

High Tech Middle Media Arts

A CHARTER SCHOOL PROPOSAL AND PETITION

March 19, 2004

**For Presentation to
Trustees
of the
San Diego Unified School District**

SUMMARY

The organizers and operators of High Tech High ® and High Tech Middle plan to open High Tech Middle Media Arts ("School") in September 2004 and maintain an enrollment of about 300 students, 100 per grades 6-8. The School will be located in the High Tech High Village at Liberty Station in Point Loma, the site of the former Naval Training Center. Like High Tech High and High Tech Middle, the School will draw upon the diversity of the San Diego region, including economically disadvantaged students, while maintaining high performance standards for all students. It will organize as a separately incorporated subsidiary of High Tech High Communities – the charter management organization (CMO) providing back office and other management services to the affiliated High Tech High ® schools of Southern California. The School will be directly funded by the State, operating under a separate charter and by its own non-profit corporation, board and by-laws. The School envisions using few, if any, District services. The School intends to purchase administrative services from High Tech High Communities consistent with a separate agreement which will be approved by the boards of trustees of High Tech Middle Media Arts and High Tech High Communities.

BACKGROUND

The Gary and Jerri-Ann High Tech High has operated a successful charter school program in the San Diego region since September 2000 when High Tech High school first opened. The original high school has been successful both fiscally and academically. In March of 2004, High Tech High received its third straight 10/10 decile rankings on the California Academic Performance Index (API). Applications for the high school have far exceeded available slots, which has led High Tech High Communities to make plans to open High Tech International high school in September of 2004. One of those schools will be

In September of 2003, High Tech Middle opened with approximately 330 students in grades 6-8. High Tech Middle has not received API rankings yet, but early indications are that the quality of teaching and the pace of learning at High Tech Middle are comparable to that happening at High Tech High. During its initial open enrollment period, High Tech Middle received more than three times the number of applications than it had capacity to serve. Since that time, many parents have requested that High Tech Middle expand its program to accommodate additional students. This has led the organizers of High Tech High and High Tech Middle to seek to open a new charter middle school, High Tech Middle Media Arts, incorporating all High Tech High's design principles.

The goal of High Tech Middle Media Arts is to offer technologically-rich project-based learning to 6-8 grade students, as well as to afford a seamless transition from elementary school to middle school to high school, particularly to High Tech High schools. High Tech Middle Media Arts intends to demonstrate how the public middle school experience can be redesigned to enhance student engagement and learning and overcome the traditional middle school hurdles so aptly documented in the classic *Caught in the Middle* (California Department of Education, 1987).

During its four years of operation, the founders and staff of High Tech High have realized that incoming ninth graders exhibit a wide range of experience, achievement, and readiness for the High Tech High program. Many incoming students experience a difficult transition from traditional middle schools to High Tech High. While many elementary schools have long employed hands-on, project-based approaches to learning, these approaches often disappear as middle schools attempt to prepare students for the typically fragmented high school curriculum and schedule. This just makes the transition to schools like High Tech High and High Tech International more difficult, since our high school programs ask students to embrace independent learning, individual responsibility, and team learning.

STUDENT POPULATION

High Tech Middle Media Arts believes its initial student body population will reflect the current demographic diversity of High Tech High: 47% Caucasian; 17% African American; 16% Hispanic; 8% Asian; and 9% Filipino. About 10% of students require special education services and 10% are English Language Learners. About 25% of student families report incomes that qualify for free and reduced priced meals, although from home visits the School has reason to believe this number is understated by 10% to 15%. The School believes it will draw about 85% of its students, as High Tech High does now, from within the boundaries of the San Diego Unified School District ("District" or "SDUSD").

DECLARATIONS

High Tech Middle Media Arts shall be nonsectarian in its programs, admissions policies, employment practices and all other operations. High Tech Middle Media Arts shall not discriminate on the basis of ethnicity, race, creed, color, national origin, age, gender, disability or other basis prohibited by law. High Tech Middle Media Arts will not charge tuition.

Admission to High Tech Middle Media Arts shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within California except for admission preferences stipulated in Element Eight (H) Admission Requirements, below.

FIFTEEN REQUIRED CHARTER ELEMENTS (A-O)

Element One (A) – Educational Program

High Tech Middle Media Arts will be based on a simple but compelling educational vision: provide each student with rigorous and relevant academic and workplace skills in order to prepare students for a rewarding future in our increasingly multicultural society and global economy. High Tech Middle Media Arts will accomplish this by pairing High Tech High's proven approach to education incorporating a focus on media arts. High Tech Middle Media Arts teachers will work with students on specific, real-world projects

to develop analytical thinking and technical skills, and to foster each student's sense of accomplishment and community. Class size will be small, with a preferred student/teacher ratio of 25 to 1. Teachers will work in cross-disciplinary teams to increase the integration and depth of subject matter, as well as to increase the communication between instructors and students. Staff will participate in on-going professional development and collaboration. High Tech Middle Media Arts believes learning best occurs according to the educational program described in this charter. As an urban middle school with a diverse student population, High Tech Middle Media Arts will structure its curriculum upon international themes, producing students well-equipped to face the global challenges of the 21st century.

Design Principles

Like High Tech High, the design principles of the High Tech Middle Media Arts program stem from a 1996 landmark study of what commonalities were shared by 23 highly regarded urban high schools in 16 states that used school-to-work strategies as a lever for whole-school reform. The findings of this research, The New Urban High School Project, form the basis of the High Tech Middle Media Arts instructional program for which they are just as relevant as at High Tech High. The core organizational principles are: personalization, adult world connection and common intellectual mission.

Personalization High Tech Middle Media Arts will cultivate academic excellence by encouraging each student to personally invest in her or his education. By knowing students well, the High Tech Middle Media Arts faculty and support staff will encourage students to develop strengths and interests. Each student will have a personalized learning plan and an advisor who remains constant throughout his or her years at High Tech Middle Media Arts. Students will pursue their interests through projects and prepare personal digital portfolios to document their achievements.

Adult World Connection High Tech Middle Media Arts students will engage in real world projects that enable them to learn while working on problems of interest and concern to adults in the community. Students in the eighth grade will spend time off-site in community service internships connected to their program of study.

Common Intellectual Mission Centered on High Tech Middle Habits of Mind (see Learning Areas, next), the curriculum will be engaging and rigorous. Assessment is performance based. Students will create products, solve problems, and present their work to both students and adults. In addition to traditional letter grade and standardized test assessment, faculty will assess students learning through digital portfolios and verbal presentations of learning ("POLs").

Expectations in Six Learning Areas

Using the three program design principles, High Tech Middle Media Arts expects students to achieve competency in six learning areas: collaboration, technology, communication, art and design, ethics and responsibility, and habits of mind.

Collaboration (How do I work with others?) Many High Tech Middle Media Arts projects will require students to work together to draw upon their collective thinking and experience. When students work in teams on projects, their collaboration is an explicit focus for assessment.

Technology (How do I use technology?) Students will develop expertise with both computer hardware and software. High Tech Middle Media Arts faculty will also encourage students to discuss the various technologies that they use in their projects - how they use the technology, what problems they meet, how they might improve it, and what steps they will take next with it.

Communication (How do I take in and express information?) High Tech Middle Media Arts faculty, peers, and community members will encourage students' oral and written communication skills in classroom discussions, group work, and advisory groups. End-of-term POL's will provide students opportunities to demonstrate learning as well as to receive feedback from peers, teachers, and community members.

Art and Design (How do I give shape and form to my ideas?) High Tech Middle Media Arts students will study four basic elements of art: history, production, aesthetics, and criticism. They will learn how to communicate new ideas through self-expression and will develop an artistic understanding of the world. Students will learn digital painting, drawing and sculpture media.

Ethics and Responsibility (How do my beliefs inform my actions?) Students will routinely be asked to explore ethical issues in social studies, in science, in advisory groups, and in community meetings.

Habits of Mind (How do I think critically?) In approaching texts and developing projects, staff and students will practice asking these critical questions:

- Perspective: What is the viewpoint?
- Evidence: How do we know?
- Relevance: Why does this matter?
- Connection: How does this connect to other things?
- Supposition: What if things were different?

Pre-admission orientation sessions, parent and public communications, classroom instruction, and posters on the walls will make clear these learning area expectations to stakeholders.

The High Tech Middle Media Arts course requirements will meet all state standards. High Tech Middle Media Arts will offer, at a minimum, the same number of minutes of instruction as required by law. The typical school day will begin at 8:45 A.M. and end at 3:45 P.M. High Tech Middle Media Arts will address the needs of English language learners, gifted students, and below grade level and other at-risk students through the educational program described above, one purposely designed to engage these categories

of students along with others. A portion of the faculty will speak fluent Spanish. High Tech Middle Media Arts will seek WASC accreditation (already conferred upon High Tech High).

Faculty members at High Tech Middle Media Arts will participate in ongoing professional development. This will normally include:

- Regular meetings, 45 minutes per day, without students, for collaboration and program development
- 3 weekly student/faculty team meetings
- Weekly all-staff meetings
- Various development workshops throughout the year
- Two-week long teacher preparation session in August before the opening of school
- A week-long session during winter break
- Several day-long professional development sessions throughout the year

While High Tech Middle Media Arts envisions itself as a school of daily attendance, this charter also sanctions the possibility of independent study as a conceivable adjunct to its regular program. If independent study is provided, the School will comply with state laws relating to independent study as set forth in Education Code § 47612.5.

The School reserves the right to refine its master calendar at any time in the best interests of its student population. Further, the School reserves the right to expand its enrollment at its current site up to 300 students upon notice to the District by January 1st of the prior school year.

Ultimately, the High Tech Middle Media Arts program aims to have its pupils become self-motivated, competent, lifelong learners, prepared to thrive throughout their lives as educated individuals in the 21st century.

Element Two (B)– Measurable Pupil Outcomes

High Tech Middle Media Arts students will meet all academic standards as adopted by the State Board of Education applicable to charter schools.

The School will demonstrate student improvement on standardized tests that compare favorably with District schools that have similar student populations (e.g., ethnicity and social-economic background). In terms of the School's instructional program, standardized test scores will serve as a proxy, however flawed, for the School's commitment to improvement in academic achievement.

The School will certify that its pupils have participated in the state testing program in the same manner as other District students.

High Tech Middle Media Arts will aim to achieve scores on the Academic Performance Index (API) at or above the 7th decile.

The School will have higher student attendance rates than similar District schools. This will measure student and family commitment to, and involvement in, the School's instructional program.

The School will have higher staff attendance rates than similar District schools. This will measure staff commitment to, and involvement in, the School's instructional program and staff development initiatives.

The School will have a higher rate of parent participation than similar District schools. This will measure parental commitment to, and involvement in, the School's overall program.

High Tech Middle Media Arts currently considers the following to be similar District middle schools:

- 1) Clark
- 2) Keiller
- 3) Mann
- 4) Memorial
- 5) Pacific Beach
- 6) Roosevelt

Element Three (C) – Method of Measuring of Pupil Progress

High Tech Middle Media Arts will comply with all state assessment and accountability requirements applicable to charter schools.

The School will use District methods to measure these rates:

- Student achievement on state mandated assessments
- Student attendance
- Staff attendance
- Parent participation

Students will earn traditional grades for classes such as language, math and science. However, letter grades and test scores do not tell much about progress within the six High Tech Middle Media Arts Learning Areas. To assess what students know and can do as a result of their project work, High Tech Middle Media Arts will also use student digital portfolios and digitally-assisted assessments of Habits of Mind.

Digital Portfolio All students will develop a digital portfolio of student information, work samples, evaluations, and reflections on learning. Student portfolios will be reviewed the end of first two trimesters and the end of the year to assess competencies and readiness to progress to the next year of study. Parents will be able to monitor their student's progress via the Internet.

Habits of Mind Assessment High Tech Middle Media Arts students must meet the School's eight grade learning standards before promotion to High Tech High or to a high

school of different design. A digital assessment system will make feedback about student work available to all appropriate stakeholders and, linked to the digital portfolio, will provide concrete examples for faculty and student discussions about academic standards.

Additionally, each High Tech Middle Media Arts student must demonstrate mastery of appropriate technology in course work, including word processing, spreadsheets, database and graphics software, the Internet and High Tech Middle Media Arts's local area network.

High Tech Middle Media Arts will maintain contemporaneous written records that document pupil attendance and shall make these records available for audit and inspection.

Element Four (D) – Governance

Corporate Structure

High Tech Middle Media Arts will be governed by the Board of Directors of High Tech High, a duly constituted California nonprofit public benefit corporation which is subsidiary to HTH Learning. The Board of High Tech High will have legal and fiduciary responsibility for the wellbeing of all sites under its governance. The High Tech High board will meet at least quarterly and will hold its meetings in accordance with the Brown Act. The High Tech High board will have five members, a majority of whom shall represent the business community. Additional board members will be selected to represent educators and the community-at-large. All potential board members will be screened to ensure that they possess the skills and experience necessary to fulfill the responsibilities entrusted to High Tech High board members

Community Involvement

The School will engage a coalition of parents, teachers and community leaders, meeting on a periodic basis, to advise the School on the operations of the School program, staff, teachers, students and fundraising, all with the purpose of increasing student achievement.

Special Education

The School will act as its own LEA for purposes of special education. In concert with other schools within the High Tech High family, the School will seek to join a SELPA as an LEA. The School will comply with all the applicable rules, regulations, policies and procedures pertaining to that SELPA.

Acting as its own LEA for purposes of special education, the School specifically indemnifies the District, holds it harmless and shall defend it from any liability that may arise from the improper or inadequate delivery of special education services. The full indemnification agreement within Element 17, Legal Status and Liability, shall apply here as well.

Element Five (E) – Employee Qualifications

To the extent required by law, teachers in the School will be required to hold a Commission of Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. This will include emergency permits and credentials. As provided by law, the School may exercise flexibility with regard to those teaching non-core, non-college preparatory courses.

High Tech Middle Media Arts may employ qualified adults to assist credentialed teachers in student instruction. A teacher may supervise another teacher when mutually agreed to by the teachers and High Tech Middle Media Arts.

Within the provisions of the law, High Tech Middle Media Arts reserves the right to recruit, interview and hire anyone at anytime who has the best qualifications to fill any of its position vacancies. Also within the provisions of law, the School reserves the right to evaluate the expertise of each teacher and accordingly assign that teacher classrooms, curriculum subjects or mentoring assignments as it deems in the best interest of students.

The School will avail itself of any and all credentialing methods approved by the State of California, as needed. This includes the development of or participation in a charter intern program consistent with standards established by the California Commission on Teacher Credentialing.

The School will maintain a current copy of teacher certificates on file and ready for inspection.

Element Six (F) – Health and Safety Procedures

High Tech Middle Media Arts will require that each employee of the School furnish the School with a criminal record summary as described in Section 44237 of the Education Code including the requirement that, as a condition of employment, each new employee not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary.

The School will conduct initial and ongoing tuberculosis screenings of employee candidates as required by law.

High Tech Middle Media Arts will locate at Liberty Station in Point Loma, adjacent to High Tech High. High Tech Middle will comply with state building codes, federal American Disabilities Act (ADA) access requirements, and other applicable fire, health and structural safety requirements, and will maintain on file records documenting such compliance.

The School will maintain a copy of facilities inspections on file and ready for inspection.

The School will maintain safety and disaster plans appropriate to its site and ready for inspection.

The School will contract with the District or outside vendors to provide needed service for nursing, student health screening and nutrition programs.

Element Seven (G) – Achieving Racial and Ethnic Balance

The School will, at a minimum, do the following as it strives to achieve a racial and ethnic balance of students that reflects the general population of the entire school District:

- Announce the School's interest in seeking applications in every publication the District provides for such purposes.
- Expend at least 20 hours of staff time annually in community and regional outreach efforts, including presence at public meetings outside the School neighborhood, to recruit applicants of diverse backgrounds.
- Expend at least \$1,000 annually on print and electronic media, flyers and direct mail to recruit applicants of diverse backgrounds.

Prior to its first year of operation, High Tech Middle Media Arts will expend considerably more time recruiting, particularly in the inner city and with church groups, to fill its initial applicant pool.

The School will establish an open enrollment period of at least 60 consecutive days each year during the months of May thru August. Notice of the open enrollment period, the admissions process, and the place of any lottery will be included in public literature. This includes the appropriate recruitment materials, advertisements and forums mentioned above. History has shown that because of the popularity of High Tech High's program, any enrollment period of more than 60 days simply serves to create ill will as the number of qualified applicants who do not survive the lottery climbs rapidly.

The School will maintain auditable records of the above activities and expenditures. The School will also maintain an accurate accounting of the ethnic and racial balance of students enrolled in the School. Recruitment materials will include the following information about admission requirements.

Element Eight (H) – Admission Requirements

High Tech Middle Media Arts will attempt to accommodate all students who apply for admission. HTH grade 9-12 sites may consider any student who satisfactorily completes a course of study offered by a grade 6-8 site operated by High Tech High as qualifying for admission. Grade 6-8 sites may consider any student who satisfactorily completes a course of study offered by a K-5 site operated by High Tech High or Explorer Elementary Charter School as qualifying for admission. Sites may also consider any transfer student in good standing from any site operated by High Tech High or Explorer Elementary Charter School.

For other applicants to qualify for admission:

- The student and a parent or guardian must together attend one complete orientation session. These sessions will be held at convenient times. They will

detail what High Tech High expects of the student and his or her family as well as what the student and family should expect of High Tech High.

- A parent or guardian must complete and return a simple, non-discriminatory application by a published deadline ending the open enrollment period.
- The student and a parent or guardian must sign a statement that they are familiar with and agree to abide by all policies and procedures set forth in the student handbook.

If more students apply and qualify than can be admitted, consistent with the requirement that no zip code area as described below will have more than its allotment of enrollees, priority for admissions shall be assigned in the following order:

1. Returning or existing students in good standing.
2. Children of employees or board members of High Tech High, High Tech High Foundation, HTH Learning and Explorer Elementary Charter School.
3. Students being promoted from or transferring from another school that is operated by High Tech High or Explorer Elementary Charter School (who also complete the application process in a timely fashion).
4. Siblings of students currently attending schools operated by High Tech High or Explorer Elementary Charter School.
5. All other students permitted by law.

Part of the mission of High Tech High is to address the fundamental lack of representation among women and girls in the fields of math and science. The U.S. Congress has found that women and girls nationally complete fewer math and science courses and lack role models in science. [20 U.S.C. section 7283(b)]. Historically, High Tech High sites have not received sufficient applications from girls. Consequently, in order to offer encourage greater admissions from girls, available openings (seats) will first be divided into two groups of equal size, one for each gender.

Another part of the mission of High Tech High is to serve socio-economically diverse student bodies closely representing the demographics of the larger District. Approximately 40% of District students are participating in the National School Lunch Program (NSLP). Historically, High Tech High has not received sufficient applications from students participating in NSLP. Consequently, in order to encourage greater admissions from students participating in NSLP, High Tech High schools will provide statistical advantage (ie. increase the number of ballots placed into the lottery) to each applicant who voluntarily identifies him or herself as participating in NSLP.

Finally, the mission of High Tech High is to serve student bodies that represent the ethnic diversity of all areas of the District. As such, the District will be aggregated into approximately 10 contiguous zip code areas. Spaces will be allocated to a zip code area based on census data showing the percentage of students attending public schools who reside within the zip code area. For each student from a particular zip code area who has been admitted from returning, transferring or promoted students, and from employee, board member or sibling preferences, one slot will be eliminated from the overall

allocation assigned to that zip code area. In no circumstance, will sibling or other preferences be allowed to result in any one zip code area having a higher number of enrollees than its allotment calls for. Once the number of remaining zip code slots has been determined, a separate lottery will be held for each zip code area by grade level. After capacity has been reached for each grade, names shall be placed in a grade level waiting pool. High Tech High will attempt to honor applicant preferences to attend one site above another (i.e.. HTHMA vs. HTHI), but the honoring of applicant preferences is not guaranteed.

As space becomes available within a grade, High Tech High will randomly select applicants from the grade level waiting pool and will notify them that they have the option of enrolling at the site with the opening.. The notification will give the applicant at least three full business days to inform the site principal or secretary, verbally or in writing, of the applicant's intentions. In the absence of an affirmative and timely response by phone or letter, High Tech High will eliminate the applicant from the pool and proceed to randomly select another applicant from the waiting pool. All waiting pools expire annually at the end of the formal academic year, or as otherwise determined by the Board of Directors of High Tech High.

Sites will evaluate the performance of all enrollees annually and consider each for readmission prior to consideration of any other applicants. Sites will evaluate enrollees based upon published criteria, including those contained within the Student, Parent and School Contract. Students not readmitted, if any, shall be notified in writing of the basis for their non-readmission. High Tech High reserves the option of readmitting students who have left the school.

High Tech High certifies that, to the best of its knowledge, all its admissions procedures, policies and criteria comply with non-discrimination statutes and applicable law. High Tech High shall defend, indemnify and hold harmless the District from any and all challenges alleging that the High Tech High's admission procedures do not comport with applicable laws.

Element Nine (I) – Annual Audits

High Tech Middle Media Arts will contract with an independent auditor for an annual financial audit that will be produced according to generally accepted accounting principles. High Tech Middle Media Arts will transmit a copy of the audit to the District - as well as to the County Superintendent of Schools, the State Controller and the State Department of Education - by December 15 of each year. It will also, in a timely fashion and to the mutual satisfaction of the District and School, report in writing to the District the manner in which the School has or intends to address any exceptions or deficiencies noted in the audit.

High Tech Middle Media Arts will avail itself of the well-tested plans and systems used at High Tech High to provide information for an independent audit.

Element Ten (J) - Student Suspensions and Expulsions

High Tech High will regard suspension and expulsion as a last resort. Criteria for suspension and expulsion of students shall be consistent with all applicable federal statutes and state constitutional provisions. All related hearings will conform to applicable state and federal laws regarding discipline, special education, confidentiality, and access to records.

The following represent typical grounds for suspension and expulsion:

- The threat, causation or attempted causation of physical injury to another person, including sexual assault.
- Possession of a weapon (e.g., firearms, knives or explosives) or possession of a replica firearm.
- Unlawful possession, use, sale, offer or being under the influence of any controlled substance, alcoholic beverage or any intoxicant.
- Theft or attempted theft of school or private property.
- Destruction or attempted destruction of school or private property.
- Extortion.
- Obscene or offensive acts or habitual profanity or vulgarity.
- Disruption of school activities or willful defiance of valid school authorities.
- Violation of a policy or procedure by a student and/or parent as set forth in the student handbook.

A student suspension or expulsion may only be applied with the approval of the Site Director. A suspension or expulsion may be appealed to the CEO of High Tech High, who shall have the right to rescind or modify the suspension or expulsion. The parents or guardians of the student will have ten days from the suspension or expulsion to declare in writing their request for an appeal. The CEO shall convene a hearing within ten days of receipt of a timely request for an appeal. At the hearing the student shall have the right to counsel and the right to present evidence. The subcommittee members will consider evidence and/or testimony as it deems appropriate and render a written decision that shall be in the best interests of the student and the School. That decision shall be final.

Element Eleven (K) – STRS, PERS and Other Retirement Coverage

The School may elect to participate in the State Teachers Retirement System and/or Public Employees Retirement system and coordinate such participation, as appropriate, with the social security system or other reciprocal system.

The District agrees to include the School's monthly STRS and PERS reports with the District's reports for submission to STRS and PERS. The School will provide the data in the District required format with all required information. Further, the School will bear full responsibility for monitoring and reporting membership information. The District will bear no responsibility for any reporting errors or omissions. The District may charge the School for the actual expense for rendering this service.

The School may establish other retirement plans for employees that include, but shall not be limited to, establishment of section 403(b) or 401(k) plans.

Element Twelve (L) – Attendance Alternatives

High Tech Middle Media Arts is a school of choice. No student is required to attend. Students choosing not to attend High Tech Middle may attend other public schools within their home school district. The School will provide information about attendance alternatives to inquiring parents or students. Transportation is the parental responsibility for families who choose to attend High Tech Middle Media Arts, unless such transportation is provided by the School at its sole discretion.

Element Thirteen (M) – Employee Return Rights

The right to leave the District and take employment at High Tech International, as well as the right to return to the District for High Tech International employees who were previously San Diego Unified School District employees, will be as specified in District policies, procedures or collective bargaining agreements addressing this issue with respect to charter schools operated as nonprofit public benefit corporations.

High Tech International may employ staff on-loan from San Diego Unified School District. High Tech International may employ staff on-loan from other entities including other districts and the San Diego County Office of Education.

Element Fourteen (N) – Dispute Resolution with San Diego Unified School District

Both San Diego Unified School District and High Tech Middle Media Arts will always attempt to resolve any disputes between them amicably and reasonably without resorting to formal procedures. In the event of a dispute between the School and the District regarding the terms of this charter or any other issue regarding the School's and the District's relationship, both parties agree to apprise the other, in writing, of the specific disputed issue(s) and that writing shall include relevant facts.

In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement the District provides the School. Within 30 business days, or longer if both parties agree, of sending written correspondence, a School representative and a District representative, or designees, shall meet and confer in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the School representative and the District representative shall meet again within 10 business days, or longer if both parties agree, to identify a neutral, third-party participant to assist in dispute resolution. The format of the third-party aspect of the dispute resolution process shall be developed jointly by the representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The finding or recommendation of any arbiter shall be non-binding, unless the governing boards of the School and District jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third-party participant shall conclude within 30 business days of identifying the mutually agreed to third-party. The School and the District shall share all mediation and/or arbitration costs and all other costs associated with dispute resolution equally.

In the event that the above process does not result in an agreement over the dispute, both parties agree to continue negotiations in good faith toward a resolution of the dispute. If the matter cannot be mutually resolved, the charter school shall be given a reasonable period of time to correct the violation, unless the district determines, in writing, that the violation constitutes a severe and imminent threat to the health and safety of the School's pupils. In such event, the District reserves the right to take any action it deems appropriate and the School reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the School's pupils.

The dispute resolution process permits oral notice, followed immediately by written notice.

Complaints to the District relating to the operation of the School and not to the terms of this charter or any other issue regarding the School's and the District's relationship will be resolved as set forth below, Element 21.

Element Fifteen (O) – Public School Employer

High Tech Middle Media Arts declares that it shall be the exclusive public school employer of the employees at the School for the purposes of the Educational Employment Relations Act. Further, the High Tech Middle Media Arts shall retain the right to establish its own lawful procedures for discipline and dismissal.

High Tech Middle Media Arts will select all school staff. No employee of San Diego Unified School District, or any other district, shall be required to work at High Tech Middle Media Arts. Those selected for employment shall enter into a contractual agreement to make their services available to High Tech Middle Media Arts. High Tech Middle Media Arts shall have the authority to terminate the position in accordance with the terms of that agreement.

Employees shall have the option to join, or not to join, an exclusive representative of their choice. The fact that an employee chooses to become a member of a particular exclusive representative shall not make any collective bargaining agreement applicable to the School. The School must expressly agree to be bound by the provisions of a collective bargaining agreement in order for its provisions to apply to any employees of the School.

OTHER CHARTER ELEMENTS

16. Accountability

High Tech Middle Media Arts will abide by the SDUSD "Charter School Accountability Contract for Student Achievement and Sound Charter Implementation for Alternative

Schools" as explicated in Appendix A of the *San Diego City Schools Charter School Policy and Guidelines*, approved November 27, 2001.

17. Legal Status and Liability

High Tech Middle Media Arts will operate as a nonprofit public benefit corporation. As such, San Diego Unified School District shall not be liable for the debts or obligations of the school.

School shall hold harmless, defend and indemnify District, the Board of Education, its officers and employees, from every liability, claim or demand which may be made by reason of: (a) any injury to person or property sustained by School, its officers, employees or authorized volunteers; and (b) any injury to person or property sustained by any person, firm or corporation caused by any act, neglect, default, or omission of School, its officers, employees or agents. In cases of such liabilities, claims or demands, School at its own expense and risk shall defend all legal proceedings which may be brought against it and/or the District, the Board of Education, its officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of them.

The School will purchase General Liability and Auto Liability in the amount of at least \$2,000,000 per occurrence, \$5,000,000 aggregate, naming the District as an additional insured, and Worker's Compensation insurance within statutory limits. As an alternative, the School may purchase and maintain insurance with limits and coverage as deemed mutually acceptable to the District's risk manager and the School.

18. Funding

The School elects to receive funding directly from the State of California through the County Treasurer and the County Office of Education in accordance with applicable law and the State's block grant program for charter schools. The School will act as its own fiscal agent. The District agrees it will transfer funds from the School's Treasury Account to the District only with specific permission from the School.

High Tech Middle Media Arts does not expect the District to smooth out the School's revenue stream due it, although nothing in this charter shall prevent the District from electing to do so or from loaning High Tech Middle Media Arts funds in anticipation of payments from funding sources.

The District agrees to forward the School's full share of local aid to the School's account at the County Treasurer by the 15th of each month when due and to send separate notice to the School of each deposit.

19. District Services

The School and the District will negotiate in good faith on an annual basis to develop a memorandum of understanding (MOU), separate from this charter, that establishes more specifically the financial and service relationship between the two parties. The School's purchase of goods and services, if any, from the District shall not negate the operational

independence of the School from the District. Breach of the MOU shall not necessarily constitute breach of this charter.

The School does not anticipate purchasing any optional services from the District. Even so, if requested by the School, the District commits to providing School with services at fair and reasonable prices. In accordance with the principle of mutual accountability, District also agrees to describe its rationale for determining fair and reasonable pricing of purchased services, if asked.

The District may charge for the actual cost of supervisorial oversight of the School not to exceed one percent of annual revenues or not to exceed three percent of the revenue of the School if the School is able to obtain substantially rent-free facilities from the District.

20. Information Exchange

High Tech Middle Media Arts agrees that the charter school will promptly respond to all reasonable inquiries, including inquiries regarding its financial records.

The records of the School are public records under the California Public Records Act. However, since a record is not a report, if the District requests a special report of the School that is not an existing record nor a record required by applicable law, by this charter or by the School's annual MOU, then the District agrees to pay to the School the School's actual cost of producing such a report.

The District may inspect or observe any part of High Tech Middle Media Arts at any time. The District agrees it will not do so unreasonably, without notice, or by causing a disruption of student instruction or School operations except in the case of emergency.

The School shall provide the District reports as required by current law:

- CBEDS
- ADA reports J18/19
- Budget J210 - preliminary and final
- A school accountability report card using the school's own format
- Copies of the annual, independent financial audit

And, as an accommodation to the District, the School shall further supply the District:

- Reconciliation of the annual audit with the J210
- Copies of all state mandated test results:
 - STAR
 - CELDT
 - SABE/2
 - California High School Exit Examination

Finally, on or before September 15, the School will approve, in a format prescribed by the Superintendent of Public Instruction, an annual statement of all receipts and

expenditures of the School for the preceding fiscal year and will file a copy of that statement with the District.

Changes in these reporting requirements may be incorporated by reference into this charter when the District and the School mutually update their MOU (See Funding, Element 19).

21. Internal Dispute Resolution

The High Tech Middle Media Arts Board of Directors will adopt policies and processes for airing and resolving disputes (other than those between San Diego Unified School District and High Tech Middle Media Arts relating to provisions of this charter or the relationship between them, which are covered in Element Fourteen (N), above).

The District agrees to refer all complaints regarding operations of High Tech Middle Media Arts to the School's chief executive officer for resolution in accordance with the School's adopted policies. In the event that the School's adopted policies and processes fail to resolve the dispute, the District agrees not to intervene in the dispute without the consent of the School unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked. Notwithstanding the above, the District Board of Education shall have the ability to intervene in and respond to complaints about the operation of High Tech Middle Media Arts as is required or permitted by law.

22. Mandated Cost Recovery

The School will be responsible for recovering from the State all eligible mandated costs applicable to the School. The District shall, within ninety days of receipt, reimburse the School for the School's pro rata share of mandated costs that the District recovers using the School's enrollment or another basis that incorporates High Tech Middle Media Arts to the extent that any such recovery exceeds the actual cost attributable to the School.

23. School Closeout

If the High Tech Middle Media Arts charter should ever be revoked or not renewed, or upon dissolution and winding up of the High Tech Middle Media Arts corporation for any reason, its assets remaining after payment of all debts and liabilities shall be distributed as follows: (1) All assets and property purchased with public money shall be distributed first to High Tech High, if it is still operating, then to High Tech High Foundation, for the benefit of other charter schools established by the foundation, and if neither organization is operating, to the San Diego Unified School District. (2) All other assets and property shall be distributed to a nonprofit fund, foundation or association in accordance with state law. Further, the School will notify parents, students, the California Department of Education, districts affected by the closure and the San Diego County Office of Education. Finally, the School will produce a final audit for the District that determines the disposition of all assets and liabilities and the School will transfer all pupil records to the District.

24. Charter Term

The term of this charter shall begin for a five-year period on July 1, 2004. The School justifies this five-year term based on the increased difficulty of securing facilities and personnel with a shorter term.

The District shall not allow the charter to expire, without renewal, through lack of timely consideration by the District if the School submits the charter for renewal at least nine months prior to expiration.

25. Charter Revisions

Material revisions to the charter must be approved by the District's Board of Education. However, any proposed revisions to the charter will be presented to the District for a determination as to whether it is a material revision that must be approved by the Board of Education. The District will make its determination and, if applicable, the Board of Education will consider the revision for approval within 60 days of submission by the School or within a time mutually agreed to. The School shall consider the revision approved if the District fails within 60 days of submission to make a determination or to deny it or to set a new mutually agreeable time schedule.

26. Severability

The terms of this charter 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 the San Diego Unified School District Board and High Tech Middle Media Arts. The San Diego Unified School District and High Tech Middle Media Arts agree to meet to discuss and resolve any issue or differences relating to invalidated provisions in a timely and proactive fashion.

27. Signatures

Attached to this proposal are the signatures of teachers who have a meaningful interest in teaching at High Tech Middle Media Arts. The number of signatures represents at least half of the number of teachers (6) that the School estimates will be employed at High Tech Middle Media Arts its first year of operation.

[End]

