

**Bay Area School of Enterprise
Charter Petition**

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1 Introduction

1.1 California Charter Schools Act

In accordance with California Charter Schools Act, Alternatives in Action, Inc. (hereafter referred to as “AIA”), a 501(c)(3) nonprofit public benefits corporation, petitions the Alameda Unified School District (hereafter referred to as “AUSD”) to grant a charter for the Bay Area School of Enterprise (hereafter referred to as “BASE”).

The Charter Schools Act of 1992 states that:

It is the intent of the Legislature...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:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) 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.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools. Ed. Code §47601(a)-(g).

In considering this petition, AUSD is to be guided by this intent:

In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. 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 by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

*(5) The petition does not contain reasonably comprehensive descriptions of all of the following:
Ed. Code § 47605(b).*

The elements of the charter petition to be reasonably comprehensively described are individually stated and discussed below.

By amendment, the legislature further limited the bases for denial in 2000:

A petition for the establishment of a charter school shall not be denied based on the actual or potential costs of serving individuals with exceptional needs, as that term is defined pursuant to Section 56026. Ed. Code §47605.7(a).

1.2 Youth Charter Redesign Process

A unique feature of BASE is that major components of the original charter petition, submitted in 2001, were developed by a group of high school students. That spirit of youth and adult collaboration is at the core of BASE culture. BASE is founded on the idea that youth can create and implement “Enterprises” that can have a real impact on the world, and BASE itself is a youth created project.

For the past 3 years, a group of youth leaders, in partnership with the adult leadership of BASE, formed a team called “Enterprise: BASE.” This group has taken on the visioning, sustaining, representing, and dissemination of BASE as their Enterprise Project. Enterprise: BASE has co-authored and presented each annual report that has been submitted to AUSD. They have also written substantial portions of this charter petition and accompanying school design after gathering input from BASE youth, staff, and families.

For a more detailed explanation of Enterprise: BASE please see the school site plan attached.

2 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. Ed. Code §47605(b)(5)(A).

2.1 Mission and Principles of the Bay Area School of Enterprise

The mission statement of BASE, developed by the members of the youth charter design team and revised by members of Enterprise: BASE as part of the charter renewal process, is:

We are intelligent and committed youth who are assertive about changing our world. We provide an innovative alternative learning environment that engages and challenges both youth and adults. At the Bay Area School of Enterprise, each youth takes leadership in their education and community to: personalize their learning, know and be known by others, participate in real and dramatic experiences, and be part of committed teams. Our school graduates powerful citizens who know what they think, know what they feel, know what they believe, and know how to take meaningful action in the world. We are ready to take responsibility for the future. Our school is a model of what is possible in education when youth are empowered to take charge of their own learning.

BASE youth fulfill this mission by striving to live by our principles, known as 5 R's:

- **Responsibility:** refers to the expectation that each members will hold themselves and others personally accountable for the achievement of their goals, the success of their projects, and the success of their education. In BASE this responsibility is described in the often repeated idea that “there is no it or they, there is only us.” Success or failure is in each individual or group’s hands, not the responsibility of some other youth or coach.
- **Rigor:** refers to the expectation that youth and adult members of BASE will apply strenuous effort towards the attainment of the personal and community goals embodied in their endeavors at BASE. Learning for each member should be a stretch and goals should always be set beyond the realm of comfortable attainment.
- **Risk:** refers to the real chance of failure or loss as a result of practicing the other “R’s.” It is a firm principle that without risking failure, learners (which include both youth and adults) cannot truly become daring leaders.
- **Real:** refers to the expectation that both the youth and adults of BASE are their authentic selves; and that they commit themselves to genuine work in the community.
- **Relationships:** refers to the primacy of interpersonal exchanges, expectations, accountability, and respect. In order to do great work in the world, we must know and be known by other people.

2.2 Population to Be Served

BASE will be open to all high school-age youth genuinely interested in youth adult collaboration, real and dramatic experience as a central part of their education, and advocacy and leadership on behalf of youth and their communities. Special emphasis will be placed on serving youth who have been unsuccessful or unchallenged in traditional school.

2.3 Educated Person in the 21st Century

An educated person in the 21st Century must be a powerful and effective citizen. The BASE community believes that an effective citizens know what they think, know what they feel, know what they believe, and take meaningful action in the world.

2.4 How Learning Best Occurs

"When students engage in productive activity, their learning becomes part of a social exchange, benefiting other people as well as themselves. Education becomes less egocentric. It also becomes less abstract, as the consequences of students' actions become more immediate. This can provide new motivation for students in American high schools...." Dr. David Stern, University of California, Berkeley

At BASE we believe that learning best occurs when:

- Learning is made relevant to young people's lives through real and dramatic experience
- Youth have influence over their school and education
- Learning experiences are facilitated to promote transfer of learning
- Learning emphasizes depth of thinking over breadth of coverage
- Learning is holistic, encompassing intellectual, emotional, civic, and social development
- Learning is grounded in caring relationships

For a thorough exploration of the educational theory that underpins learning at BASE, please see Section 2.5 below and refer to Appendix E.

2.5 Enterprise Learning

BASE's approach to education, "Enterprise Learning," is a developmental approach that integrates youth development practices, experiential education, constructivism, and in- depth college preparatory learning. Enterprise learning emphasizes project creation and performance as a tool to enhance personal efficacy, reading, writing, public speaking, and the ability to take social action. BASE provides a powerful alternative to a traditional school environment by focusing on small, group-based learning, in which students in project teams work with adult staff, peers and community members to reach real-world outcomes.

Curricula that encompass Enterprise Learning include the following:

- Opportunities for youth choice/personalization
- Enterprises meeting "7 A's" requirements including applying course concepts (See Appendix A)
- Attention to group process and collaborative learning (group forming, deconstruction, reconstruction, high performance, reflection)
- Identified public performances
- Authentic assessments of youth learning including a clear process for developing learning plans and Presentations of Learning (POL)
- Youth ownership and leadership at multiple levels, including social action projects that address issues of importance to the external community
- Rigorous intellectual development that focuses on habits of mind as opposed to merely information retention
- Multiple age and ability level groupings that provide opportunities for cascading leadership and peer coaching

For additional information about BASE's philosophy of Enterprise Learning, please refer to Appendix A.

2.6 Learning Environment of BASE

The learning environment is critical for changing the behaviors of adults and youth at BASE. It is designed to shift attention from the environment as a sense of place - a schoolhouse - to a sense of ever-present learning opportunities. The learning environment for BASE includes the current AIA building at Alameda Point, but also extends to facilities throughout Alameda Point and the surrounding community. Learning takes place at a variety of locations, including:

- AIA grounds which includes a native plants garden.
- National Wildlife Refuge, San Francisco Bay shoreline and other open spaces
- Performing arts and exhibition spaces in the Alameda Point civic core
- Recreational facilities including the soccer fields, gymnasium and skatepark at Alameda Point
- Internships at local businesses in Alameda and Oakland
- Collaborations with local government and non-profit organizations
- Field trips, meetings and conferences
- HOME Sweet HOME Pre-School, a fully licensed pre-school that was founded by youth and is run as a youth adult collaborative

See Section 19.1 below for a further discussion of BASE facilities.

2.7 Transferability of Courses

BASE is accredited by the Western Association of Schools and Colleges (WASC) and maintains an active “A-G” course list for the purposes of eligibility for admissions to the University of California and the California State University systems. BASE will notify parents regarding the eligibility of specific courses to meet the college entrance requirements and BASE will communicate with parents and, at parents’ request, other high schools about the transferability of BASE courses.

3 Measurable Youth Outcomes

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 they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Ed. Code §47605(b)(b)(B).

3.1 Academic Requirements

BASE will meet all statewide standards and conduct the pupil assessments required pursuant to section 60605 and any other statewide standard authorized by statute or pupil assessment applicable to students in non-charter public schools. The core of the BASE program is the Humanities, with a special emphasis on reading, writing, public speaking, social justice, and

social action. BASE has adopted subject-specific outcomes that integrate the state standards, BASE's school wide outcomes, and the requirements of the University of California/California State University A-G requirements.

The regular course of study at BASE exceeds the academic requirements of the UC/CSU A-G system and includes:

- Humanities (English/Language Arts & Social Science): 4 years
- Mathematics: 3 years through completion of Algebra 2
- Laboratory Science: 3 years
- Language other than English: 2 years
- Visual or Performing Arts: 1 year
- College Preparatory Elective: 1 year

Because of the unique, diverse needs of BASE youth, BASE may develop special programs and/or courses of study consistent with the provisions of this Charter. Examples of specialized programs and/or courses of study currently include, but are not limited to:

- After school academic support programs
- Honors Humanities course sequence and seminars
- The "Steppin' Stones" transition to college program
- Peralta College & University of California College Preparation Program (UCCP)

Specialized programs and/or courses of study within the BASE program may have individual application procedures, prerequisites, participation requirements and other criteria (See Appendix A for a description of current special programs and courses of study).

BASE recognizes that youth will need differing amounts of time and levels of support to meet these academic requirements. BASE creates specialized programs to support and challenge each youth to meet or exceed the BASE academic requirements.

Methods to measure achievement of academic learning outcomes are discussed below in section 4.2.

3.2 Youth Development Outcomes

BASE is a youth development model, which means in part that BASE is concerned with the holistic development of our youth. In order to create an environment in which youth can grow into effective citizens, BASE seeks to develop the developmental outcomes listed below in all youth across the program and curriculum. The BASE practices and assessment measures are examples of how BASE endeavors to continuously improve our ability to help young people develop these capacities.

Think! (Intellectual Development)

- Knowledge (standards aligned course outcomes): Youth will demonstrate their content knowledge in a variety of ways.
- Habits of Mind:
 - ⇒ Relevance: Youth will understand the importance of their projects, ideas, and feelings. Youth can answer the question "why does this work matter?"

- ⇒ Connection: Youth will identify the connections between their concepts, thoughts, feelings and actions, constructing their own “big picture” understanding of the world. Youth will understand how their course content has meaning in the real world.
- ⇒ Curiosity: Youth will show an eagerness to learn and comprehend by inquiry and investigation. Youth will express a sense of wonder about the world.
- ⇒ Perspective: Youth will understand multiple perspectives and be able to seek out, critique, defend and value differing points of view.
- ⇒ Evidence: Youth will be able to gather and use data to support and ground their perspective.
- ⇒ Supposition: Youth put forward a point of view based on current understanding of the world. Youth are aware of the assumptions and limitations of their own perspectives.
- ⇒ Meta-cognition: Youth will understand not just what they learn, but how and why they learn. Youth will recognize the growth in their learning abilities over time.

Feel! (Emotional Development)

- Identify Feelings: Youth will be able to identify their emotions and the impact those feelings have on their learning, beliefs and actions.
- Express Feelings: Youth will be able to share their emotions with others.
- Ownership & Responsibility for Feelings: Youth understand and take responsibility for how the expression of their feelings impacts others.
- Empathy: Youth will show consideration and understanding for others feelings. Youth understand how their actions impact others emotionally. Youth will be able to listen to others in order to understand their emotions.
- Self-Esteem: Youth will demonstrate courage in confronting their issues of confidence and pride in themselves.
- Personal Reflection: Youth will dialogue about their feelings in order to better understand themselves.
- Connection to Others: Youth will develop meaningful relationships with a diverse range of people. Youth will be able to identify their role in key relationships.

Believe! (Moral Development)

- Youth will describe and act consistently with a personal sense of right and wrong.
- Empathy: Youth will express understanding and caring for the suffering, inequity, and oppression that affect groups of people in society.
- Difference: Youth will demonstrate a respect for differences between themselves and others.
- Keeping Your Word: Youth will make group agreements and take responsibility for their actions when they break agreements.
- Passion: Youth will demonstrate enthusiasm for a cause or causes outside of themselves.

Take Action! (Social Development)

- Leadership & Collaboration: Youth will take leadership roles and develop as leaders.
- Self-Efficacy: Youth will demonstrate the power and capacity to produce a desired outcome (ask for help, advocate for themselves and others).
- Compassion: Youth will demonstrate empathy and willingness to take action on behalf of others.

- Advocacy: Youth will actively support or defend a cause for the benefit of others.
- Perseverance: Youth will set tough goals and reach them while overcoming obstacles.
- Real and Dramatic Experience: Youth will attempt activities they are not sure they can complete successfully or are afraid to try, risking failure.
- Powerful communication: Youth communicate persuasively through speaking and writing

3.3 Graduation Requirements

Requirements to receive a high school diploma from BASE will include:

- Passing the California High School Exit Exam, consistent with state law
- Satisfactorily completing:
 1. The minimum course requirements for admission into the University of California or California State University (A-G requirements); or
 2. The requirements of an Associates Degree program through a community college and meeting all state academic graduation requirements with the approval of BASE Director; or
 3. An alternative course of study, based on specific future goals, and meeting all state academic graduation requirements with the approval of BASE Director.
- Satisfactorily completing a senior project requiring a minimum of 100 hours
- Passing a portfolio review and oral examination by a panel of judges to demonstrate achievement of identified learning outcomes

4 Methods to Assess Progress Toward Learning Outcomes

The method by which pupil progress in meeting those pupil outcomes is to be measured. Ed. Code §47605(b)(5)(C).

BASE is a continuously improving school and assessment methods will evolve as the school develops. Some of the assessment methods now include:

- Standardized test score results including California STAR tests and the California High School Exit Exam
- Showcase portfolio pieces
- Tests and quizzes
- Written assignments
- Oral assignments
- In class participation

4.1 Mandatory State Testing

As required by Education Code §47605(c)(1), BASE will “conduct the pupil assessments required pursuant to [Education Code] Section 60605”, including the California Standards Tests and the California High School Exit Exam. Data from standardized tests will be used to inform instruction, develop learning plans, and identify youth in need of additional support.

4.2 Assessing Academic Requirements

Progress of youth at BASE towards academic requirements will be assessed and reported at regular intervals. Students will be assessed in each of the core academic areas by a combination of ongoing, authentic assessments, traditional assessments, and standardized tests. Common benchmarks and rubrics are used in emphasized areas of instruction.

Additional measures used to assess student achievement include:

- Attendance records
- Reviewed work products
- Written reports
- Enterprise performances
- Ongoing adult evaluation of student work

Youth and their parents will receive regular communication on academic progress, including some or all of the following:

- Written progress reports and/or report cards
- Youth-led conferences with parents
- Public performances
- Public exhibitions
- Portfolio presentations

4.3 Assessing Youth Development Outcomes

A variety of methods are used to assess youth progress in addition to standardized test scores and the assessments listed above. BASE uses common rubrics for assessment of learning plans, portfolios, presentations of learning, writing, public speaking, debate, leadership, collaborative work, enterprise projects, social analysis, and effective participation.

For a more detailed description of how BASE assesses youth development outcomes, please see Appendix A.

4.4 Assessing Graduation Requirements

Graduation requirements will be assessed using a variety of measures, selected to be appropriate for the subject matter and student:

- California High School Exit Exam standardized test results consistent with state law
- Satisfactory completion of course requirements as described in section 3.3 above based on transcript evaluation
- Senior projects based on coach evaluation including minimum school wide requirements
- Senior Presentation of Learning- An oral defense of each senior's portfolio evaluated based on a specially designed rubric

4.5 Assessing Overall School Performance

To evaluate overall school performance, AIA will compile and analyze the data from individual student assessments. In addition, AIA will collect and publish information on some or all of the following measures, as appropriate:

- Attendance rate
- Graduation rate (the percentage of youth who ultimately meet the graduation requirements without respect to the length of their enrollment in BASE)
- Drop out rate (the percentage of youth who leave BASE and do not enroll in other programs that lead to a high school diploma)
- Advanced Placement test scores
- Community college and UCCP grades
- SAT scores
- College admissions
- Student and parent satisfaction

5 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. Ed. Code §47605(b)(5)(D).

BASE is an independent charter governed by the AIA Board of Directors with delegation of authority to on-site adult staff and stakeholder governance groups, as discussed below. AIA complies with all applicable federal, state and local laws. It will retain its own legal counsel when necessary. It will purchase and maintain as necessary general liability, property, workers' compensation and unemployment insurance policies.

5.1 AIA Board of Directors

AIA is governed by the Board of Directors in accordance with California's Charter School Act and the Nonprofit Public Benefit Corporation Law. A designated committee of the AIA Board of Directors will serve as the governing board for the BASE (to be known as the BASE Governing Board Committee) and it will be governed pursuant to this charter and the bylaws adopted by the AIA incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws. (See Appendix A). The Committee shall also be governed by applicable provisions of California law, including the Brown Act (Gov. Code Sections 54950 *et seq.*) and Public Records Act (Gov. Code Sections 6250 *et seq.*). (The AIA Board of Directors consists of a maximum of 21 regular members. AUSD can be represented on the AIA Board of Directors for purposes of BASE governance and oversight, by one non-voting member, to be selected by the AUSD Board of Education. The BASE Governing Committee will include a minimum of five (5) adult members of the AIA Board, to be chosen annually, and including the AUSD representative as a non-voting member. The BASE Governing Board Committee will include a maximum of two BASE youth and one BASE staff member chosen by their respective stakeholder groups. All members of the

BASE governing board will comply with conflict of interest rules in AIA's bylaws and other applicable AIA policies.

The BASE Governing Board Committee is responsible for establishing policies affecting BASE, including policies related to personnel and financial management, and for on-going oversight of school operations. The BASE Governing Board Committee, pursuant to AIA Board resolution, also has exclusive final decision-making authority for all staff hiring, discipline and discharge; student expulsions, student disenrollment; preliminary approval of the annual BASE budget; and all financial commitments between \$5,000 and \$25,000 outside the approved budget. The BASE Governing Board Committee also participates in dispute resolutions, consistent with section 15 below.

Some decisions of the BASE Governing Board Committee are subject to review and approval by the whole AIA Board of Directors. These include: hiring, dismissal or discipline of the BASE Director; final approval of the BASE budget; and financial commitments in excess of \$25,000 outside the approved budget.

5.2 Delegation of Operational Authority

To ensure the safe and efficient operation of BASE, daily operational authority will be delegated by the BASE Governing Board Committee to selected adult staff working as a joint management team (see 5.4). When circumstances dictate, a designated member of the joint management team will have authority to by-pass the democratic governance structures described below as long as they act in the best interests of the school and within the authority delegated to staff by the BASE Governing Board Committee.

5.3 Democratic Principles in Action

BASE will operate generally using the principle that stakeholders or their representatives should have input on decisions that affect them. Three primary groups of stakeholders will have a voice in decision-making: youth, staff, and families. In addition, a peer discipline group will address violations of the behavioral rules necessary to ensure the health and safety of the community. Minor decisions of the governance bodies may be made by majority rule, but usually by consensus. The "gradients of agreement" method may be used to assist in reaching consensus. Gradients of agreement allows everyone to have a voice, produces a visible record of everyone's vote, permits changes in the decision-making process, and creates an agreement that all stakeholders can support.

Described below are the governance bodies in place during the 2005-2006 school year. However, the precise configuration is likely to change over time, both in response to changing conditions as BASE continues to grow and evolve, and as new groups of youth make their mark on the organization. Proposed changes that delegate any of the key responsibilities of the BASE Governing Board Committee, described above, to other governance bodies will be considered material revisions to the charter and will require the consent of the AUSD Board of Education (see 17.2, below).

5.4 Joint Management by Staff

Selected BASE and AIA staff members will function as a Joint Management Team (JMT) to make decisions related to school programs and operations as delegated by the BASE Governing Board Committee. The Joint Management Team will also prepare recommendations to the BASE Governing Board Committee on staffing, budget and school policies.

5.5 Youth Leadership

A youth leadership team, representative of all youth stakeholders, will communicate regularly with and advise the joint management team on all appropriate aspects of school operations. Youth leadership will also be responsible for engaging all members of BASE community to advance the school's educational goals and address issues of concern.

The Youth Leadership Team will enact school policies, including a policy defining the roles, procedures, and authority of governance structures below the level of the Joint Management Team. Youth Leadership Team policies take affect upon approval of the Joint Management Team and after notice to all members of the community. The Youth Leadership Team may appeal decisions of the Joint Management Team to the BASE Governing Board Committee.

5.6 Family Involvement

Charter schools shall on a regular basis consult with their parents and teachers regarding the school's educational programs. Ed. Code §47605(c)(2).

BASE families will be involved in the school's educational program and operations. Periodic community meetings will be held to outline planned goals and projects, highlight opportunities for involvement, and to sign up for working committees. Family members will have opportunities to judge student work through exhibitions and participation on panels, evaluate the school and staff, volunteer at BASE site and BASE events, fundraise, and advocate for the interests of BASE in public forums. With respect to their own students, BASE parents will receive periodic progress reports, participate in student led conferences, and receive other information regarding the school program, as described in 4.2, 4.3 and 4.4 above.

5.7 Working Groups / Project Teams

Groups of staff, youth, parents and community volunteers will be formed as needed to undertake specific tasks or projects for the benefit of BASE. These groups may include, but are not limited to, committees on facilities, operations management, evaluation and assessment, and recruitment. The working groups will coordinate with the joint management team, and youth leadership.

5.8 Peer Discipline

BASE will employ a democratic peer judicial process to respond to inappropriate behavior by students or issues of concern in the community. The structure, procedures, and specific role of the Peer Discipline Committee will be determined by the Youth Leadership Group and approved by the Joint Management Team (as defined in section 5.5 above, please also see the Appendix A). These will include appropriate due process protections. BASE's peer judicial process will be initiated by reporting behaviors or incidents that violate the community's rules and or expectations. The Peer Discipline Committee may recommend to the Director that a youth be referred for expulsion or disenrollment pursuant to procedures described in Section 11.

Behavior that presents an immediate threat to the safety of school staff, youth or others will be addressed by on-site staff, acting within their delegated authority to eliminate the threat by taking whatever steps may be necessary and appropriate, including removing the student from the site and/or requesting assistance from local law enforcement.

Other behaviors or incidents outlined in Section 11 below will be dealt with by the Director, designated staff and or the Disciplinary Subcommittee of the BASE Governing Board Committee using the discipline process as outlined in that section.

6 Employee Qualifications

The qualifications to be met by individuals to be employed by the school. Ed. Code §47605(b)(5)(E).

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 the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses. Ed. Code §47605(l).

6.1 Core Academic and College Preparatory Instruction

Consistent with its enterprise learning methodology BASE will employ highly qualified teachers holding appropriate Commission on Teacher Credentialing credentials and meeting the requirements of state law and California Department of Education guidelines for overseeing design of academic elements of enterprise learning, supervising assessments and conducting direct student instruction in the following core academic / college preparatory areas: integrated humanities (English and language arts, social studies, history), mathematics; and laboratory science. BASE reserves the right to evaluate the expertise of each staff member and accordingly assign each person to student groups, curriculum, subjects, enterprises, coaching or mentoring assignments, consistent with BASE policy, as it deems in the best interests of the students.

6.2 Other Qualifications for BASE Employees

All BASE employees will meet specific qualifications for employment as outlined in job descriptions. In addition, BASE employees will be evaluated for their ability to work effectively with youth. Skills and personal qualities identified by youth that facilitate learning relationships include real-world experience, flexibility, resilience, empathy, confidence in themselves and others, and listening and speaking skills.

7 Health and Safety Procedures

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 criminal record summary as described in Section 44237. Ed. Code §47605(b)(5)(F).

7.1 Criminal Records Screening

BASE will comply with the provision of Education Code §44237: Fingerprints and Criminal Records Summary. Each employee having contact with minor students will submit two sets of fingerprints to the Department of Justice for the purpose of obtaining a criminal record summary. This requirement will be a condition of employment.

7.2 Immunizations

All students and staff will be required to show proof of necessary immunizations including TB screening, unless waived as permitted by law. Records of staff and student immunizations will be maintained.

7.3 Safety Plan

AIA maintains a comprehensive safety plan specific to BASE site and planned activities. The plan addresses potential emergency situations, including but not limited to earthquakes, fire, floods, loss of power and violent incidents, both at the site and at likely off-site locations where BASE activities may regularly take place. Provisions for periodic emergency drills and annual review of the plans are included.

7.4 Disruptive Behavior

Behavior that disrupts the sense of physical or emotional safety will be dealt with by on-site staff, the peer disciplinary process, or through the suspension, expulsion, and disenrollment procedures as defined in BASE policy and section 11 below.

8 Means to Achieve Racial/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. Ed. Code §47605(b)(5)(G).

8.1 Seeking a Diverse Student Population

BASE will strive to ensure that its student population will be reflective of the population of our surrounding communities. BASE is mindful of the tendency of “schools of choice” to attract students from more affluent households in which parents have higher educational levels. To counteract this tendency, BASE will engage in a variety of means and strategies to try to achieve a socio-economically, racially, and ethnically diverse student population.

8.2 Recruitment

The primary method for achieving a diverse student population will be to recruit intensively from areas in the proximity of the school, particularly Alameda and Oakland. Outreach efforts may include school district open enrollment activities, community meetings, contact with neighborhood groups, and direct personal recruiting. Brochures and other written materials, in various languages as needed, will be distributed. Because the student admissions will be done by random drawing (see 9 below), those admitted should reflect the pool of applicants obtained through this recruitment effort.

9 Admission Requirements

Admission requirements, if applicable. Ed. Code §47605(b)(5)(H).

Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand. Ed. Code §47605(d)(1) et seq.

9.1 Non-discrimination

In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Ed. Code §47605(d)(1).

BASE will be nonsectarian in its programs, admission policies, employment practices, and all other operations. No tuition will be charged to attend BASE. No student will be discriminated against on the basis of ethnicity, national origin, gender, disability or sexual orientation. Admission to BASE will not be determined by place of student residence, but priorities will apply as described in 9, below.

BASE will not enroll any student who is not a resident of the State of California nor will BASE enroll any student over the age of 19 unless he or she has been continuously enrolled in public school and has been making satisfactory progress towards award of a high school diploma. BASE will have discretion to deny enrollment to any student who has been expelled from another charter school or non-charter public school of any district, including Alameda Unified.

9.2 Application, Orientation and Interview

As part of the application process, all parents/guardians and students are required to attend an orientation meeting, complete an application, provide a transcript from their most recent school, indicate that they understand and are committed to the outcomes, philosophy, program and expectations of BASE. As part of their application, students must also explain why they are interested in attending BASE. Interviews will be conducted after admission and prior to completing the enrollment process to ensure that students and parents are making an informed decision to enroll at BASE. The application period for the following academic year begins January 1st. The Joint Management Team will set the application period, which will not be less than ten (10) weeks, and will give reasonable notice to potential applicant families.

9.3 Priority Admissions

To promote the goals of BASE program, priority admissions will be given to students who fall within the categories described below, in the order stated below. A student's priority will be determined on the date of the scheduled enrollment lottery.

9.3.1 Current Students

Students enrolled in BASE at the time of the scheduled enrollment lottery will be given first priority for enrollment in the coming year.

9.3.2 Sibling Priority

In order to foster strong connections between BASE and the families it serves, second priority in admissions will be given to siblings of current BASE students and BASE graduates.

9.3.3 HOME/BASE Participant Priority

Students who received credit for a BASE course through concurrent enrollment, either through HOME Project, their previous school, or another organization; and students who have successfully completed a HOME Project program in the fall or summer semester preceding their application, will be given third priority in BASE admissions.

9.3.4 Alameda Priority

Fourth priority will be given to students residing within the jurisdiction of Alameda Unified School District, where BASE is located.

9.3.5 Other Applicants

Fifth priority will be given to all other applicants.

9.3.6 Late Applicants

Sixth priority will be given to applicants who apply after the application period ends, in the order their applications are received.

9.4 Random Draw Procedure

At the end of the application period, students will be admitted for the available spaces in each humanities level, based on priority and a public random drawing. Families will be informed of the date, time and location of the random drawing. Spaces will be assigned by each priority category in rank order. If there are more priority applicants in a category than there are remaining spaces, a public random drawing will be held from among those priority applicants to fill the available spaces. All applicants who are not admitted will be placed on a waiting list, by humanities level, ranked by their priority level and random draw number. Students will be admitted from the waiting list, as spaces become available. Spaces of students who are admitted, but do not complete the enrollment process, including interview, within one (2) months of the random lottery, will be released to the waiting list.

Spaces that become available between the close the application period and the start of the following academic year will be assigned in order of the waitlist. Admission of students from the waiting list during the academic year will be at the discretion of BASE.

9.5 Entry Assessments

Admission tests will not be required; however, assessments and transcript evaluations may be administered to determine individual instructional needs once students are admitted. Youth humanities level assignment and projected year of graduation may be adjusted upon these assessments and reviews according to the BASE youth outcomes and graduation requirements at any time.

10 Financial and Performance Audit

The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Ed. Code §47605(b)(5)(I).

10.1 Supervisory Oversight

AUSD shall have responsibility for supervisory oversight tasks and duties specified and/or necessary for the implementation of this charter, including but not limited to: the revocation and renewal processes, monitoring performance and compliance, review of annual school performance, participation in dispute resolution, and representation on the governing board. BASE and AUSD will jointly develop the content, evaluation criteria, timelines and process for annual performance reports.

AUSD shall be compensated for its actual costs for such oversight, but not more than 1% of the average daily attendance funds of the school provided pursuant to the terms of the Charter Schools Act.

10.2 Funding Method

AIA will receive funding for BASE pursuant to Education Code Section 47613.5 and its successors and will elect on an annual basis whether to receive its funding locally or directly from the state. Any funds due to BASE that flow through AUSD shall be forwarded to AIA in a timely fashion. AIA may separately purchase administrative or other goods or services from AUSD or other vendors. The scope of any services to be provided and the fees to be charged by AUSD will be addressed in an operating agreement between AIA and AUSD.

10.3 Annual Fiscal Audit

A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the State Department of Education by December 15 of each year. This subdivision shall not apply if the audit of the

charter school is encompassed in the audit of the chartering entity pursuant to Section 41020. Ed. Code Section 47605(m).

An annual fiscal audit will be conducted of BASE, the requirements and timing of which will be determined in consultation with AUSD's Superintendent or his/her designated representative. The annual audit will be completed by December 15th of each year and a copy of the auditors findings will be forwarded to AUSD, the California Controller, and the County Superintendent of Schools. The auditor will be hired by AIA and may be contracted to perform the audit of BASE in conjunction with the audit of some or all other AIA activities, at the discretion of AIA. The AIA Board of Directors will resolve audit exceptions and deficiencies. The audit, and a report on the manner in which exceptions and deficiencies are resolved, will be provided to AUSD for review. Audit exceptions and deficiencies shall be resolved to the satisfaction of AUSD.

10.4 Access to Records

AIA shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from AUSD, the Alameda County Office of Education ("ACOE") or the State Superintendent of Public Instruction and shall consult with AUSD, ACOE or the State Superintendent of Public Instruction regarding any such inquiries.

10.5 Financial Liability

AUSD will not be liable for the debts or obligations of BASE. AIA assumes these responsibilities.

11 Suspension, Expulsion, and Disenrollment

The procedures by which pupils can be suspended or expelled. Ed. Code §47605(b)(5)(J).

The BASE Governing Board Committee has adopted and will update as needed an Expulsion and Disenrollment Policy that is consistent with this Charter. The Charter and Policy address standards for behavior of youth and the procedures for imposing consequences for violating those standards, including action that may be taken by staff, peer discipline, and the BASE Governing Board Committee or its Disciplinary Subcommittee. Student acts within the jurisdiction of BASE's discipline policy include acts that take place: on school grounds; while going to and from school; during lunch or breaks (either on or off school grounds); or during, going to or coming from a school-sponsored activity. In addition, BASE shall exercise jurisdiction over other student behavior that is either intended or reasonably likely to interfere with the operation of the school or disrupt school activities. A copy of the BASE Expulsion and Disenrollment Policy will be provided annually to all BASE families.

11.1 Suspension

Youth may be suspended from BASE by the BASE Director or a designated staff person for up to ten school days pending resolution of the issue or referral to the Disciplinary Subcommittee of the BASE Governing Board Committee for a hearing. Suspensions may be extended beyond ten days by the Disciplinary Subcommittee of BASE Governing Board following a hearing (see section 11.4 below). On or before the fifth (5th) full school day of suspension, youth or their family will receive oral or written notification of the status of their suspension.

Conditions that may result in a suspension include but are not be limited to:

- Reasonable suspicion of commission of the acts outlined in section 11.2, pending an investigation and/or a Disciplinary Subcommittee of BASE Governing Board Committee hearing
- Behavior that disrupts the physical and emotional safety of students or staff of BASE
- Behavior that disrupts the learning environment of BASE
- Willful or habitual violation of school policy
- Reasonable concern that a youth's presence in school will interfere with successful and safe conclusion of a disciplinary investigation
- Apparent failure to meet the terms of an academic or behavioral probation

11.2 Actions That May Result in Expulsion

It is recognized that some behaviors present such a serious risk to the health and safety of the community that they constitute grounds for expulsion from the school. Acts that will be immediately referred to the Disciplinary Subcommittee of the BASE Governing Board Committee by the BASE Director for consideration of expulsion without prior proceedings will include:

- Possession of any firearm or other dangerous objects including knives or explosives;
- Possession, use or sale of any controlled substance, alcoholic beverage or other intoxicant, or drug paraphernalia; or
- Committing or attempting to commit a sexual assault.

Other acts for which students may be referred to the Disciplinary Subcommittee of the BASE Governing Board Committee for consideration of expulsion by the BASE Director, a designated staff member, or following proceedings of any authorized staff or peer panel will include but are not be limited to:

- Causing, attempting to cause, inciting, or threatening physical injury to another person;
- Intentionally causing, attempting to cause, inciting, or threatening serious emotional injury to another persons;
- Committing or attempting to commit robbery or extortion;
- Causing or attempting to cause damage to school or personal property;
- Stealing or attempting to steal school or personal property;
- Knowingly receiving stolen school or personal property;
- Committing an obscene act or engaging in habitual profanity or vulgarity;
- Engaging in sexual harassment;

- Disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel;
- Offering, arranging, or negotiating to sell or to provide any controlled substance, alcoholic beverage or other intoxicant, or drug paraphernalia;
- Interfering with a school disciplinary proceeding by harassing, threatening, or intimidating a student who is a witness in the investigation, or lying in the course of the proceeding;
- Possessing an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm;
- Making a terrorist threat against school officials, school students, and/or school property;
- Violating of the terms of a suspended expulsion or behavioral probation;
- Committing a hate crime defined as any violation of school rules that has a victim who was singled out on the basis of race, ethnicity, gender, religion, disability, or sexual orientation.

11.3 Disenrollment

BASE is a public school of choice with unique graduation requirements and school expectations. No student is forced to attend BASE and BASE does not presume to be the best educational option for all students. Students may be disenrolled from BASE if they are demonstrably unlikely to succeed in the BASE learning environment. Youth may be referred to the Disciplinary Subcommittee of BASE Governing Board Committee by the Director for consideration of disenrollment. The peer disciplinary group (as described in section 5.8) and or an authorized staff panel may make recommendations to the Director regarding disenrollment referrals. Referrals for disenrollment will only be made upon violation of the terms of a disciplinary or academic probation and consistent with the BASE Expulsion and Disenrollment Policy.

11.4 Governing Board Due Process

Action to extend a suspension beyond ten days, expel, or disenroll a student may only be taken by the Disciplinary Subcommittee of BASE Governing Board, after providing the student and his/her parents or guardians with reasonable notice, an opportunity to be heard and to have legal counsel or other representative/s present, consistent with the Expulsion and Disenrollment Policy. Findings and decisions of the governing board will be in writing, as will be any recommendation for expulsion or disenrollment made by the BASE Director or designated staff person. Decisions of the Disciplinary Subcommittee can be appealed to the full BASE Governing Board Committee. The decision of the BASE Governing Board Committee is final.

11.5 Additional Procedures for Expulsion of Students with Disabilities

A BASE student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the federal Rehabilitation Act of 1973 is subject to the same grounds for expulsion that apply to non-disabled students. The Board's

criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities just as they are applied to non-disabled students. As provided in BASE policy, all applicable procedural safeguards set forth in federal and state laws and established by BASE shall be observed in considering the expulsion or suspension of students with disabilities.

12. Retirement System

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

(a) If a charter school chooses to make the State Teacher's Retirement Plan available, all employees of the charter school who perform creditable service shall be entitled to have that service covered under the plan's Defined Benefit Program or Cash Balance Benefit Program, and all provisions of Part 13 (commencing with Section 22000) and Part 14 (commencing with Section 26000) shall apply in the same manner as the provisions apply to other public schools in the school district that granted the charter.

(b) (1) If a charter school offers its employees coverage by the State Teachers' Retirement System or the Public Employees' Retirement System, or both, the charter school shall inform all applicants for positions within that charter school of the retirement system options for employees of the charter school.

(2) The information shall specifically include whether the charter school makes available to employees coverage under the State Teachers' Retirement System, the Public Employees' Retirement System, or both systems, and that accepting employment in the charter school may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the charter of the charter school. Ed. Code §47611.

Employees of AIA who qualify for membership in the State Teachers' Retirement System ("STRS") may choose, through a democratic process, to be covered under that system. If qualifying employees so choose, they will contribute at the rate established by STRS. All employees who are not members of STRS must contribute to the federal social security system. AIA will inform prospective employees of the retirement system options for employees of the charter school, as required by Education Code Section 47611.

AIA will make all employer contributions as required by STRS or federal social security. AIA will also make contributions for workers' compensation insurance, unemployment insurance and any other payroll obligations of an employer.

13. Attendance Alternatives

The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Ed. Code §47605(b)(5)(L).

Students who choose not to attend BASE may attend other district schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

14. Description of Employee Rights

A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Ed. Code §47605(b)(5)(M).

It is the goal of AIA to work collaboratively with AUSD and its employee organizations regarding “return rights” of current district employees who become employees of AIA. It is the goal of AIA that AUSD employees retain rights to return to AUSD consistent with the “Leave of Absence” provisions or other relevant terms of applicable collective bargaining agreements.

15. AUSD Oversight & Dispute Resolution Procedures

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

15.1 AUSD Oversight

AUSD may inspect or observe any part of the school at any time, but shall provide reasonable notice to the BASE Director prior to any observation or inspection unless such notice would prevent the performance of reasonable oversight functions. AUSD shall endeavor to provide such notice at least three working days prior to the inspection or observation unless the BASE Director, Joint Management Team, or BASE Governing Board Committee agree otherwise. Inspection, observation, monitoring, and oversight activities may not be assigned or subcontracted to a third party by AUSD without the mutual consent of the BASE Governing Board Committee.

AIA will submit financial reports to AUSD and the county superintendent of schools in accordance with the timelines stated in charter school law (Ed Code Section 47604.33(a)). AIA will submit quarterly fiscal reports in accordance with the timelines stated in charter school law. BASE and AUSD will jointly develop a timeline of other required ongoing monitoring documents, including deadlines of when the documents will be submitted, when reviewed, when feedback will be given to BASE, and by when corrective action will occur. BASE will be given reasonable time to take appropriate corrective action, unless the alleged violation presents an immediate threat to health or safety.

15.2 Resolution of Disputes – AUSD and AIA

AIA is committed to working with AUSD in a continuing partnership for the benefit of BASE youth. Disputes relating to compliance with or interpretation of the charter will be referred initially to the BASE Governing Board Committee, the membership of which

includes an AUSD representative. Disputes arising from the operating agreement or school activities will initially be addressed at the most appropriate governance level nearest the source of the problem and referred to the BASE Governing Board Committee if negotiations at the initial level are unsuccessful. Resolution of disputes between AUSD and AIA or the school's management will be by consensus, with all parties' interests being addressed. If these dispute resolution efforts are unsuccessful, the District and AIA will appoint representatives to work with a mutually-selected neutral mediator, with the costs to be shared. Should mediated dispute resolution fail, the parties will have recourse to whatever legal remedies may be available.

15.3 Resolution of Disputes – Other

When the operations of BASE give rise to disputes or complaints other than between AIA and AUSD, BASE will seek a mutually-satisfactory resolution, employing a process that includes: defining the problem, identifying interests, gathering facts and evaluation options for resolution. Complaints will be addressed first at the source of the problem and referred to the appropriate level of school management. Disputes that cannot be resolved informally will be addressed as provided by BASE's adopted complaint policy, which will be consistent with California's Uniform Complaint Procedure (California Code of Regulations, Title 5, Sections 4600 – 4671). Through this procedure, disputes that cannot be resolved initially may be referred to the BASE Governing Board Committee.

The role of the District in resolution of complaints received by it about BASE will be addressed in an operating agreement between AIA and AUSD.

16. Exclusive Public School Employer Declaration

A declaration whether or not the charter school shall be deemed the exclusive public school employers of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 4 of Title I of the Government Code. Ed. Code §47605(b)(5)(O).

AIA is deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

17. Charter-Related Issues

A charter may be granted pursuant to Sections 47605... for a period not to exceed five years. A Charter granted by a school district governing board...may be granted on or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. Ed. Code §47607(a)(1).

17.1. Term of the Charter

The second BASE charter term will begin upon conclusion of the current charter term and will extend through the end of BASE's 2010-2011 academic calendar.

17.2. Material Revision of the Charter

AIA may present a petition to materially revise the charter at any time, which petition will be acted upon by the AUSD Board of Education within 60 days of receipt, unless otherwise agreed by AIA and AUSD. A petition to materially revise the charter will include a clear statement of the language to be added, deleted or modified and the reasons for the amendment. Revisions of the charter considered to be material include changes in the ages and/or grades to be served, relocation of the school, and delegation of additional decision-making authority away from the AIA Board of Directors. Approval of material revisions of the charter shall not be unreasonably withheld by AUSD.

Changes to the Charter that are deemed to be nonmaterial will be made by BASE Governing Board Committee, as authorized by the AIA Board of Directors. AUSD will be informed in writing through its representative to the BASE Governing Board Committee regarding any such changes.

17.3. Revocation

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following: (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter. (2) Failed to meet or pursue any of the pupil outcomes identified in the charter. (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement. (4) Violated any provision of law. Ed. Code §47607(b)(1)(4).

Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to cure the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Ed. Code §47607(c).

AIA and AUSD agree to act in good faith to communicate any violation that may result in the revocation of the charter and to provide a reasonable opportunity to cure such a violation. Before instituting any proceeding for revocation of the charter, AUSD agrees to engage in the dispute resolution process described in section 15 of this charter, unless the alleged violation constitutes a severe and imminent threat to the health or safety of the students or staff. Any proceeding for revocation will conform to then-applicable laws and procedures, including requirements of administrative due process.

17.4. Renewal

(a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education or the State Board of Education, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) Renewals and material revisions of charters shall be governed by the standards and criteria in Section 47605.

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is 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):... Ed. Code Section 47607

AIA will be governed by Sections 47607, 47605 and other applicable provisions of California law in seeking renewal of the charter for BASE. Specific procedures for charter for renewal may be addressed in AUSD policy and/or the operating agreement between AIA and AUSD. In addition to the requirements in charter school law, AUSD will consider BASE's value in providing an alternative educational program for students who had been previously unsuccessful or unchallenged in school. AUSD will not fail to renew the charter for lack of consideration.

17.5 School Closure

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

BASE is operated by Alternatives in Action, Inc. As such, its assets and liabilities will be integrated into those of the corporation. In the event that BASE closes, the school's assets and liabilities will remain those of the Alternatives in Action, Inc and will be audited as part of the audit specified above in Section 10. Resources utilized by BASE but to which neither BASE nor AIA hold title at the time of closure will be disposed of consistent with agreements providing for their use, including, but not limited to, return of the property to the owner. Public or private funds received through grants, but not fully expended at the time of closure, shall be disposed of in accordance with the terms of the grant agreements or applicable law.

Upon matriculation, at the end of each school semester or term, and upon graduation, parents or guardians of students are provided with a printed or electronic record of their student's academic progress at BASE, along with other relevant information. Thus, in the event of school closure, parents and students will possess an independent copy of potentially

necessary student records. The BASE governing board may also provide for the transfer of such records to a responsible and willing school district, county office of education, or other qualified entity, if available at the time the school closes. School resources allowing, former BASE staff or other AIA personnel may be retained for a designated period after school closure to ensure that student records are transferred to families and/or appropriate agencies. In the event that no such willing repository is available, the records shall be disposed of or destroyed in a fashion that will ensure confidentiality of the records.

17.6 Severability

The terms of this charter contract are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by Alameda Unified School District and BASE Governing Board Committee. The district and school agree to meet to discuss and resolve any issues or differences relating to invalidating provisions in a timely, good faith fashion.

18. Special Education

Notwithstanding Section 47651, all state and federal funding for special education apportioned on behalf of pupils enrolled in a charter school shall be included in the allocation plan adopted pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both, by the special education local plan area that includes the charter school. Ed. Code §47642.

AIA pledges to work in cooperation with AUSD and all local education agencies (“LEAs”) to ensure that students with exceptional needs are served. Services and outreach will be conducted in accord with applicable laws to ensure that appropriate services are provided for exceptional needs students in compliance with the California Master Plan for Special Education and any applicable federal law. These cooperative arrangements may include, but are not limited to, the following:

- Open communications among the AIA, BASE, the school district of residence and the SELPA to ensure that students with exceptional needs are identified and that their needs are evaluated and served in compliance with any and all applicable laws;
- Delivery of special education services either at BASE site or sites maintained by a school district, county office, SELPA, or other appropriate provider. These arrangements may need to be developed on a case-by-case basis and reviewed and modified on a regular basis and in coordination with applicable laws and individual education plans; and
- Equitable sharing of revenues and costs associated with maintaining and operating services for students with exceptional needs.

These arrangements will be included in an operating agreement between AIA and AUSD.

19. District Impact Report

The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential

effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. Ed. Code §47605(g).

19.1. Facilities

The renewal of the charter for BASE will have minimal initial impact on AUSD facilities, as it is the intent of AIA to continue to use its current facilities for at least the first four (4) years of the renewed charter. These facilities include the premises at 2750 Todd Street in Alameda, for which AIA holds a lease until June 2010, plus three (3) surplus relocatable classrooms provided by AUSD under the terms of the operating agreement. These facilities are adequate to house the expected maximum enrollment of BASE. Under the terms of the lease, AUSD currently has no financial responsibility for the building.

The planned redevelopment of Alameda Point raises some uncertainty about AIA's ability to renew its current lease after 2010. AIA will work cooperatively with AUSD to assess the impact of redevelopment on BASE's facilities.

19.2. Administrative Services

AUSD may charge AIA its actual costs for supervisory oversight, not to exceed 1% of the charter school's revenue. Ed. Code §47613. Based on the experience of the first four (4) years of BASE's operation and the terms of the most recent operating agreement, this payment should be sufficient to cover actual costs for any revocation and renewal processes, monitoring performance and compliance, review of annual school performance, participation in dispute resolution and AUSD's representation on the governing board during the next charter term.

In addition, AIA may seek to purchase services from AUSD, beyond the 1% fee for supervision, as allowed by Ed. Code §47613 (d) ("This section shall not prevent the charter school from separately purchasing administrative or other services from the chartering agency or any other source"). AIA expects to pay for any such services at AUSD's cost, so there will be no substantial financial impact on AUSD. The scope of any services to be provided and the fees to be charged will be addressed in an operating agreement between AIA and AUSD.

19.3. Potential Civil Liability Effects

An authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605. Ed. Code §47604(c).

AIA is a nonprofit public benefit corporation, thereby protecting AUSD from potential liability for acts of the charter school. The charter petition includes procedures to facilitate AUSD oversight. Additional oversight provisions and measures to reduce the risk of liability claims will be included in the annual operating agreement between AIA and AUSD.

19.4. Financial Impact on AUSD

AIA is not requesting any funding from AUSD for BASE beyond that provided by law, nor does it expect any services to be provided by AUSD to BASE without fair compensation. Changes in state funding formulas for charter schools (most recently, SB 319) over the term of the first BASE charter have sought to eliminate any inequity in funding that would have caused a net negative impact on chartering districts. Therefore, the potential financial effects are limited to the possible loss of net revenue from enrollment of AUSD students at BASE. The net impact of such enrollment on AUSD's budget is difficult to determine precisely, but on average it should be positive.

First, students at BASE who would not otherwise be enrolled in AUSD schools (from other districts or private school) have no impact on AUSD's costs or revenues. Because BASE recruits from Oakland Unified School District and other Bay Area districts, the number of students diverted from AUSD will be significantly less than BASE's full enrollment. During the first four (4) years of BASE's operation, approximately half of its students have been non-residents of AUSD.

Second, the financial impact of students transferring from AUSD schools to the charter will depend on a comparison of costs and revenues for those students. While AUSD loses the revenue, it also avoids the costs of serving these students. As a unified school district, AUSD receives the same amount of state funding per ADA for all students. However, on average, high school students are more expensive to serve than students in lower grades because of the variety of courses and facilities in the traditional high school setting. In addition, BASE seeks to serve students who have not been successful or sufficiently challenged in traditional high schools, including a high percentage of students with special needs. These students tend to be more expensive for traditional schools to serve.

As for the revenue, because high school students tend to have lower attendance than other grade levels, they generate lower ADA relative to the number of enrollees and therefore less revenue per enrolled student. On average, the costs avoided by not having to serve BASE students who would otherwise enroll in AUSD high schools can be expected to exceed the lost revenue and the net effect on AUSD's budget will be positive.