

SILICON VALLEY FLEX ACADEMY COUNTYWIDE CHARTER PETITION

A Proposed Santa Clara County Office of Education Public Countywide Charter School

With

A “New Model of Education”

Submitted By

FLEX PUBLIC SCHOOLS
(A California Nonprofit Public Benefit Corporation)

To The

Santa Clara County Board of Education for Approval
On December 14, 2009

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TABLE OF CONTENTS OF LEGAL REQUIREMENTS

This Charter has been created in the format encouraged by the California State Board of Education in its adopted “Model Application for Charter Schools” and exceeds the legal requirements of Education Code Section 47605.6. According to the State Board of Education, the Model Application format ensures that charter petitioners systematically cover all of the minimum elements required by law. However, the Model Application format requires that statutory provisions in the Charter Schools Act be addressed in an order different than presented in the Education Code. This “Table of Contents of Legal Requirements” is presented to assist the charter authorizer in establishing that all requirements of the law have been met.

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CHARTER SCHOOL INTENT AND CHARTER REQUIREMENTS

The Charter Schools Act (“Act”) of 1992, codified as California Education Code Section 47600 *et seq.*, requires each charter school to have a “charter” that sets forth a reasonably comprehensive description of the sixteen (16) required elements of charter petitions. (California Education Code Section 47605)

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

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

-California Education Code Section 47601

The following sections of this Charter explain how the Flex Academy Silicon Valley (“Flex Academy,” “the School” or “the Schools”) fulfills the requirements of Section 47601 of the Act.

AFFIRMATIONS

- Silicon Valley Flex Academy (“Flex Academy”, “the School” or “the Schools”) shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. It shall not charge tuition and shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).
- The Schools’ goals include enabling its students to become self-motivated, competent, and lifelong learners.
- The Schools shall admit all pupils within the State of California who wish to attend the School. Admission to the Schools shall not be determined by the place of residence of a pupil or his or her parent or guardian within the State except as provided by Education Code Section 47605.6((e)(2). If the Schools receive a greater number of students who wish to attend the Schools and who submit a timely application than capacity, each applicant will be given an equal opportunity for admission through a public random drawing process. Preference in the public random drawing will be given as required by Education Code Section 47605.6(e)(2)(B), with preference to students currently attending the Schools and to students who reside in the County.
- The Schools shall comply with all applicable state and federal laws in serving 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.
- The Schools shall offer at a minimum, the same number of minutes of instruction set forth in paragraph (1) of subdivision (a) of California Education Code Section 47612.5 for the appropriate grade levels.
- The Schools shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.
- The Schools shall conduct the pupil assessments required by California Education Code Sections 60605 and 60851 and any other statewide assessments required by law.
- The Schools shall meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials, as necessary.
- The Schools will ensure that teachers hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by law, flexibility may be given to non-core, non-college preparatory teachers.

- The Schools will, at all times, maintain all necessary and appropriate insurance coverage.
- If a pupil is expelled or leaves the Schools without graduating or completing the school year for any reason, the Schools shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.
- The Schools shall comply with all applicable portions of the No Child Left Behind Act.
- The Schools shall voluntarily comply with the Brown Act and Public Records Act.
- The Schools shall comply with the Family Educational Rights and Privacy Act.
- The Schools shall meet or exceed the legally required minimum of school days per year.

/s/	
Signature, Lead Petitioner for Flex Public Schools (A California nonprofit public benefit corporation)	Date

[Note: The signature was submitted with the hard copies of the documents]

I. INTRODUCTION / FOUNDING GROUP

Flex Public Schools, a California nonprofit public benefit corporation and the organizers of the Silicon Valley Flex Academy (“Flex Academy”, “the School” or “the Schools”), are pleased to submit this countywide charter petition to offer a new model of education, combining the best of online such as differentiation, support and self pacing with the best of a brick and mortar school.

FOUNDING GROUP

The Founding Group, including the Flex Public Schools’ Board of Directors, Advisors, Supporters and Partners, have extensive experience with charter schools, startup organizations, education (including school design, curriculum development, instructional strategies, assessment and staff development), business, law, facilities, finance, fundraising technology, strategic planning, governmental relations, public relations, organizational development, student leadership development, and community development.

(In alphabetical order)

***Scott Donahue, Entrepreneur
and Board Member, Flex Public Schools***

Scott Donohue is an entrepreneur who has founded several companies in the telecommunications industry. He is currently the CEO of Coloma Broadcasting, LLC which owns FM radio stations in California’s Central Valley.

In addition, Scott is on the Board of the San Francisco Friends School where he co-chairs a \$20 million capital campaign. He also serves as Chair of the local Board of Year Up San Francisco Bay Area, a successful workforce development and education program for at-risk young adults.

Scott graduated from Wesleyan University with a B.A. in English. He lives in San Francisco with his wife Amory and two sons.

***Andrew K. Gordon, Esq.
Partner, Duane Morris and
Board Member/Secretary, Flex Public Schools***

Mr. Gordon is a partner at Duane Morris LLP, one of country’s leading law firms, with four offices in California and a total of over 700 lawyers throughout the country. Specializing in the areas of commercial and insurance litigation, environmental law and labor and employment law with a focus on complex multi-party trials, Mr. Gordon has been one of the lead trial counsel in a number of significant complex insurance coverage matters in several western states, and has been lead defense counsel in many other coverage cases which have resulted in favorable settlements prior to trial.

His commercial litigation experience includes director and officer liability, unfair competition claims, unfair lending practices, misappropriation of trade secrets, partnership disputes, obtaining and enforcing judgments against foreign entities, real estate nondisclosures and various other business torts. He counsels employers on employment issues and has litigated cases involving discrimination, disability and harassment issues, wrongful termination, trade secret violations, and wage and hour disputes.

Mr. Gordon is listed in *Chambers USA: America's Leading Lawyers for Business*, 2006-2009 editions, and has been named as one of California's Super Lawyers through a peer review process. He earned his B.A. at Amherst College and a J.D. at the University of San Francisco School of Law. He has been a Board member of Big Brothers/Big Sisters of Marin; President of Mill Valley Tennis Club; President of Bear Creek Association; and a Board member of the Giants Community Fund. He is married and lives in the San Francisco Bay Area with his wife and two children who have attended local public schools.

***Mark Kushner, K12 Inc
and Board Member, Flex Public Schools***

Mark is one of the country's leading charter experts as a charter school founder, state charter commissioner, and instructor on charter schools at Stanford University.

In 1995, he founded and led Leadership High School in San Francisco, one of the pioneering charter high schools dedicated to equity and excellence. In 2001, Mark next founded, and led as CEO, Leadership Public Schools ("LPS"), a prominent charter management organization dedicated to serving low-income students in California. LPS is now ably led by the former chief academic officer of Oakland Unified School District, and Mark still serves on LPS's board. In 2008, Mark joined K12 Inc., the country's leading provider of online courses.

A former high school English teacher, coach, principal, and attorney, in 2001 he founded and has since served as a member of the California Advisory Commission on Charter Schools, which advises the California State Board of Education on all charter matters. Since 2006, he has also taught a course on School Choice and Charter Schools at Stanford University's Graduate School of Business and School of Education. Selected education honors include the Harvard Club of San Francisco's Secondary School Educator of the Year, and the Hart Vision Award for School Site Administrator, the highest award given to charter school educators in California.

Finally, Mark also serves as a trustee of San Francisco University High School and the Town School for Boys. Mr. Kushner earned a B.A. from Wesleyan University, and completed graduate work in literature, law and educational administration at The Centre for Medieval and Renaissance Studies, Oxford, University of San Francisco (J.D.), and Harvard University (Ed.M.). He is married to Dr. Mimi Winsberg and has two children.

***David Lichtman, Chief Credit Officer, First Republic Bank
and Board Member/Treasurer, Flex Public Schools***

David B. Lichtman is Executive Vice President and Chief Credit Officer of First Republic Bank, a NYSE publicly traded company with billions of dollars in assets. Mr. Lichtman has

held the Senior Credit Officer position since 1995 and has held positions in all phases of lending operations since he joined the Bank in 1986.

He was previously one of the founding board members and treasurer of Leadership High School in San Francisco, one of the country's pioneering charter high schools. David earned his B.A. from Vassar College and his M.B.A. from the Haas School of Business at the University of California, Berkeley. He lives in San Francisco with his wife and child.

Catherine Walcott

***Director of Strategic Initiatives at WestEd,
and Board Member, Flex Public Schools***

Catherine Walcott is WestEd's Director of Strategic Initiatives, and works with federal, state, and district policymakers to address educational challenges through evidence-based approaches. WestEd is a federally-funded regional think tank focused on education.

Walcott also directs WestEd's Fast Response Applied R&D Unit, which focuses on getting evidence-based information and unbiased analyses about current education issues and trends to policymakers and practitioners served by the Regional Educational Laboratory West and nationally. As a result of Walcott's leadership, the regional lab has published dozens of studies that help inform regional policymakers about pressing educational issues such as district improvement, teacher demand, postsecondary access, and re-enrolling dropouts. The lab has also hosted numerous events to bridge research, practice, and policy on a host of topics in the western region.

She serves as the agency liaison to the state of California, functioning as a key point of contact with the California State Board of Education, the California Department of Education, and other state agencies.

Prior to joining WestEd, Walcott was a Senior Policy Advisor for the U.S. Department of Education, where she developed legislative proposals and policy guidelines related to school reform, particularly standards and assessment issues. She provided leadership on issues such as policy guidance for state reform plans, guidance for the development of state assessment systems, and peer reviews of numerous types of state plans (e.g., plans for standards-based improvement, assessment systems, and technology plans).

Walcott is an advisor to the *No Child Left Behind Alert* newsletter and is a board member of Partners in School Innovation and the Russian Hill Preschool. She received a B.A. in psychology from Stanford University and an M.A. in public policy from Harvard University.

For more information on the role of the Flex Public Schools' Board of Directors, please see "Section IV Governance" of this Charter.

ADVISORS, SUPPORTERS AND PARTNERS

Mike Kirst, Emeritus Professor Stanford University and Former President, California State Board of Education

Michael W. Kirst is Professor Emeritus of Education and Business Administration at Stanford University. Professor Kirst was a member of the California State Board of Education (1975/1982) and its president from 1977 to 1981.

Dr. Kirst received his bachelor's degree in economics from Dartmouth College, his M.P.A. in government and economics from Harvard University, and his Ph.D. in political economy and government from Harvard.

Before joining the Stanford University faculty, Dr. Kirst held several positions with the federal government, including Staff Director of the U.S. Senate Subcommittee on Manpower, Employment and Poverty, and Director of Program Planning and Evaluation for the Bureau of Elementary and Secondary Education in the U.S. Office of Education (now the U.S. Department of Education). He was a Budget Examiner in the Federal office of Budget and Management, and Associate Director of the White House Fellows. He was a program analyst for the Title I ESEA Program at its inception in 1965.

Dr. Kirst is active in several professional organizations. He was a fellow at the Center for Advanced Study in Behavioral Sciences. He has been a member of the National Academy of Education since 1979. He was Vice President of the American Educational Research Association and a commissioner of the Education Commission of the States. Kirst co-founded Policy Analysis for California Education (PACE).

A prolific writer, Dr. Kirst has authored ten books, including "The Political Dynamics of American Education" (2005). As a policy generalist, Professor Kirst has published articles on school finance politics, curriculum politics, intergovernmental relations, as well as education reform policies. His recent book, "From High School to College" (2004), concerns improving student preparation for success in postsecondary education.

Eric Premack

Director, Charter Schools Development Center

Eric Premack is widely regarded as the country's premier charter school expert, particularly known for his expertise in education, finance, management, and labor relations issues, and his in-depth grasp of the practical details of charter school operation and charter school legislation.

Prior to founding and becoming the Director of the Charter Schools Development Center (CSDC), Premack has been involved with the development of the charter school concept since its inception in his native Minnesota in the 1980s. He is a frequent speaker at state and national education conferences and charter school groups, advises state and national-level policymakers, provides extensive consulting services to charter school developers and authorizers, and served as staff to the U.S. Department of Education-sponsored National Study of Charter Schools. Premack served on the California State Superintendent's Charter School Advisory Committee, was an Advisor to the board of the

California Network of Educational Charters (CANEC), and serves on the board of the East Bay Conservation Corps and St. Hope Corporation, both of which operate charter schools in northern California. He was awarded the Hart Vision Award for outstanding service to the charter school movement in California by CANEC.

Prior to joining CSDC, Premack was the Associate Director of Fiscal and Management Services with School Services of California, Inc. where he provided fiscal, labor relations, and management consulting services for dozens of California school districts and county offices of education. Previously, he was a K-12 education policy and finance analyst with California's non-partisan Office of the Legislative Analyst where he advised the Legislature on major K-12 education fiscal issues. He is a graduate of both the College and the Harris Graduate School of Public Policy (M.A. with a concentration in education policy) of the University of Chicago.

Nick Driver

***Vice President, School Development and Outreach,
California Charter School Association (“CCSA”)***

As the Vice President and General Manager of School Development and Outreach for the Northern California Region of CCSA, Mr. Driver provides an array of services for existing charter schools and supports charter developers who are interested in opening up new charter schools in the Bay Area and Northern California coastal regions.

He earned a Bachelor's Degree in Asian Studies at the University of California at Berkeley. He brings a diverse background in journalism, international affairs, and education activism to his charter school work. In his role as General Manager he has visited more than 200 schools in 20 counties statewide. His local advocacy and support for charters has led to the creation of more than 100 new charter public schools during his tenure, while supporting existing charter schools to grow stronger and to focus on increasing student achievement. Nick continues to be involved in local education reform efforts.

He is the Vice-Chair of San Francisco Unified Board of Education's Parent Advisory Council (“PAC”), and assisted PAC to become a voting member of the San Francisco Board of Education. Nick lends his expertise to local educational boards, serving on San Francisco's Alvarado Elementary School Site Council and the University of San Francisco's Center for the Pacific Rim. While with the Committee to Repair Our Schools, Nick coordinated fundraising and community involvement campaigns for local school bond campaigns. Nick worked as a journalist for the Los Angeles Times, the San Francisco Examiner, and United Press International. Nick's first hand entrepreneurship allowed him to run two enterprises that focus on international research and analysis.

***Paul Minney, Esq., and Lisa Corr, Esq.
Partners, Middleton, Young and Minney***

The School receives legal services from Spector, Middleton, Young & Minney, LLP (“MYM”). MYM has ten attorneys who dedicate their practice exclusively to charter school law. The firm's attorneys provide legal counsel to over 350 charter schools as well as businesses and organizations providing support services to charter schools within the state. The School's lead counsel, Paul Minney, has been involved in the charter school

development process since the adoption of the Charter Schools Act in 1992. Lisa Corr, also representing the School, is a special education charter expert, among other things.

Stan Cohn

Partner, GVA Kidder Mathews

Mr. Cohn has been a Partner with GVA Kidder Mathews since 2008. He served as the managing principal of a predecessor organization, GVA Whitney Cressman, since joining in 1997. Since 1978, he has been directly involved in over \$2 billion of investment and lease transactions on behalf of a wide range of clients, including Lincoln Property Company, Grosvenor International, Taylor Woodrow, the Hahn Company, BetaWest, Saks Fifth Avenue, Macy's, and others.

Prior to joining GVA Kidder Mathews, Mr. Cohn served as director, Cushman & Wakefield's Retail and Financial Services Groups. Mr. Cohn joined Cushman & Wakefield in 1986 and directed the firm's retail capability in Northern California. Prior to that time, he was the senior member of Coldwell Banker's Retail Group in San Francisco. He has been honored as one of the top 15 commercial brokers in Northern California by the *California Real Estate Journal*, and is a member of various real estate organizations, including the International Council of Shopping Centers and the Urban Land Institute.

For almost 30 years, he has specialized in assisting many of his clients implement their real estate strategies involving different product types in various markets. Major assignments have been completed with the Port of San Francisco, The Empire Group, Mitsubishi Trust and Banking, Saks Fifth Avenue, Gump's and Zara.

He received his B.A. from University of California, Berkeley and his M.S. in Business (Sloan Fellowship) from Stanford University, Graduate School of Business. He lives with his wife and children in the San Francisco Bay Area.

Sean St. Denny

Leadership High School Founding Class Member and Graduate, 2001

Sean St. Denny was born and raised in San Francisco where he enrolled in 1997 as a freshman in the inaugural class of Leadership High School. He was drawn to the school by its fresh approach to education, its beautiful downtown location, and by his pioneering spirit. He was an active member of the Leadership community as a co-founder of multiple clubs, a student teacher, tutor, and a captain of the soccer team. After graduating from Leadership he went on to attend Johns Hopkins University where he studied Biomedical Engineering. He currently runs a family business in San Francisco.

K12 INC.
A CURRICULUM AND EDUCATION SERVICES PROVIDER AND PARTNER

In addition, Flex Public Schools intends to have the contracted support of K12 Inc or one of its subsidiaries such as K12 California LLC, or affiliates (collectively “K12” or “K¹²”). K12 is the country’s leading provider of online courses, with almost 70,000 fulltime students in 25 states and 35 countries, and 50,000 part-time students in all 50 fifty states. Having K12 as a contracted provider will enable the Schools and their students to have greatly increased course offerings, significant differentiation to meet the needs of different kinds of learners, powerful assessment data, and a state of the art learning management system to monitor student data and improve student performance

To better understand K12’s capacity and expertise, a full list of K12’s current Board of Directors and Educational Advisory Committee are included in the Supplemental Materials.

A partial list of K12’s Education Advisory Committee members include, among others:

- Thomas C. Boysen, Ed.D. Chief Learning Officer, GlobalScholar.com, and formerly Senior Vice President, K12 Inc., Kentucky Commissioner of Education, Los Angeles COO, Senior Vice President of the Milken Family Foundation, a school superintendent in three states, and a high school teacher in Kenya. (Chair)
- Benjamin Canada, Ph.D., is an Associate Executive Director, Texas Association of School Boards and formerly school superintendent in Portland, Atlanta and Jackson, Mississippi, and Past President of the American Association of School Administrators (AASA).
- David Driscoll, Ed.D. Education Consultant and former President of the Council of Chief State School Officers (CCSSO) and former Massachusetts Commissioner of Education and school district superintendent. Dr. Driscoll currently serves on the board of the National Assessment Governing Board (NAGB).
- Michael Kirst, Ph.D. Professor Emeritus of Education and Business, Stanford University and a former President of the California State Board of Education.
- Thomas Payzant, Ed.D. Professor, Harvard Graduate School of Education and formerly Superintendent of Boston Schools, Assistant Secretary for Elementary and Secondary Education, and Superintendent of San Diego City Schools and Oklahoma City Schools.
- Betty Rosa, Ed.D. an education consultant, is formerly Superintendent of New York City Community School District #8 and before that a teacher of bilingual and special education and an assistant principal and principal in the City Schools. She serves on key corporate and not-for-profit advisory boards including the Alumni Council of the Harvard Graduate School of Education from which she has her doctorate.

Note: The professional affiliations of K12 Advisory Committee members are shown to identify the individuals, and do not necessarily imply the support of their organization.

II. EDUCATIONAL PROGRAM

“A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public schools and the eligibility of courses to meet college entrance requirements.”

- California Education Code Section 47605.6 (b)(5)(A)

MISSION STATEMENT

The mission of Flex Academy is:

- (1) To create outstanding schools where each child’s full potential is developed with engaging, individualized online learning and face to face instruction, and
- (2) To partner with school districts and others to replicate this innovative educational model.

A NEW MODEL OF EDUCATION

The Schools will represent a new model of “blended” instruction, combining the best attributes of online education (e.g., increased offerings, significant differentiation and support, valid embedded assessments, etc.) with the best attributes of traditional brick and mortar schools (e.g., community, collaboration, academic and social support, clubs, sports and activities).

This new, innovative, hybrid model of education is ideally adapted to the needs of middle and high school students. With an incredible array of different level courses and electives, the School has a specific pedagogical design to meet the needs of many types of learners and a supervisory model designed to meet both students’ developmental needs for support and at the same time their growing independence.

Brick and mortar schools where teachers are onsite and the students are required to be present five days a week, the Schools will meet or exceed the annual minimum number of days required of charter schools, and meet or exceed the annual number of minutes required of middle schools and high schools respectively. As explained in more detail below, this Schools are not distance learning or virtual schools; they are brick and mortar school utilizing computer-assisted instruction where students are required to be in attendance at the school sites for more than 80% of their instructional minutes. Thus, the Schools are not “non-classroom based schools” pursuant to Education Code Section 47612.5, and “non-classroom based” funding determinations are inapplicable.

STUDENTS TO BE SERVED

The Schools are designed to serve students in grades 6-12. We intend to first open 9th through 12th grade high schools, and then add on the middle school grades depending on our physical capacity to grow the schools and family demand for these additional grades.

The Schools aim to serve students whose demographics match the incredible diversity of Santa Clara County, including but not limited to ethnic, racial, socioeconomic and other diversity.

Within that spectrum, the Schools aim to serve students who can benefit most from self-paced, individualized instruction. Examples include: children who are identified as gifted, behind in credits, are bored, want more challenge, want more electives, want more technology, or want to be pioneers with a new model of education.

The educational model is particularly designed to meet the needs of this new generation of students, the “millennial generation” (born between the years of 1976-2000), who have come of age along with the Internet.

Nationally, this generation represents 36% of the total U.S. population and is the largest generation at this time. As a general rule, they use the computer and Internet more than any other age group (over 90% of children between the ages of 5 and 17 use computers), and they often define community as a digital place of common interest and learning, not just a shared physical space. The Schools will leverage rather than resist these preferences while educating the whole child and closing the academic and digital achievement gaps.

As indicated in the attached materials and budgets, the School aims to enroll at least 275 high school students in each high school, and grow to at least 550 students in each school in grades 9-12. The middle school grades, if added, may include at least 300 more students per school.

OVERVIEW OF SCHOOL DESIGN AND IMPLEMENTATION

The Schools -- a hybrid model of “blended” instruction--represents innovation in public school education in many ways:

- The Schools will include all of the features of successful traditional brick and mortar public schools—strong curriculum, skilled teachers, involved families, high accountability—but will use powerfully innovative technology to create flexible programs that meet the needs of many students. In this model, instruction is delivered with state-of-the-art interactive technology—online lessons and high-tech interactive whiteboards in school and in the classroom, with online lessons and both synchronous and asynchronous learning. Offline, hands-on books and instructional materials are also used.

- The program is California standards-, research-, and performance-based. School management and curriculum services will be provided by K12, the national leader in delivering virtual education products and services that currently benefit more than 120,000 students in a variety of educational environments—70,000 fulltime students in distance learning and 50,000 part-time students in brick and mortar schools and programs.
- The Schools’ students will access their online and offline curriculum at school as well as participating in live and virtual teacher-led classroom sessions onsite or on Elluminate, using chat, an interactive whiteboard, and other features to further explore and discuss lesson topics synchronously with teachers and fellow students.
- The Schools will expand the courses offered to students enrolled, but consistent with the mission to replicate this model for counties, districts and other schools, can help arrange to make K12 courses available to other district and county students on a part-time basis for a fee per course. In addition to curriculum and instructors, the Schools may also, if requested, provide training to educators about “blended” online teaching and learning.
- The Schools’ students, teachers and Learning Coaches (serving as onsite supervisors and student advisors) will use the Learning Management System (“LMS”) developed by K12. The LMS is an innovative and powerful learning management system which will host the curriculum—currently more than 11,000 interactive, engaging, and comprehensive lessons in multimedia and text format covering the core subjects (Math, English, History, and Science) as well as Art, Music, five world language courses including Advanced Placement (“AP”) courses (French, German, Latin, Chinese and Spanish), a full array of other AP courses (e.g., AP math, AP English, AP science, AP history, etc.), psychology, economics and many technology electives (e.g., video game design, immersive technology design, etc.) for high school students. A sample course catalog is attached in the Supplemental Materials.
- Resources on the LMS include, among other things, lesson, unit and semester assessments; planning tools for teachers, students and Learning Coaches; a teacher tool to track student progress and time-on-task; hands-on activities; ideas for alternative learning approaches; and optional and supplemental lessons and activities.

EDUCATIONAL PHILOSOPHY

An educated person in the 21st century is one who not only has a solid understanding of and facility with fundamental concepts from the core academic subjects, but also has the ability to think critically about the issues we face as part of a global community in the age of information and technology. These Schools will equip their students to be well-educated 21st century citizens.

We believe that with a comprehensive and rigorous online curriculum, high expectations, access to technology (computer and Internet), strong instructional support, a significant amount of offline work, guidance from experienced teachers, and a strong commitment from parents (or other caring adults), a well-conceived blended onsite online education program will boost student achievement, serve the unique needs of students and families, and offer a new model for effective public education in the 21st century.

WHAT IT MEANS TO BE EDUCATED FOR THE 21ST CENTURY

We believe being educated for the 21st Century means:

- Enabling all students to become self-motivated, competent and lifelong learners
- Understanding and appreciating the central ideas, methodologies and conceptual parameters of intellectual and aesthetic disciplines, including those represented in the California State Standards.
- Being technologically literate, and knowing how to use technology to learn effectively and appropriately.
- Communicating clearly and effectively using a variety of techniques.
- Engaging in intellectual exploration and discovery, persevering when confronted with complexity and ambiguity, and demonstrating intellectual and emotional character, resilience and creative problem solving abilities.

HOW LEARNING BEST OCCURS

Every child possesses a wide range of learning skills. We believe that learning best occurs when students are taught a comprehensive curriculum through innovative instructional design and differentiated instruction that promotes learning in a challenging and exciting way.

More broadly, we believe that students learn best when:

The Climate...

- Is organized around student learning.
- Is safe.
- Reflects clear expectations of behavior.
- Nourishes flexible, diverse and adaptive learning communities.

The Students...

- Take an active role through inquiry, analysis, and problem solving.
- Connect new information to existing knowledge.

- Apply knowledge.
- Reflect on their learning.
- Employ a repertoire of thinking and reasoning strategies.

The Tasks Are...

- Challenging.
- Developmentally appropriate.
- Interesting.
- Relevant.
- Varied.

These Schools are specifically designed to use K12's curriculum to support these attributes.

TEACHING METHODOLOGY

In addition, to further support optimal student learning, the Schools will employ a team teaching approach with certified teachers and Learning Coaches involved in the instructional process. Learning Coaches play the role of onsite academic coaches who monitor student progress on a daily basis and help ensure that students are learning.

Our approach to education assumes that students learn best when information is presented through a variety of learning styles. Thus, each lesson contains content that is presented through the following modalities; visual, auditory and kinesthetic. In addition, teachers are available to assist students with supplementary materials or recommended approaches should the student have difficulty understanding the content of a lesson. Teachers will also provide direct instruction in all subject areas indicated as needed by teacher assessments, embedded assessments or other performance assessments. The presence of online lesson and embedded unit assessments ensures that teachers are able to quickly identify and assist students who are having academic difficulties.

Our use of differentiated instruction and extensive use of assessment data for interventions and support is informed and guided by extensive research, including, among others: DuFour, R., Eaker, R. & Dufour, R. *On Common Ground* (2005); Goodlad, J.I., *A Place Called School* (1984); Marzano, R.J., *Classroom Instruction that Works* (2001); Ouchi, W.G., *Making Schools Work* (2003); and Sizer, T., *Horace's Compromise* (1985).

HIGH EXPECTATIONS

High academic expectations are reflected in the Schools' choice of K12 as our intended contracted curriculum provider and partner, widely known as providing the finest and most rigorous K-12th grade curriculum available, our adoption of the state standards, demanding graduation requirements, thoughtful, challenging and engaging curricula, and effective, student-centered instructional strategies.

Academic Standards

The Schools adopt the California state standards as our curriculum framework for all our students, and will from time to time add additional standards where needed.

All of the Schools' students must participate in our college preparatory program; no non-college bound track exists.

Graduation Requirements

All of the School's graduates are expected to meet the Schools' graduation requirements, although some may take additional time to meet them, and others, such as English learners and Special Education students, may require additional support, accommodations and/or modifications, as discussed below.

The Schools' current graduation requirements, subject to change, are the courses currently listed in the University of California "a-g" admissions course sequence.

Year Long Courses Required to Graduate from Flex Academy

English	4 years
Mathematics	3 years
History/Social Science	2 years
Laboratory Science	2 years
Language other than English	2 years
Visual and Performing Arts	1 year
Elective	1 year

Students may fulfill course requirements through coursework at the Schools or at a local community college.

Students with an Individual Education Plan ("IEP") may, at the designation of the IEP team, pursue a Certificate of Completion in lieu of a high school diploma.

With respect to the Schools' online courses, K12 is an approved University of California online course provider, and other California charter schools using K12 curriculum exclusively have been admitted into every University of California campus as well as other prestigious colleges nationally.

Note: This list of graduation requirements should not be confused with course offerings. The Schools offer more courses than those required for graduation. In addition, the Governing Board of the Schools may decide, from time to time, to modify the graduation requirements. For example, the Board may require students to demonstrate their performance through portfolios and exhibitions.

High School Exit Exam

All graduates of the Schools will pass the high school exit exam per the guidelines issued by the state of California.

State Standardized Testing

Students in the Schools will participate in the required state standardized testing in a legally compliant setting.

WASC Accreditation

Other California online schools that have contracted with K12 for curriculum and/or management services have been reviewed by Western Association of Schools and Colleges (“WASC”) and were granted full accreditation for their programs. The initial application for WASC approval for the Schools will be submitted during the first charter term.

CURRICULUM AND LEARNING MANAGEMENT SYSTEM

The Schools intend to use the K12 curriculum and learning management system for its educational program. The K12 curriculum is a standards- and research-based, content-rich curriculum that meets or exceeds the California Content Standards.

The rigorous curriculum is a combination of:

1. The K12 proprietary middle school and high school curriculum,
2. High school curriculum chosen from select third party providers utilizing an extensive review and rating process.
3. Powerspeak¹² (formerly PowerGlide) high school and middle school world language courses (French, German, Latin, Chinese and Spanish).

All materials and technology are provided to fully enrolled students at no cost to the student or family. Lessons are presented in an engaging mix of print and multimedia to enhance the learning experience and address different learning styles.

Students will be instructed by appropriately certified onsite teachers, virtual teachers and onsite Learning Coaches who will assist students, providing guidance, instruction, and support to students via *onsite* interactions and classroom sessions as well as telephone, email, and synchronous web-conferencing sessions (using platforms such as Elluminate) when needed.

In addition to onsite teacher interaction, tutoring, support, discussions and classes, the Schools’ students will, from time to time, attend live and virtual classroom sessions on Elluminate Live!, using chat, an interactive whiteboard, Voice-Over IP (VOIP), and other features to further explore and discuss lesson topics synchronously and asynchronously with teachers and fellow students at the Schools and globally.

Curriculum

The K12 curriculum that the Schools intend to use is research-based, and meets the California State Standards in all subject areas. Each course includes online lessons, worksheets, and teacher guides that can be downloaded, as well as traditional material such as books, CDs, and manipulatives.

Although the Schools are a blended school, that is, onsite schools with both face to face and online instruction, the Schools remain committed to the philosophy that students learn best when a variety of teaching methods are employed. Thus, student lessons require both online and offline work. The offline time is spent for example reading (e.g., reading physical novels, textbooks, etc), doing guided practice with teachers and Learning Coaches, and doing hands-on activities and experiments (e.g., science), among other things.

Curriculum Materials

Each student enrolled in the Schools will receive a complete set of K12 curriculum online and offline materials for at least five subjects per semester. These may include but are not limited to Math, English, History, Science, World Language and other electives. Curriculum materials include either a semester or a year's worth of online lessons via the K12 Learning Management System as well as offline materials. Examples of offline materials include textbooks, workbooks, math manipulatives and science lab materials.

School Management

It is currently intended that the Flex Public Schools will contract with K12 to provide management and educational services for the Schools. K12's contracted services will be monitored by Flex Public Schools, and the Schools will be held accountable to the Charter and applicable laws by both Flex Public Schools and the charter authorizer.

Technology Materials

Due to the online nature of the Schools, technology plays a critical role in our school communities. Each student enrolled fulltime in the School will be loaned a desktop, laptop or comparable computing device. It is understood that the computer system is the property of the Schools and thus will be returned when the student leaves a School. For families that face financial or other constraints for internet access at home, sometimes needed for homework, the Schools will accept and review requests for funding to the families for internet access on a case-by-case basis.

Calendar and Attendance

The Schools' academic calendar will generally follow the academic calendar of the districts in Santa Clara County. In accordance with Title 5, California Code of Regulations Section 11960, the school year will contain at least 175 instructional days and per Education Code Section 47652 commence on or before September 30. Attendance will be required onsite

more than 80% of the required instructional minutes. Nothing in this Charter shall preclude the Schools from offering multiple shifts of students as long as the required minimum days and instructional minutes are met.

Instructional Minutes

The number of instructional minutes offered for all grades will meet or exceed the State's requirements in Education Code Section 47612.5 (a)(1).

PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW ACHIEVING

The Schools' teachers will identify students who are achieving below expected academic levels using the Learning Management System ("LMS") Progress and Attendance tools, Scantron computer adaptive testing if applicable, lesson, unit and semester assessments, student portfolios, standardized test results, direct teacher involvement and parent and student feedback.

Progress and Tools

Teachers and administrators will review the academic progress and attendance of the Schools' students on a regular basis using the features provided by the K12 LMS. Students who are achieving below expected academic levels will have one or more of the following characteristics: slower progress towards completing lesson assignment goals, missed days of attendance, and/or have not been successful on lesson/unit assessments.

Skill Assessment

Students will complete a Scantron computer adaptive testing session or other assessment to determine their skill level. The Schools will review the data as well as previous student records, if available, to ensure that the student is placed in the correct level of the curriculum for each subject.

State Standardized Test (STAR) Data

The results of each student's achievement on state standardized tests will be shared with the student's parent/guardians and teachers. Parents, students and the teachers will discuss the results to identify areas of weakness or strength and use this information to assign lessons, select curriculum level and explore other ways to support the student.

Teacher and Learning Coach Support

Teachers will provide students with guidance as to maximize student-learning opportunities within the curriculum as well as with supplemental materials. Teachers will provide information on additional resources that are available such as special learning projects or useful websites. Teachers and Learning Coaches are available for one-on-one support or tutoring.

Curriculum Modification

The K12 curriculum is designed to meet the individual needs of each student. Thus, teachers may be able to pick and choose from the entire K12 curriculum (including grades K-8) to identify the lessons that will best meet their students' academic needs. In addition, teachers have access to additional curriculum products such as Study Island that provide additional online lessons and content designed to supplement the instruction provided in the K12 curriculum.

PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING

The Schools will identify students who are achieving above expected academic levels using the following tools:

- Progress and Attendance Tools
- Scantron Computer Adaptive Testing
- Student Portfolios
- Standardized Test (STAR) data

The Schools will have the following resources to serve students who are academically high achieving:

Challenging, Differentiated Curriculum

The K12 Curriculum allows students to move at a pace that encourages individual students to achieve at their highest potential under the supervision of highly qualified, credentialed teachers and onsite Learning Coaches. Students can also take higher level courses (e.g., honors or Advanced Placement courses), take additional electives, or complete a more in-depth study. These students will also be encouraged to complete the challenge activities that are provided throughout the K12 curriculum.

Teacher Support

Teachers will support students with guidance so as to maximize student-learning opportunities within the curriculum as well as with supplemental materials such as Study Island. Teachers will provide information on additional resources that are available such as special learning projects or useful websites. Teachers are available for one-on-one guidance and the structuring of additional challenges.

PLAN FOR ENGLISH LEARNERS

This section explains how the Schools will identify and serve English Learners (EL).

The Schools will have two methods for identifying English Learners:

1. Parent response to the question in the Home Language Section of the Schools' enrollment forms; and follow up California English Language Development Test ("CELDT") testing as required by law
2. Teacher observations of students at the beginning of the school year; and follow up CELDT testing as required by law.

Once a student has been identified as an English Learner, the Schools will provide the following support:

A Qualified, Credentialed Teacher

The Schools will actively recruit teachers who hold a CLAD and/or BCLAD certification or California Commission on Teacher Credentialing ("CCTC") equivalent to ensure that these students receive the support that they require.

Workshops for Students

The Schools will provide workshops for EL students throughout the year. Workshops will provide students with one on one access to CLAD and/or BCLAD or other equivalent CCTC certified teachers. Teachers and Learning Coaches will provide additional support or tutoring depending on the individual needs of the student.

Curriculum

The curriculum leverages Sheltered Instruction Methodology in its approach to lesson instruction. Although all lesson instruction is provided in English, each lesson uses a high number of images, short graphic animation clips as well as an audio pronunciation tool that provides the correct pronunciation of key words in the online school lessons.

Curriculum Modification

The Schools are designed to meet the individual needs of each student. Thus, teachers can modify the curriculum when needed.

PLAN FOR SPECIAL EDUCATION AND SECTION 504 STUDENTS

The Schools will not discriminate in any way on the basis of disability or special needs of any kind, and shall comply with the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA"), and all other state and federal laws governing special needs students.

As described below, the Schools shall utilize the Student Study Team process for students referred for evaluation under IDEA or Section 504.

Special Education Services for Students under IDEA

Local Education Agency Option: Pursuant to Education Code Section 47641(a) and 56207, the School intends to apply to a SELPA to become an independent Local Educational Agency (“LEA”) for special education purposes, or to participate in charter school consortia, Joint Power Authorities (“JPA’s”), SELPA’s or sub-SELPA’s created to serve special education students, as long as such arrangements meet all state and federal legal requirements pertaining to special education. In this scenario, the School shall, in partnership with the relevant SELPA and applicable LEA, bear full responsibility for meeting the needs of special education students, working cooperatively with the SELPA to which it belongs, and providing services through a combination of internal staff, third-party service providers, or other arrangements as allowed by law.

The Schools currently intend to apply to the El Dorado County Office of Education Charter SELPA (“CHELPA”), and if designated in a SELPA or other entity as an LEA for special education purposes, all special education funding attributable to the Schools’ students will flow directly to the Schools pursuant to the SELPA’s budget allocation plan, and the Schools will not pay a portion of the charter authorizer’s special education encroachment, if any. In turn, neither the Charter Authorizer nor any district where one of the Schools is located will bear responsibility under the IDEA for ensuring a free appropriate public education to charter pupils.

The Schools have already consulted with the CHELPA regarding special education responsibilities and policies, as well as the process of application to the CHELPA.

As a LEA, the School shall comply with all applicable laws and SELPA policies in ensuring the identification, assessment, and offer of free appropriate public education to all special education students

Public School of the Authorizer Option: By default, if the School is not accepted to participate as an LEA and a member of another SELPA pursuant to Education Code Section 47641(a), the Schools shall remain public schools of their granting agency pursuant to Education Code Section 47641(b). The School will follow the County and SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records. Under this option, the School will comply with County protocol as to the delineation of duties between the County Office and their local school sites in providing special education instruction and related services to identified pupils.

In this situation, the Schools and the charter authorizer shall negotiate a Memorandum of Understanding (“MOU”) governing the roles and responsibilities of each party, to ensure that the needs of all students with disabilities are met. The intent of the MOU shall be to treat the School the same as other public schools of the charter authorizer for purposes of special education in accordance with Education Code Section 47646 and 20 USC 1413 including identification, assessment, and offer of free appropriate public education. Under the MOU, the Schools agree to pay their pro rata share of the charter authorizer’s special education encroachment in accordance with Education Code Section 47646(c),

and the charter authorizer shall retain state and federal special education funds attributable to the School's enrollment.

An annual meeting between the Schools and the County to review special education policies, procedures, and protocols will ensure that the Schools and the charter authorizer have an ongoing mutual understanding of County protocol and will facilitate ongoing compliance.

Based on historical experience with this option, the Petitioners would envision that the charter authorizer would be primarily responsible for the provision of special education services to the Schools' students, and responsible for excess costs, if any, as long as the County received the special education funds and the Schools paid their appropriate share of the special education encroachment. In addition, it is expected that the MOU will specify that delivery of the services shall be at the site of the School unless the authorizer generally provides services to all of its students in another centralized location, or as otherwise designated by a student's individualized education program ("IEP").

Section 504

The Schools recognize their 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 Schools. Any student, who has an objectively identified disability that substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Schools.

A 504 team will be assembled by the Site Administrator 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, which 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 including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient. Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

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

The Schools will operate their program in compliance with the Americans with Disabilities Act ("ADA"). With respect to facilities, a school district may be responsible for compliance with ADA under applicable law if the School occupies a facility owned by a school district (e.g., under Proposition 39), and such responsibility shall be outlined in an MOU or facilities use agreement between the Schools and the school district.

TRANSFERABILITY OF THE SCHOOLS' COURSES

Courses offered by Schools accredited by WASC will be considered transferable.

The Schools will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements through a variety of communication channels including but not limited to:

- Parent information sessions held throughout the area during the school year
- Electronic and paper based school brochures and Handbooks provided to families interested in the Schools' program offerings
- School website offering information regarding the school program and curriculum

A PARTNER FOR RESEARCH AND DEVELOPMENT

The Schools, Flex Public Schools and K12 have the interest, capacity and mission to serve as a Research and Development (“R&D”) partner with the charter authorizer and/or district, county or other private and public schools. Charter schools were supposed to be the R&D for districts but this has not happened as much as hoped, partly due to a lack of time and capacity in both charter schools and districts, and partly due to a lack of forums and resources for collaboration, study, and implementation of innovative ideas.

The Schools, as a nonprofit corporation, are willing to consider opening their school sites, share their lessons and challenges, and welcome collaboration and best practice sharing. Furthermore, the Schools have the resources and capacity with its contracted provider and partner K12 to support districts and other schools in exploring and implementing this innovative new blended model or variations thereof.

More specifically, a charter authorizer or district could conceivably embed a principal or other educator in the Schools fulltime, part-time or for quick study to enable the charter authorizer or district to learn enough to open the same type of school with K12, or to adapt the model to meet the specific needs of its students (e.g., perhaps with more of a K12 virtual component for home and hospital bound students, incarcerated youth, or credit recovery).

Forward thinking superintendents, board of education members, district staff and community members can use our charter schools to spur and support innovation for the good of all students.

III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

“The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.”

- California Education Code Section 47605.6 (b)(5)(B)

and

“The method by which pupil progress in meeting those pupil outcomes is to be measured.”

- California Education Code Section 47605.6 (b)(5)(C)

SCHOOL AND PUPIL OUTCOMES

Each School shall pursue the following outcomes:

Measurable Outcomes	School Instruments	State Year-End Assessments
At least 93% student attendance	Daily attendance reporting	Calculated ADA rate
Meet or exceed AYP targets	Formative Benchmark Assessments	AYP Report
Meet or exceed State-wide academic performance index (“API”) growth target	Formative Benchmark Assessments	API Report
Meet or exceed the average achievement for the schools in the same geographic area	API	API results of surrounding schools
Less than 2% dropouts per year ¹	School Data	Dropout data
Show progress on School Developed Academic and Non-Academic Goals Below	School Data	School data, and state test data when relevant to School Goals

Academic Goals

Each School will also pursue the following internal Academic Goals, subject to updating from time to time by the Staff and Governing Board of the Schools:

■ _____
^{1/} A dropout is defined here as a K12 Academy student who actually attended one the Schools, left the School, and did not enroll in another school or other institution of learning.

(1) Students will demonstrate mastery of a curriculum that meets or exceeds the California Academic Content standards:

- In all grades, students will master a curriculum aligned to the California Academic Content standards, attaining the knowledge and skills that California has identified as important in each subject area.
- Students will demonstrate their proficiency through participation in the Standardized Testing and Reporting (STAR) program.

(2) Students will demonstrate proficiency in English:

- Students will develop and use the conventions of successful composition: spelling, grammar, mechanics, and typing
- Students will develop and use an advanced vocabulary in verbal and written communications.
- Students will grasp meaning, content, tone, and style from a variety of genres (i.e., fiction, poetry, essays, and news articles).
- Students will gain exposure to as well as an appreciation for great works of literature.
- Students will master the skills of the writing process: researching, brainstorming, drafting, revising, editing, and publishing.
- Students will develop and use a variety of writing strategies appropriate for different audiences and purposes—persuasive, narrative, summary, response to literature and research writing

(3) Students will demonstrate proficiency in mathematics:

- Students will understand and apply basic and advanced properties of numbers (ranging from the concept of whole numbers to the theorems of roots and exponents).
- Students will use basic and advanced procedures while performing computations (ranging from adding whole numbers to simplifying radical expressions).
- Students will understand and apply basic and advanced properties of the concept of measurement (ranging from determining length and width to the acceleration of such things as the Space Shuttle).
- Students will understand and apply the basic and advanced properties of algebra, geometry, statistics, and probability.
- Students will apply mathematical skills to solve real-world problems.

(4) Students will develop critical reasoning and higher-order thinking skills:

- Students will be able to analyze, synthesize, evaluate, and apply their knowledge.

Non-Academic Goals

Our primary non-academic goal is to develop those qualities of mind and character that will help our students develop into active, thoughtful, and responsible citizens. Our choice of materials and approach are designed to communicate and build commonly shared values

such as honesty, integrity, courage, discipline, compassion, respect for others, and appreciation of the work ethic. While students are learning content, computation and analysis, they will also be wrestling with moral dilemmas, writing about courage and justice, and learning about times when history was shaped by moral surrender and heroic deeds.

The Schools will pursue the following Non-Academic Goals, subject to updating from time to time by the Staff and Governing Board of the Schools:

(1) Students will be responsible for the improvement of their school and local community:

- Students will participate in school activities and events
- Students will exercise a voice in school affairs and will work to improve the educational and social life of their school.
- Students will be encouraged to volunteer in their communities on various school-related or civic projects.
- Students will learn about individuals who have contributed their talents and efforts to improve our country and our world.

(2) Students will develop important personal traits such as honesty, courage, loyalty, personal responsibility, perseverance, respect for others, and diligence:

- Students will take responsibility for their actions and will be asked and encouraged to learn from their mistakes.
- Students will demonstrate an ability to work in teams and will work toward personal, team, and school goals.
- Students will understand and be able to explain the value of our country's vibrant diversity and common civic heritage.
- Students will demonstrate respect for others in school, community, and extracurricular activities and an appreciation of differences among individuals and groups.

(3) Students will develop effective work habits and skills that will prepare them for the demands of school, society, business, government, and civic affairs:

- Students will learn to work effectively with technology and become proficient users of software, e-mail, and the Internet.
- Students will develop an understanding of the dynamics and importance of entrepreneurship.
- Students will learn to collaborate effectively with other students.
- Students will be expected to meet deadlines and make clear and compelling multimedia presentations.

(4) Students will rise to meet high expectations of behavior and performance:

- Students will be expected to give their best effort in their schoolwork and their active participation in school events.

- Students will respect their parents, teachers, and fellow students and abide by the school's guidelines and rules.
- Students will learn to interact maturely with peers and adults.
- Students will conduct themselves with integrity at all times.

(5) Students will learn habits of healthy living:

- Students will attend to their social, emotional, and physical well-being.
- Students will learn to balance school responsibilities (on- and offline) with the other demands of their lives (personal, family, social, athletic, artistic).
- Students will engage in social activities and school events to enrich their academic work with real-world experiences.

INTERNAL ASSESSMENTS

The staff will be trained on how to interpret test data, and will be engaged in critical analysis of the data in order to determine how the Schools can improve. The data analysis will be tied to professional development on instruction, so that teachers can enhance their ability to understanding student performance and modify their instructional designs accordingly. In this way, staff will continuously be challenged to rethink current pedagogical practices to meet the changing needs of students.

In addition to the school outcomes indicated above, the Schools will use an internal assessment system to help monitor and improve performance. Subject to modification and improvement, this internal assessment system currently includes the following:

Placement Tests

The Schools will use internal assessments or Scantron assessments to identify the correct placement of the Schools' students in mathematics and language arts.

Performance Assessments and Online Support

Students will use an online diagnostic assessment, Scantron Performance Series, to assess each student's performance against the state standards for their grade level. Teachers will use the results of these formative assessments to develop and customize the student's lesson assignments prior to state standardized testing. In addition, students will have access to resources such as Study Island, a web-based standards mastery tool recommended to increase student achievement, confidence and understanding of the state's academic standards.

Lesson Assessments

In Math, Science, Art, Music, and History, most lessons are followed by a brief assessment. In English, there are assessments after almost every grammar, usage, mechanics, composition and novel lesson. These assessments show whether the student

has achieved the objectives for that lesson, or whether a review of some, or all, of the lesson is advisable.

Unit and Semester Assessments

In English, mathematics, science, history, music, and art, the student takes an assessment at the end of a unit. These assessments show whether or not the student has retained key learning objectives for the unit. There are similar semester assessments, with equivalent purposes, in the middle and at the end of a year's worth of content for many subjects. Teachers can use the results of the semester and unit assessments to guide review or additional practice.

The assessment component of the Schools' online student learning system is powerful in its ability to generate detailed and ongoing data on academic achievement. Data from both on- and off-line assessments are entered into the system, and is compiled to create a steady stream of data about student performance toward mastering specific learning objectives.

Report Cards

Each semester, students will receive a report card from their teacher. Students will receive a mark reflecting their progress toward stated goals for each subject. Both quantitative and qualitative information will be considered in assigning grades and recommending promotion for individual students.

Student Portfolios

In addition to the quantitative evaluation described above, the Schools may also implement an electronic Student Portfolio program.

V. 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 Section 47605.6(b)(5)(E)

LEGAL STATUS

Flex Public Schools is a duly constituted California nonprofit public benefit corporation formed and organized in accordance with the California Nonprofit Public Benefit Corporations Law. As allowed by law, Flex Public Schools will hold the Charter and then may contract with K12, the country's largest provider of online curriculum for K-12th graders, to provide curriculum and other management and educational services. The Flex Public Schools' Board of Directors (“Board” or “Board of Trustees”) holds ultimate authority for the Schools' operations and will be responsible for the performance and any potential

liability of the Schools. As an independent entity, Flex Public Schools retains the right to change providers.

The Schools will operate autonomously from the charter authorizer, with the exception of the supervisory oversight or special education as required by statute and other contracted services as negotiated between the charter authorizer and the Schools.

The Schools will be nonsectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any student on the basis of any characteristic described in Education Code Section 220.

The Schools will comply with all applicable federal, state and local laws, including but not limited to the applicable sections of the Ralph M. Brown Act, the Political Reform Act, the Corporations Code and the California Public Records Act.

The Schools will retain its own legal counsel when necessary. It will purchase and maintain as necessary appropriate levels of general liability and other insurance, and name the charter authorizer as an additional insured. The nonprofit will continue its existence even if this Charter is revoked.

A copy of the Flex Public Schools' Articles of Incorporation and Bylaws, which may be amended from time to time, are included in the Supplemental Materials. The Schools agrees to provide copies of any changes to the Articles of Incorporation and Bylaws to the charter authorizer.

RESPONSIBILITY OF THE BOARD OF TRUSTEES

The Schools will be governed by a Board whose members have a legal fiduciary responsibility for the well-being of the organization and the Schools.

The Board will meet on a regular basis, and will review and adopt policies and procedures regarding self-dealing and conflicts of interest as needed. The Schools' Bylaws already include a Conflict of Interest policy complying with the Corporations Code and the Board will additionally adopt a conflicts code in accordance with the Political Reform Act and file it with the County Board of Supervisors.

The Schools may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established.

The Board is composed of a broad cross-section of professionals with the skills necessary to appropriately oversee the operation of the organization. The members have, among other things, experience in education, business, technology, law, facilities, leadership development and organizational development.

A list of initial board members is included in Section I, and in the Supplemental Materials.

The following exemplifies the desired traits of Board members:

- Clear commitment to the mission of the Schools and to the welfare of children;
- Experience working with a nonprofit organization in some capacity;
- A reputation for and record of high integrity
- A successful record of activity in education reform or community building;
- Proven leadership abilities;
- Some familiarity with educational technology.
- Leadership in the community across multiple sectors
- Professional educational and/or practical experience, including but not limited to educational, legal and financial expertise.
- A diversity of backgrounds, interests, and expertise.

The method of Board election, terms and replacement are addressed in detail in the Bylaws which will be maintained to align with this Charter. Board member terms are three years. Vacancies are filled by a nominating committee, and approval requires a majority vote by the Board as required under the law.

The size of the Board is currently set in the Bylaws as between 3 and 7 members. At this time, there are 5 members.

As further outlined in the Board's Bylaws, the Board will be responsible for, among other thing:

- Upholding the mission of the Schools,
- The general policies of the Schools,
- Approving and monitoring of the Schools' annual budgets,
- Receipt of funds for the operation of the Schools in accordance with the charter school laws,
- Solicitation and receipt of grants and donations consistent with the mission,
- Overseeing the sound operation of a hiring system,
- Approving personnel policies,
- Monitoring the implementation of K12 or other providers, and senior staff,
- Any other responsibilities provided for in the California Corporations Code, the Articles of Incorporation, Bylaws or this Charter necessary to ensure the proper operation of the School and other operations, if any.

Subject to any legal restrictions, the Board may delegate to an employee of the Schools or other designee any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

The Board will adopt a budget approval process, and prudent purchasing policies and procedures. Board approval is required for the annual independent fiscal audit and for any expenditure or contract over \$50,000. Pursuant to the Bylaws or Board policy, Board Treasurer or another Board designee approval s required for any expenditure over \$10,000.

RESPONSIBILITY OF MANAGEMENT

To the extent allowable by law, the Board may delegate the day-to-day management responsibilities and implementation of the School to employees of Flex Public Schools, K12, another educational services provider, or other responsible parties.

Consistent with best practice, management may then delegate the day-to-day management of the Schools to the Heads of School. The Heads of School may delegate some of their responsibilities further to other school site staff such as a Dean, counselor, office manager, academic department chair and/or teacher.

This authority is separate from the oversight responsibilities of the charter authorizer under the Charter Schools Act.

PROCESS TO ENSURE PARENTAL INVOLVEMENT

Parents will help us to evaluate the Schools each year through meetings and surveys. Parents will also serve as mentors to new families and families that are struggling with technology complications or curriculum problems. Parents will be given an opportunity to make their voices heard (both online and offline) about their likes and dislikes about the Schools. Direct parental involvement is fundamental to the Schools' success.

Parents are included in the governance and operation of the Schools by the creation of an active Parent/Guardian Association, parent membership on the School Advisory Councils ("SAC") and a Parent liaison to the Board.

Communications include website updates, Parent/Guardian Newsletters, monthly Parent/Guardian Association meetings, parent-teacher conferences, volunteer opportunities, fundraising, and school surveys, among other things. All School parents are automatically members of the Parent/Guardian Association.

The Parent/Guardian Association will serve as a means for parents to support the Schools and the education of their children, learn more about School activities and needs, and be more involved with the governance and operations of the School by serving as a forum for voicing their concerns and suggestions about both day to day operations and overall policy. Translators are provided when needed. The Parent/Guardian Association is also encouraged to utilize the Parent Liaison to the Board for involvement in broader School policy issues.

The School Advisory Councils ("SAC") are much like school site councils that are required for non-charter public schools. A SAC is comprised of representatives of all School constituencies, including parents, students, teachers and administrators. The SAC will participate in reviewing and proposing School and board policies, soliciting the views of all their respective constituencies, sharing in the efforts to improve the School and engaging the support of the community. The SAC is a valuable governance advisory body for a Head of School.

Except for those responsibilities legally delegated or, as mentioned above, all formal and legal governance responsibility for the Schools resides with the Board. The Schools are committed to working with parents to address parent concerns. Parents will be encouraged to share their ideas and concerns with the organization throughout the school year, directly and via the Parent/Guardian Associations, SACs and Parent Liaison to the Board.

Additional Opportunities for Parent Involvement

There are many other ways for parents to become involved with the Schools. These include:

- Parents, students and teachers meet regularly to plan and assess the student's learning progress and determine goals;
- School and staff evaluations - parents fill out a survey each year evaluating the strengths and weaknesses they identify with the program to be reviewed by staff and faculty for consideration of ongoing improvement of the Schools;
- Volunteer opportunities – the Schools will maintain a list of various opportunities for parents to volunteer at School. For example, parents have the opportunity to help in tutoring, classrooms, lead extracurricular activities, assist in event planning, attend field trips and serve on parent committees;
- Fundraising - parents and community members work with the Schools to raise additional resources to support students and the school program;
- Advocacy - parents and community members communicate the school design and outcomes to the public, educators and policy makers and advocate for necessary policies and resources.

RESPONSIBILITY OF CHARTER AUTHORIZER

Pursuant to California Education Code Section 47604(c), the charter authorizer shall not be liable for the debts and obligations of the School, operated as a California nonprofit benefit corporation, or for claims arising from the performance of acts, errors, or omissions by the School as long as the charter authorizer has complied with all oversight responsibilities required by law.

See "Section VIII Impact on Charter Authorizer for additional information.

Pursuant to Education Code Section 47604(b), the charter authorizer may choose to appoint a representative to the Board with respect to matters relating to the Schools.

V. HUMAN RESOURCES

“The qualifications to be met by individuals to be employed by the School.”

-- California Education Code Section 47605.6(b)(5)(F)

SCHOOL EMPLOYEE QUALIFICATIONS

The School shall recruit professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities who believe in the educational program outlined in this Charter.

In accordance with Education Code 47605(e)(1), the School shall be nonsectarian in its employment practices and all other operations. The School shall not discriminate against any individual (employee or pupil) on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

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

SCHOOL ADMINISTRATION QUALIFICATIONS

Subject to change and different positions or service providers, the qualifications of the School’s currently intended administrative team are as follows:

Title	Qualifications	Role
Head of School	<ul style="list-style-type: none"> ▪ Instructional Leadership ▪ Significant experience working writing and managing budgets ▪ Experience writing and dealing with curriculum, technology, and training/professional development ▪ A record of leadership and sound management ▪ A passion for helping students attain high standards ▪ Strong interpersonal skills and experience in team-building ▪ An understanding of the diversity and unique character of the school ▪ Consistently exceptional professional evaluations and outstanding references from peers, former colleagues, parents, and members of 	The Head of School will bear chief responsibility for implementing the school’s education program; attaining the school’s objectives for high student achievement; managing, evaluating, promoting, and releasing school personnel; creating a school culture that is disciplined, orderly, and conducive to learning; and nurturing a strong relationship among the School, the parents, and the community.

	the school community.	
Business Manager	<ul style="list-style-type: none"> ▪ Formal accounting or finance training ▪ Sincere ethical commitment to education ▪ Strong references ▪ Relevant work experience. 	The Business Manager is responsible for the day-to-day business affairs of the school including accounting, reporting, budgeting, forecasting, cash collections and disbursements, and vendor contracting.
Technology Support	<ul style="list-style-type: none"> ▪ Extensive knowledge of hardware configuration, network administration, Internet-based education programs, school information systems, and community-building tools, and enterprise applications. ▪ Experience assisting users with Microsoft Office products on various platforms ▪ Significant experience in a senior level technology position ▪ Professional and customer-oriented attitude in dealing with those new to technology ▪ Experienced technology trainer, policy manger, and technical writer 	The Technology Support person, if any, reports to the Operations Administrator and is responsible for the School's technology systems and the technical training of teachers. The School may use a technology support organization instead.
Administrative Assistant	<ul style="list-style-type: none"> ▪ Strong organizational skills; ▪ Strong time management skills; ▪ Ability to work both independently and with a team; ▪ Fluency in Spanish is highly desirable. ▪ Experience in school front office preferable; ▪ Proficient with Microsoft Office ▪ A.A. degree or equivalent experience. 	The Administrative Assistant reports to the Head of School and is responsible for recording attendance; maintaining the lunch database; managing the office; overseeing material purchases; bookkeeping; managing the Principal's and Learning Lab staff schedules and serves as primary contact for Parents.

TEACHER QUALIFICATIONS

All teachers hired for the School will meet the state of California certification requirements for instruction in charter schools. In particular, the School shall comply with California Education Code Section 47605.6(l), which states in pertinent part:

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

All documents will be kept on file at the School and will be available for view by the charter authorizer.

As allowed by federal law (including NCLB) and state law, the Charter may define core courses. At the School, core courses for purposes of credentialing requirements are only English, Math, Science, and History.

The School's teachers shall meet or exceed all "highly qualified requirements" under the No Child Left Behind Act ("NCLB").

Accordingly, a teacher of core academic subjects must have:

- (1) A bachelor's degree;
- (2) State credential or have an Intern Certificate/Credential for no more than three years while actively working toward completion of their State credential;
- (3) Demonstrated core academic subject matter competence, as required

TEACHER ROLE

Subject to change and improvement, teachers are expected to fulfill duties in the following areas:

Planning and Preparation

- Learn the relevant curriculum for assigned grade levels.
- Demonstrate knowledge of the state standards and how they align with our curriculum.
- Understand overall diversity of assigned families and individual characteristics of students; specifically, how this impacts support needed.
- Utilizes face-to-face, asynchronous and synchronous tools to augment course content according to prescribed policies and procedures.

Instruction and Student Achievement

- Orients students to course and communicates course requirements.
- Uses data to differentiate instruction and support student achievement
- Maintains regular office hours and conducts instructional sessions.
- Sets and enforces deadlines for student work.
- Responsible for student academic progress and attendance
- Conduct periodic conferences with students and parents/responsible adult.
- Individualize instruction to help each student achieve curricular objectives.
- Grades student work and maintains grade book.
- Communicates high expectations and shows an active interest in student's achievement.
- Alert administrators to any concerns about student performance and progress.
- Recommends promotion and retention.

Professional Responsibilities

- Collaborates with peers.
- Build community by contributing to school message boards, newsletter and events.

RETIREMENT BENEFITS

“The manner by which staff members of the Charter Schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.”

-- California Education Code Section 47605.6 (b)(5)(K)

Full-time certified teachers employed by the Schools will participate in the State Teachers’ Retirement System (“STRS”), and full-time classified staff employed by the Schools will be offered either a 403B program or other similar retirement program at the discretion of the School’s Governing Board, and Social Security. All part-time employees of the Schools will participate in the federal Social Security system. Staff at the Schools may have access to additional school sponsored retirement plans according to policies developed by the Board and adopted as the Schools’ employee policies.

EMPLOYEE REPRESENTATION

“A declaration whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act.”

. -- California Education Code Section 47605.6(b)(5)(M)

Flex Public Schools shall be deemed the exclusive public school employer of the employees of the Schools for the purposes of EERA.

Persons employed by the Schools shall not be considered employees of charter authorizer for any purposes whatsoever. The Schools maintain full responsibility and liability for hiring and retention purposes for all employees of the Schools.

RIGHTS OF FORMER CHARTER AUTHORIZER EMPLOYEES

“A description of the rights of any employee of the county office of education upon leaving the employment of the county office of education to be employed by the charter school, and a description of any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.”

-- Education Code Section 47605.6(b)(5)(P)

The Schools shall have no authority to bind the charter authorizer to re-employ a former employee or allowing a leave of absence. Any charter authorizer employee who resigns their position with the charter authorizer to become an employee of the Schools shall only have rights to return to the charter authorizer and other rights (e.g., sick leave, vacation carryover, and tenure credit, etc.) as granted by the charter authorizer.

HEALTH AND SAFETY

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

-- California Education Code Section 47605.6 (b)(5)(G)

Fingerprinting/Background Check

Employees of the Schools will be required to submit to a criminal background check and furnish a criminal record summary as required by Education Code 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 Heads of the School shall monitor compliance with this policy and report to the Board on a periodic basis. The Board President or other designee shall monitor the fingerprinting and background clearance of the Heads of the Schools. 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.

TB Testing

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

Diabetes

The Schools will provide an information sheet regarding type 2 diabetes to the parent or guardian of any incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

- A description of type 2 diabetes.
- A description of the risk factors and warning signs associated with type 2 diabetes.
- A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
- A description of treatments and prevention of methods of type 2 diabetes.
- A description of the different types of diabetes screening tests available.

Medication in School

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

Vision/Hearing/Scoliosis

The Schools shall adhere to Education Code Section 49450 *et seq.* regarding vision/hearing/Scoliosis screening as applicable to the grade levels served by the Schools.

Emergency Preparedness

The Schools shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school sites. These handbooks shall include but not be limited to the following responses: OSHA policy compliance, fire, flood, earthquake, terrorist threats, and hostage situations and shall be submitted for charter authorizer receipt and review. These handbooks shall include an evacuation plan, and general school safety, injury and illness prevention.

Staff shall be trained on emergency and appropriate first aid responses.

Bloodborne Pathogens

The Schools shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace.

Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

Drug Free/Smoke Free Environment

The Schools shall maintain a drug, alcohol, and smoke free environment.

Facility Safety

The facility to be utilized by the Schools must be in compliance with applicable State and local Building Codes in accordance with Education Code 47610.

The Schools agree to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Schools shall conduct fire drills periodically and in conjunction with a District or County if located at District or County facilities.

The Schools will review reports regarding the structural integrity of the building, and act accordingly.

DISPUTE RESOLUTION

“The procedures to be followed by the Charter School and the county board of education to resolve disputes relating to provisions of the charter.”

-- California Education Code Section 47605.6(b)(5)(L)

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

The following process is proposed by the School to meet the requirements of Education Code Section 47605.6(b)(5)(L).

Public Comments

All parties are encouraged to refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process unless otherwise required by law.

Disputes Between the Schools and the Charter Authorizer

The Schools propose the following dispute resolution procedures in the case of a dispute, but understands that it cannot legally bind the charter authorizer, and thus agrees to finalize the dispute resolution procedure in an MOU to be agreed upon by the charter authorizer and the Schools:

In the event of a dispute between the Schools and charter authorizer related to the provisions of the Charter, the staff and Board and charter authorizer agree to first frame the issue in written format ("dispute statement") and refer the issue to the Superintendent of the charter authorizer and School representatives.

In the event that charter authorizer believes that the dispute relates to an issue that could lead to revocation of the Charter under Education Code Section 47607, the Schools ask that this be specifically noted in the written dispute statement, but the Schools are aware that the charter authorizer is not legally bound to do so. Nothing in this section is intended to impair the ability of the charter authorizer to revoke the Charter in accordance with the procedures detailed in Education Code Section 47607.

The School representatives and the charter authorizer representatives shall informally meet and confer in a timely fashion (not later than 10 school days from receipt of the dispute statement) to attempt to resolve the dispute.

In the event that this informal meeting fails to resolve the dispute, both parties shall identify two members from their respective Boards who shall jointly meet with the Superintendent of charter authorizer and the Schools' representatives and attempt to resolve the dispute. The joint meeting shall be held within 15 school days from the informal meeting.

If this joint meeting fails to resolve the dispute, the Superintendent and Schools' representatives shall jointly identify a neutral, third party mediator. Mediation shall occur before a mutually agreeable mediator who is skilled in the interest-based approach to mediating disputes in the public school setting. The format of the mediation session shall

be developed jointly by the Superintendent and the School representatives. Mediation shall be held within 30 school days of the joint meeting. All dates within this section can be amended by written mutual agreement or necessity due to mediator scheduling. Each party shall bear its own costs of dispute resolution with the cost of the mediator being split equally amongst the Parties. If mediation fails, either Party will have been deemed to have exhausted the administrative remedies within this Charter and may pursue any alternative legal options for resolution. All timelines and procedures described herein may be amended with the agreement of the charter authorizer and the Schools.

Uniform Complaint Procedure

The Schools will be responsible for establishing and maintaining a Uniform Complaint Procedure which will be distributed to parents/guardians at the time of student enrollment. Except in the instance of complaints that allege student safety issues, or other matters which constitute possible grounds for charter revocation, the charter authorizer will refer all complaints it receives back to the Schools for investigation and processing.

VI. ADMISSIONS, ATTENDANCE, AND SUSPENSION & EXPULSION POLICIES

“Admission requirements, if applicable.”

- California Education Code Section 47605.6(b)(5)(N)

STUDENT ADMISSIONS POLICIES AND PROCEDURES

The Schools shall strive to enroll a student population that matches the incredible diversity of Santa Clara County.

The Schools shall be nonsectarian in its programs, admission policies, employment practices, and all operation, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). Admission to the Schools shall not be determined by the place of residence of the pupil, or of his or her parent or guardian, within the State, except as provided in Education Code Section 47605.6(e)(2).

The application process is comprised of the completion of a student enrollment application.

Upon selection for admission pursuant to public random drawing, the registration process will include the following:

- Proof of immunization
- Home Language Survey

- Completion of an Emergency Medical Information Form
- Completion of Free and Reduced Lunch eligibility forms, if applicable

The Schools feel strongly that success for students requires a commitment from the students and parents to the mission and vision of the School as set forth in the Charter. During the registration process, parents or guardians may be asked to sign a Commitment Letter indicating they understand the School philosophy, program, and volunteer policy. Students will not be denied admission or dis-enrolled for failing to sign the Commitment Letter.

The Schools shall admit all pupils who wish to attend the schools subject only to capacity. Applications will be accepted during a publicly advertised open application period each year for enrollment in the following school year. Following the open application period each year applications shall be counted to determine has received more applications than available space. In the event that this occurs, the School will hold a public random drawing² to determine enrollment for the impacted grade level, with the exception of currently enrolled students (2nd year forward) who are guaranteed enrollment in the following school year.

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

- 1) Siblings of currently enrolled students
- 2) Children of the paid staff of the School³
- 3) Residents of the County, and
- 4) Other California residents

Students qualifying for more than one preference group will be considered part of the highest preference in which they qualify. At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait-list in the order of their draw in the public random drawing. This wait-list will allow students the option of enrollment in the case of an opening during the school year.

NON-DISCRIMINATION, AND MEANS TO ACHIEVE RACIAL AND ETHNIC BALANCE

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

-- California Education Section 47605.6 (b)(5)(H)

² During any period of grant funding under the Public Charter School’s Grant Program (“PCSGP”), this public random drawing will be held as a single weighted lottery or in accordance with any applicable procedures required by the PCSGP

³ During any period of grant funding under the Public Charter School’s Grant Program, this preference will be limited to children of faculty only and will be committed to a maximum of 5% of total enrollment.

Each school site shall strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the County and the districts where the sites will be located. Students shall be considered for admission without regard to the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

The Schools will implement a strategy that includes, but is not necessarily limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the charter authorizer.

The strategy includes printing and distributing materials in Spanish and other appropriate languages, and:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process.
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups in the area,
- Outreach activities that include advertising in local papers, local world language publications and ethnic journals, and media.
- Building close relationships with local school counselors, faith-based organizations, feeder schools, and diverse community organizations

The Founders include significant experience and a track record of success in recruiting, retaining and graduating a diverse student population.

The timeline for enrollment will generally follow the timeline of the charter authorizer. Relationship building with appropriate organizations often takes place during the Summer and Fall. Enrollment sessions will take place in the Fall and Winter. And the random public lottery will take place in the Spring. Student enrollment processes will continue all Summer and even past the first day of school, building a wait-list and taking students from the wait-list if openings occur.

PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

“The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.”

-- Education Code Section 47605.6(b)(5)(O)

Students who reside in the County, and who opt not to attend the Schools, may attend school district of residence schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

Parents and guardians of each student enrolled in the Schools will be informed that the students have no right to admission in a particular school of any local education agency as a consequence of enrollment in the School, except to the extent that such a right is extended by the local education agency.

SUSPENSION AND EXPULSION PROCEDURES

“The procedures by which pupils can be suspended or expelled.”

-- California Education Code Section 47605.6 (b)(5)(J)

The Schools acknowledges the responsibility of each student, parent, volunteer, faculty, staff, and administrator to contribute to the well-being of the communities we serve by demonstrating responsibility and accountability for individual and group actions. A draft of the Suspension and Expulsion Procedures are provided in the Supplemental Materials.

VII. REPORTING, ACCOUNTABILITY AND RELATED MATTERS

BUDGETS AND CASH FLOW

“The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.”

-- Education Code Section 47605.6 (h)

The following materials are included in the Supplemental Materials:

- A projected first year budget including startup costs,
- Cash flow and financial projections for the first three years of operation, and
- A narrative describing the above.

These documents are based upon the best data available to the Petitioners at this time. Nothing in this Charter or the Supplemental Materials shall preclude the Schools from contracting with K12 or another provider to provide any or all of the services or materials listed. Revised budgets will be provided to the charter authorizer upon request.

FINANCIAL REPORTING

The Schools shall provide reports as required by Education Code Section 47604.33 as follows, and shall provide additional fiscal reports as requested by the charter authorizer:

- By July 1, a preliminary budget for the current fiscal year. For a School in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605.6(h) will satisfy this requirement.

- By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the each School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the charter authorizer, State Controller, State Department of Education and County Superintendent of Schools.
- By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
- By September 15, a final unaudited report for the full prior year. The report submitted to the charter authorizer shall include an annual statement of all the School's receipts and expenditures for the preceding fiscal year.
- All attendance reports: 20 day, P-1, P-2 and annual.

INSURANCE

The Schools shall obtain general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. The charter authorizer shall be named as an additional insured on all policies of the Schools.

Prior to opening, the Schools shall provide evidence of the above insurance coverage to the charter authorizer.

ADMINISTRATIVE SERVICES

"The manner in which administrative services of the School are to be provided."

-- Education Code Section 47605.6(h)

The Schools do not anticipate purchasing any services from the charter authorizer, but we will fairly evaluate any offer of services from the charter authorizer against any other offers for similar services from third party providers.

The Schools intend to contract with K12 for some or all of the following administrative and educational services which may be required for the Schools and which may include but is not limited to the following:

- School administration (e.g. Head of School, Academic Dean, Dean of Student Life)
- Providing and monitoring the student management system used to keep student's daily, periodic, and annual academic results
- Online Curriculum
- Curriculum Materials
- Placement, lesson, unit, and semester assessments
- Support on academic data analysis as needed
- Accounting and payroll management

- Assist in securing and managing loans, if applicable
- Federal and state grant writing and reporting
- Human Resources (benefits, etc)
- Development of best practices for school safety and other school procedures
- Teacher recruitment
- Student support services
- Compliance, including required legal and financial filings
- Assist in charter application submission and renewal
- Researching, locating, arranging financing, and preparing a suitable facility for the operation of the Schools;
- Providing professional development training for certain employees of Schools
- Preparing and supervising the annual budgets;
- Marketing for student enrollment
- Public Relations
- Technology support
- Assist in annual audit by independent accounting firm

Any services to be provided by K12 are on a fee for service basis, and the contract can be terminated by the Schools per the terms of the contract, or not renewed at the end of its term. A copy of a sample contract is included in the Supplemental Materials.

INDEPENDENT FISCAL AUDITS

“The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved.”

-- California Education Code Section 47605.6(b)(5)(l)

The Board will appoint an Audit Committee that will select an independent financial auditor and oversee audit requirements.

An annual independent audit of the books and records of the Schools will be conducted as required under the Charter Schools Act. The books and records of the Schools will be kept in accordance with generally accepted accounting principles, and as required by applicable law. The audit will employ generally accepted accounting procedures.

The Audit Committee will select an independent auditor who will have, at a minimum, a CPA and school audit experience. 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. The audit shall be conducted in accordance with the State Controller’s Published K-12 audit guide as incorporated into the California Code of Regulations.

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 County Superintendent of Schools, the State Controller, and to the California Department of Education by the 15th of December of each year. The Heads of School and/or other appropriate School representative, along with the audit committee, will review any audit

exceptions or deficiencies, if any, and provide recommendations on how to resolve them. The Board will submit a report to the charter authorizer describing how the exceptions and deficiencies, if any, have been or will be resolved along with an anticipated timeline for the same. The Board and its designee will work with the charter authorizer to ensure all audit exceptions and deficiencies are resolved satisfactorily.

LOCATION AND FACILITIES OF SCHOOLS

“The location of each charter school facility that the petitioner proposes to operate.”
- Education Code Section 47605.6(b)(5)(D)

If approved, we intend to locate the schools in or near the Golden Triangle of Silicon Valley, that is, the birthplace of Silicon Valley and the geographic triangle formed by Highways 101, 237 and 880.

This area was particularly chosen because of the unique nature of this new model of education: a brick and mortar school with all or most of the courses offered online with onsite teacher support. It is finally taking advantage of the high tech innovations created in this area. We do not want or need traditional classrooms; we want and need a space similar to an Internet company, and thus the location where so many of these buildings are located.

More specifically, we plan to use open space office buildings, with our architects designing areas devoted to focused student work, areas for collaboration with students and teachers, and areas for socializing. There would also be an area for the administration and a science lab. The sites will ideally be located near community centers or other facilities for recreation.

The Silicon Valley Flex Academy countywide charter may open schools throughout the county as allowed by law, with a preference but not a requirement to open one of its first three schools in or near the Golden Triangle as indicated above. One of these schools may open in or near Morgan Hill.

TERM OF CHARTER

The term of this Charter shall commence on July 1 of the year school operations commence and shall expire five years later. Though it is intended that operations of the first school under this Charter will commence in August 2010, it will not be regarded as a material violation of the Charter if the school commences operations in a later year.

Renewal of the charter shall be governed by the standards and criteria in Education Code Section 47605 and Education 47607 as applicable.

MATERIAL REVISION OF CHARTER

Any material revisions to the Charter shall only be made by mutual agreement of the Flex Public Schools' Board of Trustees and the charter authorizer. In accordance with Education Code Section 47607, the School may present a petition for a material revision of the Charter at any time, and the charter authorizer agrees to respond to such petitions pursuant to the applicable process, criteria and timelines specified in Education Code Section 47605 or its successors.

Consistent with best practice and practical matters (e.g., budgets and staffing change over time), updates and changes to the Supplemental Materials, provided for Informational Purposes Only, will not constitute a material change of the Charter. The Schools will provide updates and changes to any documents upon request.

In addition, the Charter indicates that the Schools may add middle school grades in later years depending on facilities space and adequate demand. Accordingly, adding middle school students in a later year is not a violation of the Charter and does not constitute a material revision of the Charter.

SEVERABILITY AND INTERPRETATION OF THE CHARTER

If any clause of the Charter is found to be invalid for any reason, all other clauses remain in effect.

All terms of the Charter that can be interpreted as within the intent of the California Education Code shall be interpreted in such a manner.

Any element of the Charter that, through legislation or legal ruling, is deemed to be outside the language or intent of the California Education Code or other applicable law should be removed from the Charter. Such a situation would not result in the revocation of the Charter. The remaining provisions of the Charter shall remain in place.

CLOSURE PROTOCOL

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

--Education Code Section 47605.6(b)(5)(O)

Closure of one or more of the Schools will be documented by official action of the School's Board of Trustees. 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 School will promptly notify parents and students of the School, the District, the County Office of Education, the School's SELPA, the retirement systems in which the School'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 pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

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

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

As applicable, the School will provide parents, students and the charter authorizer 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. § 1232g. The School will ask the charter authorizer to store original records of the School's students. All records of the School shall be transferred to the charter authorizer upon School closure. If the charter authorizer will not or cannot store the records, the School shall work with the charter authorizer 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, the School will prepare final financial records. The School will also have an independent audit completed within six months after closure. The School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the School and will be provided to the charter authorizer 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 the School.

The School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of a School, the School will pay K12 any outstanding unpaid fees and other amounts owed (e.g. possible K12 cash flow advances, loans, deficit credits, etc.). After creditors are paid, all remaining assets of the School, if any, including but not limited to all leaseholds, personal property, intellectual property, and all ADA apportionments and other revenues generated by students attending the School, remain the sole property of Flex

Public Schools and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation. Any assets acquired from the District or County Office of Education will be promptly returned upon School closure to the District or County Office of Education as needed. 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, the School shall remain solely responsible for all liabilities arising from the operation of the School.

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

As specified by the Budget in the supplementary materials the School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

VIII. COUNTYWIDE CHARTER RATIONALE AND BENEFITS

“A county board of education may only approve a countywide charter if...the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.”

-Education Code 47605.6. (a)(1)

Flex Public Schools respectfully seeks this countywide charter for the three reasons explained below.

If approved, we aim to open at least three of these innovative schools in Santa Clara County, with the first opening ideally in Fall 2010, and the next two the year afterwards. Future growth of additional schools, if any, under this Charter shall be managed strategically and in accordance with Education Code Section 47605.6 and conditions established by the Santa Clara County Board of Education.

The three reasons we seek a countywide charter are:

1) Enrollment Preferences

Flex Public Schools seeks to serve a cross-section of the entire County and not concentrate its enrollment in one school district. A charter school approved by a school

district must give a preference for enrollment to the students siding in that school district (Education Code Section 47605(d)), while a countywide charter allows equal footing for admission to all students in the County. (Education Code Section 47605.6(d)(2)(B)).

The intended location of these proposed schools make this issue particularly important, as due to our educational design we aim to locate in or near the “Golden Triangle” of Silicon Valley, that is, the birthplace of Silicon Valley and the geographic triangle formed by Highways 101, 237 and 880. As explained further below, this area is particularly well-suited to our model of education and the transportation corridors make it easily accessible to the entire county, but its relative remoteness also make it important to be able to offer access to districts throughout the County. It is neither equitable nor wise to give preference to certain districts when this area has five districts in such close proximity; literally, in some places a two block difference could make the difference between three districts, unfairly impacting some students arbitrarily.

This region was particularly chosen because of the unique nature of this new model of education: a brick and mortar school with all or most of the courses offered online with onsite teacher support. It is finally taking advantage of the high tech innovations created here. We do not want or need traditional classrooms; we want and need a space similar to an Internet company, and thus the location where so many of these buildings are located.

For these schools of the future to be in this ideal location and to make these schools equitably accessible to all students of the County, it is necessary to have a countywide charter; to do otherwise would arbitrarily put some students at an unfair advantage depending on which location within a few blocks the school is located.

2) Access to Educational Investment & Collaborative Innovation

Like some other charter organizations, the Founders of Flex Public Schools have strong relationships with a network of donors and nonprofits interested in the educational well-being of the students throughout Santa Clara County. This network, with organizations like Americorps, Teach for America, Sports for Kids, Revolution Foods, Year Up and others, will result in an increased awareness, involvement and investment in Santa Clara County education. A countywide charter will support our joint efforts.

3) Facilities Location Makes The Schools Almost Impossible Without a Countywide Charter

Finally, and probably most dramatically, the best facilities location of our schools makes it almost impossible to operate without a countywide charter.

Five Districts Located in Area We Plan to Locate

As noted above, we intend to locate the Schools in or near the Golden Triangle part of Silicon Valley. This is a very unusual location geographically in terms of school districts for unlike most locations (East San Jose or Central San Jose for example) it includes an unusual convergence of five districts in a very small area: Mt. View Unified School District, Fremont Union High School District, Santa Clara Unified District, San Jose Unified School

District and East Side Union High School District (see e.g., the Santa Clara County Office of Education map).

As explained below, not having a countywide charter would create legal and practical problems for us and the districts of the County.

Charter Law Does Not Allow Charter School to Locate Outside District

The problems are because a charter approved by a school district must locate its facilities within the boundaries of the school district unless the Charter School qualifies for one of the exceptions (Education Code Section 47605.1).

Those exceptions, which include having a satellite site outside the district or using a temporary space due to construction of a site within the district boundaries, are both inapplicable. We do not just want a satellite site, and while some of the sites may be for temporary use, our permanent site may not be in the district of that charter, which under the law would be prohibited.

As a result, if we do not get a countywide charter, we could very well likely get a charter in one district, be unable to use it a year or so later, have to get a new charter in another district and possibly a third district charter if we grow and want to move again, even just a short distance away. This is not tenable for us or the districts located in your County. Literally, one of our possible sites is in San Jose Unified, but several blocks away is Santa Clara Unified and several blocks the other direction is East Side Union High School District. It would result in large amounts of needless work by both the districts in your County and our organization, neither of which serves students effectively. A countywide charter solves this unusual location dilemma.

Accordingly, it is clear that the educational services provided will benefit students in your County, and that these students cannot be served as well by a charter school that operates in only one school district in the County. As such, pursuant to Education Code 47605.6 (a)(1), please approve this countywide charter.

IX. IMPACT ON THE CHARTER AUTHORIZER AND DISTRICTS

“Potential effects of the school..., upon any school district where the charter school may operate and upon the county board of education..”

-- Education Code Section 47605.6(h)

CIVIL LIABILITY

As indicated above, the Charter for the Schools will be held by a California nonprofit public benefit corporation. Pursuant to Education Code Section 47604(c), an entity that grants a charter to a nonprofit public benefit corporation shall not be liable for the debts or obligations of the Schools or for claims arising from the performance of acts, errors or omissions by the Schools if the authority has complied with all oversight responsibilities required by law.

The Schools shall work cooperatively to assist the charter authorizer in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other the School.

Further, the Schools and the charter authorizer shall enter into a Memorandum of Understanding which shall provide for indemnification of the charter authorizer. Insurance amounts will be determined by recommendation of the insurance company for schools of similar size, location, and type of program. The charter authorizer shall be named an additional insured on the general liability insurance of the Schools.

The Board and School staff will institute appropriate risk management practices, including screening of employees, establishing codes of conduct for students, staff, and participating families, and procedures governing financial transactions and dispute resolution.

FINANCIAL IMPACT

Flex Public Schools is not aware of any negative financial impact on the Santa Clara County Office of Education if the proposed charter is approved aside from the cost of oversight, some or all of which may be covered by the oversight fee allowed by the Charter Schools Act.

Flex Public Schools acknowledges that school districts in Santa Clara County will receive less funding if a student in their region attends a different district's school, a charter public school or a private school. A District will therefore receive less funding if the proposed countywide charter is approved and students attend the proposed Schools. Enrollment projections are included in the Supplemental Materials.

Flex Public Schools also understands that the financial impact is consistent with the Charter Schools Act, and that reduced district funding is not specific grounds for denial based on the California Department of Education guidelines and applicable law.

At this time, the School does not intend to request Proposition 39 facilities, but has not waived that right. If a Proposition 39 facility was requested, it would not affect the County Office of Education as it is only a potential district duty, not a county duty.

Providing a Proposition 39 facility, however, could conceivably financially impact a district if provided, but Proposition 39 allows for a pro rata share of the cost of operating district facilities to be charged to the charter school if provided. Accordingly, there should not be

much, if any, negative financial affect on the district due to providing a Proposition 39 facility.

OTHER

The Schools assume that other details regarding the process, content and timelines for the annual review, charter oversight, charter renewal, and other matters relating to the charter authorizer will be handled in a Memorandum of Understanding (“MOU”) or similar document.

X. CONCLUSION

By approving this Charter, the charter authorizer will be fulfilling the intent of the Charter Schools Act of 1992 to improve pupil learning; increase learning opportunities for all pupils with special emphasis on expanded learning opportunities for all pupils who are identified as academically low achieving; create new professional opportunities for teachers; and provide parents and pupils with expanded choices in education and following the directive of law to encourage the creation of charter schools.

The Petitioners are eager to work independently, yet cooperatively, with the charter authorizer on this new model of education. To this end, the Petitioners pledge to work cooperatively with the charter authorizer to answer any concerns over this document and to present the charter authorizer with the strongest possible proposal for approval of the Charter.

Appendix A. Teacher Signatures for the Petition

[NOTE: THIS IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ACTUAL SIGNATURES AND CERTIFICATION WERE PROVIDED WITH THE SUBMITTED COPIES.]

I, the undersigned, have been provided with a copy of the attached charter, and hereby indicate that I am “meaningfully interested” in working at the Flex Academy.

I represent that I will be qualified to be employed at the School in terms of the certification required to work at a California charter school.

I understand that I may be contacted to verify that I was “meaningfully interested” at the time of my signature. I also understand that this signature does not indicate that the School intends to hire me nor does it bind me to accept work at the School.

Finally, I authorize the petitioners to update the charter and make any changes necessary to clarify the program and/or obtain approval.

Signature	Name	Phone	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

I, Mark Kushner, Lead Petitioner for Flex Public Schools, hereby certify that this charter petition has the required number of teacher signatures, exceeding more than half of the number of teachers projected to be working at the school during the first year of school operation.

Lead Petitioner
On behalf of Flex Public Schools
(A California nonprofit public benefit corporation)

Date