA is in the high performing category for renewal under Criteria 2 and therefore qualifies for a 7 year renewal period.***

### ***High Performing Category Criteria***

*Education Code Section 47607(c)(1) states:*

- (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.*
- (2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:*
  - i. [Criteria 1] The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted to Section 52064.5 for which it receives performance levels.*
  - ii. [Criteria 2] For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.*
- (E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.*



*(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.*

#### A. DASHBOARD PERFORMANCE – SCHOOLWIDE

The following table displays the Charter School’s measurements of academic performance on the Dashboard (state indicators) and, for comparison purposes, the State’s, for the 2022-23 and 2023-24 school years. For the English Language Arts (“ELA”) and math indicators, the numbers in parentheses reflect numerical performance on California Assessment of Student Performance and Progress (“CAASPP”) ELA and CAASPP Math, as measured by the average distance from standard (“DFS”) on those assessments, i.e., how close or far students were, on average, to meeting the standards tested on CAASPP.

| Indicator                | 2023 NCSA  | 2023 State        | 2024 NCSA         | 2024 State        |
|--------------------------|--|-------------------|-------------------|-------------------|
| ELA                      | Green<br>(+25.3)   | Orange<br>(-13.6) | Green<br>(+18.3)  | Orange<br>(-13.2) |
| Math                     | Yellow<br>(-19.6)  | Orange<br>(-49.1) | Yellow<br>(-24.7) | Orange<br>(-47.6) |
| English Learner Progress | N/A - NCSA does not have enough students in this category to compare |                   |                   |                   |

As indicated above, and consistent with the first part of Section 47607(c)(2)(B)(ii), for all measurements of academic performance, NCSA has received performance levels schoolwide that are the same or higher than the state average, as measured by Distance from Standard (DFS + /-) on the CAASPP. English Learner (“EL”) Progress is not applicable.

#### B. DASHBOARD PERFORMANCE - SUBGROUPS PERFORMING BELOW STATE AVERAGE

The following tables display the Dashboard indicators on measurements of academic performance for the NCSA’s subgroups that are among those subgroups of the State that are **performing statewide below the state average in each respective year**, i.e., students with disabilities (“SWD”), Hispanic students, and socioeconomically disadvantaged students (“SED”). For the ELA and math indicators, the numbers in parentheses reflect numerical performance on CAASPP ELA and CAASPP Math, as measured by Distance from Standard on those assessments.

### English Language Arts by Subgroups CAASPP – Distance from Standard

| Subgroups | 2023 NCSA           | 2023 State        | 2024 NCSA         | 2024 State        |
|-----------|---------------------|-------------------|-------------------|-------------------|
| Hispanic  | Orange<br>(-10.5) * | Orange<br>(-40.2) | Blue<br>(+24.7)   | Orange<br>(-39.3) |
| SED       | Green<br>(+12.6)    | Orange<br>(-42.6) | Yellow<br>(+9.4)  | Orange<br>(-40.9) |
| SWD       | Red<br>(-95.9) *    | Red<br>(-96.3)    | Orange<br>(-73.6) | Red<br>(-95.6)    |

### Mathematics by Subgroups CAASPP - Distance from Standard

| Subgroups | 2023 NCSA          | 2023 State         | 2024 NCSA          | 2024 State        |
|-----------|--------------------|--------------------|--------------------|-------------------|
| Hispanic  | Orange*<br>(-48.1) | Orange<br>(-80.8)  | Yellow<br>(-40.8)  | Orange<br>(-79.2) |
| SED       | Orange<br>(-31.5)  | Orange<br>(-42.6)  | Orange<br>(-43.9)  | Orange<br>(-78.2) |
| SWD       | Red*<br>(-129.6)   | Orange<br>(-127.3) | Orange<br>(-104.5) | Red<br>(-124.3)   |

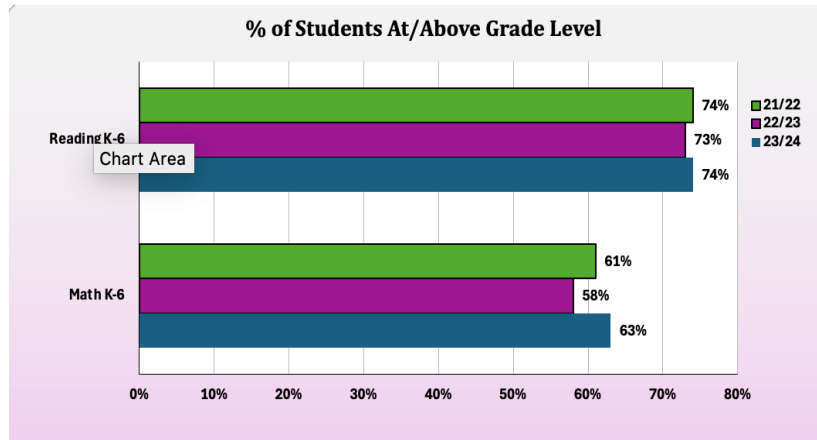
While both the state and NCSA were primarily in the orange, NCSA was significantly closer to standard than the state in both 2023 and 2024.

### Mathematics Distance from Standard Comparison

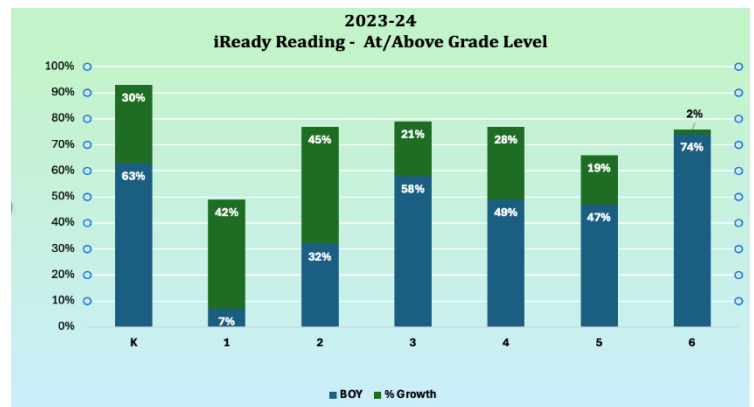
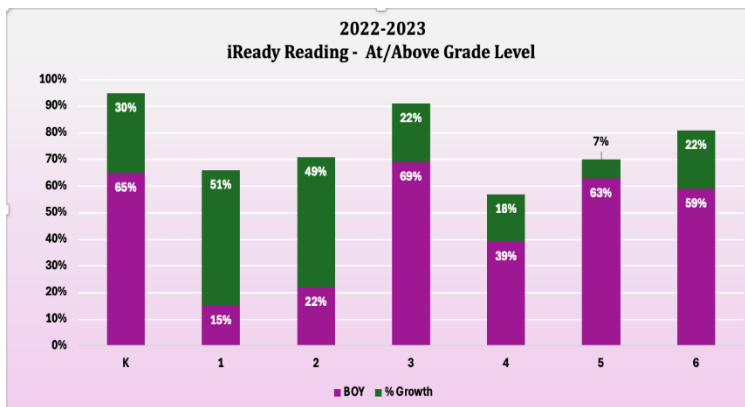
| Subgroups      | 2023 NCSA      | 2023 State     | NCSA - Points Closer to Standard |
|----------------|----------------|----------------|----------------------------------|
| <b>Overall</b> | <b>(-19.6)</b> | <b>(-49.1)</b> | <b>29.5</b>                      |
| Hispanic       | (-48.1)        | (-80.8)        | 32.7                             |
| SED            | (-31.5)        | (-42.6)        | 11.1                             |
| SWD            | (-129.6)       | (-127.3)       | -2.3*                            |
| Subgroups      | 2024 NCSA      | 2024 State     | NCSA - Points Closer to Standard |
| <b>Overall</b> | <b>(-24.7)</b> | <b>(-47.6)</b> | <b>22.9</b>                      |
| Hispanic       | (-40.8)        | (-79.2)        | 38.4                             |
| SED            | (-43.9)        | (-78.2)        | 34.3                             |
| SWD            | (-104.5)       | (-124.3)       | 20.2                             |

## C. PERFORMANCE ON LOCAL ASSESSMENTS

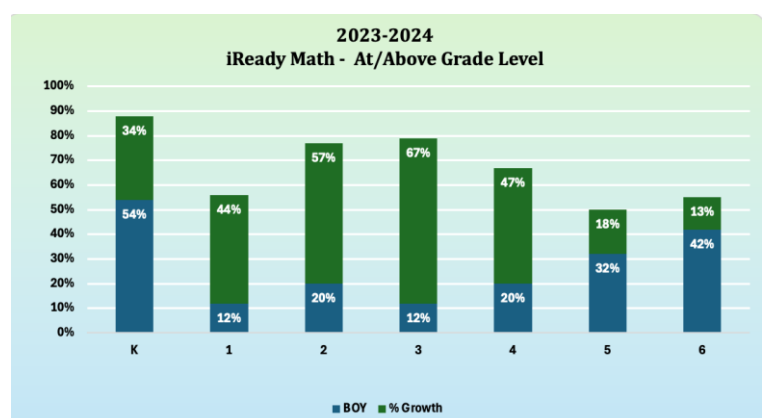
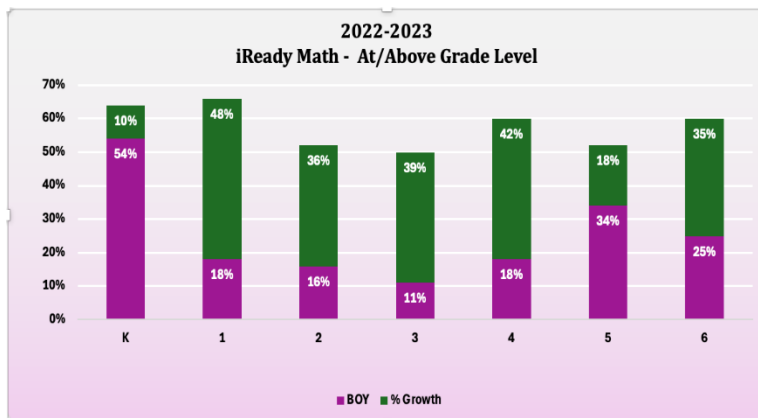
NCSA students in Kindergarten through 6th Grade take the i-Ready reading and math assessments three times a year. Each year students make excellent growth from the beginning of the year to the end of the year assessments and shown growth overall in the last three years. In addition, most students at NCSA are at or above grade level in reading and in math.



### NCSA Grade Level i-Ready READING Scores

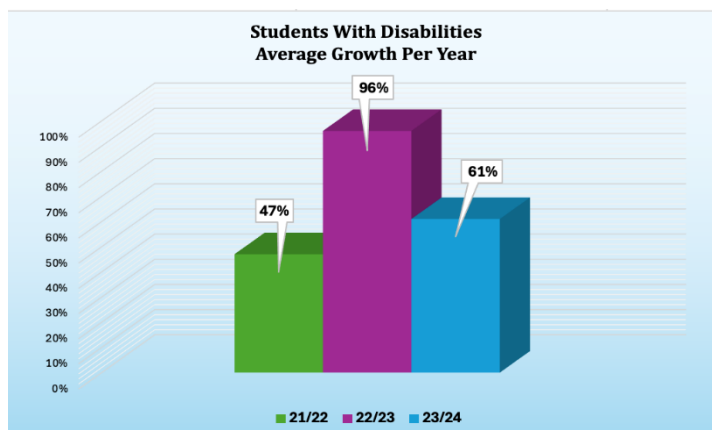


### NCSA Grade Level i-Ready MATH Scores

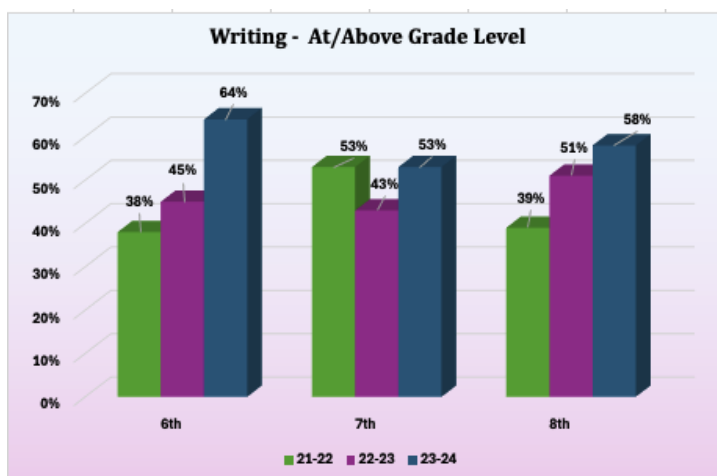


NCSA's math scores still need improvement which is why the Charter School did a Plan Do Study Act ("PDSA") with a focus on math specifically about how to increase engagement and academic success, especially with students with disabilities. The team created a [3 year plan](#) based on the following goal: "By June 2027, increase DFS in Math by 45 pts for all students and by 60 for SWD for grades 3rd-8th."

Additionally, we have been monitoring overall growth among our students with disabilities to ensure they are progressing academically. While these students are behind overall, they continue to make excellent growth each year as evidenced on the graph below.



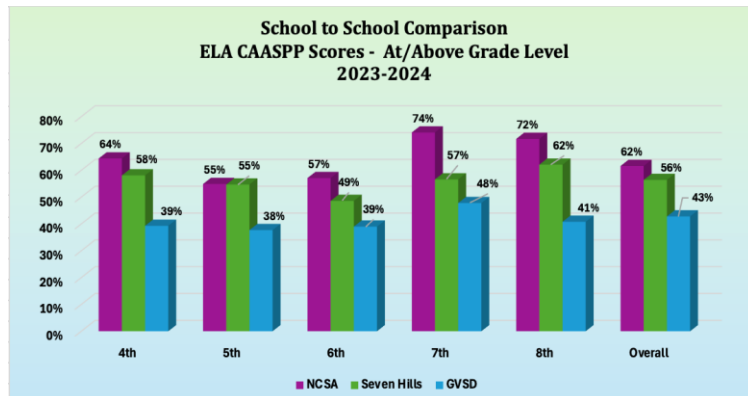
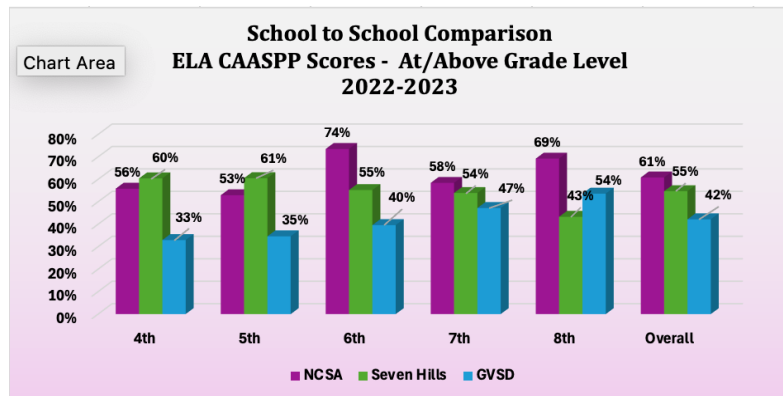
When students enter middle school (6th - 8th), NCSA intentionally switches the focus from reading to writing so there are no i-Ready reading scores to compare. Instead, we use Writing By Design assessment rubrics to assess our students' writing skills. Writing assessments and CAASPP scores are used as the main indicator of growth. NCSA middle school students have shown overall growth in writing from year to year and as grade level cohorts. Our students' writing gets better with each passing year and graduates often come back and tell our ELA teachers they are better prepared for high school writing than students from other schools.



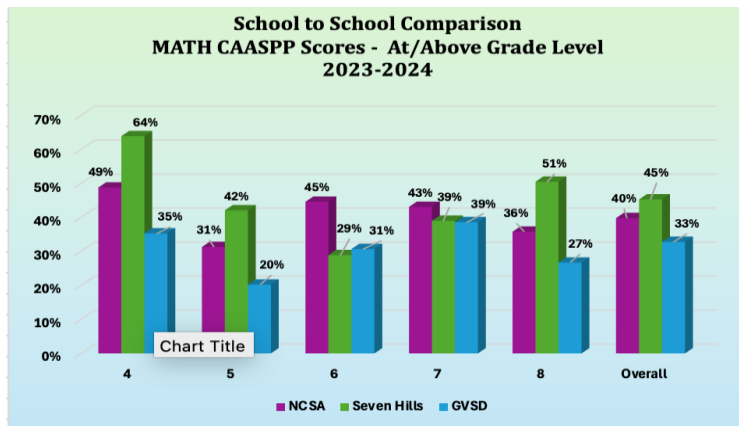
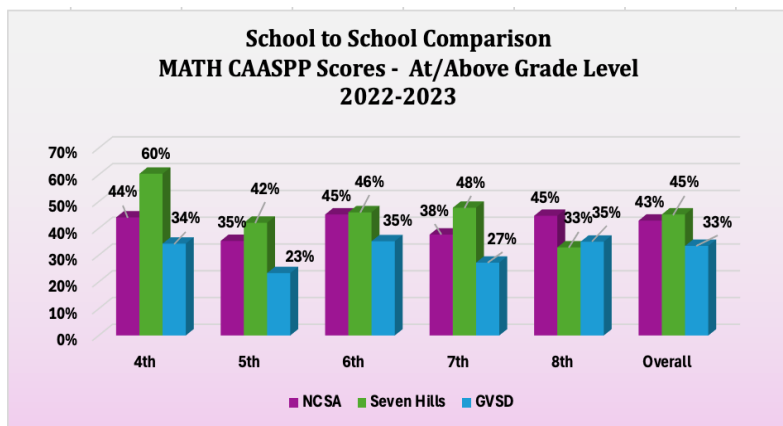


Another way to look at how NCSA is doing in Nevada County is to compare NCSA grades 4-8 CAASPP scores to the two school districts, Nevada City School District ("NCS") and Grass Valley School District ("GVSD") from which NCSA gets most of our students.

## Two-year school to school comparison English Language Arts

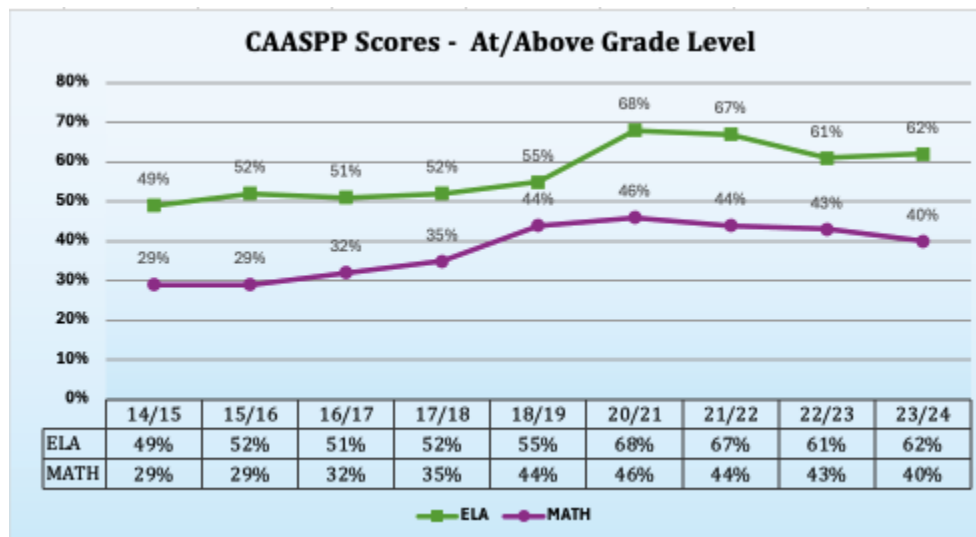


## Two-year school to school comparison Mathematics



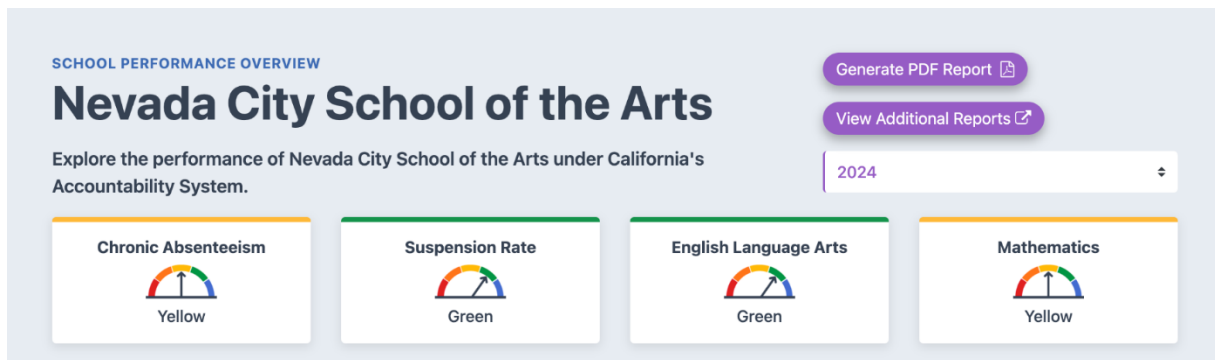
While NCSA still needs to make more growth in Math, the scores were only 5% lower overall than Seven Hills, yet still 13% higher than GVSD. In ELA, NCSA outperformed both schools in ELA by 6%-20%.

Finally, NCSA has shown consistent growth on the CAASPP over the last 9 years.



- ELA improved 13% over the last 9 years (other schools averaged a -.25% loss and score about 6-11% below NCSA)
- Math increased by 11% Overall (other schools increased by an average of 7%).

## D. NCSA PERFORMANCE ON DASHBOARD INDICATORS



In 2023, NCSA was put into 'Differentiated Assistance' ("DA") for our Chronic Absenteeism Rate, Suspension Rate and for our students with disabilities' poor academic performance in math and ELA. We exited Differentiated Assistance with the release of the 2024 Dashboard and we are proud that our efforts made such an impact. We worked diligently to create a restorative justice program to replace our traditional disciplinary system, significantly reducing overall suspensions as well as suspensions among our students with disabilities. Furthermore, we reduced our chronic absenteeism rate by 23%. Finally, our students with disabilities' test scores increased more than any other subgroup.

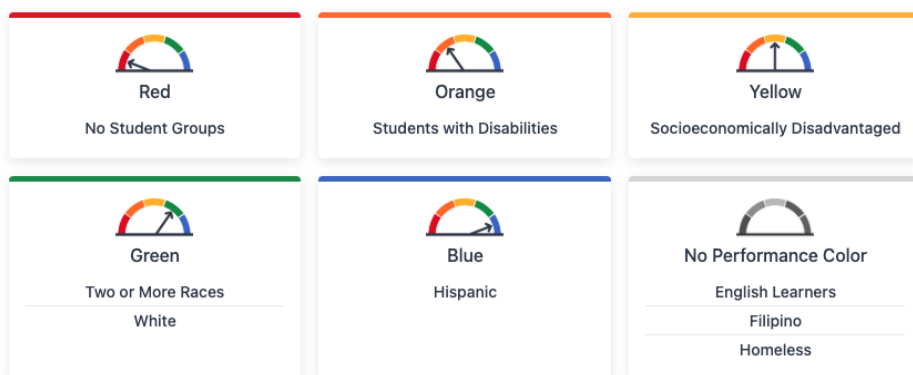
**All data below is from the 2024 Dashboard**

### English Language Arts

#### Student Group Details

All Student Groups by Performance Level

8 Total Student Groups



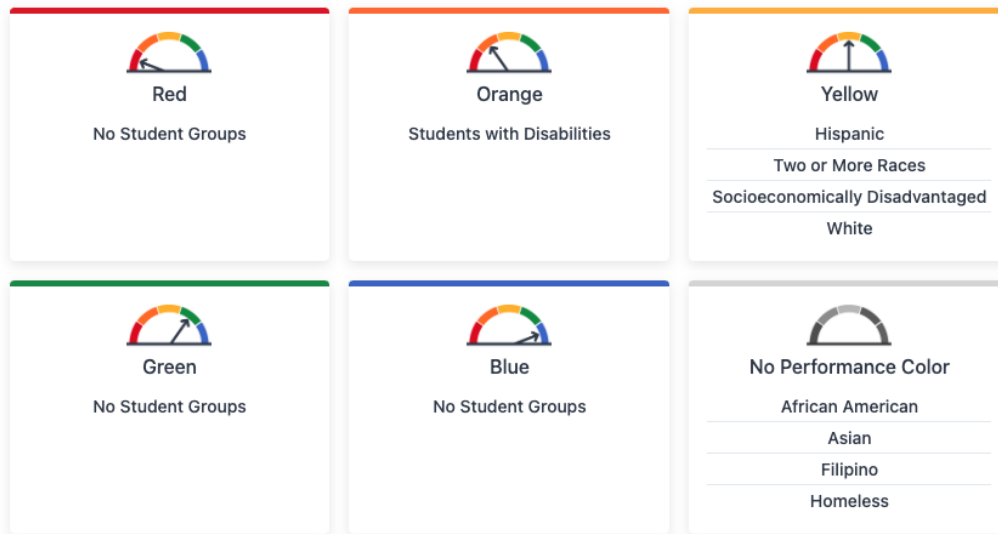
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## Chronic Absenteeism

### Student Group Details

#### All Student Groups by Performance Level

9 Total Student Groups

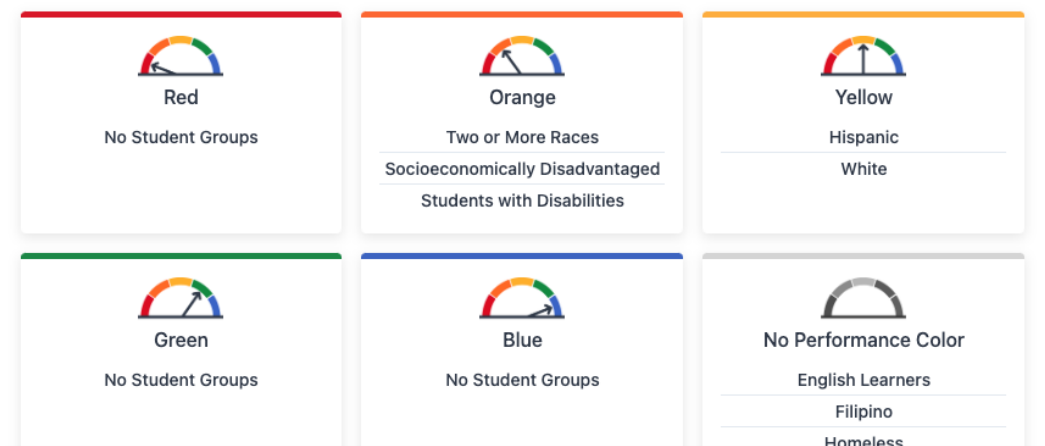


## Mathematics

### Student Group Details

#### All Student Groups by Performance Level

8 Total Student Groups



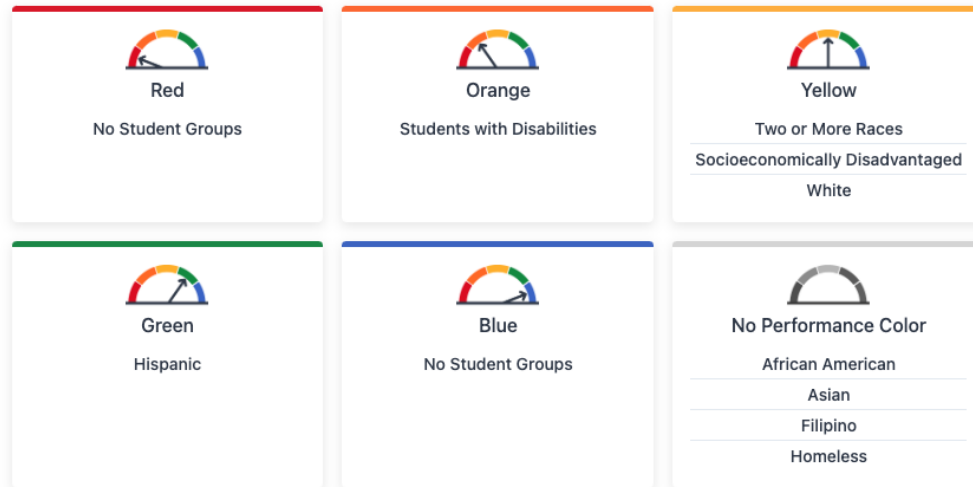


# Suspension Rate

## Student Group Details

### All Student Groups by Performance Level

9 Total Student Groups



## E. CHARTER SCHOOL SUCCESSES OVER THE PAST CHARTER TERM

- Received \$200,000 Anti-Bias in Education Grant
- Utilized grant funding to train educators in recognizing and addressing unconscious bias and how to foster a more inclusive classroom and working environment.
- 20 staff members have attended the Courageous Conversations Summit
- Updated school curriculum to include diverse perspectives and histories, ensuring representation across all subject areas.
- Trained all teachers in Curriculum Representation Design and Universal Design for Learning (whole school training in 2025)
- Supported student led organizations in creating a Restorative Justice Group to decrease suspensions and promote understanding and allyship.
- Developed tutoring, mentoring, and counseling services specifically tailored to address gaps in student achievement and overall student well-being.
- Koćim Pakan Partnership - Partnered with local organizations California Heritage Indigenous Research Project ("CHIRP"), Nevada City Nisenan Rancheria, United States Department of Agriculture ("USDA"), Sierra Streams Institute, Sierra Institute, Pacific Gas and Electric ("PGE"), and Nevada Irrigation District, ("NID") to implement a culturally informed burn plan and a return to Indigenous Traditional Ecological Knowledge ("ITEK") as the primary methods of forest restoration and ongoing stewardship of the land.
- Superior school lunch program - We currently serve over 400 students' breakfast and lunch daily. We source most of our ingredients locally and partner with neighboring farms for a cycle of produce receipt and then return our waste for feed/compost.
- Number 1 middle school according to Niche Schools
- Excellent sports teams that are highly competitive
- Work with Lyric Rose Theater to provide electives and after school drama classes to students in 3rd-8th grades.
- Participate in all local county academic competitions and often place in the top 3
- Have an indoor skateboard park on campus
- Recognized for superior academic achievements, with high test scores and high satisfaction ratings in surveys reflecting high levels of student engagement and parental approval.
- Employ a dedicated and highly qualified teaching staff, contributing to a supportive and effective learning environment.
- Created a large network of mountain bike trails on campus and host mountain bike events each year.
- Parent run and parent led indoor skate park "SK8Box"
- Invested in Energy Efficient Upgrades for all school buildings
- 100% 8th Grade Graduation over the last 7 years
- 15-25% of each graduating class have attended Ghidotti since 2020. We send more students to Ghidotti than any other middle school in the county.
- Offer free parenting classes

- Created a Therapeutic Learning Center for students struggling with emotional regulation
- Reduced Chronic absenteeism rate by 23% in one year.
- Created academic support center to ensure students have support in completing assignments they cannot finish in class.
- Consistently increased enrollment since 2016.

### **Enrollment 2016-2025**

| <b>Date</b>  | <b>16/17</b> | <b>17/18</b> | <b>18/19</b> | <b>19/20</b> | <b>20/21</b> | <b>22/23</b> | <b>23/24</b> | <b>24/25</b> |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Total</b> | <b>407</b>   | <b>414</b>   | <b>441</b>   | <b>455</b>   | <b>428</b>   | <b>436</b>   | <b>470</b>   | <b>480</b>   |

## ELEMENT 1: THE EDUCATIONAL PROGRAM

*Governing Law: The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners. Education Code Section 47605.6(c)(5)(A)(i)*

*The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals. Education Code Section 47605.6(b)(5)(A)(ii).*

### A. OUR MISSION

Nevada City School of the Arts’ mission is to cultivate an inclusive and equitable learning environment where every student is inspired to achieve academic excellence, develop a positive identity, and build productive relationships, through a rich, arts-integrated education. We are committed to empowering each student to thrive creatively, think critically, and engage meaningfully with the world.

### B. OUR PHILOSOPHY

A school of the arts makes us whole and inspires our pursuit of excellence. The Arts—Music, Dance, Theater, and the Visual Arts—are crucial to the complete education of a child. Their practice, understanding and appreciation are essential to human experience and learning itself. Research shows that the Arts in education promote brain growth and increase success in all academic areas. The Arts, however, are more than a means to an academic end. Participation in the arts fosters a balanced and enriched life and engenders a commitment to excellence. The Arts are not simply a means; they are an end in themselves. The Arts make us human and whole.

A school of the arts uses art as a lens for understanding the world. A beginning to such an artistic approach to education is to see the Arts in all things. By initiating and infusing our study of things with the Arts we come to use the Arts as a lens for understanding the world. Such a ‘way’ of approaching things offers deeper paths into the meaning and complexity of our world. In the Language Arts we find connections between the visual, the musical and the linguistic. In Mathematics we see more clearly the patterns and harmonics of form and number. In Science we find a kinship between the artistic and the scientific process. In History, we see the human drama in dense brush strokes of image and sound, song and story, bringing it to life. Seeing ourselves and the world through the Arts allows us to be touched by the beauty, the power and wonder of all things.

A school of the arts nurtures habits of heart and mind. Beyond the understanding and appreciation of art is its practice. To practice art means to nurture the space and focus



in ourselves that allows the Arts to emerge. Awareness, enthusiasm, discipline and a commitment to furthering our art are all essential qualities we prize. And in a world that emphasizes passivity, the Arts cultivate an active sense of living. Imagine and create much, use your hands, feel your bodies, read much, limit social media and video games, have hobbies and passions. In this manner, we seek to inspire a passion for learning, a discipline and commitment supported by reflection, self-assessment, critical and creative thinking. These habits of heart and mind unfold in a developmental arc, from the concrete toward the abstract, the simple to the complex. Attention to the appropriateness of activity and media, content and form, helps nurture a deeply imaginative practice of the Arts that seeks its own truth.

A school of the arts connects us to body and spirit, nature and culture. To practice the Arts also means to connect with the subject of our art – to be in our bodies and open our spirit, to be inspired and connected with nature and to draw on the repository of tradition that is embedded in global culture. In all that, there is growing awareness of interconnection. We become conscious of our feelings and emotions, our dreams and aspirations. We assess the impact and relationship between things. We honor this awareness of interconnection by considering the attitudes we hold, the way we treat others, the things we buy, the food we eat, and the activities in which we engage. We examine the ecological and the social impact of what we do, seeing the worth of all creatures and all people.

A school of the arts develops collaboration, respect, compassion, and conciliation. If we are interconnected, then we are already collaborators. This is basic to the experience of the artistic process - to be in relationship, to work with others, to communicate with an audience. In the same spirit, we promote a collaborative spirit among students and teachers, parents, and staff. Parents, students, teachers and staff all share the responsibility of governing the school. Volunteers make the rich opportunities of the school possible, in countless activities ranging from classroom and office help to field studies and fundraising. As collaborators, we think the best of each other, resolving conflict in ways that are open and compassionate, healing and conciliatory. This extends from the playground to the council meeting, with all members seeking to model action that serves the good of all.

A school of the arts empowers us to be of service and make a difference. This collaborative, community-mindedness leads directly to citizenship and service. The Arts are expression but also discourse. Part of what a school of the arts can offer to the community is the solace and insight that they bring. We see our role as facilitators of the Arts in the community, enriching it with dance and theater, exhibitions and performances, collaborating with other artists, promoting and assisting the vision of arts-based education with other educational entities. And if the Arts can awaken compassion for others, then a fundamental expression of our artistic purpose should be to seek ways to help in the most basic of manners. Food for the hungry, clean rivers for the fish, visits to the elderly, the planting of trees, and the donation of money to good causes all have their place in this spirit of service. For if we understand how the world has given to us, we then naturally wish to return those gifts.

A school of the arts teaches us the art of living. In the end we seek not so much to create artists, as to nurture an artistic attitude and practice. A life immersed in the Arts leads naturally to the successful practice of the art of living. To go into the world

with tools of heart and mind able to meet any challenge, with vision and understanding sufficient to see deeply into things, with creativity, resourcefulness, honesty, courage and compassion enough for the many uncertainties of life — this is what we seek for our children, our community and our world.

#### C. WHOM THE SCHOOL IS ATTEMPTING TO EDUCATE

NCSA provides an equitable and engaging learning experience for all students in transitional kindergarten through eighth grade. Our students receive greater opportunities in the visual and performing arts, a challenging academic curriculum, and a program that values field studies experiences outside the school.

TK teachers shall have the appropriate qualifications, as set forth in Education Code Section 48000(g), to work with this age group, and the Charter School shall maintain the TK classroom pupil to adult ratio set forth in law.

#### D. WHAT IT MEANS TO BE AN EDUCATED PERSON IN THE 21ST CENTURY

Former U.S. Commission of Education, Ernest Boyer, summarized his recommendations at the National Endowment for the Arts Conference in 1994:

*"Here, then, is my conclusion. First, we need the arts to express feelings words cannot convey. Second, we need the arts to expand the child's way of knowing and to bring creativity to the Nation's classrooms. Third, we need the arts to help students integrate their learning and discover the connectedness of things. Fourth, we need the arts in education to help children who are emotionally and physically restricted."*  
(U.S. Dept. of Education, 1997.)

The arts distinguish education at NCSA. Our program is interdisciplinary at its core, exploring the ground where science, history, literature, and art meet. NCSA provides a rigorous academic curriculum in which students have the opportunity to create art, understand its cultural and historical context, and respond to, and make critical judgments about, art. In this setting two tenets are important: art is a lens through which we see the world, and the production of art has inherent value. NCSA is not an "art school" in the sense that it does not solely produce or attract "artists." There are many students here who do not identify themselves as "artists" or even as "artistic," but who are nonetheless expressing themselves through the arts, and comprehend their academic studies through artistic expression, be it story, dance, painting, fiber arts, martial arts or musical composition.

#### E. NCSA IDENTIFIES AN EDUCATED PERSON AS ONE WHO:

- Uses the arts as a lens to see and comprehend the world.
- Has facile command of written and oral communication skills.
- Has the ability to think critically, analytically, logically, and creatively.
- Uses math processes competently in daily living.
- Has the ability to gather, organize, and communicate information, using various tools, including technology.
- Acts with self-direction, self-motivation, and self-reflection.
- Has strong citizenship and leadership ability and a developed sense of social responsibility.
- Works towards ensuring equal access to opportunities and achievement for all people.
- Can understand stereotypes and their counternarratives, along with systems of oppression and learn how to intervene and interrupt injustice when confronted with it.
- Values relationships and works collaboratively with others.
- Has the confidence to freely express oneself through desired artistic avenues.
- Can appreciate and critically respond to visual, musical, and theatrical art pieces created by others.

#### F. HOW LEARNING BEST OCCURS:

In keeping with our philosophy, NCSA believes that learning best occurs when:

- Parents play an essential role in their children's education.
- Art is offered as a valuable lens through which to view the world.
- Education is viewed as a lifelong process.
- Educational experiences go beyond the schoolyard and school day.
- Multiple intelligences are recognized and honored.
- A variety of learning modalities are acknowledged and addressed.
- Instructional activities are integrated and meaningful.
- Process and product are valued, and the focus is on learning to think, to gain access to information, and to communicate acquired knowledge and to take risks.
- Student choice, input and responsibility are valued, promoted, and acknowledged.
- Adult-student ratio is low.
- Instruction is developmentally and culturally appropriate.

## G. EDUCATIONAL GOALS

- To encourage students to be self-motivated, competent, lifelong learners through self-directed learning opportunities initiated and pursued through collaboration between students, parents, and teachers
- For students to perform and achieve as well as or better than students in traditional California public schools by the end of 8th grade
- For students to demonstrate integrated learning across major subject areas
- To provide experiences and activities which develop the whole child academically, socially, emotionally, culturally and physically

### *Key Aspects of the NCSA Program:*

- The arts are essential to the curriculum both as the means for comprehending and adding depth to academic studies and as a distinct area of study
- Extensive Main Lesson classes are part of daily instruction
- Music classes and music electives enhance the regular curriculum
- Balance in learning components that include instruction and discovery, individual and cooperative work, and assessment
- A holistic approach to curriculum planning, instruction, and assessment that honors the developmental journey of each child and nurtures both academic excellence and the art of living based on Arts Integrated Curriculum, the 5 Dimensions of Engaged Teaching and Learning and Mindfulness
- Arts Integrated Curriculum approaches art instruction through a collection of disciplines, including art production, art criticism, art history and art aesthetics based on the California State Visual and Performing Arts Standards
- The 5 Dimensions of Engaged Teaching (Solution Tree, 2013) offers practices, principles, stories and activities that support educators to:
  - Develop and sustain a reflective teaching practice
  - Integrate social, emotional and academic learning in the classroom, and
  - Cultivate a positive school-wide culture

Additionally, this practice is based on research that illustrates the powerful impact of a teacher's presence in the classroom; the importance of student engagement and participation in learning; the critical role of relationships and cultural contexts within a classroom and school; and the ways social, emotional, cultural and academic learning are inextricably connected.

- Positive Discipline and Mindfulness Practice in Every Classroom
  - Introduces students to the ideas of responding rather than reacting and identifying their emotions
  - Teaches self-awareness, focus, and emotional regulation
  - Prepares teachers for calm, empathetic classroom management skills
  - Allows adults to recognize the "belief behind the student's behavior"
  - Connect before we Correct

## H. ATTENDANCE

NCSA expects, on average, to meet an Average Daily Attendance (“ADA”) rate of at least 94% as evidenced by school attendance records. NCSA will strive for attendance meeting or exceeding 96% ADA by making regular efforts to educate families about the importance of school attendance for their students’ learning. NCSA also will utilize academic recovery next year as approved by the state to help students regain time lost due to absences.

NCSA meets the minimum number of days and minutes as required by ed code.

*Please refer to **Appendix A** for our calendar, instructional minutes, attendance policy and our Classroom Based Attendance Policy.*

## I. MULTI TIERED SYSTEM OF SUPPORTS

NCSA’s plan for neurodiverse students is modeled based on the Multi-Tiered System of Supports (“MTSS”) framework. Our goal is to meet the academic, social and emotional needs of all our students using a three-tiered system of support.

**Tier One (Prevention)** includes high quality classroom instruction delivered by well qualified teachers and regular assessments of all students to monitor their progress toward reaching grade level benchmarks. The use of Universal Design for Learning is essential in this first tier.

**Tier Two: Response to Intervention (“RTI”)** includes targeted group intervention in class or outside of the classroom for students who are not meeting grade level benchmarks. During Tier Two, students are referred to the Student Success Team (“SST”).

**Tier Three (Intensive Intervention)** includes more intensive and possibly individual intervention for students who continue to be at promise. At this level, a student may be assessed and found to qualify for special education according to the Individuals with Disabilities Education Improvement Act.

### **Student Success Team**

The Student Success Team, includes the parents, the teacher, and other school personnel or interested persons, and uses a systematic problem-solving approach to assist students with any concerns that are interfering with success. The SST clarifies problems and concerns, develops strategies, organizes resources, provides a system for school accountability, and serves to assist and counsel the parent, teacher, and student. An SST is a general education function. All students can benefit from an SST, including, but not limited to, those students achieving below grade level, those who are achieving above grade level and require greater challenge, and students who have experienced emotional trauma, behavioral or language issues.

SST members identify the specific academic areas of need for low achieving students and plan interventions that are monitored and reviewed at subsequent meetings. **Individualized Education Program (“IEP”)** may include specific modifications within the classroom, resource materials, and referral to supplementary programs,



which target specific academic skills. In addition to the SST and IEP processes, NCSA uses research-based assessment tools (e.g., Orton-Gillingham phonics and spelling assessments, the *Developmental Reading Assessment*, i-Ready Reading and Math, Math screeners, Lexia CORE) to refer students who struggle with reading or math to programs that can help improve their skills.

Anyone who has a concern for a student can refer that student to SST for consideration. Anyone connected with the student can be included in the SST to provide information about the student, including strengths, concerns, and strategies that have been used in the past. Team members may include but are not limited to teachers, parents, counselors, doctors, administration, social workers, and law enforcement. The meeting is designed to bring out the best in the people involved.

**NCSA programs that target the needs of academically low achieving students include:**

- Leveled reading groups
- Several one-to-one paraprofessionals to allow students access to the general education classroom
- A Reading/Math Specialist who pushes in and pulls students out for specialized instruction
- Differentiated math, writing, reading, and spelling approaches to meet different student learning levels in the classroom (such as the teacher challenging students with different levels of math problems during classroom activities)
- Movement/sensory integration activities incorporated into regular classroom learning in the early grades, to support the motor/sensory development that research shows are the foundations for academic learning
- On-line, standards-based programs that re-teach specific skills (i.e. i-Ready, Lexia Core, IXL)
- Orton-Gillingham approach to teaching reading and spelling
- Therapeutic Learning Center
- Mental Health Counselor in addition to our Educationally Related Mental Health Services (“ERMHS”) provider

After implementation of an SST plan and follow up, the plan will be further reviewed/revised to address concerns that have not been adequately addressed and/or effectively resolved. In addition, a referral for special education assessment might be deemed appropriate through the SST process.

All grade level teachers meet or have telephone conferences with at-risk students and their parents when necessary, throughout the year. The result of such meetings may be a plan that has consensus on how to support the individual student, with specific responsibilities delegated to the students, parents and teachers.

## J. SERVING STUDENTS WITH DISABILITIES

NCSA's special education program is based on a full-inclusion model with the goal of providing the least restrictive environment to all students. To the greatest extent possible, students are served through a general education classroom with limited pull-out services regardless of their disability. Students may receive additional support outside of the general education environment based on their individualized needs. NCSA believes a full-inclusion model benefits all students on the campus by providing a diverse and accepting learning environment while assisting all teachers and instructional staff in developing skills to serve a diverse student population. A full-inclusion model is centered on push-in support and co-teaching for students served through special education. Education Specialists and paraprofessionals provide academic support aligned to each student's Individualized Education Program goals. When necessary, additional intensive (Tier-3) academic support is provided by the Education Specialist outside of the general education classroom. Speech, Psychological Services, Occupational Therapy Services, Adaptive Physical Education, Behaviorist Services, Physical Therapy, and Assistive Technology Services are provided as push-in and pull-out services outside of general education classrooms. However, to the greatest extent possible NCSA strives to have all services provided as part of core instruction in alignment with our full-inclusion model. General education teachers utilize small group instruction, workshop models, Universal Design for Learning, and differentiation to support students with disabilities in their classrooms. As part of the Charter School's special education services, collaboration between the general education teachers and special education staff including Education Specialists and paraprofessionals occurs on a weekly basis as part of grade level team meetings. The collaboration provides the Education Specialist and general education teacher an opportunity to plan for co-teaching and unified supports for students with disabilities. Nevada City School of the Arts shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504, the ADA, and the IDEA.

NCSA is an independent local educational agency ("LEA") member of the Nevada County Special Education Local Plan Area ("SELPA") in conformity with Education Code Section 47641(a). In the event the Charter School seeks membership in a different state-approved SELPA, the Charter School shall provide notice to the County, the SELPA, and the California Department of Education before June 30th of the year before services are to commence.

NCSA provides special education instruction and related services in accordance with the IDEA, Education Code requirements, and applicable policies and practices of the SELPA. NCSA provides services for special education students enrolled in the Charter School. NCSA follows SELPA policies and procedures and utilizes SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints and maintaining the confidentiality of pupil records. All children shall have access to NCSA and no student shall be denied admission to NCSA due to the nature, extent, or severity of their disability or due to the student's request for, or actual need for, special education services. The specific way special education and related services is provided and funded is set forth in the Nevada County SELPA Local

Plan delineating the respective responsibilities of the Charter School and the SELPA. The SELPA Local Plan, as well as the SELPA's policies and procedures, includes provisions related to staffing, notification and coordination of special education services, identification and referral (child find), assessments, IEP meetings, development and implementation, student placement, complaint procedures, and due process hearings. The Charter School is subject to the allocation plan of the Nevada County SELPA. A copy of the SELPA Local Plan is available upon request.

#### K. SECTION 504 OF THE REHABILITATION ACT

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

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

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

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA shall be made by the 504 team. If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free appropriate public education ("FAPE").

In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the school's professional staff. The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary. All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The School Director/Designee shall ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that the teacher reviews the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan shall be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

## **L. ENGLISH LEARNERS**

The Charter School will meet all applicable legal requirements for English Learners, including long-term English Learners or English Learners at risk of becoming long-term English Learners, as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

### **Home Language Survey**

The Charter School will administer the home language survey upon a student's initial enrollment into a California public school (on enrollment forms).

### **English Language Proficiency Assessment**

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

The ELPAC consists of two separate assessments and an alternate assessment for students with significant cognitive disabilities: Initial Assessment ("IA") - The ELPAC IA

is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student's time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA, or the Alternate Assessment, is given to students in grades K–12 whose primary language is not English to determine their English proficiency status. Summative Assessment ("SA") - EL students at NCSA will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability. The ELPAC SA and IA or the Alternate Assessment are assessments administered in six grade spans—TK, K, 1, 2, 3–5, 6–8. In kindergarten and grade 1, all domains are administered individually. In grades 2–8, the test is administered in groups, exclusive of speaking, which is administered individually. The ELPAC IA and SA will be administered via a computer-based platform, while the ELPAC Writing Domain for Kindergarten through 2nd grade will continue to be administered as a paper-pencil test. Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year. The IA testing window will be year-round (July 1–June 30).

Any student whose primary language is other than English as determined by the home language survey and who has not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year. The SA testing window will be a four-month window after January 1 (February 1–May 31). The English language proficiency of all currently enrolled English Learners shall be assessed by administering the test during the annual assessment window. NCSA will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from the publisher.

The ELPAC shall be used to fulfill the requirements under ESSA for annual English proficiency testing.

## RECLASSIFICATION PROCEDURES

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

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC.
- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents' opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English – (See Board Policy #204)

## M. ENGLISH LEARNERS AND CORE INSTRUCTION

EL students will have daily access to the core curriculum and will be taught in an English language program (designated/integrated ELD) with support in the form of in-class help, which will help EL students access the core curriculum, and/or small group instruction developed to meet the specific language needs of the student.

Instruction techniques, assessments, materials and approaches will be focused on communicative competence and academic achievement covering listening, speaking, reading, and writing skills (aligned with State Standards) in all areas of the curriculum. EL students will receive EL and core content instruction appropriate for their English proficiency and grade levels.

In addition, the instructional program for NCSA is designed to promote language acquisition and proficiency, oral language development, and enriched learning opportunities for all EL students in the following ways:

- Students will interact through cooperative learning activities
- Students will make oral presentations in all content areas
- Students will collaborate for group performance and reports
- Students will be provided with learning opportunities in recreation and performing arts
- Students will be provided academic tutoring
- Students will receive daily English language development instruction according to their English language proficiency levels as identified by ELPAC testing



## TEACHER QUALIFICATIONS AND TRAINING

All teachers at NCSA hold the required supplemental credentials allowing them to teach English Learners in their classes. Teachers of EL students have been trained to use appropriate differentiated instruction to reach all levels of English proficiency in accordance with federal law. NCSA's curriculum, with an emphasis on an art integrated and culturally diverse teaching methodology, addresses the needs of English Learners.

## ELEMENT 2: MEASURABLE PUPIL OUTCOMES

*Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school. Education Code Section 47605.6(b)(5)(B)*

Nevada City School of the Arts believes a variety of pupil assessments must be used to measure progress, achievement and growth for the diversity of student outcomes we have established. The collection of tests included in the CAASPP assessment system will be used as one measurement of academic success in alignment with Education Code Sections 47607 and 47607.2. Local assessments, such as i-Ready assessments, performance assessments, and surveys will also be used by NCSA to assess its students and demonstrate the measurable student outcomes. As measured by classroom assessments, local assessments, and standardized state tests, students will demonstrate the following:

### A. CORE ACADEMIC SKILLS

*Developmentally appropriate or age-appropriate mastery of core academic skills including:*

**English Language Arts:** Students are literate and articulate and can demonstrate reading, writing, listening and speaking skills. Students can communicate clearly to others both orally and in writing using a variety of means of expressions. Students can comprehend and interpret a variety of forms of written expression.

- Students will be able to comprehend and analyze diverse literature from each genre including fiction, poetry and drama.
- Students will demonstrate proficiency in writing informative, narrative and argumentative essays.

**Mathematics:** Students can reason logically and understand and apply mathematical concepts, processes and techniques. Students can make sense of problems and persevere in solving them.

- Students will be able to reason logically and understand mathematical concepts in the abstract and in the real world by:
  - Making sense of problems and persevere solving them.
  - Attending to precision.
  - Reasoning abstractly and quantitatively.
  - Constructing viable arguments and critique the reasoning of others.
  - Modeling with mathematics.
  - Using appropriate tools strategically.
  - Looking for and making use of structure.

- Looking for and expressing regularity in repeated reasoning.

***History/Social Studies:*** Students have knowledge and understanding of a variety of cultures around the world, including their own history and geography.

- Students will demonstrate the ability to understand how individual ideas, values and actions have consequences on them and around them in both their small communities and in the larger world. In doing so, they will develop a sense of the historical process.
- Students will demonstrate the ability to understand how physical geography impacts culture, especially in the development of civilizations and communities.
- Students will be able to comprehend and analyze diverse social studies resources, including traditional textbooks, non-fiction sources, newspapers and audio and video recordings and interviews.

***Science:*** Based on the Next Generation Science Standards (“NGSS”) students understand general principles of scientific methods and inquiry and can apply these to life science, physical science and earth science. Students can think critically, analytically, logically and creatively. Students can demonstrate the ability to gather, organize and communicate information, using various tools, including technology. The eight practices of science and engineering that the Framework identifies as essential for all students to learn are described in detail are listed below:

1. Asking questions (for science) and defining problems (for engineering)
2. Developing and using models
3. Planning and carrying out investigations
4. Analyzing and interpreting data
5. Using mathematics and computational thinking
6. Constructing explanations (for science) and designing solutions (for engineering)
7. Engaging in argument from evidence
8. Obtaining, evaluating, and communicating information

***Visual and Performing Arts:***

- Students will be able to express themselves in a variety of styles and forms in the fine arts of music, drama, dance, movement and the visual arts.
- Students will demonstrate the ability to critically respond to the artistic works of others.
- Students will understand the influences and importance the arts have upon core subject matter.

***Physical Education/Movement:***

- Students will demonstrate physical fitness and the ability to participate in and appreciate recreational activities.

***Lifelong Learning Skills:***

- Students will demonstrate strong citizenship and leadership skills by working cooperatively with others to plan, initiate and complete projects, and engage in responsible, compassionate peer relationships.
- Students will develop effective study skills and habits, i.e., note taking, library research, and studying strategies. They will have the ability to persevere and complete a project, as well as to reflect on and evaluate their own and others' work.
- Students will have computer keyboarding and Internet research competencies.
- Students will participate in a variety of community and social events, including community service, public performances and more.

## B. MEASURABLE OUTCOMES ALIGNED WITH THE EIGHT STATE PRIORITIES

Pursuant to Education Code Sections 47606.5(b)(5)(A)(ii) and 47605.6(b)(5)(B), a reasonably comprehensive description of NCSA's annual goals, actions, and measurable outcomes, both schoolwide and for each subgroup of pupils, in and aligned with the Eight State Priorities as described in Education Code Section 52060(d), can be found in the Charter School's Local Control and Accountability Plan ("LCAP"). Each of these goals addresses the unique needs of all students attending the Charter School, including our numerically significant student subgroups.

The current LCAP is on file with the County and is in *Appendix B*

The Charter School shall annually update and develop the LCAP in accordance with Education Code Section 47606.5 and shall use the LCAP template adopted by the State Board of Education and reserves the right to establish additional and/or amend school-specific goals and corresponding assessments throughout the duration of the charter term. The Charter School shall submit the LCAP to the County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33. The Charter School shall also present a report on the annual update to the LCAP and the local control funding formula budget overview for parents on or before February 28 of each year as part of a nonconsent item at a regularly scheduled Charter Governance Council ("Board") meeting.

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

In addition to the specific academic outcomes described in the NCSA's LCAP, The Ends Policies describe the ultimate goals that NCSA continually strives for and which the Charter Governance Council monitors yearly.

## ***Ends Policies***

Nevada City School of the Arts exists so that students, families, staff and the greater community have:

### ***1. Arts Based Choice for Education***

The academic education we provide should have clearly defined arts integration practices. Academics should be infused with each form of art - dance, visual, music and performance - so that student learning is more meaningful. Students should leave NCSA having been exposed to art in all its forms and are therefore able to understand how art influences our world. Ultimately, they should be able to artistically communicate their understanding of a subject to an audience.

### ***2. An educational institution that facilitates academic, artistic, and social-emotional achievement***

- a. “*Academic Achievement*” means our students' overall ability to access and utilize the skills and standards taught in our main lesson classes from grades TK through 8<sup>th</sup> grade.
- b. “*Artistic Achievement*” to mean our students' ability to use art as a means of expressing their understanding of the larger world.
- c. “*Social-Emotional Achievement*” to mean our students' ability to self-regulate as well as show compassion, understanding and respect for others across all differences.

### ***3. Safe, respectful, and equitable conditions for learning and working.***

NCSA is continuously aware of the abilities, identities and races of our students, families and staff and actively work to create an environment that supports all school members thereby ensuring that students, families and staff get what they need in order to access their fullest potential at NCSA.

### ***4. A collaborator and contributor to the greater community.***

At NCSA, our primary purpose is to educate students so that they are successful in high school and beyond. This means our students are able to successfully graduate from 8<sup>th</sup> grade with an ability to navigate the world and their continuing educational goals effectively and are active participants in their community to create a positive difference.

### Element 3: Measurement of Pupil Progress

*Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card. Education Code Section 47605.6(b)(5)(C).*

Nevada City School of the Arts meets all statewide standards and conducts all student assessments required by statute and applicable to students in non-charter public schools. The academic progress of NCSA students is measured through a variety of standardized assessments. Each of these measures progress towards intended pupil outcomes. NCSA may add or modify assessments as necessary or required by future legislation.

Twice yearly, at the Fall and Spring parent/teacher conferences, teachers provide families with detailed academic and anecdotal reports of progress and challenges at school. Families are also encouraged to schedule informal meetings throughout the school year with their child's instructors to discuss progress, issues and challenges. These meetings help teachers and parents become an educational development team for students and are especially important for families who have limited time to volunteer in the classroom.

To keep families further apprised of their child(ren)'s learning and development at NCSA, K-5 Common Core aligned progress reports are sent home for all students twice a year. The middle school sends monthly progress reports to all families and final report cards at the end of each semester.

*Please see [Appendix C](#) for sample progress reports and reports cards.*

- **Progress** is tracked for each student through a series of regular assessments conducted by classroom teachers. Parents are kept informed through formal and informal conferences and semester reports.
- A system of **annual assessments** including standardized testing, classroom assessments and performance assessments for each grade provide information to determine whether students are meeting, exceeding or progressing towards grade level standards. This information is communicated to parents in a report at the end of each school year and is used to develop appropriate programs and interventions to meet student needs (*Figure 13*).
- Performance standards and assessments for students with special needs or **Limited English Proficiency** will be adapted as appropriate to their **Individualized Education Programs** or English Proficiency levels.

| Name of Assessment   | Purpose for Administering  | Grades Assessed                  | Month                       |
|--|--|----------------------------------|-----------------------------|
| CAASPP   | Measure Student Performance against State and National Schools school-wide and by significant subgroups.   | 3rd - 8th                        | March - May                 |
| ELPAC  | Evaluate English language fluency  | TK - 8th                         | As Needed                   |
| i-Ready Reading & Math   | Assess core reading and math skills  | K - 6th                          | September, February and May |
| Orton-Gilligham  | Assess phonemic awareness and gaps in spelling rules   | K - 5th                          | September, February and May |
| Writing by Design  | Assess students' abilities in the six areas of writing   | 1 <sup>st</sup> -8 <sup>th</sup> | September/May               |
| California Science Test ("CAST")   | Assess student's science knowledge   | 5th & 8th                        | Annually                    |
| Student Progress Reports and Report Cards  | Assess student progress in academic, social, and motor skills based on classroom assignments and teacher observation.  | TK-8                             | January/June                |
| Oral Recitations, Presentations, Reports, Performances, Exhibits, and Demonstrations | Observe student presentations of work completed. Presentations/performances will take place in the classroom, at periodic school-wide assemblies and on stage. | TK-8                             | Throughout the Year         |
| Physical Fitness Testing ("PFT")   | Measure student physical fitness against state criteria; teachers and parents share information/develop strategy to support students' fitness if needed.       | 5th & 7th                        | April - May                 |

### California Assessment of Student Performance and Progress (CAASPP)

The state's assessment system is aligned to the Common Core State Standards, History-Social Science Framework, NGSS, ELD Standards, and remaining State Content Standards (collectively referred to herein as "State Standards"). NCSA recognizes that in teaching an integrated curriculum inspired and informed by the arts, some subjects may be taught in different grades and therefore earlier or later than suggested in the CCSS. Regardless of this, NCSA curriculum will meet or exceed the CCSS over the course of our kindergarten through 8<sup>th</sup> grade curriculum and our students will achieve growth from year to year, as measured by the CAASPP.

### Criteria-based Pre-and Post Assessments

In this category, we will most commonly use four assessments. We may add or substitute other assessment tools if the school director and faculty determine them to be more useful in promoting student learning. The assessments currently used in this category are:

**(1 & 2) i-Ready** is a research-based assessment for sight word knowledge, reading fluency, and reading comprehension and core math skills

**(3) Orton-Gillingham Assessments** gives teachers an indication of students' phonemic awareness at each grade level.

**(4) Writing by Design Assessment Rubric** focuses on the six most important traits in writing: Ideas, Voice, Conventions, Organization, Word Choice, and Fluency.



### **Use and Reporting of Data**

NCSA will comply with state and federal law in collecting and reporting student and school performance and demographic data. This will include preparation and distribution of an annual School Accountability Report Card ("SARC") and the Dashboard to provide parents and the community with descriptive and comparative information about the school.

*Please see **Appendix D** for a full copy of NCSA's 2023-24 School Accountability Report Card.*

NCSA shall collect and analyze student performance data each year and shall utilize the data to monitor and improve the school's educational program. NCSA has created a data collection system which is updated each year to track for academic improvement based upon student performance data.

Because our program is developmentally based, NCSA will base grade-level promotion on student age and developmental readiness. Additional support will be given where needed to help students strengthen academic skills to meet grade-level standards. Eighth grade learning will culminate in the requirement that students complete an eighth-grade project focusing on a specialized area of interest, giving an oral and written report and an artistic presentation describing the project.

Staff will receive data on student achievement during regularly scheduled staff and team meetings and will use this data to help monitor and improve NCSA's educational program.

Parents and guardians will receive data on student achievement at least two times per year in kindergarten through 8<sup>th</sup> grades. Additional correspondence will be provided when necessary. More frequent progress reports will be provided in the upper grades, e.g., bi-monthly progress reports.

## **ELEMENT 4: LOCATION OF CHARTER SCHOOL**

Governing Law: *The location of each charter school facility that the petitioner proposes to operate. Education Code Section 47605.6(b)(5)(D).*

*The facilities to be used by the charter school. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. Education Code Section 47605.6(h).*

NCSA operates as a classroom-based instructional program within the geographic boundaries of Nevada County, at 13032 Bitney Springs Road in Nevada City, California.

## ELEMENT 5: GOVERNANCE STRUCTURE

*Governing Law: The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement. Education Code Section 47605.6(b)(5)(E)*

NCSA has operated as a California nonprofit public benefit corporation since November 2007 and is approved to operate as a 501(c)(3) tax exempt corporation from the Internal Revenue Service and the State of California. Tax ID #45-3591730

The Charter School will operate autonomously from the County, except for the supervisory oversight as required by statute and other contracted services as may be negotiated between the County and the Charter School. Pursuant to Education Code Section 47604(d), the County shall not be liable for the debts and obligations of the Charter School, operated as a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions, by the Charter School, if the County has complied with all oversight responsibilities required by law.

Attached, as [\*Appendix E\*](#), please find the Charter School Articles of Incorporation, Bylaws, and Conflict of Interest Code.

NCSA's Charter Governance Council and staff members follow written bylaws to ensure governance in accordance with the charter and with the Brown Act. The bylaws contain clear provisions for making necessary changes in the organization and include a description of the relationship between staff, the board and committees, as well as how each group is selected.

In 2016, the Charter Governance Council made the next step in goal setting and transitioned to an entirely new system of governance using Ends Policies to further promote school success. The Charter School adopted the Policy Governance model created by John Carver and as a result, the Charter School developed the following Ends Policies:

**Nevada City School of the Arts exists so that students, families, staff and the greater community have:**

- an arts-based choice for elementary education
- an educational institution that is a source of academic, social, emotional, and artistic achievement
- a safe and respectful environment for all
- collaborator and contributor to the community

As noted earlier, these Ends Policies are monitored by the Board at the end of each year.

Furthermore, each month the School Director submits a series of reports detailing the Executive Limitations they cannot break. They are as follows:

- B – Global Executive Constraint
- B1 – Financial Conditions
- B2 – Planning and Budgeting
- B3 – Asset Protection
- B4 – Treatment of Parents and Students
- B5 – Staff Treatment and Compensation
- B6 – Communication to the Council
- B7 – Council Logistical Support
- B8 – School Director Succession

The Board and staff adhere to a written conflict of interest policy which conforms to applicable State laws for non-profit corporations. Board members and certain staff members file Forms 700 annually with the California Fair Political Practices Commission, as required for public agencies. Board members shall complete AB 1234 Ethics Training as required by Government Code 53234.

Bylaws specify the composition of the board which requires a minimum of 5 and a maximum of 9 members. In electing board members, families are invited to nominate candidates for board seats and the Board selects from nominated candidates based on majority vote.

The Board is responsible for formal policy-making, and the School Director of the Charter School is responsible for making decisions and implementing programs consistent with school policy.

The Board shall meet regularly, and in accordance with the Brown Act and Education Code Section 47604.1. The Board of Directors will attend an annual in-service for the purposes of training individual board members on the responsibilities with topics to include, at minimum, ethics, conflicts of interest, and the Brown Act.

*Please refer to **Appendix E** for information concerning Governance structure.*

### **Parental Involvement in Governance**

Parents make up the entirety of the Governance Council at NCSA.

## ELEMENT 6: EMPLOYEE QUALIFICATIONS

*Governing Law: The qualifications to be met by individuals to be employed by the charter school. Education Code Section 47605.6(b)(5)(F)*

Teachers shall hold the certificate, permit, or other document required for their certificated assignment, consistent with Education Code Section 47605.6(l)(1).

Teachers will be responsible for overseeing students' academic progress and for monitoring grading and matriculation decisions as specified in the Charter School's operational policies.

NCSA may employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter experience, professional experience, and the demonstrated ability to work successfully in an instructional capacity with our target population. Instructional support staff will not assign grades or approve student work assignments.

NCSA will seek administrative staff and operational staff who have demonstrated experience or expertise in the issues and work tasks required of them and will be provided professional development opportunities to ensure that they remain abreast of all relevant changes in laws or other operational requirements. The School Director of NCSA will have a master's degree and administrative credential.

In recognizing the importance of fiscal responsibilities in managing a public charter school, NCSA will seek and secure individuals with demonstrated abilities to perform the duties of the Charter School business manager.

*All job descriptions are in **Appendix F**.*

## ELEMENT 7: HEALTH AND SAFETY PROCEDURES

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

- (i) That each employee of the charter school furnishes the charter school with a criminal record summary as described in Section 44237.*
- (ii) For all schools, the development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (K), inclusive, of paragraph (2) of subdivision (a) of Section 32282. For schools serving pupils in any of grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (L) of paragraph (2) of subdivision (a) of Section 32282.*
- (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school. Education Code Section 47605.6(b)(5)(G)*

NCSA has adopted and implemented a comprehensive set of health, safety, and risk management policies. These policies were developed in consultation with the Charter School's insurance carriers and address, but are not limited to, the following topics:

Detailed procedures in the School Safety Plan for addressing the following health and safety scenarios involving students, staff, and/or visitors to be reviewed and updated by March 1 of each year.

- Child abuse reporting procedures and annual mandated reporter training
- Notification of dangerous students
- Discrimination/Harassment
- Schoolwide dress code
- Safe Ingress and Egress Procedures
- Bullying-Cyberbullying Prevention
- Suspension and Expulsion Policies
- Disaster Response Plan
- Safe and Orderly Environment Conducive to Learning
- Rules and Procedures on School Discipline
- Procedures for Conducting Tactical Responses to Criminal Incidents
- Procedures to Assess and Respond to Report of Dangerous, Violent, or Unlawful Activity
- Protocol for opioid overdose
- Prevention of Human Trafficking
- Documentation of immunizations to the extent required for enrollment in public schools. All rising 7<sup>th</sup> grade students must be immunized with a pertussis (whooping cough) vaccine booster. Notification of human papillomavirus ("HPV") under Education Code Section 48980.4 and Health and Safety Code Section 120336
- Annual vision, hearing, and scoliosis screenings (Education Code Section 49450, *et seq.*)
- First aid/CPR training for instructional and administrative employees
- Sexual harassment training for all employees, students, including student-to-student
- Type 1 diabetes informational materials made accessible when pupil is first enrolled in elementary school. Type 2 diabetes information provided to parents of incoming 7<sup>th</sup> grade students (Education Code Section 49452.7)

- Tuberculosis risk assessment and examination prior to commencing employment and working with students (Education Code Section 49406)
- Annual blood borne pathogens safety training
- A drug, alcohol, and smoke-free workplace
- Administration of prescription drugs and other medicines. Adherence to Education Code Section 49414 regarding epinephrine auto-injectors.
- Criminal background checks and a criminal record summaries (Education Code Sections 44237 and 45125.1)
- Comprehensive Sexual Health Education
- School Meals
- Suicide Prevention Policy
- Availability of Menstrual Products
- All Gender Restrooms
- Recess (Education Code Section 49056)
- California Healthy Youth Act
- Mental Health Education and Information
- Workplace Violence Prevention Plan
- Supporting LGBTQ IA+ Students
- SAFETY Act
- Homicide Threats
- Gun Safety Notice
- Athletic Programs

*All the above topics are addressed in the policies found in **Appendix G**.*

These policies will be incorporated, as appropriate, into student and staff handbooks and will be reviewed on an ongoing basis.

The School Safety Plan shall be drafted specifically to meet the needs of the facility in conjunction with law enforcement and the Fire Marshal. Staff shall receive training in emergency response, including appropriate “first responder” training of its equivalent.

Disaster procedures included in the School Safety Plan shall address and include adaptations for students with disabilities. To the extent an employee, parent/guardian, educational rights holder or student brings concerns regarding the procedures to the School Director, and, if there is merit to the concern, the School Director shall direct the School Safety Plan to be modified accordingly.

### **Facility Safety**

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



## ELEMENT 8: STUDENT POPULATION BALANCE

Governing Law: The means by which the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. --Education Code Section 47605.6(b)(5)(H)

NCSA will develop and maintain a policy of nondiscrimination in all areas of its operations and shall not discriminate against any pupil based on race or ethnicity, religion, sexual orientation, nationality, gender, gender identity, gender expression, or disability, or any of the characteristics listed in Education Code Section 220. NCSA will strive to achieve a racial and ethnic, special education, and English learner balance among its students that is reflective of the general population within the County. NCSA recruits students in various areas of the community, translates their applications to Spanish, advertises locally in several community publications and gives priority to the students from the local school district.

| Nevada County/NCSA/GVSD/NCSD Demographic Data Comparison - 2022-23 |       |                    |       |                  |                                   |                   |      |                            |
|--|-------|--------------------|-------|------------------|-----------------------------------|-------------------|------|----------------------------|
|  | White | Hispanic or Latino | Asian | African American | American Indian and Alaska Native | Two or More Races | SWDs | Economically Disadvantaged |
| Nevada County  | 66%   | 23%                | 0.8%  | 1%               | 0.8%                              | 6%                | 17%  | 65%                        |
| NCSA   | 75%   | 12%                | 0.2%  | 0.2%             | 0.2%                              | 11%               | 13%  | 48%                        |
| GVSD   | 71%   | 20%                | 2%    | 0.9%             | 1.6%                              | 4%                | 16%  | 59%                        |
| NCSD   | 82%   | 9%                 | 1.3%  | 0.9%             | 0.7%                              | 6%                | 14%  | 35%                        |

## Element 9: FINANCIAL AUDIT

*Governing Law: The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved. Education Code Section 47605.6(b)(5)(I)*

An annual independent financial audit of the books and records of NCSA will be conducted as required by Education Code Sections 47605.6(b)(5)(I) and 47605.6(m). The books and records of NCSA will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide.

NCSA shall contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices. The auditor will have at a minimum, a CPA and educational institution audit experience and will be approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in the applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The School Director or designee will review any audit exceptions or deficiencies and report to NCSA's board with recommendations on how to resolve them. The board will submit a report to the county describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the County along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The independent financial audit of NCSA is a public record to be provided to the public upon request.

## Element 10: PUPIL SUSPENSION AND EXPULSION

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

- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story.
- (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
  - a. Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
  - b. Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.
- (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a homeless child or youth, or a foster child or youth in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, involuntarily removed includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).
- (iv) A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child must receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and related information. Education Code Section 47605.6(b)(5)(j)

# **RESTORATIVE JUSTICE, SUSPENSION AND EXPULSION POLICY AND PROCEDURES**

The Nevada City School of the Arts Board and the community at NCSA believes that it is important to treat each person with respect. We try to make sure we are considerate of each other so that everyone can fulfill their roles. Students can learn, teachers can teach, and staff can work in a safe and enjoyable environment. NCSA believes that Restorative Practices are an effective approach to addressing misconduct. Accordingly, NCSA utilizes restorative techniques wherever possible and practicable.

In terms of discipline, restorative practices take incidents that might otherwise result in punishment and find opportunities for students to recognize the impact of their behavior, understand their obligation to take responsibility for their actions and take steps toward making things right. In this process, students learn how to interact and manage their relationships with adults and peers, and as a result become better equipped to understand how their behavior impacts others. In doing so, restorative practices encourage accountability, improve school safety, teach empathy, and help develop skills so students and the school community can all succeed.



## **Restorative Justice**

What Is Restorative Justice?

Restorative Justice is a set of principles and practices employed in the school to respond to student misconduct, repair harm, and restore relationships between those impacted. It is used as an alternative to traditional school discipline and suspension. Both the theory and practice of restorative justice emphasize the importance of:

- **identifying the harm,**
- **involving all stakeholders to their desired comfort level**
- **true accountability**
- **taking steps to repair the harm and address its causes to the degree possible.**

Restorative justice in its basic form is an incredibly intuitive and a commonsense concept for most people. Restorative justice presents opportunities to those impacted by an event to collectively define the impact and determine steps to make things as right as possible for everyone involved: the person(s) harmed, the person(s) who harmed others, and the broader community that was affected both directly as well as indirectly. Because of the ways most current systems operate, often contrary to restorative principles, it is common for the implementation of restorative practices to be misunderstood and face resistance.

The way wrongdoing is typically responded to:

- ***What rules or laws were broken?***
- ***Who broke them?***
- ***What do they deserve?***

Restorative justice asks:

- **Who has been hurt?**
- **What are their needs?**
- **Who has the obligation to address the needs and remediate the harmful effects?**

The restorative questions above cannot be adequately answered without the involvement of those most affected. Involving those affected is a cornerstone of restorative justice. The foundation of restorative justice rests on common values: respect, inclusion, responsibility, empathy, honesty, openness, and accountability.

### **What is School-based Restorative Justice?**

School-based restorative justice includes prevention, intervention, and reintegration. Restorative practices are used in a variety of ways in schools: to build community, celebrate accomplishments, intervene in offending behavior, to transform conflict that may occur between adults or young people, and to rebuild relationships that have been damaged. They can also be used to re-integrate students who have been excluded. Restorative practices help schools create and maintain a positive school culture and climate.

Restorative practices are used in conjunction with the other programs/support NCSA uses,

such as. [Responsive Classroom](#), [Talk-it-Outs](#), classroom meetings, and support from our Youth Advocates, School Mental Health Counselor, and Administration. Our teachers manage their classrooms in restorative ways without labeling their methods as restorative. These approaches complement restorative practices and can strengthen the school together. Using them helps us build a caring culture in the classroom, school, and community.

### **Restorative Circles through Restorative Justice League**

Student Led Restorative Circles will be held to strengthen students' problem-solving skills. When conflicts arise, Justice League students will be prepared to have an honest dialogue with the student(s) who caused harm. Students learn to hold each other accountable, acknowledge each other's feelings, and accept each individual's needs. Justice League students will be trained and supervised by the administration or their designee.

If a student is continually referred to the Administration or Restorative Justice Group and/or Class Meetings aren't effective, and the student does not appear to be willing to change their behavior, they may be suspended in compliance with the suspension policy below and a **Behavior Contract** will be created.

### **Other Approaches**

While Charter School will employ restorative justice techniques whenever possible, practicable, we recognize that traditional discipline, up to and including suspension and expulsion, may be appropriate in some cases. Accordingly, while restorative practices will always be considered, the administration reserves the right to recommend suspension or expulsion for any of the enumerated offenses listed in the below Suspension & Expulsion Policy, even upon the first offense.

### **Suspension and Expulsion Policy and Procedures**

The Suspension and Expulsion Policy and Procedures have been established to promote learning and protect the safety and wellbeing of all students at Nevada City School of the Arts. In creating this policy, NCSA has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at non-charter schools may be suspended or expelled and the procedures governing those suspensions and expulsions to establish its list of offenses and procedures for suspensions, expulsions and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* NCSA is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as NCSA's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. NCSA staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be

provided annually to parents via the Charter School's website and available upon request at the NCSA office and will clearly describe discipline expectations.

This policy and procedures process has been prepared to provide due process to all students. Adherence to the list of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serves the best interests of the Charter School's pupils and their parents/guardians.

The Charter School administration shall ensure that students and their parents/guardians<sup>1</sup> are notified in writing upon enrollment that all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and its Procedures are posted on the NCSA website and are available in hard copy upon request at the NCSA office.

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

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

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the IDEA or who is qualified for services under Section 504 is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law requires additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the applicable provisions of the Education Code, when imposing any form of discipline on a student identified as an individual with disabilities for whom the Charter School has a basis of knowledge of a suspected disability, or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian, and shall inform the student, and the student's parent/guardian, of the basis for which the student is being involuntarily removed and the student's parent/guardian's, right to request a hearing to challenge the involuntary removal. If a student's parent/ guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the

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<sup>1</sup> The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and a Native American's child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.



student's parent/ guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision.

## **Procedures**

### **A. Grounds for Suspension and Expulsion of Students**

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

### **B. Enumerated Offenses**

1. Discretionary Suspension and Expulsion Offenses: Students may be suspended or recommended for expulsion when it is determined the student:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
  - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
  - h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
  - i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.
    - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

- (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u) A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee’s

concurrence.

2. Non-Discretionary Suspension and Expulsion Offenses: Students must be suspended and recommended for expulsion when it is determined the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4

3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcohol beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowing received stolen school property or private property, which includes but is not limited to, electronic files and databases.

- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school policy, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- r) Caused, or attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person or their age, or for a person of their age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property
  - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with their academic performance.
  - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
2. “Electronic Act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
  - i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - iii. An act of cyber sexual bullying.
    - a) For purposes of this policy, “cyber sexual bullying”



means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, or paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

- u. A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(B).
- v. Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee’s concurrence.

4) Non-Discretionary Expellable Offenses: Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee’s concurrence.
- b. Brandished a knife at another person.
- c. Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a

hearing as required in this policy.

The Charter School will use the following definitions:

- The term “knife” means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term “destructive device” means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

Suspension shall be preceded, if possible, by a conference conducted by the School Director or the School Director’s designee with the student and the student’s parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the School Director or designee.

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

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605.6(b)(5)(j)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference.

Penalties shall not be imposed on a student for failure of the student’s parent or

guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at the conference.

## 2. Notice to Parents/Guardians

At the time of the suspension, the School Director or designee shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

## 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the School Director or designee, the student and the student's parent/guardian shall be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the School Director or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

## 4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

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

## **D. Authority to Expel**

As required by Education Code Section 47605.6(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

### **E. Expulsion Procedures**

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

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all students' confidentially rules under FERPA) unless the student makes a written request for a public hearing in open session, three (3) days prior to the date of the scheduled hearing.

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

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

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five (5) days' notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian or legal counsel; and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
7. If one or both support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness, and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## **G. Record of Hearing**

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

## **H. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

## **I. Expulsion Decision**

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

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

#### **J. Written Notice to Expel**

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

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

The School Director or designee shall send a copy of the written notice of the decision to expel to the chartering authority.

This notice shall include the following:

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

#### **K. Disciplinary Records**

The Charter School shall maintain records of all student suspensions and expulsions at the



Charter School. Such records shall be made available to the chartering authority upon request.

#### **L. Right to Appeal**

A student expelled from Nevada City School of the Arts can appeal the decision of the Nevada City School of the Arts Board to the Nevada County School Board. The Nevada County School Board will ensure that Nevada City School of the Arts followed all due process requirements.

#### **M. Expelled Students/Alternative Education**

Parents/guardians of students who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

#### **N. Rehabilitation Plans**

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

#### **O. Readmission or Admission of Previously Expelled Student**

The decision to re-admit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be the sole discretion of the School Director following a meeting with the pupil and parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. If the School Director determines that it is not in the best interest to admit the pupil, the pupil may appeal the School Director's decision at the next Board meeting in closed session. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

#### **P. Notice to Teachers**

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

#### **Q. Involuntary Removal for Truancy**

As charter schools are schools of choice and as a charter school student who fails to attend school is potentially depriving another student of their opportunity to enroll, a student may be involuntarily removed as described within the Charter School's Board adopted Attendance Policy for truancy and only after the Charter School follows the requirements of the Attendance Policy and only in accordance with the policy described above which requires notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal. Students who are involuntarily removed for truancy will be given a rehabilitation plan and will be subject to the readmission procedures set forth herein.

## **R. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities**

### **1. Notification of SELPA**

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

### **2. Services During Suspension**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

### **3. Procedural Safeguards/Manifestation Determination**

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parent/guardian to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not

- conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

#### 5. Special Circumstances

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The School Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function.
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

#### 6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

#### 7. Procedures for students not yet eligible for special education services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student needs special education or related services.
- b. The parent/guardian has requested an evaluation of the child.
- c. The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however, the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

## **ELEMENT 11: EMPLOYEE RETIREMENT SYSTEMS**

*Governing Law: The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605.6(b)(5)(K)*

Eligible certificated employees of NCSA will participate in the State Teachers' Retirement System ("STRS"), depending upon each individual's eligibility, and classified employees will participate in the Federal Social Security retirement system. The School Director will ensure that appropriate arrangements for retirement coverage have been made. NCSA will make all employer contributions as required. NCSA will also make contributions for workers' compensation insurance, unemployment insurance and any other payroll obligations of an employer.

## ELEMENT 12: DISPUTE RESOLUTION

*Governing Law: The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter. Education Code Section 47605.6(b)(5)(L)*

The Charter School agrees that every attempt should be made to resolve disputes informally before invoking a formal dispute resolution process. If informal processes have proven ineffective, the following dispute resolution procedures will be followed.

### 1. DISPUTES ARISING FROM WITHIN THE SCHOOL

Disputes arising from within the Charter School, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and board members of the Charter School, shall be resolved pursuant to policies and processes developed by the Charter School. The Charter School shall also maintain a Uniform Complaint Policy and Procedures and Title IX complaint procedures, as required by state and federal law. Parents, students, Board members, volunteers, and staff at the Charter School shall be provided with a copy the Charter School's policies and internal dispute resolution process.

The County shall not intervene in any such internal disputes without the consent of the NCSA board and shall promptly refer any complaints or reports regarding such disputes to the Board or its designee for resolution pursuant to the Charter School's policies. The County agrees not to intervene or become involved in the dispute unless the dispute has given the County reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the Board of the Charter School has requested the County to intervene in the dispute.

### 2. DISPUTES BETWEEN THE CHARTER SCHOOL AND NCBE

If the Charter School or NCBE have disputes regarding the terms of this charter or any other issue regarding the Charter School and NCBE's relationship, both parties agree to follow the process outlined below:

In the event of a dispute between the Charter School and NCBE, the staff and board members of NCSA and NCBE agree to first frame the issue in written format and refer the issue to the County Superintendent and School Director of the Charter School. If NCBE believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.

The School Director and County Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. If this informal meeting fails to resolve the dispute, both parties shall identify two governing board members from their respective boards who shall jointly meet with the County Superintendent and School Director of the Charter School and attempt to resolve the dispute.

If this joint meeting fails to resolve the dispute, the County Superintendent and School Director, or their respective designees, shall meet to jointly identify a neutral, third-

party mediator. The format of the mediation session shall be developed jointly by the County Superintendent and School Director, or their respective designees, and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the County and NCSA. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the County and NCSA.

### 3. OVERSIGHT, REPORTING, REVOCATION, AND RENEWAL

The County may inspect or observe any part of the Charter School at any time, but shall provide reasonable notice to the School Director of NCSA prior to any observation or inspection unless such notice would prevent the performance of reasonable oversight functions. The County shall endeavor to provide such notice at least three working days prior to the inspection or observation unless the school's board or director agrees otherwise. Inspection, observation, monitoring, and oversight activities may not be assigned or subcontracted to a third party by the County.

If the Nevada County Board of Education believes it has cause to revoke this charter, the Board shall follow the process and procedures for revocation of the charter in accordance with Education Code Section 47607(f)-(h), and applicable regulations.

NCSA will submit quarterly fiscal reports in accordance with the timelines stated in Education Code Section 47604.33. NCSA and the County will jointly develop a timeline of other required ongoing monitoring documents, including deadlines of when the documents will be submitted, when reviewed, when feedback will be given to NCSA, and by when corrective action will occur. NCSA will be given reasonable time to take appropriate corrective action, unless the alleged violation presents an immediate threat to health or safety.

*Please refer to **Appendix H** for a copy of NCSA's 2023-2024 Oversight Review Document.*



## ELEMENT 13: ADMISSION POLICIES AND PROCEDURES

*Governing Law: Admission policies and procedures, consistent with [Education Code Section 47605.6] subdivision (e). Education Code Section 47605.6(b)(5)(M)*

Nevada City School of the Arts (NCSA) actively seeks a diverse student population that understands and values the Charter School's mission and is committed to the Charter School's instructional and operational philosophy. Admission to the Charter School is open to any resident of the State of California and the Charter School shall admit all pupils who wish to attend the Charter School, subject to capacity. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or their parent or legal guardian within the state. Prospective students and their parents or guardians will be briefed regarding the Charter School's instructional and operational philosophy and will be given a summary of the Charter School's student-related policies. Admission procedures outlined in the Board-approved enrollment policy are strictly followed. In accordance with Education Code Sections 49011 and 47605.6(e)(2)(B)(iv), admission preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

The Charter School will be nonsectarian in its programs, admission policies, , and all other operations, and shall not charge tuition nor discriminate against any pupil based upon any of the characteristics listed in Education Code Section 220. The Charter School shall not require a parent/legal guardian/student to provide information regarding a pupil's disability, gender, gender identity, gender expression, nationality, legal or economic status, English Learner status, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or any other information that would violate federal or state law, prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment. The Charter School may request, at the time of, and as part of, conducting its lottery process, the provision of information necessary to apply specific admissions preferences set forth herein.

In accordance with Education Code Section 47605.6(e)(4)(A), the Charter School shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605.6(e)(2)(B)(iii), including pupils with disabilities, academically low-achieving pupils, English Learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. Similarly, in accordance with Education Code Section 47605.6(e)(4)(C), the Charter School shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to the academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code Section 47605.6(e)(2)(B)(iii), as listed above.

Pursuant to Education Code Section 47605.6(e)(4)(D), the Charter School shall post a notice developed by the CDE on the Charter School website, outlining the requirements of Education Code Section 47605.6(e)(4), and make this notice available to parents.

The Charter School shall adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. The Charter School shall provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents/guardians that the Charter School is open to enroll and provide services for all students and provides a contact number for access to additional information regarding enrollment. The Charter School shall comply with all applicable provisions of Education Code Sections 48850 – 48859.

### **Application Process and Public Random Drawing**

#### **A. Determining Capacity**

The Charter schools' Board or School Director will annually determine the capacity, or maximum enrollment, by "grade level" (by specific grade level or encompassing all grade levels served) for each school year based on, among other factors, the annual budget, staffing, applicable legal requirements, and available resources prior to the start of the Open Enrollment Period. The School Director may update the Charter Schools' capacity throughout the year as needed to meet the needs of the Charter School.

#### **B. Notice of Open Enrollment and Application Deadline**

The School Director will set an Open Enrollment Period each year. Public notice of the Open Enrollment Period and lottery rules, deadlines, dates, and times will be communicated in the enrollment applications and on the Charter School's website.

Applications will be accepted during the publicly advertised open enrollment period each year for enrollment in the following school year.

Public notice for the date and time of the lottery will also be posted once the application deadline has passed. The Charter School will inform parents/guardians of all applicants and all interested parties of the rules to be followed during the lottery process via mail or email at least two weeks prior to the lottery date. The Charter School will provide sufficient notice to applicants if the Charter School finds it necessary to change the lottery date.

#### **C. Lottery**

Following the open enrollment period each year, which is published on the the website, applicants shall be counted to determine whether any grade level has received more applications than availability.

In the event that this happens, the Charter School will hold a lottery to determine admission for the impacted grade level, with the exception of existing students, who are

guaranteed admission for the following school year. Admission preferences in the case of a lottery drawing shall be given to the following students in the following order:

1. Children of employees at NCSA
2. Siblings of students admitted to or attending NCSA and grandchildren of employees at NCSA
3. Siblings/children of alumni of NCSA
4. Students currently enrolled at Margaret G Scotten School
5. Students who reside within the Grass Valley School District
6. Students who have remained on the waitlist for 2 or more consecutive years
7. Residents of Nevada County
8. All other applicants

The Board of Directors will take all necessary efforts to ensure lottery procedures are fairly executed. The lottery will be run on a widely-publicized date via “Lotterease” an online program that is transparent and open to the public.

### **Acceptance of Enrollment – April-August (For Following School Year)**

After the lottery draw, parents of students to whom an offer of admission is extended will be contacted and given a maximum of two (2) business days to accept the spot (verbally or in writing). If the family does not accept the spot within the allotted time, the student’s name will be removed from the list, and the next child on the waiting list will be offered the available position.

In addition to accepting the offer within two (2) business days of notification of an open spot, parents must complete the registration packet enrolling their student for the new school year. This registration packet is emailed out following the verbal acceptance and is expected to be returned fourteen (14) calendar days from the date of acceptance. If it is not received by that time, the student will be removed from the waitlist and the next child on the waitlist will be offered the opening. Charter School shall not request a pupil’s academic records or require the family to submit the pupil’s academic records before enrollment in accordance with Education Code section 47605(e).

If a student is extended an offer of admission due to one of the preferences noted in this Policy and the Charter School’s charter, the Charter School may request supporting documentation as part of the enrollment process. The Charter School will conduct a verification of such documentation before finalizing the student’s enrollment and may disqualify an applicant who submitted materially false information.

Admission offers are valid only for the academic year for which the lottery is conducted. There is no option to defer an offer of enrollment.

### **Acceptance of Enrollment – August-April (For Current School Year)**

When an opening becomes available, parents/guardians of student applicants will be contacted and given two (2) business days to respond. If they do not accept the opening or respond within the allotted time, the student’s name will be removed from the list, and the next person on the waiting list will be offered the available position. If circumstances are

such that the reason for refusal is poor timing of the transfer, the parent may request for their child to be added to the bottom of the waitlist.

## **Registration Packet**

The Registration Packet shall include, but is not limited to, the following:

- Authorization for the Charter School to request and receive student records from all schools the student has previously attended or is currently attending;
- Proof of compliance with state-required immunization requirements, or valid medical exemption
- Proof of health and oral examinations required by the Health and Safety Code, unless waived in writing by the parent/guardian;
- Proof of minimum age requirements;
- Proof of residency;
- Indication of whether the student may require special education or related services, the student's home language and whether the student may be an English language learner;
- Emergency medical information form;
- Emergency Contact Card;
- Free or Reduced Lunch Meal Application;
- Indication of whether the student has been expelled from a prior school;
- Physician's Authorization to administer medication, if applicable; and
- Homeless Questionnaire

If an applicant fails to timely complete the registration process, the spot will be filled from the waitlists, and the student will be presumed to no longer have interest in enrolling with the Charter School.

## **Waitlist Management**

If a spot becomes available because an accepted student declines admission or fails to timely complete the enrollment process, a student leaves the Charter School after the start of the academic year, or as spots become available, the Charter School may notify families on the waitlist in the order they appear on the waitlist.

They will continue to receive email updates any time their child moves on the waitlist.

If there is no waitlist and there is capacity during the school year, the Charter School shall admit applicants in accordance with the Charter School's charter petition and applicable law. If the Charter School did not conduct a lottery because spots were available but were oversubscribed during the school year, the Charter School will create a waitlist and add students to the waitlist on a first-come, first-served basis.

**Charter School waitlists shall not carry over from one year to the next.** Students who have not been admitted will be required to submit a new enrollment application for the next school year and are required to participate in the lottery if space is limited.

**PLEASE NOTE:**

- Students remaining on the waiting list at the end of a school year do not have any priority for the following school year. If they would like to be included in the lottery for the following year parents must re-apply prior to the close of enrollment.
- Students wishing to transfer to NCSA during the course of the school year will not be enrolled until they have completed an intake meeting with the school director and teacher.
- Enrollment for the current school year closes on March 1<sup>st</sup> - NCSA does not accept any students for the current school year after that date.
- Students enrolled in Transitional Kindergarten have enrolled student priority and will automatically advance into Kindergarten the following year.
- Applications for 8th Grade will not be accepted after the third (3rd) Friday of September.
- Students who have left NCSA, and wish to return, will still be required to follow the standard order of priority as outlined above.

**Exit Policy:**

1. We ask parents/guardians to let us know when their children will no longer attend NCSA. Because a student is not allowed to be enrolled in two schools at the same time, if we receive an official student cumulative file request from another school, the student will be automatically withdrawn from enrollment at NCSA.
2. If the parent/guardian notifies the Enrollment Coordinator that their student will no longer attend NCSA by phone, email, or any other communication, the student will be withdrawn from enrollment as of the date discussed and their spot will be filled.

## **ELEMENT 14: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

*Governing Law: The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school. Education Code Section 47605.6(b)(5)(N)*

No student may be required to attend NCSA. Students who opt not to attend NCSA may attend other district or county schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

## ELEMENT 15: EMPLOYEE RETURN RIGHTS

*Governing Law: The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school. Education Code Section 47605.6(b)(5)(O)*

Persons employed by NCSA are not also employees of the County. Employees of the County who resign from employment to work at NCSA and later wish to return to the County will have no automatic rights of return to the County after employment by NCSA unless specifically granted by the County through a leave of absence or other agreement. NCSA employees shall have any right upon leaving the County to work in the Charter School that the County may specify, any rights of return to employment in the County after employment in the school that the County may specify, and any other rights upon leaving employment to work in the Charter School that the County determines to be reasonable and not in conflict with any law.

NCSA and the County shall each independently maintain responsibility for hiring and retention practices. Any County union employee who is offered employment and chooses to work at NCSA will not be covered by their respective collective bargaining unit agreement, although NCSA may extend some or all the same protections and benefits in individual employee contracts. Job applicants for positions will be considered through an open process, and, if hired, will enter into a contractual agreement approved by the NCSA Board. All employees except the school director will be individually contracted on an at-will year-to-year basis. The School Director will be contracted on a year-to-year basis that includes fixed-term severance provisions subject to approval by the Board. The School Director of NCSA will be responsible for the selection of faculty and staff, using the mission, philosophy, and obligations outlined in the charter document as a recruitment tool. The individual contract will address, among other issues, salary, health and welfare benefits, and work schedules and responsibilities. All contracts will need to be renewed on a year-to-year basis and approved by the board. NCSA will maintain an employee handbook detailing the rights and responsibilities of all employees.

Unused paid sick leave may be carried over to subsequent school years. In addition, certificated employees may transfer accumulated sick leave from school districts upon written approval from the School Director. Unpaid leave will not be paid to the employee upon termination of employment or retirement.

*To review all Personnel Policies, please refer to **Appendix I**.*

## ELEMENT 16: CLOSURE PROCEDURES

*Governing Law: The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and maintenance and transfer of public records. Education Code Section 47605.6(b)(5)(P)*

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

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

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

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

As applicable, NCSA will provide parents, students and the County with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with FERPA. NCSA will ask the County to store original records of their students. All records of the NCSA shall be transferred to the County upon the school's closure.

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

As soon as reasonably practical, NCSA will prepare final financial records. NCSA will also have an independent audit completed within six months after closure. NCSA will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the NCSA and will be provided to the County promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the



liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to NCSA.

NCSA will complete and file any annual reports required pursuant to Education Code Section 47604.33.

On closure of NCSA, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the NCSA, remain the sole property of NCSA and upon the dissolution of the non-profit public benefit corporation shall be distributed in accordance with the Articles of Incorporation. Any assets acquired from the County or County property will be promptly returned upon school closure to the County. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

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

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

As specified by the Budget in [Appendix J](#), the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

## MISCELLANEOUS PROVISIONS

### **Financial Statements**

*Governing Law:* The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation. Education Code Section 47605.6(h)

### **Budgets**

In accordance with County requirements, NCSA submits an annual operating budget (the school budget) to the NCSOS in the spring preceding each school year and updates the school budget in the fall and spring of each school year. Each school budget submitted to NCSOS is approved by NCSA's board prior to submission by NCSOS to the County Board of Education. Revenues in the school budget are clearly identified by source, including identification of soft revenues not critical to school solvency, and are based upon assumptions directly related to state and federal funding formulas. Expenditures in the school budget include:

- Expenditures which are consistent with NCSA's mission
- Reasonable reflection of prevailing market cost
- Sufficient provision for insurance as required under the Affordable Care Act
- Sufficient provision for reasonably expected legal services
- Special Education excess costs consistent with current experience in Nevada County
- Sufficient expenditures for facilities, pursuant to NCSA's current facilities mortgage payment

NCSA maintains operating reserves at, or more than, the reserve required in its Memorandum of Understanding with NCSOS (5% of expenditures.) *In accordance with Education Code Section 47605.6(h), NCSA's current 2024-2025 Adopted operating budget and related narrative are attached at **Appendix J***

### **Financial Reporting**

NCSA shall provide reports to the County in accordance with Education Code Section 47604.33 as follows, and may provide additional fiscal reports as requested:

1. By July 1, a preliminary budget for the current fiscal year.
2. By July 1, an annual update required pursuant to Education Code Section 47606.5.
3. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of NCSA's annual, independent financial audit report for the preceding fiscal year shall be delivered to the County, State Controller, and the CDE.

4. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
4. By September 15, a final unaudited report for the full prior year. The report submitted to the County shall include an annual statement of all NCSA's receipts and expenditures for the preceding fiscal year.

The Charter School shall provide reporting to the County as required by law as requested by the County including, but not limited to, the following: California Basic Educational Data System ("CBEDS"), actual Average Daily Attendance reports, all financial reports required by Education Code Sections 47604.33 and 47605.6(m), the School Accountability Report Card, and the LCAP. NCSA agrees to and submits the right of the county to make random visits and inspections in order to carry out its statutorily required oversight in accordance with Education Code Sections 47604.32 and 47607.

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

### **Insurance**

NCSA will acquire and finance general liability, workers' compensation, and all other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance and as agreed upon with the County in the memorandum of understanding ("MOU"). Coverage amounts will be based on recommendations provided by the County and NCSA's insurer. The County shall be named as an additional insured on all policies of the Charter School.

### **Oversight Services**

*Governing Law: The manner in which administrative services of the charter school are to be provided. Education Code Section 47605.6(h)*

NCSA will pay the County 1% total LCFF funding for actual costs of supervisorial oversight of NCSA in accordance with Education Code Section 47613.

### **Potential Civil Liability Effects**

*Governing Law: Potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate and upon the county board of education. Education Code Section 47605.6(h)*

NCSA shall be operated as a California nonprofit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d).

Pursuant to Education Code Section 47604(d), an entity that grants a charter to a charter school operated by or as a nonprofit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the charter school if the authority has complied with all oversight responsibilities required by law. NCSA shall work diligently to assist the County in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other County-requested protocol to ensure the County shall not be liable for the operation of NCSA.

Further, NCSA and the County shall enter into a memorandum of understanding, wherein the school shall indemnify the County for the actions of NCSA under this charter.

The bylaws of NCSA shall provide for indemnification of the NCSA's board of directors, officers, agents, and employees, and NCSA will purchase general liability insurance, Board Directors and Officers insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts will be determined by recommendation of the County and NCSA's insurance company for schools of similar size, location, and student population. The County shall be named an additional insured on the general liability insurance of NCSA

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

## OPTIONAL MISCELLANEOUS CLAUSES

*Term* - This charter shall be renewed for a term of seven years, from July 1, 2025 to June 30, 2032. Subsequent renewals of this charter shall be governed by the applicable standards and criteria set forth by Education Code at the time renewal is requested.

*Amendments* - Any amendment to this charter shall be made by the mutual agreement of the charter board and charter-granting agency. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47607 and 47605.6.

*Communications* - All official communications between NCSA and the charter-granting agency will be sent via First Class Mail or other appropriate means to the following address:

Nevada City School of the Arts  
13032 Bitney Springs Rd.  
Nevada City, CA 95959

Nevada County Superintendent of Schools  
380 Crown Point Circle  
Grass Valley, CA 95945

***[Signatures Follow on Next Page.]***

## SIGNATURES

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NCSA Charter School Director

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NCSA Charter Governing Board Chair

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NCSOS Superintendent

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Nevada County Board of Education President