

1 PILLSBURY WINTHROP SHAW PITTMAN LLP  
RICHARD M. SEGAL 156975  
2 NATHANIEL R. SMITH 257615  
KIRSTEN F. GALLACHER 286137  
3 501 WEST BROADWAY, SUITE 1100  
SAN DIEGO, CA 92101-3575  
4 TELEPHONE: 619.234.5000  
FACSIMILE: 619.236.1995  
5 nathaniel.smith@pillsburylaw.com

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**12/06/2016** at 12:39:22 PM  
Clerk of the Superior Court  
By Patrick Gonzaga, Deputy Clerk

6 ACLU FOUNDATION OF SAN DIEGO & IMPERIAL COUNTIES  
DAVID LOY 229235  
7 P.O. BOX 87131  
SAN DIEGO, CA 92138-7131  
8 TELEPHONE: 619.398.4496

9 Attorneys for Petitioner Nicole Velazquez,  
by her guardian ad litem, Mayra Velazquez

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN DIEGO

13 NICOLE VELAZQUEZ, a minor, by  
14 MAYRA VELAZQUEZ, her guardian ad litem,

15 Petitioner,

16 vs.

17 e3 CIVIC HIGH, a public charter school and  
18 California nonprofit public benefit corporation;  
and DOES 1-20,

19 Respondents.

Case No. 37-2016-00043227-CU-MC-CTL

VERIFIED PETITION FOR WRIT OF  
MANDATE (CODE CIV. PROC. § 1085);  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF



1 disclosure of records from e3 as required by its own charter, Petitioner is beneficially interested in  
2 the outcome of these proceedings. Petitioner has a clear, present, and substantial right to the  
3 relief sought herein, and no plan, speedy and adequate remedy at law other than that sought here.

4 6. Petitioner alleges the following on information and belief: Respondent E3 CIVIC  
5 HIGH (“e3”) is a public charter school and California nonprofit public benefit corporation. e3 is  
6 located in downtown San Diego at 395 11th Avenue. The Charter Petition for e3 (formerly  
7 named Downtown Charter High) was submitted to the San Diego Unified School District on  
8 September 15, 2010 and subsequently approved by the District. e3 opened in August of 2013.

9 7. Petitioner is unaware of the true names and capacities of Respondents Does 1  
10 through 20, and sues such Respondents by fictitious names. Petitioner is informed and believes,  
11 and based upon such information alleges, that each of the fictitiously named Respondents is in  
12 some manner responsible for the actions described in this petition. When the true identities and  
13 capacities of these Respondents have been determined, Petitioner will seek leave to amend this  
14 petition to insert such identities and capacities.

### 15 **JURISDICTION AND VENUE**

16 8. This Court has jurisdiction under section 6258 and 6259 of the Government Code,  
17 sections 1085 of the Code of Civil Procedure, and Article VI, section 10 of the California  
18 Constitution.

19 9. Venue is proper in this Court under sections 393 and 395.5 of the Code of Civil  
20 Procedure. e3 is located in the County of San Diego, and the acts and omissions complained of  
21 herein occurred in the County of San Diego. In addition, the records in question, or some portion  
22 of them, are situated in the County of San Diego. *See* Gov’t Code § 6259.

### 23 **FACTUAL BACKGROUND**

#### 24 **e3 Denied Admission to Petitioner**

25 10. e3 previously admitted Petitioner to attend e3 before she transitioned to female,  
26 but Petitioner opted to attend another school at that time. In October 2015, after she transitioned  
27 to female, Petitioner re-applied to e3 as a 10th-grade transfer student.

28 11. As part of the enrollment process, Petitioner was scheduled to meet with Dr. Sheila

1 Krotz, e3's then-Director of Academics. At the time, e3 was at least 70 students under its  
2 enrollment capacity. Dr. Krotz had reviewed Petitioner's transcript in advance of the scheduled  
3 appointment and was prepared to admit her to e3.

4 12. On October 23, 2015, Petitioner and her mother, Mayra Velazquez, arrived for  
5 their scheduled appointment with Dr. Krotz. Dr. Helen Griffith, the Executive Director and Chief  
6 Executive Officer of e3, intervened and co-opted the meeting before Dr. Krotz arrived. After  
7 speaking briefly with Petitioner and her mother, Dr. Griffith denied admission to Petitioner,  
8 claiming there was no space at the school but that Petitioner could be placed on a waiting list. On  
9 information and belief, e3 admitted a student who was not transgender two days after denying  
10 admission to Petitioner.

11 13. On information and belief, on the same day Dr. Griffith intervened and denied  
12 admission to Petitioner, Dr. Krotz e-mailed the President of e3's Board of Directors as follows:

13 HG [Dr. Griffith] just denied enrollment to a student I approved. 10th  
14 grade transfer from High Tech High; excellent grade[s], transgender.

15 Get ready for another lawsuit.

16 14. Section 220 of the California Education Code expressly prohibits discrimination  
17 on the basis of gender, gender identity, or gender expression and specifically applies to charter  
18 schools, such as e3. Educ. Code §§ 235, 47605(d)(1).

19 15. On April 22, 2016, Petitioner, through her attorneys, submitted a Universal  
20 Complaint Form to Mr. Bernie Kulchin, e3's Human Resources Advisor, pursuant to e3's internal  
21 complaint procedures. A copy of the complaint form is attached to this Petition as Exhibit A.

22 16. Also on April 22, 2016, Petitioner, through her attorneys, sent a demand letter to  
23 e3's Board of Directors, explaining in detail Petitioner's claim against e3 for unlawful  
24 discrimination. The letter also requested to meet with e3's Board of Directors and school district  
25 officials responsible for charter oversight, outside Dr. Griffith's presence, to discuss the matter.  
26 A copy of the April 22, 2016 letter to the Board of Directors is attached to this Petition as Exhibit  
27 B.

28 17. Through counsel, e3 responded by letter dated May 26, 2016, claiming it did not

1 discriminate against Petitioner because at the time she applied, “the school was not accepting new  
2 students,” was making “adjustments in staffing levels to account for the decrease in projected  
3 state attendance revenue” and accordingly “adjusted the master schedule, changed teaching  
4 assignments, and reassigned students to different classes to balance class sizes.” The letter  
5 claimed that “[d]uring this period of transition, e3 did not admit any new students and, instead,  
6 placed all applicants on grade-level waiting lists until classes stabilized.” A copy of the May 26,  
7 2016 letter from e3’s counsel is attached to this Petition as Exhibit C.

8 **e3 Ignored Its Mandatory Duty to Disclose Records on Matters It Placed at Issue.**

9 18. e3’s own charter, section 13(f) of the Affirmations and Assurances, states that it  
10 “shall comply with the Public Records Act.” A copy of e3’s Charter Petition is attached to this  
11 Petition as Exhibit D.

12 19. To investigate e3’s claims, on August 22, 2016, Petitioner’s counsel sent a written  
13 request on Petitioner’s behalf to e3’s counsel requesting documents relating to the assertions  
14 made in e3’s letter, noting that e3’s charter obligates it to comply with the CPRA and  
15 acknowledging the school could redact “identifying information for individuals” as necessary to  
16 comply with applicable privacy law. Specifically, the written request included twenty three  
17 categories of documents and other records regarding matters placed at issue in e3’s May 26 letter.  
18 A copy of the written request is attached to this Petition as Exhibit E.

19 20. On August 23, 2016, e3’s counsel responded that she would review the requests,  
20 discuss them with e3, and respond. A copy of the August 23, 2016 response is attached to this  
21 Petition as Exhibit F.

22 21. On September 15, 2016, having received no further response from e3, Petitioner’s  
23 counsel sent a follow-up email requesting that e3 promptly respond to the August 22 records  
24 request. In particular, the email noted that the August 22 request qualifies as a request for public  
25 records under the CPRA. The email also explained that the CPRA, specifically section 6253(c) of  
26 the Government Code, requires a response within 10 days from receipt of the request. A copy of  
27 the September 15 email is attached to this Petition as Exhibit G.

28 22. On October 12, 2016, having received no further response, Petitioner’s counsel

1 sent a demand letter to e3’s counsel, addressing e3’s failure to respond to the August 22 records  
2 request. The letter explained that e3’s own charter explicitly provides that e3 is subject to the  
3 CPRA and that e3’s failure to respond to the public records requests thus violated the CPRA and  
4 e3’s own charter. The letter requested an immediate and complete response to the August 22  
5 public records request. A copy of the October 12, 2016 letter is attached to this Petition as  
6 Exhibit H.

7 23. To date, e3 has failed to produce any documents in response to Petitioner’s public  
8 records request for documents relating to e3’s proffered justification for denying her admission.

9 **FIRST CAUSE OF ACTION**

10 **(Violation of Education Code § 47610 against Respondents**

11 **E3 CIVIC HIGH and DOES 1-10)**

12 24. Petitioner incorporates herein by reference the allegations of paragraphs 1 through  
13 23, as if set forth in full.

14 25. e3’s charter, section 13(f) of the Affirmations and Assurances, states that it “shall  
15 comply with the Public Records Act.”

16 26. Section 47610 of the Education Code provides that “[a] charter school shall  
17 comply with . . . all of the provisions set forth in its charter.” As defined in the Education Code,  
18 “[s]hall’ is mandatory and ‘may’ is permissive.” Educ. Code § 75. Accordingly, section 47610  
19 imposes a mandatory duty on e3 to comply with its own charter, including the obligation to  
20 follow the CPRA, which is enforceable by writ of mandate.

21 27. The CPRA specifies that “upon a request for a copy of records that reasonably  
22 describes an identifiable record or records,” an agency “shall make the records promptly  
23 available” unless the records are “exempt from disclosure by express provisions of law,” and  
24 “[a]ny reasonably segregable portion of a record shall be available for inspection by any person  
25 requesting the record after deletion of the portions that are exempted by law.” Govt. Code  
26 § 6253(a)-(b). The CPRA requires agencies “within 10 days from receipt of the request [to]  
27 determine whether the request, in whole or in part, seeks copies of disclosable public records in  
28 the possession of the agency and shall promptly notify the person making the request of the

1 determination and the reasons therefor,” with at most a 14-day extension due to specified  
2 “unusual circumstances.” Govt. Code § 6253(c). Upon verified petition, if “certain public  
3 records are being improperly withheld from a member of the public, the court shall order the  
4 officer or person charged with withholding the records to disclose the public record or show cause  
5 why he or she should not do so,” and if the court finds the “decision to refuse disclosure is not  
6 justified,” the court shall order disclosure of withheld records. Govt. Code § 6259(a)-(b).

7 28. The CPRA imposes a clear and specific duty to produce requested records that  
8 leaves no room for the exercise of discretion. The CPRA is itself enforceable by “writ of  
9 mandate.” Govt. Code § 6258. Therefore, the CPRA’s requirements, incorporated into e3’s  
10 charter, create a mandatory duty with which e3 must comply pursuant to section 47610 of the  
11 Education Code.

12 29. Although e3 received Petitioner’s written records request on August 22, 2016 and  
13 confirmed receipt on August 23, 2016, e3 has failed to provide any response, in violation of e3’s  
14 own charter and the mandatory duty imposed by section 47610 of the Education Code.

## 15 **SECOND CAUSE OF ACTION**

16 **(Violation of the Public Records Act, Cal. Gov’t Code §§ 6250, *et seq.***

17 **against E3 CIVIC HIGH and DOES 11-20)**

18 30. Petitioner incorporates herein by reference the allegations of paragraphs 1 through  
19 29, as if set forth in full.

20 31. Apart from obligations imposed by the Education Code for a charter school to  
21 comply with its own charter, the CPRA independently covers charter schools.

22 32. Charter schools are part of the public “system of common schools” as stated in  
23 Article IX, section 5 of the California Constitution and part of the “Public School System” as  
24 stated in Article IX, section 6 of the California Constitution and section 47615 of the Education  
25 Code. They are “under the exclusive control of the officers of the public schools.” Calif. Const.  
26 Art. IX, § 8; Educ. Code § 47615(a)(2).

27 33. Charter schools are public schools funded with public money but run by private  
28 individuals or entities rather than traditional public school districts. They are extensively and

1 closely regulated by statute. “From how charter schools come into being, to who attends and who  
2 can teach, to how they are governed and structured, to funding, accountability and evaluation—  
3 the Legislature has plotted all aspects of their existence.” *Wilson v. State Bd. of Educ.*, 75 Cal.  
4 App. 4th 1125, 1135 (1999). They “receive funding comparable to other public schools” under a  
5 system that “guards against the flow of funds to schools outside the system,” for example by  
6 prohibiting “the conversion of private schools to charter schools” and barring “charter schools  
7 from receiving any public funds for any pupil also attending a private school that charges the  
8 family for tuition.” *Id.* at 1138 (citing Educ. Code § 47602(b)). Accordingly, “charter school  
9 officials are officers of public schools to the same extent as members of other boards of education  
10 of public school districts.” *Id.* at 1141.

11 34. On its own accord, the CPRA applies to any “local agency,” which includes “a  
12 county; city, whether general law or chartered; city and county; school district; municipal  
13 corporation; district; political subdivision; or any board, commission or agency thereof; [or] other  
14 local public agency.” Govt. Code § 6252(a). This definition “shall be broadly construed if it  
15 furthers the people's right of access, and narrowly construed if it limits the right of access.” Calif.  
16 Const. Art. I, § 3(b)(2).

17 35. Under a broad definition of “school district” or “other local public agency,” charter  
18 schools are covered by the CPRA independently of any obligations imposed by their own  
19 charters.

20 36. The CPRA specifies that “upon a request for a copy of records that reasonably  
21 describes an identifiable record or records,” an agency “shall make the records promptly  
22 available” unless the records are “exempt from disclosure by express provisions of law,” and  
23 “[a]ny reasonably segregable portion of a record shall be available for inspection by any person  
24 requesting the record after deletion of the portions that are exempted by law.” Govt. Code  
25 § 6253(a)-(b). The CPRA requires agencies “within 10 days from receipt of the request [to]  
26 determine whether the request, in whole or in part, seeks copies of disclosable public records in  
27 the possession of the agency and shall promptly notify the person making the request of the  
28 determination and the reasons therefor,” with at most a 14-day extension due to specified

1 “unusual circumstances.” Govt. Code § 6253(c). Upon verified petition, if “certain public  
2 records are being improperly withheld from a member of the public, the court shall order the  
3 officer or person charged with withholding the records to disclose the public record or show cause  
4 why he or she should not do so,” and if the court finds the “decision to refuse disclosure is not  
5 justified,” the court shall order disclosure of withheld records. Govt. Code § 6259(a)-(b). The  
6 CPRA is enforceable by “writ of mandate.” Govt. Code § 6258.

7 37. Although e3 received Petitioner’s written public records request on August 22,  
8 2016 and confirmed receipt on August 23, 2016, e3 has failed to provide any response, in  
9 violation of the CPRA.

10 **PRAYER FOR RELIEF**

11 Petitioner prays as follows:

12 1. That the Court set times for responsive pleadings and for hearings in these  
13 proceedings, if necessary, “with the objection of securing a decision as to these matters at the  
14 earliest possible time,” as provided by Government Code section 6258;

15 2. That the Court issue a writ of mandate pursuant to Code of Civil Procedure section  
16 1085 directing e3 to comply with e3’s charter provision requiring compliance with the CPRA  
17 pursuant to the mandatory duty imposed by Education Code section 47610;

18 3. That the Court issue a writ of mandate pursuant to Government Code section 6258  
19 compelling e3 to comply with the CPRA;

20 4. That the Court order e3 to disclose all requested records or show cause why it  
21 should not do so, and if necessary, following review of withheld records in camera and briefing  
22 and argument, order e3 to disclose any records it continues to withhold wrongfully;

23 5. That the Court issue a declaration that e3 violated the CPRA and its own charter  
24 by failing to make the requested records available to Petitioner;

25 6. That the Court award Petitioner costs and attorneys’ fees incurred in this action  
26 pursuant to, *inter alia*, Government Code section 6259, Civil Procedure Code sections 1021.5,  
27 1032 and 1033.5, and any other applicable statute or law;

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- 7. That the Court order appropriate declaratory and injunctive relief; and
- 8. For such other and further relief as the Court deems just and proper.

Dated: December 6, 2016

PILLSBURY WINTHROP SHAW PITTMAN LLP  
RICHARD M. SEGAL  
NATHANIEL R. SMITH  
KIRSTEN F. GALLACHER

ACLU FOUNDATION OF SAN DIEGO &  
IMPERIAL COUNTIES  
DAVID LOY

By:   
Nathaniel R. Smith

Attorneys for Petitioner Nicole Velazquez, a minor,  
through Mayra Velazquez, her guardian ad litem



**PETITION/COMPLAINT**

# **EXHIBIT A**

## Universal Complaint Form for Discrimination/Harassment Complaint Reporting Form

The e<sup>3</sup> Civic High Governing Board recognizes that the school is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The appropriate school representative shall address complaints alleging unlawful discriminations, harassment, intimidation and bullying, etc., against any protected group and shall seek to resolve those complaints in accordance with the school's uniform complaint procedures. (5 CCR 4620) Protected groups are enumerated by Education Code 200 and 220. Additionally, it is the policy of the State of California, pursuant to Section 200, that all individuals shall enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC 231.5).

e<sup>3</sup> Human Resources Advisor: Mr. Bernie Kulchin  
Human Resources Advisor  
e<sup>3</sup> Civic High  
P.O. Box 120391  
San Diego, CA 92112

[bkulchi1@san.rr.com](mailto:bkulchi1@san.rr.com)  
(858) 675-7042 main  
(619) 602-0251 mobile

### Complete the form below in its entirety

#### I. Contact Information

Name: Nathaniel R. Smith, Esq. / Pillsbury Winthrop Shaw Pittman LLP

Address: 501 W. Broadway, Suite 1100

City: San Diego

Zip: 92101

Home Phone: (619) 544-3210 (direct)

Work or Cell Phone: (619) 234-5000 (main)

#### II. Complainant

You are filing this complaint on behalf of:

Yourself

Your Child

Student

Group

Name:

Name: Nicole Velazquez

Name:

#### III. School Information

School Name: e3 Civic High School

Principal's Name: Dr. Helen Griffith (Executive Director)

Address: 395 11th Ave, 6th Floor

City/Zip: San Diego, CA 92101

**IV. Basis of Complaint:**

Please check the following box(s), based on the type(s) of discrimination, harassment, intimidation and bullying you experienced. (Education Code 200 and 220)

- Sexual orientation
- Gender
- Ethnicity
- Race
- Race
- National origin
- Religion
- Color
  
- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)
- Other: Gender identity, Gender expression

**V. Details of Complaint:**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please describe the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

**Nicole Velazquez is a fifteen-year old transgender student who identifies as female. e3 admitted Nicole before her transition, but she opted to attend another school at that time. In October 2015, after her transition, Nicole re-applied to e3 as a 10th-grade transfer. As part of the enrollment process, Nicole was scheduled to meet with Dr. Sheila Krotz, e3's Director of Academics. At the time, e3 was at least 70 students under its enrollment capacity. Dr. Krotz had reviewed Nicole's transcript in advance of the scheduled appointment and was prepared to admit her to e3.**

**On October 22, 2015, Nicole and her mother, Mayra, arrived for their scheduled appointment with Dr. Krotz.**

**Dr. Griffith intervened and co-opted the meeting before Dr. Krotz arrived. After speaking briefly with Nicole and Mayra, Dr. Griffith denied admission to Nicole, claiming there was no space at the school but that Nicole could be placed on a waiting list.**

**Dr. Griffith's assertion was false. e3 was below its enrollment capacity, and there was no waiting list. Two days after denying admission to Nicole, e3 admitted a student who was not transgender.**

List the individuals involved in the incident(s) complaint of:

**Dr. Helen Griffith**

List any witnesses to the incident(s):

**Nicole Velazquez, Mayra Velazquez, Dr. Sheila Krotz**

Describe the location where the incident(s) occurred:

**e3 Civic High School**

Please list the date(s) and time(s) when the incident(s) occurred or when the alleged acts first came to your attention:

**October 22, 2015**

What steps, if any, have you taken to resolve this issue before filing a complaint?

**Mayra Velazquez called Mel Katz, Chairman of the Board of Directors of e3, within a few days of the incident.**

Signature of person filing complaint:  Nathaniel R. Smith Pillsbury Winthrop Shaw Pittman LLP	Date: April 22, 2016
Received by:	Date filed: April 22, 2016 (via email to bkulchi1@san.rr.com)
Title:	

The Universal Complaint filing process is as follows:

1. Complete Form.
2. Submit electronically or via US Mail to the Executive Director and/or the Human Resources Advisor. Address and contact information located on Page 1 of this form.
3. Meet with the Executive Director and/or the Human Resources Advisor.
4. Resolution Plan is determined.

**PETITION/COMPLAINT**

**EXHIBIT B**



Pillsbury Winthrop Shaw Pittman LLP  
501 West Broadway, Suite 1100 | San Diego, CA 92101-3575 | tel 619.234.5000 | fax 619.236.1995

Richard M. Segal  
tel: 619.544.3203  
richard.segal@pillsburylaw.com

April 22, 2016

**VIA ELECTRONIC & FIRST CLASS MAIL**

Board of Directors  
e<sup>3</sup> Civic High  
395 11th Avenue, 6th Floor  
San Diego, CA 92101  
*Email Recipients Listed Below*

Re: *Nicole Velazquez v. e<sup>3</sup> Civic High School*  
Violation of Cal. Educ. Code § 220;  
Complaint pursuant to 5 Cal. Code Regs. § 4630(b)

Dear Directors:

This Firm and the ACLU Foundation of San Diego & Imperial Counties (“ACLU-SDIC”) represent Nicole Velazquez, a transgender student discriminated against by e<sup>3</sup> Civic High School (“e<sup>3</sup>”). In October 2015, Dr. Helen Griffith, in her capacity as Executive Director of e<sup>3</sup>, unlawfully denied Ms. Velazquez admission to e<sup>3</sup> based on gender, gender identity, or gender expression, in clear violation of California law. Though we are prepared to litigate if necessary, we are writing to seek an appropriate resolution without litigation if possible. We would like to meet with e<sup>3</sup>’s Board of Directors and school district officials responsible for charter school oversight—outside Dr. Griffith’s presence—to discuss potential resolution of this matter.

Ms. Velazquez is a fifteen-year old transgender student who identifies as female. e<sup>3</sup> admitted Ms. Velazquez before her transition, but she opted to attend another school (High Tech High) at that time. In October 2015, after her transition, Ms. Velazquez re-applied to e<sup>3</sup> as a 10th-grade transfer. As part of the enrollment process, Ms. Velazquez was scheduled to meet with Dr. Sheila Krotz, e<sup>3</sup>’s Director of Academics. At the time, e<sup>3</sup> was at least 70 students under its enrollment capacity. Dr. Krotz had reviewed Ms. Velazquez’s transcript in advance of the scheduled appointment and was prepared to admit her to e<sup>3</sup>.

On October 22, 2015, Ms. Velazquez and her mother arrived for their scheduled appointment with Dr. Krotz. Dr. Griffith intervened and co-opted the meeting before Dr. Krotz arrived. After speaking briefly with Ms. Velazquez and her mother,



Board of Directors  
e3 Civic High  
April 22, 2016  
Page 2

Dr. Griffith denied admission to Ms. Velazquez, claiming there was no space at the school but that Ms. Velazquez could be placed on a waiting list.

Dr. Griffith's assertion was false. e3 was below its enrollment capacity, and there was no waiting list. Two days after denying admission to Ms. Velazquez, e3 admitted a student who was not transgender. Ms. Velazquez and Dr. Krotz both notified you of Dr. Griffith's unlawful action. As Dr. Krotz succinctly put it:

HG [Dr. Griffith] just denied enrollment to a student I approved.  
10th grade transfer from High Tech High; excellent grade[s],  
transgender. [¶] Get ready for another lawsuit.

Any subsequent attempt by Dr. Griffith to invite Ms. Velazquez to apply to, visit, or attend e3 did not cure or correct the unlawful discrimination, which sent a clear message that Ms. Velazquez was unwelcome at e3.

As you know, this is not the first incident of anti-LGBT discrimination by Dr. Griffith. In November 2014, Dr. Griffith interfered with the establishment and operation of Spectrum, a gay-straight alliance student club, taking actions that showed hostility and bias to LGBT students. In response, the ACLU-SDIC sent Dr. Griffith a letter detailing those actions and noting that they violated state and federal law. After Spectrum was established, Dr. Griffith continued to interfere with Spectrum's operations and the speech of students associated with Spectrum, necessitating a second letter from the ACLU-SDIC to Dr. Griffith. Copies of the ACLU-SDIC's letters are enclosed.

By denying Ms. Velazquez admission to e3 because she is transgender, e3 (through Dr. Griffith) unlawfully discriminated against her in violation of section 220 of the California Education Code. Section 220 expressly prohibits discrimination on the basis of gender, gender identity, or gender expression and specifically applies to charter schools like e3. Educ. Code §§ 235, 47605(d)(1). Dr. Griffith denied admission even though Ms. Velazquez was qualified, as evidenced by the fact that Dr. Krotz reviewed her transcripts, which Dr. Krotz described as excellent, and planned to admit her to e3.<sup>1</sup> Dr. Griffith claimed there was no space at the school for Ms. Velazquez, but e3 was in fact under its enrollment capacity and admitted a non-

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<sup>1</sup> In any event, "[a] charter school shall admit all pupils who wish to attend the school," subject to lottery when applications exceed capacity, which is not the case here. Educ. Code § 47605(d)(2)(A).



Board of Directors  
e<sup>3</sup> Civic High  
April 22, 2016  
Page 3

transgender student only two business days later. Further, e3 had admitted Ms. Velazquez before her transition.

These facts establish a claim for unlawful discrimination under Education Code section 220, which we are prepared to pursue if the matter cannot be resolved without the need for litigation. In an effort to resolve this matter without the need to take these steps, we request to meet with e3's Board of Directors and appropriate school district officials—outside of Dr. Griffith's presence. We further request that the Board initiate an immediate investigation of Dr. Griffith's unlawful discrimination against Ms. Velazquez and other transgender students pursuant to Title 5, section 4630(b) of the California Code of Regulations.

Without conceding that any exhaustion of administrative remedies is required, we are submitting concurrently with this letter a Universal Complaint Form to Bernie Kulchin, e3's Human Resources Advisor, pursuant to e3's internal complaint procedures. A copy of that complaint is enclosed.

Thank you for your prompt attention to this serious matter. We await your response.

Very truly yours,

Richard M. Segal

Enclosures

cc: David Loy, ACLU Foundation of San Diego & Imperial Counties (*via email*, [davidloy@aclusandiego.org](mailto:davidloy@aclusandiego.org))

*Email Recipient List:*

Mel Katz, Chairman	<a href="mailto:melkatz@manpower-sd.com">melkatz@manpower-sd.com</a>
Laura Andrews	<a href="mailto:landrews@mhasd.org">landrews@mhasd.org</a>
Dr. Joyce Gattas	<a href="mailto:Joyce.Gattas@sdsu.edu">Joyce.Gattas@sdsu.edu</a>
Steve Hawksworth	<a href="mailto:shawkesworth@supportmylibrary.org">shawkesworth@supportmylibrary.org</a>
Ginny Merrifield	<a href="mailto:gmerrifield@connect.org">gmerrifield@connect.org</a>
Alberto Ochoa	<a href="mailto:aochoa@mail.sdsu.edu">aochoa@mail.sdsu.edu</a>
Veronica Ortega-Welch	<a href="mailto:vwelch@sdccd.edu">vwelch@sdccd.edu</a>
Rebecca Smith	<a href="mailto:rebeccasmith@pointloma.edu">rebeccasmith@pointloma.edu</a>
Matthew Spathas	<a href="mailto:mspathas@sentre.com">mspathas@sentre.com</a>



PO Box 87131  
San Diego, CA 92138-7131  
T/ 619-232-2121  
F/ 619-232-0036  
www.aclusandiego.org

**VIA ELECTRONIC & FIRST CLASS MAIL**

December 3, 2014

Dr. Helen V. Griffith  
Executive Director  
e<sup>3</sup> Civic High  
395 11th Avenue, 6th Floor  
San Diego, CA 92101

Re: Spectrum student club

Dear Dr. Griffith:

I am writing to explain the rights of students in public high schools, charter or otherwise, to form a Gay Straight Alliance (GSA) and to discuss topics related to sexual orientation and gender identity. Based on the facts as I understand them, e<sup>3</sup> Civic High, acting through you as its executive director, has unlawfully interfered with the establishment and operation of a GSA and the discussion of topics related to sexual orientation and gender identity. Unless you immediately cease the unlawful interference and censorship, e<sup>3</sup> Civic High may face litigation that would expose the school to a judgment for damages and/or injunctive relief as well as payment of significant attorneys' fees.

**Facts**

I understand e<sup>3</sup> Civic High has allowed the formation of extracurricular student clubs on various topics, including E.D.U/ECNAD (history through dance), e<sup>3</sup> Giving Back Club (community projects), Youth Action Film Project (social change through video and photography), Key Club (community service and leadership), E3 Steppers (step dance, diversity and unity, school pride), and Ultimate History/Mythology (world history).

To establish a GSA called Spectrum, two students followed the school's requirement to submit a written proposal. They described Spectrum as "a safe space for open discussion and education beyond classroom walls ... to educate and offer support to all students struggling or interested in learning more about gender identity, sexual orientation, and/or self confidence." The students proposed activities such as "planned speakers, awareness weeks, panel discussions, community outreach, in school education [and] fund-raisers." They listed Spectrum under the category of "Community Service/Leadership" and characterized it as a GSA. They obtained the required 15 student signatures and a faculty sponsor.

As further explained in an email to you, Spectrum's objectives are to "educate students in ways they can become involved in community events in San Diego for LGBT youth," to "offer resources for further support and information regarding gender identity, orientation, and other concerns of students," and to "invite respected members of the LGBT community, preferably from the downtown area, to speak to our group on various topics of interest to students."

After initial positive responses from school staff, the founders learned on November 11, 2014, that you would not allow Spectrum to participate in the school club fair scheduled for the next day. As one of the founders emailed you on November 11, "I'd like to know and respond to your concern ... before the 'Club Fair' as I feel I have an equal right to participate in it just like the other club founders."

I understand the founders met with you on November 12, 2014. In that meeting, you told them that any discussion of sexual orientation or gender identity would require the presence of a counselor and permission slips from the students' parents. You also told them that a proposed flyer for Spectrum could not contain the words "sexual orientation" or "gender identity."

On the following Monday, November 17, 2014, the founders learned that Spectrum would not be allowed to hold its scheduled meeting. Instead, they were allowed only to pass out refreshments and say hello, after which the meeting had to end. The club was finally allowed to hold its first meeting on December 1, 2014, but I understand you required a counselor to attend the meeting and all future meetings to "deal with anyone who comes in feeling suicidal or needs counseling," as you put it to Spectrum's founders. No other student club is required to have a counselor present during its meetings.

I also understand you made several comments to the founders, including stating your agreement with parents who disparaged Spectrum as a "hook-up club," asserting that discussing sexual orientation or gender identity "is not in the mission statement of our school," claiming that the terms "safe space" and "open discussion" raised red flags in your eyes, and contending that discussion of sexual orientation is the same as discussion of sexual acts.

In contrast to your apparent opposition to Spectrum, the United States Secretary of Education strongly supports the establishment of GSAs:

Gay-straight alliances (GSAs) and similar student-initiated groups addressing LGBT issues can play an important role in promoting safer schools and creating more welcoming learning environments. Nationwide, students are forming these groups in part to combat bullying and harassment of LGBT students and to promote understanding and respect in the school community. Although the efforts of these groups focus primarily on the needs of LGBT students, students who have LGBT family members and friends, and students who are perceived to be LGBT, messages of respect, tolerance, and inclusion benefit all our students. By encouraging dialogue and providing supportive resources, these groups can help make schools safe and affirming environments for everyone.

Secretary Arne Duncan, *Letter to Colleagues* (June 14, 2011).<sup>1</sup>

### **Legal Analysis**

On the facts stated above, you have discriminated against Spectrum by refusing to allow it to participate in the club fair, preventing it from holding its first meeting, and imposing conditions to which no other club is subjected. You have also interfered with students' right to freedom of speech by censoring the content of a flyer and circumscribing topics for discussion. In discriminating against Spectrum and censoring student expression, you have violated federal and/or state law.

#### **1. Spectrum Is Entitled to the Same Access, Rights, and Treatment as any Other Student Club.**

California law provides, in relevant part, that "[n]o person in the State of California shall, on the basis of ... sexual orientation ... be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that ... is funded directly by the state, or receives any financial assistance from the state." Govt. Code § 11135.

With respect to education in particular, "No person shall be subjected to discrimination on the basis of ... gender identity, gender expression ... [or] 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 in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance." Educ. Code § 220. A charter school such as e<sup>3</sup> Civic High

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<sup>1</sup> <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>.

necessarily receives or benefits from state financial assistance. *See, e.g.*, Educ. Code §§ 47631, 47651. The prohibition contained in section 220 covers discrimination based on “[a]ssociation with a person or group with one or more of these actual or perceived characteristics.” Penal Code § 422.55(a)(7). It therefore prohibits discrimination against LGBT students as well as those who associate with them.

Pursuant to authority conferred by Government Code § 11138 and Education Code § 221.1 to issue regulations implementing sections 11135 and 220, respectively, the California Department of Education has mandated, “Student clubs shall have equal access to facilities of the educational institution to conduct a meeting and a fair opportunity to meet within the limited open forum of the educational institution, if the educational institution has a limited open forum.” 5 Cal. Code Regs. § 4927.<sup>2</sup>

The regulation parallels the federal Equal Access Act, which requires federally funded public schools to treat a GSA the same as other non-curricular clubs. The Act provides, “It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.” 20 U.S.C. § 4071(a). A “limited open forum” exists whenever a “school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.” 20 U.S.C. § 4071(b).

In other words, the Equal Access Act provides that if a covered school allows some student groups to meet on school grounds, as yours does, it must allow other student groups the same access on the same terms. As a result, covered schools may not pick and choose among non-curricular clubs based on what they think students should or should not discuss.

By using language similar to the Equal Access Act, section 4927 applies the same principle to any California school that receives or benefits from state financial assistance. Due to the similarity between the Equal Access Act and section 4927, cases interpreting the Equal Access Act apply to section 4927. *Cf. Guz v. Bechtel Nat’l. Inc.*, 24 Cal.4th 317, 354 (2000) (“Because of the similarity between state and federal employment discrimination laws, California courts look to pertinent federal precedent when applying our own statutes.”). Accordingly, e<sup>3</sup> Civic High is subject to

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<sup>2</sup> This regulation “may be enforced by a civil action for equitable relief, which shall be independent of any other rights and remedies.” Govt. Code § 11139.

the principles of the Equal Access Act, as manifested in section 4927, regardless of whether it receives federal funds.<sup>3</sup>

Numerous courts have recognized that the Equal Access Act applies to GSAs. See, e.g., *Colin ex rel. Colin v. Orange Unified Sch. Dist.*, 83 F. Supp. 2d 1135 (C.D. Cal. 2000).<sup>4</sup> The Secretary of Education agrees that the Act's "protections apply to groups that address issues relating to LGBT students and matters involving sexual orientation and gender identity." Duncan Letter to Colleagues, *supra*.

Given that e<sup>3</sup> Civic High has opened its doors to other non-curricular clubs, it must allow the establishment and operation of Spectrum on the same terms as any other club. The school must ensure Spectrum enjoys "equal access to available avenues of communication as provided to other noncurriculum related groups." *Straights & Gays for Equality v. Osseo Area Sch.-Dist. No. 279*, 540 F.3d 911, 914 (8th Cir. 2008). That means Spectrum must be allowed to advertise and hold meetings in the same way and on the same terms as any other student club. In particular, you may not require Spectrum to have a counselor present at its meetings when no other club is required to do so.<sup>5</sup>

It is no answer to suggest that Spectrum can be treated differently from other clubs because of hypothetical disruption arising from its subject matter. San Diego is a diverse community that is generally open and accepting with respect to sexual orientation and gender identity. For example, several elected officials from San Diego are openly gay or lesbian, including the City Council President, the San Diego Unified School Board President, the San Diego County District Attorney, and the Speaker of the Assembly. As a result, discussion of "homophobia and acceptance of all students regardless of sexual orientation" is unlikely lead to "major disruption to the education of students." *Colin*, 83 F. Supp. 2d at 1146. To the extent problems

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<sup>3</sup> The school may in fact receive federal funds for special education services under the Individuals with Disabilities Education Act, if not other sources. According to its charter petition, e<sup>3</sup> Civic High is "a public school of the District for purposes of Special Education." As a result, it "shall participate in state and federal funding for special education in the same manner as any other public school." Educ. Code § 47646(a).

<sup>4</sup> See also *Straights & Gays for Equality v. Osseo Area Sch.-Dist. No. 279*, 540 F.3d 911 (8th Cir. 2008); *Gay-Straight Alliance of Yulee High Sch. v. Sch. Bd. of Nassau Cnty.*, 602 F. Supp. 2d 1233 (M.D. Fla. 2009); *Gonzalez v. Sch. Bd. of Okeechobee Cnty.*, 571 F. Supp. 2d 1257 (S.D. Fla. 2008); *White Cnty. High Sch. Peers Rising in Diverse Educ. v. White Cnty. Sch. Dist.*, No. 2:06-CV-29-WCO, 2006 WL 1991990 (N.D. Ga. July 14, 2006); *Boyd Cnty. High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd Cnty.*, 258 F. Supp. 2d 667 (E.D. Ky. 2003); *Franklin Cent. Gay/Straight Alliance v. Franklin Twp. Cmty. Sch. Corp.*, No. IPO1-1518 C-M/S, 2002 WL 32097530 (S.D. Ind. Aug. 30, 2002); *East High Gay/Straight Alliance v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 81 F. Supp. 2d 1166 (D. Utah 1999).

<sup>5</sup> In the event that a student might be "feeling suicidal or needs counseling," as you stated, those concerns are properly addressed on an individual basis without singling out Spectrum for unequal treatment.

might arise, Spectrum “is actually being formed to avoid the disruptions to education that can take place when students are harassed based on sexual orientation.” *Id.* Accordingly, Spectrum’s mission to create “a safe space for open discussion and education beyond classroom walls ... about gender identity, sexual orientation, and/or self confidence” should be encouraged, not repressed.

In the unlikely event that Spectrum might cause “community controversy,” then the community members are the ones causing the problem—not the GSA itself—and the controversy is no excuse for violating equal access principles. *See White Cnty. High Sch. Peers Rising in Diverse Educ. v. White Cnty. Sch. Dist.*, No. 2:06-CV-29-WCO, 2006 WL 1991990 (N.D. Ga. July 14, 2006). In fact, a court in Kentucky ruled that even “protests” and “public uproar” surrounding a high school GSA could not justify restricting students’ right to participate in the club, because there were no instances of disruption caused by the GSA members or their supporters. *Boyd Cnty. High Sch. Gay Straight Alliance v. Bd. of Educ. of Boyd Cnty., Ky.*, 258 F. Supp. 2d 667, 691 (E.D. Ky. 2003).

Nor is there any basis to require parental permission to participate in Spectrum. “When other gay-straight alliance clubs in California meet ... their existence does not trigger the parental notification requirements of the Education Code,” much less any requirement for parental permission. *Colin*, 83 F. Supp. 2d at 1150; *cf.* Educ. Code § 51932(b) (chapter including provisions for parental notice and opt-out from sex education and HIV prevention education “does not apply to instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions”). As a result, e<sup>3</sup> Civic High is in violation of the Equal Access Act and/or its state counterpart by refusing to allow Spectrum to operate in the same way as any other student club.

## **2. Charter School Students Have the Legal Right to Discuss Topics Related to Sexual Orientation and Gender Identity.**

In addition to equal access principles, California law independently guarantees the rights of students to discuss sexual orientation and gender identity, in writing or in person. “Pupils of the public schools, *including charter schools*, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities....” Educ. Code § 48907(a) (emphasis added). California adopted section 48907 to provide broader protection for student speech than federal law guarantees. *Smith v. Novato Unified Sch. Dist.*, 150 Cal.App.4th 1439, 1452 (2007).

This broad protection for student speech contains only two exceptions: (a) expression ... which is obscene, libelous, or slanderous,” and (b) “material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.” Educ. Code § 48907(a). Neither exception applies in this case.

First, it should go without saying that discussion of sexual orientation or gender identity is not obscene, libelous, or slanderous. Even under the First Amendment, which protects student speech less stringently than section 48907, “students in public schools have the right to freedom of speech and expression. This is a broad right that would encompass the right of a high school student to express his sexuality.” *Henkle v. Gregory*, 150 F. Supp. 2d 1067, 1076 (D. Nev. 2001) (citation omitted). Under the First Amendment, and therefore necessarily under section 48907, a school may not “eliminate all student speech touching on sex or merely having the potential to offend.” *B.H. ex rel. Hawk v. Easton Area Sch. Dist.*, 725 F.3d 293, 318 (3d Cir. 2013), *cert. denied*, 134 S. Ct. 1515 (2014).

Indeed, if “I ♥ boobies! (KEEP A BREAST)’ bracelets are not plainly lewd” for First Amendment purposes, *id.* at 320, then clearly Spectrum’s topics are not “obscene” under section 48907. *Cf. Gay-Straight Alliance of Okeechobee High Sch. v. Sch. Bd.*, 483 F. Supp. 2d 1224, 1229 (S.D. Fl. 2007) (rejecting school district’s assumption that a GSA is a “sex-based” club, where club had purpose of promoting tolerance and providing a safe environment and district’s unsupported claim that club would be involved in “accessing or sharing with other students obscene or explicit sexual material” was unwarranted “assumption or conclusion derived from the name of the club”).

Second, nothing in Spectrum’s flyer or topics “incites disruption, either because it specifically calls for a disturbance or because the manner of expression (as opposed to the content of the ideas) is so inflammatory that the speech itself provokes the disturbance.” *Smith*, 150 Cal.App.4th at 1457. Spectrum’s flyer and topics are entirely appropriate and largely accepted in San Diego’s diverse community. Assuming Spectrum’s discussion topics might somehow be controversial, “the plain language of section 48907 mandates that a school may not prohibit student speech simply because it presents controversial ideas,” even if “opponents of the speech are likely to cause disruption.” *Id.*

Indeed, if section 48907 protects an immature editorial about immigration written “in a disrespectful and unsophisticated manner,” *id.* at 1458, it clearly protects the right to discuss topics such as sexual orientation and gender identity.<sup>6</sup>

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<sup>6</sup> There is no foundation for any assertion that civil discussion of such topics might “breed an environment of pervasive and severe harassment.” *B.H.*, 725 F.3d at 323; *cf. Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204*, 523 F.3d 668, 676 (7th Cir. 2008) (prohibiting censorship of student

A school cannot allow reactions to speech—by school officials or students—to silence the right of students to communicate their views. *Id.*; cf. *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1271-72 (11th Cir. 2004) (“[S]tudent expression may not be suppressed simply because it gives rise to some slight, easily overlooked disruption, including but not limited to a showing of mild curiosity by other students, discussion and comment among students, or even some hostile remarks or discussion outside of the classrooms by other students.”) (citations and quotation marks omitted).

Therefore, even assuming Spectrum’s discussions might include views to which students might object, e<sup>3</sup> Civic High may not prohibit the group from discussing—in flyers or in person—topics such as sexual orientation and gender identity. As one court noted several years ago, “political speech involving a controversial topic such as homosexuality” may “spur some debate, argument, and conflict. Indeed, the issue of equal rights for citizens who are homosexual is presently a topic of fervent discussion and debate within the courts, Congress, and the legislatures of the States .... The nation’s high school students, some of whom are of voting age, should not be foreclosed from that national dialogue.” *Gillman v. School Bd. for Holmes County*, 567 F. Supp. 2d 1359, 1362-63, 1374 (N.D. Fla. 2008) (striking down school’s ban on displaying “rainbows, pink triangles, and the following slogans: ‘Equal, Not Special Rights,’ ‘Gay? Fine By Me,’ ‘Gay Pride’ or ‘GP,’ ‘I Support My Gay Friends,’ ‘I Support Gays,’ ‘God Loves Me Just the Way I Am,’ ‘I’m Straight, But I Vote Pro-Gay,’ ‘I Support Equal Marriage Rights,’ ‘Pro-Gay Marriage,’ ‘Sexual Orientation is Not a Choice. Religion, However, Is’”). Again, it is questionable whether the topics of sexual orientation and gender identity are controversial at all, but even if they are, e<sup>3</sup> Civic High may not prohibit their discussion.

### Conclusion

I understand you may personally oppose the mission and viewpoint of a club such as Spectrum. As a private individual, you retain the right to hold and express that position. But in your capacity as executive director of a charter school, you may not take action in violation of state and federal law protecting equal access for student clubs and upholding freedom of speech for students. Though you may be “uncomfortable about students discussing sexual orientation and how all students need to accept each other, whether gay or straight,” you may not “censor the students’ speech to avoid discussions on campus that cause [you] discomfort.” *Colin*, 83 F. Supp. 2d at 1148. As explained in legal guidance accompanying Secretary Duncan’s letter, you may not discriminate against Spectrum based on “general moral disapproval” of the club or its subject matter. U.S. Department of Education, *Legal*

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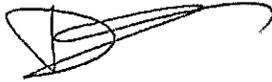
speech because “it is highly speculative that allowing the plaintiff to wear a T-shirt that says ‘Be Happy, Not Gay’ would have even a slight tendency to provoke such incidents [of harassment of gay students], or for that matter to poison the educational atmosphere”).

Dr. Helen V. Griffith  
December 3, 2014  
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*Guidelines Regarding the Equal Access Act and the Recognition of Student-Led Noncurricular Groups, 4 (June 14, 2011).<sup>7</sup>*

Please ensure immediately that Spectrum may operate on the same terms as any other student club, without unlawful discrimination or restriction on the rights of students to discuss sexual orientation and gender identity. Failure to do so may expose e<sup>3</sup> Civic High to a judgment for damages and/or injunctive relief as well as substantial attorneys' fees. Please let me know if you have any questions.

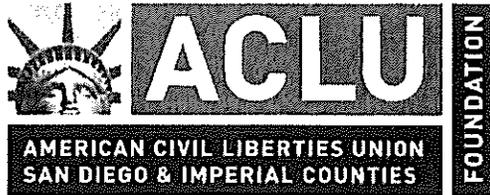
Sincerely,

A handwritten signature in black ink, appearing to read "David Loy", with a long, sweeping flourish extending to the right.

David Loy  
Legal Director

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<sup>7</sup> <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>.



PO Box 87131  
San Diego, CA 92138-7131  
T/ 619-232-2121  
F/ 619-232-0036  
www.aclusandiego.org

**VIA ELECTRONIC & FIRST CLASS MAIL**

March 3, 2015

Dr. Helen V. Griffith  
Executive Director  
e<sup>3</sup> Civic High  
395 11th Avenue, 6th Floor  
San Diego, CA 92101

Re: Discrimination against Spectrum and students

Dear Dr. Griffith:

I am writing to follow up on my letter of last December. Unfortunately, based on the facts as I understand them, you have continued to interfere with Spectrum's operations and the speech of students associated with it. In addition, I understand you have unlawfully discriminated against LGBTQ students and frustrated efforts to schedule professional development on the needs of LGBTQ students. Unless the facts are materially different from my understanding, they reflect an intolerable disregard for your school's legal duties to refrain from discrimination and prevent unlawful bias.

**Facts**

I understand the following problems have arisen since I last wrote to you. First, I understand you obstructed Spectrum's plans to raise funds by selling "Validation Grams" near Valentine's Day and required the club to change the wording of one of those cards from "I choo choo choose you" to "I choo choo choose you as a role model," though at least one other club was permitted to engage in fundraising related to Valentine's Day without interference.<sup>1</sup> Second, I understand

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<sup>1</sup> The validation gram apparently referred to this unobjectionable moment in The Simpsons: <http://www.simpsonsworld.com/video/316033603748>.

you singled out two female students for showing affection and required them to meet you in your office, while you ignored male-female couples who also showed affection. Third, I understand you have refused to schedule professional development to discuss research, statistics, needs, and curriculum development for LGBTQ students, which UCSD's Gender Studies program is willing to provide free of charge, including free instructional materials.

### **Legal Analysis**

#### **1. You have unlawfully interfered with student speech.**

By requiring Spectrum students to change the content of their "validation gram," you violated controlling law that protects student speech. In the interest of brevity, I will not repeat the analysis of Education Code section 48907 provided in my last letter, except to note again that section 48907 expressly applies to charter schools. For the reasons explained in that letter, your censorship of the validation gram violated section 48907, because the validation gram did not remotely qualify for either exception to the statute, (a) "expression ... which is obscene, libelous, or slanderous," and (b) "material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school." Educ. Code § 48907(a).

#### **2. You have unlawfully discriminated against students based on sexual orientation.**

By interfering with Spectrum's ability to engage in fundraising but not that of other clubs, and by singling out the female students, you have engaged in unlawful discrimination against students based on sexual orientation.

As explained in my last letter, "[n]o person shall be subjected to discrimination on the basis of ... gender identity, gender expression ... [or] sexual orientation ... in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance."<sup>2</sup> Educ. Code § 220. Charter schools are expressly prohibiting from engaging in any discrimination that violates section 220. Educ. Code § 235. Your actions against Spectrum and the female students violate these statutes.

In addition, you may have violated the federal Equal Access Act, 20 U.S.C. § 4071(a), and/or its state counterpart, 5 Cal. Code Regs. § 4927, by discriminating

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<sup>2</sup> The terms gender identity, gender expression, and sexual orientation include "a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics." Educ. Code § 210.2.

against Spectrum in its fundraising activities. *See Straights & Gays for Equality v. Osseo Area Sch.-Dist. No. 279*, 540 F.3d 911, 914 (8th Cir. 2008) (public school must ensure GSA enjoys “equal access to available avenues of communication as provided to other noncurriculum related groups”).

**3. You have frustrated efforts to comply with SB 48 and obstructed appropriate professional development.**

According to SB 48, which became effective January 1, 2012, “[i]nstruction in social sciences shall include ... a study of the role and contributions of ... lesbian, gay, bisexual, and transgender Americans ... to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.” Educ. Code § 51204.5. You have obstructed efforts to comply with that mandate by preventing the discussion and review of instructional materials that UCSD is willing to provide free of charge. You have also prevented your faculty from engaging in professional development that is necessary to comply with the “affirmative obligation to combat racism, sexism, and other forms of bias” and “prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate” in California. Educ. Code § 201.

**4. You may not retaliate against students or staff who might raise these concerns.**

As discussed above, section 48907 protects the right of charter school students to exercise freedom of speech, including but not limited to the right to raise concerns about the conduct of school officials. The statute also prohibits retaliation against school employees “for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.” Educ. Code § 48907(g).

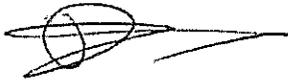
More generally, an employer “shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency [or] to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance ... if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.” Labor Code § 1102.5(b).

In short, an employer may not retaliate against an employee for speaking up about violations of laws such as the statutes protecting student speech and prohibiting discrimination against students based on sexual orientation. *See, e.g., Hager v. County of Los Angeles*, 228 Cal.App.4th 1538, 1548 (2014), *review denied* (Nov. 25, 2014) (“Section 1102.5(b) protects an employee from retaliation by his employer for making a good faith disclosure of a violation of federal or state law.”). Moreover, “[v]iolations of California Labor Code § 1102.5 can support a common law cause of action for wrongful termination in violation of public policy.” *Ferretti v. Pfizer Inc.*, 855 F. Supp. 2d 1017, 1025 (N.D. Cal. 2012).

### **Conclusion**

The ACLU is troubled, to say the least, about these incidents. Unless the facts are materially different from those reported to us, they demonstrate a continued and consistent disregard for the laws upholding student speech, prohibiting discrimination, and protecting LGBTQ students. Unless the school takes immediate action to correct these violations and comprehensive steps to prevent their recurrence, we may have no option but to pursue legal action.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Loy', with a stylized flourish extending to the right.

David Loy  
Legal Director



**IV. Basis of Complaint:**

Please check the following box(s), based on the type(s) of discrimination, harassment, intimidation and bullying you experienced. (Education Code 200 and 220)

- Sexual orientation
- Gender
- Ethnicity
- Race
- Race
- National origin
- Religion
- Color
  
- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)
- Other: Gender identity, Gender expression

**V. Details of Complaint:**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please describe the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

**Nicole Velazquez is a fifteen-year old transgender student who identifies as female. e3 admitted Nicole before her transition, but she opted to attend another school at that time. In October 2015, after her transition, Nicole re-applied to e3 as a 10th-grade transfer. As part of the enrollment process, Nicole was scheduled to meet with Dr. Sheila Krotz, e3's Director of Academics. At the time, e3 was at least 70 students under its enrollment capacity. Dr. Krotz had reviewed Nicole's transcript in advance of the scheduled appointment and was prepared to admit her to e3.**

**On October 22, 2015, Nicole and her mother, Mayra, arrived for their scheduled appointment with Dr. Krotz.**

**Dr. Griffith intervened and co-opted the meeting before Dr. Krotz arrived. After speaking briefly with Nicole and Mayra, Dr. Griffith denied admission to Nicole, claiming there was no space at the school but that Nicole could be placed on a waiting list.**

**Dr. Griffith's assertion was false. e3 was below its enrollment capacity, and there was no waiting list. Two days after denying admission to Nicole, e3 admitted a student who was not transgender.**

List the individuals involved in the incident(s) complaint of:

**Dr. Helen Griffith**

List any witnesses to the incident(s):

**Nicole Velazquez, Mayra Velazquez, Dr. Sheila Krotz**

Describe the location where the incident(s) occurred:

**e3 Civic High School**

Please list the date(s) and time(s) when the incident(s) occurred or when the alleged acts first came to your attention:

**October 22, 2015**

What steps, if any, have you taken to resolve this issue before filing a complaint?

**Mayra Velazquez called Mel Katz, Chairman of the Board of Directors of e3, within a few days of the incident.**

Signature of person filing complaint:



Nathaniel R. Smith  
Pillsbury Winthrop Shaw Pittman LLP

Date: April 22, 2016

Received by:

Date filed: April 22, 2016 (via email to  
bkulchi1@san.rr.com)

Title:

The Universal Complaint filing process is as follows:

1. Complete Form.
2. Submit electronically or via US Mail to the Executive Director and/or the Human Resources Advisor. Address and contact information located on Page 1 of this form.
3. Meet with the Executive Director and/or the Human Resources Advisor.
4. Resolution Plan is determined.

**PETITION/COMPLAINT**

**EXHIBIT C**



JBRANCH@ALBBLAW.COM  
DIRECT DIAL: (858) 345-5073  
REPLY TO: SAN DIEGO ADDRESS

May 26, 2016

Via email

Richard M. Segal  
Pillsbury Winthrop Shaw Pittman LLP  
501 West Broadway, Suite 1100  
San Diego, CA 92101

Re: Nicole Velazquez v. e<sup>3</sup> Civic High School

Dear Mr. Segal:

I represent e<sup>3</sup> Civic High School with respect to the claim asserted by Nicole Velazquez.

e<sup>3</sup> takes complaints of discrimination very seriously. Upon receipt of your letter, e<sup>3</sup> retained an experienced Human Resources professional to conduct an investigation, which confirmed that Ms. Velazquez' allegations of discrimination are baseless. She was not denied admission to e<sup>3</sup> based on her gender, gender identity, or gender expression. To the contrary, she received the same treatment as all other applicants, in compliance with e<sup>3</sup> policies and all applicable laws.

As a preliminary matter, e<sup>3</sup> strictly prohibits discrimination in any form. As set forth in e<sup>3</sup>'s Parent Student Handbook, e<sup>3</sup> will not discriminate against any student on the basis of actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation or any characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics. e<sup>3</sup> Civic High will comply with applicable state laws pertaining to student admission and enrollment, including California Education Code Sections 47605(b) and 47605(d).

When Ms. Velazquez applied to e<sup>3</sup>, the school was not accepting new students. Your assertion that e<sup>3</sup> was 70 students under its enrollment capacity at the time of Ms. Velazquez' application has no bearing on the issue. Although e<sup>3</sup> had hoped to enroll more students at the commencement of the school year, when it failed to meet its enrollment target, it made adjustments in staffing levels to account for the decrease in projected state attendance revenue. A hiring freeze was put in place and eight positions were never filled. In addition, one teacher was laid off on October 15, 2015. Thereafter, e<sup>3</sup> adjusted the master schedule, collapsed classes, changed teaching assignments, and reassigned students to different classes in order to

<b>Los Angeles Office</b> 800 Wilshire Blvd., Suite 860 Los Angeles, CA 90017 (ph) 213.793.2185 · (f) 213.793.2186	<b>San Diego Office</b> 4365 Executive Drive, Suite 950 San Diego, CA 92121 (ph) 858.345.5080 · (f) 858.345.5025	<b>Washington Office</b> 203 N. Washington Street, Suite 200 Spokane, WA 99201 (ph) 509.828.4408 · (f) 509.528.4407
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balance class sizes. During this period of transition, e<sup>3</sup> did not admit any new students and, instead, placed all applicants on grade-level waiting lists until classes stabilized. This was the case for all applicants, regardless of their gender identity or any other protected characteristic.

e<sup>3</sup> maintains four separate grade-level waiting lists. Pursuant to e<sup>3</sup> policy and practice, students are placed on the appropriate grade-level waiting list in the order they apply, except that students with siblings currently enrolled in e<sup>3</sup> are given priority and will be placed ahead of students on the waiting list who do not have siblings currently enrolled.

Consistent with its practice, when Ms. Velazquez met with Dr. Griffith and applied to e<sup>3</sup> on the morning of October 23, 2015, she was placed on the 10<sup>th</sup> grade waiting list behind one other student who had applied on October 21, 2015. Significantly, at that time, Dr. Griffith did not even know Ms. Velazquez was a transgender student.<sup>1</sup> Ms. Velazquez was treated the same as all other applicants and her gender identity played no role in her placement on the waiting list.

The evidence clearly establishes it was always e<sup>3</sup>'s intent to offer Ms. Velazquez admission to e<sup>3</sup> once classes stabilized. Consistent with this intent, Dr. Griffith remained in contact with Ms. Velazquez' mother and extended several offers for Ms. Velazquez to tour e<sup>3</sup>, so she would be prepared to commence classes as soon as a spot became available. (See the enclosed October 27th & 28th emails exchanged between Dr. Griffith and Mayra Velazquez.) When Ms. Velazquez inquired as to whether e<sup>3</sup> was a safe place for her daughter, Dr. Griffith assured Ms. Velazquez, both over the phone and via email, that e<sup>3</sup> was accommodating to transgender students, explaining that e<sup>3</sup> has 2 gender neutral restrooms, a Unity club, (formally the e<sup>3</sup> Spectrum Club and our version of the Gay-Straight Alliance Club), and e<sup>3</sup> has been designated as an official "No Place for Hate" school and all members of the school community are held accountable to modeling the standards associated with this title. (See the October 27th & 28th emails from Dr. Griffith to Mayra Velazquez.) Both Dr. Griffith and Mel Katz also informed Ms. Velazquez' mother they anticipated a spot would become available and Ms. Velazquez would be admitted at the beginning of the next semester or sooner. After reading the emails sent by Dr. Griffith, no reasonable trier of fact would find that Dr. Griffith's conduct sent a message that Ms. Velazquez was unwelcome at e<sup>3</sup>. To the contrary, the emails make clear that Ms. Velazquez is very welcome and e<sup>3</sup> planned to admit her. Moreover, just 10 days after applying, Ms. Velazquez was offered admission to e<sup>3</sup>, but turned it down. Specifically, on November 2, 2015, e<sup>3</sup> contacted both Ms. Velazquez and the student who was ahead of her on the 10<sup>th</sup> grade waiting list and offered them admission, but both students turned down the offer.

In your correspondence, you reference the admission of a non-transgender student several days after placing Ms. Velazquez on the waiting list. Contrary to your assertion, admission of

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<sup>1</sup> At 9:00 am on October 23<sup>rd</sup>, Dr. Griffith met with Ms. Velazquez and her mother, and placed Ms. Velazquez on the 10<sup>th</sup> grade waiting list. At 9:56 am, Dr. Krotz emailed Mel Katz and informed him that the Ms. Velasquez had been placed on the waiting list and also informed him that Ms. Velasquez is a transgender student. Thereafter, Mr. Katz contacted Dr. Griffith to discuss the issue. It was not until this discussion, later in the day and after Ms. Velasquez had already been paced on the waiting list, that Dr. Griffith first learned Ms. Velazquez is a transgender student.

this student does not support your allegation of discrimination. The only student admitted between the date Ms. Velazquez was placed on the waiting list and the date she was offered admission, was a 9<sup>th</sup> grade student, not a 10<sup>th</sup> grade student like Ms. Velazquez. Thus, the student was on a separate waiting list. In addition, the student applied to e<sup>3</sup> and was placed on the 9<sup>th</sup> grade waiting list before Ms. Velazquez applied, and she was a sibling of an e<sup>3</sup> student at the time, so she would have received priority over Ms. Velazquez even if they had been on the same waiting list.

In your correspondence, you also try to imply that you can support Ms. Velazquez' discrimination claim because she was previously offered admission to e<sup>3</sup> when she identified as a male. This fact also has no bearing on the issue. Each year, e<sup>3</sup> holds a lottery to fill openings. If a student is selected in the lottery and offered admission to e<sup>3</sup>, but turns it down, that student does not receive priority if he/she reapply at a later date. Upon reapplication, that student is placed on the waiting list or needs to again participate in the lottery, along with all other applicants. Moreover, when Ms. Velazquez was placed on e<sup>3</sup>'s waiting list, Dr. Griffith did not even know she had previously been offered admission by way of the lottery, nor did she know that Ms. Velazquez had identified as a male at the time.

In your correspondence, you claim that e<sup>3</sup> discriminated against Ms. Velazquez by denying her admission to e<sup>3</sup>; you further claim any subsequent attempt by Dr. Griffith to invite Ms. Velazquez to apply, to visit, or to attend e<sup>3</sup> did not cure the unlawful discrimination, which sent a clear message that Ms. Velazquez was unwelcome.

Contrary to your assertion, there simply was no discriminatory act. Ms. Velazquez was not denied admission to e<sup>3</sup>, she was simply placed on a waiting list, just like other students, and offered admission 10 days later. Significantly, at the time Ms. Velazquez was placed on the waiting list (the very act you claim was discriminatory), the decision maker, Dr. Griffith, did not even know Ms. Velazquez was transgender. It is well established there can be no discrimination if the decision maker does not know of an individual's protected characteristic. Ms. Velazquez's claim of discrimination also fails because she was treated exactly the same as other students who do not identify as transgender (including 9<sup>th</sup> and 10<sup>th</sup> grade students who applied to e<sup>3</sup> just days before Ms. Velazquez and were placed on waiting lists rather than being granted immediate admission). Thus, placing Ms. Velazquez on the waiting list was not a discriminatory act, nor could it have sent a message that she was unwelcome at e<sup>3</sup> because of her gender identity.

Also contrary to your assertion, Dr. Griffith's invitations to Ms. Velazquez to apply to e<sup>3</sup>, to tour the school, and to attend are highly relevant. Dr. Griffith invited Ms. Velazquez to submit her application and tour the school during their initial meeting, when Ms. Velazquez was placed on the waiting list, and before Dr. Griffith knew she identified as transgender. The subsequent email communications between Dr. Griffith and Ms. Velazquez's mother clearly show e<sup>3</sup> intended to admit Ms. Velazquez, and that e<sup>3</sup> would provide a loving and supportive environment that would prepare Ms. Velazquez for college and beyond.

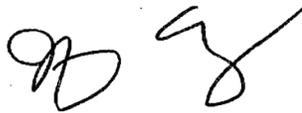
Richard M. Segal  
May 26, 2016  
Page 4

Finally, the fact that Ms. Velazquez was offered, but declined admission to e<sup>3</sup> a mere 10 days after she applied, both supports e<sup>3</sup>'s neutral admission practices and negates any damages claim. Moreover, the evidence establishes e<sup>3</sup> has admitted other students who identify as transgender, and their gender identity played no role in the admission decision, just like it played no role in e<sup>3</sup>'s decisions regarding Ms. Velazquez.

In conclusion, e<sup>3</sup> adamantly denies discriminating against Ms. Velazquez and denies any other incidents of LGBT discrimination. Nevertheless, as always, e<sup>3</sup> remains willing to meet to discuss this matter further. Please contact me if you would like to arrange a meeting.

Sincerely,

ANDREWS · LAGASSE · BRANCH & BELL LLP

A handwritten signature in black ink, appearing to read 'Jennifer Sarkozy Branch', written in a cursive style.

Jennifer Sarkozy Branch

Encls.

cc: Nathaniel R. Smith  
David Loy, ACLU Foundation of San Diego & Imperial Counties

**From:** Helen Griffith [<mailto:hgriffith@e<sup>3</sup>civichigh.com>]  
**Sent:** Tuesday, October 27, 2015 9:14 AM  
**To:** [mayravelaz@yahoo.com](mailto:mayravelaz@yahoo.com)  
**Cc:** Mel Katz  
**Subject:** Waiting List status and Orientation Tour

Hello Ms. Velazquez:

Thank you for taking my call today. I have placed you in our email group for reminders of our orientation for e<sup>3</sup> Civic High. I'm glad that you and Nicole will attend this Thursday.

As I mentioned, she is #2 on our 10th grade waiting list. Please let her know that e<sup>3</sup> is a place where all students can thrive academically in a loving and supportive environment. When a space opens and she enrolls, it is our goal to prepare her for college, career, civic leadership, all within her place of passion.

Looking forward to seeing you Thursday.

Best,

**Dr. Helen V. Griffith**

**Achiever | Positivity | Learner | Connectedness | Individualization**

Executive Director

e<sup>3</sup> Civic High

engage.educate.empower

395 11th Avenue

San Diego, CA 92101

Phone: 619.546.0000

[www.e<sup>3</sup>civichigh.com](http://www.e<sup>3</sup>civichigh.com)

twitter: e<sup>3</sup>civic

On Wed, Oct 28, 2015 at 2:15 PM, Mayra Velazquez <[mayravelaz@yahoo.com](mailto:mayravelaz@yahoo.com)> wrote:  
Mrs. Griffith wanted to let you know we will not be able to make it tomorrow. Nicole has an extracurricular activity after school. Maybe we can do it some time next week.

Sent from my iPhone

**From:** Helen Griffith [<mailto:hgriffith@e<sup>3</sup>civichigh.com>]  
**Sent:** Wednesday, October 28, 2015 6:49 PM  
**To:** Mayra Velazquez  
**Subject:** Re: Waiting List status and Orientation Tour

Thanks for letting me know Ms. Velazquez. Your daughter is still #2 on the waiting list and we have tours every Thursday at 3:15. I will continue to stay in touch with you and look for your registration online.

Please give Nicole my best,

Dr. Helen V. Griffith

**Achiever | Positivity | Learner | Connectedness | Individualization**

Executive Director

e<sup>3</sup> Civic High

engage.educate.empower

395 11th Avenue

San Diego, CA 92101

Phone: 619.546.0000

[www.e<sup>3</sup>civichigh.com](http://www.e<sup>3</sup>civichigh.com)

twitter: e<sup>3</sup>civic

**PETITION/COMPLAINT**

**EXHIBIT D**



# Downtown Charter High

*"Where Students Learn, Create, and Excel  
through Community Partnerships"*

**A College and Career Preparatory High School  
Serving the San Diego Urban Community**

Independent Charter School Petition  
Submitted to the San Diego Unified School District  
Submitted September 15<sup>th</sup>, 2010  
Proposed School Opening August 2013

**Revised and Submitted October 14, 2010**

**Updated January 19, 2012**

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## Affirmations and Assurances

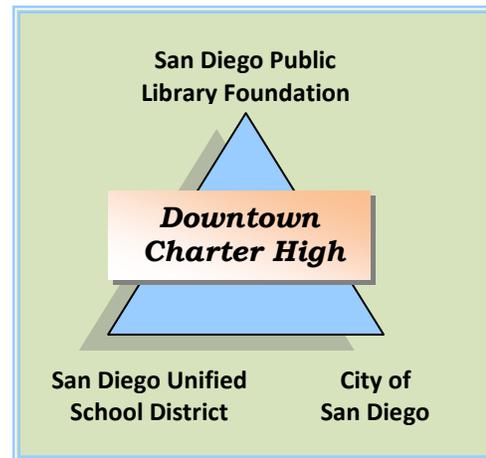
As the authorized lead petitioners, we certify that the information submitted in this petition for the creation of Downtown Charter High (“DCH” or the “Charter High School”), a California public charter school to be located within the boundaries of the San Diego Unified District, is true to the best of our knowledge and belief. We also certify that this application does not constitute the conversion of a private school to the status of a public charter school. Furthermore, we understand that if awarded a charter, DCH affirms the following:

1. DCH shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Reference California Education Code § 47605(c)(1)]
2. DCH shall be deemed the exclusive public school employer of the employees of the Charter High School for purposes of the Educational Employment Relations Act. [Reference California Education Code § 47605 (b)(5)(O)]
3. DCH shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Reference California Education Code § 47605(d)(1)]
4. DCH shall not charge tuition. [Reference California Education Code § 47605(d)(1)]
5. DCH shall admit all students who wish to attend the Charter High School, and who submit a timely application, unless the Charter High School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process, subject to certain preferences, as described in the Admissions Section of this petition. [Reference California Education Code § 47605(d)(2)(A)-(B)]
6. DCH shall not discriminate on the basis of the characteristics listed in California Education Code section 220, including race, ethnicity, national origin, religion, gender, sexual orientation, perceived sexual orientation, home language, or disability, or any other characteristic that is contained in the definition of hate crimes in California Penal Code section 422.55. [Reference California Education Code § 47605(d)(1)]
7. DCH shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
8. DCH shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Reference Title 5 California Code of Regulations § 11967.5.1(f)(5)(c)]



## Introduction

High school students residing in the urban core of downtown San Diego and its surrounding neighborhoods are underserved by the existing options for their 9<sup>th</sup> -12<sup>th</sup> grade learning experience. Over 50% of the students residing in the downtown attendance area commute to other areas of San Diego for their high school experience.<sup>1</sup> A new and innovative charter high school will increase the learning opportunities for all students in San Diego Unified and, in particular, those students who live in and around the downtown area. To that end, the San Diego Public Library Foundation, the City of San Diego, and the San Diego Unified School District hold a common desire to establish a charter high school at the New San Diego Central Library in downtown San Diego and to serve the needs of these students. This represents an unprecedented alliance in the development of a charter high school.



The co-location of a charter high school within a public library is also unprecedented and offers extensive opportunities for collaboration, as both organizations support a mission of lifelong learning and literacy. While the primary focus is on the education of our students, we hope to provide a new design for re-considering urban secondary education as a partnered venture between small high schools and community-based organizations. This design will demonstrate the mutual benefit of going beyond simply sharing space to sharing a common purpose. Our charter school in the New San Diego Central Library holds the promise of a vanguard project for both small urban high schools and 21<sup>st</sup> century libraries.

The mission of DCH is to engage the students of urban San Diego in a successful high school experience by providing a meaningful college and career preparatory education focused on a broad spectrum of 21<sup>st</sup> century literacy. Organized around the educational principals of Personalization, Authentic Curriculum, and High Standards for All, we will achieve this mission by ensuring personalized learning partnerships for each student, both at school and in the community, that foster their self-worth, individual passion, creativity, and ability to lead in service to others.

Furthermore, the establishment of a high quality, high performing charter school requires careful research, planning, and adherence to state education codes and the charter school petition process. As a part of this collaborative effort, the Center for Education Policy and Law

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<sup>1</sup> While 3,479 public high school students are served at San Diego High, Garfield High, and King/Chavez Community High, the actual number of San Diego Unified School District high school students residing in the San Diego High attendance areas during the school year 2009-2010 is 5,381. Of the 5,381 residing students in the attendance area, 2,558 students (47.54%) attend either San Diego, Garfield, or King/Chavez high schools. The remaining 2,823 students (52.46%) find other options for their high school experience.

(CEPAL) is assisting our charter school governing board as part of its development team to provide research and guidance in critical areas that need to be addressed in pursuit of the overall goal of establishing a charter high school in the New San Diego Central Library.

Based on the needs of the community and supported by unique partnerships, we respectfully submit this charter school petition for Downtown Charter High (DCH).

## The Charter School at a Glance<sup>2</sup>

***“The Central Library Charter High School will become a national model because of its innovative approach, stakeholder collaboration, and flexibility to meet student needs.”***

- Jed Wallace, President and CEO  
California Charter School Association



Artwork by Joe Cordelle

San Diego’s new Central Library will be a center of literacy and learning, providing information and knowledge for the entire San Diego region. Central to this mission is an on-site charter school to serve 500 high school students called Downtown Charter High (DCH).

Local stakeholders and leaders with a wide range of business and education expertise provided input into the charter school’s design to develop these guiding principles:

### ***Downtown Charter High will foster a culture and climate of success by:***

- Delivering a “multiple pathways” approach to college and career readiness.
- Creating a college-going expectation with opportunities for enrollment at the nearby community college or college course work on-site.
- Promoting 21st century career-readiness by incorporating team- and project-based learning.
- Structuring the design of the school to provide deep support for all levels of learners.
- Fostering internships and hands-on learning experiences that capitalize on the school’s proximity to the downtown business, social, and civic community.
- Providing an adaptable learning environment, such as a flexible school day which allows for internships, mentorships, job shadowing and other creative learning experiences.
- Supporting teachers’ professional development, collaboration, evaluation and effective teaching techniques that address preparing more students for college and career success.
- Focusing on literacy, including traditional literacy (math, reading and writing literacy), but also digital literacy (using the internet and computer with knowledge and wisdom), social literacy (learning within the context of the community; honoring the culture of the students) and second language literacy.

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<sup>2</sup> Adapted from *A Charter High School at San Diego’s New Central Library* with permission of the San Diego Public Library Foundation. Available at <https://www.supportmylibrary.org/centrallibrary/aboutproject>.

***Downtown Charter High's design will incorporate the fabric of downtown by:***

- Embracing the unique location in the region's civic and economic heart.
- Using downtown as a classroom through school-partnered activities with business and community organizations.
- Introducing the importance and experience of an urban core into the learning.

***Downtown Charter High will engage students as future leaders in our businesses and community by incorporating the following themes, among others, throughout the school day:***

- Community partnership and civic engagement
- Critical thinking, problem-solving, teamwork, and dialogue
- Creativity and innovation
- Careers of the future and workplace ethics

By virtue of its co-location and aligned mission with the New San Diego Central Library, Downtown Charter High offers unique and progressive educational opportunities. Students and teachers will enjoy unprecedented access to the library's technological, research and educational resources, including:

- More than 1.2 million volumes in the New San Diego Central Library's collection.
- A vast array of technological resources, including 407 public computers and a computer and electronic training area with resources for teaching computer proficiency.
- 22 Wi-Fi enabled study rooms.
- A teen center with resources specific to the educational and college preparation needs of high school students.
- A homework center with collections, tutoring services, Internet access and electronic resources tailored to support students' homework and project needs.
- On-site professional literacy services from the library's award-winning literacy program.

## **Founding Development Team**

The Downtown Charter High founding development team is dedicated to the mission of supporting urban high school students in their preparation for success in college, career, and civic engagement. Likewise, members are drawn to serve on the development team because of their significant experience, expertise, and passion in these same three areas and because of their continued commitment to help all students thrive in the public school system. Two of the development team members also serve on the Board of Trustees of the San Diego Public Library Foundation, thus laying a firm foundation for the collaboration between the charter high school and the New San Diego Central Library.

### **Laura Andrews (Board Member)**

Laura Andrews is the Senior Outreach Services Coordinator for the Breaking Down Barriers program with Mental Health America of San Diego County. She connects the Latino community to mental health services and advocates with local, state and national legislators to reduce the stigma associated with mental health. Her effectiveness to collaborate with other agencies, community groups, clients and their family members allowed for the opportunity to expand the services to six other culturally diverse populations. Laura Andrews researches mental health best practices and uses her expertise in behavioral health to train community stake holders in Mental Health First Aid.

Ms. Andrews began her advocacy work eleven years ago, as a committee member for the Parent and Teacher Association (PTA) for the Neighborhood House Association. In 2003, she initiated the establishment of the PTA at Kimbrough Elementary and was PTA president for two consecutive years. She continues to be an active member of the PTA at The Preuss School UCSD.

Ms. Andrews currently holds a seat on the San Ysidro Health Center Board of Directors. As a board member she participated on the financial committee, strategic planning committee and consumers committee. Her work also includes serving on the Emergency Food and Shelter Program of San Diego County board. In addition, she co-chairs the San Diego Southeastern Relay for Life annual event. Ms. Andrews is an affiliate of the National Council of La Raza, Students in Free Enterprise of San Diego, Latino Network Consortium, Mana of San Diego and other organizations that have taken on the challenge of eliminating health, education and economic disparities. Among her many accomplishments include her work as a Healthy Families Electronic Application advisor to Governor Gray Davis and serving as the Family Economic Support program director for the Bronze Triangle Community Development Corporation.

Ms. Andrews attends San Diego City College and will complete an A.A. in business in 2010.

### **Julie Zoellin Cramer (Development Team Coordinator)**

Julie Zoellin Cramer is a Research Associate with the Center for Education Policy and Law at the University of San Diego (USD). Ms. Cramer also works closely with the USD Leadership Institute and as a Senior Teaching Fellow for the Leadership Theory and Practice graduate course. She is in her third year of the Leadership Studies doctoral program specializing in K-12 public education reform, charter schools, and parent involvement. Her experience with charter schools includes the development of a tutoring program within a project-based learning environment and as a charter school parent.

As a parent and public education advocate for over twelve years, Ms. Cramer has worked at the school, cluster, and district-level in a variety of leadership positions and received the Outstanding Leadership Award given by the San Diego Unified Council of PTAs as well as the California PTA Honorary Service Award. She is currently the Vice-President of District Relations for the Point Loma Cluster Schools Foundation, a strategic organization serving 6,000 students and 10 schools in the Point Loma area. Her commitment to civic leadership also involves the development of a regional public aquatic center at San Diego's NTC Park serving as the founding director of the community organization, Families for a Point Loma Swimming Pool.

Ms. Cramer will complete a Ph.D. in leadership studies with an emphasis in K-12 public-private leadership in spring 2013. She received an M.A. degree in leadership studies from the University of San Diego and a B.S. degree from the University of California Berkeley in business administration with an emphasis in finance.

### **Teresa Drew**

Teresa Drew is co-founder and teacher of the Barnes Tennis and Preschool Education program. The program incorporates sports skills with early childhood education and its guiding philosophy involves movement as a key ingredient to developing the "brain-body connection." The Barnes Education Program emphasizes kinesthetic learning and multi-sensory experiences. Through small class sizes and close relationships with the families, students are very well prepared to enter their school years.

As a parent education advocate, Ms. Drew has spent the last 6 years working for education reform and high quality education for all students. She spent two years as PTA president at Ocean Beach Elementary School and several years holding various executive board positions. Ms. Drew has been an active member of OB Elementary School Site Council and Site Governance Team for the last five years. As the Arts Committee chairperson, she helped implement a dynamic and diverse art program available for all students to participate in. She is a founding board member of the Point Loma Cluster Schools Foundation, a collaborative organization of parents, teachers, and staff supporting 6,000 students and ten schools in the Point Loma area. She has experience in incorporation, non-profit status, and finances for a newly formed foundation.

Ms. Drew received a B.A. in interdisciplinary studies from National University and a California Multiple Subject Teaching Credential. She spent 4 years as a substitute teacher in San Diego City Schools.

Ms. Drew is the parent of two children within San Diego City Schools, one of which will be a 9<sup>th</sup> grader in 2013.

**Dr. Joyce M. Gattas (Board Member and Lead Petitioner)**

Dr. Joyce M. Gattas is the Dean of the College of Professional Studies and Fine Arts at San Diego State University. In this capacity, she manages eleven diverse departments/schools which include: Art, Design and Art History; Communication; Exercise and Nutritional Sciences; L. Robert Payne Hospitality and Tourism Management; Journalism and Media Studies; Music and Dance; Public Affairs; Theatre, Television and Film; Army, Navy and Air Force ROTC programs. The College has over 8,400 majors and 600 faculty and staff. Several centers and research institutes are also resident in the College providing students with opportunities for firsthand research experience.

Before assuming her current managerial position, Dr. Gattas taught at California State Universities, at Long Beach and at Hayward. Following her career as a college professor, Dr. Gattas was the Associate Vice President for Faculty Affairs at San Diego State University. In that position, she handled all faculty personnel matters, negotiated contracts and agreements, and represented the University in grievances, collective bargaining, and other legal matters.

Dr. Gattas is an active leader in our community and professional organizations. She serves on the San Diego Foundation Arts and Culture Working Group; San Diego Public Library Foundation Board of Trustees; KPBS Advisory Board; Past President of the Board of Trustees for the Multiple Sclerosis Society, and numerous art and education boards. She has served as Past-Chair of the City of San Diego Commission for Arts and Culture, San Diego Convention and Visitors Bureau Board of Directors, and San Diego Film Commission.

The recipient of San Diego Business Journal's Women Who Mean Business Award and the Woman of Achievement Award, Dr. Gattas was listed in *San Diego Magazine's Who's Who* in 1994. She was selected as one of 50 San Diegans to watch in 2000 and was a recipient of the "Girl Scouts' Cool Women Award" in 2005. She is the 2007 recipient of the prestigious Ginger Award for her commitment and dedication to the promotion of the visual arts. On April 1, 2008 she was honored as a "Woman of Dedication" by the Salvation Army Women's Auxiliary of San Diego County for all her contributions to the community. She is a 2008 recipient of SDSU Mortar Board Distinguished Alumna Award for her services to the University, as well as, the 2009 Monty's Distinguished University Service Award which is the highest non-alumni award given by SDSU.

Dr. Gattas received a Ph.D. in counseling psychology from the University of California at Berkeley and an M.A. and B.S. degree from the University of New Mexico.

### **Scott Himmelstein**

Scott Himmelstein is the founding Director of the Center for Education Policy and Law (CEPAL) at the University of San Diego. CEPAL is a joint undertaking of the School of Leadership and Education Sciences and the USD School of Law. Its mission is to foster better linkage between educational research, policymaking and practice. His expertise encompasses both the financial and political dimensions of educational policy development. Mr. Himmelstein is also an instructor at the University of San Diego School of Leadership and Education Sciences instructing doctoral education leadership students and graduate law students in a seminar focusing on education policy and law. In 2009, he was appointed by the Governor to the California Community College Board of Governors where he currently serves as the Vice-President.

Mr. Himmelstein is the former Deputy Secretary of Education and later Acting Secretary of Education for the State of California. In that capacity he served as chief policy advisor to the Governor on K-12 and higher education. Prior to his appointment by Governor Schwarzenegger, he served as Chairman and CEO of the National Even Start Association, President of the William D. Lynch Foundation for Children, Chairman and CEO of San Diego Read, and as a board member of Gompers Charter School.

In 2004, Mr. Himmelstein received the *San Diego Union Tribune's* Community Leader of the Year award. He has also been honored by the Reading Recovery Council of America with the Teacher Leader Award and the William F. Goodling Award for outstanding contributions in family literacy.

Mr. Himmelstein received a B.A. degree in sociology from the University of San Diego.

### **Mel Katz (Board Member and Lead Petitioner)**

Mel Katz is the Executive Officer for Manpower Staffing Services of San Diego, Inc. Mr. Katz has been one of San Diego's most respected business leaders since 1977 when he purchased the local Manpower franchise with Phil Blair. Manpower in San Diego is the largest Manpower franchise in the U.S.

Beyond Manpower, Mr. Katz's devotion to both economic development and civic improvement has earned him an impeccable reputation in the San Diego community. He is an outspoken advocate of child literacy and K-12 and higher education, and has spearheaded social initiatives for both issues. He currently serves as the chair of the San Diego Public Library Foundation, which raises funds for the 36 libraries in the City of San Diego and is raising funds for the new Central Library in San Diego opening July 2013. He also serves on the advisory Board for San Diego Organizing Project. Mr. Katz has served as chairman for the San Diego Library Commission, San Diego Workforce Partnership, San Diego Regional Chamber of Commerce, and the San Diego Convention Center.

Mr. Katz has been recognized as a Junior Achievement Hall of Fame Laureate and has received the Sam Walton Business Leader Award, the LEAD San Diego's Visionary Award for Regional Stewardship, the Press Club Award for the Insights program, and the Corporate Citizenship

Director of the Year award from the Corporate Directors Forum. Manpower has won awards from the Urban League, the San Diego Business Journal, Better Business Bureau and the Association of Fundraising Professionals for diversity and ethics, Best Places to Work and Corporate Philanthropy.

Mr. Katz received a B.S. degree in marketing and business administration from the University of Nevada, Las Vegas.

### **Shelli Kurth**

Shelli Kurth currently teaches and co-directs The Barnes Tennis and Education Program. With Teresa Drew, Ms. Kurth co-founded this unique preschool program that focuses on small class size, individualized learning plans and teaching academics through movement. In collaboration with Youth Tennis San Diego and the Barnes Tennis Center, students have been exposed to tennis and sports skills, Spanish classes, various art mediums, brain gym techniques, yoga, and many other brain building activities.

As an education professional, Ms. Kurth taught in both private and public schools and has taught multiple grades including special education. She is also a committed public education advocate and has served as president and as vice president of the PTA and on the School Site Council for Ocean Beach Elementary, a Title 1 school. She has used her energy to start innovative and exceptional programs at Ocean Beach Elementary, leading an effort to bring a comprehensive fine arts program to the school that includes partnerships with many San Diego groups including Young Audiences and Center for World Music. She works closely with the school principal to increase parent involvement and communication in the diverse Ocean Beach population. Ms. Kurth helped create and maintains the schools' website and produces the school newsletter.

Ms. Kurth is actively involved in the Point Loma Cluster Schools Foundation, a strategic organization, supporting ten schools and 6,000 students in the Ocean Beach/Point Loma Area. Currently she is serving as the Board Secretary of this grass roots, action-oriented group.

Ms. Kurth received a B.A. and California Teaching Credential from San Diego State University.

She is the parent of a sixth grader in San Diego Schools.

### **Dr. Heather Lattimer**

Dr. Heather Lattimer is an assistant professor in the Department of Learning and Teaching, School of Leadership and Education Sciences, at the University of San Diego. She holds a California teaching credential and has taught social studies, English and math in urban middle schools and high schools in both Northern and Southern California. She has also served as an instructional coach for San Diego City Schools, has consulted for the National Council of Teachers of English and was named middle-level teacher of the year by the Greater San Diego Mathematics Council. She is the author of a professional text for teachers titled *Thinking*

*through Genre: Units of Study in Reading and Writing Workshops, 4-12*, published by Stenhouse in 2003.

Dr. Lattimer's research focuses on educational access and equity for low-income students, teaching excellence in literacy and the social sciences, and professional growth of teachers working in urban secondary schools. She began her career in Zimbabwe as a substitute teacher in a rural secondary school.

Dr. Lattimer received an Ed.D. in education from the University of California San Diego, an M.A. in education from Stanford University, and a B.A. in social studies from Harvard University.

### **Dr. Alberto M. Ochoa (Board Member)**

Dr. Alberto Ochoa is Professor Emeritus in the Department of Policy Studies at San Diego State University. He is also a researcher and consultant to community development agencies. His research interests, with over 70 publications, include public equity, school desegregation, language policy, critical pedagogy, and structural conditions contributing to student achievement, community engagement, and parental leadership. In the last ten years, he has also been involved in developing processes for community capacity building, as well as forecasting the educational needs of school districts through demographic trends, socio-political conditions, and educational reform trends.

Dr. Ochoa has worked with over 60 K-12 school districts in California and the nation providing technical assistance in the areas of: (1) language policy and assessment, (2) bilingual instructional programs, (3) curriculum programming, (4) staff development, (5) community development, (6) organizational development and school climate, (7) program management and evaluation, and (8) parent leadership. His work with public schools also covers involvement in International programs in the United States, Central America, Mexico, Spain and China.

Dr. Ochoa is also actively involved with advisory boards at the national, state, and local level including the Text and Academic Authors Foundation and the Parent Institute for Quality Education. In the past ten years he has worked with the San Diego City Community College District, San Diego County Latino Coalition on Education, San Diego County Department of Education, San Diego City Schools Advisory to the Superintendent, June Burnett Family Institute, and the Memorial Academy for Learning and Technology Charter.

Dr. Ochoa began his academic university work at SDSU in 1975. He has served as Chair of the Policy Studies in Language and Cross-cultural Studies Department (PLC) at San Diego State University for over 15 years. He also served for five years as the Academic Director of the Joint Doctoral Program between Claremont University and SDSU.

Dr. Ochoa received a Ph.D. from the University of Massachusetts in non-formal and international education with an emphasis in community development, an M.A. from the

University of Southern California in special education, and B.A. degrees from California State University in sociology and Latin American studies.

**Dr. Veronica Ortega (Board Member)**

Dr. Veronica Ortega is a professor in the Department of Behavioral Sciences at San Diego City College where she has established the Institute for Human Development. The Institute was founded in 2007 to address the demand for highly skilled employees in the Public Health and Community and Human Services fields. The Institute consists of Certificate programs that prepare students for entry level employment and that serve as a foundation for continuing in an educational and career pathway. Certificates can be obtained in Child Development, Community Health Work, Youth Development Work, Alcohol and Other Drug Studies and Peace Studies. Additional certificates under development include certificates in Gerontology, Mental Health Worker and Conflict Resolution and Mediation. Dr. Ortega is also Co-Director of the San Diego BEST Initiative that provides training and educational advancement for youth workers in the San Diego region.

Dr. Ortega has been a practicing clinical psychologist serving children, adolescents, and families. From 1986 to 1994, she held a position as a clinical professor in Pediatrics at the Medical School of the University of California at San Diego where she taught pediatric residents and assisted in program development and consultations for the Community Pediatric program. For two years she served as Associate Director for the San Diego Children’s Initiative before establishing and coordinating the youth focused Emerging Leaders Program of the State of the World Forum held annually in San Francisco from 1996 to 1998. She has been a Board Member of the San Diego Children’s Museum and a graduate of LEAD San Diego, a leadership development organization. She has served on numerous state and local coalitions, commissions, and Boards of Directors in San Diego County. Her ongoing interests are in community and human development and human services for diverse populations.

Dr. Ortega received a B.A. in psychology from San Diego State University, an M.A. in psychology from the University of California, Los Angeles (UCLA), and a Ph.D. in clinical psychology with an emphasis in developmental psychology from UCLA.

Dr. Ortega is a resident of downtown San Diego.

**Rebecca Smith (Board Member)**

Rebecca Smith is Vice President at the San Diego Workforce Partnership, focused on leadership development, community outreach, board engagement and media relations. She serves on the advisory board of the School of Leadership & Education Sciences at University of San Diego (USD) and the foundation board of the San Diego Regional Economic Development Corporation. She worked as a Career Coach at Qualcomm from 2008-2009, providing individual coaching and group seminars on career management for employees. Smith also filmed “The Grand Café,” an education telenovela for immigrant entrepreneurs with CEO Women in Oakland.

Ms. Smith has developed and facilitated career development courses for USD, University of California at San Diego (UCSD) and the San Diego Community College District since 1992. From 2001-2008, Smith worked for High Tech High (HTH), a nationally recognized nonprofit organization of public charter schools in California. She established the countywide internship program for the HTH schools with over 200 employers. She also managed HTH special events for alumni relations, corporate sponsorships and annual giving. Ms. Smith spent five years as a career counselor at USD. She coordinated employer outreach for the Greater San Diego Chamber of Commerce, placing high school students in summer internships at BIOCUM member companies, such as Gen-Probe, The Salk Institute, Scripps Research Institute and Amylin Pharmaceuticals.

Ms. Smith received the 2007 Author E. Hughes "Career Achievement Award" for alumni honors at USD and was named as a "40 Under Forty" honoree for emerging regional leaders with the San Diego Metropolitan in 2005.

Ms. Smith received an M.Ed in Counseling from USD and a B.A. in Sociology from UCSD. She is certified by the National Board for Certified Counselors.

Ms. Smith is the parent of a sixth-grader at The Rock Academy.

#### **Erin Spiewak (Board Member)**

Erin E. Spiewak is the Executive Director of the Gary and Mary West Foundation. The Gary and Mary West Foundation is a private non-operating foundation that funds nonprofit organizations based in San Diego, CA and Omaha, NE that are making a significant impact in their respective communities. Ms. Spiewak manages all day-to-day operations of the Foundation as well as leads the Foundation's efforts related to workforce and youth development grantmaking and partnerships. Focusing on programs that prepare young adults with the skills needed to be successful in the career pathway of their choice, Ms. Spiewak is responsible for the Foundation's work with the California Charter School Association and various charter high schools in San Diego County.

Ms. Spiewak is chair of the San Diego Workforce Funders Collaborative which is a public/private coalition of philanthropic foundations, employers and public entities interested in expanding and coordinating funding for career education and workforce development efforts in San Diego County. Ms. Spiewak was recently selected as a fellow to the Aspen Institute's Sector Skills Academy.

Prior to joining the Gary and Mary West Foundation in 2008, Ms. Spiewak was with the WebMD Health Foundation and the Rose Foundation. Ms. Spiewak is a founding member of Women Give San Diego, which funds non-profit organizations that offer women and girls the opportunity to become fully engaged in the prosperity of their communities.

Ms. Spiewak will complete her M.A. in business administration from Webster University in spring 2011 and received a B.A. in sociology from San Diego State University.

## **Element 1: Educational Program**

*“A description of the educational program of the school, designed, among other things, to describe what the school intends to accomplish, 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.” California Education Code § 47605 (b)(5)(A).*

### **Vision**

Downtown Charter High will graduate all students fully prepared for success in college, career, and civic engagement. The four-year learning alliance between peers, teachers, staff, family, and community partners will be a vibrant experience, bridging school work with real world activities. As a high performing, and innovative environment, DCH will engage each student to develop their personal core interests, creativity, and their civic voice. Academically, students at DCH will strengthen and master the 21<sup>st</sup> century skills of lifelong literacy. The curriculum will include the fundamentals of reading, writing, numeracy, scientific inquiry, and the arts, in complement with the essentials of second language, cultural, and digital literacy, ethics, teamwork, and leadership. Furthermore, DCH will be an outstanding example of community collaboration offering enrollment academic opportunities with San Diego City College as well as workforce and service learning experience through internships with downtown San Diego businesses and civic organizations. Based on a shared purpose around literacy and lifelong learning, the partnership between DCH and the New San Diego Central Library will be a vanguard example of collaboration. Along with these community-based affiliates, DCH will support and challenge its students to learn, create, and excel through community partnership.

### **Mission**

The mission of Downtown Charter High is to engage the students of urban San Diego in a successful high school experience by providing a meaningful college and career preparatory education focused on a broad spectrum of 21<sup>st</sup> century literacy. We will achieve this mission by ensuring personalized learning partnerships for each student, both at school and in the community, that foster their self-worth, individual passion, creativity, and ability to lead in service to others.

### **Students to Be Served**

Downtown Charter High will serve approximately 500 students in grades 9-12. The school will open its first year with a freshman and a sophomore class totally approximately 250 students. . Each subsequent year for the next two years, the charter high school will add another grade cohort of approximately 125 students. The school will be co-located on the sixth and seventh floor of the New San Diego Central Library, 330 Park Boulevard, in downtown San Diego.

The educational program will focus on supporting the following groups:

- Students interested in an authentic learning experience that combines standard-based curriculum and community-based internship work and service learning opportunities
- Students interested in a project-based learning experience in a small classroom environment that fosters creativity, innovation, and student-choice
- Students at all achievement levels of proficiency, including students with disability, interested in working towards a high level of academic success
- Students at all linguistic levels of proficiency, including students identified as English Learners, interested in developing the skills of bi-literacy and cultural literacy
- Students from all economic backgrounds interested in learning the skills of leadership in service to others

DCH will conduct a broad outreach to students throughout San Diego with the intent to mirror the diversity of students found within the San Diego Unified School District (SDUSD). SDUSD students are ethnically diverse with a student population of 44.4% Hispanic, 25.3% White, 16.6% Asian/Pacific Islander, 13.2% African-American, and 0.5% Native American. SDUSD students are also economically-diverse with 63.2% of all SDUSD students qualify for the federal free and reduced lunch program (a proxy for low income families) and linguistically-diverse with 29.3% of SDUSD students are identified as English learners. 11.5% of SDUSD students are enrolled in special education under the federal Individuals with Disabilities Education Act.<sup>3</sup>

With that said, while the marketing outreach will be community-wide and aim to mirror the district diversity, it is also a *primary goal of DCH* to attract students from low income families residing in the downtown urban core and surrounding areas. Currently, 84.3% of the public high school students attending in this area qualify for federal free and reduced lunch.<sup>4</sup> We are projecting to serve a student population that mirrors or exceeds this figure.

In order to attract this student population to the school, DCH will concentrate additional marketing efforts in the general area of the San Diego Senior High attendance boundary (highlighted on the following map, Figure 1)<sup>5</sup>. Local neighborhood areas of interest include Centre City, Logan Heights, Barrio Logan, Sherman Heights, Grant Hill, Memorial, and Lincoln Park. An intentional marketing outreach through linguistically accessible public forums and mailings will result in a student body more representative of this area.

Marketing outreach is only one way in which we will attract and serve the students residing in the urban areas surrounding the downtown. We believe our educational program, designed to best serve this group of students, will also attract downtown students to DCH.

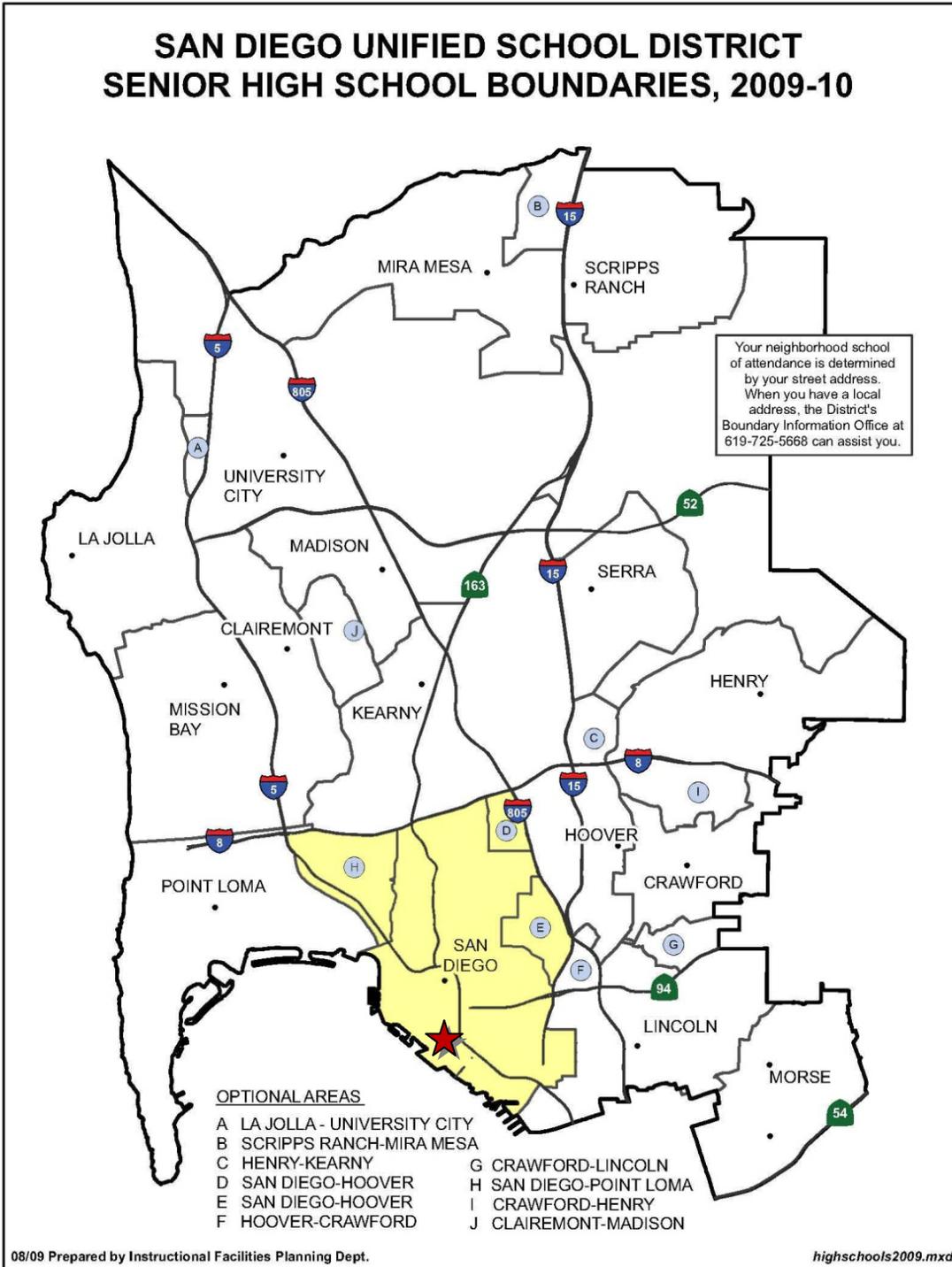
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<sup>3</sup> California Department of Education, 2008-2009.

<sup>4</sup> California Department of Education, 2008-2009. This figure represents a weighted average of the percentage of students who qualify for the federal free and reduced lunch at the San Diego High Education Complex and Garfield High. Data for King/Chavez Community High was not yet available.

<sup>5</sup> San Diego Unified School District Instructional Facilities Planning Department.

Figure 1. San Diego High Attendance Boundary



The red star indicates the approximate location of the school in downtown San Diego. It will be located within 2 block of a trolley station.

To provide a demographic snapshot of our target area of service, population estimates by race and ethnicity and median income estimates for three main zip codes comprising these neighborhoods are found in Tables 1 and 2.<sup>6</sup> In comparison to the City of San Diego, as a whole, the target area has a substantially lower household median income and has a greater concentration of families identified as Hispanic, Black, and Asian/Pacific Islander.

**Table 1. Median Household Income by Race and Ethnicity in Target Zip Codes (Current Estimates August 2010)**

Zip Code	Median Household Income*	Race and Ethnicity					Total
		Hispanic	White	Black	Asian & Pac . Isl.	Other	
92101	\$ 34,365	13,668	21,217	4,228	2,782	2,157	44,052
92102	\$ 30,574	32,716	5,389	5,694	2,781	1,252	47,832
92113	\$ 25,959	41,609	1,449	7,096	1,793	999	52,946
City of San Diego	\$ 50,025	388,874	612,034	94,733	220,293	60,239	1,376,173

\* Adjusted for inflation (1999 \$); Jan. 1, 2009

**Table 2. Percentage of Population by Race and Ethnicity in Target Zip Codes (Current Estimates 2010)**

Zip Code	Hispanic	White	Black	Asian & Pac . Isl.	Other
92101	31%	48%	10%	6%	5%
92102	68%	11%	12%	6%	3%
92113	79%	3%	13%	3%	2%
City of San Diego	28%	45%	7%	16%	4%

## How Learning Best Occurs

The educational philosophy of Downtown Charter High derives from findings of the School Redesign Network at Stanford University<sup>7</sup> and the New Urban High School Project<sup>8</sup> as well as experiences of successful high schools including Central Park East Secondary School in New York

<sup>6</sup> Statistics provide by SANDAG, current estimates, August 2010.

<sup>7</sup> Darling-Hammond, L. (2002). *Redesigning high schools: What matters and what works*. Stanford, CA: Stanford Redesign Network.

<sup>8</sup> Big Picture Company. (1996). *The new urban high school: A practitioner's guide*. Cambridge, MA: Author.

City<sup>9</sup> and the High Tech High Schools here in San Diego. These schools and findings consistently demonstrate the need for small schools that can respond to the individual needs of students. DCH will support this finding by capping enrollment at a maximum of 500 students. However, the work of these successful high schools indicates that small is better, but small is not enough. “While it is true that small schools are generally more successful than large schools, smaller size is only a part of the answer.”<sup>10</sup> Accordingly, DCH will respond to key organizational principles that have been found to be critical in supporting the work of successful small schools.

At DCH, we believe that learning best occurs in an environment of Personalization, Authentic Curriculum and High Standards for All.

**Personalization** – DCH will personalize education by supporting the development of meaningful, sustained relationships between faculty, students, and the students’ family. These relationships will allow the teachers and support staff at DCH to nurture students’ individual strengths and interests and encourage each student to invest in his or her education. Central to the development of meaningful and on-going relationships is the advisory groups. Advisory groups will meet once per week throughout the school year with a target advisory group size of 15. Each student and advisory group will have a staff advisor who remains with those students for a minimum of two years and, depending upon on the needs of the students, potentially, four years. Advisors will also meet with individual students and their families prior to the beginning of the student’s first incoming school year to foster the family-school connection. Moreover, personalization will also be supported through a target academic class size of 26:1 and will allow teachers to tailor projects and activities to respond to student interests. During the 11<sup>th</sup> and 12<sup>th</sup> grade years, personalization will also be supported by providing students with choices regarding the courses and internships they pursue.

**Authentic curriculum** – DCH will engage students in intellectually challenging work that focuses on deep understanding of core concepts, creativity, active learning, and real world application. Extended class periods, interdisciplinary teaming, and connections with community resources will support project-based learning and inquiry-driven instruction in all content areas. Students in 9<sup>th</sup> and 10<sup>th</sup> grade will participate in twice yearly career and service learning explorations led by DCH teachers. Students in 11<sup>th</sup> and 12<sup>th</sup> grade will participate in twice yearly career and service learning internships that respond to individual interests and is structured to foster both employer engagement in the internship process and a meaningful relationship between student and the internship site mentors. Students will regularly demonstrate their learning through public presentations to real-world audiences. Teachers will have meaningful communication and collaboration with internship hosts in developing the curriculum.

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<sup>9</sup> Meier, D. (2002). *The power of their ideas: Lessons for America from a small school in Harlem*. Boston, MA: Beacon Press.

<sup>10</sup> Darling-Hammond, L. (2002). P.3.

**High standards for all** – DCH will engage all students in a rigorous curriculum that is designed to prepare intellectually curious and engaged problem-solvers. All students will be expected to meet the University of California’s A-G requirements and learn the 21<sup>st</sup> century skills required in today’s career fields. Support will be individualized to respond to the needs of each student. However, there will not be tracking or ability grouping. All upper grade students will have access to college coursework through on-line learning opportunities and a partnership agreement with the San Diego Community College.

At DCH, we also believe that learning best occurs when a student experiences physical and psychological well-being<sup>11</sup>.

To that end, DCH is committed to supporting the health and wellness of its students and staff through the development and implementation of a comprehensive wellness policy. Moreover, this policy will align with the district "Local School Wellness Policy" and state and federal wellness recommendations, and comply with state and federal nutrition standards. The development of the policy will be an inclusive process involving members of school community (e.g. staff, parents, students) and other needed stakeholders. The DCH Plan for Student Wellness will incorporate the following goals, among others:

- Nutrition education – teachers will be encouraged to incorporate lessons designed to foster the skills and knowledge to develop and maintain a healthy lifestyle.
- Physical education – the school will promote structured and unstructured physical activity for students and staff, both during and after school.
- Safety education – each student will receive basic CPR training as part of the physical education curriculum.
- Healthy eating environment – the school will promote healthy eating choices by limiting access to food and beverages that do not meet high nutritional standards in meal programs, vending machines, student stores, classroom parties and fundraising efforts. The school will not allow advertising that promotes less nutritious food and beverage choices.
- Community outreach – the school will promote educational opportunities to provide a consistent message to school families regarding the importance of nutrition and physical education and the link to academic success.
- An administrative staff member will be designated to ensure the development, successful implementation, monitoring and reporting on the wellness policy.
- Personnel and psychological wellness, such as self-esteem and motivation, will be promoted through a campus climate of respect for cultural, linguistic, and personal differences.

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<sup>11</sup> This section was informed by the work of California Project Lean: Leaders Encouraging Activity and Nutrition at [www.californiaprojectlean.org](http://www.californiaprojectlean.org).

## An Educated Person in the 21<sup>st</sup> Century

Downtown Charter High believes that an education person in the 21<sup>st</sup> Century is someone who is competent, self-motivated, and a lifelong learner. An educated person in the 21<sup>st</sup> Century is someone who can achieve and demonstrate competency in the in the following interrelated five areas: literacy and communication, creativity and innovation, career readiness, and civic and global engagement. These learning expectations that define an educated person in the 21<sup>st</sup> Century extend student learning beyond the California content standards and UC A-G requirements to prepare them as creative and innovative learners ready for success in college and careers, participation in a democratic community, and purposeful engagement in the global society.

**Literacy and communication** – DCH will capitalize on its setting in the New San Diego Central Library through a strong focus on literacy and communication. Students will learn to be critical consumers of text and digital information across a range of genres and content areas. In addition, DCH will emphasize the importance of oral, written, and media communication through classroom discussions, presentations of learning, publication opportunities, and career and service learning explorations and internships.

**Creativity and Innovation** – DCH will foster each student’s capacity for creativity and willingness to embrace innovation by establishing a curriculum that encourages new ideas and perspectives, student-centered exploration, informed risk-taking, and a confident “yes we can” spirit. Students will learn to infuse the curriculum with their own personal interests and choose multiple ways of demonstrating their academic growth and proficiency.<sup>12</sup> The visual and performing arts will be incorporated to enhance this learning expectation.

**Career readiness** – DCH will nurture career readiness in all students. With its location in an urban center and proximity to business and industry, DCH will be well positioned to partner with individuals and institutions that can provide students with the self-direction, adaptability, collaboration, accountability, and leadership skills needed to be effective members of a 21<sup>st</sup> century workforce. Career readiness partnerships will include expert consultations on curriculum design and student work, one-to-one mentorships, and internships with businesses, non-profit organizations, and government institutions. Because of its co-location within the New San Diego Central Library, opportunities will be available to experience the variety of jobs and skill sets needed for working with a 21<sup>st</sup> century library environment.

**Civic engagement** – DCH will develop critical social literacy and nurture civic participation through discussions and learning experiences in academic courses, advisories, career and service learning explorations and internships. Positioned near San Diego’s civic center, DCH will be able to readily access resources and engage in learning opportunities related to government roles and citizen responsibilities.

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<sup>12</sup> This learning expectation was informed by the work of the Partnership for 21<sup>st</sup> Century Skills at [www.p21.org](http://www.p21.org).

Additionally, DCH's urban location will present multiple opportunities to critically analyze social and economic power dynamics, explore community activism and civil rights movements, and consider the roles that individuals and communities play in advocating for change. Through this process, DCH students will learn to develop and express their own civic voice.

**Global engagement** – DCH will respond to its position at an international border on the edge of the Pacific Rim by engaging students in projects, investigations, and learning experiences designed to develop global awareness and intercultural competencies. Students will learn to consider multiple perspectives, ask thoughtful questions, research new areas of inquiry, and empathize with other points of view. Students and teachers will engage with global communities through international exchanges and on-line partnerships. In addition, all students will take at least three years of a world language and will be expected to develop oral and written proficiency prior to graduation.

## **Curriculum and Instructional Design**

Central to the curriculum and instructional design at DCH is the multidisciplinary approach to learning. While there is a clear expectation of mastery in all core content areas, there is an underlying premise of integration across the different disciplines. For example, an overarching theme for the school year might be Social Justice. This theme would then serve to integrate the project-based learning across all core content areas.

A significant focus of the curriculum at DCH will involve project-based learning (PBL). PBL engages students in the investigation of a real world problem or concern, encourages them to design solutions to the problem, and then present those solutions to an authentic audience. Projects will be designed by teachers at the school and will respond to the six "A's" of effective design articulated by Adria Steinberg (1997)<sup>13</sup> – academic rigor, authenticity, applied learning, active exploration, adult connections, and assessment practices. One of the strengths of PBL is the opportunity for "just in time" learning, providing instructional support as projects evolve and then allowing immediate practical application, assessment, and refinement. Teachers will provide background information to contextualize the problem or concern, teach strategies and skills to support students in their problem-solving investigation, act as coach to help students think through problems and solutions in both large and small groups, engage students in peer response protocols to refine and polish their work, and facilitate collaboration among group members as well as with external experts and audiences.

Student learning will be assessed using standardized, authentic, and innovative measures. Students will have the opportunity to publicly present project outcomes through regular Presentations of Learning (POLs). POLs will be held, at minimum, bi-annually and will include audiences of educators, parents, and community members. POLs may include oral or visual presentations, artistic performances, and/or written or digital publication. Wherever possible, POLs will be assessed by outside experts who have specialized knowledge related to the topic

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<sup>13</sup> Steinberg, A. (1997). *Real learning, real work: School to work as high school reform*. New York: Routledge.

under investigation. Rubrics will be used to assess student POLs; these rubrics will include elements that are specific to the particulars of the topic under investigation as well as common elements that work across content areas and grade levels to support students as they develop investigative and analytical strategies, written and oral communication skills.

All students will maintain an on-line digital portfolio that includes an introduction to their interests and experiences, samples of academic work, evidence of career and service learning, external evaluations, and written reflections on learning. Portfolios will be reviewed at the end of each semester to measure progress toward meeting academic objectives and career readiness expectations. In addition to quarterly progress reports, annual student-led conferences will be held to discuss individual student progress toward DCH learning expectations. Conference participants will include the student's advisor, core teachers, parents, and selected peers who act as "critical friends." Conferences will follow a protocol that includes opportunities for students to present evidence of their learning, feedback and assessment from conference participants, and planning for next steps to support future progress. The culminating graduation experience at DCH is the Senior Voice. Based on the Socratic Apologia, seniors will artistically present the path they have traveled over the course of the four years, highlighting their most critical intersections of learning.

### **Core Content Courses**

All DCH students will enroll in core content courses in English, history, math, science, and world languages. Core content courses will meet every day for all students and be taught by teachers credentialed in the appropriate content area(s).

### **Ninth and Tenth Grade Core Content Courses:**

**Humanities / Arts Block** – All DCH students will take four years of English language arts and four years of history. In the 9<sup>th</sup> and 10<sup>th</sup> grades English language arts and history will be taught as an interdisciplinary course with the same teacher teaching both content areas during an extended block period. Visual and performing arts will be incorporated into the project-based learning format. In addition, DCH, led by the Community Partner Coordinator will develop co-teaching partnerships with professional artists from the San Diego community to support the integration of the arts within the block period. Teachers working in humanities blocks will have credentials in both content areas. All humanities courses will follow California content standards and meet the A-G requirements of the University of California.

**Math / Science Block**– All DCH students will take four years of math and four years of science. In the 9<sup>th</sup> and 10<sup>th</sup> grades math and science will be taught as an interdisciplinary course with the same teacher teaching both content areas during an extended block period. Teachers will engage students in interdisciplinary project based learning to help students recognize the connections and applications across content areas. Teachers working in math/science blocks will have credentials in both content

areas. All math/science block courses will follow California content standards and meet the A-G requirements of the University of California.

**Language and Literacy Lab** – All DCH students will take at least three years of a world language. In 9<sup>th</sup> and 10<sup>th</sup> grades all students will be enrolled in a “Language and Literacy Lab” course that provides both on-line and on-site learning opportunities. Depending on individual student needs, time in the Language and Literacy Lab may include introductory language courses in Spanish, Mandarin, Arabic, etc., Spanish language and literacy classes for L1 (primary language) Spanish speakers, English language and literacy classes for L2 (secondary or target language) English learners, and/or advanced world language classes for students who arrive with strong L1 and L2 language skills. DCH will make use of available language learning software to support student work in the Language and Literacy Lab, partner with local and national universities who offer appropriate on-line language learning options, and offer traditional teacher-led instruction. The balance of on-line and on-site learning will vary in response to student needs. All courses that count toward the world language requirement will follow California content standards and meet the A-G requirements of the University of California.

#### **Eleventh and Twelfth Grade Core Content Courses:**

**English and History** – In the 11<sup>th</sup> and 12<sup>th</sup> grades English and history will be taught in separate semester-long block periods to allow students choice over the course emphasis (e.g. U.S. history through Film, Social Movements in U.S. history, U.S. History through Art and Music) and/or the option of pursuing college level coursework through on-line learning or enrollment in community college courses. All English and history courses will follow California content standards and meet the A-G requirements of the University of California.

**Advanced Math and Lab Science** -- In the 11<sup>th</sup> and 12<sup>th</sup> grades advanced math and lab science will be taught in separate semester-long block periods to allow students choice over the course emphasis (e.g. Marine science or Genetics) and/or the option of pursuing college level coursework through on-line learning or enrollment in community college courses. All math and science courses will follow California content standards and meet the A-G requirements of the University of California.

**Individualized Learning Lab** – In the 11<sup>th</sup> and 12<sup>th</sup> grades, students will enroll in an “Individualized Learning Lab” course that will include opportunities for advanced language study, on-line college courses in other content areas, independent advanced study supervised by DCH core content teachers, and/or supervised support for cross-enrollment in local community colleges. Advanced language study will include both on-site and on-line learning opportunities. On-line learning and supported by on-site language development teachers. DCH will make use of available language learning software to support student work in the Language and Literacy Lab, partner with local

and national universities who offer appropriate on-line language learning options, and offer traditional teacher-led instruction. The balance of on-line and on-site learning will vary in response to student needs. All courses that count toward the world language requirement will follow California content standards and meet the A-G requirements of the University of California.

**Sample 11<sup>th</sup>/12<sup>th</sup> Core Content Course Options** – As noted in the course descriptions above, in the 11<sup>th</sup> and 12<sup>th</sup> grades English, history, math and science will be taught in separate semester-long block periods to allow students choice over the course emphasis (e.g. U.S. history through Film or Social Movements in U.S. history). These personalized courses will be developed to respond to student interest surveys and will be carefully crafted to ensure that California content standards and A-G requirements from the University of California are addressed through the lens of the specialized course emphasis. Among the options that may be offered in each of the core content areas are the following:

English	History	Math	Science
<ul style="list-style-type: none"> <li>• Poetry workshop</li> <li>• Journalism</li> <li>• Biography and memoir</li> <li>• Speech and debate</li> <li>• African-American literature</li> <li>• Latino Authors</li> <li>• Detective Fiction</li> <li>• Theater and drama</li> </ul>	<ul style="list-style-type: none"> <li>• U.S. history through film</li> <li>• Social movements in U.S. history</li> <li>• U.S. military history</li> <li>• The Supreme Court</li> <li>• Global issues &amp; Social justice</li> <li>• Model United Nations</li> </ul>	<ul style="list-style-type: none"> <li>• Advanced Algebra</li> <li>• Pre-calculus</li> <li>• Calculus</li> <li>• Statistics</li> <li>• Accounting</li> <li>• Applied math: Architecture and engineering</li> <li>• Applied math: Business and marketing</li> </ul>	<ul style="list-style-type: none"> <li>• Marine science</li> <li>• Forensic science</li> <li>• Genetics</li> <li>• Human anatomy and physiology</li> <li>• Astronomy</li> <li>• Applied physics</li> <li>• Environmental science</li> </ul>

In addition to the sample course options described above, 11<sup>th</sup> and 12<sup>th</sup> grade students will have the option of pursuing college level coursework through on-line learning or enrollment in community college courses.

**Media and Fine Arts**

Visual and performing arts and media arts course meets two times per week for approximately one hour and fifteen minutes and may enroll students in 9<sup>th</sup> through 12<sup>th</sup> grades. Courses will be taught by core content teachers who possess a full or supplementary credential in the relevant content area(s) and may be supported by professional artists from the San Diego community.

Arts courses will be mixed in age and grade level and may be co-taught by DCH core teachers in partnership with professional artists from the San Diego community. In addition to traditional visual and performing arts such as drawing, sculpture, and theater arts, media art options will include digital media and communication. These arts courses will respond to the California content standards and meet the A-G requirements of the University of California.

### **Physical Education**

All DCH students will enroll in physical education (P.E.) courses from 9<sup>th</sup> through 12<sup>th</sup> grade. P.E. will be offered twice each week for approximately one hour and fifteen minutes. P.E. will be mixed in age and grade level, with students choosing the athletic focus that best responds to their interests. Courses will be taught by DCH teachers and may be supported by fitness professionals from the San Diego community.

P.E. options may include jogging, Ultimate Frisbee, soccer, beach volleyball, weight training, and modern dance. P.E. options will take advantage of facilities in the downtown area and may include weight training, dance, and water sports. The school facility will also include a group fitness room. DCH will pursue the possibility of students participating in interscholastic sports in partnership with San Diego High School. P.E. courses will respond to the California content standards.

### **Advisory**

All DCH students will have a staff advisor who remains with them for a minimum of two years and up to four years, depending upon the needs of students. Each student's advisor will be a primary contact for providing academic, social, and emotional support for students and will provide an essential advocacy function for the students. Advisors will help students plan their academic schedules, host student-led conferences, establish and maintain parent contact, help students develop appropriate study habits, monitor students' academic progress, and reach out to other school-based and community resources to provide additional help when needed. To maintain a low advisee: advisor ratio, every teacher and administrator on-campus will be assigned advisees with a target ratio of 15:1. Advisory groups will meet for approximately one hour once per week throughout the school year.

During advisory, students will learn appropriate study skills, discuss habits that support academic success, develop and maintain digital portfolios, and prepare for family learning nights, student-led conferences, and presentations of learning. Additionally, advisory will serve as a place to build community, problem-solve in response to academic or social concerns, organize school-wide activities and events, and meet with community mentors. In the 9<sup>th</sup> and 10<sup>th</sup> grades, advisory will also help to prepare students for their career explorations and internships. Students will role play professional conversations, discuss workplace etiquette, and explore variations in social and cultural norms across contexts. In the 11<sup>th</sup> and 12<sup>th</sup> grades, advisory will provide an opportunity for college and careers beyond high school. Students work with their advisor and the College & Career Coordinator (who also serves as the Dean of Students for the 11<sup>th</sup>/12<sup>th</sup> grade) to explore college and career opportunities, summer

enrichment learning, research scholarships, prepare application essays, practice interviews, and prepare for the transition to life beyond high school.

### **Career and Service Learning**

To support students in growing academically as well as career readiness and civic engagement, all DCH students will take part in four weeks of full-day career and service learning explorations or internships each year. Explorations and Internships will take place for two weeks in January and two weeks in June.

**Exploration (9<sup>th</sup>/10<sup>th</sup>)** – All 9<sup>th</sup> and 10<sup>th</sup> grade DCH students will participate in two 2-week career and service learning explorations in January and June of each year. Explorations will be intensive full-day learning experiences that focus on specific professional, civic, and service-related fields and will be developed by the teachers and students along with the help of the Community Partner Coordinator (who also serves as the Dean of Students for the 9<sup>th</sup>/10<sup>th</sup> grade). DCH teachers will lead explorations with small groups of students who remain with them for the full two weeks. Explorations will take place at both the school site and at related businesses, non-profit organizations, and government agencies. An exploration that focuses on the legal field, for example, might include visits to the courthouse and downtown law firms to meet with attorneys and observe legal proceedings as well as de-briefing discussions back at DCH and a trip to the school computer lab to investigate further career options and educational requirements. Explorations will be mixed in age and grade level, with students choosing the career and service-learning focus that best responds to their interests and aspirations. Central to the career exploration will be a focus on jobs of the future.

**Internships (11<sup>th</sup>/12<sup>th</sup>)** – All 11<sup>th</sup> and 12<sup>th</sup> grade DCH students will participate in two 2-week career and service learning internships in January and June of each year. Internships will be intensive, meaningful, full-day learning experiences that imbed individual students in specific professional, civic, and service-related fields. Internships will be coordinated by a DCH Internship Coordinator who is also a credentialed teacher and will respond to the National Academy Foundation's Gold Standards for high school internships.<sup>14</sup> The ten gold standards are as follows: 1) Internships are part of a continuum of work-based learning; 2) Internships are compensated; 3) Internships drive education equity; 4) Internships are based on identified youth interests and learning objectives; 5) Internship experiences align with academic learning; 6) Internships produce valuable work that furthers employers' organizational goals; 7) All participants are prepared for, and reflect upon, internship experiences; 8) Systems are in place to support internship participants throughout the experience; 9) Internships are assessed against identified youth interests and learning objectives; and, 10) Internships occur in safe and supportive environments.

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<sup>14</sup> National Academy Foundation. *Preparing youth for life: The gold standards for high school internships*. Downloaded August 5, 2010 from [http://naf.org/files/press\\_release/2010/03/InternshipGoldStandards\\_final.pdf](http://naf.org/files/press_release/2010/03/InternshipGoldStandards_final.pdf)

Internships will take place at selected businesses, non-profit organizations, and government agencies. Student interns will be supervised by a designated volunteer at the internship site and be visited periodically by a DCH teacher. Students will choose the internship focus that best responds to their interests and aspirations.

Internships will be assessed on a standardized internship assessment rubric. Students who do not meet the minimum requirement of “proficient” or higher on all areas of the rubric will be required to complete a summer internship experience supervised by DCH teachers, administrators, and/or counselors.

## **21<sup>st</sup> Century Literacy**

Woven across all content courses and learning experience will be significant opportunities for students to develop as critical readers, writers, creative thinkers, and problem solvers. The ability to read and understand content-specific texts and effectively communicate content knowledge is critical to discipline-based learning and academic success (Lattimer, 2010; Wineburg, 2001).<sup>15</sup> The ability to critically read and evaluate a range of print materials and media-based texts and communicate effectively to a range of audiences for clear purposes through appropriate forms is essential to success in career advancement and civic participation. The ability to define and describe a problem, generate potential innovative solutions, and implement and evaluate solutions is essential for success in the workplace and for the benefit of the community. The ability to integrate the arts in addressing critical social issues.

To ensure that students develop the literacy skills necessary for success in college, career, and civic participation, DCH teachers will work collaboratively across grade levels and content areas to identify common literacy objectives, develop universal literacy practices, and regularly review and assess student literacy achievement. On-going professional development will enhance teachers’ understanding of 21<sup>st</sup> century literacy expectations and effective instructional practices. Particular attention will be paid to the development of students’ written and oral presentation skills as the ability to effectively communicate has been shown to be a “threshold skills” for college achievement and professional advancement (National Commission on Writing, 2004).<sup>16</sup>

Common instructional practices that will be followed across content areas and learning experiences to support the development of 21<sup>st</sup> century literacy may include, but are not limited to, the following:

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<sup>15</sup> Lattimer, H. (2010). *Reading for learning: Using discipline-based texts to build content knowledge*. Urbana, IL: National Council of Teachers of English.

Wineburg, S. (2001). *Historical thinking and other unnatural acts: Charting the future of teaching the past*. Philadelphia, PA: Temple University Press.

<sup>16</sup> National Commission on Writing (2004). *Writing: A ticket to work, or a ticket out*. Downloaded August 6, 2010 from [http://www.collegeboard.com/prod\\_downloads/writingcom/writing-ticket-to-work.pdf](http://www.collegeboard.com/prod_downloads/writingcom/writing-ticket-to-work.pdf)

- The use of common writing, presentation, and performance assessment rubrics built on California state standards, the Common Core standards, 6-trait writing rubrics, and National Writing Project and National Council of Teachers of English guidelines.
- The use of common protocols for peer critique and review of written work, oral, and/or artistic presentations.
- Regular opportunities to publish and/or present work for authentic audiences. These opportunities include, but are not limited to and bi-annual presentations of learning (see Element 3 below).
- Regular opportunities to reflect on learning and present progress assessments orally, artistically, and in writing. These opportunities include, but are not limited to self-evaluations of projects and internship experiences, the maintenance of digital portfolios, and annual student-led conferences (see Element 3 below).

### **Summer Enrichment Learning**

Summer break for high school students can be an opportunity for learning exploration or a time of summer learning loss. The policy of DCH is to promote the former by supporting students in locating and attending summer enrichment activities that are of personal interest or academic need. As part of their responsibilities, the Deans of Students and the Internship Coordinator will work to locate summer enrichment learning.

**Incoming 9<sup>th</sup> graders** – Mandatory attendance at a summer pre-session.

**10<sup>th</sup> – 12<sup>th</sup> graders** – For each year of attendance at DCH, the student at DCH is encouraged to attend one week of enrichment learning during the summer break. Examples of summer enrichment learning includes such as activities as community service, youth leadership conferences, academic programs, art classes, sports leadership camps, college visits, and travel abroad programs. Students will be supported in locating enrichment opportunities as part of their advisory period activities.

**Sample Daily Schedule**

DCH will have staggered start times for the 9<sup>th</sup>/10<sup>th</sup> grades and the 11<sup>th</sup>/12<sup>th</sup> grades to facilitate students entering and existing the building and to make best use of the common area space.

	9 <sup>th</sup> / 10 <sup>th</sup>	11 <sup>th</sup> / 12 <sup>th</sup>
7:00 – 7:30 (9 <sup>th</sup> /10 <sup>th</sup> )	Tutoring available	
7:00 – 8:00 (11 <sup>th</sup> /12 <sup>th</sup> )	11 <sup>th</sup> /12 <sup>th</sup> staff collaboration (30-45 minutes)	
7:30	School starts 9 <sup>th</sup> /10 <sup>th</sup>	
7:30 – 9:30	Humanities / Arts	
8:00		School starts 11 <sup>th</sup> /12 <sup>th</sup>
8:00 – 10:00		History (Fall) / English (Spring)
9:30 – 9:45	Break 9 <sup>th</sup> /10 <sup>th</sup>	
9:45 – 11:45	Math / Science	
10:00 – 10:15		Break 11 <sup>th</sup> /12 <sup>th</sup>
10:15 – 12:15		Science (Fall) / Math (Spring)
11:45 – 12:15	Lunch 9 <sup>th</sup> /10 <sup>th</sup>	
12:15 – 12:45		Lunch 11 <sup>th</sup> /12 <sup>th</sup>
12:15 - 1:45 (9 <sup>th</sup> /10 <sup>th</sup> )	Language and Literacy Lab	Individualized Learning Lab
12:45 - 1:45 (11 <sup>th</sup> /12 <sup>th</sup> )	World Language	World Language
1:45 – 3:00 (Mon/Thur)	Media and Fine Arts	Physical Education
1:45 – 3:00 (Tues/Fri)	Physical Education	Media and Fine Arts
1:45 – 3:00 (Wed)	Advisory	
3:00 – 5:00	Tutoring available 9 <sup>th</sup> /10 <sup>th</sup> staff collaboration (30-45 minutes)	

## Sample School Calendar for 2013-2014

**(Includes 190 days of instruction)**

### **2013**

August 12 – 19	Staff Orientation
August 20 - 30	9 <sup>th</sup> Grade Summer Bridge – All 9 <sup>th</sup> graders
September 2	Labor Day
September 3	First Learning Session Begins – First day of class for all students
October 14	Staff Day – No School for Students
November 11	Veteran’s Day
November 25- 29	Thanksgiving Vacation
December 23 – January 3	Winter Break

### **2014**

January 6	School Resumes
January 20	Martin Luther King, Jr. Holiday
January 27 – February 7	Winter Project and Partnership Session (Explorations for 9 <sup>th</sup> /10 <sup>th</sup> ; Internships for 11 <sup>th</sup> /12 <sup>th</sup> )
February 10 -13	Presentations of Learning
February 13	First Learning Session Concludes
February 14	Staff Day – No School for Students
February 17	President’s Day Holiday
February 18	Second Learning Session Begins
March 21	Staff Day – No School for Students
April 14-25	Spring Break
May 23	Staff Day – No School for Students
May 26	Memorial Day Holiday
June 9 – 20	Spring Project and Partnership Intersession (Explorations for 9 <sup>th</sup> /10 <sup>th</sup> ; Internships for 11 <sup>th</sup> /12 <sup>th</sup> )
June 23 -26	Presentations of Learning
June 27	Second Learning Session Concludes; Last day of school

### **A Day in the Life – 9<sup>th</sup> grade**

- **Humanities/Arts** – During the extended humanities/arts block period, students engage in interdisciplinary project-based learning that responds to both history and English language arts standards. In this classroom, 9<sup>th</sup> grade students are in the midst of an oral history project that focuses on the immigrant experience. All students have been paired with a local community member who is willing to share an account of their immigration experience. Students have worked with their teacher to develop interview questions, practice narrative elicitation techniques, and hone note-taking strategies. After conducting a series of interviews, each student is working to craft a narrative account and visual representation of their subject’s experience. These will be bound into a book that

will be displayed in the new San Diego Central Library as well as posted in an on-line format. One team of students, based on a theatrical interest, choose to write a play instead of a book. The play is later performed for staff, students, parents, and interested community members. In addition to developing literacy and research skills, this project also helps students learn more about world cultures and U.S. policies. On this day, the teacher has invited a local immigration lawyer to visit the class to respond to student questions about immigration law and international relations.

- **Math/Science** – During the extended math/science block period, students engage in interdisciplinary project-based learning that responds to both math and science content standards. In this classroom, 9<sup>th</sup> grade students are finalizing their creation of animated movies designed to illustrate physics concepts of force and motion. Students have worked in teams to investigate core concepts of Newtonian physics, identify appropriate demonstrations of the concepts, and develop animated illustrations of selected physics concepts using Flash animation software. Films or other art forms are expected to explain concepts around force, motion, and acceleration using graphic representations, oral and written explanations, and algebraic representations. Filmmakers or other artists have visited the classroom to provide critiques of students' work. On this day, students are working to revise their work in response to this expert feedback.
- **Language and Literacy Lab** – In the Language and Literacy Lab, students participate in on-line and in-class learning that supports their English language and/or world language development. On this day, three students are engaged with an on-line second year Spanish language class. The course is reinforcing concepts from their middle school Spanish classes, so they are moving at an accelerated pace and expect to complete the course in a single semester. Across the room several other students are working on an on-line reading support module designed to increase English language proficiency for English language learners. Several other students are enrolled in an advanced Spanish for Spanish speaker's class that works to enhance Spanish literacy and prepare candidates for taking the AP Spanish language exam. Several parents of students with Spanish language knowledge have volunteered to work alongside students to develop both academic and social language acquisition and are discussing current events in Spanish. The other students are engaged in beginning level courses in Mandarin, French, Spanish, and Japanese. All on-line learning is monitored by a language teacher who adapts programs and learning experiences to respond to students' strengths, needs, and interests. In addition, the language teacher, volunteer tutors, and native language speakers provide individual support and opportunities for small group oral interaction.
- **Media and Fine Arts** – Media and fine arts courses are student-selected, mixed grade classes between 9<sup>th</sup> and 10<sup>th</sup> grades that meet twice each week. Classes are co-taught by visiting artists and media specialists from local community organizations and focus on a diverse range of visual arts, performing arts, digital media, and communication. In one semester-long performing arts course, for example, visiting artists from a performing arts company work with students to research, write, rehearse, produce, and perform their

own theater production. In a visual arts course, a local photographer teaches students to use photography to document “urban renewal” as part of a project that bridges the fine arts course concurrently with a curriculum unit in the humanities and arts block. Meanwhile, students in a digital media course work in teams to develop original, interactive video games.

- **Career Exploration** – As part of the Humanities and Arts curriculum, 9<sup>th</sup> graders learn about the genre of children’s literature and work as a team to research, write, and illustrate their own picture book. The project is coordinated with the staff of the new San Diego Central Library to explore with the students the work involved in managing a teen section of a library and students learn the skills of reading aloud to children. The Media Tech teacher is also part of the project and works with the students to explore the opportunities of on-line publishing and the development of a project blog to document the progress of the project. The project culminates with a published book, both in hard copy and on the web, and students conduct read-aloud sessions to local elementary school children in the children’s section of the new San Diego Central Library.

### **A Day in the Life – 11<sup>th</sup> grade**

- **English** – Core courses in the 11<sup>th</sup> and 12<sup>th</sup> grades are taught in semester-long block periods. Courses are designed to respond to students’ interests while also following CA content standards (see chart below). In a semester-long English course that focuses on journalism, for example, students develop reading, writing, and oral language skills by researching, writing, and producing bi-weekly podcasts of local news and events. A team of students work in the school’s Podcasting Studio. Features include investigative news stories, arts reviews, sports analysis, and human-interest stories. The course is taught by an English/Language arts teacher and supported by regular interactions with local media reporters, producers, editors, and publishers. On this day, students are reading and critiquing sample news stories produced by other newspapers, websites, TV and radio stations in an effort to better understand how bias influences reporting.
- **Advanced Math** – Students in the 11<sup>th</sup> and 12<sup>th</sup> grades may take more traditional courses such as Algebra II, trigonometry, and calculus or they may take applied math courses such as Architecture and Engineering or Business and Marketing. Applied math courses integrate core math concepts into a real-world context and allow opportunities for students to develop both conceptual and applied mathematical understanding. In a semester-long applied math course in Business and Marketing, for example, students explore algorithms used by corporations, business analysts, and market observers to make decisions and predict outcomes. They analyze data sets and explore statistical trends. They interact with peers as well as business and community members to enhance their ability to reason and communicate mathematically. Case studies feature prominently in this applied math classroom. On this day, students are immersed in a case study that analyzes the costs and benefits of investing in sustainable energy projects.

Data research and analysis is being done by teams of students; they will present their findings to representatives from a local energy company.

- **Individualized Learning Lab** – In the Individualized Learning Lab, students participate in on-line and in-class learning that responds to their individual academic interests. Students are expected to complete the equivalent of three years of world language learning, but this may take place at a faster or slower pace depending on student needs. In addition to language courses, students may also take a range of elective courses, college-level courses, and credit recovery courses through the Independent Learning Lab. On this day, several students are engaged in on-line third year language courses in Spanish, French, and Mandarin. A handful of students are preparing for AP exams by supplementing their in-class biology, English, and history courses with College Board advanced placement learning modules. A few students who transferred into the school are taking credit recovery courses to make up for missing or failed courses from their 9<sup>th</sup> and 10<sup>th</sup> grade years. While two students are challenging themselves in new directions by taking an on-line college class in introductory Arabic. Content teachers monitor all on-line learning, regularly administering assessments and adapting programs and learning experiences to respond to students’ strengths, needs, and interests.
- **Advisory** – At all grade levels, weekly advisory serves as an opportunity for academic advising and support, community building and problem solving. In the 11<sup>th</sup> and 12<sup>th</sup> grades, advisory also provides an opportunity for college and career preparation and support. On this day, 11<sup>th</sup> and 12<sup>th</sup> grade students hear presentations by visiting college representatives. Students have prepared for these visits in advance by researching the represented institutions and drafting questions to ask the presenters. Following the presentations, advisors will facilitate discussions that prompt students to think critically about the strengths and challenges of different institutions and the importance of finding a good “fit” with an individual’s interests and aspirations.
- **Internships** – Through activities in their advisory and supported by the Internship Coordinator, 11<sup>th</sup> and 12<sup>th</sup> graders research and apply for internships in the local community that align with a core interest. For a number of students, their internship takes place within the new San Diego Central Library where they learn the skills needed to work in a 21<sup>st</sup> century library. Some internships focus on the data management aspect of the library and work closely with the Information Technology department. Others focus on the administrative or customer service aspects of the library or help support the children, teen, or computer center. During the internship, a triad meeting between the on-site community mentor, student, and a school staff member allows for reflection and feedback on the experience. The internship experience will later be incorporated into the student’s digital portfolio and résumé and may also be incorporated into a Presentation of Learning or Senior Voice exhibition.

## **Supports for Students with Unique Learning Needs**

As noted previously, Downtown Charter High will engage all students in a rigorous college and career preparatory curriculum. The instructional design of the school takes into account the diverse needs of a range of learners and is purposefully organized to support low achieving students, English language learners, and special needs students while simultaneously challenging high achieving and gifted students to excel. Decades of research have clearly documented that ability grouping or tracking, though often well-intentioned, perpetuates societal inequalities and limits students' educational and career opportunities.<sup>17</sup> As such, DCH will not track students but instead will provide differentiated instruction in integrated classrooms. Small class size, personal relationships, block periods, and on-going professional development opportunities for teachers will help to facilitate this differentiation.

When appropriate, additional supports will be provided to students to ensure that all are able to be successful in meeting DCH goals and learning expectations. Additional supports may include but are not limited to the following:

- Morning and afternoon tutorials provided by DCH faculty as well as college and community volunteers.
- Summer pre-session for all incoming students.
- Extended school year to 190 days.
- On-line learning labs that provide enrichment as well as remediation and credit recovery support.
- Student success team meetings to identify concerns and develop action plan.
- Optional college-level coursework through on-line learning opportunities and a partnership agreement with the San Diego Community College.
- Individualized internships responsive to student interests and needs.
- Community mentors.
- On-going professional development for all teachers and administrators.

## **Plan for Students Who are Academically Low Achieving**

Although all students at DCH will be expected to engage in a rigorous college and career preparatory curriculum, it is recognized that not all students may enter the school at the same level of readiness. It is also recognized that students may at times struggle with academic success during high school due to a multi-faceted range of learning, social, and emotional challenges. DCH is committed to working with all students in the school to ensure academic success and will continually be alert for and responsive to students who struggle. After acceptance into the school and prior to the commencement of the school year, data will be collected on all students to identify potential areas of concern. Standardized test scores from the STAR CST, teacher recommendations, and student and parent/guardian questionnaires will all be used to develop an initial portrait of incoming students. Grade reports, standardized test scores, student-led conferences, and grade level teacher team meetings will be used to monitor

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<sup>17</sup> Oakes, J. (2005). *Keeping track: How schools structure inequality* (2<sup>nd</sup> ed.). New Haven, CT: Yale University Press.

on-going progress of all students enrolled in DCH and identify students who are struggling academically. It is important to note that there is not a formula or a set requirement for students to be identified as low-achieving and that students themselves play an important role in determining their needs and desire to receive additional support.

Once a student has been identified as low achieving, parents will be notified through written communication as well as a follow-up phone call from a school counselor and/or administrator. Identified low achieving students will be referred to a Student Success Team (SST). The SST will consist of the student, the students' teachers, advisor, parents/guardians, and other school professionals. Students can also be referred to the SST process through DCH teacher recommendation, parent request, or students can also self identify the need for additional support. During an initial SST meeting, the team will identify the students' strengths, areas of concern, and the intervention(s) needed to better support students' academic success. The SST team will monitor student progress and meet regularly to assess progress, recognize success, and make modifications as needed.

Interventions for students who are academically low achieving may include, but are not limited to, the following:

- Classroom modifications: Students may be provided with additional time on particular projects or class activities, seating or collaborative grouping arrangements may be changed, additional structure to help with organization may be provided, etc.
- Enhanced communication: Increased communication between teachers and parents/guardians may help to ensure students don't fall behind on assignments
- In-class support: Additional in-class support may be provided by classroom tutors and volunteers
- Outside-of-class support: Morning and afternoon tutorials provided by DCH faculty as well as college and community volunteers can help students with class assignments and clarify areas of confusion.
- Skill development: Summer pre-session, after-school tutorials, and on-line learning labs can help students develop academic skills and knowledge that are missing from their previous learning experiences

### **Plan for Students Who Are Academically High Achieving**

All students at DCH will be expected to engage in a rigorous college and career preparatory curriculum. Additionally, opportunities will be provided for students who have the academic ability and motivation to excel beyond the standard curriculum. Academically high achieving students will be identified through grades, standardized test scores, student-led conferences, grade level teacher team meetings, and individual teacher recommendations. It is important to note that there is not a formula or a set requirement for students to be identified as high-achieving and that students themselves play an important role in determining their need and desire to take on additional challenges such as those listed below. Students with average

grades but a strong interest in a particular content area or learning challenge may choose to pursue college level coursework, for example, as long as this challenge does not negatively impact students' ability to be successful in other academic areas. Once a student has been identified as high achieving, parents will be notified through written communication as well as a follow-up phone call from a school counselor and/or administrator. Advisors, teachers, and other staff will work with high achieving students to ensure that they are challenged academically.

Opportunities for students who are academically high achieving may include, but are not limited to, the following:

- Classroom modifications: Students may take on additional challenges through differentiated learning assignments that allow for multiple ways to demonstrate success. In the 11<sup>th</sup> and 12<sup>th</sup> grades, students may opt to pursue "advanced" course status by meeting a series of learning objectives that extend beyond the standard curriculum. Students electing to take the "advanced" option will continue to be enrolled in the core courses with their peers but will complete more in-depth assignments, take on a leadership role within the class, and may be required to meet with the teacher for discussion-based seminars outside of the standard school day.
- College-level coursework: College-level coursework will be available to high achieving students through on-line learning opportunities and a partnership agreement with the San Diego Community College. Students may elect to take college-level coursework in place of or in addition to courses at DCH.
- Internship learning: Students may elect to extend their career explorations and internships into the regular school year.

## **Plan for English Learners**

DCH recognizes its responsibility to enroll and support English Learners (EL) who can benefit from its programs and who otherwise qualifies for enrollment. DCH shall comply with all applicable state and federal laws in serving EL students (EEOA, 1974; Castaneda v. Pickard, 1981). All students will be given equal access to the school and the school will not discriminate on the basis of linguistic background or academic proficiency. Attention will be given to the social and academic language proficiency in the first and second language of the students. Programmatic services will parallel the Language Learning Policy unanimously adopted by the SDUSD Board in 2009 that recognizes biliteracy instructional programs as valuable options for our English learners and commits District support to these programs.

DCH is committed to engaging all students, including EL students, in a rigorous college and career preparatory curriculum. Within 30 days from the time of enrollment, students who identify anything but English as their primary language on the Home Language Survey will be assessed using the CELDT (California English Language Development Test). Parents will be notified of CELDT testing and what it means for their child through written communication in their home language as well as follow-up in-person communication with a DCH teacher,

administrator, and/or home-language translator as needed. Following established procedures, students will be placed into one of five categories (Beginners, Early Intermediate, Intermediate, Early Advanced, or Advanced) and provided with first and second language academic instruction. Students will be reclassified if they assess as Advanced or above and will no longer be classified as an English Learner. Students will be assessed at the beginning of each school year in their first and second language for language and academic proficiency.

It is important to note that although the CELDT test is one measure that will be used to identify and monitor ELD (English language development) progress, it is not the only measure. Grades, STAR CST scores, student-led conferences, teacher observation, grade level teacher team meetings, and student self-assessment will all serve to monitor and respond to the progress of EL students. Language learning is a complex process that depends on many factors including, but not limited to, language proficiency and literacy in the first language (L1 – primary language), availability of texts in the target language (L2- secondary language) at school and at home, opportunities for interactions in L2 in academic and non-academic settings, opportunities for explicit instruction in L1 and L2 language development, and individual student motivation. Although many students develop informal L2 language proficiency relatively quickly, mastering academic and professional linguistic registers can be much more challenging. Since the objective of DCH is to prepare all students for success in college, 21<sup>st</sup> century careers, and civic involvement, it is anticipated that EL students will need targeted supports that may extend beyond reclassification.

Supports for EL students may include, but are not limited to, the following:

- Classroom differentiation: All DCH teachers must be CTEL (California Teacher of English Learners) certified prior to being hired. All DCH teachers will also be expected to have a CLAD (Cross cultural Language and Academic Development) or BCLAD (Bilingual Cross cultural Language and Academic Development) certificate and be trained/experience in SDAIE (Specially Designed Academic Instruction in English) strategies. Bilingual teachers in specialized in content areas will be hired as necessary. DCH teachers and support personnel will receive on-going professional development that is responsive to current research, best practice understanding, and the California English Language Development (ELD) standards. All DCH teachers will be expected to differentiate instruction in their classrooms to ensure that EL students have equal access to content knowledge and skills while simultaneously providing explicit support for academic language development.
- On-going professional development for teachers: Professional development opportunities will be offered to teachers so that they have access to the latest research and practice in supporting the needs of EL students. Professional development opportunities may include on-site collaborative learning, on-site expert presentations, literature reviews and reading discussions, and participation in local, regional, and national conferences.

- L1 language and literacy development: EL students will have access to targeted academic development in their primary language through on-line and in-class supports in the Language and Literacy Lab and the Individualized Learning Lab. Opportunities for L1 academic development in the Language and Literacy Lab and the Individualized Learning Lab will be built into the school day and will also be available before and after school as well as during the summer pre-session. There have been five meta-analyses conducted by five independent researchers or groups of researchers with diverse perspectives that all conclude that learning to read in L1 promotes reading achievement in L2 (Goldenberg, 2008).<sup>18</sup>
- L2 language and literacy development: In addition to L1 learning opportunities, the Language and Literacy Lab and the Individualized Learning Lab will both provide opportunities for targeted L2 language and literacy development. On-line and in-class L2 learning opportunities will include published curriculum, web-based modules, and small group and individual tutoring that helps EL students to develop phonemic awareness, academic vocabulary, reading comprehension, and writing in English. Opportunities for English language and literacy development in the labs will be built into the school day and will also be available before and after school as well as during the summer pre-session.
- Extended learning opportunities: EL students face multiple learning challenges – Many are working to develop L2 (ELD and academic) proficiency while concurrently working to master academic content. In addition, a disproportionate number of EL students are economically disadvantaged (California Legislative Analyst’s Office, 2007, p. E-123). Additional time in an academic learning environment is needed to respond to these multiple challenges (Gandara & Rumberger, 2008).<sup>19</sup> DCH will provide the following extended learning opportunities to EL students:
  - Morning and afternoon tutorials provided by DCH faculty as well as college and community volunteers.
  - Summer pre-session for all incoming students.
  - Extended school year to 190 days.

Home and community support: To support L1 and L2 academic development outside of school, DCH will work with parents/guardians to ensure that literacy resources and learning opportunities are available at home. In addition, DCH students will be paired with community mentors, with special care being taken to pair EL students with bilingual mentors who can provide language support and help to equip students to the social capital needed to successfully navigate academic and professional opportunities. Parents will be provided with skills in navigating the essential tasks to connect their children with the A to G core curriculum through special training programs (e.g., Parent Institute for Quality Education).

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<sup>18</sup> Goldenberg, C. (2008, Summer). Teaching English language learners: What the research does – and does not – say. *American Educator*.

<sup>19</sup> Gandara, P., & Rumberger, R. (2008). *Resource Needs for English Learners: Getting Down to Policy Recommendations*, University of California Linguistic Minority Research Institute.

## **English Language Development Support**

Students will be identified for English Language Development (ELD) support through CELDT testing and self-reported number of years in the United States. Students who score beginning or intermediate on the CELDT test and indicate that they have been in the country for less than three years will be placed in ELD unless on-site assessments, and teacher, student, and parent/guardian input indicate otherwise. ELD placement for DCH students who do not meet these criteria but would benefit from intensive language development support will be made on a case-by-case basis. ELD placements will be reviewed quarterly and the CELDT test will be administered annually in order to determine re-designation and appropriate adjustments in ELD support services.

Students who are identified for ELD support will be placed in a language cohort model within the core humanities and math/science classrooms and will work to develop both conversational and academic language proficiency in listening, speaking, reading, and writing. The cohort will use ELD curricular materials that have been approved by the California Board of Education, such as High Point from Hampton Brown and the Fast Track reading program from the Wright Group, as well as the Focused ELD curriculum guides developed within San Diego Unified. The World Language teacher will be available on a rotating basis to provide targeted support to the ELD cohort within the mainstream classes using a co-teaching model. Each teacher will receive an EL roster with information on the designated language learners in the classroom and will be expected to work with the World Language teacher to modify and scaffold assignments so that all students can access core content material. In addition, all DCH teachers will participate in on-going professional development to better understand the specialized needs of and supports for beginning and intermediate English Language Learners.

L1 language and literacy development supports will be provided to all English language learners (ELLs). Services will include on-line coursework and on-site language instruction through the language and literacy lab (9<sup>th</sup>/10<sup>th</sup>) or individualized learning lab (11<sup>th</sup>/12<sup>th</sup>). ELLs in 11<sup>th</sup> and 12<sup>th</sup> grades may also be eligible to enroll L1 language courses at San Diego Community College courses. In addition, L1 learning opportunities will be provided through bilingual explorations and internships as well as course-based projects that include bilingual oral and/or written components such as the development of a bilingual website or a presentation to a bilingual audience.

Students who enter high school as beginning or intermediate English language learners face special pressures resulting from the compressed time frame to attain language fluency and meet high school graduation and college entrance requirements. DCH will extend the learning time available to ELLs through a longer school year, after school support programs, and summer learning experiences. In addition, DCH will offer credit recovery support through programs such as APEX to ensure that ELLs have the opportunity to graduate with their peers.

## **Plan for Special Education**

### **Overview**

DCH recognizes its responsibility to enroll and support students with disabilities who can benefit from its programs and who otherwise qualify for enrollment. DCH shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act, and any other civil rights enforced by the U.S. Department of Education Office of Civil Rights (OCR). Furthermore, DCH will comply with AB 602, applicable Special Education Local Planning Area (SELPA) guidelines, and all California laws pertaining to special education students.

All students will be given equal access to the school, regardless of disabilities, and the school will not discriminate against any students based on his or her disabilities.

### **Services for Students Under the IDEA**

*The following description regarding how special education and related services will be provided and funded is being proposed by the DCH for the sole purpose of providing a reasonably comprehensive description of the special education program in the Charter Petition. The specific manner in which special education and related services will be provided and funded shall be set forth in a Memorandum of Understanding (“MOU”) between DCH and the District and “Special Education Policy and Procedure Manual” to be developed upon approval of this petition.*

DCH shall initially remain, by default, a public school of the District for purposes of Special Education purposes pursuant to Education Code Section 47641(b). However, DCH reserves the right to make written verifiable assurances that it shall become an independent local educational agency (LEA) and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEAs as a consortium. A change in LEA status or SELPA membership shall not require a material revision of this charter.

So long as DCH operates as a public school of the District, solely for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b) and in accordance with Education Code Section 47646 and 20 U.S.C. 1413, DCH seeks services from the District for special education students enrolled in DCH in the same manner as is provided to students in other District schools. However, DCH reserves the right to contract with service providers outside the District when appropriate. DCH anticipates that a Memorandum of Understanding (“MOU”) will be developed between the school and the District, which shall delineate the respective responsibilities of DCH and the District with regard to the funding and delivery of special education and related services.

## **Commitment to Serving All Students**

DCH is committed to meeting the needs of all students, including those with exceptional needs. It is understood and agreed that all children will have access to DCH and no student shall be denied admission nor counseled out of DCH due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

As described above, the instructional philosophy of the school is designed to meet the diverse needs of all students, including those with special needs. Central to the educational philosophy of DCH is the goal of serving all students in an inclusion setting. DCH will meet all the requirements mandated within a student's Individual Education Plan (IEP). The school will seek to include all special needs students with non-disabled peers to the maximum extent appropriate according to their IEP. DCH also recognizes that this commitment may not suit the needs of all students with disabilities and that other special education programs may be more appropriate for meeting the needs of some students. If the student's needs as documented on the IEP require a program other than inclusion, DCH will work with the District or SELPA in which it is a member to provide an appropriate placement and services.

## **Staffing**

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by California's Education Code and the IDEA. DCH expects to employ individuals or work with the District or SELPA in which it is a member to contract with independent providers to provide special education compliance review, assessment, and all services including Designated Instruction and Service as specified in California Education Code and IDEA.

DCH will employ a Dean of Students that, among other duties, will be responsible for overseeing case management of all special education students and for arranging provision of services required by their IEP.

The Dean of Students will:

- Ensure that all aspects of the IEP are followed;
- Arrange for the teacher of the student to attend the team meetings;
- Ensure that parents are informed about progress made toward attaining the goals stated on the student's IEP,
- Ensure that parents are provided a written Notice of Procedural Safeguards at least once per year (DCH will utilize the Notice of Procedural Safeguards used by the District or SELPA in which it is a member);
- Complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP;

- Maintain a central file with all special education evaluation material and IEP's in accordance with FERPA and IDEA guidelines; and
- Provide a report of student progress on the same schedule as students in general education.

The School Director, Dean of Students, regular and special education teaching staff, as well as other appropriate DCH faculty and staff members will attend professional development and/or training meetings necessary to comply with state and federal special education laws, including those sponsored by the District or SELPA.

### **Search and Serve**

It is the intent of DCH to exhaust all interventions before a student is referred for formal assessment for special education. Upon the commencement of each school year, the Dean of Students will work with teachers to identify any students in need of pre-referral intervention services. The student's need for interventions will be screened from already available data regarding the student's progress or lack of progress within the general education program, including school tests, teacher observations, and grades.

For students who are identified as needing interventions, a Student Study Team (SST) will be established. The SST will be comprised of the student, the students' parent or guardian, the School Director, and the Dean of Students. The SST will be responsible for identifying the student's needs and developing a plan to enable that student to be successful, including the appropriate individual tutoring schedule and classroom modifications, strategies, and techniques to enhance that student's ability to be successful. If the Student Study Team finds that the pre-intervention plan is not sufficient to meet the student's needs, the team will recommend that the student be referred for a formal special education assessment. The SST may also choose to refer a student for services through the provisions of a Section 504 Plan, if appropriate.

### **Referral for Assessment**

The referral process is a formal, ongoing review of information related to students who are suspected of having disabilities and show potential signs of needing special education and related services. DCH's referral for assessment process will include examining student screening information and making a decision about whether or not to conduct a formal educational assessment. The parent of any student suspected of needing or qualifying for special education services may also make a referral for an evaluation. Any such referrals will be responded to in writing by the Dean of Students within 15 days. Parents will be informed via the Dean of Students that special education and related services are provided at no cost to them.

If DCH concludes that an assessment is appropriate, the parent will receive a written Assessment Plan. The parent will be given at least 15 days to provide written consent to the Assessment Plan. Assessments will be done only upon receipt of written parent permission. The

assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's written consent for assessment.

### **Assessment**

The types of assessments that may be used for determining eligibility for specialized instruction and services will include:

- Individual testing;
- Observations;
- Interviews;
- Review of school records, reports, and work samples; and,
- Parent input.

In conducting an assessment for special education, DCH will follow the following assessment guidelines:

- Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment;
- The assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's written consent for assessment;
- The student must be evaluated in all areas related to his/her suspected disability;
- Assessments must be conducted by a person with knowledge of the student's suspected disability, and administered by trained and knowledgeable personnel and in accordance with any instructions provided by the producer of the assessments. Individually administered tests of intellectual or emotional functioning must be administered by a credentialed school psychologist;
- Assessments must be selected and administered so as not to be racially, culturally, or sexually discriminatory;
- Assessments must be delivered in the student's primary language, unless a qualified interpreter is provided;
- Assessment tools must be used for purposes for which the assessments or measures are valid and reliable; and
- Assessments will be adapted as necessary for students with impaired sensory, physical or speaking skills.

Upon completion of the assessment, an IEP team will be assembled to review the results of the assessment and determine the student's need for special education. The Dean of Students will be responsible for scheduling, coordinating and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting. Parents will be provided with written notice of the IEP meeting, and the meeting will be held at a mutually agreeable time and place.

## **Development and Implementation of IEP**

All decisions concerning the special education programs and services to be provided to a student with a disability are to be made by the IEP team. The IEP team must include all of the following members:

- The student's parents or legal guardian;
- At least one special education teacher;
- A Dean of Students;
- At least one general education teacher of the student if the student is, or may be, participating in the general education environment;
- If the child was recently assessed, the individual who conducted the assessment or who is qualified to interpret the assessment results;
- If the student has reached the age of majority (18 years), the student; and
- Others familiar with the student as needed.

DCH views the parent as a key stakeholder in these meetings and will make every effort to accommodate parents' schedules and needs so that they will be able to participate effectively on the IEP team. The school will provide an interpreter if necessary to ensure that all parents and/or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the school will ensure his/her participation using other methods, such as conferencing by telephone or meeting at the parent's home.

The student's IEP will include the following:

- A statement of the student's present levels of academic achievement and functional performance;
- Measurable annual goals;
- A description of how the child's progress toward meeting the annual goals will be measured and when reports will be provided;
- A statement of the special education and related services and supplementary aids and services to be provided to the child;
- An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils;
- Accommodations necessary to measure the academic achievement and functional performance of the pupil on state and district assessments;
- The projected date for the beginning of the IEP services and modifications ;
- The anticipated frequency, location, and duration of those services and modifications; and

- For students 16 years of age and older, measurable postsecondary goals related to training, education, employment and independent living skills, along with transition services needed to assist the student in reaching those goals.

A copy of the IEP will be given to the parent. Upon the parent or guardian's written consent, the IEP will be implemented by DCH, in cooperation with the District or SELPA in which DCH is a member.

IEP meetings will be held according to the following schedule:

- Yearly to review the student's progress and make any necessary changes;
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress;
- After the student has received a formal assessment or reassessment;
- Within 30 days of a parent's request for IEP meeting;
- When an Individual Transition Plan is (ITP) required at the appropriate age;
- Within 10 school days of any decision to change the placement of a student with a disability as a result of a violation of the student code of conduct, a manifestation determination IEP meeting will be held. A change of placement means a disciplinary removal, suspension, or expulsion for more than 10 consecutive school days or a series of such removals totaling more than 10 school days in a single school year for substantially similar behavior.

### **IEP Review**

The IEP team will formally review the student's IEP at least once a year to discuss the student's present levels of performance, determine whether the student is achieving his or IEP goals, and discuss whether the student's placement and services remain appropriate. As with all IEP meetings, DCH will make every effort to include parents these annual IEP meetings, including providing written notice of the meeting and scheduling the meeting at a mutually agreeable time and place.

In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

If a parent or faculty member feels the student's educational needs are not being met, either may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, DCH will have thirty days, not including school vacations greater than five days, to hold the IEP meeting.

Unless otherwise specified on the student's IEP, parents will be informed of the student's progress toward meeting annual goals at the same time that the parents of non-disabled students are notified of progress. The Goals and Objectives section of the IEP will be an

attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured; the student's progress during the relevant period; the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review; and where needed, the reasons the student did not meet the goal.

### **Interim and Initial Placements of New Charter School Students**

For students who enroll in DCH from another school district during a school year with a current IEP, DCH shall conduct an IEP meeting within thirty days. Prior to such meeting and pending agreement on a new IEP, DCH shall work with the District or SELPA to implement the existing IEP at DCH or as otherwise agreed by the parent/guardian.

### **Non-Public School Placements/Non-Public Agency Services**

So long as DCH remains a school of the district for purposes of special education, the District shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students. DCH shall not hire, request services from, or pay any non-public school or agency to provide education or services to special education students without the prior written approval of the District. DCH shall immediately notify the District of all parental requests for services from non-public schools or agencies, unilateral placements, and/or requests for reimbursement.

### **Reporting**

DCH will collect and maintain the following information on disabled students as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability and the number of students with disabilities who are English Language Learners;
- The number of students provided with test modifications and the types and the number of students exempted from District assessments;
- The settings in which students with disabilities receive their services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended "in-school" and out of school, organized by disability and length of suspensions; and
- The basis of exit from DCH of students with disabilities (*i.e.*, attainment of diploma and type, declassified, moved, etc.).

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of the DCH Dean of Students, as supervised by the School Director. The School Director will ensure that a central file with all special education evaluation material and IEP's is maintained and that this file is locked and confidential, in accordance with IDEA

guidelines. The School Director will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

### **Procedural Safeguards**

The Dean of Students will ensure that parents are provided a written Notice of Procedural Safeguards at least once per year (DCH will utilize the Notice of Procedural Safeguards used by the District or SELPA in which it is a member).

### **Dispute Resolution**<sup>20</sup>

In the event that a parent/guardian files a request for a due process hearing or request for mediation, the District and DCH shall work together to defend the case. In the event that the District determines that legal representation is needed, the DCH agrees that it shall be jointly represented by legal counsel of the District's choosing.

The District may initiate a due process hearing or request for mediation with respect to a student enrolled in DCH if the District determines such action is legally necessary or advisable. DCH agrees to cooperate fully with the District in such a proceeding.

So long as DCH operates as a school of the District for purposes of special education, DCH understands that the District shall have sole discretion to settle any matter in mediation or due process. The District shall also have sole discretion to file an appeal from a due process hearing or take other legal action involving any DCH student necessary to protect its rights.

### **Funding**

DCH understands that it will enter into a MOU with the District regarding special education funding and cannot at this time unilaterally dictate the funding relationship between the District and DCH.

### **Section 504/ADA**

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

DCH recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the school. Any student having a disability that substantially limits a major life activity, and by reason of that disability needs accommodation to benefit from his or her education in the same manner as nondisabled students, shall be eligible for accommodation through use of a Section 504 Accommodation

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<sup>20</sup> In the event that DCH opts to operate as an LEA in a SELPA other than SDUSD, DCH reserves the right to make alternate arrangements for legal representation in and resolution of legal disputes pertaining to special education.

Plan. Upon approval of this petition, DCH will develop a “Section 504 Policy and Procedure Manual” that will delineate specific policies and procedures for identifying and accommodating students under Section 504.

DCH recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of DCH. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation.

A 504 team will be assembled by the Dean of Students 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 will review the student’s existing records, including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA 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 who will evaluate the nature of the student’s disability and the impact upon the student’s education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- 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 include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent 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 will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives the free and 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 DCH 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 site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

## **Family and Community Involvement**

Meaningful family and community involvement is an essential component of a successful school. Downtown Charter High will actively engage parents and community members to support student learning. Community members will be vital to crafting an authentic learning environment that involves students in real-world educational opportunities both on campus and in the larger professional and civic communities. Parents will be recognized and involved as key partners in supporting students' academic and personal growth and engaged as an asset to the learning environment.<sup>21</sup> Opportunities for family and community involvement will include the following:

**Family orientation** – During the application process, a series of informational meetings will be held to provide prospective students and families with information about the school. Annual on-site school orientations will provide all enrolled students and their families with more detailed information about the upcoming school year. Advisors will visit the home of each student who is new to the school or visit with new student families if so requested as an alternative.

**Family learning nights** – Family learning nights will be held at least three times during the year. Learning nights will be hands-on opportunities for families to explore the programs, academic curriculum, and internship opportunities provided by DCH in a fun, interactive setting.

**Language and Literacy Lab** – Parent volunteers will have opportunities to assist teachers in the Language and Literacy Lab to support academic and social language acquisition.

**Student-led conferences** – Parents will be made aware of students' academic growth through regular progress reports as well as annual student-led conferences with teachers, advisors, and peers who act as "critical friends." Conferences will follow a protocol that includes opportunities for students to present evidence of their learning,

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<sup>21</sup> Olivos, E. M. (2006). *The power of parents: A critical perspective of bicultural parent involvement in public schools*. New York, NY: Peter Lang Publishing, Inc.

feedback and assessment from conference participants, and planning for next steps to support future progress.

**Presentations of learning** – Parents and community members will be invited to observe and actively participate in responding to student projects and learning outcomes during bi-annual Presentations of Learning (POLs). Wherever possible, POLs will be assessed by community experts who have specialized knowledge related to the topic under investigation.

**Progress reports** – Parents will receive quarterly reports that describe their students' progress. DCH students will earn traditional A-F grades in all academic courses. Courses will respond to state content standards and grades will serve as a measure of student progress toward mastery of those standards. Grade reports will be accompanied by teachers' written commentaries. In addition, parents will be able to monitor students' progress through their on-line digital portfolio.

**Community consultants** – Community experts will be sought out for consultation and advice during the design, implementation, and assessment of student projects. Where appropriate, community consultants will be asked to provide input and feedback to students through in-class or on-site consultations.

**Community mentors** – Members from the community will be sought who can provide career and civic guidance for students. Mentoring relationships will begin in 9<sup>th</sup> grade and continue through graduation.

**Parental engagement in the core curriculum** – to engage parents in measurable outcomes expected of students, trainings designed to connect parents to the core curriculum will be provided. The training will focus on the essential tasks and skills needed to access the core curriculum and success in school.

**Extra-curricular clubs and activities** – Students, parents, and community members will have the opportunity to engage in extra-curricular clubs and activities that respond to student interests and community needs. Clubs and activities may include, but are not limited to the following: Filmmaking club, model United Nations, running club, environmental club, improv team, yearbook, etc. Clubs will be sponsored by DCH teachers and may hold meetings and events before or after school.

In addition, DCH will distribute to parents on an annual basis a parent handbook. This handbook will include general school information of interest to parents as well as specific information on course transferability, courses offered at DCH that are accredited by the Western Association of Schools and Colleges (WASC), and courses offered by DCH that are creditable under the "A-G" admissions criteria for the University of California or California State University.

## **Professional Development for Faculty and Administrators**

Downtown Charter High will provide integrated adult learning opportunities to nurture the professional growth and development of faculty and administrators. An underlying premise at

DCH is that professional development activities should be generated from the needs and perspectives that emerge from within the learning environment and allow for “educators to take charge of their own learning.”<sup>22</sup> Professional development opportunities will include the following:

**Interdisciplinary collaboration** – 30 to 45 minutes will be provided daily for grade level collaboration to support faculty in planning, implementing, and assessing interdisciplinary projects and programs. In addition, five staff development days are scheduled throughout the year.

**Mentorships** – Each faculty member will be partnered with a colleague who will act as a critical friend to critique teaching and learning in the classroom. Mentorship colleagues will observe and provide feedback monthly using observation protocols.

**Site-based workshops** – Regular on-site workshops will be provided to enrich faculty and administrator knowledge and respond to assessed student and program needs. Among the topics that workshops may address are the following: Supporting interdisciplinary teaching and learning, assessing student learning in a PBL environment, supporting English language learners, responding to the needs of Special Education students, connecting in-class learning to real-world career and civic participation, developing 9<sup>th</sup>-12<sup>th</sup> grade writing and communication supports, and articulating grade-level expectations to prepare students for success in college.

**Conferences and institutes** – DCH faculty and administrators will be expected to participate in regional, national, and international conferences and institutes to develop and share discipline and pedagogical expertise.

## **The Educational Design as Guide**

The educational design outlined in this petition represents a meaningful guide for developing specific educational programs, student outcomes, and methods of assessment at DCH. Some modifications to what is presented in the petition may occur at the discretion of the Board or the School Director to best meet the needs of the students enrolled at DCH and its staff, but would not constitute a materially significant change in the petition. The charter school authorizer would be informed of any materially significant change to the educational design outlined in the petition.

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<sup>22</sup> McDonald, J., Mohr, R., Dichter, A., & McDonald, E. (2007). *The power of protocols: An educator's guide to better practice*. New York, NY: Teachers College Press. P.1.

## Element 2: Measurable Student Outcomes

*“The measurable student outcomes identified for use by the charter school. ‘Student outcomes,’ for purposes of this part, means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.” California Education Code § 47605 (b)(5)(B).*

Downtown Charter High is grounded in the belief that all students who are provided with access to high quality instruction in a personalized learning environment with appropriate supports can achieve high quality academic results and be prepared for success in college, career, and civic participation.

Listed below are the goals and outcomes that respond to the objectives discussed in the earlier description of “An education person in the 21<sup>st</sup> century.” Information on the methods of assessment used to measure outcome attainment can be found in the chart in Element 3.

### **Goal 1: Students will demonstrate academic proficiency in all core content areas.**

#### Explanation:

Students at DCH will demonstrate academic proficiency in the core content areas of English/ language arts, history/ social science, mathematics, science, and world languages. Academic proficiency will be determined by the expectations set forth in the California state content standards as well as the University of California. The curriculum in all core content classes at DCH will meet California content standards as well as University of California A-G requirements.

#### Outcomes:

- DCH students will meet or exceed the average performance levels of students in schools with similar demographics in the district on the California Standards Test (CST).
- DCH students will meet or exceed the average performance levels of students in schools with similar demographics in the district on the California High School Exit Exam (CAHSEE).
- DCH students will demonstrate progress toward proficiency in core academic subjects on quarterly school and/or district benchmark assessments. Benchmarks will be reviewed by faculty and administrators to assess student progress, provide feedback to students and parents, and guide appropriate adjustments to curriculum and instruction.

### **Goal 2: Students will demonstrate effective literacy and communication skills.**

#### Explanation:

Effective literacy and communication skills are essential to DCH’s mission to provide a meaningful college and career preparatory education for students in the 21<sup>st</sup> century. The ability to read and understand content-specific texts and effectively communicate content knowledge is critical to discipline-based learning and academic success. The ability to critically read and evaluate a range of print materials and media-based texts and communicate

effectively to a range of audiences for clear purposes through appropriate forms is essential to success in career advancement and civic participation. The ability to define and describe a problem, generate potential innovative solutions, and implement and evaluate solutions is essential for success in the workplace and for the benefit of the community.

Students at DCH will develop effective literacy and communication skills through daily classroom interactions, presentations of learning, digital portfolios, and a Senior Voice exhibition. Instruction and assessment of student literacy and communication skills will respond to the California state standards, the Common Core standards, 6-trait writing rubrics, and National Writing Project and National Council of Teachers of English guidelines.

#### Outcomes:

- DCH students will meet or exceed the average performance levels of students in schools with similar demographics on the reading and writing portions of the California High School Exit Exam (CAHSEE).
- DCH students will meet or exceed the average performance levels of students in schools with similar demographics on the reading and writing portions of the Scholastic Aptitude Test (SAT).
- DCH students will demonstrate progress toward reading, writing, speaking and listening, and language proficiency on quarterly benchmark assessments. Benchmarks will respond to the standards described in the Common Core Standards<sup>23</sup>. Benchmarks will be reviewed by faculty and administrators to assess student progress, provide feedback to students and parents, and guide appropriate adjustments to curriculum and instruction.

### **Goal 3: Students will demonstrate college and career readiness and competitiveness.**

#### Explanation:

Students at DCH will demonstrate college and career readiness and competitiveness. Academic classes at DCH, on-line and community college enrichment courses, career exploration and internship experiences, and on-going interactions with academic, business, and civic leaders will allow students to build a competitive portfolio of skills and experiences and prepare them for college and career success. Instruction and assessment to support college and career readiness will be guided by the Framework for 21<sup>st</sup> century learning<sup>24</sup>.

#### Outcomes:

- DCH students will meet all requirements for a DCH diploma at rates that meets or exceeds the average graduation rates for district schools with similar demographics. Requirements for a DCH diploma include the following:
  - Successfully completing courses to satisfy the A-G requirements for the University of California.

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<sup>23</sup> [http://www.corestandards.org/assets/CCSSI\\_ELA%20Standards.pdf](http://www.corestandards.org/assets/CCSSI_ELA%20Standards.pdf).

<sup>24</sup> [http://www.p21.org/index.php?option=com\\_content&task=view&id=254&Itemid=119](http://www.p21.org/index.php?option=com_content&task=view&id=254&Itemid=119).

- Successfully completing career internship experiences with a score of “proficient” or above on standardized internship assessment rubrics.
- Maintaining a GPA of 2.0 or above in all academic courses.
- All DCH students will take the SAT or ACT and gain admission to at least one college, university, or career technical institution.
- DCH students will demonstrate progress toward the learning and innovation, life and career skills described on the Framework for 21<sup>st</sup> century skills. Twice yearly reviews of students’ academic records, career exploration and internship assessments, and digital portfolios will assess student progress, provide feedback to students and parents, and guide appropriate adjustments to curriculum and instruction.

**Goal 4: Students will demonstrate civic engagement and global competence.**

Explanation:

Students at DCH will demonstrate civic engagement and global competence. Interdisciplinary social justice projects, civic and service-based career explorations and internships, in-class and on-line language learning, international exchanges, and on-line global partnerships will allow students multiple opportunities to engage in civic-oriented and globally-focused learning. Instruction and assessment to support civic engagement and global competence will be guided by in the International Baccalaureate Learner Profile<sup>25</sup> and the Asia Society standards for global competence<sup>26</sup>.

Outcomes:

- DCH students will participate in at least two Community Service Learning (CSL) projects each year. CSL projects should have a civic and/or global education focus and may take place through advisory, arts, physical education or core content classes; may be completed in connection with career explorations or internships; or may be designed and completed independently.
- DCH students will complete three years of world language coursework by the time of graduation and meet or exceed the standards for Stage III (Planned) as described in the California content standards for World Languages -- <http://www.celta.net/standards/standards.pdf>. Progress toward these standards will be measured through quarterly benchmark assessments.
- DCH students will demonstrate progress toward civic engagement and global competence expectations. Twice-yearly reviews of students’ service learning reflections, career exploration and internship assessments, and digital portfolios will be used to assess student progress, provide feedback to students and parents, and guide appropriate adjustments to curriculum and instruction.

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<sup>25</sup> <http://www.ibo.org/programmes/profile/>.

<sup>26</sup> <http://asiasociety.org/education>; <http://asiasociety.org/education-learning>.

**Goal 5: DCH will encourage significant family and community involvement and demonstrate parent satisfaction.**

Explanation:

Meaningful family and community involvement is an essential component of a successful school. Downtown Charter High will actively engage parents and community members as key partners in supporting students' academic and personal growth. Opportunities for family and community involvement will include family learning nights, community mentors, community consultants, student led conferences, presentations of learning, service and career explorations and internships. Annual surveys of parents, community volunteers, artists-in-residence, and career exploration and internship providers will be used to monitor overall satisfaction with the school and its programs. School administrators, faculty, counselors, and advisory board members will use data from the survey to monitor family and community experiences and continually improve school programs.

Outcomes:

- 100% of DCH parents will participate in at least one school-sponsored learning event each year.
- At least 90% of respondents will score DCH as "satisfactory" or above on annual parent surveys. Surveys will measure parent perceptions of student experience, teacher quality, school safety, extracurricular opportunities, school leadership, and parent involvement.
- At least 90% of respondents will score DCH as "satisfactory" or above on annual surveys of community volunteers, artists-in-residence, and career exploration and internship providers. Surveys will measure community perceptions of academic quality, career preparedness, teacher quality, school leadership, and community involvement.

**Goal 6: DCH students will meet or exceed AYP accountability targets based on California Standards Tests (CSTs) and the California High School Exit Exam (CAHSEE).**

Explanation:

The Academic Performance Index (API) is the official accountability score used by the State of California. It is based on CST and CAHSEE results and measures growth toward becoming a high performance school. DCH will focus long-term on the goal of meeting and exceeding the statewide API performance target for all schools of 800. DCH will respond to short-term goals of meeting and exceeding annual state-assigned API growth targets. In compliance with the No Child Left Behind Act (NCLB), Adequate Yearly Progress (AYP) in secondary schools is measured as the percent of students scoring proficient or above on CST and CAHSEE results.

Outcomes:

- DCH will meet the minimum participation rate requirements and will meet or exceed annual target growth in student proficiencies.
- DCH will meet the minimum proficiency rates for students in English/Language Arts and Mathematics.

## Element 3: Methods of Assessment

*“The method by which student progress in meeting those student outcomes is to be measured.”  
California Education Code § 47605 (b)(5)(C).*

### Assessment Methodology and Philosophy

The assessment methods at Downtown Charter High are based on the following understandings:

- **Transparent** – Effective assessments specifically correspond to clear and specific achievement targets and directly correlate with the instructional program (Stiggins, 2001).<sup>27</sup> DCH teachers will use a backward design approach (Wiggins & McTighe, 2005)<sup>28</sup> to ensure that assessments and instructional plans map onto the learning objectives. Students will recognize assessment objectives and measures and will have opportunities to self-assess their progress against pre-determined standards.
- **Multiple measures** – DCH teachers will use multiple forms of assessment to consider a range of dimensions of student learning. Assessments will include informal classroom observations and progress checks, formal presentations and written work, and standardized tests and calibrated rubrics designed to measure student progress against a pre-determined norm.
- **On-going** – Students and teachers need regular assessments in order to evaluate learning and make data-driven instructional decisions. DCH teachers will use formative assessments to ascertain student progress, identify individual strengths and weaknesses, and determine next steps in instruction. Summative and portfolio assessments will be used to measure progress against content and school-wide learning objectives, set individual learning goals within and across grade levels, confer with parents/ guardians, and evaluate programs and instructional practices.
- **Informative** – Effective assessments generate data that support reflection and self-evaluation on the part of students, teachers, and administrators. At DCH, regular opportunities will be provided for students to critically assess their own work and progress, for teachers to collaboratively analyze and reflect on student work, and for parents and community members to provide feedback.
- **Authentic** – When possible, assessments should allow students to demonstrate what they know in a manner that approximates real world measures of achievement (Prensky, 2010).<sup>29</sup> Assessment at DCH will emphasize project-based performance tasks, student presentations, and written work published for an authentic audience. Student work will be scored against rubrics that respond to state and national norms. All DCH students will maintain digital portfolios of their work. Regular reviews of student digital

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<sup>27</sup> Stiggins, R. (2001). *Student involved classroom assessment, 3<sup>rd</sup> ed.* Upper Saddle River, NJ: Prentice Hall.

<sup>28</sup> Wiggins, G., & McTighe, J. *Understanding by design, 2<sup>nd</sup> ed.* Alexandria, VA: ASCD.

<sup>29</sup> Prensky, M. (2010). *Teaching digital natives: Partnering for real learning.* Thousand Oaks, CA: Corwin.

portfolios will be one measure used to determine progress toward anticipated outcomes.

## Assessment Measures

**Goal 1: Students will demonstrate academic proficiency in all core content areas.**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
DCH students will demonstrate academic proficiency in all core content areas as outlined in the California content standards.	DCH students will meet or exceed the average performance levels of students in schools with similar demographics in the district on the CST.	Deans of Students (Management)  Faculty (Implementation)	Annual	California Standards Test (CST) CST scores may be supplemented as needed by CMA, CAPA, and/or CELDT tests.
	DCH students will meet or exceed the average performance levels of students in schools with similar demographics in the district on the CAHSEE.		10 <sup>th</sup> -12 <sup>th</sup> grade. Annual	California High School Exit Exam (CAHSEE)
	DCH students will demonstrate continual progress toward proficiency in core academic subjects.		Quarterly	Adopted curriculum benchmark assessments
			Monthly	Classroom observations, student academic performance reviews, SST team meetings.

**Goal 2: Students will demonstrate effective literacy and communication skills.**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
DCH students will demonstrate effective literacy skills and meet the expectations outlined in the California content standards as well as the Common Core Standards for reading, writing, speaking and listening, and language.	DCH students will meet or exceed the average performance levels of students in schools with similar demographics on the reading and writing portions of CAHSEE.	Deans of Students (Management)	10 <sup>th</sup> -12 <sup>th</sup> grade. Annual	California High School Exit Exam (CAHSEE)
	DCH students will meet or exceed the average performance levels of students in schools with similar demographics on the reading and writing portions of national college readiness assessments.	Faculty (Implementation)	11 <sup>th</sup> and/or 12 <sup>th</sup> grade	Scholastic Aptitude Test (SAT) and/or ACT
	DCH students will demonstrate continual progress toward proficiency in literacy and communication skills.		Quarterly	Adopted curriculum benchmark assessments
			Monthly	Classroom observations, student academic performance reviews, SST team meetings.

**Goal 3: Students will demonstrate college and career readiness and competitiveness.**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
DCH students will demonstrate college and career readiness and competitiveness and meet expectations as described in the Framework for 21 <sup>st</sup> Century Skills.	DCH students will meet all requirements for a DCH diploma at rates that meets or exceeds the average graduation rates for district schools with similar demographics.	Deans of Students/ College & Career Coordinator (Management)  Internship Coordinator (Implementation)	12 <sup>th</sup> grade. Twice-yearly review of progress by administrators and faculty	Successful completion of A-G course requirements.  Successful completion of career internship experiences.  GPA of 2.0 or higher.
	All DCH students will take the SAT or ACT and gain admission to at least one college, university, or career technical institution.	Faculty (Implementation)	Annual	SAT & ACT score reports.  Institute of higher education (IHE) acceptance notification.
	DCH students will demonstrate progress toward the learning and innovation, life and career skills described on the Framework for 21 <sup>st</sup> century skills.		Twice yearly.	Academic records, career exploration and internship assessments, digital portfolios.
			Monthly.	Classroom observations, student academic performance reviews, SST team meetings

**Goal 4: Students will demonstrate civic engagement and global competence.**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
DCH students will demonstrate civic engagement and global competence as described by the International Baccalaureate learner profile and the Asia Society's standards for global competence.	DCH students will participate in at least two Community Service Learning (CSL) projects each year.	Dean of Students/ Community Partner Coordinator (Management)  Internship Coordinator, Faculty and Advisors (Implementation)	Twice-yearly review.	Attendance records.
	DCH students will complete three years of world language coursework by the time of graduation and meet or exceed the standards for Stage III (Planned) as described in the California content standards for World Languages	Deans of Students (Management)  World language faculty (Implementation)	Quarterly.	Adopted curriculum benchmark assessments
	DCH students will demonstrate consistent progress toward civic engagement and global competence expectations.	Deans of Students (Management)  Faculty and Advisors (Implementation)	Twice-yearly reviews.	Service learning reflections, Career exploration and internship assessments. Digital portfolios.

**Goal 5: DCH will encourage significant family and community involvement and demonstrate parent satisfaction.**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
Parents and community members will be actively involved in supporting the students and programs at DCH.	100% of DCH parents will participate in at least one school-sponsored learning event each year.	Dean/Comm. Partner Coord. (Management) Advisors (Implementation)	Annual review.	Attendance records.
	At least 90% of respondents will score DCH as “satisfactory” or above on annual parent surveys.	Dean/Comm. Partner Coord. (Management) Advisors (Implementation)	Annual review.	Parent surveys.
	At least 90% of respondents will score DCH as “satisfactory” or above on annual surveys of community volunteers, artists-in-residence, and career exploration and internship providers.	Dean/Comm. Partner Coord. (Management) Internship Coordinator (Implementation)	Annual review.	Community surveys.

**Goal 6: DCH students will meet or exceed AYP accountability targets based on California Standards Tests (CSTs) and the California High School Exit Exam (CAHSEE).**

Measureable Outcome	Assessment Measure	Responsible Person(s)	Timeline	Evidence Attainment
Meet or exceed AYP criteria or targets including minimum participation rates and minimum proficiency rates.	DCH will meet the minimum participation rate requirements while achieving annual target growth in student proficiencies.	Deans of Students (Management) Faculty (Implementation)	Annual review.	Attendance records. API and AYP scores.
	DCH will meet the minimum proficiency rates my students in English/Language Arts and Mathematics.			CST scores.

## **Mandated Assessments**

In addition to the school-based assessment measures described above, DCH will comply with all state assessment and accountability requirements applicable to charter schools. The school will certify that its pupils have participated in the state-testing program in the same manner as other District students. DCH students will take the California Standards Test (CST) and any other mandated accountability assessments (CELDT, etc.) as required in Section 60602.5.

In keeping with the stated objectives of college and career readiness, DCH students will also take the PSAT and SAT in the 10<sup>th</sup>, 11<sup>th</sup>, and/or 12<sup>th</sup> grades. Scores from these assessments will provide an additional source of data for measuring individual academic progress as well as school-wide achievement.

## **Use and Reporting of Data**

DCH will be transparent in its use of assessments and reporting of data to the state of California, the San Diego Unified School District, the DCH governing board, teachers, parents, and students. Data will be compiled and stored using Zangle, the system currently used by the San Diego Unified School District.

Teams of teachers and school administrators will meet regularly to collaboratively analyze samples of student work, assess progress, and make appropriate adjustments to classroom instruction, program structures, and student supports. Teachers will meet bi-weekly in grade level teams to plan interdisciplinary projects and identify necessary interventions for individual students. Five staff development days are also planned for teachers to meet in content area teams to articulate growth across 9<sup>th</sup> through 12<sup>th</sup> grades and ensure progress toward standards-based proficiency in core content classes.

Bi-annual Presentations of Learning and annual student-led conferences will provide opportunities to holistically review student progress and elicit feedback from educators, parents, students, and community members. Additionally, STAR CST test results and Academic Performance Index (API) and Annual Yearly Progress (AYP) scores will provide annual achievement data. DCH teachers and administrators, in consultation with educational experts, will meet quarterly to review this data to evaluate the effectiveness of DCH initiatives, make adjustments to improve programs, and enhance learning opportunities for students.

Students and parents will be informed of school-wide achievement through the School Accountability Report Card (SARC) as well as through regular communication via printed newsletters, mailings, e-mail, and the school website. Students and parents will be made aware of students' individual progress through quarterly grade reports with teachers' written commentaries, annual student-led conferences, and bi-annual Presentations of Learning. Additionally, parents will be able to access students' digital portfolios at any time and may request additional contact with teachers and counselors to discuss questions or concerns.

In compliance with state and federal mandates regarding the reporting of data, DCH will

actively participate in the California Standardized Testing program (STAR). Data generated by the STAR tests will be shared with authorizing agencies and the public in general through API and AYP measures. Annual SARC reports with more detailed analyses of CST data, demographic data describing the student population served by DCH, and a narrative description of the school's programs will be available on the school's website. Additionally, DCH administrators will meet regularly with the DCH board and authorizing agencies to share, explain, and discuss assessment data.

## **Element 4: Governance Structure**

*“The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.”California Education Code § 47605 (b)(5)(D).*

The governance structure of Downtown Charter High has been designed to support and advance the mission, vision and purpose of DCH, and to meet the educational needs of all students enrolled.

### **Nonprofit Public Benefit Corporation**

DCH shall be operated by a California nonprofit public benefit corporation, Downtown Charter School, Inc., pursuant to California law. Articles of Incorporation were filed with the California Secretary of State on April 23, 2010. Upon approval of this charter, Downtown Charter School, Inc. will apply for 501(c)(3) status with the Internal Revenue Service (IRS). Attached as Appendix A are the Articles of Incorporation for Downtown Charter School, Inc. and draft Corporate Bylaws.

### **Board and Governance Organization**

As provided for in the California Corporations Code, DCH will be governed by the corporate Board of Directors of Downtown Charter School, Inc., in accordance with its corporate bylaws which shall be consistent with the terms of this charter.

### **Governance Participation**

Staff, parent, and community involvement in the governance of DCH is assured by virtue of their participation in the Board of Directors and School Advisory Committee. Convenient meeting locations and notification in both Spanish and English will contribute to the accessibility of the meetings for parents, guardians, and community members. The Board of Directors shall also include a parent and an individual with interests in the downtown community. The Board shall also establish a School Advisory Committee to consist of DCH staff members and parents or guardians of students enrolled at DCH, as appointed by the Board. Furthermore, the governing board of the school will reflect its collaborative nature through appointees from the founding alliance of the San Diego Public Library Foundation, the City of San Diego, and the San Diego Unified School District.

### **Board of Directors**

Board of Directors will consist of three (3) to eleven (11) members serving staggered three year terms. Two Directors shall be appointed by the San Diego Unified School District Board of Education, two Directors shall be appointed by the Mayor of the City of San Diego, and two Directors shall be appointed by the San Diego Library Foundation. Remaining at-large Directors shall be appointed by the then current Board of Directors. The Board as a whole should include a parent, an individual with financial expertise, an individual from the business community, and an individual with interests in the downtown community. Board member qualifications are as described in the corporate bylaws, including the ability to attend Board meetings; a willingness to actively support and promote the corporation; and a dedication to its educational endeavors, philosophy and goals. Further, a majority of board members will reside in the San Diego area.

The Founding Board of Directors will consist of up to or including: 1) Two appointed by the San Diego Unified School District; 2) two appointed by the San Diego Library Foundation; 3) two appointed by the Mayor of the City of San Diego; and 4) three additional members from the charter petition Founding Development Team. After the school year, 2015-16, two of the at-large positions for the school year 2017-18 will be designated for democratic election by current DCH parents and DCH staff members. Attached as Appendix B is the list of the Founding Development Team/Board with a corresponding resume/vita for each member.

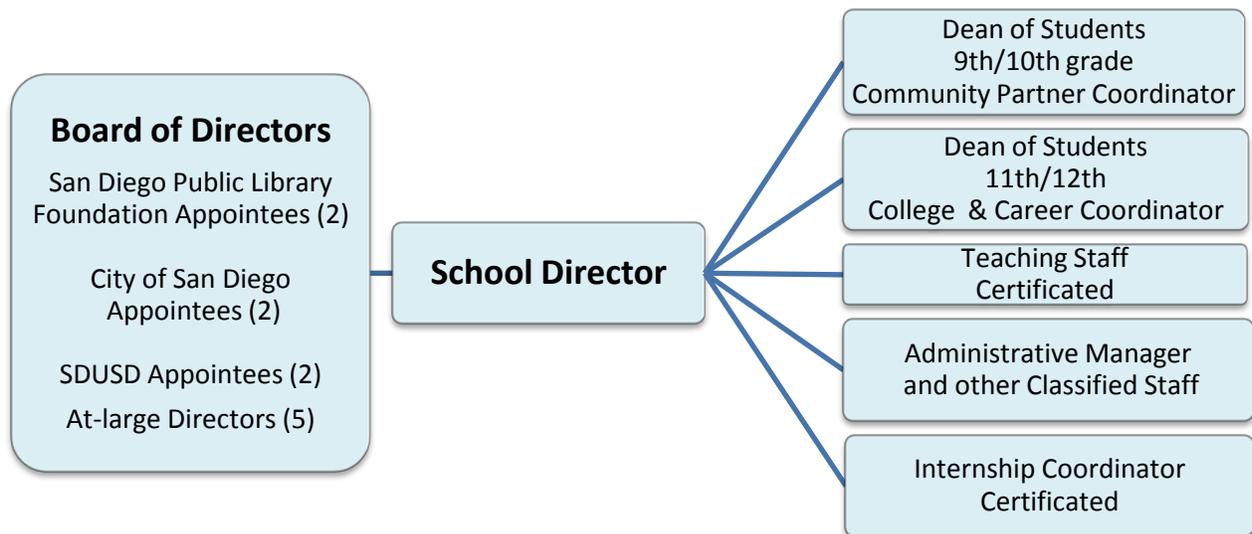
**Board Meetings**

All meetings of the Board of Directors shall comply with the Ralph M. Brown Act and Robert’s Rules of Order and shall be held at a location within San Diego Unified School District jurisdictional boundaries. Notices, agendas, and minutes of meetings will be recorded and retained by Downtown Charter School, Inc. These records will be accessible for public and District review upon request.

**School Board Development**

The School Director will coordinate basic training for the Board on the Brown Act, Robert’s rules, conflict of interest laws, the roles and responsibilities of the board, and other topic areas as deemed appropriate by the School Director or Board President. It is also the intent of DCH to send Board Members and staff members to additional trainings, such as the Annual California Charter Schools Conference and regional trainings offered by the California Charter Schools Association (CCSA).

**Organizational Chart<sup>30</sup>**



<sup>30</sup> The chart represents the Downtown Charter School organization during its third year of operation. The Internship Coordinator and the Dean of Students 11<sup>th</sup>/12<sup>th</sup> grade positions will not be filled until the second and third year, respectively, or if outside funding provides for earlier hire.

## **Conflicts of Interest**

A Conflict of Interest Code will be developed that complies with the Political Reform Act ("Act"), Government Code Sections 87000 et seq. No public officials of the School, including designated employees, may make, participate in making or in any way use or attempt to use his/her official position to influence a School decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest pursuant to the Act. Board members, including any employees of the School serving as board members, shall be required to disclose conflicts of interest and disqualify himself/herself in accordance with the Act, California nonprofit public benefit corporation law and any policies the board may adopt from time to time. Annual disclosure statements shall be required as stated in the School's Conflict of Interest Code. Attached as Appendix C is the draft of the Conflict of Interest Code.

## Element 5: Employee Qualifications

*“The qualifications to be met by individuals to be employed by the school.” California Education Code § 47605 (b)(5)(E)*

The full time staffing plan for year 1 at Downtown Charter High is as follows: 6 Classroom Teachers, 1 Office Manager, 1 Dean of Students 9<sup>th</sup>/10<sup>th</sup> grade and 1 School Director. In year 2 the additional position of Internship Coordinator will be added to begin development of the internship program and, in year 3, the additional position of Dean of Students 11<sup>th</sup>/12<sup>th</sup> grade and will be added to support the 11<sup>th</sup> and 12<sup>th</sup> grade program. Other teaching and administrative staff will be added as the school expands to include all four grade levels (see Appendix D: DCH Staffing).

DCH shall recruit professional, effective, and qualified personnel who believe in the vision of the school and who are in touch with the needs of the community. All employees should possess the personal characteristics, knowledge base, relevant experience, and qualifications identified in the posted job description as determined by DCH.

DCH shall be nonsectarian in its employment practices and all other operations. DCH shall not discriminate on the basis of gender, sex, race, ethnicity, national origin, religion, political beliefs, sexual orientation, or disability.

The recruitment process will include posting job announcements and descriptions in community and regional newspapers and websites, including teacher credentialing program websites, job search websites (e.g. ED-Join), and a DCH school employment website. The Board of Directors will interview and select the School Director and Deans of Students. The School Director and Deans of Students (DCH administrators) will be in charge of hiring certificated and classified personnel. The DCH administration or Board of Directors will screen all applications to ensure an applicant has the appropriate education, requirements, and qualifications; verify references; and conduct a personal interview with the applicants. Prior to commencing employment with DCH, all employees shall be fingerprinted and receive a background clearance in accordance with Education Code Section 44237.

Within the provisions of the law, DCH reserves the right to recruit, interview, and hire the best-qualified person to fill any of its position vacancies. As the law provides, DCH may hire non-credentialed teachers in non-core subjects/electives.

DCH administrators will be interviewed and selected by the Board of Directors. The initial phase of the hiring process will include an application screening process, reference check, phone and live interviews. The second phase of the hiring process for final candidates will also include a comprehensive tour of downtown San Diego and the school site. Qualifications for the administrators and their basic functions are as follows:

## **Administration Qualifications and Basic Functions**

DCH shall seek administrators who possess strong leadership skills; the ability to understand and implement the educational vision of the school; and a desire to facilitate communication and effective participation among teachers, students, staff, the Board and the community at large.

*The DCH School Director shall possess the following qualifications, skills, and abilities:*

- Philosophically aligned with the DCH mission and vision as outlined in the charter petition
- A valid teaching credential
- A valid administrative credential
- At a minimum, a B.A. or B.S. preferably in education or administration. Graduate degree preferred
- Administrative or supervisory experience, preferably in an educational setting
- Ability and willingness to work within and support a collaborative model that includes staff, teachers, parents, and community members
- Ability to coach a research-based teaching practice
- Ability to manage site budgets
- Ability to conduct objective observations and evaluations of instructional practice
- Be fully versed in the rules, regulations, policies and procedures involved in the running of a public charter school
- A proven track record of running a school that has met API growth targets for the past four years or an equivalent measure of success.
- Additional qualifications as determined by the Board of Directors

*The basic function of the DCH School Director is as follows, including, but not limited to:*

- Reports to the Board
- Implements the mission, vision and directives found within the charter petition
- Operates in the capacity of business leader for both the school and the Board and is responsible for all contract, deed, and facilities negotiations
- Responsible for administrative oversight and the internal operations of the school
- Responsible for fiscal accountability
- Oversees legal compliance and documentation
- Oversees media, public, and political relations
- Oversees fundraising activities
- Oversees progress on academic achievement measures
- Leads development of the Board and Board relations

*The DCH Deans of Students (9<sup>th</sup>/10<sup>th</sup> and 11<sup>th</sup> 12<sup>th</sup>) shall possess the following qualifications, skills, and abilities:*

- A valid teaching credential

- Preferably, but not mandatory, a valid administrative credential
- At a minimum, a B.A. or B.S. preferably in education or administration. Graduate degree preferred
- Administrative or supervisory experience, preferably in an educational setting
- Additional qualifications as determined by the Board of Directors

*The basic function of the DCH School Deans of Students is as follows, including, but not limited to:*

- Report to the School Director
- Oversee teaching staff
- Responsible for professional development
- Responsible for student achievement
- Responsible for student services
- Responsible for student discipline
- Conduct classroom coaching
- Oversee the instruction and services for students whose needs have been identified in an individualized education program.
- As the Community Partner Coordinator, the 9th/10th Dean of Students is also responsible for serving as the resource person to staff regarding community partnerships and is responsible for the development of partnership
- As the College & Career Coordinator, the 11th/12th Dean of Students is also responsible for serving as the resource person to staff regarding career and college counseling and providing counseling to students. This position will be filled in year 2 or if outside funding provides for an earlier hire.

### **Teacher Qualifications**

DCH shall seek highly qualified teachers who are committed to education and the mission and vision of the school and who are in touch with the needs of the community. Teachers are expected to exhibit critical thinking and communication skills, effective teaching strategies, subject matter expertise, and a willingness to work collaboratively, take responsibility, and exercise leadership for DCH as a whole.

DCH teachers will meet all requirements for employment set forth by state and local hiring laws and mandatory clearances, including highly qualified teacher status under the No Student Left Behind Act (“NCLB”).

The hiring process for teaching positions will include an application screening process conducted by the DCH administration, reference checks, and school tours for qualified applicants. Final candidates will also participate in a group interview with an interview panel that consists of administrators, a parent or community member, and a Board member. The administration team along with interview panel recommendations will make the final hiring decision.

DCH teachers include personnel hired as core classroom teachers and the specific position of Internship Coordinator.

*DCH teachers shall possess the following qualifications, skills, and abilities:*

- Philosophically aligned with the DCH mission and vision as outlined in the charter petition
- At a minimum, a B.A. or B.S.
- Teachers will be highly skilled educators who have expressed a commitment to the school, as articulated in this petition
- Ability and willingness to work within and support a collaborative model that includes staff, teachers, parents and community members
- Ability and willingness to approach the role of teacher as facilitator, researcher, and learner
- Demonstrated familiarity with the target student population
- A valid teaching credential, either a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold
- Teachers who are hired to teach a specific subject (e.g., math) will be required to hold a subject-specific credential or permit from the California Commission on Teacher Credentialing. Candidates from other states will be required to meet the California credential standards within the time allocated by the State of California
- DCH will prefer teachers and staff to obtain Specially Designed Academic Instruction in English (“SDAIE”), Cross-cultural Language and Academic Development (“CLAD”), Advancement by Individual Determination (“AVID”), and Gifted and Talented Education (“GATE”) certificates.
- Additional qualifications, skills, and abilities as designated by the Board of Directors and/or DCH administration

Documents pertaining to teacher credentialing shall be maintained on file at DCH and are subject to periodic inspection by the chartering authority.

*The basic function of the classroom teacher is as follows, including, but not limited to:*

- Reports to the DCH administration
- Implement the mission, vision and goals of DCH within the classroom through standard-based instruction and project-based and team-based activities
- Fosters a classroom and school environment that supports student-centered learning
- Fosters a classroom and school environment that is conducive to learning
- Works with the individual needs of the student
- Uses helpful measures of assessment
- Works collaboratively with other teachers to develop better practices
- Establishes a cooperative and collaborative relationship with parents and community members

- The Internship Coordinator will also be responsible for development and supervision of internships for the 11th and 12th grade students with local business and community organizations. The Internship Coordinator will be a resource for the learning community on the subject of 21st century careers. The position will not be filled until year 3 or outside funding provides for an earlier hire.
- Additional qualifications as determined by the Board of Directors

### **Non-Certificated Staff**

DCH shall seek non-certificated candidates who embrace the vision of the school and who are flexible and able to work collaboratively with administrators, students, faculty, staff, and parents. Non-certificated staff candidates, who may include business service providers, a custodian, a school office manager, and a bus driver, must possess adequate professional training and/or experience.

*Non-certificated staff members shall exhibit the following minimum qualifications:*

- Adequate professional training and/or experience to perform the duties of the position,
- Licenses or certifications necessary to perform the responsibilities of the position, and
- Positive references.

## **Element 6: Health and Safety Procedures**

*“The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in § 44237.” California Education Code § 47605 (b)(5)(F)*

In order to provide safety for all students and staff, Downtown Charter High will develop comprehensive health and safety procedures and risk management policies in consultation with its insurance carriers and risk management experts. These policies and procedures will be developed and available to SDUSD at least 60 days prior to opening of DCH. At a minimum, the following standards will apply:

### **Procedures for Campus Visitors**

No outsider shall enter or remain on school grounds during school hours without having registered with the School Director or designee, except to precede expeditiously to the office of the School Director or designee for the purpose of registering. If signs posted in accordance with Section 627.6 of the Penal Code restrict the entrance or route that outsiders may use to reach the office of the Director or designee, an outsider shall comply with such signs.

### **Procedures for Background Checks**

Employees and contractors of DCH will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The School Director of DCH shall monitor compliance with this policy and report to the DCH Board of Directors on a quarterly basis. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

### **Role of Staff as Mandated Student Abuse Reporters**

All non-certificated and certificated staff will be mandated student abuse reporters and will follow all applicable reporting laws and the same policies and procedures used by the District.

### **Tuberculosis Testing**

DCH will conduct initial and ongoing tuberculosis screenings of employee candidates as described in Education Code Section 49406.

### **Immunizations**

All students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075.

**Vision, Hearing/Scoliosis**

Students will be screened for vision, hearing and scoliosis. DCH will adhere to Education Code Section 49450, *et seq.*, as applicable to the grade levels served by the school.

**Medication in School**

DCH will adhere to Education Code Section 49423 regarding administration of medication in school.

**Blood borne Pathogens**

DCH shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. DCH shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood viruses, including human immunodeficiency virus (“HIV”) and hepatitis B virus (“HBV”). Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

**Drug Free/Alcohol Free/Smoke Free Environment**

DCH shall function as a drug, alcohol, and tobacco free workplace.

**Comprehensive Sexual Harassment Policies and Procedures**

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

**Facility Safety**

DCH anticipates that the school will be located at the new San Diego Central Library, once completed, at 330 Park Blvd, San Diego, CA 92101. It is expected that the facility will comply with state building codes; federal American Disabilities Act (ADA) access requirements; and other applicable fire, health, structural safety requirements, and local building codes. It will maintain on file records documenting such compliance.

**Emergency Preparedness**

Within 60 days of the opening of the school, DCH shall adopt and implement a comprehensive set of health, safety, and risk management policies drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. The handbook will also provide for Cardiopulmonary Resuscitation (CPR) training and certification for staff of DCH. The existing emergency preparedness plan for the San Diego Unified School District sites shall be used as the basis for creating the handbook for DCH.

## Element 7: Means to Achieve Racial and Ethnic Balance

*“The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school District to which the charter petition is submitted.” California Education Code § 47605 (b)(5)(G)*

Downtown Charter High will implement an outreach plan that includes, but is not limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the SDUSD. (For detailed information on the demographics of the target student population, reference the previous section in Element 1 entitled, Students to Be Served.)

- Enrollment process that is scheduled to include a timeline that allows for a broad-based application process;
- Outreach meetings, presentations, and information sessions at libraries and community centers in several areas of the District in which DCH is located to reach prospective students and parents. Examples of these centers include:
  - The San Diego Public Library
  - The YMCA
  - City of San Diego Recreation Centers
  - San Diego Youth Services
- Development of promotional and informational material that appeals to the various racial and ethnic groups represented in the local community and District in which the charter is located;
- Development of promotional and informational materials in languages other than English to appeal to limited English proficient populations;
- Distribution of brochures and application materials at community centers, shopping centers, and other places of broad public access in languages represented by prospective student population;
- Distribution of brochures and applications at youth clubs, such as:
  - Cesar Chavez Service Clubs
  - Girl Scouts
  - Boy Scouts
- Advertisements in the local print and non-print media on a monthly basis during the open enrollment periods, as funds become available or through community donations. Examples of these medias include :
  - The San Diego Union Tribune
  - San Diego Reader

- San Diego Magazine <http://www.sandiegomagazine.com/>
- San Diego City Beat <http://www.sdcitybeat.com/cms/index/>
- The San Diego Voice and Viewpoint
- Pacific San Diego Magazine <http://pacificsandiego.com/>
- San Diego Family Magazine <http://www.sandiegofamily.com/>
- San Diego Mama <http://www.todaymama.com/advertise.php>
- News/Talk Radio: KCBQ 1170 AM, KFMB 760 AM, KOGO 600 AM;
- Hosting information meetings and campus tours; and
- Maintaining an informative web page.

DCH will maintain accurate records of the ethnic and racial balance of students enrolled in the school and will furnish the District with annual documentation of ongoing recruitment and outreach efforts. Should the school be oversubscribed, a lottery process will be implemented to ensure fairness to all applicants, as described in Element 8 of this petition.

DCH is also aware of the importance of programs of articulation that extend from the primary to the secondary level of education. In particular, DCH will explore ways in which to develop and strengthen the relationship between DCH and the two junior high schools in the surrounding area.

## Element 8: Enrollment Requirements

*"Admission Requirements, if applicable." California Education Code § 47605 (b)(5)(H)*

Downtown Charter High is nonsectarian in its programs, admission policies, employment practices, and all other operations. DCH will admit all students on a space-available basis. DCH will not charge tuition and will not discriminate against any student on the basis of actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics. DCH will comply with applicable state laws pertaining to student admission and enrollment, including California Education Code Sections 47605(b) and 47605(d).

DCH strives to reflect the ethnic and racial balance of the general population residing within the territorial jurisdiction of SDUSD. There is no District residency requirement for the student or for the student's parent or guardian. DCH will be open to all students, including those with special education needs.

Prior to applying for admission to DCH, a student must complete the following:

- The student and a parent or guardian must together attend one complete orientation session. These sessions will be held at convenient times and will detail the mission, program, and requirements of DCH, as well as what the student and family should expect of DCH.
- A parent or guardian must complete and return a simple, non-discriminatory application by a published deadline ending the open enrollment period.
- The student and a parent or guardian must sign a statement that they understand and agree to abide by all policies and procedures set forth in the DCH student handbook, which will be available in both English and Spanish.

Should DCH receive more applications from potential students than can be admitted, enrollment – except for existing students of DCH in good standing – will be determined by a random public drawing ("lottery"),<sup>31</sup> using the following rules and procedures, which will be communicated to all interested parties at least thirty (30) days prior to holding the lottery:

- DCH will enlist the services of an outside agency or auditor to monitor and verify the fair execution of all activities related to holding the lottery.
- The lottery will take place within thirty (30) days of closing the open enrollment period, which will be at least ninety (90) days long.

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<sup>31</sup> The procedures of the public random drawing will be revised as necessary to comply with any applicable requirements of the Public Charter Schools Grant Program.

- The lottery will take place on DCH’s campus in a facility large enough to allow all interested parties to observe the drawing, or at another public venue near DCH large enough to accommodate all interest parties.
- The lottery will take place on a weekday evening or other time when most interested parties who wish to attend may do so.
- All interested parties will be informed, prior to the holding of the lottery, of the total number of openings available at DCH and the number of openings for each grade served by DCH.
- The ballots shall be drawn by a representative of the outside agency or organization confirming the results of the lottery.
- The drawing shall continue until all names are drawn. Those individuals whose names are drawn after all spaces have been filled will be placed on the waiting list in the order drawn, except if the preferences described below require otherwise.
- The outside organization or agency verifying the fair execution of the lottery shall confirm in writing the lottery was conducted fairly, and the school shall keep on record copies of that confirmation.

In accordance with federal non-regulatory guidance, as outlined in Appendix J of the Public Charter Schools Grant Program Request for Application, the lottery will be conducted as a single public lottery with all applicants receiving equal weight and an equal chance of selection. Exemptions and preferences will be offered in the following categories in accordance with reconciliation of state and federal laws as outlined in Appendix J: Matrix of Exemptions and Preferences in the Public Random Drawing (Lottery):

- Children of the Founding Development Team (defined as the small group of people responsible for drafting of documents and for efforts which resulted in the petition being approved and are so listed in Appendix B) or full-time DCH faculty will be exempted from the lottery and automatically enrolled in DCH, limited to no more than 10% of the student body.
- Siblings of students already enrolled in DCH [will be exempted from the lottery and automatically enrolled in DCH](#) unless the sibling is to enroll in a grade that has all of its spaces already filled. Siblings of students who have their name drawn during the lottery (i.e. both students are applying in the same year) will be exempted from the lottery and automatically enrolled in DCH unless the sibling is to enroll in a grade that has all of its spaces already filled. Students residing in the San Diego Unified School District boundaries shall receive three chances in the lottery relative to one chance for non-district resident applicants.

- Students seeking to change schools under the public school choice provisions of Title 1, part A of the Elementary and Secondary Education Act (ESEA)<sup>32</sup> will be given preference in admissions through three lottery chances.

It is the intent of this petition to follow the student admissions guidelines that conform to the guidelines necessary to apply for the California Public Charter School Grant Program (PCSGP). It is the intent of DCH to apply for funding under the PCSGP.

DCH reserves the option of readmitting students who have left the school or who have been suspended or expelled from DCH and granted Board approval for readmission (as outlined in Element 10 below).

Potential students on the waiting list shall provide contact information to be used in the event space becomes available. Families promoted from the waiting list shall be informed in writing and shall have fifteen (15) business days from the date of postage to respond. In addition, DCH shall attempt on at least two (2) separate occasions to contact the parents/guardians of promoted students by telephone. Those families not responding within the 15-day period will forfeit their right to enroll their student in DCH for that school year.

At the end of each school year, families will be notified in writing of their child's status on the waiting list and asked to notify DCH 30 days prior to the start of the next school year of their intent to remain on the waiting list. Families that notify DCH of their intent to remain on the waiting list will maintain their status, while families not responding within the prescribed period of time will forfeit their spot on the waiting list. Each year, any new names will be added below the existing list.

DCH certifies that, to the best of its knowledge, all its admissions procedures, policies, and criteria comply with non-discrimination statutes and applicable law.

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<sup>32</sup> Title 1 of the federal Elementary and Secondary Education Act (ESEA), as modified by the No Child Left Behind Act ("NCLB") in 2001, provides that parents of children attending Title 1 schools that have failed to make adequate yearly progress may select a higher performing public or charter school. Title 1 schools serve predominately students qualifying for the national free or reduced lunch program. 200 USC § 6316, 34 CFR § 200.44.

## **Element 9: Annual Financial Audit**

*“The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.” California Education § 47605 (b)(5)(l)*

An annual independent fiscal audit of the books and records of Downtown Charter High will be conducted as required under the Charter Schools Act, Education Code Sections 47605(b)(5)(l) and 47605(m).

The books and records of DCH and the operating corporation Downtown Charter School, Inc. 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.

The Board of Directors will form a Finance and Audit committee to oversee the selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The auditor will have, at a minimum, a CPA and educational institution audit experience and be listed by the State Controller on its published list as an educational audit provider. The audit will verify the accuracy of the school's financial statements, attendance, and enrollment accounting practices, and will review the school's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the school. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the District, the County Superintendent of Schools, the State Controller, and to the California Department of Education by the 15th of December of each year. The Director, along with the audit committee, will review any audit exceptions or deficiencies and report to the Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process described herein.

The independent fiscal audit of DCH is a public record to be provided to the public upon request.

## **Budget and Cash Flow**

Attached as Appendix D, are the following documents:

- A projected first-year budget as well as start-up costs
- Financial projections for the first five years of operation
- Cash flow projections for the first five years of operation
- Schedules including information on revenue, development, staffing, expense assumptions, loan assumptions, depreciation assumptions, and fees.

By January 15, 2013, DCH will submit a revised budget, cash flow, and financial projections with updated funding and economic forecasts.”

## **Element 10: Student Suspension and Expulsion**

*"The procedures by which students can be suspended or expelled." California Education Code § 47605 (b)(5)(J)*

This Student Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at DCH. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as DCH's policy and procedures for student suspension and expulsion, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student Handbook, which is sent to each student at the beginning of the school year. DCH administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

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

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

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 DCH has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students, except when federal and state law mandates additional or different procedures. DCH will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with exceptional needs or for whom the school has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. DCH shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and work with the

District to ensure that all applicable laws related to discipline for students with be provided with the procedural protections as outlined below in this policy.

### **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 the School or at any other school or a School-sponsored event at anytime including, but not limited to, any of the following:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period, whether on or off the school campus; or
4. During, going to, or coming from a school-sponsored activity.

### **B. Enumerated Offenses**

Students may be suspended or expelled when it is determined the student has engaged in any of the following acts:

1. Assault/Battery  
Causing, attempting to cause, or threatening to cause physical injury to another person, including a school employee. Also included are attempted sexual assault, sexual assault, and sexual battery. Exceptions may be made in a situation where witnesses and evidence support a case of self-defense.
2. Weapons  
Possessing, selling, or otherwise providing any weapon – including guns, knives, explosives, or other dangerous object. Also applies to use of any object in a threatening manner, including traditional classroom supplies such as pencils, pens, and paperclips.
3. Alcohol/Intoxicants/Controlled Substances  
Unlawfully possessing, using, selling or otherwise providing alcohol, intoxicants (including inhalants such as glue, paint, or liquid paper) or controlled substances, including prescribed medications. Also applies to being under the influence of alcohol, intoxicants, or controlled substances.
4. Substance in Lieu of Alcohol/Intoxicants/Controlled Substances  
Delivering, providing, or selling items which are claimed to be alcohol, intoxicants, or controlled substances but were not such items.
5. Drug Paraphernalia  
Unlawfully possessing, offering, arranging for, or negotiating to sell any drug items.
6. Tobacco or Nicotine Products  
Possessing, providing or using tobacco, or any item containing tobacco or nicotine products, including but not limited to cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. Under District policy, a fourth offense requires an expulsion referral.

7. Robbery and Extortion  
Committing or attempting to commit robbery or extortion. Extortion occurs when threats are made with the intent to obtain money or something of value.
8. Property Damage  
Causing or attempting to cause damage to school property or private property. Parents or guardians are legally responsible to pay for any losses or damage to public property caused by a student.
9. Property Theft  
Stealing or attempting to steal school or private property, or receiving stolen property. Parents may be required to pay for damages.
10. Obscenity/Profanity/Vulgarity  
Committing an obscene act or engaging in regular profanity, swearing, or vulgarity. Also applies to sexual acts, even if consensual.
11. Disruption or Defiance  
Disrupting school activities or otherwise refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials, or other school staff performing their duties.
12. Sexual Harassment  
Making unwelcome advances; requesting sexual favors; and other verbal, visual or physical conduct of a sufficiently severe sexual nature; or having a negative impact on an individual's academic performance; or creating an intimidating, hostile or offensive educational environment.
13. Hate Violence  
Causing, threatening to cause, attempting to cause, or participating in acts of hate against people or property. This includes but is not limited to negative behaviors that target members of a particular gender, race, ethnicity, religion, sexual orientation, or the mentally or physically challenged.
14. Threats and Intimidation  
Harassing, intimidating, or threatening a student who is a witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
15. Harassment  
Harassing, intimidating, or threatening a student or group of students, or school personnel, with the actual or expected effect of disrupting class work, or creating substantial disorder, or creating a hostile educational environment.
16. Imitation Firearm. Possessed an imitation firearm or simulated weapons, including toys such as pellet, airsoft, paintball, BB guns.
17. Criminal Threats against School Officials or Property. Any verbal or written threats against school officials willfully threatening to commit a crime or terrorist act that will result in death, bodily injury, or threats to cause major property damage.

18. Hazing

Engaging in, or attempting to engage in any activities used for initiation or pre-initiation into a student organization, or student body or related activities, which causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace, resulting in physical or mental harm. Applies to any student attending any school or school event.

19. Violation of Other School Rules

Violation of a policy or procedure by a student and/or parent as set forth in the student handbook.

**Mandatory expulsion offenses include:**

1. Possessing, selling or otherwise furnishing a firearm (Enumerated offense B.2).
2. Criminal threats against school officials or property (Enumerated offense B.17).
3. Hazing (Enumerated offense B.18).

**C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded by a conference conducted by the School Director or the School Director's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Director. The conference may be omitted if the School Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a 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 suspension, the School Director or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to

school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

### 3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Students may be suspended for a maximum of 20 days per school year. Upon a recommendation of Placement/Expulsion by the School Director or School Director's designee, the student and the student's guardian or representative will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. This determination will be made by the School Director or designee upon either of the following determinations: 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.

#### **D. Authority to Expel**

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

#### **E. Expulsion Procedures**

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

In the event an administrative panel hears the case, it will make a recommendation to the Board of Directors for a final decision whether to expel. The hearing shall be held in closed session unless the student makes a written request for a public hearing three (3) days prior to the hearing.

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

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges, and offenses upon which the proposed expulsion is based;

3. A copy of DCH's disciplinary rules which relate to the alleged violation;
4. An explanation of the opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
5. An explanation of the right to inspect and obtain copies of all documents to be used at the hearing;
6. An explanation of the right to confront and question all witnesses who testify at the hearing and to question all other evidence presented;
7. An explanation of the right to present oral and documentary evidence on the student's behalf including witnesses; and
8. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school District or school to which the student seeks enrollment.

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

DCH may, upon finding a good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm.

Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Board of Directors, administrative panel, 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 his/her right to (a) receive five days' notice of his/her scheduled testimony; (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel; and (c) elect to have the hearing closed while testifying.
2. DCH must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, DCH must present evidence that the witness' presence is both desired by the witness and will be helpful to DCH. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness, and the complaining witness shall be excluded from the hearing room 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 student being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary 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, and sworn declarations may be admitted as testimony from witnesses of whom the Board of Directors, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the accused 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 his or her testimony heard in a session closed to the public.

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

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

## **I. Written Notice to Expel**

The Director or designee following a decision of the Board of Directors 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 DCH.

The School Director or designee shall send a copy of the written notice of the decision to expel to the student's District of residence. This notice shall include the following:

1. The student's name.
2. The specific expellable offense committed by the student.

**J. Disciplinary Records**

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

**K. No Right to Appeal**

The student shall have no right of appeal from expulsion from DCH. The Board of Directors' decision to expel shall be final.

**L. Expelled Students/Alternative Education**

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.

**M. Rehabilitation Plans**

Students who are expelled from DCH shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order. The rehabilitation plan 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 DCH for readmission.

**N. Readmission**

The decision to readmit a student or to admit a previously expelled student from another school, school District, or charter school shall be in the sole discretion of the Board of Directors following a meeting with the School Director and the student and 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. The School Director shall make a recommendation to the Board following the meeting regarding his or her determination. The student's readmission is also contingent upon the DCH's capacity at the time the student seeks readmission.

**O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities**

1. Notification of District

DCH shall immediately notify the District and coordinate the procedures in this policy with the District the discipline of any student with a disability or student DCH or the District would be deemed to have knowledge that the student had a disability and who is suspended for more than ten (10) school days during a school year.

## 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, and to progress toward meeting the goals set out in the student's IEP. Students with disabilities shall receive, as appropriate, a functional behavioral assessment or functional analysis 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 student with a disability because of a violation of a code of student conduct, DCH, the parent, and relevant members of the IEP Team shall review all relevant information in the student's file, including the student's IEP and placement, the student's behavior intervention plan (if applicable), any observations of the student, any evaluations and diagnostic results, and any relevant information provided by the parents to determine:

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

If DCH, the parent, and relevant members of the IEP Team determine that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

If the DCH, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team shall:

- a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such student, provided that DCH 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 and modify it, as necessary, to address the behavior; and

- c) Return the student to the placement from which the student was removed, unless the parent and DCH agree to a change of placement as part of the modification of the behavioral intervention plan.

If DCH, the parent, and relevant members of the IEP team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP, then DCH may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, DCH must still provide ongoing education and related services pursuant to the student's IEP.

#### 4. Due Process Appeals

The parent of a student with a disability who disagrees with any decision regarding placement or the manifestation determination may request an expedited administrative hearing through the Special Education Division of the Office of Administrative Hearings. If DCH believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the school may request an expedited administrative hearing through the Special Education Division of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or DCH, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and DCH agree otherwise.

#### 5. Special Circumstances

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

The Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) 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 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 school's disciplinary procedures may assert the procedural safeguards granted under this policy only if DCH had knowledge that the student was disabled before the behavior occurred.

DCH 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 DCH supervisory or administrative personnel or to one of the student's teachers that the student is in need of special education or related services.
- b) The parent has requested an evaluation of the student.
- c) The student's teacher, or other DCH personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of special education or to other DCH supervisory personnel.

If DCH 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 students with disabilities, including the right to remain in his or her current placement pending the outcome of litigation.

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

DCH shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible for special education.

## **Element 11: Staff Retirement System**

*“The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.” California Education Code § 47605 (b)(5)(K)*

All certificated staff members can participate in the State Teachers Retirement System (“STRS”) to the extent allowed by law or other retirement plan set-up by independent or government agency, such as 401(k), flexible spending account (“FSA”), health saving accounts (“HSA”), , and other California payroll tax programs. If a certificated staff member chooses STRS, they shall retain all previously vested rights in STRS.

All full-time classified employees who are eligible will be covered by a 403b retirement plan. All full-time eligible employees will be covered by the Federal Social Security program. The School Director will be responsible for ensuring that appropriate arrangements for the retirement coverage have been made.

Health and welfare benefits may be offered to full time employees after a probationary period. The cost and coverage will be determined on employment status.

DCH shall ask the District to forward any required payroll deductions and related data to STRS or other plans as required by Education Code Section 47611.3.

The Board of Directors retains the option to consider any other public or private retirement plans and to coordinate such participation with existing programs, as it deems appropriate.

## **Element 12: Attendance Alternatives**

*“The public school attendance alternatives for students residing within the school District who choose not to attend charter schools. California Education Code § 47605 (b)(5)(L)*

Downtown Charter High is a charter school of choice, and no student shall be required to attend. Students who reside within the District and whose parents choose for them not to attend DCH can apply to another District school or request an intra-District transfer consistent with District policy. Parents and guardians of students enrolled in DCH will be informed on admissions forms that the student has no right to admission in a particular school of a local education agency as a consequence of enrollment in DCH, except to the extent that such a right is extended by the local education agency.

## **Element 13: Description of Employee Rights**

*“A description of the rights of any employee of the school District upon leaving the employment of the school District to work in a charter school, and of any rights of return to the school District after employment at a charter school.” California Education Code § 47605 (b)(5)(M)*

District employees will have no special rights to work in Downtown Charter High. Applications for employment by District employees will be evaluated on a similar basis as all other applicants. District employees who leave to work in DCH and subsequently desire to return to District employment may have return rights, as the District may specify.

## **Element 14: Dispute Resolution Process**

*“The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.” Ed. Code § 47605 (b)(5)(N).*

The intent of this dispute resolution process is to (1) resolve disputes within the school pursuant to the school’s policies, (2) minimize the oversight burden on the District, (3) ensure a fair and timely resolution to disputes, and (4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

In absence of district policies or protocols for charter school dispute resolution, this plan is being presented based on common charter school best practice. Should any section of this element pertaining to resolving disputes, be in conflict with San Diego Unified School District policies or desired protocols, then Downtown Charter High is amenable to altering said areas through an addendum, to be mutually agreed upon, and considered in addition to the original petition. Any such areas of conflict can also be resolved in the Memorandum of Understanding that will be drafted and agreed upon by SDUSD and DCH.

The staff and governing board members of DCH and the District, agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section.

### **Disputes Arising from Within the School**

Disputes arising from within DCH, including all disputes among and between parents, students, staff, volunteers, advisors, partner organizations, and governing board members of the school, shall be resolved pursuant to policies and processes developed by DCH and in accordance with the law.

### **Disputes Between the School and the District**

In the event of a dispute between DCH and the District regarding the terms of this charter or any other issue regarding the school and District relationship, both parties agree to apprise the other, in writing, of the specific disputed issue(s). In the event the initiating party believes the dispute relates to an issue that could potentially lead to revocation of the charter, this shall be specifically noted in the written dispute statement. Not later than five (5) business days from receipt of the dispute statement, a DCH representative and a District representative shall informally meet and confer to attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the DCH representative and the District representative shall meet again within fifteen (15) business days to identify a neutral third-party mediator to assist in dispute resolution. The format of the third-party mediation process shall be developed jointly by the representatives. The mediation shall be held within thirty (30) business days of receipt of the dispute statement. All timelines in this section may be revised upon mutual written agreement.

The cost of the mediation and all other costs associated with dispute resolution shall be shared equally by DCH and the District.

In the event that the third-party mediation process does not result in the resolution of the dispute, both parties agree to continue good faith negotiations. If the matter cannot be mutually resolved, DCH shall be given a reasonable amount of time to correct the violation, unless the District indicates in writing the violation constitutes a severe and imminent threat to the health and safety of the DCH's students. The District reserves the right to take any action it deems appropriate, and DCH reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the DCH students.

## **Element 15: Exclusive Public School Employer Declaration**

*“A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of division 4 of Title 1 of the Government Code).” California Education Code § 47605 (b)(5)(O)*

Downtown Charter High shall be deemed the exclusive public school employer of the employees of DCH for the purposes of the Educational Employment Relations Act (“EERA”). As such, DCH recognizes employees’ rights under the EERA , will act independently from the District, and will comply with all provisions of the EERA.

## Element 16: Closure of Charter School

*“A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of student records.” California Education Code § 47605 (b)(5)(P)*

Closure of Downtown Charter High will be documented by official action of the Board of Directors. 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 of Directors will promptly notify parents and students of DCH, the District, the San Diego County Office of Education, DCH’s Special Education Local Plan Area (“SELPA”), the retirement systems in which DCH’s employees participate (e.g., Public Employees’ Retirement System, 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 students’ school Districts of residence; and the manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.

The Board of Directors will ensure that the notification to the parents and students of DCH 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 DCH.

The Board of Directors will also develop a list of students in each grade level and the classes they have completed, together with information on the students’ Districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, DCH will provide parents, students, and the District 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 the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. Section 1232g. DCH will ask the District to store original records of DCH students. All records of DCH shall be transferred to the District upon school closure. If the District will not or cannot store the records, DCH shall work with the County Office of Education to determine a suitable alternative location for storage.

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, DCH will prepare final financial records. DCH will also have an independent audit completed within six months after closure. DCH will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by DCH and will

be provided to the District 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 DCH.

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

On closure of DCH, all assets of DCH, including but not limited to all leaseholds, personal property, intellectual property, and all ADA apportionments and other revenues generated by students attending DCH, shall be returned to the source of the funds. Any assets acquired from the District or District property will be promptly returned to the District upon closure. 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, DCH shall remain solely responsible for all liabilities arising from the operation of DCH.

As DCH is operated by a non-profit public benefit corporation, should the corporation dissolve with the closure of DCH, the Board of Directors 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 proposed budget (Appendix D), DCH will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

## **District Impact Statement**

### **Liability**

Downtown Charter High shall be operated by Downtown Charter School, Inc., a California non-profit 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(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of DCH or for claims arising from the performance of acts, errors, or omissions by DCH if the authority has complied with all oversight responsibilities required by law. DCH shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District-requested protocol to ensure the District shall not be liable for the operation of DCH. Further, DCH and the District shall enter into a memorandum of understanding, wherein the DCH shall indemnify the District for actions of DCH under this charter.

The corporate bylaws of Downtown Charter School, Inc. shall provide for indemnification of the Board of Directors, officers, agents, and employees. Downtown Charter School, Inc. will purchase general liability insurance, Board Members and Officer's insurance, and fidelity bonding to secure against financial risks. Insurance amounts will be determined by recommendation of the District and the Downtown Charter School, Inc.'s insurance company for schools of similar size, location, and student population. The District shall be named an additional insured on the general liability insurance.

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

By July 1, 2013, DCH will enter into a memorandum of understanding with the District that will include a provision for DCH obtaining adequate liability insurance amounts (as determined by the District Risk Management Department), "hold harmless" language, and naming the District as an "additional insured."

### **Indemnification**

Consistent with the statutory intent of Education Code Section 47604(c), the District shall not be liable for the debt or obligations of DCH or Downtown Charter School, Inc. DCH and Downtown Charter School, Inc. shall indemnify, defend, save, and hold the District, the District Board, the Superintendent, employees, officers, Directors, subcontractors, agents, and authorized volunteers (collective "employees") harmless against any and all claims, demands, suits, costs, judgments or other forms of liability to third parties, actual or claimed, or whatsoever kind of character, including attorneys' fees, brought against DCH, DCH employees, or Downtown Charter Inc. for injury to property or persons, occurring or allegedly occurring in,

on or about the school from conduct committed by the School or by its employees, officers, Directors, subcontractors, agents, and by District employees while assigned to and under the supervision of DCH during the term of this Charter or any renewal thereof. The District will not be liable for any actions taken by DCH. DCH further identifies its commitment to hold the District harmless from financial obligation with regard to any debt or obligation of DCH. DCH looks forward to establishing an appropriate Memorandum of Understanding with SDUSD subsequent to charter approval to legally establish the specifics the relationship with SDUSD. DCH will act as its own fiscal agent to the fullest extent of the law. DCH shall implement the provisions of charter school legislation and California Department of Education directives regarding charter schools.

### **Facilities**

DCH anticipates that the school will be located on the 6<sup>th</sup> and 7<sup>th</sup> floor at the new San Diego Central Library, once completed, at 330 Park Blvd, San Diego, CA 92101. A lease agreement between San Diego Unified School District and the City of San Diego was approved by the SDUSD School Board on April 27, 2010. The approval stipulated a pre-paid 40-year agreement to "...lease two contiguous floors (sixth and seventh) of approximately 71,800 rentable square feet (Premises) to be used as a charter school educational facility."<sup>33</sup> Moreover, on July 13, 2010, the SDUSD School Board approved funding for "tenant improvements and modifications to the library building for use as a public charter school in the new central downtown library."<sup>34</sup>

Students at DCH will have both a separate entrance and elevator to the sixth and seventh floor of the building.

The proposed location of DCH at the new San Diego Central Library site is subject to the District's application process for that site. In the event the District does not assign DCH to the Library site, the DCH governing board will consider its options for either obtaining an alternative site or reconsideration of its charter.

### **Administrative Services**

The details of the relationship between the District and DCH will be delineated in a Memorandum of Understanding ("MOU"). DCH shall retain the right to separately purchase administrative or other services from the District or any other agency. Such services may include personnel review for credential and criminal purposes, police services, or other services that shall be available to non-profit schools. The specific terms and costs for these services shall be the subject of a mutually agreed upon Memorandum of Understanding. Petitioner understands that current law mandates that the District provide oversight and performance monitoring services, including monitoring school and student performance data, financial statements and audit reports, enrollment verification, performing annual site visits, engaging in the Dispute Resolution Process, and considering charter amendment and renewal requests.

---

<sup>33</sup> <http://www.boarddocs.com/ca/sandi/Board.nsf/Public>. Access April 27, 2010 board meeting; agenda item H.01.

<sup>34</sup> <http://www.boarddocs.com/ca/sandi/Board.nsf/Public>. Access July 13, 2010 board meeting; agenda item H.5.

## **APPENDIX TABLE**

### **Appendix A: Articles of Incorporation and Draft By-Laws**

- Attached in separate PDF: Appendix A DCH 101410.pdf

### **Appendix B: List of Founding Development Team and Resumes**

- Attached in separate PDF: Appendix B DCH 101410.pdf

### **Appendix C: Draft Conflict of Interest Policy**

- Attached in separate PDF: Appendix C DCH 101410.pdf

### **Appendix D: 5-Year Budget and Cash Flow Projections**

- Attached in separate Excel file: Appendix D Budget DCH 011912.pdf

### **Appendix E: Marketing Outreach**

- Attached in separate PDF: Appendix E DCH 101410.pdf

### **Appendix F: Teacher and Parent Signatures**

- Attached in separate PDF: Appendix F DCH 101410.pdf

### **Appendix G: Correspondence**

- Cover letter correspondence and memoranda

**PETITION/COMPLAINT**

**EXHIBIT E**

## Quimpo-Herbilla, Nannie

---

**From:** Smith, Nathaniel R.  
**Sent:** Monday, August 22, 2016 3:28 PM  
**To:** Jennifer S. Branch  
**Cc:** Segal, Richard M.; David Loy (davidloy@aclusandiego.org); Kendra Miller; Quimpo-Herbilla, Nannie  
**Subject:** Velazquez v. e3 - Records Request  
**Attachments:** Velazquez - Records Request to e3 4812-3950-3156 v.3.docx

Dear Jennifer,

Further to our prior correspondence and conversations and on behalf of our client Nicole Velazquez, attached please find our records requests to e3 Civic High. Let me know if you have any questions, and please give my best to Brian Martin when you see him.

Nate

**Nathaniel R. Smith | Counsel**

Pillsbury Winthrop Shaw Pittman LLP

501 West Broadway, Suite 1100 | San Diego, CA 92101-3575

t 619.544.3210 | f 619.236.1995 | m 619.481.8576

nathaniel.smith@pillsburylaw.com | website bio

ABU DHABI AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES  
NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO  
SAN DIEGO SAN DIEGO NORTH COUNTY SAN FRANCISCO SHANGHAI  
SILICON VALLEY TOKYO WASHINGTON, DC



**Nicole Velazquez v. e3 Civic High School**  
**Records Request to e3**

As used below, “document” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

If necessary to comply with applicable law, the requested documents may be redacted to delete identifying information for individuals.

References to claims and quoted statements below refer to your letter of May 26, 2016.

1. All documents relating to the claim that e3 was “not accepting new students” when Ms. Velazquez applied to e3.
2. All documents relating to the number of students enrolled at e3 when Ms. Velazquez applied to e3.
3. All documents relating to e3’s “enrollment target.”
4. All documents relating to “the decrease in projected state attendance revenue.”
5. All documents relating to the “hiring freeze,” including but not limited to any documents showing when and for how long this hiring freeze was in effect.
6. All documents relating to the claim that “eight positions were never filled,” including but not limited to documents showing the titles and job descriptions for those positions.
7. All documents relating to the statement that “one teacher was laid off on October 15, 2015.”
8. All documents relating to (a) e3’s master schedule as originally adopted for the 2015-16 school year; (b) any adjustments to the master schedule during that year; (c) any “collapsed classes”; (d) any changes in teaching assignments; and (e) any reassignment of students to different classes.
9. All applications made to e3 for admission “[d]uring this period of transition.”
10. All documents relating to the claim that e3 maintains four separate grade-level waiting lists, including but not limited to any documents showing when and for how long these waiting lists were in effect for the 2015-16 school year.
11. All documents relating to any policy and practice of e3 to maintain grade-level waiting lists.

12. All documents relating to the claim that Ms. Velasquez was placed on the 10th grade waiting list behind one other student who had applied on October 21, 2015.
13. All documents relating to the claim that it was always e3's intent to offer Ms. Velazquez admission to e3 once classes stabilized.
14. Other than emails previously disclosed, all documents relating to communications between Dr. Griffith and/or Mr. Katz and Ms. Velazquez's mother.
15. All documents relating to any communications between Dr. Griffith and Mr. Katz regarding Ms. Velazquez.
16. All documents relating to any communication between and among any e3 staff regarding Ms. Velazquez.
17. All documents relating to the claim that Ms. Velasquez was offered admission on November 2, 2015.
18. All documents, including but not limited to correspondence to or from Dr. Griffith, related to the decision to admit Ms. Velasquez.
19. All documents relating to the claim that another 10<sup>th</sup> grade student applied on October 21, 2015 and was offered admission on November 2, 2015.
20. Each waiting list for each grade level between October 23, 2015 and November 2, 2015.
21. All documents showing the enrollment, capacity, number of teachers and class sizes from October 21, 2015 to November 2, 2015.
22. All documents relating to the admission of a 9th grade student as referred in page 3 of your letter.
23. All documents relating to any lottery held by e3 for admission.

**PETITION/COMPLAINT**

# **EXHIBIT F**

## Quimpo-Herbilla, Nannie

---

**From:** Jennifer S. Branch <jbranch@albblaw.com>  
**Sent:** Tuesday, August 23, 2016 1:17 PM  
**To:** Smith, Nathaniel R.  
**Cc:** Segal, Richard M.; David Loy (davidloy@aclusandiego.org); Kendra Miller; Quimpo-Herbilla, Nannie  
**Subject:** RE: Velazquez v. e3 - Records Request

Thanks, Nate.

I'll review, discuss with my client, and get back to you. I'll also say "hello" to Brian.

Jen



Jennifer Sarkozy Branch  
Andrews · Lagasse · Branch & Bell LLP  
4365 Executive Drive, Suite 950  
San Diego, CA 92121  
Direct Dial: 858-345-5073  
Direct Fax: 858-345-5074  
[jbranch@albblaw.com](mailto:jbranch@albblaw.com)  
[www.albblaw.com](http://www.albblaw.com)

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**From:** Smith, Nathaniel R. [<mailto:nathaniel.smith@pillsburylaw.com>]  
**Sent:** Monday, August 22, 2016 3:28 PM  
**To:** Jennifer S. Branch  
**Cc:** Segal, Richard M.; David Loy ([davidloy@aclusandiego.org](mailto:davidloy@aclusandiego.org)); Kendra Miller; Quimpo-Herbilla, Nannie  
**Subject:** Velazquez v. e3 - Records Request

Dear Jennifer,

Further to our prior correspondence and conversations and on behalf of our client Nicole Velazquez, attached please find our records requests to e3 Civic High. Let me know if you have any questions, and please give my best to Brian Martin when you see him.

Nate

**Nathaniel R. Smith | Counsel**  
Pillsbury Winthrop Shaw Pittman LLP

501 West Broadway, Suite 1100 | San Diego, CA 92101-3575

t 619.544.3210 | f 619.236.1995 | m 619.481.8576

nathaniel.smith@pillsburylaw.com | website bio

ABU DHABI AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES  
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**PETITION/COMPLAINT**

**EXHIBIT G**

## Quimpo-Herbilla, Nannie

---

**From:** Smith, Nathaniel R.  
**Sent:** Thursday, September 15, 2016 11:01 AM  
**To:** Jennifer S. Branch  
**Cc:** Segal, Richard M.; David Loy (davidloy@aclusandiego.org); Kendra Miller; Gallacher, Kirsten F.; Quimpo-Herbilla, Nannie  
**Subject:** RE: Velazquez v. e3 - Records Request

Dear Jennifer,

I write to follow up regarding our records request to e3 Civic High School, sent on August 22, 2016 via email. Though the request was informal, we believe it qualifies as a request for public records under the California Public Records Act (PRA). As you may know, the PRA requires a response within 10 days from receipt of the request. See Cal. Gov't Code. § 6253(c) ("Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.").

e3 received our request on August 22, 2016, and thus a response under the PRA was required on or before September 1, 2016. As we are now well beyond that deadline, please promptly advise when we can expect a complete response to our request.

Thank you and feel free to call with any questions.

Nate

### **Nathaniel R. Smith | Counsel**

Pillsbury Winthrop Shaw Pittman LLP  
501 West Broadway, Suite 1100 | San Diego, CA 92101-3575  
t 619.544.3210 | f 619.236.1995 | m 619.481.8576  
nathaniel.smith@pillsburylaw.com | website bio

ABU DHABI AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES  
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**Sent:** Tuesday, August 23, 2016 1:17 PM  
**To:** Smith, Nathaniel R.  
**Cc:** Segal, Richard M.; David Loy (davidloy@aclusandiego.org); Kendra Miller; Quimpo-Herbilla, Nannie  
**Subject:** RE: Velazquez v. e3 - Records Request

Thanks, Nate.

I'll review, discuss with my client, and get back to you. I'll also say "hello" to Brian.

Jen

Jennifer Sarkozy Branch  
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San Diego, CA 92121  
Direct Dial: 858-345-5073  
Direct Fax: 858-345-5074  
[jbranch@albblaw.com](mailto:jbranch@albblaw.com)  
[www.albblaw.com](http://www.albblaw.com)

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---

**From:** Smith, Nathaniel R. [<mailto:nathaniel.smith@pillsburylaw.com>]  
**Sent:** Monday, August 22, 2016 3:28 PM  
**To:** Jennifer S. Branch  
**Cc:** Segal, Richard M.; David Loy ([davidloy@aclusandiego.org](mailto:davidloy@aclusandiego.org)); Kendra Miller; Quimpo-Herbilla, Nannie  
**Subject:** Velazquez v. e3 - Records Request

Dear Jennifer,

Further to our prior correspondence and conversations and on behalf of our client Nicole Velazquez, attached please find our records requests to e3 Civic High. Let me know if you have any questions, and please give my best to Brian Martin when you see him.

Nate

**Nathaniel R. Smith | Counsel**

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t 619.544.3210 | f 619.236.1995 | m 619.481.8576  
[nathaniel.smith@pillsburylaw.com](mailto:nathaniel.smith@pillsburylaw.com) | [website bio](#)

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NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO  
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800-477-0770, Option 1, immediately by telephone or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.

**PETITION/COMPLAINT**

**EXHIBIT H**



Pillsbury Winthrop Shaw Pittman LLP  
501 West Broadway, Suite 1100 | San Diego, CA 92101-3575 | tel 619.234.5000 | fax 619.236.1995

Richard M. Segal  
tel: 619.544.3203  
richard.segal@pillsburylaw.com

October 12, 2016

**VIA ELECTRONIC & FIRST CLASS MAIL**

Jennifer Sarkozy Branch  
Andrews Lagasse Branch & Bell LLP  
4365 Executive Drive, Suite 950  
San Diego, CA 92121  
[jbranch@albblaw.com](mailto:jbranch@albblaw.com)

Re: *Nicole Velazquez v. e3 Civic High School*  
Violation of California Public Records Act  
Violation of California Education Code §§ 47607(c)(1), 47610

Dear Jennifer:

We write to address e3 Civic High School's ("e3") failure to respond to our public records request sent August 22, 2016. e3's own charter explicitly provides that e3 is subject to the California Public Records Act ("PRA"). Yet to date e3 has not responded to our requests, and thus has violated the PRA and its own charter. We therefore request an immediate and complete response to our public records request. In light of e3's prolonged failure to respond, we are prepared to seek other available remedies to obtain the requested documents, including a writ of mandate to enforce e3's mandatory duty to comply with its charter. Educ. Code § 47610 ("A charter school shall comply with ... all of the provisions set forth in its charter."). We also note that e3's failure to comply with its charter is grounds for revocation under section 47607(c)(1) of the Education Code.

As you know, we sent a letter dated April 22, 2016, explaining in detail Ms. Velazquez's claim against e3 for unlawful discrimination. Specifically, Dr. Helen Griffith, in her capacity as Executive Director of e3, denied Ms. Velazquez admission to e3 because she is transgender, and therefore unlawfully discriminated against her based on gender, gender identity, or gender expression, in violation of section 220 of the California Education Code. We also requested to meet with e3's Board of Directors and school district officials responsible for charter oversight, outside of Dr. Griffith's presence, to discuss potential resolution of this matter.



Jennifer Sarkozy Branch  
October 12, 2016  
Page 2

You responded on behalf of e3 in a letter dated May 26, 2016, denying that e3 discriminated against Ms. Velazquez and referring to documents that you contended show e3 did not discriminate against Ms. Velazquez.

On August 22, 2016, we sent on behalf of Ms. Velazquez a request for twenty three categories of documents and other records to substantiate statements made in your May 26 letter. You responded on August 23, 2016, representing that you would review the requests, discuss them with your client e3, and get back to us.

However, we received no response. Accordingly, on September 15, 2016, we sent a follow up email requesting that e3 promptly respond to our records request. We noted that our August 22 request qualifies as a request for public records under the PRA. We further explained that the PRA, specifically section 6253(c) of the Government Code, requires a response within 10 days from receipt of the request. To date – over fifty days after our initial request and twenty-six days after our follow up – e3 has still not responded to our records request, in clear violation of the PRA.

Records maintained by local school districts are subject to inspection under the California Public Records Act. *Los Angeles Unified Sch. Dist. v. Superior Court*, 151 Cal. App. 4th 759, 765 (2007). e3's charter states that it "shall comply with the Public Records Act." (e3 Petition, Affirmations and Assurances, § 13(f), revised Jan. 19, 2012). e3's failure to respond to our request violates not only the PRA but also its own charter, which is grounds for a writ of mandate and potential revocation of e3's charter. See *Kavanaugh v. W. Sonoma Cnty. Union High Sch. Dist.*, 29 Cal. 4th 911, 916 (2003) (directing a writ of mandate issue to compel the performance of school district's ministerial duty); *City of King City v. Cmty. Bank of Cent. California*, 131 Cal. App. 4th 913, 927 (2005) (mandate available "against a private person to compel performance of a duty" and "force the disclosure of records"); *California Sch. Boards Ass'n v. State Bd. of Educ.*, 186 Cal. App. 4th 1298, 1327 (2010) (recognizing mandamus may be available to compel revocation of charter).

In light of e3's prolonged failure to respond, we are prepared to pursue our available remedies to obtain the requested documents, including a writ of mandate and notice to the school district that e3 has violated its charter. We note that the PRA provides for recovery of attorneys' fees and costs under section 6259(d) of the Government Code. Though we are prepared to litigate, e3 may remedy its violation by providing an immediate and complete response to our public records requests. A copy of the records request sent August 22, 2016 is enclosed.



Jennifer Sarkozy Branch  
October 12, 2016  
Page 3

Thank you for your immediate attention to this serious matter. We await your prompt response.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard M. Segal". The signature is fluid and cursive.

Richard M. Segal

Enclosure

cc: David Loy (*via email*, [davidloy@aclusandiego.org](mailto:davidloy@aclusandiego.org))  
ACLU Foundation of San Diego & Imperial Counties

NICOLE VELAZQUEZ V. E3 CIVIC HIGH SCHOOL  
RECORDS REQUEST TO E3

As used below, “document” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

If necessary to comply with applicable law, the requested documents may be redacted to delete identifying information for individuals.

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