

To: Superintendent Vital and AUSD Board of Education

From: Kelly Lara, Director of Student Services  
Sandy Wong, Coordinator of Employee and Labor  
Laurie McLachlan-Fry, Coordinator of Special Education

Date: November 22, 2013

Re: Nea Charter Renewal Petition Request

**Action Requested:**

**Approve** the Nea renewal charter petition because the charter school has met the standards set forth in the California Charter School Act, Education Code sections 47605 and 47607, which govern charter school renewals. As required by Education Code sections 4605 and 47607, the petition presents a sound educational program; the petitioners are likely to successfully implement the program set forth in the petition; the petition contains the required signatures and affirmations; and the petition contains reasonably comprehensible descriptions of all of the 16 elements required by the California Charter Schools Act.

As required by Education Code section 47607 (b), Nea has meet at least one of the following four criteria: (1) attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years, (2) ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years, (3) ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years and (4) (A) achieved academic performance at least equal to the academic performance of the public schools that Nea pupils would otherwise have been required to attend, as well as the academic performance of the schools in AUSD, taking into account the composition of the pupil population that is served at Nea.

## Summary

Staff recommends that the AUSD Board of Education approve the petition to renew the charter of Nea, under the California Charter Schools Act.

### **Procedural Background**

- 1) A representative from Nea submitted the Nea charter renewal petition on October 8, 2013 at a regularly scheduled Board of Education meeting.
- 2) A public hearing was held on November 5, 2013. Representatives from Nea presented.
- 3) Pursuant to Ed Code section 47605 (b), on November 1, 2013 Nea and AUSD agreed to a 30-day extension of the timeline for AUSD to act on the charter renewal petition.

### **Statutory Background**

Pursuant to Education Code 47605, Charter law outlines the criteria governing the approval or denial of petitions for renewal of charter school petitions. The following excerpt is taken from the Charter Schools Act, Education Code 47605. This excerpt delineates criteria for charter approval and denial:

*A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:*

1. *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
2. *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
3. *The petition does not contain the number of signatures required.*
4. *The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).*
5. *The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

The following excerpt is taken from the Charter Schools Act, Education Code 47607(b). This excerpt delineates additional requirements for charter renewal:

*Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later; a charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to paragraph (1) of subdivision (a):*

1. *Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.*
2. *Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years,*

3. *Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years*
4. *(A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.*

### **Discussion**

Staff convened a petition review team comprised of leadership within the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Alameda Unified School District Charter School Board Policy and Administrative Regulations.

#### **(1) The petition presents a sound educational program.**

The Nea educational program is sound.

- Academic tests results confirm that the educational program is sound (see academic performance data below).
- The renewal petition describes a standards-based curriculum that promotes the practice and mastery of California Common Core State Standards through a project-based model offering self-directed, project-based learning opportunities that address multiple interdisciplinary standards.
- Nea's educational model has been in place for 5 years promoting a technology-rich environment for both individualized and project based learning.
- Nea allows learners of mixed ages to work independently or in teams during instructional time and during their scheduled project time within the school day.
- Nea's high school graduation requirements are aligned with the admission requirements of the University of California.

#### **Academic Performance Data**

Academic performance data confirms that the Nea educational program is sound. Looking broadly at the program over time, it is clear that Nea is consistently performing well, is demonstrating growth, and is well above the state average, although Hispanic/Latino students did not achieve the API growth target for 2013 and African American students are performing significantly lower than their peers. Nea is attentive to adjusting its program and implementing interventions for any student who exhibits academic struggles. For example Nea is implementing mandatory after school intervention support class for any student who earns a D or F in a content area course. Additionally, Nea has administered diagnostic assessments to all students for math placement and has identified a cohort of 11<sup>th</sup> grade student in need of Algebra 1 instruction and is offering students an online

Algebra 1 intervention program to boost their skill set. It is particularly important to highlight that the Nea API score has exceeded 800 for each of the past four years.

**Academic Performance Index (API) Growth Reports:**

Year	API Score	Overall Decile Rank	Similar School Decile Rank
2010	839	7	8
2011	821	6	5
2012	837	7	8
2013	838	N/A	N/A

**Adequate Yearly Progress:**

Nea has met its Annual Yearly Progress goals for the past four years.

**Graduation Rates:**

The class of 2013 was Nea’s first graduating class. Nea’s graduation rate was 100%.

**CAHSEE (CA High School Exit Exam) Pass Rate:**

Subject	Feb 2013 % Passed	Feb 2012 % Passed	Feb 2011 % Passed
ELA	94%	84%	86%
Math	88%	87%	100%

**(2) The petitioners are demonstrably likely to successfully implement the program set forth in the petition.**

The petitioners are likely to successfully implement the program set forth in the petition. The petitioners and Board members are very capable individuals with considerable experience in running Nea. Nea’s history of successful achievement summarized above is the best evidence for concluding that the petitioners will successfully implement the program set forth.

**(3) Petition Signatures**

Pursuant to CA Education Code Section 47605(a)(1)(B), the petition contains the signatures by a number of teachers that is equivalent to at least one-half the number of teachers that the charter school estimates will be employed at the school during its next year of operation.

**(4) Required Affirmations**

Pursuant to CA Education Code 47605(b)(4) the petition contains an affirmation of each of required conditions contained in CA Education Code section 47605(d)(1).

**(5) The petition contains reasonably comprehensive descriptions of the 16 required charter elements.**

**Sixteen Elements Table**

	Element	Inadequate	Reasonably Comprehensive	Statutory Reference	Evidence
1.	Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs.		X	E.C. 47605(b)(5)(A)	Nea’s mission statement is “... (to provide) an educational model that empowers all youth to take ownership of their educational experience, to celebrate their diverse community, and to actively participates as members in a democratic society.” Nea provides a model of education that creates a dynamic learning community, embodying best educational practices and learning in a non-competitive manner, supporting learners in actively discovering their own, personal potential. Nea is committed to self-directed, project-based learning to achieve its educational goals. Toward this end, the program provides a safe, highly collaborative, interconnected, flexible learning community that is accessible to all learners and learning styles. Nea sets learners on the path toward life- long learning by providing learners opportunities that promotes practice and mastery of Common Core State Standards through project- based learning opportunities which simultaneously incorporate multiple, interdisciplinary standards. Learners utilize and integrate key 21st century skills, such as: collaboration, critical thinking, digital literacy, and problem solving skills into their daily learning opportunities. The AUSD inspection team saw evidence that learners are provided opportunities to engage in rigorous curriculum that required critical thinking and integration of digital literacy. At the Lower Village campus, the AUSD Inspection team saw evidence of third and fourth graders collaborating with one another on a math project that required the use of technology to “bring to life” the math problem. We also saw in another fourth grade class that learners were posed math problems that required learners to determine how many snowmen could be built from the limited amount of supplies given certain parameters. Learners were able to explain to the AUSD Inspection team the purpose of the assignment while using correct mathematical concepts and applications. Learners were also able to demonstrate multiple methods of solving the problem at hand. The AUSD Inspection team saw learning take place in each of the classroom visited and learners were engaged in various activities. There was also evidence of learner’s work displayed in classroom. At the Upper Village the AUSD inspection team observed learners in science engaged in

					project based learning and problem solving where learners where analyzing the formation of dams and river valleys. In an Upper Village math class, learners were observed solving math problems while the facilitator guided learners by using various strategies from Teach Like a Champion book, such as cold-call, turn and talk to your neighbor, and modeling using multiple methods. In Spanish, learners were observed practicing speaking skills as it relates to their daily lives.
2.	Measures pupil outcomes		X	E.C. 47605(b)(5)(B)	Nea measures learning for students by utilizing disaggregated data from STAR tests K-12. Nea evaluates student learning 6-12 through review of the Graduate profile (senior portfolio) and successful completion of UC A-G requirements.
3.	Method by which pupil progress is to be measured		X	E.C. 47605(b)(5)(C)	Students are evaluated regularly throughout the school year via benchmark assessments which are tied to California Common Core Standards. Student mastery of standards is monitored by facilitators during regular data review meetings.
4.	Governance structure		X	E.C. 47605(b)(5)(D)	Nea has a school board comprised of parents, facilitators, lead facilitator and executive officers. The board is comprised of 2 Alameda Community Members 3 Facilitators (including the Nea Lead Facilitator) 2 Learners and 2 Parents. Nea's Governing Board acts as a governing body of Nea Community Learning Center, and is composed of nine voting members. It is charged with development and oversight of policy, budget, organizational development, strategic planning, standards and curriculum, program evaluation, and maintaining Nea's vision and mission.
5.	Qualifications to be met by individuals employed at the school		X	E.C. 47605(b)(5)(E)	<p>Nea has a comprehensive plan for faculty recruitment, hiring and retention of highly qualified facilitators (teachers) with subject area knowledge that supports learner achievement and collaborative learning for all learners.</p> <p>In Nea's hiring plan, it strives to hire highly qualified, fully credentialed facilitators in core subject areas, in addition to instructional support staff who possess subject matter expertise and qualifications necessary to help the program succeed. Instructional support staff include: a full-time counselor, a full-time school psychologist, and two resource specialists. In addition to attracting talented personnel in the immediate Alameda area, Nea contacts regional graduate schools of education, such as UC Berkeley, Stanford, and Mills College, as well as attending Alameda County recruitment fairs, advertisement in EdJoin, local newspapers, school website, and by word of mouth of teachers in neighboring communities to publicize and attract to individuals to Nea.</p> <p>Under the direction of the Lead Facilitator, the Personnel Committee conducts personnel interviews according to the CLCS Board hiring policy. Facilitators are certificated teachers for the purposes of teaching the core, college preparatory curriculum of Nea. The Nea Personnel Committee also seeks to recruit facilitators that share the values and educational philosophy of the Nea community.</p>

				<p>The Nea Personnel Committee recommends for hire facilitators who meet NCLB requirements, and assists non-NCLB compliant facilitators who are not the lead facilitators on any core subject with professional development opportunities to become NCLB compliant. The Nea Personnel Committee recommends for hire facilitators holding CLAD or SB 395 certification English Learner Authorization and will assist non-compliant facilitators with professional development opportunities to obtain an English Learner Authorization CLAD or SB 395 compliant. The CLCS Executive Director has authority in all personnel decisions, subject to final approval by the CLCS Board of Directors as needed.</p> <p>On an annual basis, learners evaluate all regular staff with whom they have seminars. The results of these evaluations are factored into the decision-making process when the school considers staffing for the next school year. While the data is advisory, the Personnel Committee and the Governing Board considers this information seriously in making final employment recommendations. In addition, facilitators, the CLCS Board members, and Nea parents and learners if they desire, fill out evaluations of the Nea Lead Facilitator. The results of these evaluations are tabulated and reported to the CLCS Board of Directors as part of the Lead Facilitator’s annual evaluation.</p> <p>CLCS employs a facilitator staff holding appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These facilitators teach the “core” academic and college preparatory classes of mathematics, language arts, science, history /social studies. These facilitators are responsible for overseeing the learners’ academic progress and for monitoring grading and matriculation decisions as specified in the school’s operation policies.</p> <p>The school provides access to new facilitator support towards obtaining professional clear credentials, if necessary. The Chief Operating Officer is responsible for handling credential checking and other personnel matters. No other charter school staff (e.g., counselors, librarians, administrators, nurses and others) are required to hold credentials.</p> <p>All employees, even if not public, are subject to state and federal employment laws. Pursuant to the teacher qualification requirements under the No Child Left Behind Act (NCLB), all Nea teachers/facilitators teaching core subjects are “highly qualified” as that term is defined under NCLB and further defined by California state regulations implementing the NCLB requirements, as applicable to charter schools such as Nea. As required by NCLB, Nea notifies parents/guardians of students at the school if a teacher teaching a core subject does not meet these requirements. Applicants to teach in our program will be evaluated based on the following qualifications:</p> <ul style="list-style-type: none"> <li>• Demonstrated expertise in subject area and the</li> </ul>
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				<p>ability to communicate the appropriate knowledge to each student.</p> <ul style="list-style-type: none"> <li>• Possession of a CLAD credential English Learner Authorization.</li> <li>• Knowledge and experience with standards-based instruction: ability to align curriculum and standards and willingness to adopt grading practices that can be used in standards- based grading.</li> <li>• Knowledge of assessment strategies and the ability to use data to drive their teaching and ensure continuous improvement of student learning.</li> <li>• Ability to effectively use a broad range of instructional strategies, including providing a guaranteed curriculum, challenging goals and effective feedback, differentiated instruction, and back mapping, among others.</li> <li>• Demonstrated competence using advanced technology as a learning tool: willing and able to integrate technology into teaching and student learning.</li> <li>• Outstanding classroom management skills.</li> </ul> <p>Evidence obtained by the AUSD Inspection teams indicates that Nea needs to more frequently monitor credentials and ensure that facilitators are compliant. There were instances where some facilitators did not possess the appropriate credentials or were not deemed “highly qualified” as outline by the Commission on Teacher Credentialing.</p> <p>CLCS may also employ or retain non-certificated instructional support staff in any case where a prospective staff member has an appropriate mix of subject matter expertise, professional experience, and the capacity to work successfully in an instructional capacity. Instructional support staff will not assign grades or approve student work assignments without the approval of a teacher/facilitator unless they are instructing non-core or non-college preparatory courses and activities.</p> <p>All requirements for employment set forth in applicable provisions of law shall be met, including, but not limited to credentials, as necessary. All employees of the school (administrative, instructional, instructional support, non-instructional support) shall meet CLCS’s fingerprinting and TB qualifications for employment to ensure the health, and safety of the school’s faculty, staff, and pupils. Prior to employment and within thirty (30) days of hiring, each employee submits to a criminal background check as required by Education Code §44237. CLCS adheres to California laws including fingerprinting and prohibitions</p>
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				<p>regarding the employment of persons who have been convicted of a violent or serious felony. CLCS will comply with the provisions of the No Child Left Behind (NCLB) Act as they apply to certificated personnel and paraprofessionals. Each employee must furnish proof of tuberculosis (TB) testing, as well as documents establishing legal employment status. The Executive Director and/or administrative designee will be responsible for monitoring and maintaining documentation of criminal investigation clearances, as required by California and federal laws. Those employees that require a criminal background check and do not have a current background check will be required to undergo a check through such services as a Live Scan fingerprint process and the CLCS pay for Live Scan services on behalf of its prospective employees.</p>
6.	Procedures of ensuring health & safety of students	X	E.C. 47605(b)(5)(F)	<p>Nea has its own Safe School Plan for fire, earthquake, and harmful intruders (lockdown drills) that is filed with the district. Nea staff receives training in emergency and first aid response, in accordance with state standards and training programs. This was evidence by the fact that during the AUSD Inspection team's visit, an Alameda Police Officer attended the staff collaboration meeting to review protocols regarding lockdown procedures.</p> <p>There are a number of areas of school operation that are germane to ensuring the health and safety of the learning community, including staff. These areas are:</p> <ul style="list-style-type: none"> <li>• Behavioral rules, compliance and enforcement procedures.</li> <li>• Plant safety including hygiene, fire safety, physical obstacles, and chemical, electrical or other risks due to the instructional program activities.</li> <li>• Risks to learners due to extensive community, workplace, and other off-site activities pursuant to individual learning objectives.</li> <li>• Risks to learners due to harassment of a sexual or discriminatory nature based on race, ethnicity, national origin, disability, religion, gender, sexual orientation, or other protected classification.</li> <li>• Immunization and medical screening requirements to reduce health risks.</li> <li>• Criminal record checks for all regular volunteers.</li> <li>• The Chief Operating Officer of CLCS conducts criminal background checks on employee candidates, as required by Education Code 44830.1 and 45122.1, and ensures that the Nea does not hire any person who has been convicted</li> </ul>

								<p>of a violent or serious felony.</p> <ul style="list-style-type: none"> <li>• There are health checks for all employees pursuant to state law and district personnel policies, where applicable, such as tuberculosis.</li> <li>• Nea’s facilities meets state and local building codes, except where exempt.</li> <li>• Nea’s facilities meet federal requirements, including the Americans with Disabilities Act.</li> <li>• Nea complies with all state and federal laws regarding food safety and environmental protection.</li> <li>• Nea complies with all state and federal laws designed to protect children, including, but not limited to, the proper administration of medication to students in schools and the reporting of child abuse.</li> </ul> <p>Nea is a self-governing, learner-operated community with respect to learner behavior. In many ways this constitutes a strength that supports student safety, since the learners establish the rules of the community and are, therefore, very conscious of the impact of their behavior on the entire community. Certainly, facilitators, as the adults responsible for overall safety of the program, take strong action as necessary in the case of an emergency or unsafe situation. However, the learner community and facilitators have created the Nea Rule Book, and share the responsibility for creating and maintaining a safe community through the Judicial Committee.</p> <p>Nea has zero tolerance for the use of drugs, alcohol, and tobacco. Learners who constitute a risk to themselves or others are referred to appropriate mental health or police jurisdictions according to the presenting problems, and may be removed from the Nea environment as necessary. Learners found by the Nea Judicial Committee to have committed acts calling for a suspension under the terms of the California Education Code, are referred to the Lead Facilitator for possible suspension. No Nea learner is privy to any personal or confidential information regarding another Nea learner.</p> <p>The learning community is also partially self-regulating with respect to physical safety issues. Both campuses are subject to the regular inspection of the local fire marshal and are maintained in compliance with Educational Code and Health and Safety Code.</p> <p>Beyond these basic safeguards, the internal furnishings, equipment and risk management is the responsibility of the entire learning community as represented by the CCC and, ultimately, the Governing Board. Learners and facilitators are responsible for identifying any obstacles or other risk factors that should be addressed to reduce hazardous</p>
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				<p>conditions in the learning environment. Leadership is then responsible to ensure that corrective measures are implemented in a timely manner to mitigate risks.</p> <p>Nea Community Learning Center occupies facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired, that is to be used as a school or administrative building, shall maintain an asbestos management plan.</p> <p>By the nature of the educational program at Nea, learners are engaged in a wide array of activities outside the confines of the physical location of the school. Learners attend community college, engage in work-based learning opportunities, meet with mentors, conduct action research projects in the community settings, and take field trips to museums, courts, governmental offices, and many other locations. In the course of this process, learners are exposed to risks that are not typically associated with school operations where learners are largely contained on a school campus.</p> <p>In order to minimize these risks, the following procedures are strictly enforced:</p> <ul style="list-style-type: none"> <li>• The administrative staff carefully screens volunteers and mentors prior to being authorized for student engagement. Volunteers and mentors are fingerprinted and go through a formal screening process. However, one-time, on-campus volunteers who are engaged to speak to groups of students about a particular topic, and who are not alone with students at any time during such a visit, will be exempted from this screening.</li> <li>• Work-based learning opportunities are carefully reviewed to ensure that learners are safe. Parent permission is required before learners are allowed to engage in off-site contact with adults, unless it is a one-time only visit, conducted in a group and supervised by facilitators.</li> <li>• Field trips are reviewed and approved by Nea’s Lead Facilitator. Parents must provide permission for field trip participation.</li> </ul> <p>Nea learners and staff are protected from harassment and discrimination based on all protected classes. Nea does 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). This protection is</p>
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								<p>guaranteed in the Nea Rule Book. Nea believes this learner-led approach makes Nea safer for students because the learners create, review, revise, and enforce these rules to the extent that there is true learner buy-in.</p> <p>All Nea learners are subjected to the health screening requirements of the State of California. Learners are not admitted to the school without meeting immunization or screening requirements. Nea requires immunization of learners as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school. Nea provides learner screening for vision, hearing and scoliosis, to the same extent as would be required if the learners attended a non-charter public school. In addition to these basic requirements, the learning community is provided health information that relates to issues of adolescent health such as drug and alcohol use, tobacco use, sexuality and pregnancy prevention, sexually transmitted disease, exercise and nutrition, and a variety of other factors.</p> <p>All Nea facilities are non-smoking areas.</p> <p>Nea’s Judicial Committee, consisting of six learners, is charged with administering school rules, and for establishing consequences for inappropriate behavior in all but the most serious situations. The Lead Facilitator or Judicial Committee Facilitator oversees all aspects of the Judicial Committee.</p> <p>In cases involving risks to learners’ safety and well-being, any facilitator may be required to take action immediately and independent of any Committee, to protect others in the school community. Such actions may take the form of immediate suspension by the Lead Facilitator. Learner behaviors warranting expulsion include, but are not limited to: causing serious injury to another person; sexual assault; possession of a firearm, knife, explosive or dangerous object; possessing or selling a controlled substance; robbery; assault on a school employee.</p> <p>All matters not constituting an immediate threat to health and safety are referred to the Judicial Committee. When a charge is brought against a learner (by another learner or facilitator), that learner is brought before the Judicial Committee (JC), and is heard by a “jury” of peer learners who subsequently make recommendations to the JC for consequences, when appropriate. Learners are obligated to the entire learning community to fulfill any consequences imposed by the JC. The JC makes decisions and operates based upon the body of regulations defined in the Nea Rule Book, which is revised as necessary, and approved by the learner body and facilitators annually.</p> <p>As a public charter school, the Nea is subject to protecting the federal and state constitutional rights of all learners and parents, including the rights of the disabled and those belonging to other protected classes. Nea’s resource specialist is available for consultation regarding special</p>
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				<p>classes of learners and their rights. Nea uses the same procedure of suspending learners from the program for 1-5 days, as does AUSD. The Lead Facilitator or Assistant Lead Facilitator hears the learner's side of the suspendable incident, talks to and meets with parents, and only suspends learners for offenses that are listed as legal (as indicated in the Charter).</p> <p>Staff and facilitators enforce disciplinary rules and procedures fairly and consistently amongst all students, and accord all students with similar rights to due process. Nea's disciplinary rules and procedures are included in and distributed as part of the Student Handbook Planner, clearly describing discipline expectations.</p> <p>Discipline at Nea includes, but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion. Corporal punishment is never used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons, or to prevent damage to the charter school property.</p> <p>The Lead Facilitator ensures that students and parents/guardians are notified in writing of all discipline policies, rules, and procedures, and given an opportunity to provide input and feedback on discipline policies and procedures. Transfer students and their parents/guardian are so advised upon enrollment. The notice states that these disciplinary rules and procedures are available on request at the charter school office.</p> <p>Suspended or expelled students are excluded from all school-related extracurricular activities unless otherwise agreed upon during the period of suspension or expulsion.</p> <p>A student identified as an individual with disabilities (pursuant to the Individual with Disabilities Education Act) is subject to the same grounds for suspension and expulsion, and is accorded the same due process procedures applicable to regular education students, except to the extent that federal and state law or the student's Individualized Educational Plan (IEP) mandates additional or different procedures for that student. Nea will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities and according due process to such students.</p>
7.	Means for achieving racial and ethnic balance		X	<p>E.C. 47605(b)(5)(G)</p> <p>Nea regularly conducts outreach to attract an ethnically diverse group of applicants. Demographics for the 2013-14 school year are:</p> <ul style="list-style-type: none"> <li>• 35% White</li> </ul>

				<ul style="list-style-type: none"> <li>• 14% African American</li> <li>• 16% Hispanic</li> <li>• 16% Asian/Pacific Islander</li> <li>• 18% No Response</li> <li>• 1% Other</li> </ul>
8.	Admission requirements, if applicable		X	<p>E.C. 47605(b)(5)(H)</p> <p>Nea is open to all students in California who are eligible to be enrolled in grades K through 12. Admission requirements are as follows:</p> <ul style="list-style-type: none"> <li>• Prior to the first day of instruction, learners will have met the immunization requirements of state law.</li> <li>• Learners must apply for admission within the time frames established by the school. (Nea will annually hold parent/learner information nights in December and January and accept applications until the end of January. If a lottery is necessary, it will be conducted on the first Monday in February.)</li> <li>• Learners may not be under current expulsion from the chartering district or another school or school district.</li> <li>• Learners may not be currently placed in a school as a consequence of a disciplinary action.</li> </ul> <p>Admission to Nea is determined via a public random lottery. The following two preferences are listed in order of priority:</p> <ol style="list-style-type: none"> <li>1. Children of full-time staff members working for CLCS schools and volunteer community board members serving on the CLCS, ACLC or Nea Governing Boards are given automatic admission to any Community Learning Center School (currently ACLC and Nea).</li> <li>2. Preference is given to learners applying from within AUSD enrollment boundaries over those applying from outside the district.</li> </ol>
9.	Manner for conducting annual, independent audits and for resolving exceptions or deficiencies		X	<p>E.C. 47605(b)(5)(I)</p> <p>Nea conducts a yearly audit via an independent auditor and forwards all findings to AUSD, the California Controller, the ACOE Superintendent, the State Board of Education, and the California Department of Education.</p>
10.	Suspension and expulsion procedures		X	<p>E.C. 47605(b)(5)(I)</p> <p>The Judicial Committee, comprised of students, is charged with administering the rules of Nea and for establishing consequences for inappropriate behavior in all but the most serious situations. The lead facilitator addresses serious situations warranting suspension. Learners who are found by the Nea Judicial Committee or Lead Facilitator, when circumstances warrant an immediate determination, to have committed acts calling for a mandatory recommendation for expulsion under the terms of the California Education Code (see Section 48915) will be referred to the Nea Governing Board for possible expulsion from Nea. Expulsion proceedings for Nea learners will be conducted in accord with state and federal law. AUSD Student Services and AUSD Board of Education will be notified of any expulsions from Nea. Staff enforces disciplinary rules and procedures fairly and consistently amongst all students and accords all students with similar rights to due process.</p>

11.	Manner for covering staff members through the State Teachers' Retirement System, Public Employees' Retirement System or federal social security		X	E.C. 47605(b)(5)(K)	<p>Employees of CLCS who work at Nea and qualify for membership in the State Teachers' Retirement System ("STRS") will be covered under that system. This includes Facilitators, Lead Facilitator, Executive Director, Chief Operating Officer, Counselor, Special Education Coordinator, and Education Specialists. Employees of CLCS who work at Nea and qualify for membership in the Public Employees' Retirement System ("PERS") will be covered under that system. This includes office managers, administrative assistants, paraprofessionals, and campus supervisors. All employees who are not members of STRS or PERS must contribute to the federal social security system. CLCS will inform prospective employees of the retirement system for employees of any CLCS charter school, as required by Education Code Section 47611.</p> <p>CLCS will make all employer contributions as required by STRS/PERS or federal social security. CLCS will also make contributions for workers' compensation insurance, unemployment insurance and any other payroll obligations of an employer.</p>
12.	Attendance alternatives for pupils residing within the district who choose not to attend the charter school		X	E.C. 47605(b)(5)(L)	No student will be required to attend Nea, and all AUSD students will have the alternative of attending their AUSD or other schools of residence, or seeking an inter-district transfer pursuant to applicable laws, regulations, and school district policies. Parents/guardians of applicants will be informed that learners have no right to admission in a particular school in any district as a consequence of enrollment in the charter school.
13.	Employee rights of return, if any		X	E.C. 47605(b)(5)(M)	AUSD employees who accept employment with CLCS shall have no return rights to AUSD and are expected to resign their tenured positions at AUSD prior to the start of the school year.
14.	Dispute resolution procedure for school-authorizer issues related to charter		X	E.C. 47605(b)(5)(N)	Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing ("Written Notification") by the party asserting the existence of such dispute. The Written Notification must identify the nature of the dispute and all supporting facts known to the party giving the Written Notification. Disputes arising from within the Charter School, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and Governing Board members of the School shall be resolved pursuant to policies and processes developed by the School. The AUSD Board of Education shall not intervene in any such internal disputes without the consent of the Board of the Charter School and shall refer any complaints or reports regarding such disputes to the School Board or the Director.
15.	Statement regarding exclusive employer status of the school		X	E.C. 47605(b)(5)(O)	CLCS is considered the exclusive public school employer for the purposes of the Educational Employment Relations Act.
16.	Procedures for school closure		X	E.C. 47605(b)(5)(P)	Should the District either revoke the charter or fail to renew the charter, closure of Nea will be documented by

					official action of the CLCS Governing Board. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.
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### Charter Renewal Criteria

Rubric Score of 5 = Achieving the Criteria  
Rubric Score of 2 = Not Achieving the Criteria

#### Criteria 1: Improving Student Achievement

A charter school promotes student learning through a clear vision and high expectations. It achieves clear, measurable program goals and student learning objectives, including meeting its stated performance standards, state and federal performance standards, and closing achievement gaps of students.

	<b>The criteria for making judgments on the quality of the Student Academic Achievement First</b>	<b>Rubric Score</b>	<b>Evidence</b>
1.1	Achieves clear, measurable program goals and student learning objectives, including meeting its stated performance standards, and state and federal standards.	5	<ul style="list-style-type: none"> <li>• Nea has achieved API growth targets school wide for the past 4 years.</li> <li>• School wide performance goals are clearly articulated to all students, families and staff.</li> <li>• Students complete portfolios demonstrating their mastery of standards and skills at both the Lower Village (Elementary) and Upper Village (Middle and High school) levels.</li> <li>• Graduation requirements are tied to UC A-G requirements.</li> <li>• Nea implements regularly benchmarks in &gt;&gt;&gt; subjects. Teachers and Students use the results of benchmark assessments to inform future learning.</li> </ul>
1.2	Achieves comparably improved student learning outcomes relative to students in traditional public schools that students would have otherwise attended.	5	<ul style="list-style-type: none"> <li>• The Nea API for 2013 is 838. This exceeds the 800 score and is thus considered high performing. The Nea API score is comparable to that of the public schools students would have otherwise attended.</li> </ul>
1.3	Demonstrates high expectations for student achievement.	5	<ul style="list-style-type: none"> <li>• High levels of student academic attainment and achievement are expected throughout Nea.</li> <li>• At the Lower Village ELA teachers utilize the New York Readers and Writers Project methodologies and curriculum to instruct students in ELA. During observation the inspection team observed the implementation of this program from Kindergarten through fifth grade. Students were engaged in critical thinking, problem solving, learning strategy development, frequent writing and vocabulary development.</li> <li>• On the first Wednesday of every month, all Nea teachers meet in subject alike groups from Kindergarten through the senior level to articulate around skills and concept development in the subject area.</li> <li>• Nea implements benchmarks assessments in all subjects throughout the school year. Nea teachers utilize the results to inform future instruction.</li> <li>• During the summer Nea teachers engage in professional development and utilize incoming students' STAR test scores to development curriculum maps for the upcoming year.</li> </ul>



			<ul style="list-style-type: none"> <li>Each K-5 student creates an end of the year portfolio of work. The elementary portfolio demonstrates the young learner's ability to meet the state standards and the performance standards as established by the Nea learning community. Each year, learners create have a compilation of their best work and projects, demonstrating mastery of Common Core Standards.</li> </ul>
1.4	Provides a challenging and coherent curriculum for each individual student	5	<ul style="list-style-type: none"> <li>The specific measurable educational objectives of Nea are as follows: Nea K-12 learners will make improvements on California standardized testing requirements for a majority of subgroups, including special education learners, English language learners, and low achieving learners for most years. Nea 6-12 learners will demonstrate achievement of the Graduate Profile as measured by senior electronic portfolios. Meeting the Graduate Profile expectations is a requirement for receiving the Nea diploma. Nea Learners shall meet the Nea standard of having a 2.0 cumulative GPA for graduation.</li> <li>K-12 students are given benchmark assessments 6 times per year (possible 7th at the end of the year). These are used to determine student needs and to drive instruction.</li> <li>Special education IEPs and information is maintained in SAIES which allows for a thorough tracking of students' IEPs, goals and learning needs.</li> <li>All special education students are in general education classes. No pull out services are done during core content classes. In the Upper Village pull out services replaces "Tree" time. In the Lower Village pull out services replaces "free choice" time.</li> <li>Nea has two Education specialists and each village has a full time para professional to support students with IEPs. They provide SAI for students with IEPs with push in and pull out services. All special education students are in General Ed classes and receive individualized support via pull out services which are only provided during "Tree" (Independent work time for upper village) or "Choice time" (Independent work time for lower village). There is no pull out during core academic instruction.</li> <li>At the beginning of each school year the Education Specialist provides each facilitator a summary sheet of IEP accommodations and modification. Each facilitator must sign an IEP contract to verify they have read the IEP and that they are responsible for the IEP goals and modifications and accommodations.</li> <li>Education specialist push into classrooms and meet with facilitators weekly during prep periods. Notes are taken in the meeting and shared with the facilitator.</li> <li>Nea has shown improvement in learning for students with IEPS. Specifically there has been an improvement in ELA CST since 2010. Nea attributes this change to switching from a pull out only model to a push in support model for students in the classroom. This increased the special education teacher's knowledge of classroom practice and allowed for them to do modeling of modifications and accommodations for facilitators.</li> <li>Nea provides after school support for lower village students, by invitation only, to support the implementation of the Read Naturally program which is being used this year as a reading intervention program.</li> <li>Upper village teachers are required to stay until 4 pm daily to provide office hours and must after school support for students.</li> </ul>
1.5	Implements and directs learning experiences (consistent with the school's purpose and charter)	3	<ul style="list-style-type: none"> <li>Nea adheres to participatory governance to empower learners in</li> </ul>

	that actively engage students.		<p>the 6-12 program via the Judicial Committee.</p> <ul style="list-style-type: none"> <li>• Nea provides a rigorous, relevant, accessible education for students enrolled in the K-5 program.</li> <li>• Nea utilizes common core standards-aligned curriculum, instructional materials, resources and textbooks in the K-5 program.</li> <li>• It is recommended that Nea reflect upon the effectiveness of the use of the “Tree” (community room) on student learning in the 6-12 program.</li> <li>• It is recommended that Nea reflect upon the rigor of the seminar classes in the 6-12 program to insure an effective use of instructional time and challenging curriculum and learning experiences for students.</li> </ul>
1.6	Allocates appropriate resources in the way of instructional materials, staffing and facilities to promote high levels of student achievement.	5	<ul style="list-style-type: none"> <li>• Resources are utilized effectively to promote student achievement.</li> <li>• Nea students at both the Lower and Upper Villages (Elementary through High School) have access to laptops, iPods and other technological resources to assist in their learning. The inspection team observed students using laptops during instruction to complete assignments.</li> </ul>
1.7	Promotes academic risk taking by supporting students in a safe, healthy and nurturing environment characterized by trust, caring and professionalism.	5	<ul style="list-style-type: none"> <li>• Nea focuses on project based learning. Students are consistently encouraged to identify a problem in their community and outline a plan and course of action to address the problem. This promotes students to explore their interests and exercise academic risk taking.</li> </ul>
1.8	Productively engages parental and community involvement as a part of the school’s student support system.	5	<ul style="list-style-type: none"> <li>• Nea has an active PTA organization.</li> <li>• Nea welcomes parent involvement in their regular Nea board meetings.</li> </ul>
1.9	Shares its vision among the school community and demonstrates its mission in daily action and practice.	5	<ul style="list-style-type: none"> <li>• The Nea vision of 21<sup>st</sup> century project based learning is demonstrated in its mission and daily actions.</li> </ul>
1.10	Involves staff, students, parents and other stakeholders in its accountability for student learning and in the school’s program evaluation process.	5	<ul style="list-style-type: none"> <li>• Nea engages students and parents in regular surveys on the school’s effectiveness and utilizes the results.</li> <li>• Student surveys are a part of the Nea Facilitator evaluation system. Student feedback is taken seriously.</li> </ul>

## Criteria 2: Strong Leadership

The leaders of a charter school are stewards of the charter’s mission and vision and carry out their duties in a professional, responsible and ethical manner. Charter school leaders use their influence and authority for the primary purpose of achieving student success.

	<b>The criteria for judging the quality of Ethical Leadership.</b>	<b>Rubric Score</b>	<b>Evidence</b>
2.1	Effectively communicates and engages stakeholders in the vision mission of the school.	3	<ul style="list-style-type: none"> <li>• Interviews of teachers in the 6-12 program indicates that teachers desire more opportunities to be involved in planning the implementation of new programs and initiatives.</li> </ul>
2.2	Consistently puts into practice the educational program outlined in its charter.	3	<ul style="list-style-type: none"> <li>• Nea consistently implements the educational program outlined in its charter at the K-5 level.</li> <li>• It is recommended that Nea reflect upon the effectiveness of the use of the “Tree” (community room) on student learning in the 6-12 program.</li> <li>• It is recommended that Nea reflect upon the rigor of the seminar classes in the 6-12 program to insure an effective use of instructional time and challenging curriculum and learning</li> </ul>

			experiences for students.
2.3	Generates and sustains a school culture conducive to staff professional growth.	3	<ul style="list-style-type: none"> <li>• Nea has struggled with staff retention throughout the past 3 years. It is recommended that Nea focus on initiatives and programs that can provide support to newly hired staff so as to retain staff.</li> </ul>
2.4	Actively monitors and evaluates the success of the school's program.	5	<ul style="list-style-type: none"> <li>• Nea consistently reviews student learning data and parent and student survey results and uses the data to evaluate the success of the program and plan future initiatives.</li> </ul>
2.5	Provides regular, public reports on the school's progress towards achieving its goal to the school community and to the school's authorizer.	5	<ul style="list-style-type: none"> <li>• Nea reports on the school progress regularly at both the Nea and CLC Board of Education meetings.</li> </ul>
2.6	Treats all individuals with fairness, dignity and respect.	5	<ul style="list-style-type: none"> <li>• Nea strives to recognize and value the diversity of its staff and students.</li> </ul>
2.7	Has a cogent understanding of the laws that govern charter schools and monitors the trends, issues and potential changes in the environment in which charter schools operate.	5	<ul style="list-style-type: none"> <li>• Nea's parent organization, CLC, regularly monitors charter laws and policies and communicates them to the Nea Lead Facilitator.</li> </ul>
2.8	Makes management decisions and uses his/her influence and authority for the primary purpose of achieving student success.	5	<ul style="list-style-type: none"> <li>• The Nea Lead Facilitator is strongly focused on student success and learning.</li> </ul>
2.9	Abstains from any decision involving a potential or actual conflict of interests.	5	<ul style="list-style-type: none"> <li>• The Nea Lead Facilitator abstains from making any decisions that would be a conflict of interest.</li> </ul>
2.10	Respects diversity and implements practices that are inclusive of all types of learners consistent with the school charter.	5	<ul style="list-style-type: none"> <li>• Nea strives to recognize and value the diversity of its staff and students.</li> </ul>
2.11	Engages community involvement in the school.	5	<ul style="list-style-type: none"> <li>• Nea has an active PTA and involves parents in the school.</li> </ul>

### Criteria 3: A Focus of Continuous Improvement

A charter school engages in a process of continuous self-improvement in order to increase the effectiveness of its educational program. The school regularly assesses and evaluates student learning based on stated goals.

	The criteria for judging the quality of the Continuous Focus on Improvement	Rubric Score	Evidence
3.1	Uses information sources, data collection and data analysis strategies for self-examination and improvement.	5	<ul style="list-style-type: none"> <li>• Nea implements a comprehensive quality assurance process that systematically analyzes and advances the effectiveness of teaching and learning strategies in relationship to student performance results. Teachers implement benchmark assessments and utilize the results to plan further instruction. Teachers review STAR results for incoming students and uses the data to plan instruction for the upcoming school year.</li> </ul>
3.2	Establishes benchmarks and a variety of accountability tools for monitoring student progress and uses the results of these assessments to improve curriculum and instruction.	5	<ul style="list-style-type: none"> <li>• Nea implements Smarter Balanced aligned common core assessments.</li> <li>• Nea implements benchmark assessments six times per school year.</li> </ul>
3.3	Establishes both long and short term goals and plans for accomplishing the school's mission as stated in its charter.	4	<ul style="list-style-type: none"> <li>• Nea is focused on continuous improvement. To that end, Nea adopts new initiatives that are research based and proven to support student learning. Feedback from staff members indicates that they would like to be involved in planning how to implement new initiatives to support student learning.</li> </ul>
3.4	Uses student assessment results to improve curriculum and instruction.	5	<ul style="list-style-type: none"> <li>• Student achievement is measured utilizing meaningful, reliable and valid performance benchmarks.</li> </ul>
3.5	Use the results of evaluation and assessment as the basis for the allocation of resources for programmatic improvement.	5	<ul style="list-style-type: none"> <li>• Nea utilizes it materials, equipment, staff and facilities effectively to optimize student learning.</li> </ul>

#### Criteria 4: Responsible Governance

A charter school board and administration establish and implement policies that are transparent and focused on student achievement. Charter school board members and administrators have a cogent understanding of and comply with the laws that govern charter schools.

	<b>The criteria for judging Responsible Governance.</b>	<b>Rubric Score</b>	<b>Evidence</b>
4.1	Ensure that policies are implemented in a fair and consistent manner.	5	Nea strives to implement all policies in a fair and consistent manner.
4.2	Monitor the trends, issues and potential changes in the environment in which charter schools operate.	5	Nea receives support from its parent organization, CLS who monitors potential changes to charter laws and policies and shares it with the Nea leadership.
4.3	Seek input from impacted stakeholders.	4	Attention to seeking input from the facilitator stakeholder group should be made throughout the 5 years.
4.4	Enact policies that respect diversity and implements practices that are inclusive of all types of learners consistent with the school charter.	5	Nea strives to have a racially and ethnically diverse student body.
4.5	Actively engage the school's authorizer in monitoring the school's educational program and its fiscal status.	5	Nea submits requested reports and data to AUSD (authorizer).

#### Criteria 5: Fiscal Accountability

A charter school fulfills its fiduciary responsibility for public funds and maintains publicly accessible fiscal records. The school conducts an annual financial audit, which is made public.

	<b>The criteria for making judgments on Fiscal Responsibility</b>	<b>Rubric Score</b>	<b>Evidence</b>
5.1	Creates and monitors immediate and long-range financial plans to effectively implement the school's educational program and ensure financial stability.	4	<ul style="list-style-type: none"> <li>Nea's parent organization, Community Learning Center Schools (CLCS) creates financial plans to assist Nea in implementing the educational program.</li> <li>The WASC review team outlined developing a five year financial plan as a critical area for follow up for Nea.</li> </ul>
5.2	Conducts an annual financial audit, which is made public.	5	<ul style="list-style-type: none"> <li>Nea's parent organization, Community Learning Center Schools (CLCS) conducts an annual audit through an outside auditor.</li> </ul>
5.3	Establishes clear fiscal policies to ensure that public funds are used appropriately and wisely.	5	<ul style="list-style-type: none"> <li>Nea has clear fiscal policies that ensure that public funds are used appropriately.</li> </ul>
5.4	Ensures financial resources are directly related to the school's purpose: student achievement of learning goals.	5	<ul style="list-style-type: none"> <li>Nea uses all funds to support student achievement of learning goals.</li> </ul>

## Recommendation

Staff recommends that the Alameda Unified School District's Board of Education approve the petition for the renewal of Nea. The petition satisfies the five legally required categories of Education Code 47605:

1. *The charter school presents a sound educational program for the pupils to be enrolled in the charter school;*
2. *The petitioners are demonstrably likely to successfully implement the program set forth in the petition;*
3. *The petition contains the numbers of signatures required;*
4. *The petition contains an affirmation of each of the conditions described in Education Code 47605 (d);*
5. *The petition contains reasonably comprehensive descriptions of the 16 required charter elements*

The petition satisfies at least one of the following criteria set forth in Education Code 47607:

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

This approval is for the charter program and operation in its entirety as proposed and revised herein. Any subsequent material revision of the provision of this charter may be made only with the approval of the District as charter authorizer (Education Code 47607 (a) (1)). Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code 47605 (Education Code 47607 (a) (2)) and in applicable Board Policy and Administrative Regulations.

The term of this charter will be from July 1, 2014 through June 30, 2019, the term required for a renewal under the California Charter Schools Act (Education Code 47607 (a)(1)). The District will not accept a charter renewal request more than one year prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (Education Code 47607(c)(1)). The Board of Educations' approval of this charter shall incorporate the text revisions, conditions on opening and associated deadlines listed below as a condition of the charter.

The District retains the authority to delay renewal for a period of up to one year, if any of the conditions are not satisfactorily met by the associated deadlines. Not meeting any one of the conditions and associated deadlines set forth in this approval may be grounds for revocation as set forth in the California Charter Schools Act (Education Code 47607 (c)(1)).

Staff recommends that Nea focus on addressing the following during the next five years.

1. Frequently monitor credentials and ensure that all facilitators are compliant with California Commission on Teaching Credentialing requirements.
2. Reflect on the effectiveness of the use of the “Tree” (community room) on student learning in the 6-12 program.
3. Reflect upon the rigor of the seminar classes in the 6-12 program to insure an effective use of instructional time, challenging curriculum and learning experiences for students.