

BOARD DUTIES AND RESPONSIBILITIES; DELEGATION OF POWER

Charter schools are governed by boards, not by individual board members. While understanding their separate roles, the Board of Directors and the School Director work together as a governance team in operating **Mojave River Academy Schools (“School”)**. The governance team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively. In consideration of these guiding principles, the following policy identifies the role of the Board and the role of the Director.

Role of the Governing Board**Vision and Strategic Plan:**

- The Board drafts, modifies and approves the School Mission and in each subsequent year, reevaluates the School Mission;
- The Board reviews, provides input and approves the one- and five-year Strategic Plans submitted by the School Director;
- The Board adopts policies to successfully implement the School Mission and Strategic Plans.
- The Board oversees the School Director to ensure that the School Mission and Strategic Plans are reflected in the day to day operations of the school, including ensuring that the curriculum aligns with the School Mission.

Academic Performance Monitoring:

- The Board, or a committee thereof, annually reviews student performance based on state- and federally-mandated assessments and sets goals for student achievement;
- The Board, or a committee thereof, periodically reviews student performance based on school level assessments and sets goals for student achievement on school level assessments;
- The Board reviews and adopts academic policies to achieve the student achievement goals;
- The Board approves all academic performance reports to all federal, state and local agencies as required by law;

- The Board approves a Local Control Accountability Plan and annually reviews, updates and approves it.
- The Board, or a committee thereof, researches or develops student data collection systems and periodically reviews them to ensure their effectiveness.

Staffing and Personnel:

The Board reviews and approves personnel policies and any amendments thereto;

- The Board hires and terminates, upon nomination and recommendation of the School Director, all personnel. When the Board does not agree with a personnel recommendation by the School Director, the decision of the Board is final after further consideration appropriate to the circumstances.
- The Board hires, evaluates, and terminates the employment of the School Director.
- The Board establishes performance goals for the School Director and communicates the goals to the School Director;
- The Board annually reviews the School Director's performance;
- The Board annually reviews the School Director's employment contract, and reevaluates it yearly;
- The Board establishes and annually reviews the School Director succession and recruitment plans;
- The Board approves the salaries and compensation policies for all School personnel in compliance with any applicable state laws and collective bargaining procedures (if applicable);
- The Board hears and decides employee grievances (only applicable if employees are given grievance rights under a contract or collective bargaining agreement).

Parent, Student and Community Relations

- The Board, or a committee thereof, hears and decides student expulsion recommendations;
- The Board, or a committee thereof, hears and decides student suspension appeals, if applicable;
- The Board reviews and approves student and parent policies and any proposed

amendments thereto;

- As needed, the Board communicates with the media and community at large consistent with the School's Mission and Vision;

Finance and Budget

The Board reviews and approves the fiscal management and internal controls policies and any proposed amendments thereto;

- The Board reviews and approves the school's annual academic calendar and class schedule;
- The Board, or a committee thereof, solicits and selects the school's independent financial auditor, oversees the auditor's work, and receives the auditor's report(s);
- The Board, or a committee thereof, reviews and adopts and amends the annual budget as well as interim and annual financial statements;
- The Board, or a committee thereof, reviews and approves the audit report;
- The Board monitors the responses to the audit report and implementation thereof.

Facilities

- The Board enters into financing and building contracts;
- The Board approves construction and remodeling of facilities;
- The Board, or a committee thereof, researches school sites as needed, and funding and facilities options;
- The Board, or a committee thereof, makes recommendations on facilities needs and policies.

Board Internal Business

- The Board drafts, reviews and approves board policies and amendments thereto;
- The Board recruits prospective Board members;
- The Board orients new Board members;

- The Board, as needed, provides training to its members;
- The Board develops and yearly implements a Board self-evaluation. From time to time, the Board re-evaluates its self-evaluation process.

Charter Performance and Renewal

- The Board annually reviews the school performance reports;
- The Board, as needed, reviews charter school renewal proposals and reports.

Delegation of Power to the School Director

The Board delegates the following powers to the Director, or his/her delegate:

Vision and Strategic Plan:

- The School Director provides input to the Board when it drafts, modifies and approves the School Mission and in each subsequent year when it reevaluates the School Mission;
- The School Director drafts and submits to the Board the School's one- and five-year Strategic Plans;
- The School Director implements the Board-adopted policies to implement the School Mission and Strategic Plans, by among other things adopting appropriate procedures and training staff on the policies and procedures.

Academic Performance Monitoring:

- The School Director creates a report reflecting student performance based on state- and federally-mandated assessments, provides a copy to the Board, reviews the performance with the Board, or a committee thereof, and provides input to the Board when setting goals for student achievement on national assessments. The School Director implements the goals for student achievement on such assessments;
- The School Director quarterly creates a report reflecting student performance based on school level assessments, provides a copy to the Board, reviews the performance with the Board, or a committee thereof, and provides input to the Board when setting goals for student assessment on school level assessments. The School Director implements the goals for student achievement on school level assessments;
- The School Director implements Board adopted policies to achieve the student achievement goals, by among other things, adopting appropriate procedures and training

staff on policies and procedures;

- The School Director creates all academic performance reports required by all federal, state and local agencies as required by law and provides them to the Board for approval;
- The School Director develops the school calendar and class schedule and provides them to the Board for approval.

Staffing and Personnel:

- The School Director drafts all personnel policies and presents them to the Board for review and approval. The School Director also recommends any proposed amendments to the personnel policies and presents them to the Board for review and approval;
- The School Director nominates and recommends hiring and terminating all school personnel other than the Director and presents those nominations and recommendations to the Board, for final approval or rejection. The School Director is responsible for all recruitment activities associated with the hiring of school personnel;
- The School Director recommends the salaries for all School personnel in compliance with any applicable state laws and collective bargaining procedures (if applicable) to the Board for final approval;
- The School Director ensures that all school personnel are evaluated on a yearly basis and creates the process for such evaluation;
- The School Director implements all personnel policies, including the school's internal complaint procedures. If applicable, the School Director presents employee grievances to the Board, which hears and decides them (only applicable if employees are given grievance rights under a contract or collective bargaining agreement).

Parent, Student and Community Relations

- The School Director implements the policies and procedures adopted for student expulsion and recommends student expulsions to the Board, upon completion of the school-level procedures.
- The School Director follows the policies and procedures adopted for student suspensions and refers any student appeals to the Board to hear and decide such appeals;
- The School Director drafts, and subsequently implements the Board adopted student and parent policies, by, among other things, adopting appropriate procedures and training staff on the policies and procedures. The School Director drafts amendments to the

student and parent policies, and presents them to the Board for approval;

- At the request of the Board, the School Director communicates with the media and community at large in a fashion that is consistent with the School's Mission and Vision;

Finance and Budget

- The School Director drafts and subsequently implements the Board adopted fiscal policies, by, among other things, adopting appropriate procedures and training staff on the policies and procedures. The School Director drafts amendments to the fiscal policies, and presents them to the Board for approval;
- The School Director drafts and submits to the Board, or a committee thereof, the quarterly and yearly budget drafts;
- The School Director drafts and submits to the Board the final quarterly and yearly budgets and other required financial statements;
- The School Director implements the responses to the audit report as instructed by the Board.

Facilities

- The School Director conducts school site needs assessments at the direction of the Board;
- The School Director conducts capital campaigns as needed;
- The School Director implements any facilities policies.

Charter Performance and Renewal

- The School Director annually drafts any required school performance reports for Board review;
- The School Director, as needed, drafts charter school renewal proposals and reports.

Memorandum of Understanding for District Services

- The Board has entered into a Memorandum of Understanding ("MOU") with the Oro Grande School District ("OGSD") for Educational, Business, Personnel and Special Education Services. Many of the duties and responsibilities outlined in this board policy are delegated to OGSD in the applicable MOU. For all such duties and services the provisions of the MOU shall supersede this board policy.

Adopted: June 6, 2018

Amended:

ANNUAL ORGANIZATIONAL MEETINGTime and Place for Meeting

In accordance with the Bylaws, the Board shall meet at a board-designated location at least once annually within thirty (30) days of the beginning the Academic school year for the purpose of reorganizing the Board.

Order of Business

In accordance with the Bylaws, the order of business at this meeting shall be:

- A. Call to order.
- B. Elect Directors to fill vacancies.
- C. Elect President.
- D. Elect Secretary
- E. Elect Chief Financial Officer
- F. Elect Chairman of the Board
- G. Elect Vice Chairman of the Board
- H. Set regular meetings (time, place and day).
- I. Elect any representatives to serve on any applicable advisory boards and/or committees as appropriate.
- J. Recognize departing Board members.
- K. Readopt in resolution form School policy regarding the Board's Code of Ethics.
- L. Such other business as may be determined to be necessary by the Board and reflected on the posted agenda.
- M. Adjournment.

Adopted: June 6, 2018

Amended:

PROCEDURE FOR POLICY ADOPTION

The successful operation of the School requires that the actions of the Board and administrative staff be known and understood by students, employees, and members of the community. These groups as well as individuals should also have an opportunity to affect School action.

The process for adoption and publication of policies in the School includes the following elements:

I. Raising a Policy Issue

Any person within the School community, including teachers, administrative staff, other staff members, students, parents and interested community members, may raise a potential policy issue. At the School level, the individual that raises the policy issue shall communicate that policy issue to the Director, or his/her designee, on a form approved by the Board of Directors for that purpose. The Director, or his/her designee, shall communicate the policy issue to the Chair of the Policy Committee of the Board of Directors ("Policy Committee") within one week of receiving the policy issue. If no Policy Committee is officially established the full Board of Directors shall constitute the Policy Committee.

Any member of the board of directors may raise a potential policy issue by communicating that policy issue to the Chair of the Policy Committee using a form approved by the Board of Directors for that purpose. If a policy issue is raised during a regular or special meeting of the Board of Directors, the Policy Committee shall record it using the form approved by the Board of Directors.

The Policy Committee may raise a policy issue itself and record it on the form approved by the Board of Directors for that purpose.

II. Investigating a Policy Issue

Once the Policy Committee receives notification of a policy issue, the Policy Committee shall determine the appropriate means to investigate the policy issues. The Policy Committee may, in its discretion, investigate the matter itself or delegate the investigation to an appropriate person or group of persons.

III. Policy Drafting

Once the Policy Committee has investigated the policy issue, the Policy Committee shall convene a meeting to discuss whether to draft the policy and decide any outstanding issues

relating to drafting the policy. The Policy Committee shall then undertake to draft the policy itself, or delegate the drafting to an appropriate person or group of persons.

IV. Adoption, Revision and Repeal of Policies

Policies shall ordinarily be submitted by the Policy Committee to the Board at a regular or special school board meeting and shall be adopted, revised or repealed by a majority vote.

The adoption, revision or repeal of policy shall be made in an open and public manner at a regular or special charter school board meeting.

V. Communication and Public Involvement in Policy Adoption

An opportunity for interested parties to be heard before adoption, revision or repeal of policy shall be made.

Retention and organization of adopted policies, rules, regulations and procedures shall be made in a policy binder maintained by the Secretary of the Board with the assistance of school staff.

Publication and availability of all policies, currently in effect within the School, shall be made to any interested person during the regular business hours of the School. To ensure a basic level awareness and institutional understanding, a copy of the policy binder shall be provided to all new members of the Board who shall be personally briefed on key aspects of the policies by a member of the school's staff.

VI. Review and/or Revision of Existing Policies

No later than September 30 of any school year, the Policy Committee shall complete a review of all of the existing policies of the school. Upon completion of the review, the Policy Committee shall notify the Board of Directors at its next regular meeting of the policies that require revision. The Policy Committee shall follow the procedures required for policy creation in the revision of existing policies. The Policy Committee may receive assistance of individuals or groups of individuals, as it deems necessary, in reviewing the existing policies of the school to determine whether a policy requires revision.

Adopted: June 6, 2018

Amended:

CODE OF ETHICS FOR BOARD MEMBERS

As a member of the Board, I shall promote the best interests of the School as a whole and, to that end, shall adhere to the following ethical standards:

Equity in Attitude

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.

Trustworthiness In Stewardship

- I will be accountable to the public by representing School policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in School affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of School resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.

Honor In Conduct

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

Integrity Of Character

- I will refuse to surrender judgment to any individual or group at the expense of the School as a whole.

- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the School if disclosed.

Commitment To Service

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Director.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

Student-Centered Focus

- I will be continuously guided by what is best for all students of the School.

Adopted: June 6, 2018

Amended:

School Board Meetings – Brown Act Compliant**I. Types of Meetings**

- A. Regular Meetings Regular meetings of the Board of Directors of **Mojave River Academy Schools Board** shall be held consistent with the calendar for such meetings as established by the Board each year.

If at any time any regular meeting falls on a holiday, (Federal, State or local), such regular meeting shall be held on the next business day.

When required by law, meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting in accordance with law, shall be considered regular Board meetings.

- B. Special Meetings Special meetings may be called on an as-needed basis by the Board President or a majority of the members of the board, consistent with legal requirements.
- C. Emergency Meetings Emergency meetings may be called by a Board majority when an emergency situation arises involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities in accordance with law.

II. Notification of Meetings Regular Meetings

Notice of the time and place of regular meetings, along with the agenda and supporting documentation, will be provided to all Board members and those persons or entities who have previously requested notice of such meetings, not later than 72 hours prior to a regular meeting. The notice and agenda will also be posted in a location that is freely accessible to members of the public not later than 72 hours prior to a regular meeting. The notice and agenda will be posted on the School's website and after January 1, 2019, it will be posted on the School's primary website homepage accessible through a prominent, direct link. It is the Director's responsibility to provide notice and copies of the agenda and supporting documentation for regular meetings.

A. Special Meetings

Notice of the time and place of special meetings, along with the agenda and supporting documentation, will be provided to all Board members and those persons who have previously requested notice of such meetings, not later than 24 hours prior to a regular meeting. Board members and media outlets (local newspapers, radios and/or television stations), that have

requested notice in writing, will be provided written notice delivered personally or by any other means to ensure receipt at least 24 hours before the time of the special meeting. The agenda packet will be mailed to all other persons requesting a copy of the agenda, and supporting documents under Government Code section 54954.1 at the time the materials are distributed to all members of the Board if possible or, if not a majority of the Board.

The notice and agenda will be posted on the School's website www.MojaveRiver.net and in a location that is freely accessible to members of the public not later than 24 hours prior to a special meeting.

It is the Director's responsibility to provide notice and copies of the agenda and supporting documentation for special meetings.

B. Emergency Meetings

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, notice to the Board will be provided as soon as is reasonably practicable under the circumstances. All media outlets that have requested notice of special meetings shall be notified one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the Board members are notified of the emergency meeting. The notice shall be given by telephone and all telephone numbers provided by the media outlet in the request for notice shall be exhausted. If telephones are not working, the notice requirement is waived and the media shall be notified of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

III. Agendas

A. Preparation of Agenda and Process The Director shall be responsible for preparing the agendas for all meetings of the Board.

The Director shall include on the agenda items that relate to school business as are requested for inclusion by Board members, and determined by the Director to be appropriate for discussion at that meeting. In addition, a citizen may request that a topic directly related to school business be placed on the agenda. The Director and/or Board **President** shall determine, in his/her discretion, whether the citizen request is or is not an item directly related to school business. No citizen-requested item shall be placed on the agenda if it is repetitive of a previous item placed on an agenda and considered by the Board.

Requests for items to be included on the agenda by Board members, school employees or citizens shall be in writing and submitted to the Director's office no later than seven (7) working days prior to the next regularly scheduled Board meeting.

At a Board meeting, Board members or the Director may request that a topic be placed on the agenda, which topic had been recently considered and acted upon by the Board, provided there is new and relevant information on the topic. Discussion at the meeting is limited to determination of whether to reconsider the agenda topic at the next Board meeting.

B. Contents of the Agenda In preparing the agenda, the Director shall include the following:

- Time and location of the meeting, including, if applicable, any teleconferencing location(s);
- A brief general description of all items of business to be transacted or discussed at the meeting, including those items to be discussed in closed session; Closed session items must be described in accordance with Government Code section 54954.5;
- An opportunity for members of the public to directly address the Board in accordance with the Board's public comment policy (addressed below);
- If teleconference locations are being utilized, an opportunity for members of the public to address the Board directly at each teleconference location; and
- Information regarding how, to whom and when a request for disability related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

IV. Supporting Information Relating to Agenda Items

The Director is responsible for preparing all supporting information that may accompany each agenda topic originating from the administration or the Board.

The purpose of preparing supporting information is to facilitate decision-making on the part of the Board members by having available to them in advance of Board meetings comprehensive data pertaining to each agenda topic. The supporting information shall accompany the agenda and be delivered to the Board members concurrently with the agenda.

If supporting materials are distributed to Board members during a public meeting, such materials will be made available for public inspection at the meeting if prepared by the Director. If such materials are prepared by some other person, they shall be made available after the meeting at which they were distributed. The Board may charge a fee or deposit for a copy of such materials.

These materials will be made available in appropriate alternative formats upon request by a person with a disability, as required by the Americans with Disabilities Act. No surcharge will be imposed on persons with disabilities in violation of the Americans with Disabilities Act.

Citizens who request to have a topic placed on the agenda are encouraged to submit, in writing, supporting information detailing their reason for having the topic placed on the agenda and what is being requested of the Board. This is intended to provide background information for Board members to help expedite the Board's handling of the topic at the Board meeting.

V. Board Meetings

A. Open Session

All regular, special and emergency meetings of the Board shall be open to the public and the media, except Closed Sessions as authorized by law.

- B. Public Participation at Meetings** **Public comment generally:** At a regular meeting, any person may address the Board concerning any item on the agenda and any other matters under the Board's jurisdiction. At a special meeting, any person may address the Board only concerning the items on the agenda. The total time devoted to presentations to the Board on all public comment (including agenda items and non-agenda items at regular meetings) shall not exceed one-half hour, unless additional time is granted by the Board. At the discretion of the Chairman of the Board, individuals may be granted 5 minutes to make a presentation to the Board. Normally, individuals will be granted 2 minutes each for public comment. Individuals who utilize a translator will be given twice the allotted time to a member of the public to ensure that non-English speakers receive the same opportunity to directly address the Board. If the Board makes available simultaneous translation equipment in a manner that allows the Board to hear the translated public testimony simultaneously, this additional time allotment does not apply.

Limits on public comment: The Chairperson may curtail individual presentations if repetitive of points raised by others, particularly if it appears the total allotted time may be exceeded. Any person who addresses the Board shall not make personal impertinent, slanderous or profane remarks to any Board member, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the Chairman of the Board or a Board majority, be barred from the audience before the Board during that meeting.

In the event that any meeting is willfully interrupted by a group(s) of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of

individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue the session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other media, if not participating in the disturbance, shall be allowed to attend any such session. Citizens desiring Board action on an item are required to seek placement of the issue on the Board agenda in accordance with policy rather than presenting the matter during general public comment. This will facilitate discussion and expedite resolution.

Time for public comment: All public comment concerning all matters shall be heard immediately after the meeting is called to order and prior to the formal discussion of the agenda topics by the Board and consideration of action.

Recording and/or broadcasting of meeting: Persons attending an open meeting have the right to record or broadcast the proceedings with an audio or video tape recorder or a still or motion picture camera unless the Board reasonably finds that the recording or broadcast cannot continue without noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Requests to address the Board: Prior to the beginning of the meeting, citizens seeking to address the Board on an item on the agenda or during time allocated for public comment shall complete the card, “Request to Address the Board” (located in the Board Meeting Room), and give it to the **Board President** or Board Secretary, or their designee.

- C. Board Members at Meetings **Board discussion and action:** For regular and special meetings, no action or discussion shall be taken on any item not appearing on the posted agenda. At a regular meeting, however, Board members or staff may briefly respond to statements made or questions posed by persons during public comment. At regular meetings, a Board member may, on his/her own initiative or in response to a question posed by the public, ask a question for clarification, make a brief announcement or make a brief report on his/her own activities. Additionally, a Board member may provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Certain discussions prevented in special meetings and required announcements in regular meetings: The Board may not discuss in any special meetings the salaries, salary schedules or compensation paid in the form of fringe benefits of the Executive Director (or other identified head of the School). This limitation, however, does not apply to the Board calling a special meeting to discuss the School’s budget. Prior to taking final action, the Board shall orally report a summary of a recommendation for a final action on the salaries, salary schedules or compensation paid in the form of fringe benefits of the School’s Executive Director during the

open regular meeting in which the final action is to be taken.

Exceptions in regular meetings: In regular meetings, the Board may take action on items of business not appearing on the posted agenda if any of the following conditions apply: 1) A majority of the Board determines that an emergency situation exists (as defined by Govt. Code section 54956.5); 2) A determination by a two-thirds vote of the Board members present at the meeting, or if less than two-thirds are present, a unanimous vote of those Board members present, that there is a need to take immediate action and that the need for action came to the attention of the Board after the agenda was posted; or 3) The item was properly posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting, the item was continued to the meeting at which action is being taken. If items are discussed under these conditions, the Board President shall publicly identify the item(s).

Closed session: Prior to holding any closed session, the Board shall disclose, in an open meeting, the item(s) to be discussed in the closed session. The disclosure may take the form of a reference to the item(s) as they are listed by number or letter on the agenda. In the closed session, the Board may consider only those matters covered in its statement.

After any closed session, the Board shall reconvene into open session prior to adjournment and make a report of any action taken in closed session and the vote or abstention of every Board member present thereon in accordance with Government Code section 54957.1.

- D. Minutes of Board Meetings** **Open session meetings:** The minutes of open session meetings of the Board shall record all motions, show the names of Board members making and seconding motions and state the vote upon the motion, including the vote or abstention of every Board member present. In the event that Board members are participating via teleconferencing, all votes during the meeting shall be by roll call and will be reflected in the minutes. The open session minutes shall also record all resolutions, the recommendations of the administration and the substance of the Board's discussion or the substance of statements pertinent to Board's business made by members of the staff or public. The minutes shall follow the generally accepted pattern in form.

The original copy of the open session minutes shall be signed by the Secretary of the Board and approved by the Clerk. Original minutes shall be bound in chronological order, volumed by fiscal year and paged consecutively.

Closed session meetings: The Board designates the President and the Chief Financial Officer to attend each closed session of the Board and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book for closed session is not a public record subject to inspection and shall be kept confidential. The minute book shall be available

only to Board members, or when otherwise required by law. The minute book may, but need not, consist of a recording of the closed session.

Minutes for Emergency Meetings: Any time an emergency meeting is held, the minutes must provide a list of persons who were notified or attempted to be notified, a copy of the roll call vote, and any actions taken at the meeting. The minutes will be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Storing the minutes: The official minutes of the Board (for open and closed sessions) shall be kept in fireproof storage. The following documents shall be bound with the official minutes and referred to in the text of the minutes to which they apply:

- Original copies of all resolutions unless required by other agencies, in which case photocopies of the originals may be substituted;
- Original copy of all budget transfers;
- Copies of any document determined by the Board to be attached to the official minutes; and
- Other documents which, in the opinion of the Secretary, are necessary to fully substantiate or record Board action.

In addition to the official minutes, an additional copy of all minutes and attached documents shall be maintained in the office of the Secretary of the Board. This set of minutes shall be bound, indexed by those categories detailed above and by subject.

VI. Quorum Requirements

A majority of the voting members of the Board shall constitute a quorum of the Board, which is necessary for the Board to transact business. All motions, in order to pass, need positive action by at least a majority of the Board present at the meeting. Should there be less than a majority of the Board present at any meeting, the meeting shall be adjourned.

VII. Continuances and Adjournment

A. Continuances

Items appearing on agendas for regular meeting may be continued to another meeting, to be held within 5 calendar days from the date of the originally posted meeting, without triggering the requirement that the agenda item be re-posted with the requisite notice.

If the Board is holding, has noticed or ordered a hearing, at any meeting, the Board may, by order or notice, continue or re-continue to any subsequent meeting of the Board in the same manner

and to the same extent that a meeting may be adjourned (see below). If the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be conspicuously posted on or near the door immediately following the meeting at which the continuation was adopted or made. Govt. Code § 54955.1.

B. Adjournment

The Board may adjourn any regular or special meeting to a time and place specified in an order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular meeting, the Board Secretary may declare the meeting adjourned to a stated time and place and he/she shall cause a written notice of adjournment to be given in the same manner as provided for special meetings, unless such notice is waived for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held within 24 hours after the time of adjournment. When a regular meeting is adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Adopted: June 6, 2018

Amended:

BOARD OPERATIONS ROBERTS RULES OF ORDER

Absent a policy to the contrary, the business of the Board of Directors (the “Board”) of **Mojave River Academy Schools** (the “School”) at its meetings will be conducted in accordance with the specifications of its adopted rules of conduct, which may be modeled after Robert's Rules of Order. Any member may rise to a point of order under these rules, which action shall take precedence over all other business before the Board.

Polling of Board of Trustees

Voting on resolutions shall be by majority vote and shall be by the polling of voting Board members. The minutes shall record the person making the motion, the person seconding it, and the results of a vote, including the names of the trustees voting for and against the motion or abstaining, as well as Board members who are absent. Secret ballots and proxies are prohibited.

Board Member Compensation and Reimbursement of Actual and Necessary Expenses

Directors will receive compensation for their services as directors in the same manner as school district governing board members, according to education code section 35120, and only such reimbursement of expenses as the Board of Directors may establish by resolution to be just and reasonable as to the Corporation at the time that the resolution is adopted. Directors shall also be eligible to receive health and welfare benefits covered at the same level as management employees.

Officers, Directors and School Liability Insurance

The School will maintain adequate insurance to protect the School against loss because of fire, damage to school property, loss to other property, or general liability resulting as a responsibility of the School and its Board members or officers while acting on behalf of the School.

Appointment of Board Committees

Consistent with the charter, bylaws, and any other applicable provisions of contract or law, the Board may appoint committees for any purpose deemed appropriate by the Board. The resolution establishing the committee shall clearly define the range of the committee's responsibility and authority, and shall specify whether the committee shall be a standing or limited-term committee. In meeting and carrying out designated purposes, any such committee shall comply with any applicable legal or contractual requirements. Specifically, unless

otherwise specified in Board by-laws, parent/teacher associations and/or parent committees shall be advisory only.

Board Election/Nomination Process

The Board shall carry out its election and nomination process consistent with the requirements of its charter and bylaws. Should the charter and bylaws not address any issue which may arise, the Board may adopt regulations which address such concerns. Should the Board wish to alter its election or nomination process, it must do so consistent with any requirements of its charter, unless the charter is revised and requirements in the bylaws.

Board Member Resignations

Board members may submit a resignation at any time during their term but should give due consideration, as to the timing of the resignation, concerning the impact the resignation may have upon the Board. While a resignation must be acknowledged by the Board at the next regularly scheduled meeting following notice of the resignation, assuming it may be properly agendized, a Board member's resignation need not be accepted by the Board. The resignation becomes effective once brought to the attention of the Board.

Board Member Removal From Office

A Board member may be removed from office by a majority vote of the Board following a motion made in open session for the removal of the Board member. A motion to remove a Board member may not be made in closed session, nor may a discussion about removal be had in closed session.

Dispute Resolution with Granting Agency

Any dispute that may arise with the granting agency must be handled in strict accordance with the dispute resolution process outlined in the charter or any agreement entered into with the granting agency. Should the Board wish to amend the dispute resolution process it must amend the charter or other agreement in order to do so.

Adopted: June 6, 2018

Amended:

CONFLICTS OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974 (GOVERNMENT CODE
§§ 87100, ET SEQ.)

I. Adoption

II. The Governing Board hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members, candidates for member of the board, and all other designated employees of the Mojave River Academy Schools (“School”).

III. Definitions

“Designated Employees” are officers and employees of the School, Board members and candidates, who hold positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any Financial Interest. The designated positions are listed in Exhibit “A” attached to this policy and incorporated herein by reference.

“Common Directors” are those Board members that sit on the Board of Directors of the School and the board of directors of another corporation with which the School is considering entering a contract or transaction.

“Financial Interests” are when directors, officers and/or employees, or their family members, are compensated by the School for services rendered to it within the previous 12 months, whether as a full- or part-time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a director as director. A director, officer and/or employee also has a Financial Interest if the person has, directly or indirectly, through business, investment or family:

- 1) an ownership or investment interest in any entity with which the Organization has a transaction or arrangement;
- 2) a compensation agreement with any entity or individual with which the School has a transaction or arrangement; or
- 3) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction or arrangement.

IV. Disclosure Statements

Statement of Economic Interest

Each designated employee, including governing board members and candidates, shall file a Statement of Economic Interest (“Statement”) at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee’s position is assigned in Exhibit A.

An investment, interest in real property or income shall be reportable if the business entity in

which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or by participation in the decision by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in Exhibit B.

Contents of Statements

Initial Statements: Initial Statements shall disclose any reportable investments, interests in real property, business positions held on the effective date of the Code and income received during the twelve (12) months prior to the effective date of the Code.

Assuming Office Statements: Assuming Office Statements shall disclose any reportable investments, business positions, interests in real property held on, and income received during the 12 months before the date of assuming office or the date of being appointed or nominated.

Annual Statements: Annual Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year.

Leaving Office Statement: Leaving Office Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

Timing of Filings

An initial Statement shall be filed by each designated employee within 30 days after the effective date of the Code. Thereafter, each new designated employee shall file a Statement within 30 days after assuming office. Each designated employee shall file an annual Statement by April 1. Every designated employee who leaves office shall file a Statement within 30 days of leaving office.

Statements Filed With the Charter School

All Statements shall be supplied by the Charter School on forms prescribed by the Fair Political Practices Commission. All Statements shall be filed with the Charter School. The Charter School's filing officer shall make and retain a copy and forward the original to the Charter School's code reviewing body.

V. Disqualification

Designated Employees: No Designated Employee may make, participate in making, or in any

way use or attempt to use his/her official position to influence any Charter School decision when he/she knows or has reason to know he or she has a disqualifying financial interest. A Designated Employee has a “disqualifying financial interest” if the decision will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, directly on the Designated Employee or a member of his or her immediate family or on:

- Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth two thousand dollars (\$2,000) or more.
- Any source of income totaling five hundred dollars (\$500) or more provided or promised to the designated employee within twelve months prior to the decision.
- Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or holds any position of management.
- Any business entity that is a parent or subsidiary of, or is otherwise related to, a business entity in which the designated employee has an interest.
- Any donor, or intermediary or agent of a donor, of a gift or gifts totaling \$460 or more in value provided to, promised to, or received by the designated employee within twelve months prior to the time when the decision is made.
- Any investment or interest owned by the spouse or dependent child of the Designated Employee, by an agent on behalf of the Designated Employee, or by a business entity or trust in which the Designated Employee, his/her agents, spouse and dependent children own directly, indirectly or beneficially at least a 10% interest.

Common Directors: No Common Director may make, participate in making, or in any way use or attempt to use his/her official position to influence any Charter School decision which involves the Common Director’s other directorship.

Interested Directors: Not more than 49 percent of the persons serving on the Board of the Charter School may be Interested Directors.

Manner of Disqualification

Designated Employees and Common Directors: When a Designated Employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School Director, who shall record the employee’s disqualification. In the

case of the Charter School Director, this determination and disclosure shall be made in writing to the Governing Board.

Governing Board members shall orally disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made following the announcement of the agenda item, but before the discussion or vote commences. This disclosure shall be made part of the Board's official record. The disqualified Board member shall then refrain from participating in the decision in any way, but may remain seated if desired.

If the decision is made during a closed session, the member's disqualification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest under Government Code section 87100. The declaration shall be made part of the official public record. The member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the decision.

The following must be confirmed in the affirmative prior to the Board's acceptance of a contract or transaction with a Designated Employee or Common Director:

- That the transaction is entered into for the benefit of the Charter School;
- That the transaction was fair and reasonable for the Charter School at the time it enters into the transaction;
- That after reasonable investigation under the circumstances, the Board determines, in good faith, that the Charter School could not have obtained a more advantageous arrangement with reasonable effort. Documentation of the results of the investigation shall be retained either in the Board minutes and/or in the school's financial files.

Disqualified Designated Employees and Common Directors shall not be counted toward achieving a quorum while the item is discussed.

Adopted: June 6, 2018

Amended:

EXHIBIT A
Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit B (i.e. categories 1, 2, and 3).
- A. Members of the Board of Directors
 - B. Candidates for Member of the Board of Directors
 - C. Members of Committees of the Board of Directors¹
 - D. Director of Charter School
 - E. Assistant Director
 - F. Chief Business Officer
 - G. Director of Personnel Services
 - H. Assistant Director of Personnel Services
 - I. Consultants²
 - J. Other Employees³
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.
- A. Purchasing Manager
 - B. Assistant Business Officer
 - C. Other Employees⁴

¹ This category must be included if the committee has members that are not otherwise covered by the other identified categories and the committee possesses decision making authority. Decision making authority is present when the committee: a. may make a final decision; b. may compel a governmental decision or it may prevent a decision either by reason of an exclusion power to initiate the decision or by reason of a veto that may not be overridden; or c. makes substantial recommendations that are, and over an extended period have been, regularly approved without significant amendment or modified by another designated employee.

² A consultant will occupy a “designated position” when he/she is contracting with the agency to do the following: 1) Make a governmental decision wither to, among other things, (a) authorize the agency to enter into, modify or renew a contract provided it is the type of contract that requires agency approval; (b) grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract; (c) grant agency approval to a plan, design, report, study or similar item; or (d) adopt or grant agency approval of, policies, standards or guidelines for the agency or for any subdivision thereof; or 2) Serve in a staff capacity with the agency and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a designated position.

³ “Other Employees” include any employee occupying a position that requires the employee to make a governmental decision that foreseeably and materially affects a personal financial interest, source of income, or a business position in a business entity.

⁴ “Other Employees” include any employee with authority to make purchases that may foreseeably and materially affect an investment and/or business position in business entities or who are in a position to influence a

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B.
- A. Information Systems Technician
 - B. Contractor
 - C. Other Employees⁵

governmental decision that may foreseeably and materially affect an investment and/or business position in a business entity.

⁵ “Other Employees include employees with authority to make purchases that may foreseeably and materially effect investments and business positions in business entities which provide services, supplies, materials, or equipment in which the employee has authority to purchase.

BOARD GOVERNANCE POLICY #7B – CONFLICT OF INTEREST CODE – POLITICAL REFORM ACT COMPLIANT

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EXHIBIT B

Disclosure Categories

Category 1 Reporting:

- A. Interest in real property which is located in whole or in part within the geographical service area of the School, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.)

- B. Investments in or income from persons or business entities (including gifts, loans and travel payments) which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the geographical service area of the School.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the geographical service area of the School.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

(No investment or interest in real property is reportable unless its fair market value exceeds \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 or more in value or \$50 or more in value if the income was a gift during the preceding 12-month reporting period.

Category 2 Reporting:

- A. Investments in or income from persons or business entities (including gifts, loans and

travel payments) which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director. Investments include interests described in Category 1.

Category 3 Reporting:

- A. Investments in or income from persons or business entities (including gifts, loans and travel payments) which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

ACCEPTANCE OF GIFTS

All gifts or donations must be accepted by the Board at a regularly scheduled Board meeting. All Board members who receive gifts in their individual capacity must reflect such gifts in accordance with the Political Reform Act annually on their Form 700.

Adopted: June 6, 2018

Amended:

DISSOLUTION OF THE SCHOOL

School Closure: If the School's charter is revoked, not renewed or the School's governing board passes a resolution closing the charter school, the following closure procedures will be implemented.

In the event that any of the Charters governed by Mojave River Academy Schools are revoked according to the process outlined in Education Code Section 47607(c-k), or not renewed under the provisions of Education Code Section 47607(b), or closed by the charter operators, the following procedures shall be followed:

1. The Mojave River Academy Schools Board shall document the closure through official action, identifying the reason for closure. The Mojave River Academy Schools shall designate person(s) responsible for, and who may be contacted regarding, all closure related activities.
2. The Mojave River Academy Schools shall send written notification, which includes, at a minimum, the effective date of the closure and contact information for the designated person(s) responsible for closure related activities, to the following:
 - a. Parents/guardians of all Charter students. (Notice shall also include information to assist parents in locating and transferring to a new school.)
 - b. The District (if closure initiated by charter operators)
 - c. The San Bernardino County Office of Education
 - d. The appropriate SELPA
 - e. The retirement systems to which Charter employees belong (STRS, PERS, social security, etc)
 - f. The California Department of Education.
 - g. Any other school districts that may be responsible for providing education services to students of the Charter, including a list of students potentially returning to each district.
 - h. Charter employees
 - i. Vendors of the Charter
3. The Mojave River Academy Schools shall transfer all student records to the Sponsoring District in compliance with the Family Educational Rights and Privacy Act (FERPA). The Mojave River Academy Schools Board shall pay the District a fee of \$25,000 for the

collection and handling of all student records. This fee shall be paid before settling any further liabilities from the remaining assets.

4. The Mojave River Academy Schools shall pay for a final independent audit to be completed by a Certified Public Accountant. The audit shall include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter. The completed audit shall be promptly submitted to the District.
5. All outstanding liabilities identified by said audit will be satisfied from the remaining assets.
6. The Mojave River Academy Schools shall ensure that all applicable reports required by Ed Code Section 47604.33 are completed and filed.
7. The Mojave River Academy Schools shall maintain and transfer all personnel files in accordance with applicable law.
8. The Mojave River Academy Schools shall do all of the following for Charter employees:
 - a. File the Federal Notice of Discontinuance with the Department of Treasury
 - b. File all final federal, state and local employer payroll tax returns and issue final W-2s and Form 1099's by the statutory deadlines
 - c. Make all final federal tax payments
 - d. File the final withholding tax return
 - e. File the final return with the IRS
9. The Mojave River Academy Schools shall update all student records in the California Longitudinal Pupil Achievement Data System (CALPADS).
10. All remaining assets after the discharge of all liabilities shall become the property of the District.

Adopted: June 6, 2018

Amended:

Public Records Requests – Public Records Act Compliant**I. Public Records****A. Public Records Defined**

- B.** The Mojave River Academy Schools (the “School”) provides the public with access to its public records in accordance with legal requirements. Public records are those writings containing information relating to the conduct of the School’s business that are prepared, owned, used or retained by the School regardless of physical form or characteristics. Certain public records, however, are exempt from disclosure by express provision of law. These records will not be provided to the public. The School may not deny disclosure of records based on the purpose for which the record is being requested.

C. Records Exempt from Disclosure

Some of the records that are exempt from disclosure include the following categories. This is not an exhaustive list.

- Preliminary drafts, notes or inter/intra-School memoranda that are not retained by the School in the ordinary course of business;
- Records pertaining to pending litigation to which the School is a party or to claims made pursuant to the Tort Claims Act (if applicable), until the pending litigation nor claim has been finally adjudicated or otherwise settled.
- Personnel, medical, student records, or similar files. Test questions, scoring keys and other examination data used to administer an examination for employment or academic examination, unless specifically authorized by law.
- The content of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the School relative to the acquisition of property, until all of the property has been acquired.
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
- A document prepared by or for the School that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the Schools operations and that is for distribution or consideration in a closed session.

- Trade secrets.
- Computer software developed by the School.
- Identification numbers, alphanumeric characters or other unique identifying codes that the School uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identifying code number, alphanumeric character or other unique identifying code is used in a public bidding or an audit involving the School.
- Records where, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

The School may, in its discretion and as permitted by law, waive the applicable exemption to the records. In this case, the disclosure constitutes a waiver for all requesters of that public record and will be open to inspection by all requesters.

II. Process for Requesting Public Records

A. Requests for Public Records

Any person wishing to inspect the School's public records shall make the request, preferably in writing, to **the Director of Mojave River Academy Schools, (760) 245-3222, PO Box 454. Oro Grande, CA 92368. khemsley@mojaveriver.net**. The request must reasonably describe an identifiable public record(s) and must be specific and focused.

To the extent reasonable under the circumstances, the School will assist the requester to make a focused and effective request by:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.
- Providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If the School is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s), the School will not provide further assistance to the requester.

B. Response to Public Records Request

The **Director of Mojave River Academy Schools** will, within 10 days¹ of receipt of the request, provide a written response to the requester of public records. The written response shall contain the following information:

- Notice informing the requester whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the School and the reasons for the determination.
- If the School denies any request for records, in whole or in part, and the request was in writing, the notification of denial will set forth the names and titles or positions of each person responsible for the denial.
- The date and time when the records will be made available.
- If the request identifies information which is contained in both electronic format and hard copy, the notice may inform the requester that the information is available in either format.
- If the requester seeks copies of the records, the School may identify a fee covering the direct costs of duplication.
- If the requester seeks copies in electronic format, the School may charge the requester the direct cost of producing a copy of the record in that format. If, in order to comply with these requirements relating to electronic formatted records described below, the School is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or the request would require data compilation, extraction or programming to produce the record, the School may charge the requester the cost to construct a record, the cost of programming and computer services necessary to produce the record.
- If the School maintains an Internet Website, Webpage or Internet Web Portal, in which

¹ In unusual circumstances, the 10 day time limit may be extended by written notice by the **Mojave River Academy Schools Board President** to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. In no event will the extension exceed 14 days. As used in this policy, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request: 1) The need to search for and collect the records from field facilities or other establishments that are separate from the office processing the request; 2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; 3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the School having substantial subject matter interest therein; or 4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

the School describes or titles as “open data,” and the School voluntarily posts a public record on that Internet Resource, the School shall post the public record in an open format that meets requirements identified in Government Code § 6253.10.

- The School may comply with the Public Records Act by posting any public record on its Internet Website, and in response to a request for a public record posted on the Website, direct a member of the public to the location on the Website where the public record is posted. If, however, the member of the public requests a copy of the public record due to the inability to access or reproduce the public record from the Website, the School shall promptly provide a copy of the public record in accordance with this policy.

III. Records Inspections or Copies

Time and Place of Inspection: A person who has made a public records request may inspect the records after the date and time identified in the response to the request. Generally, records inspections may take place at **the Director of Mojave River Academy Schools, (760) 245-3222, PO Box 454. Oro Grande, CA 92368. khemsley@mojaveriver.net** during office hours of the School, which are **7:45 AM to 4:15 PM Monday - Friday.**

Electronic Formatted Records: If the School has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, and it has been requested in an electronic format, the School will make that information available in an electronic format. The School will make the information available for inspection in any electronic format in which it holds the information. If the requested format is one that the School uses to create copies for its own use or for provision to other agencies, the School will provide a copy of the electronic record. The School will not, however, provide electronic records in the electronic form in which it is held by the School if its release jeopardizes or compromises the security or integrity of the original record or of any proprietary software in which it is maintained.

If the School no longer has the record in electronic format, the School will not reconstruct the record in electronic format.

Partial Disclosure: If the requested records may only partially be disclosed because some are exempt from disclosure, the reasonably segregable portion of the record(s) will be made available for inspection.

Adopted: June 6, 2018

Amended:

UNIFORM COMPLAINT PROCEDURES

It is the policy of the **Mojave River Academy Schools** (the “School”) to maintain a positive and productive working and educational environment. The School does not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, race, color, ancestry, or ethnicity, religion, sex, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in California Penal Code section 422.55 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The School is primarily responsible to ensure that it is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees or students may take issue with other employees or students or someone may believe that a violation of federal or state law is occurring in certain educational programs. The School encourages complainants to first address the issue with the other person directly using conflict resolution skills when possible.

Types of Complaints to be Filed Using the UCP: If, however, the complainant does not feel comfortable with this approach or the complaint involves harassment, discrimination, intimidation, or bullying based upon the above-identified characteristics, or any other legally protected category, in its programs or activities, federal or state laws, or regulations governing educational programs, or improper student fees, failure to accommodate lactating students, and Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) resources, failure to comply with statutes relating to foster care pupil records transfers or foster care pupil education or a complaint that the School has not complied with the requirements of Education Code sections 47606.5 (annual update to goals and annual actions) or 47607.3 (outcomes for pupil subgroups), as applicable, or other violation of state or federal law under the following programs [**Federal Title I-VII programs, including improving academic achievement, compensatory education, English learner programs, Career Technical and Technical Education and Training Programs; Special Education Programs; Safety Planning Requirements; Physical Education: Instructional Minutes; Pupil Instruction: Course Periods without Educational Content or Previously Completed Courses; and Tobacco Use Prevention Education**], the complainant must use the below identified complaint procedure. The School will investigate complaints and seek to resolve them in compliance with this policy.

Internal Procedures:

Each **Center Administrator** has the responsibility to maintain a workplace and educational environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Unlawful discrimination or harassment may be based upon actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race,

ancestry, national origin, religion, color, mental or physical disability, age or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other category protected by law. Consequently, should the **Center Administrator** become aware of any conduct that may constitute discrimination, harassment or other prohibited behavior, immediate action will be taken to address and remediate such conduct.

Making a Complaint: Any person who has experienced or is aware of a situation that is believed to be sexually and/or otherwise unlawfully harassing or represents a violation of law as identified above, has a responsibility to report the situation immediately to **the Director [19900 National Trails Hwy, Oro Grande, CA 92368, 760-245-3222]**. Employees who believe they have been the victim of any employment discrimination should follow the complaint procedures identified in the employee handbook. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the School will assist the complainant in filing the complaint.

If the employee of student is not comfortable contacting the Director or if that individual is not available, the employee or students should contact the **Oro Grande School District Uniform Complaint Compliance Officer [19900 National Trails Hwy, Oro Grande, CA 92368]**, who has been designated to handle inquiries regarding the non-discrimination policies and other complaints identified. OCR Non-discrimination notice. A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained from the Oro Grande School District Uniform Complaint Compliance Officer.

Anonymous Complaints: Any employee or student who believes that there has been a violation of state or federal law as articulated above, or an improper imposition of student fees, should make a written complaint to the **Director or Designee**. Students making a complaint of improper fees or complaints that the School has failed to comply with Education Code sections 47606.5 or 47607.3, may make the complaint anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the applicable Education Codes.

6 Month Limit on Certain Complaints: Complaints relating to discrimination (other than employment discrimination) must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the **Director** or his/her designee. Such extension by the **Director** or his/her designee shall be made in writing. The period for filing may be extended by the **Director** or his/her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The **Director** shall respond immediately upon a receipt for extension.

Informal Resolution: If the parties mutually agree, the complainant and the School may resolve the matter through mediation or otherwise informally. If mediation fails to resolve the matter, or

the parties do not agree to mediate the matter, the formal complaint procedure identified below shall be followed.

Investigation of Complaints: If the complaint alleges wrongdoing involving discrimination (other than employment discrimination) or claims of failure to comply with applicable state or federal laws or regulations, the School will complete an investigation and submit to the complainant a written decision regarding the complaint within 60 days of receipt of the complaint. During the investigation, the complainant, his/her representative or both, will have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of the complaint. The 60 day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly to resolve the matter.

The Director will be knowledgeable of the laws/programs that he/she is assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Department of Fair Employment and Housing (the “DFEH”) for investigation as required by law.

Written Decision: The **Director** shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant’s right to appeal the School’s decision to the California Department of Education; and 7) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the **Director** will send a copy of the written decision to the complainant.

Appeal of School’s Decision

Appeal to CDE: Except for complaints regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a decision to the California Department of Education (“CDE”) by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for the appeal and whether the facts are incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School’s decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the

complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Any student found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible suspension or expulsion.

External Procedures: Filing a Complaint with the DFEH.

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment may file a complaint directly with the DFEH. The DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the DFEH may file a formal accusation.

Employees may also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the DFEH and a Right to Sue Notice has been issued. For more information, contact the DFEH toll free at (800) 884-1684, or email the DFEH at contact.center@dfeh.ca.gov or visit its website at www.dfeh.ca.gov. To contact the nearest field office of the Equal Employment Opportunity Commission (“EEOC”), call 1-800-669-4000. You should be aware that state and federal law provide time limits within which complaints must be filed. Contact the relevant agency to determine the applicable time limit.

Retaliation Policy

It is in violation of the School’s policy for the School or any employee to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of any recommendations for subsequent employment that the School may make, adversely affect working conditions or otherwise deny any employment benefit to an individual because that individual has opposed practices prohibited by law or has filed a complaint, testified, assisted or participated in any manner in an investigation, conducted by the DFEH or their staff. Any employee retaliating against another employee, applicant or student will be disciplined, up to and including termination.

Examples of protected activities under the School’s retaliation policy include seeking advice from the DFEH or Commission; filing a complaint with the DFEH, irrespective of whether the complaint is actually sustained; opposing employment practices the employee reasonably believes to exist and believes to be a violation of the law; participating in an activity that is perceived by the School as opposition to discrimination, whether or not so intended by the employee expressing the opposition; participating in the proceeding of a local human rights or civil rights agency on a legal basis.

Nothing in this policy shall be construed to prevent the School from enforcing reasonable disciplinary policies and practices, nor from demonstrating that the actions of an applicant or employee were either disruptive or otherwise detrimental to legitimate business interests so as to justify the denial of an employment benefit.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted: June 6, 2018

Amended:

INTERNAL COMPLAINT PROCEDURES FOR COMPLAINTS RELATING TO SPECIAL EDUCATION

It is the policy of the **Mojave River Academy Schools** (the “School”) to maintain a positive and productive educational environment. The School is primarily responsible to ensure that it is compliant with all applicable federal and state special education laws and regulations. There are some circumstances, however, when parents/guardians or students over the age of 18 believe that a violation of federal or state special education law is occurring, or the student is suffering from discrimination, harassment, intimidation or bullying based upon a student’s actual or perceived disability. Parents/guardians/students who believe that a violation of law is occurring, such as, by way of example, whether procedural requirements have been followed for assessments, IEPs or records requests, whether LEA procedures are implemented appropriately and whether a student is receiving the services identified in his or her IEP, are encouraged to first address the issue with the person directly using conflict resolution skills without the intervention of a School administrator.

If, however, the parent/guardian/student does not feel comfortable with this approach, the parent/guardian/student must use the below identified complaint procedure, with the exceptions noted below. The School will investigate complaints and seek to resolve them in compliance with this policy.

If, on the other hand, the parent/guardian/student has a complaint relating to 1) a proposal to initiate or change the identification, assessment or educational placement of the child or the provision of a free appropriate public education (“FAPE”); 2) a refusal to initiate or change the identification, assessment or educational placement of the child or the provision of FAPE; 3) the parent/guardian refuses to consent to an assessment of the child; 4) the availability of a program appropriate for the child, including the question of financial responsibility, the parent/guardian/student should attempt to resolve the issue informally with the School’s administration. If that does not resolve the issue, the parent/guardian/student has the right to initiate a due process hearing in accordance with Education Code section 56501.

If the parent/guardian/student has a complaint relating to an evaluation or plan under section 504 of the Rehabilitation Act of 1973 (“section 504 plan”), the parent/guardian/student may complain to the School’s administration. If that does not resolve the issue, the parent/guardian/student may make a formal complaint to the School’s section 504 designee, the Director or their designee.

Filing a Complaint:

If the parent/guardian/student believes that a violation of state or federal special education laws or regulations, or discrimination/harassment based upon an actual or perceived disability, has occurred, or is occurring, and the issue is not resolved informally, the parent/guardian/student may file a written complaint with **the Director of Student Services or their designee**. All

parties involved in the allegations will be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision is made. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or a disability, the school staff will assist the person with filing the complaint.

Mediation:

A neutral mediator can often suggest a compromise that is agreeable to the parties involved in a dispute. Within three days of receiving a complaint, the **Director of Student Services or their designee** may informally contact the complainant to discuss the potential resolution of the issue through mediation. If the School and the complaining party agree in writing to attempt to resolve the dispute through mediation, the Executive Director, or his/her designee, will initiate mediation by identifying three proposed mediators. If the mediation does not resolve the problem or the parties do not mutually agree to resolve the matter through mediation, the **Director of Student Services or their designee** will proceed with investigating the complaint.

The use of mediation does not extend the timelines (articulated below) for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Making a Complaint: The parent/guardian/student should file a complaint with **the Director of Student Services or their designee, 19900 National Trails Hwy. Oro Grande Ca 92368 760-243-5884** should he/she become aware of any conduct that may constitute a violation of state or federal special education laws, or discrimination, harassment, intimidation or bullying based upon an actual or perceived disability. Immediate action will be taken to address and remediate such conduct.

If the complainant is not comfortable contacting **the Director of Student Services or their designee** or if that individual is not available, the employee or student should contact **the Director or designee 19900 National Trails Hwy. Oro Grande Ca 92368 760-243-5884**. A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained from the Director of Student Services.

The **Director of Student Services or designee** will conduct a prompt investigation and take appropriate corrective action where warranted. Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter. **The Director of Student Services or designee** will be knowledgeable of the laws/programs that he/she is assigned to investigate.

Complaints relating to discrimination must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the **Board President or designee**. Such extension by the **Board President** or his/her designee shall be made in writing. The period for filing may be extended by the Board President or his/her designee for good cause for a period not to exceed

90 days following the expiration of the six month time period. The **Board President or designee** shall respond immediately upon a receipt for extension.

If the complaint alleges wrongdoing involving discrimination or claims of failure to comply with state or federal laws or regulations relating to special education as identified above, within 60 days of receipt of the complaint, the **Director of Student Services or designee** will complete an investigation (and prepare and deliver a written decision as identified below) where the complainant, his/her representative or both, have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of discrimination or non-compliance with state or federal laws and/or regulations. The 60 day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

The Director of Student Services or designee shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant's right to appeal the School's decision to the California Department of Education; and 7) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the **Director of Student Services or designee** will send a copy of the written decision to the complainant.

Appeal of School's Decision

Except for complaints regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for the appeal and whether the facts are incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School's decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Students found to have participated in improper harassment, discrimination, intimidation or bully will be subject to

disciplinary action, up to and including possible suspension, withdrawal from the program or expulsion.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted: June 6, 2018

Amended:

HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY

It is the policy of **Mojave River Academy Schools** to create and maintain a work environment where employees are treated with dignity, decency and respect. It is also the policy of **Mojave River Academy Schools** to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to enforcing this Harassment, Discrimination and Retaliation Prevention Policy at all levels in order to create an environment free from all forms of discrimination, harassment and retaliation. Discrimination, harassment or retaliation based on race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy or childbirth), gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or any other legally protected category is unlawful and undermines the character and purpose of the School. Such discrimination, harassment or retaliation violates School policy and will not be tolerated. This policy applies to anyone an employee of the School comes into contact, including coworkers, third parties, supervisors, managers and students.

Any form of retaliation against anyone who has complained or formally reported discrimination or harassment or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

Definitions

Discrimination: Discrimination is adverse treatment of any employee based on the protected class or category of persons to whom he/she belongs with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training or deciding how to compensate that employee.

Harassment: Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee because of his/her membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be the employee's supervisor, a manager, a co-worker or someone who is not an employee of the School, such as a vendor, parent, or student.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning or hostile materials
- Unwillingness to train, evaluate, assist or work with an employee

Sexual Harassment: Sexual harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth or related medical conditions. It generally involves unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements

Hostile Work Environment: A hostile work environment results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive work environment.

Retaliation: Retaliation is any adverse action taken against an individual (applicant or employee) because he or she filed a charge of discrimination, complaint to the School or another agency about discrimination on the job, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination.

Reporting Discrimination, Harassment or Retaliation

Any employee who believes that he or she has been the victim of discrimination, harassment or retaliation prohibited by this policy, or any employee who has witnessed such discrimination, harassment or retaliation, should immediately report the circumstances in accordance with the procedure set forth below. The School will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

An employee may make a complaint, written or oral, to any of the individuals listed below:

- The Human Resources Manager
- The employee's direct supervisor
- Any other supervisor

Complaints may be submitted to the Human Resources Manager by any of the following methods:

- By phone at (760) 245-3222
- By email at khemsley@mojaveriver.net
- By mail at PO Box 454. Oro Grande, CA 92368

If the person to whom the complaint is directed has a personal relationship with the accused individual or otherwise has a conflicting interest, he or she will forward it to the **conflict resolution designee**.

Any supervisor that receives any complaints of misconduct, or personally observe, learn about from others, or reasonably suspect has occurred, shall report the same to the Human Resources Manager, so that the School may attempt to resolve the claim internally.

Investigation and Disposition of Complaints

The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s), will include an interview with the alleged employee-victim. It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom are encouraged to cooperate with any investigation. The investigator may also review any relevant documents.

The School will endeavor to complete its investigation within thirty (30) days of a report of discrimination or harassment.

Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but note that the investigation will not be completely confidential.

The investigator will report his/her findings to the Director and/or Board of Directors. Where the investigator concludes that a violation of this policy has occurred, the Director and/or Board of Directors will take prompt and appropriate remedial action, including disciplinary action. Depending upon the circumstances, disciplinary action may include, but is not limited to: reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and termination. Discipline for a violation of this policy is not progressive, so a first violation of this policy may warrant suspension or discharge.

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation. The investigatory file will be maintained with the Human Resources Manager. The progress of the investigation shall be monitored by the director through a periodic review of the investigatory file during the investigation.

Adopted: June 6, 2018

Amended: