

**NOTICE**  
**REGULAR MEETING OF THE GOVERNING BOARD**  
**TRACY UNIFIED SCHOOL DISTRICT**

**DATE: TUESDAY, MARCH 24, 2009**

**PLACE: JACOBSON ELEMENTARY SCHOOL  
MULTI PURPOSE ROOM  
1750 W. KAVANAGH  
TRACY, CALIFORNIA**

**TIME: 5:30 PM Closed Session  
7:00 PM Open Session**

**A G E N D A**

1. **Call to Order** Pg. No.
2. **Roll Call – Establish Quorum**  
Board: G. Crandall, W. Gouveia, T. Guzman, T. Hawkins, K. Lewis, B. Swenson, J. Vaughn  
Staff: J. Franco, R. Davis, C. Goodall, S. Harrison and B. Etcheverry.
3. **Closed Session: Opportunity to Address the Board Regarding Closed Session Items which follow. Closed session is limited to consideration of items specifically authorized under the Government Code and/or the Education Codes.**
  - 3.1 **Educational Services:**
    - 3.1.1 Findings of Facts: FF#08-09/98, 101, 102, 104, 105, 106, 107, 108, 109, 111, 113
  - 3.2 **Human Resources:**
    - 3.2.1 Consider Public Employee/Employment/Discipline/Dismissal/Release  
**Action:** Motion \_\_; Second \_\_. **Vote:** Yes \_\_; No \_\_; Absent \_\_; Abstain \_\_.
    - 3.2.2 Conference with Labor Negotiator  
Agency Negotiator: Ryan Davis  
Assistant Superintendent of Human Resources  
Employee Organization: CSEA, TEA
4. **Adjourn to Open Session**
5. **Call to Order and Pledge of Allegiance**
6. **Closed Session Issues:**
  - 6a Action on Findings of Fact # FF08-09/98, 101, 102, 104, 105, 106, 107, 108, 109, 111, 113  
**Action:** Motion \_\_; Second \_\_. **Vote:** Yes \_\_; No \_\_; Absent \_\_; Abstain \_\_.
7. **Approve Special Minutes of January 20, 2009, March 4, 2009, March 5, 2009 and Regular Minutes of March 10, 2009.**  
**Action:** Motion \_\_; Second \_\_. **Vote:** Yes \_\_; No \_\_; Absent \_\_; Abstain-

<b>8. Student Representative Reports:</b>	Tracy High: Xiomara Fonseca; West High: Pauline Montemayor, Stein: Ricardo Ruiz; Freiler School: Egan Hunt, Anumita Kaur; Poet-Christian School: Raphaela Sacramento, Gurveer Deol, and Nicholas Binkley	<b>Pg. No.</b>
<b>9. Recognition &amp; Presentations:</b>	An opportunity to honor students, employees and community members for outstanding achievement:	
9.1	Recognize and thank Lawrence Livermore National Security, LLC for a \$5000.00 Donation to TUSD for Various Science Programs in the District.	
9.2	Central School Site Update on Achievements & Activities	
9.3	Recognize the Outstanding Employees of the Spring Term for the 2008-09 School Year	<b>38</b>
<b>10. Hearing of Delegations:</b>	Anyone wishing to address the Governing Board on a non-agenda item may be heard at this time. Presentations shall be held to a reasonable length, normally not to exceed five (5) minutes. If formal action is required, the item will be placed on a future agenda and action will be taken at a future date. If information or a report is requested, the request for it must also be submitted in writing to the superintendent. (Please complete a speaker's card at the secretary's desk). This is a period in which members of the public may address the Board on any subject within the Board's jurisdiction that is not on the agenda. The Brown Act does not allow the Board to take action or discuss items which are not on the agenda. This is because other members of the public have not been notified through the agenda that the subject of the statement would be discussed at this Board meeting. The Board may ask for the item to be placed on a future agenda, direct the speaker to a person who can help, or provide the speaker with the correct procedure to follow to address his/her problem. All speakers have a constitutional right to free speech. As a protective measure, we would like to remind you that if you say something which might give another person the right to pursue legal recourse against you, there is a taped record of this meeting. This does not mean you cannot criticize employees of the District. However, we would suggest that you do it without using names. We would also suggest that you use the personnel complaint procedures. The board can only hear and address complaints which have been processed in line with the policy. We have copies of the policy and forms here, and staff will help you complete them.	
<b>11. Information &amp; Discussion Items:</b>	An opportunity to present information or reports concerning items that may be considered by Trustees at a future meeting.	
11.1	<b>Administrative &amp; Business Services:</b>	
11.1.1	Receive Budget Reduction Priority Lists and Comments, and Superintendent's Preliminary Recommendations for Reductions to the 2009-10 District Budget	<b>39-41</b>
11.2	<b>Educational Services:</b>	
11.2.1	Receive Report on High School AP World History and Health Science Programs and Proposed Textbook Adoptions	<b>42-43</b>
11.2.2	Receive Report on High School Criminal Justice Program and Proposed Textbook Adoption	<b>44</b>
<b>12. PUBLIC HEARING:</b>		
12.1	<b>Educational Services:</b>	
12.1.1	Conduct a Public Hearing Regarding the Charter Renewal for the Tracy Learning Center's Millennium High School (9-12) and the Charter Renewal for the Tracy Learning Center's Primary School (K-4)	<b>45</b>

<b>13. Consent Items:</b>	Actions proposed for consent are consistent with the approved practices of the district and are deemed routine in nature. Trustees receive board agenda background information in advance of scheduled meetings and are prepared to vote with knowledge on the consent items.	<b>Pg. No.</b>
<b>Action:</b>	Motion___; Second___. <b>Vote:</b> Yes___; No___; Absent___; Abstain__	
<b>13.1 Administrative &amp; Business Services:</b>		
13.1.1	Approve Revolving Cash Fund Reports for February, 2009	46-48
13.1.2	Approve Monthly Budget Adjustment Report, February 2009	49-53
13.1.3	Approve Accounts Payable Warrants Report for February, 2009 (Under Separate Cover)	54
13.1.4	Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda	55-56
13.1.5	Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda	57-58
13.1.6	Approve Substitution of McFadden Construction, Inc. in Place of Aggressive Welding Services as the Welding Subcontractor for McFadden Construction, Inc., Tracy High School Modernization – Gym/HVAC	59-62
13.1.7	Accept the Generous Donations From the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed Herein with Thanks and Appreciation from the Staff and Students of the Tracy Unified School District	63-64
13.1.8	Authorize Associate Superintendent for Business Services to Bid and Award for a Soft Drink/Beverage Vendor	65
<b>13.2 Educational Services:</b>		
13.2.1	Approve the Community-Based English Tutoring (CBET) Program Application, Fiscal Year 2009-2010	66-68
13.2.2	Consent to Expend Funds for Purchase of K-5, 6-8 Mathematics and High School Algebra	69-70
<b>13.3 Human Resources:</b>		
13.3.1	Approve Classified, Certificated and/or Management Employment	71
13.3.2	Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment	72
13.3.3	Ratify Agreement for Special Contract Services for Assistant Varsity Baseball Coach Steve Alkire for the 2008-2009 Season	73-75
<b>14. Action Items:</b>	Action items are considered and voted on individually. Trustees receive background information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.	
<b>14.1 Administrative &amp; Business Services:</b>	None.	
14.1.1	Consider Claim No. 5-0809 TUSD	76
<b>Action:</b>	Motion___; Second___. <b>Vote:</b> Yes___; No___; Absent___; Abstain__.	
14.1.2	Consider Claim No. 6-0809 TUSD	77
<b>Action:</b>	Motion___; Second___. <b>Vote:</b> Yes___; No___; Absent___; Abstain__.	
<b>14.2 Educational Services:</b>		
14.2.1	Adopt Board Policy 5129, Bullying Prevention Policy (1 <sup>st</sup> Reading)	78-80
<b>Action:</b>	Motion___; Second___. <b>Vote:</b> Yes___; No___; Absent___; Abstain__.	

14.2.2	Approve the Charter Renewal for the Tracy Learning Center's Primary School (Under Separate Cover)	Pg. No 81
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___.	
14.2.3	Approve the Charter Renewal for the Tracy Learning Center's Millennium High School (Under Separate Cover)	82
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___.	
14.2.4	Adopt Board Policy 5130, Conflict Resolution Policy (1 <sup>st</sup> Reading)	83-84
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___.	
14.2.5	Adopt Board Policy 5144.1 and Acknowledge Administrative Regulation 5144.1 Suspension and Expulsion/Due Process (1 <sup>st</sup> Reading)	85-119
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___.	

**14.3 Human Resources: None.**

**15. Board Reports:** An opportunity for board members to discuss items of particular importance or interest in the district.

**16. Superintendent's Report:** An opportunity for the superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities.

**17. Board Meeting Calendar:**

- 17.1 March 31, 2009 – Special Budget Meeting
- 17.2 April 28, 2009
- 17.3 May 12, 2009
- 17.4 May 26, 2009
- 17.5 June 9, 2009
- 17.6 June 23, 2009

**18. Upcoming Events:**

- 18.1 April 10-14, 2009 Spring Break, YRE
- 18.2 April 10-19, 2009 Spring Break, Traditional
- 18.3 May 25, 2009 No School, Memorial Day
- 18.4 May 29, 2009 Last Day of School
- 18.5 May 30, 2009 Graduation: West High 8:30 a.m.  
Graduation: Tracy High 10:30 a.m.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. To make this request, please telephone the Superintendent's Office at 209/830-3201. If any person with a disability needs a disability-related modification or accommodation, including auxiliary aids or services, he/she should also contact the Superintendent's Office at least 24 hours prior to the meeting.

**Minutes of  
Special Joint Meeting of the Governing Board  
For Tracy Unified School District  
City Hall  
325 East Street  
Held on January 20, 2009**

**6:00 PM:** President Guzman called the meeting to order and led those present in the Pledge of Allegiance.

**Roll Call:** Board: G. Crandall, W. Gouveia, T. Guzman, T. Hawkins, K. Lewis, J. Vaughn  
Absent: B. Swenson  
Staff: J. Franco, C. Goodall, B. Etcheverry

**Visitors Present:** Audience members for the City of Tracy Council meeting.

**Information & Discussion Items:** Joint workshop with the Tracy City Council and Tracy Unified School District (TUSD) Board of Trustees to Discuss Joint Use or Joint Development Opportunities between the City of Tracy and the Tracy Unified School District.

The Board adopts and approves the minutes of the City of Tracy (Attachment 1).

**7:05 PM Adjournment**

\_\_\_\_\_  
Kelly Lewis, Clerk

\_\_\_\_\_  
Date

JT TRACY CITY COUNCIL/ TRACY UNIFIED SCHOOL DISTRICT SPECIAL MEETING MINUTES

January 20, 2009, 6:00 p.m.

Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

1. CALL TO ORDER - Mayor Ives called the meeting to order at 6:00 p.m.
2. ROLL CALL - Roll call found Council Members Abercrombie, Maciel, Tolbert, Tucker and Mayor Ives present. Board Members Crandall, Gouveia, Hawkins, Guzman, Lewis present. Board Members Swenson and Vaughn absent.
3. ITEMS FROM THE AUDIENCE - None.
4. JOINT WORKSHOP WITH TRACY CITY COUNCIL AND TRACY UNIFIED SCHOOL DISTRICT (TUSD) BOARD OF TRUSTEES TO DISCUSS JOINT USE OR JOINT DEVELOPMENT OPPORTUNITIES BETWEEN THE CITY OF TRACY AND THE TRACY UNIFIED SCHOOL DISTRICT - Maria Hurtado, Assistant City Manager, stated it had been over two years since a joint workshop with the Council and the Tracy Unified School District (TUSD) had been held. The last joint workshop resulted in a joint venture with West High School. At the last City School Liaison Committee meeting in May, the committee recommended scheduling a joint workshop to review potential partnerships. Ms. Hurtado further stated the downturn of the economy had significantly affected both the City and the School District and there would be challenging budget decisions in the future. Any opportunity to leverage funding from the State of California, was worth exploring. Ms. Hurtado indicated that the information provided at the meeting focused on potential opportunities. For example, the passing of Measure S identified several bonds for schools with plans for expansion or improvements where state money could be accessed.

Board Member Vaughn arrived at 6:04 p.m.

Denise Wakefield, TUSD Facilities Planning Director (retired), provided a presentation that outlined opportunities to continue a partnership with the City. Ms. Wakefield indicated there have been a lot of compliments regarding the joint use partnership with the Pinkie Phillips Aquatic Center at West High School.

Below is a list of bond schools with potential joint use opportunities:

- Central Elementary School (expand Multipurpose Room)
- Clover Middle School (Fields: soccer, baseball)
- North Elementary School
- McKinley Elementary School
- Monte Vista Middle School (full-size gym)
- South-West Part Elementary School (Expansion of Multipurpose room)

Ms. Wakefield provided a diagram of the layout of Kimball High School. Ms. Wakefield indicated the facility included large classroom space, 400 seat theatre, library, small and large gym, and a competitive swimming pool between the gyms. Ms. Wakefield stated

the interior core of the campus would be cordoned off and could provide the opportunity to be utilized during non school hours for City or recreational programs. Sharing operating expenses was a benefit of having joint use facilities. A partnership reduces the exposure to cost on both entities. A partnership also makes efficient use of facilities with increased usage. Ms. Wakefield added that another benefit of a partnership is less exposure to vandalism. If a facility is in constant use, the risk of vandalism is reduced considerably. Ms. Wakefield indicated that Kimball High School facilities are a lot larger than the other local high schools.

Mayor Pro Tem Tucker asked about the anticipated enrollment for Kimball High School.

Ms. Wakefield responded the school would house 2,000 students but could expand to 2,400 students at full utilization. The enrollment would begin the first year with approximately 900 students (freshman and sophomores) and then gradually those classes would increase to an estimated 1,800 to 2,400 students.

Mayor Pro Tem Tucker asked if the School District had obtained all the capital funds to build the other amenities on that campus. Ms. Wakefield responded yes.

Mayor Pro Tem Tucker asked if the funds had come from mitigation fees or state funds. Ms. Wakefield responded there was a funding short fall that the School District was dealing with. The School District hoped to decrease some of the funding short fall by using savings and collecting future development fees to augment the deficit. A majority of the funds came from local development fees and another portion from state grants.

Mayor Pro Tem Tucker asked where the funds had come from initially for the theatre, pool, and two gymnasiums. Mayor Pro Tem Tucker added it had taken West High a long time to get their stadium.

Ms. Wakefield responded the School District had reused plans that had already been developed for the Manteca School District. By utilizing those plans, a lot of the additional development costs were eliminated. Additionally, the School District was able to contract the same general contractor who had built the school several times, which enabled the construction of an economical, cost effective school.

Mayor Ives asked if all of the Kimball High School amenities and facilities were being built at one time. Ms. Wakefield responded yes.

Ms. Wakefield stated potential funding sources for joint use projects were Redevelopment Pass-through Funds, State School Building Program, and Local Bond Measures. Ms. Wakefield estimated the state funded \$1.5 million for an elementary school, \$2 million for middle school, and \$2.5 million for a high school if there was a joint use agreement. Ms. Wakefield added the state did not require that the joint use partner contribute additional capital in those situations as long as a bond measure was voted on the citizens approving the use of the funds as a joint use project. Ms. Wakefield stated the other opportunity was to enter into a bond in the future that could also list some of the projects if it were the desire of both agencies to move forward. This could mean having a joint City/School District project funded by a future bond.

The following are potential joint use opportunities:

- Tracy High School - Stadium (Similar to Kimball and West High Schools) with all weather turf
- Track - Synthetic track surface. Expand track for competition
- Large gymnasium – Increase demand for community sports programs and add basketball courts.

Ms. Wakefield indicated the City may be interested in the gymnasium due to the demand for sports programs in Tracy. Ms. Wakefield added there were not enough basketball or volleyball courts to satisfy the demand for City programs. Ms. Wakefield stated there had been discussion at a federal level that capital would be infused into public infrastructure. Ms. Wakefield further stated it might be time to apply for both state and federal matching grants.

Ms. Wakefield stated some of the criteria required to obtain state grants included increasing the size of the cost of the project. Ms. Wakefield added the state liked to fund projects that included a facility that was already located on an existing school site. This could involve reconfiguring an existing facility such as adding square footage to a project or building a new facility. The state required that the School District has an agreement with the City, or Department of Parks and Recreation, or another agency that supported a 20 year term for 20 hours a week. In doing so, the School District could utilize access to the state grants.

Ms. Wakefield invited Wayne Reeves, Liberty Union High School District, to discuss some of the joint use projects in their communities.

Mr. Reeves stated Liberty Union High School is a high school district in Brentwood with three comprehensive high schools. There are community use programs at all three of the high schools. Liberty Union High School District was able to build a new gym under joint use programs with the City of Brentwood and the state. The new gym allows basketball and volleyball programs for adults and youth, which run all year round. Mr. Reeves indicated an office on the school complex for the City of Brentwood was included in the joint use program. The City could operate from Parks and Recreation on the high school. Mr. Reeves further indicated Freedom High School in Oakley is in joint use with the Contra Costa County Library department. The School District opened a joint use library on that campus, which is used all year round. The City of Oakley did not have a community pool so adding a pool at Freedom High School enabled swimming programs to be offered for the whole year. The last school built was Heritage High School and with the City of Brentwood, the gymnasium size was able to be increased. Volleyball, basketball, and wrestling programs are run from the Heritage High School gym. Also, with the communities help the School District was able to build an Olympic size swimming pool, which is used all year round. The tennis courts at Heritage High School have lighting to enable night use by the community.

Council Member Maciel asked for clarification that the 20 hours a week requirement was when school was not in session. Ms. Wakefield responded the agreements were non school hours, which included after school, weekends and during the summer. It is all year round at any school that is in a joint use agreement.

Council Member Maciel asked if the 20 hour a week requirement meant every week at that school. Ms. Wakefield stated that was correct.



Mayor Ives asked about the potential partnering for the pool at Kimball High School.

Ms. Wakefield stated a lot of schools that have joint use arrangements have a pool 30 x 25 meters. It is very unusual for a high school to have an Olympic size pool. Ms. Wakefield further stated the pool was being used during the school day but could entertain swim lessons during the summer and City programs.

Mayor Ives asked about the size of the Tracy High School pool. Ms. Wakefield estimated 25 x 25 meters.

Mayor Ives stated he thought the arrangement at Pinky Phillips Aquatic Center had only been during the summer. Ms. Wakefield responded there had been discussion with staff regarding better use of the pool and the possibility of supporting programs. Ms. Wakefield added if there were more programs to support the pool, it may be open for more than just the summer. The School District would have to enter into an agreement on all year round usage.

Mayor Ives asked for confirmation that regardless of the size of the pool, the potential for use would still be there. Ms. Wakefield stated that was correct.

Mayor Ives asked if a new facility were proposed would there be the 20 hours per week requirement. Ms. Wakefield responded that would only be on the schools that would be on our bond measure and would preclude developing a pool. It would be on any facility that was to be joint use in the future. Ms. Wakefield stated when asking the state for matching grants, there had to be an agreement to make it a community facility with a partner 20 hours a week.

Dr. James Franco, Superintendent of Tracy Unified School District, asked Ms. Wakefield about the potential of a joint use gym at Tracy High.

Ms. Wakefield stated there had been discussion about the potential of doing a joint use gym at Tracy High which would include a 20 hour commitment. If it was in a future bond measure then the capital contribution comes from the state. It would be a positive area to have a joint use facility because of its proximity to the community center. Additionally, the community has expressed the need to have some additional facilities for some of their programs.

Mayor Ives asked for confirmation that the City would have to be obligated to fill the 20 hour a week commitment. Ms. Wakefield responded that was correct and she did not feel in this community there would be a problem using 20 hours.

Mayor Ives asked if the 20 hours would be the City's only obligation. Mayor Ives stated the agreements would have to be signed and endorsed by both parties and then programmed by the City. Then there would be the advantage of getting extra money from the state.

Board Member Crandall stated he would like to see on paper how Liberty Union spreads out the usage during the year.

Mr. Reeves responded the City of Brentwood has its own aquatic center but there are too many swim teams, so they schedule the School District's pools also. That enabled all the teams to get adequate time for their practices.

Mayor Ives asked if the School District blocked off a schedule and the remaining available time was for City use. Mayor Ives asked if the City informed the School District on their planned usage. Mr. Reeves stated that was correct.

Board Member Lewis asked if the City supplied the staff to run the programs. Mr. Reeves stated the Parks and Recreation department staffed the programs for basketball, volleyball, wrestling and swimming. The School District provided the facility.

Board Member Lewis asked if there were any programs that were staffed by a combination of School District and City staff. Mr. Reeves responded all joint use was staffed by City staff.

Board Member Lewis asked if both parties shared scheduling software that showed the City the School District's scheduled usage. Mr. Reeves responded they met with the City once a year to set up the School District's schedule for the coming year.

Dr. Franco asked if physical education programs were run out of the gym also. Mr. Reeves responded yes.

Ms. Wakefield asked Mr. Reeves to explain how the facility maintenance worked.

Mr. Reeves responded that there was a joint agreement with the City of Brentwood so the School District could use the City's facilities also. Mr. Reeves stated in regards to maintenance, while the City is on a School District facility they are responsible for the maintenance. The School District takes care of the chemicals for the pool because the School District uses City facilities also. The City of Oakley pays 50% of all maintenance cost on that swimming pool and center at Freedom High School.

Ms. Wakefield asked Mr. Reeves to explain the cost sharing arrangements for the library. Mr. Reeves stated the library at Freedom High School was a percentage ratio. Mr. Reeves was unsure of the ratio. The Contra Costa County library program put money into that program. Books are purchased to add to the program.

Board Member Guzman asked about the arrangement for the West High pool. Board Member Guzman asked if the City maintained the pool while they used it in the summer. Ms. Wakefield stated the West High pool arrangement was a 75% - 25% split of the cost, even down to what was contributed to deferred maintenance. The calculation was based on the City using the pool 25% of the year and the School District using it 75% of the year.

Board Member Crandall stated there was a tiered system to rent out the School District's facilities starting with student activity first, all the way down to fair market value. Board Member Crandall asked how far in advance events were planned without scheduling problems.

Mr. Reeves responded that other than playoff games and championships, most of the events were planned almost a year in advance in order to be included in the schedule.

Mr. Reeves added the School District worked with the City of Brentwood in regards to basketball programs during the weekend. The School District is very positive with the community's involvement in the schools and with the joint use. In regards to maintenance, the School District maintains the pool all year round because of the school programs held at the pool. The School District maintained the gymnasiums, but the City also had their custodians maintain the gym when their programs were completed. Mr. Reeves added in regards to vandalism, the schools were being used until 10:00 p.m. and provided a facility for children to be off the streets. Mr. Reeves added there was a reduction in vandalism when programs were in place.

Council Member Abercrombie asked Mr. Reeves if the School District kept track of how many hours the School District and the City used the pool. Council Member Abercrombie asked about the size of the pools at the aquatic center in Brentwood. Mr. Reeves responded the Brentwood Aquatic Center has an Olympic pool, diving competition pool, and wading pool.

Board Member Gouveira asked who secured a facility after a City function on a school site and if the alarm system information was shared with City personnel.

Mr. Reeves responded the City takes care of securing the site during their hours. The City has keys and alarm codes.

Council Member Maciel asked about the budgets Brentwood and Oakley were dedicating to the joint use facilities. Mr. Reeves responded he was not familiar with their budgets and stated he could get back to Council with that information.

Board Member Lewis asked what City facilities the School District used. Board Member Lewis asked if it was possible to obtain a spreadsheet that showed the School District usage of the City's facilities.

Dr. Franco responded the Community Center was used in partnership with the City for the Martin Luther King breakfast. The community center is used over the course of the year. Dr. Franco added the Tracy girl's softball plays at Tracy Ball Park.

Board Member Lewis again requested a spreadsheet reflecting usage of City facilities.

Dr. Franco asked if the gyms and the pools were used at typically non traditional times, such as early morning masters programs at the pool and late night gym use. Mr. Reeves responded yes.

Board Member Crandall stated he had attended a Saturday wrestling competition at Heritage High and was impressed by the look of the school and how all facilities were being used during the weekend.

Board Member Gouveira asked if the joint usage agreement also included the Grand Theatre.

Mayor Ives responded that was unlikely and there was no master joint use agreement.

Board Member Lewis stated one of the reasons a joint use agreement was discussed previously was because every time the gym was used by other parties, the School

District was paying the PG&E bill and custodians. The School District did not have funding for those costs. Over time the School District had to review the funding and facility use. The School District only recouped the costs and did not make any money.

Rod Buchanan, Interim Director Parks and Community Services, thanked the School District for their response to the City's request to have certain needs met. The youth basketball program has been successful and the City has had to turn people away. Basketball and volleyball are programs the City cannot offer unless there were negotiations with the School District. Mr. Buchanan added the City had software in place that could accommodate scheduling.

Mayor Pro Tem Tucker stated these were general suggestions and the City needed to review the budget and explore opportunities before proceeding.

Board Member Vaughn stated he would like to see the City and the School District explore impact fees and fair share costs for the infrastructure of Kimball High School. Board Member Vaughn indicated the total cost for infrastructure for Kimball High School was \$6.5 million. Board Member Vaughn asked about the possibility of negotiating a reduction in those costs for the facility, such as water treatment plant expansion, and waste water treatment plant costs. Board Member Vaughn added that according to School District staff, some of the costs were based on the same pay schedule as a developer and not a public entity.

Mayor Ives responded staff could provide feedback regarding Board Member Vaughn's suggestion concerning reduction of infrastructure costs.

Board Member Crandall stated he did not want a two year gap between the City and School District meetings. Board Member Crandall invited Council to a School District meeting.

Mayor Ives suggested meeting every six months as more joint use opportunities were developed. Mayor Ives stated the goal of the meeting was to provide direction for staff and the City School Liaison Committee to begin looking at options for joint use. Mayor Ives asked the School District to clarify if they were requesting City staff to proceed in a certain direction.

Council Member Tolbert stated there needed to be a consensus between the City and the School District to work together to use the least amount of tax payer money and receive positive impact. Council Member Tolbert further stated in a previous agreement the City and School District shared facilities, but a question regarding the sharing of costs had arisen. At that time a subcommittee was formed, which consisted of School District and City staff. The committee was unable to come to a conclusion regarding costs issues. Council Member Tolbert indicated there was now specific legislation that encouraged joint use. Council Member Tolbert suggested forming a new subcommittee to review the ideas that were brought up at the meeting and ensure both entities were meeting their goals and objectives to provide services to the community. The new committee could meet periodically in joint session with progress updates.

Mayor Ives asked the School District Board and Council if they were in support of forming another committee.

Board Member Guzman supported the idea of a new committee. Board Member Guzman wanted to know what projects the City was considering for joint use.

Mayor Pro Tem Tucker stated the City School Liaison Committee should review the joint use possibilities before forming another committee.

Board Member Guzman agreed with Mayor Pro Tem Tucker.

Mayor Pro Tem Tucker stated the City School Liaison Committee met every other month but could meet monthly.

Council Member Tolbert supported the suggestion that the City School Liaison Committee meet to discuss the joint use possibilities.

Board Member Lewis stated there were certain time limits within which the School District had to spend bond funds or they would lose those funds. Board Member Lewis suggested providing the City with the School District's project schedule to give the City the opportunity to join projects.

Council Member Tolbert supported the School District providing the City with a schedule of projects.

Mayor Ives agreed that the City School Liaison Committee should review the potential joint use projects and agreements and bring input back at a future meeting.

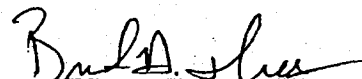
The Council and Tracy Unified School District Board all agreed.

Dr Franco supported the idea of the City School Liaison Committee returning with a report prioritizing the joint use projects with recommendations.

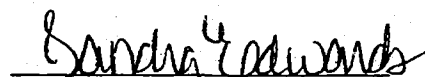
Mayor Ives stated the City needed to respect the School District time line on new facilities.

5. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Tucker to adjourn. All in favor; passed and so ordered. Time: 7:05 p.m.

The above agenda was posted at the Tracy City Hall on January 15, 2009. The above are summary minutes. A recording is available at the office of the City Clerk.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

**Minutes of  
Special Meeting of the Governing Board  
For Tracy Unified School District  
Held on Wednesday, March 4, 2009  
Held at Monte Vista Middle School**

**7:03 PM:** President Guzman called the meeting to order.

**Roll Call:** Board: G. Crandall, W. Gouveia, T. Guzman, T. Hawkins, K. Lewis, B. Swenson  
J. Vaughn  
Staff: J. Franco, R. Davis, C. Goodall, S. Harrison, B. Etcheverry

**Employees Present:** Several staff members from various sites

**Visitors Present:** Several parents and students

**Hearing of Delegations** None.

**Information & Discussion Items:** **4.1 Administrative & Business Services:**  
**4.1.1. Receive Public Comments on District Budget**

Dr. Franco welcomed the audience and introduced cabinet members. He reminded them that our state is in a fiscal crisis. This is no fault of the school District. The District had a balanced budget at the beginning of the school year. If we cannot balance our budget we will be taken over by an outside overseer. The District Budget Advisory Committee has been meeting regularly. Also providing input is the Management Team, TEA and CSEA. The superintendent will create a prioritized list. The final decisions will be voted on at the April 7<sup>th</sup> special board meeting.

Associate Superintendent of Business Services, Dr. Casey Goodall, gave an overview of the reduction process and presented a power point which reviewed the budget background. He also reviewed how schools are funded and reminded the audience that 88.3% of our funds will come from the State.

The following comments were made by the members of the audience:

**COMMENTS:**

1. Sarah Banchero is a counselor at West High School. She understands that this is an extreme crisis. She would like the Board to keep in mind the affects of reducing counselors would be. There is an increased need in the student population. They have 844 new students this year. Each counselor exceeds a caseload of 500 students. Counselors currently make presentations in the classrooms, review graduation requirements, college

requirements, testing, scholarships and financial aid. They also help develop plans and career choices. These services will be greatly reduced. There are students with 875 Fs at one or more high schools. There are at least 100 high school seniors that are still enrolled in credit recovery courses. If one student fails, drops out or continues cutting, they feel that they have failed.

2. Madison Goble is a student at Poet Christian and is 10 years old. She doesn't want the enrichment classes cut. She loves music and has a great teacher. She has learned the keyboard and goes online to look things up. She likes playing a recorder and art is #1 favorite class.
3. Roxanne Bernhard is a parent at Poet. She read a statement in the San Joaquin County Annual R. She believes we should help grow and soar. She is willing to take cuts across the board, but doesn't feel it's fair to be singled out. She would like this removed from the list. Parents have filled in helping with the cost of supplies, science camp, etc. She urged the Board to show their support of technology and the arts.
4. Randy Bernhard is a student at Poet. He loves music and he played a song on his recorder.
5. Tracy High Students, Anna Bassett and Xiomara Fonseca presented a monologue on current student issues that counselors need to deal with on a daily basis. They include applying for college, help with math, staying on track to graduate, lives in a hotel, foster children, behind in credits, dad in jail, pressured by boyfriend, lives with grandparents, needs help with anger, class schedule, surgery, raped, career choices, hears voices, apply for financial aid, mom has cancer and brother in jail.
6. Laurie Tomlin is a counselor at Tracy High. The counselors each have 450 to 700 students each. It is very important to have counselors and administration available to them. Students are not numbers they are real people with real issues.
7. Colby Chase is a student at Poet. He has attended Kindergarten and next year is his last. It has been a great experience which exposed him to the arts, has built self-confidence and has helped him stay motivated. He believes the impact of the cuts would be devastating. You would be taking away the personality of the school.
8. Keldon Chase is a student at Poet and doesn't want to take away the fun stuff. He hopes we don't cut enrichment.
9. Laura Evans is a parent at Poet and would like to speak about CSR. Studies have shown that small classrooms have immediate and long

lasting impacts. By the end of 1<sup>st</sup> grade, they are 2-3 months ahead in math and reading. The most positive impact was to students overall behavior. Students are less likely to drop out and are in the top 25% of their graduating class. This impacts the entire K-12 population. The academic foundations established in K-3 are important and you are not able to gain those back in later years.

10. Monique Archbold gave her time to Noeme Rock. She is here to speak about library services. She believes that this group continues to maintain the written resources and textbooks and is also a revenue generating group. This year they generated \$140,000 dollars. She feels we need to maintain the same level of service in the library. We should look at research and see what other districts have done. Having an up-to-date library with qualified staff is the reason for school improvement. She encouraged the Board to keep it accessible to all of our students.
11. Ann Ostapiej passed out a written report to the Board. She would like them to look it over. It gives explanations on what library techs do and the revenue that is brought in.
12. Kathleen Williamson has been a library media teach since 1996. She hopes these decisions will be informed decisions. She described the day at a high school library which includes registration, paying fines, returning books, book checkout and Saturday school students. By the first day of school, books must be ready for checkout. Textbooks are distributed during the first week of school and the process is repeated at the end of the school year in reverse. They have collected \$22,500 in fines to date. They help students study, type papers and do internet research. Every morning, before school starts, every computer is taken and there is a line of students waiting. It is too much for 1 person to handle. Students also come after school. Some of them cannot afford computers and some are homeless. The students with the most need, will be the most impacted.
13. Renee Riddle believes that cutting library services would have a huge impact on the primary mission of our school district. Mckinley Library has thousands of materials that require daily accountability. Part time help would not provide timely services. She's not sure how the District came up with the amount of \$342,000. The only way our students will become leaders of tomorrow would be not to cut library services.
14. John McVey is a library tech at North School. Studies show that schools with strong library programs outperform those without. Tracy has been a leader. Students become better readers by reading.
15. Lorraine Evans is a parent at Poet. Her children were on the waiting list for 5 years. They did not give up because the arts program they provide is



essential, not extra to them. Now that they waited so long and finally got in it have been very helpful in her children's academic learning process. Drama helps children express themselves and gain confidence. They also enjoy the size of the classrooms. The children benefit from small classroom sizes. We need to remember what's beneficial for our children.

Gregg Crandall left the meeting at 8:00 p.m. and did not return.

16. Susan Perry is a library teacher at West High School and she is speaking on behalf of library techs for TUSD. Test scores are really important. Studies show that libraries support reading and reading supports learning.
  17. Chris Harvey is a math teacher. There are 7.4 math teachers on the budget reduction list. He believes that would be a huge mistake. He is also a parent at Poet. His children have excelled because they go to that school. If the arts program is cut, his son wouldn't be as confident as he is. They moved here and sent their kids to Poet because of the arts and drama program. His daughter is doing well in math and other areas because of these programs.
  18. Denise Cheeseman is the CSEA president and would like to address a specific topic regarding contracting out. The community may be confused as well. When a classified employee is laid off, that work leaves with that employee. There are 26 custodians on the list. We can't expect that teachers would clean their own classrooms. If 26 custodians leave, we have 26 out the door. Another example is in our finance department. She believes that there are currently 4 technicians in that department, and there 3 on the list. Her point is that the work will go with them.
- Dr. Franco announced that Denise Cheeseman was named CSEA employee of the year for San Joaquin County.
19. Ellie Binkley is the mother of Nicolas Binkley, an 8<sup>th</sup> grader at Poet. Even though her son will graduate next year, she believes that cutting the arts program would be a tragedy and mistake. Exposing students to the arts at a young age, changes their entire outlook on life. It benefits them throughout their school years, but will do it with a broader perspective and more creative point of view. They will have what it takes to think outside of the box. These are the kind of people that change the world. We know you don't want to cut it, so don't.
  20. Sirish Vepa is a single father and would like to speak about CSR. We need quality and effective learning of all our students. They will become the leaders of tomorrow. It is important to have a solid education in Kindergarten through 3rd grade. Getting rid of CSR would hurt the

students.

21. Suzanne Ward has been a teacher for 13 years with TUSD. She would like to comment on CSR and the magnet program at Poet. When the state passed its budget it kept funding for CSR in because they thought it was something important. Some districts have made cuts but kept CSR. She has taught with 20 and 30 students in 1<sup>st</sup> and 2<sup>nd</sup> grades. The difference is individual time. It will affect K-12 down the line. This district and state will not be expecting any less of us. We have high expectations and the state keeps raising expectations.
22. Lisa Mendez has been a teacher for 16 years. She believes that adding 12 more students to a class will be detrimental. The main issue is the safety of students on campus. She is also concerned with the elimination of assistant principals. Where would students go if they get a referral. Realizes you need to have cuts across the district. Counselors are also important. Freiler does not have a counselor, but if the AP is cut, that position is also the counselor. No one on their staff is qualified to teach geometry. We need to protect our students. Safety should be the number one concern. If safety is there, learning is there.
23. Cherie Mealie is the mother of 3 children, 2 of which are at Poet now and another which will hopefully attend Kindergarten there next year. Her son takes clarinet and is on principal's honor roll. The arts program is important. She hopes it can be saved as well as the magnet status. It helps develop well rounded students and prepares students for 20<sup>th</sup> century workforce. The arts touch and cultivate skills such as literacy. It also helps children at risk and increases their reading skills. Declining enrollment is not a problem at Poet. There is a waiting list because of arts program. Please recognize how unique this program is.
24. Lisa Mullen is in her 29<sup>th</sup> year of teaching. She has math groups and every child reads with her individually. The ExCEL program could not work if CSR is cut. She also supports the library services. The accelerated reader program. It is an enhancement to reading. She supports custodians, sports, and Poet. Her sons attended Poet and appreciate the music they received from Poet.
25. David Villa is an instrumental music teacher at Poet. He is in support of his fellow colleagues and programs that may or may not survive the proposed budget revisions. He suggested reading about the arts and much arts help in life by visiting <http://menc.org>.
26. Erik Schmig would like to comment about sports. The CIF website expresses that playing sports do all of the same things that arts and music does as well. The libraries are important. He feels that salary cut is the

best way to go so people can keep their jobs. He also thinks we should eliminate YRE and close Delta Island.

27. Steve Sievers is the President of TEA and speaks for the interest of the teachers in this school district. He is an economics teacher. He would like to talk about money tonight and how these cuts can affect the community of Tracy. The State of California is subsidizing TUSD. The taxpayers of Tracy are paying sales tax and property tax and the state is contributing to the school district. The average cost of the teacher for CSR is about \$11,500 per teacher because of the subsidy from the state. Those teachers are in front of every student and are directly affecting the kids. On average they are making about \$45,000 to \$50,000 a year. There are about 70 teachers on that list. The only way to get rid of teachers on that list is by getting rid of CSR. Money that teachers are making is coming back into the community.
28. Erica Martinez is a member of South/West Park ELL advisory committee. She strongly urges the Board to not completely eliminate CSR. We acknowledge the difficult decisions that the District must make. We need to improve the achievement of English learners.
29. Marie Keehn is a new teacher at West High. She reviewed several things that a teacher does. She believes that you only get paid for half of an 80 hour week. The District does not pay for all your school supplies. Teaching is an addiction. She trusts that the Board will do everything possible to not lay off teachers.
30. Julie Escobedo is a teacher at South/West Park. She is in her 20<sup>th</sup> year of teaching at TUSD. She started at Central School. She believes that the list was probably made in anticipation of the idea that the state would stop the CSR program. Those funds were continued and not cut. Some districts have cut it anyway. If we were to continue on, it might be penny wise, but pound foolish. You would have to reorganize and have the expense of reconstructing the classrooms to make room for 30 bodies. The long term affects is what we worry about most. CSR elimination would be a threat to our primary mission.
31. Patrick Coughlin is a parent at Poet. He knew how to fix the microphone because he took an enrichment program. Arts were a major part of school she he was a kid. He has been in the music business professionally for 24 years. He has 2 kids at Poet. The reason that they moved to this community was because of the school. One thing he doesn't see on the list is a cut for some of these over inflated salaries. Then you wouldn't have to take these programs from the kids.
32. Daniel Atkins was called for comment, but had already left the meeting.

33. Brianna Serrato is a 3<sup>rd</sup> grader at Poet. She doesn't want enrichment to go away. It teaches kids how to dance, art, computers and play instruments. They help make school fun.
34. Michael Neverson commented that as a youth minister, the students he sees doing well are coming out of Poet. He believes that the kids are not as skilled as they should be and we need to think out of the box. There has to be other ways without suffering the result of our children. He is a parent with 6 kids in school and he expects all of them to do well. The children in school today are our future.
35. Mike Lynch is a teacher at Monte Vista Middle School, an ELD teacher and CTA member. He commented on Resolution 08-20 regarding job cuts that have been discussed and also the reduction of the AVID coordinator, ELD coordinator and support room program. AVID is a program that the District has wisely adopted for \$68,000. It trains students who are in the middle and first time attendees of college. This is coordinated by Terri Sorgent at Tracy High School who also coordinates the IB Program. It is highly successful. He knows how AVID has led many students to be the first to attend college. EL students would impact parent meetings. Teachers are trained as CELDT tests are changed every year. If you eliminate support room at the high schools, every teacher will be impacted. Students have behavior problems. The amount of expulsions from Monte Vista has gone from 78 to 25 because of support room.
36. Amy Woodall teaches at Kelly and is here in support of CSR. She believes that one of the criteria in order to be put on this list is that it doesn't affect student achievement. The number of ELL students is climbing higher every year. How will having more kids going to fix it? She had 28 kids last year. She believes 20 students are difficult. She works hard to get kids where they need to be. These grades are the foundation of all years to come. If we can't keep 20 to 1, she would like to see 22-25, 32 is too much. She will still give 110%, but her best will be better with fewer students.
37. Valerie Enes is a parent at Poet. The arts program gives children a nurturing and healthy outlet. The lessons taught lay the foundation to find identify and self worth. She is an out of boundary parent but was attracted to enroll because of the arts program. Don't take away what defines Poet as a school and makes it unique.

President Guzman thanked the audience for coming tonight. There is a lot of compassion here and the Board will try hard to work out the budget as best as we can. April 7<sup>th</sup> will be the final decision.

Trustee Lewis also thanked the audience. The speakers were passionate, but respectful. It is not an easy decision for the Board. Appreciates all of the points of view. If you didn't get to finish your thoughts we will be at Williams tomorrow and the next board meeting will be held on March 10<sup>th</sup>.

**9:30 PM Adjournment**

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Clerk

Date

**Minutes of  
Special Meeting of the Governing Board  
For Tracy Unified School District  
Held on Thursday, March 5, 2009  
Held at Williams Middle School**

**7:02 PM:** President Guzman called the meeting to order.

**Roll Call:** Board: W. Gouveia, T. Guzman, T. Hawkins, K. Lewis, B. Swenson J. Vaughn  
Absent: G. Crandall  
Staff: J. Franco, R. Davis, C. Goodall, S. Harrison, B. Etcheverry

**Employees Present:** Several staff members from various sites

**Visitors Present:** Several parents and students

**Hearing of Delegations** None.

**Information & Discussion Items:** **4.1 Administrative & Business Services:**  
**4.1.1. Receive Public Comments on District Budget**

Dr. Franco welcomed audience and introduced cabinet members. He reminded them that our state is in a fiscal crisis. This is no fault of the school district. We had balanced our budget at the beginning of the school year. If we cannot balance our budget we will be taken over by an outside overseer. DBAC has been meeting and providing input as well as Management Team, TEA and CSEA. These groups and the superintendent will prioritize the list within the next month. Dr. Goodall will give overview of process and then members of the audience will be able to speak or comment on an item. The final decisions will be voted on at the April 7<sup>th</sup> board meeting.

Dr. Casey Goodall presented a power point which reviewed the budget background. He reviewed how schools are funded reminded them that 88.3% of our funds will come from the State.

**COMMENTS:**

1. Daphne Poerio is a 2006 graduate of West High School. She is a past officer of FFA. She learned skills in marketing, public relations and agricultural law. Her advisor helped her earn recognitions. She's gained many opportunities from FFA. The lessons learned helped in her career as vet tech.
2. Florence Sterni is speaking on behalf of the psychologists. Their Time

may be reduced and would lead to an increased risk for students. They provide support for the school, staff and parents. They work with children with special needs. They provided a handout laying out some of the duties they do.

3. Sarah Rockey is a teacher at Tracy High. She is proud to be a teacher but realizes it takes needs a crew of people to run a school. Last week relied on the help of a counselor, assistant principal, school secretary and security guard. Along with custodians, paras, librarians, cafeteria workers, and bus drivers, who carry on the day to day business of the school. These people are important. She wants to bear a part of the burden. She asked that every employee take a 1% pay cut. That would equal \$1 million. That money can save certificated, classified and programs. We need to come together during a crisis and stand up for what we believe in. Please email the union president and take 1% of my money away. (Received a standing ovation)
4. Laurie Tomlin is the AVID counselor at Tracy High. She is addressing the extra section for avid. AVID targets students in the middle academically, students from low income families and many who do not have parents or siblings at home. Almost %100 of our students have a story to tell. The AVID curriculum helps prepare students as a whole for college. They have a designated AVID counselor and avid teacher that stays with them all 4 years. She asked students to make a sign that said save our avid program and they came up with the sign that says "save our AVID family". AVID works, we should not be talking about cutting AVID. She then read letters from students on what they learned. Tracy High will graduate 45 senior AVID students next year. Do not take their most important year away from them.
5. Alexandra Romero is an AVID student. It is more than a simple class. If cut, you would take away not only a classroom or teacher, but a family. It is a place where students can go and have a role model. It is much more than just an elective. She's learned a lot about college and will be 2<sup>nd</sup> in her family to graduate from college. Without AVID she would not have the confidence, self esteem or ability to go to college and succeed. Please save the AVID program.
6. Mayra Espinoza is an AVID student at Tracy High. She wants to save AVID for many reasons. She is a junior right now and will need it next year. Before AVID, she did not know anything about college, SATs or ACTs. Now she has gone on field trips to college and is happy she is in this program. She would like her sister to sign up for AVID and to be able to stay in the program too.
7. Tiffany Cole is a senior at Tracy High and has been in AVID for 3

years. She started high school with 1.4 GPA. When she heard about AVID she thought that it would be a great opportunity. AVID has taught her useful technique.

8. Sean Widger is a senior at Tracy High and is in the IB Program, Performing Arts Magnet and AVID. All three of these programs are in danger of budget cuts. Avid is a family. When he was a Freshman he had a 2.5 GPA. Now he has a 3.6 GPA and is taking 9 IB classes, and is a drum major. He will be attending USC next year. Without guidance from Mrs. Cashmere, he would not be in the same place he is right now. It has changed the entire course of his life.
9. Monica Gilliam has been in AVID for the past 4 years. She will be the first one to graduate from college in her family. She has a 3.6 GPA right now. If not for AVID she would not have visited colleges or known how to fill out a FASFA form.
10. Josefina Parra is a Tracy High AVID student and has been in AVID since the 7<sup>th</sup> grade. Teachers push her harder than she ever would have pushed herself. She helped Williams become a demonstration school for AVID. She now knows what a CSU is. There is no other program like it in the district. She wants to be a teacher and wants to start an AVID program at another school and wants to be able to say that she was a graduate of an AVID program.
11. Diana Roa is a junior at Tracy High and in the AVID program. Ms. Tomlin took them to St. Mary's College which has been a dream of hers to go to school there since the 7<sup>th</sup> grade. Only 2 out of 10 Hispanics go on to college. She will be proud to be 1 of those 2 because of her AVID class. She is also in the IB Program and is a tutor and Interact Club president, all because of AVID. She wants to graduate from a 4 year college.
12. Angelica Contreras is speaking on behalf of Stephanie Eubanks in support of the AVID Program. She has been in AVID since the 8<sup>th</sup> grade and it has made her who she is today. Without it, she wouldn't be so determined to go to college. The teacher is like the mom she never had. It encourages people like her.
13. Kelcie Rodriguez is a Sophomore at Tracy High in AVID. She started taking AVID in the 7<sup>th</sup> grade at Williams Middle School. She didn't realize what college was all about. They recently visited St. Mary's College. She has learned to work hard.
14. Deborah Hartenstein is a parent of 2 children. She has a junior in college and a Sophomore in high school. She is also on the board of the



Tracy High Site Council. She is concerned about the elimination of the registrar at West High. If eliminated, there would be major delays in the maintenance of cum files, legal documents, processing of records/request forms, scholarship forms, report cards, grade changes and master schedule for next year. This is too heavy of a burden to place on an already overloaded position. Kimball and West are electronic due to Aeries. Tracy High is 81 years old and has much of their records on microfilm. We should charge for transcripts. They processed over 1000 transcripts in May of last year. That would be \$3,000. We should also not mail out report cards.

15. Lori Ramirez is a parent of 3 children at Freiler. If Freiler changes to a traditional calendar, the amount of student will go from 800 to 1100 per day. They need both a principal and a vice principal. Who would cover this position when the principal is off or at meetings? She is also concerned with K-3 class size increasing from 20 to 32 students. Would also like to know if we are changing the Kindergarten age to five years old. The 6<sup>th</sup> grade science camp fundraising has funded those who cannot afford it. She does not understand why a program is taken away if they can provide money through fundraising.
16. Lloyd Bernhard has been a student at Poet since Kindergarten and has taken many enrichment classes. He can play 50 songs on the drums. It makes him want to go to school.
17. Marlene Hepner is an FFA advisor. She is representing West High and Tracy High FFA students which totals 563 students, parents and advisory committees. It is a 4 year plan. They follow a career pathway. They represent the school at the state and national level. The gaining job skills, scholarship opportunities and job placements. One of the items on cut list is extended days which allows teachers to travel with students to compete. These are not field trips, these are educational opportunities and they are required to attend the events. FFA also serves special ed students and IB students. 80% of FFA students go on to college.
18. Heather Engen is a mother of 3 at Kelly School. We maintain an environment where children are successful. CSR raises the level of student achievement. Cutting CSR would be a major step backward. How are the other district cutting programs but preserving CSR? She has volunteered in classrooms with 32 kids. The quiet child gets lost, and never catches up. Don't get rid of something that works. If you want Tracy students to succeed, you must keep CSR.
19. Carolyn Retuta is a parent has a Kindergartener and 1<sup>st</sup> grader at Kelly school. Her daughters have had 32 kids in it. The teachers spend half of

their time dealing with disciplinary issues. It is even a struggle with 20 kids. How can they learn if they add 12 more kids to the class and where would they put them. It would decrease the learning time. It is the foundation of their future. They won't have one on one time with the teacher. Kids should not be punished for the lack of money. There must be another way to cut the budget.

20. Ally Evans is from Poet and wants to keep enrichment classes. She's in 3<sup>rd</sup> grade and her mom teaches there. If you take away the arts Poet will be like any other school. She loves dance. The arts represent the school.
21. Steve Sievers is the President of TEA and is speaking on behalf of the teachers of Tracy. He is also an economics teacher. After looking at the list of 70 elementary teachers that will get notices for RIF, the only way to do that is to get rid of CSR. The State has made it clear that they think it is very important. That they are subsidizing school districts with tax dollars. It costs about \$11,500 for each teacher in CSR. That means that they are the least expensive employees in the district because they are being subsidized by the State. If eliminated you would force the taxpayers in Tracy to support other school districts. When paying your taxes to the state you will be paying for CSR for other districts outside of Tracy. Those teachers work with the kids of Tracy every single day. They also are making about \$45,000 to \$50,000 a year. They do not have any money left at the end of the month. Every dime they make is going back into the community paying for schools, taxes or rent.
22. Megan Williams is a teacher at Freiler and wants to keep the vice principal. They are currently 800 student on campus and if it's changed to traditional it will have over 1000 students. The principal is already busy with her responsibilities. The vice principal has other responsibilities. Our mission to educate and keep safe children. The teacher in charge is supposed to take over, but just for emergencies. What will happen when there are issues that they don't have the authority to handle? Who will be watching that teacher's class? The 32 students will be 64 students. We want safe schools for all students.
23. Kirsten Taylor is the mother of 3 children, 2 of which go to Poet. Her first passion is the arts but is also concerned with CSR. She feels the difference is night and day between 20 and 32 students. Teachers work hard but the curriculum has to move forward and time is not available for all of these kids. She volunteers in the classroom and the attention each child receives is amazing and critical. Her youngest has a special needs issue but should be able to go into a typical Kindergarten. Not all kids will qualify for SDC and they will just be left behind. If you can't keep it to 20, consider a compromise of 22-25. It is not fair to have 32.

24. Kelsey Taylor is a Poet student and wants to save enrichments. All of her classes help her. Do not take them away.
25. Clarissa Enes is a student at Poet. Do not cut the arts program. They will lose the chance to learn from incredible teachers. Students become computer whizzes and learn to draw pictures, perform and sing.
26. Bev Pieretti is a teacher at Kelly School. She also taught at Poet and Villalovoz. She was one of the first CSR teachers in the District and has taught for 31 years. There is a major difference between 20 and 32 students. Smaller is better. More studies have surfaced than any other issue in education. She implores the Board to keep CSR in place. It's about the kids. We need to strive for student achievement and success.
27. Jennifer bottom has been a teacher for 14 years. She has 2 children at Kelly School and has seen both sides of CSR as a teacher and parent. She had a first grade class with 28 students. She struggled with behavior and transition time and overall learning. Her son is in a 20 student 1<sup>st</sup> grade class. He is in the middle. She worries that next year he will fall through the cracks. Keep CSR in K-3 because it affects everyone.
28. Noeme Rock would like to recap from last night. We have 13.5 million in resources to upkeep. The Librarians have generated revenue. There is currently \$400,000 in outstanding fines. That alone would pay for the cost. If we all work together to increase attendance by 1% we would save 1.3 million dollars and there is your money for CSR. She agrees with Sarah Rockey on the reduction in salary.
29. Stephanie Silva is a junior at Tracy High and the ASB Secretary. She is here on behalf of Alayna Carter who is the Tracy High Activities Director. Leadership's goal is to continuously improve Tracy High. There is a lot of work and everything they do is done with the students in mind. Cutting prep periods would add to the stress.
30. Students, Erika Gasior and Renata Guzman are here on behalf of Alayna Carter. The leadership class brings everything together. It would not be anything without the teacher. This job takes time and dedication. Please continue to provide the time for our Activities Director.
31. Paul Andrews has 3 children in the District, 2 of which are at Williams and 1 is at South/West Park. He is concerned about the possible elimination of the assistant principal at South/West Park. The school has 900 students. Last year it had two co- principals and is now staffed as a principal and assistant principal. The current assistant principal, Mr. Lopez, provides much more than administrative duties. He gives a strong and calming presence and is a role model to the students. The current

principal has recently taken medical leave and they are depending on Mr. Lopez. Also, the elimination of the GATE program would send current students back to their home schools. This program has proven its worth to participants. Their test scores are routinely in the 900s.

32. Christine Andrews is an advocate for school psychologists. The ratio of psychologists is over 1 to 1100 students. Families are under tremendous stress. They are at the frontlines of identifying students having issues. Also, the elimination of counselors at the high school and middle schools will burden the psychologists' workload. They are also instrumental and necessary for receiving funds for the early mental health initiative.
33. Anne Ostapiej is here with everyone one of the library techs. It's up to them to keep the collection up to date. Kids want *Twilight* and *Harry Potter*. The only way we get current and popular books is to fundraise. In her school she made \$10,000. That money went directly into the library. She handed out a packet last night. Please consider that they do bring money in and save money.
34. Mary Mantor is a parent and is in support of sports. It is an important part of a child's life. She encourages the Board to make it mandatory for the coaches to see that all fees are paid. The students should pay or not be able to play. There is thousands of dollars not being collected. She's not sure why golf is singled out because that is the one sport that they actually can get scholarships for. They provide their own equipment at no cost to the district. There is only one coach unlike other sports. The transportation cost is the lowest in the district. The parents want a chance to fundraise. She's also concerned with the elimination of geometry in high schools. Her son is at Freiler and there is not a teacher there for geometry. Another concern is CSR. She believes that 32 students is a lot to handle for one teacher. The entrance cut off should be changed to September 1<sup>st</sup> instead of December 1<sup>st</sup>.
35. Tamara Decker is a parent at Freiler with children in the 4<sup>th</sup> and 7<sup>th</sup> grades. She does not agree with the science camp elimination. Her 4<sup>th</sup> grader is upset because she was looking forward to the fundraiser. If they go to a traditional calendar, that will add an additional 300 students to the lunch room. Will there be additional lunch staff hired? She is also concerned with the morning and afternoon traffic. They do not have a teacher qualified to teach geometry. She would also like to turn down the heat in the classroom. Other than Dr. Harrison's position, she would like to know what other cuts administration is taking. She is also concerned that there are custodians on the list. Her daughter sometimes won't use the bathrooms because there is no soap.

Dr. Franco commented that starting next year administrators will be taking

a 5 day furlough, without pay.

36. Patrick Coughlin's children are both students at Poet and he supports the arts. He believes that it is honorable for Ms. Rockey to offer to take a pay cut. Parents have so much gratitude to their teachers. He believes that some teachers make \$45,000 a year. The 5-day work furlough for administrators is a scratch in the surface. He does not think that that is enough. He also heard that salaries cannot be cut because of contracts. He believes that everything is negotiable. We all need to be a part of the solution and not a part of the problem. He thinks the Board should be accountable.
37. D. Wendell is a parent at Poet and has 3 children there. He moved to Tracy 8 years ago and was excited to find a magnet school here. The enrichment classes promote better grades and self worth. She was a dancer and that kept her out of trouble and helped her express herself. Art is a universal language. She is supposed to be in the hospital but is here tonight for her children.
38. Tina Orino is a teacher at Freiler and a future parent. She believes that CSR must be the #1 priority. Students will be affected because they will receive less one on one time. Once they fall behind they are less likely to graduate or go to college. We want to encourage love for learning. She worries about her son's education without CSR. TUSD is a great District, but it will not be able to reach high standards if CSR is cut. It cut, is would cost more money in long term.
39. Monique Archbold is a library tech at South/West Park. Their library serves 970 students. She does not understand the math of the library cost item. South/West Park started with 2 library techs and libraries. This year the 2 libraries merged. These children need libraries. Reading is a great equalizer.
40. Samantha Heinrich is a student at Poet. She had a petition signed. Most parents couldn't afford to pay for these classes outside of school. She obtained 400 signatures of students, parents and teachers.
41. Susan Heinrich is a parent of 4 Poet students. She is also a substitute teacher and president of the PTA. She currently runs a music studio and realizes the Board knows that cutting the arts and CSR are not good decisions. As a business owner, parents are consumers for a service you are providing. She homeschooled her children until they could go to Poet. She has a waiting list of parents to get their child signed up with her, because she has a product that parents want. Poet is a school that parents want.

42. John Heerema is the Director of Transportation. There are numerous items on the reduction list. He is concerned how routes would be covered when drivers are absent if we reduce bus driver/sub costs. The item which eliminates 2 transportation positions is based on a reduction of 8-10 special education students. If we don't see that reduction we cannot cut those positions. He only has 2 office staff members in the transportation office and one is on the list. He gets 200-250 radio calls per day. Without a second person they would have to close for lunch.
43. Cherie Mealie is a parent of 3 children, 2 of which are Poet. She wants to save the arts program. Teachers have worked hard to make Poet's program amazing. Arts touch and cultivate skills in literacy, math, science and social competence. Poet has 250-300 students on their waiting list. Her son is up next. He has been taking music for 6 months.
44. Michael Mealie is a student and he played a song on the clarinet for the audience.
45. Jeff Baker is a teacher and is here for his students and for education. He's here for the bus drivers, maintenance workers, teachers, special needs and administrators. He is here for the coaches, paras, counselors, art, math, social studies and other programs. He has a stack of at least 50 letters from Monte Vista Middle School. He read a few of them.
46. Krystal Silveira has 2 children at Poet. She knows that the Board is looking for things that have the least impact on the children. It is a big part of the school and their life. You can't understand what that is unless you have a child there. They don't have to be great at them to benefit from them.
47. Cassy King is a student at Poet and is in the arts program. She likes all of her teachers. Samantha inspired her with her petition. If you take magnet away it will be a regular school. A lot of people have been waiting to get in since Kindergarten. Their grades will go down. They can be kicked out of play if grades are not kept up.
48. Carlos Terriquez is a 2<sup>nd</sup> grader at South/West Park and is worried about cutting vice principals. He wants the Board to keep Mr. Lopez because the school has 970 students. He is a loving, caring and nice man and he talks to the kids that get in trouble in a nice way. He wants to go to a university like he did. He is a good role model. Also, the Board should worry about having more than 20 students in the classroom. He does not like to wear a jacket because it won't fit in the cubby. He keeps his lunch pail on the floor. He doesn't know how 20 more students will fit or how the teacher will be able to answer questions.

49. Laura Olson is a first grade teacher at Bohn. She knows that the arts and everything on this list is important. In her opinion, having a safe learning environment for all students is a priority. That might mean having a support room, counselors and an aid in Kindergarten. We need to get out of Program Improvement status. First grade is where they learn how to read. CSR should not be a choice, it should be mandated.
50. Mike Chivers thanked the members of the Board. He teaches at Bohn. His Kindergarten teacher was Mrs. Stein, his mother taught here and his daughter is pursuing her teaching credential. No one wants to see any of the programs cut. In the past years we have tighten belts and trimmed fat, but now we will have drastic consequences. As union member, no one wants to point to anyone else. No one is less important. He has taught classes with 32 students. Before we cut CSR we need to look at every other position.
51. Mike Mahedy has a son at Bohn. Children will be at a severe disadvantage when applying for competitive colleges. Our community is the gateway to the Central Valley. Funding of our children's future is not in the boundaries of the City of Tracy but in the hands of representatives 60 miles from this building. He is proposing a district civics field trip which is parent driven and parent funded. He would bus about 500 students to the Capital. This would take approximately 11 buses. He challenged the audience to support this.
52. Aubree Luna Zieska is a student from Monte Vista. He doesn't think we should cut electives because that's why some kids want to go to school. She enjoys art, drama and gate classes. The counselors at Monte Vista are great.
53. Bill Maslyar thanked the Board for allowing everyone to speak. He realizes that they did not put our District in this position. Teachers have worked hard to develop the programs over the years. Arts are the life blood of our school. On a recent survey, the approval rating of the school was 98.8 %. We have one of the highest attendance rates in our District, probably because of the arts program. Some students have been on waiting list 3-5 years. Parents want unique schools and exciting programs. He spoke of a student, Tyler, who struggled with his speech. Because of the arts programs, he is doing very well now because he's had the opportunity to shine. You will see Tyler on May 14<sup>th</sup> and 15<sup>th</sup>. He is the tallest and proudest student on the stage.

Trustee Lewis thanked Mr. Maslyar for his newsletters. It's a great way to communicate at your school site what issues are facing your school and keeping your parents and students involved in what goes on in our District.

54. Maya Makker is a senior at Tracy High and in the IB Program. Her sister was an IB diploma candidate and is currently a sophomore at UC Berkeley. Graduates from IB attend Yale, Columbia MIT, and many other prestigious colleges. If the academy coordinator is cut, the existence of these programs will fall into jeopardy. IB is one of the most rigorous programs that exist. It creates an environment where education is valued.
55. Melissa Clark is a 7<sup>th</sup> grader in the AVID program at Poet. The arts program has changed her life. It encourages kids to do their best and have smart habits.
56. Calla Frankel is a sophomore at Tracy High in the Performing Arts Magnet. She started at Poet. When she was in the 5<sup>th</sup> grade she took flute and at Tracy High she is in symphonic band. Last night she performed in a concert and she takes pride in the plays, dances and concerts that she is in. She is working towards her Performing Arts Band Diploma and IB Diploma. If cut, her chances of college will be gone. It would also take away opportunities from her sisters.
57. Piper Frankel is a student at Poet. It's important to keep the arts. She likes her classes and doesn't want them to be taken away.
58. Christina Frankel realizes the Board has tough times ahead and cuts have to be made. Cuts are not numbers, they are her children. As an architect, arts helped her in designing buildings. The skills learned in technology and drama teaches skills that are needed. Everyone at Poet gets something out of their enrichment classes. How will the Board be remembered for the decision they will be making next month.
59. John Anderson is a teacher and asked if we will be getting money from the federal stimulus package. He is a fan of Poet and also praised classified staff for the work they do. He asked that no assistant principals be cut because they provide discipline and security that teachers and students need. Safety and discipline must remain a top priority. He doesn't want teachers to have their pay cut. He praised the school board members. They are administrators, community activist and teachers, that have helped make TUSD a good place to work.
60. Pauline Silva has a grandson at Poet who is in the 8<sup>th</sup> grade. He loves the arts and can't imagine Poet without it. We are talking about our children's future. Without proper education who will be the future superintendent or congressman. We are talking about the future of our country.
61. Renee Riddle has been a parent of students at West High, Tracy High, ICGC and in the space and engineering program. Her kids had great



teachers and access to an open library Monday through Friday. Cutting libraries to 2 days a week will cut access to students gaining knowledge.

62. Keith Fraga is a graduate of Poet. His experience there changed the person who he is and no one can take that away from him. He will graduate from high school this year. There's no other school in the District like Poet. He is also in the IB program. By cutting the secretary or coordinator, you take away the IB program. He wouldn't be in the position he is today without them. He's graduating so nothing will affect him, but he wants kids coming behind him to experience the same things.
63. James Hallen is a parent with 2 students in the District and his wife is a teacher. He commends the Board for being here so late. He is supporting Mike Mahedy. He wants to be involved with some type of outreach program and will do whatever he can.
64. Mercy Silveira thanked the Board for listening to everyone. The State has standards but doesn't always provide the funding necessary. She would like to speak in support of the assistant principal for South/West Park. He is bilingual. The school has over 1000 students and over 600 of them are English learners. They are doing a great job by trying to close the achievement gap. She also does not want to cut the position of Director of Risk Management. He has saved money over the years. Don't allow the district to be in jeopardy if someone gets hurt on campus. That can be costly to the district.
65. Cynthia Haskell is a parent at Poet. She knows that the Board is not the enemy. Mr. Maslyar helped them understand the issues. Her husband slept outside to get into Poet and her daughter was very excited. Without this program she won't want to go to school.

**10:48PM**  
**Adjournment**

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Clerk

Date

**Minutes of  
Regular Meeting of the Governing Board  
For Tracy Unified School District  
Held on Tuesday, March 10, 2009**

**5:30 PM:** President Guzman called the meeting to order and adjourned to closed session.

**Roll Call:** Board: G. Crandall, W. Gouveia, T. Guzman, T. Hawkins, K. Lewis (Via Teleconference), B. Swenson, J. Vaughn (Attended closed session and came late to open session)  
Staff: J. Franco, R. Davis, S. Harrison, C. Goodall, B. Etcheverry.

**7:05 PM:** President Guzman called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.

**Closed Session:** **6a** Action on Findings of Fact # FF08-09/ 91, 93, 94, 95, 96, 97  
**Action:** Crandall, Hawkins. **Vote:** Yes-5; No-0; Absent-1(Vaughn)  
**6b** Report Out of Action Taken on Waiver of Expulsion: WE#08-09/7  
**Action: Vote:** Yes-5; No-0; Absent-2(Swenson, Lewis)

**Employees Present:** J. Cardoza, C. Minter, C. Johannes, R. Casillas, P. Hall, B. Carter, A. Continente, B. Meyer, R. Call, J. Carter, L. Nelson, G. Borejko, K. Gill, L. Beeso, M. Silveira, K. Fistolera, M. Pedersen, J. Escobedo, A. Medeiros, J. Lopez, A. Welch, S. Sievers, C. Washington, M. Silveira, Clary, L. Beeso, C. Johannes, W. Walker

**Press:** J. Wadsworth (Tracy Press); J. Torres (Stockton Record)

**Visitors Present:** A. Gupta, K. Connolly, J. Delfino, A. Lopez, L. Dali T. Dale, C. Vander Ploeg, M. Flores, B. Champa, M. Villasenor, A. Ferretiz, M. Ferretiz, S. Woo, P. Mexicano, G. Cazares, S. Gonzalez, L. Acosta, D. Patterson, E. Siordia, J. Arias, C. Arioas, R. Garcia, A. Sanchez, F. Garcia, L. Magana, M. Cazares, M. Orosco, A. Olivarez, J. Rosas, M. Rosas

**Minutes:** **Approve Regular Minutes of February 24, 2009.**  
**Action:** Swenson, Gouveia. **Vote:** Yes-6; No-0; Absent-1(Vaughn)

**Student Representative Reports:** None.

## **Recognition & Presentations:**

### **9.1 Recognize and Congratulate County High School Honor Band, County Middle School Honor Band, County High School Honor Choir, County Middle School Honor Choir, Central Regional Honor Choir, California All-State Honor Choir, Northern California Honor Band and California All-State Honor Band TUSD Students for Their Outstanding Achievements**

Assistant Superintendent of Educational Services, Dr. Sheila Harrison, introduced the District Visual and Performing Arts Coordinator, Bill Meyer. He commented on the art in the lobby of the building celebrating Arts in Education Month. On behalf of the visual and performing arts teachers, he thanked the Board for declaring supporting their activities. Last Tuesday was the art show opening. This Thursday is the all district drama/dance festival at EB Theater at 7:00 p.m. The all District Musical Festival will be held on March 26<sup>th</sup> at the West High gym. Tonight a special group of students from the Tracy High madrigals performed "In the Jungle". This year we had 75 students from middle school and high school levels selected to honor ensembles.

Dr. Harrison requested all of the honor band and choir students to come forward. She also recognized 6 students who captured the Nelson Zane award. She thanked the music and Bill Meyer. Superintendent, Dr. Franco, and Board President, Ted Guzman, presented certificates to each of the students.

### **9.2 Kelly Elementary Site Update on Achievements & Activities**

Principal, Khushwinder Gill, and 3 of her teachers, presented a power point that showed their API scores, honor roll, service learning program, tower electives and tutoring opportunities. They also have lunch time sports, music, band and their spring concert is coming up. They have special academic programs such as ELD classes, math support tower and writing programs for elementary grades. The stop light: teaches them how to write paragraphs. Their CST scores have gone up. The AVID classes will be having field trips and family science night is coming up on May 20<sup>th</sup>. Everyone is invited to come and visit the school at any time.

### **9.3 Stein High School Update on Achievements & Activities**

Principal, Cynthia Johannes, reported that Stein is in its second year. Tonight she will show some of the individual skills that the students have learned at Stein. Student, Ricardo Ruiz, who is also the school board representative, has been in home economics class since the 7<sup>th</sup> grade. He showed a lemon cake that he made which was beautifully decorated. They also were able to prepare a high tea for students and they went to a tea shop in Tracy to learn about it. It helps students learn about food industries. They are planning a surprise luncheon for the teachers and it will be very elegant. Another student showed aprons made out of used jeans and quilts that students are making. Art teacher, Roger Casillas, presented art student Chelsey Childers, who would like art as her career. She hopes to start her own mural business. Chelsey showed her artwork which

included various pieces. She is currently working on her business card.

## **Hearing of Delegations**

Mercy Silveira invited the Board to participate in the Cesar Chavez birthday celebration on Sunday, March 29<sup>th</sup> at Monte Vista Middle School. They will honor students, the family of the year, educator of the year and award scholarships. The donation is \$7.00.

Karen Fistolera would like to know if the prioritized list will be given out prior to April 7<sup>th</sup>. Dr. Goodall let her know that the lists will be presented at the next Board meeting on March 24<sup>th</sup>. She does not like the way the budget committee was set up and still thinks that if you want to put something on the list, you should put your name on it.

8:01p.m. James Vaughn arrived at the meeting.

## **Information & Discussion Items:**

11.1 None.

## **Public Hearing:**

12.1. None.  
All votes were taken by roll call.

## **Consent Items:**

**Action:** Hawkins, Swenson. **Vote:** Yes-7; No-0.

### **13.1 Administrative & Business Services:**

13.1.1 Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

13.1.2 Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

13.1.3 Approve Payroll Report February, 2009

13.1.4 Accept the Generous Donations from the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed herein with Thanks and Appreciation from the Staff and Students of the Tracy Unified School District

### **13.2 Educational Services:**

13.2.1 Approve Overnight Travel for West High School Dance Team to Attend USA Nationals Competition, March 26-30, 2009, in Anaheim, California

13.2.2 Approve Agreements for Special Contract Services for Assistant Softball Coaches Ed Smith, Christen Davis and Rachel Brockett for the 2008-2009 Season

### **13.3 Human Resources:**

13.3.1 Approve Classified, Certificated and/or Management Employment  
Approve Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment

**Action Items:**

**14.1**

**Administrative & Business Services:**

**14.1.1**

Certify Corrective Actions to the 2007-08 Findings and Recommendations of the Independent Annual Financial Report

**Action:**

Crandall, Hawkins. **Vote:** Yes-7; No-0.

**14.1.2**

Certify the 2008-2009 Fiscal Year Second Interim Report (Under Separate Cover)

Dr. Goodall presented a power point which reviewed the second interim report. He also reviewed the 7 steps of the budget, the federal stimulus package and the next budget steps. There will be a special board meeting on April 7<sup>th</sup>. On May 19<sup>th</sup> there will be a special election. The May revise is due June 7<sup>th</sup> and we have to adopt our budget by June 9<sup>th</sup>.

**Action:**

Swenson, Vaughn. **Vote:** Yes-7; No-0.

**14.1.3**

Approve Resolution No. 08-26 Closing Delta Island School; and Approve Resolution No. 08-27 Finding that the Re-enrollment of Students from Delta Island School to Villalovoz School Qualifies as a Categorical Exemption from California Environmental Quality Act.

All discussion was translated by Mercy Silveira.

Dr. Franco thanked the audience for being here tonight. Still provide a quality education for the students. To facilities the successful transition of delta island students to a new environment at villa or maybe south/west park school. Dr. Goodall will review the result of the report.

Dr. Goodall reported that the results of the CEQA was that the closure of Delta Island School is not expected to cause a significant impact. Based on that it did not impact the recommendation from staff to close the school. There are two resolutions to vote on tonight. One to close the school and one to receive a categorical exemption from Villalovoz.

Dr. Franco realizes that the closing of any site is initially disruptive, however, students will receive a quality education. A decision not to close the school would affect all students in the District as it related to the preservation of all programs and services in the District. After much consideration and deliberation, staff is recommending the closure Delta Island School. If approved, we will immediately form a task force to make an easy transition to Villalovoz or South/West Park.

The following speakers were given 3 minutes to express their comments:

Teresa Ramirez does not want Delta Island closed. You are doing what

is convenient for the Board, District and teachers. The small children could get lost and not know how to use the phone and call for help. She would like the Board to consider the programs that the government could provide to help. Please consider the parents that work out in the islands and the asparagus that you enjoy. They pay taxes and contribute to the economy.

Luis Gonzalez believes that by closing Delta Island it will not provide the District cutbacks that you are looking for. He believes that if you moved the middle school students back, it will decrease the cost per student. He also questioned the costs of teachers, warehouse deliveries and repairs.

Luis Barajas has a son is at Delta Island and he is very happy there. Wants you to consider all of us. Our family is happy to have school close by. We also have the support of our bosses and they agree that the school should not be closed. They were going to give letters on behalf o the school. They will be affected too.

Barbara Champa presented a letter signed by 5 of the farmers in the area. She is here to address the Board in regard to closing Delta Island. She is here to ask for 1 more year. She believes they have the resources to fix the water issue by fall. She thinks that Villalovoz is falling apart just like Delta Island. She would like a chance to try and remedy this. They won't be a burden to the District, they will be self sufficient. Please give them the chance.

Leticia Acosta is representing parents from Delta Island. She is concerned and worried about their children. Her children used to get up later, now they have to get up at 7:00 a.m. to go with their brothers and sisters. Many have children that are 5 and will be in Kindergarten next year. They will have to get up at 5:30 a.m. or 6:00 a.m. It is hard to get them up at that time in the morning. By closing you are taking the right of these children to have a school close to their home, just like students in town. The children are the ones who will be most affected.

Erica Siordia lives in Stockton to have a better future for her children. She grew up in Oakland and wanted her kids to have a focus on education in a small environment. They do not need to worry about gangs because of who they are or what they wear. We urge the Board to think of these kids like your own. The parents are trying to work with you.

Mr. Chavez is here to try and resolve this problem. He does not understand some of these figures such as the electricity. He thinks we should have P.G. & E. help not only Delta Island, but any other school that needs it. He hopes you can justify what you are doing.

Martin Cazares thinks it is easy to say you will close the school. It will be difficult for them to get their children to school. The ones that live far away will have to ask permission from their boss to take them and pick them up. He will lose 3 hours of work for taking the children back and forth. He called upon Mr. Guzman to help him.

Trustee Gouveia hasn't slept very well. His business side tells him one thing and his heart says something else. If the Board votes to close Delta Island he would like staff members to be bilingual, have tutorial assistance, provide bussing and have counselors work with prevention and interventions transitioning the students into the city. This is a hard decision for him.

Trustee Hawkins commented that this is a painful decision. He was out Delta Island when it first opened and also served a 1 year term as interim superintendent. He understands how close the parents and students are towards their education. Was happy to see tonight that they had the greatest API growth in the district last year. It is a difficult decision for the Board. We are trying to save money but we understand how much the school means to your kids and how the kids need you close by.

Trustee Swenson agrees with Trustee Gouveia's points on the transition on the students if Delta Island closes. It has had reduced enrollment over the last many years and it is costly to the District when we need to cut \$14 million. All of the speakers have been sincere, interested in their children's education, and respectful. We have listened to their comments and concerns. It has been a real difficult situation and wishes we did not have to vote on it.

Trustee Crandall thank you all for your comments and concerns. This is a terrible situation that we are in. This is not due to a mismanagement of funds. It's the State of California that has put us in the position. He hopes that the opportunities that awaits these students outweigh the transition issues 6 months from now.

Trustee Vaughn commented that the Board values all of the parents and students in the district. The budget cuts that we are faced with right now are monumental. He would like the parents and students to try to approach the situation as a gift and not something negative. He thanked the audience you for coming. We appreciate you and the students that you are representing tonight.

Trustee Guzman commented that this has been very difficult decision. He thanked everyone for coming out. This community has shown great passion. You have a strong community and whatever the result of the

vote, you will continue to be successful as you are now and have been in the past. The result of this vote is not the fault of yours or the Board. It is a state problem. They will receive a quality education in a safe environment and in updated facilities. The District has an agenda to make the transition easier.

Trustee Lewis agrees with the Board's comments. As a parent, he can understand parent concerns about closing a neighborhood school. We have to make these difficult decisions. The 2 main factors are the cost to run the school and water problems. We just don't have a choice. He thanked all of the parents for their involvement with their children and hopes that it continues through high school and college.

- Action:** Crandall, Lewis. **Vote:** Yes-5; No-2(Gouveia, Hawkins)
- 14.1.4** Accept Bond Oversight Committee's Recommendation of Vavrinck, Trine, Day & Co., LLP to Prepare "Proposition 39" General Obligation Bonds (Measure E and Measure S) Annual Financial and Performance Audits and Approve and Award Proposal for the Fiscal Year Ending June 30, 2009
- Action:** Swenson, Crandall. **Vote:** Yes-7; No-0.
- 14.2** **Educational Services:** None.
- 14.3** **Human Resources:**
- 14.3.1** Approve Resolution No. 08-25 Authorizing Teachers to Teach Outside Their Major/Minor
- Action:** Hawkins, Crandall. **Vote:** Yes-7; No-0.
- 14.3.2** Approve Job Description for Administrator of Bilingual and English Language Development Site Programs Elementary (K-5)
- Action:** Gouveia, Vaughn. **Vote:** Yes-7; No-0.
- 14.3.3** Ratify Contract with Office of Administrative Hearings
- Action:** Crandall, Hawkins. **Vote:** Yes-7; No-0.
- 14.3.4** Approve Amended Resolution No. 08-20, Authorizing the Reduction or Discontinuance of Particular Kinds of Services
- Action:** Vaughn, Crandall. **Vote:** Yes-7; No-0.

**Board Reports:** Trustee Gouveia passed. Trustee Vaughn commented that on this Saturday there will be a young woman's empowerment day at North School. If teachers are here, please send your students. Trustee Crandall passed. Trustee Hawkins commented that on this Saturday the Tracy Breakfast Lions is putting on a pancake breakfast for ASA at Williams Middle School from 7:00 a.m. to 11:00 a.m. Trustee Swenson attended a workshop in Sacramento with Casey, Reed and Jill. The numbers are brutal. There are new rules on CSR. He attended the Tracy High "Jazz After Dark" performance. Mike Costa has done a great job and it was a delightful evening. Trustee Guzman attended the Tracy Hispanic casino night. He also thanked Mercy



for translating tonight. He was not able to attend the TLC meeting last night. Trustee Lewis thanked the Board for allowing him to participate remotely. He knew it would be a difficult decision for the board. Unfortunately, business took him away from the State of California. This is just one step that only solves about 1% of our budget issues. When April comes around the Board will have a lot more difficult decisions to make.

**Superintendent  
Report:**

Dr. Franco reminded everyone that on March 29th from 8:00 a.m. to noon will be the Cesar Chavez celebration at Monte Vista Middle School. Mercy is selling tickets for \$7.00. He thanked Gregg for helping out at West High last weekend. The art in the lobby looks wonderful. Each art teacher in the district is represented by the pieces. It is a testament to the fine art staff at both high schools and middle schools. Last Saturday he was with Bill and Anne and attended the "Jazz After Dark" performance. It was well worth it. He visited the science fair at South/West Park and was able to read through the projects for a while. He visited West High today and talked to the teachers. Next week is the CAHSEE testing and tomorrow at 7:30 a.m. is the senior breakfast at West High. He complimented the Board for listening to all the concerns at the last 2 special budget meetings. The Delta Island closure has been a difficult decision and we will have to make sure that it will be a successful venture for students and parents. We will start working on that right away. Next month there will be more of the same as we have to reduce about \$13 million more. The group will deliberate and make the best decisions that it can. Thank you all for your efforts.

**9:52 P.M.  
Adjournment.**

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Clerk

Date



**TRACY**  
UNIFIED SCHOOL DISTRICT

# HUMAN RESOURCES MEMORANDUM

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**TO:** Dr. James Franco, Superintendent  
**FROM:** Ryan Davis, Assistant Superintendent for Human Resources  
**DATE:** March 16, 2009  
**SUBJECT:** **Recognize the Outstanding Employees of the Spring Term for the 2008-09 School Year**

**BACKGROUND:** Three times each school year, nominations for outstanding employees are solicited from staff. A selection committee composed of one administrators, one classified/confidential representative, two certificated representatives and two classified representative review the nominations and make the selections. This is the 25th year the District has been recognizing outstanding employees.

**RATIONALE:** The employees who are recognized by the School Board have their picture displayed in the District Education Center and are recognized at their school sites in various ways. At the end of the year, the nominations of the employees who have received recognition as Outstanding Employees of the Term in each category are reviewed and one employee in each category is selected as outstanding employee of the year.

This agenda item meets Strategic Goal #7-Educational Leadership.

**FUNDING:** N/A

**RECOMMENDATION:** Recognize Julian Hurtado (K-5), Luis Ensor (6-8), and Judy Brown (9-12) as Outstanding Classified employees; Therese Ayala (K-5), Cyndi Hackett (6-8), and Cristina Tanner (9-12) as Outstanding Certificated employees; and Joni McGinnis as Outstanding Certificated Management employee for the Spring Term of the 2008-09 school year.

**PREPARED BY:** Ryan Davis, Assistant Superintendent for Human Resources



# BUSINESS SERVICES MEMORANDUM

**TO:** James Franco, Superintendent  
**FROM:** C. Goodall, Assistant Superintendent for Business  
**DATE:** March 17, 2009  
**SUBJECT:** Receive Budget Reduction Priority Lists and Comments, and Superintendent's Preliminary Recommendations for Reductions to the 2009-10 District Budget

**BACKGROUND:** Each January, the Governor introduces Budget proposals that build upon the past, reflect the realities of the present, and project revenues for the future. This year, with state revenues dramatically decreased from prior years, the Governor's budget plan, approved on February 20<sup>th</sup>, has led to a two-year plan which includes the deepest Budget cuts in the history of the state. Because Tracy Unified School District receives approximately 90% of all funds from the State of California, these reductions by the state translate to local reductions.

Anticipating these reductions, Tracy Unified School District began planning and preparing several months ago to reduce its yearly operating budget. For example, a spending and hiring freeze has been in place since November, with expenditures authorized only for critical and essential materials or positions. Consequently, the amount of cuts required has been reduced from an earlier estimate of \$15.4 million, to a reduced amount of \$14 million. On March 10<sup>th</sup>, the Board of Trustees accepted the Second Interim Report, a document which considers all of the variables which constitute our local budget, and set the budget three-year reduction target for Tracy Unified School District at \$14 million. Yet, reductions have already been achieved for a savings of \$1,896,376:

North School to YRE Calendar	\$758,175
Administration Furlough	\$157,011
Delta Island Closure	\$981,190
Total Initial Savings	\$1,896,376

Also, scheduled cuts may be implemented over the course of several years, with \$7 million of cuts for 2009-10, \$5 million additional cuts for 2010-11, and \$2 million per year for 2010-11. All of these cuts must be identified prior to now to ensure a balanced budget for multiple years as required by AB 1200. Cumulative targets may be considered according to the following table:

Year	Cumulative Cut Target	Less Savings Already Achieved	Ranking Target
2009-10	\$7,000,000	\$1,896,376	\$5,103,624
2010-11	\$12,000,000	\$1,896,376	\$10,103,624
2011-12	\$14,000,000	\$1,896,376	\$12,103,624

Therefore, the first year savings of \$7 million can be achieved by targeting \$5,103,624 of items from the reduction list. The two-year savings of \$12 million can be achieved by targeting an additional \$5 million of items for a total set of reductions totaling \$10,103,624. The three-year savings of \$14 million can be achieved by targeting an additional \$2 million of items for a total set of reductions totaling \$12,103,624 from the list. If state revenue projections for any of these three years are reduced, the local reductions would be expedited.

Another important change from previous plans is the recent change in K-3 Class Size Reduction. In an unprecedented move, all of the elements of California government have come together to keep K-3 Class-Size Reduction (CSR) alive. The recognition that the program has high costs and that, without flexibility, might be discontinued by many districts caused the state to offer increased flexibility. But when statutory changes are drafted under the pressure of late-night negotiations, follow through is often required. This is the case with K-3 CSR. While there are still many issues to work through with how the new K-3 CSR penalties will be monitored, earlier in the week of March 2, 2009, staff from the Department of Finance, Legislature, and California Department of Education (CDE) met to discuss the intent of the flexibility agreed to during the budget process. It is anticipated that CDE will take action to allow for increased class sizes across all participating grade levels. This means that, while the penalties for exceeding class sizes of 20 students will apply in their newly adopted form, there will be no restrictions based on priorities for implementation on the number of students that may be enrolled. If these changes are adopted by the legislature, this added Class Size Reduction flexibility may allow the district to save many teaching positions, which would now be fully funded by the program.

**RATIONALE:** The Superintendent and the Associate Superintendent for Business Services responded to the Governor's budget proposal by forming a Fiscal Response Team to generate an initial set of budget reduction ideas. Ideas were added to this list by the District Budget Advisory Committee. Input was also collected from the District Management Team. A final list of proposed budget reductions was generated. Comments were written detailing the anticipated impacts of each reduction. The value of all proposed cuts is estimated to be \$14,434,772. When added to the \$1,896,376 of reductions already adopted, the potential savings are estimated to be \$16,331,148.

This report represents the results of four solid months of work by a wide range of District and school site staff members, Board of Education representatives, parent representatives,

and community representatives. The report includes an explanation of the process used to generate ideas for budget reductions, and prioritized recommendations for cuts from the District Budget Advisory Team, by the District Management Team, and by the Superintendent. Those prioritized lists will be presented to the Board as part of this report. The Board of Education will receive this report during the regular meeting of March 24, 2009 and will meet again on March 31<sup>st</sup> to discuss the report and make the final budget reduction decisions in preparation for development of the 2009-10 budget, which must be approved in June of 2009. This annual budget must reflect revenue and expenditure projections supporting a conclusion that the District can meet its financial obligations for the budget year and two subsequent fiscal years.

**FUNDING:** Reductions in expenditures must be adopted consistent with the table presented above. When added to the \$1,896,376 of reductions already adopted, the potential savings are estimated to be \$16,331,148.

**RECOMMENDATION:** Receive Budget Reduction Priority Lists and Comments, and Superintendent's Preliminary Recommendations for Reductions to the 2008-09 District Budget



**TRACY**  
UNIFIED SCHOOL DISTRICT

# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** March 11, 2009  
**RE:** Receive Report on High School AP World History and Health Science Programs and Proposed Textbook Adoptions

**BACKGROUND:** Kimball High School offers students four educational pathways: Architecture, Construction Interior and Design, Health Sciences, Mass Communications and Multimedia Technology, and the New American High School. Teachers and administration have been engaged in evaluating textbooks for pathway electives and Advanced Placement World History. Using an evaluation rubric for instructional materials, the teachers and principal reviewed several programs. The evaluators found the textbooks, *Building a Medical Vocabulary with Spanish Translations* and *Introduction of Health Science Technology*, to be excellent matches for courses in the health science pathway. *World Civilizations the Global Experience* aligns with the state standards for world history and provides activities and resources that engage students in critical analysis activities required for the Advanced Placement World History course.

The Kimball High School evaluation team recommends adopting *Introduction of Health Science Technology* textbook for the elective, Introduction to Health Science Occupations. For the elective, Introduction to Medical Terminology, the evaluation team recommends adopting *Building a Medical Vocabulary with Spanish Translations*. The evaluation team also recommends adopting *World Civilizations the Global Experience* for AP World History.

**History-Social Science Department/Program:**

COURSE	PUBLISHER	RECOMMENDED TEXT
Grade 10		
World History AP	Pearson Longman	<i>World Civilizations, The Global Experience</i> , AP Edition, 5 <sup>th</sup> Edition, © 2007

**Science Department/Program (Health/Science Pathway):**

COURSE	PUBLISHER	RECOMMENDED TEXT
Grade 9		
Introduction to Medical Terminology	Saunders Elsevier	<i>Building a Medical Vocabulary, with Spanish Translations</i> , 7 <sup>th</sup> Edition, © 2009
Introduction to Health Science Occupations	Delmar	<i>Introduction to Health Science Technology</i> , 2 <sup>nd</sup> Edition, © 2009

**Grade 10**

Introduction to Medical Terminology	Saunders Elsevier	<i>Building a Medical Vocabulary, with Spanish Translations, 7<sup>th</sup> Edition, © 2009</i>
Introduction to Health Science Occupations	Delmar	<i>Introduction to Health Science Technology, 2<sup>nd</sup> Edition, © 2009</i>

**RATIONALE:** The materials being recommended for adoption demonstrate the highest correlation to the following evaluation criteria:

- Conforms to National Health Care Skills Standards or History/Social Science Standards and pathway goals
- Accessibility to variety of student academic levels
- Student resources and support
- Appropriate student assessment material
- Comprehensive teacher materials

This agenda item meets Strategic Goal #1: Provide a variety of learning opportunities through standards based curriculum and assessment and research based instruction that ensures all students meet or exceed grade level standards and results in closing the achievement gap.

**FUNDING:** The cost of the high school AP World History adoption will be approximately \$4,100. The cost of the high school health science programs will be approximately \$5,200 for Introduction to Medical Terminology adoptions, and \$7,200 for Introduction to Health Science Occupations adoption. Funding for these materials will be provided through state instructional textbook funds.

**RECOMMENDATION:** Receive Report on High School AP World History and Health Science Programs and Proposed Textbook Adoptions.

**Prepared by:** Dr. Donna Sonnenburg, Director of Instructional Media Services and Curriculum



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~XX~~ Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** ~~XX~~ March 10, 2009  
**RE:** Receive Report on High School Criminal Justice Program and Proposed Textbook Adoption

**BACKGROUND:** The Institute of Global Commerce and Government is adding a new twelfth grade course, Careers in Law Enforcement ROP, to its criminal justice pathway. Using the CTE framework standards and a targeted evaluation tool, Associate Principal, Amy Lowery and Director of Adult, Career and Technical Education, David Pickering, reviewed multiple textbooks for this course. The evaluators found the textbook, *Careers in Law Enforcement*, to be an excellent match for the criminal justice pathway. This textbook has chapters that specifically address broad categories of law related careers: police, corrections and prosecution and defense. The textbook is well organized, provides a review of previously learned content, and concludes each chapter with an array of comprehension activities including activities to review key terms, critical analysis questions and targeted career exploration.

Course	Publisher	Recommended Text
Careers in Law Enforcement	Thompson Wadsworth	Criminal Justice in Action, 5 <sup>th</sup> Edition, ©2010

**RATIONALE:** The materials being recommended for adoption demonstrate the highest correlation to the following evaluation criteria:

- Alignment with state and district standards by grade level
- Technology integration
- Inclusion of primary documents
- Student resources and support
- Appropriate student assessment material
- Comprehensive teacher materials

This agenda item meets Strategic Goal #2: Create a Quality and Effective Learning Environment for all Students by providing materials for all staff to maximize the success of diverse learners (2.1.4).

**FUNDING:** Funding for the purchase of recommended materials in the amount of \$4,300 will be provided by ROP funds.

**RECOMMENDATION:** Receive Report on High School Criminal Justice Program and Proposed Textbook Adoption.

**Prepared by:** Dr. Donna Sonnenburg, Director of Instructional Media Services and Curriculum





# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr.~~ Sheila Harrison, Assistant Superintendent for Educational Services  
**DATE:** March 13, 2009  
**SUBJECT:** Conduct a Public Hearing Regarding the Charter Renewal for the Tracy Learning Center's Millennium High School (9-12) and the Charter Renewal for the Tracy Learning Center's Primary School (K - 4).

**BACKGROUND:** A Public Hearing requirement is a required component of the Charter Renewal Process. The California Education Code requires that the Board of Trustees renders a final decision on the renewal application within 60 days of the date of submission of the charter application. The Board of Trustees may approve a charter renewal application if they are satisfied that the charter is consistent with the requirements set forth in the Tracy Unified School District's Charter School Board Policy 0420.4, Administrative Regulation 0420.4 and the Charter School Provisions of the California Education Code, 47607.

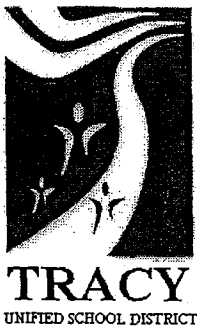
**RATIONALE:** Millennium High School's initial 5-year charter will expire at the end of the 2008-2009 school year. Millennium High School has submitted the charter for a 5-year renewal per Education Code 47607. Primary School's initial 5-year charter will expire at the end of the 2008-2009 school year. Primary School has submitted the charter for a 5-year renewal per Education Code 47607. Tracy Unified School District staff and legal counsel have extensively reviewed Millennium High School's renewal application and Primary School's renewal application to determine if they meet the guidelines and criteria set forth in the Charter School Provisions of the California Education Code, 47607; Tracy Unified School District Board Policy 0420.4 and Administrative Regulation 0420.4.

It is the finding of the district staff and legal counsel that the charter renewal application meets the above mentioned guidelines and criteria.

**FUNDING:** Not applicable.

**RECOMMENDATION:** Conduct a Public Hearing Regarding the Charter Renewal for the Tracy Learning Center's Millennium High School (9-12) and the Charter Renewal for the Tracy Learning Center's Primary School (K - 4).

**Prepared by:** Linda Dopp, Director of Alternative Programs



# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Assoc. Superintendent of Business Services  
**DATE:** March 3, 2009  
**SUBJECT:** Approve Revolving Cash Fund Reports (February, 2009)

**BACKGROUND:** Each month the Financial Services Department submits summaries of revolving cash fund checks issued monthly to the Board of Trustees for review.

**RATIONALE:** The Board of Trustees is required by law to approve the total expenditures of the district. The Board has requested to review detailed backup for expenditures. This agenda item meets Strategic Goal #6 – Forming Partnerships.

**FUNDING:** N/A.

**RECOMMENDATION:** Approve Revolving Cash Fund Reports (February, 2009).

**Prepared by:** S. Reed Call, Director of Financial Services

03/02/09

**Tracy Unified School District**  
**REVOLVING CASH FUND**  
February 2009

Date	Num	Name	Memo	Paid Amount
2/4/2009	8396	U.C. Regents	Conf 2/5,12,19/2009; R. Arroniz, A. Bygoytia, I...	
			01-8150-0-0000-8110-5200-800-9402	-105.00
TOTAL				-105.00
2/4/2009	8397	DEPARTMENT OF MO...	DMV FEES	
			01-7230-0-1110-3600-5800-800-9702	-64.00
TOTAL				-64.00
2/5/2009	8398	U.S. POSTAL SERVICE	POSTAGE	
			01-4510-0-1110-2150-5900-800-2744	-67.20
TOTAL				-67.20
2/10/2009	8399	KINDER'S MEATS	P.O. 92394	
			01-0000-0-0000-7150-4300-800-1001	-113.68
TOTAL				-113.68
2/13/2009	8400	CALIFORNIA HIGHWA...	12-CHP Book 82.7	
			01-7530-0-1110-3600-4300-800-9702	-64.65
TOTAL				-64.65
2/13/2009	8401	SCHOOL SERVICES O...	P.O. 92449	
			01-0000-0-0000-7150-4300-800-1001	-18.00
TOTAL				-18.00
2/19/2009	8402	KEENAN & ASSOCIAT...	PATRICIA MEDEIROS CLAIM #410574 D/IN...	
			01-0000-0-1110-8200-2200-709-8999	-17.61
TOTAL				-17.61
2/19/2009	8403	NCJOA	CONF 2/20/09 & 2/21/09 T. CHRISTENSEN, K....	
			01-6405-0-1110-2100-5200-800-2208	-375.00
TOTAL				-375.00
2/23/2009	8404	C.C.I.S.	3/2&3/2009 DOPP/HARRISON	
			01-7396-0-1110-1000-5200-800-2744	-700.00
TOTAL				-700.00
2/24/2009	8405	SCHOOL SERVICES O...	CONF 3/5/09, C. GOODALL, R. DAVIS, L. DO...	
			01-7396-0-0000-7200-5200-800-2744	-875.00
TOTAL				-875.00

03/02/09

Tracy Unified School District  
**REVOLVING CASH FUND**  
February 2009

Date	Num	Name	Memo	Paid Amount
2/25/2009	8406	CALIFORNIA DEPART...	CONF 3/26,27,28/09 A. LOWERY, S. MCMAH...	
			01-6385-0-1110-1000-5200-700-6014	-960.00
TOTAL				-960.00
2/26/2009	8407	THE ROASTED BEAN	FOOD SERVICE - CATERING P.O. #90134	
			13-5310-0-0000-3700-4710-800-9802	-98.00
TOTAL				-98.00



# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Assoc. Superintendent for Business Services  
**DATE:** March 2, 2009  
**SUBJECT:** Approve Monthly Budget Adjustment Report-February, 2009

**BACKGROUND:** Each month the Financial Services Department submits a Budget Adjustment Report summarizing changes of amounts in object codes.

**RATIONALE:** These monthly reports include estimated revenues, expenditures, adjustments, and transfers and facilitate timely monitoring of the budget.

**FUNDING:** N/A

**RECOMMENDATION:** Approve Monthly Budget Adjustment Report

**Prepared by:** S. Reed Call, Director of Financial Services

75 Tracy Jt. Unified School Dist.

Restricted and Unrestricted

FISCAL YR: 09

APPROVED			07/23/2008	02/01/2009	BUDGET	02/28/2009
FUND	OBJECT	DESCRIPTION	ADOPTED BUDGET	REVISED BUDGET	ADJUSTMENTS	REVISED BUDGET
01	1100	TEACHERS' SALARIES	53,587,425.00	53,177,411.00	-906,957.46	52,270,453.54
	1200	CERT PUPIL SUPPORT SALARIES	2,758,536.00	2,874,441.00	25,741.00	2,900,182.00
	1300	CERT SUPRVSRs' & ADMINS' SAL	5,406,334.00	5,389,779.00	18,662.00	5,408,441.00
	1900	OTHER CERTIFICATED SALARIES	1,084,347.00	1,356,476.00	129,742.70	1,486,218.70
	2100	INSTRUCTIONAL AIDES' SALARIES	4,058,247.00	4,073,267.00	-48,630.68	4,024,636.32
	2200	CLASSIFIED SUPPORT SALARIES	7,084,580.00	6,766,612.78	47,914.54	6,814,527.32
	2300	CLASS SUPRVSRs' & ADMINS' SAL	1,687,648.00	1,700,178.00	1,912.00	1,702,090.00
	2400	CLERICAL & OFFICE SALARIES	4,706,063.00	4,823,832.35	-32,188.47	4,791,643.88
	2900	OTHER CLASSIFIED SALARIES	543,833.00	517,035.00	602.94	517,637.94
	3101	STRs ON 1000 SALARIES	5,123,656.00	5,119,297.00	-152,825.56	4,966,471.44
	3102	STRs ON 2000 SALARIES	7,740.00	7,765.00	26.38	7,791.38
	3201	PERS ON 1000 SALARIES	82,796.00	81,100.00	3,622.11	84,722.11
	3202	PERS ON 2000 SALARIES	1,599,073.00	1,562,336.00	-54,960.24	1,507,375.76
	3311	OASDI ON 1000 SALARIES	54,576.00	54,781.00	2,209.07	56,990.07
	3312	OASDI ON 2000 SALARIES	933,774.00	960,049.68	-7,440.73	952,608.95
	3321	FICA-MED ON 1000 SALARIES	793,581.00	806,927.00	-14,792.71	792,134.29
	3322	FICA-MED ON 2000 SALARIES	234,715.00	244,727.00	553.60	245,280.60
	3331	ALTER. RETIREMENT ON 1000 SAL	.00	1,571.00	4,016.65	5,587.65
	3332	ALTER. RETIREMENT ON 2000 SAL	32,125.00	35,179.00	3,509.84	38,688.84
	3411	HEALTH & WELFARE ON 1000 SALS	7,709,745.00	7,789,675.00	-38,241.00	7,751,434.00
	3412	HEALTH & WELFARE ON 2000 SALS	3,219,829.00	3,202,455.00	27,490.14	3,229,945.14
	3501	STATE UNEMPLOY ON 1000 SALARY	188,394.00	190,816.00	-3,021.31	187,794.69
	3502	STATE UNEMPLOY ON 2000 SALARY	54,310.00	54,984.00	336.73	55,320.73
	3601	WORKER'S COMP INS ON 1000 SAL	1,245,211.00	1,248,534.00	-22,889.14	1,225,644.86
	3602	WORKER'S COMP INS ON 2000 SAL	358,890.00	352,506.00	-576.96	351,929.04
	3711	OPEB,ALLOCATED, CERTIFICATED	795,402.00	1,167,010.00	.00	1,167,010.00
	3712	OPEB,ALLOCATED, CLASSIFIED	723,489.00	904,854.00	.00	904,854.00
	3801	PERS REDUCTION ON 1000 SALARY	31,507.00	29,941.00	.00	29,941.00
	3802	PERS REDUCTION ON 2000 SALARY	410,099.00	468,410.00	12,657.00	481,067.00
	3911	TAXABLE FRINGE BEN ON 1000 SAL	19,440.00	18,360.00	-10,980.00	7,380.00
	3912	TAXABLE FRINGE BEN ON 2000 SAL	18,040.00	19,120.00	-12,098.00	7,022.00
	3999	BENEFIT PAYROLL ERRORS	.00	.00	.00	.00
	4100	TEXTBOOKS	901,037.00	969,297.00	163,575.00	1,132,872.00
	4200	BOOKS OTHER THAN TEXTBOOKS	399,359.00	501,532.00	-161,860.04	339,671.96
	4300	MATERIALS & SUPPLIES	11,428,653.00	17,814,985.97	-4,106,091.12	13,708,894.85
	4400	NON-CAPITALIZED EQUIPMENT	497,363.00	770,099.00	-50,225.42	719,873.58
	5200	TRAVEL & CONFERENCES	133,088.00	270,049.00	-10,925.81	259,123.19
	5300	DUES & MEMBERSHIPS	37,890.00	47,686.00	-780.00	46,906.00
	5450	OTHER INSURANCE	684,988.00	649,988.00	.00	649,988.00
	5500	OPERATIONS & HOUSEKEEPING SRVC	3,297,819.00	3,486,493.01	-183.44	3,486,309.57
	5600	RENTS,LEASES,REPAIRS,IMPRVMTS	879,021.00	871,717.00	-9,143.68	862,573.32
	5710	DIR COSTS FOR INTRPRG SERVICES	.00	.00	.00	.00
	5750	DIR COSTS FOR INTERFUND SVCS	.00	-53,253.00	-261.00	-53,514.00
	5800	OTHER SVCS & OPER EXPENDITURES	3,996,025.00	6,408,972.00	-119,752.82	6,289,219.18
	5900	INTERGOVERNMENTAL FEES	514,910.00	412,515.00	-22,105.13	390,409.87
	6170	LAND IMPROVEMENTS	.00	18,886.00	.00	18,886.00
	6200	BLDGS & IMPROVEMENT OF BLDGS	503,631.00	241,923.00	.00	241,923.00
	6400	EQUIPMENT	276,500.00	1,021,701.00	-2,226.00	1,019,475.00
	6500	EQUIPMENT REPLACEMENT	2,500.00	2,500.00	.00	2,500.00

75 Tracy Jt. Unified School Dist.

Restricted and Unrestricted

FISCAL YR: 09

FUND	APPROVED OBJECT	DESCRIPTION	07/23/2008 ADOPTED BUDGET	02/01/2009 REVISED BUDGET	BUDGET ADJUSTMENTS	02/28/2009 REVISED BUDGET
01	7130	STATE SPECIAL SCHOOLS	40,000.00	40,000.00	.00	40,000.00
	7142	TUITION, EXCESS COSTS TO COE	692,955.00	712,759.00	113,498.00	826,257.00
	7310	TRANSFERS OF INDIRECT COSTS	.00	.00	.00	.00
	7350	TRANS OF INDIRECT - INTERFUND	-232,161.00	-232,741.00	.00	-232,741.00
	7438	DEBT SERVICE - INTEREST	9,456.00	11,074.00	.00	11,074.00
	7439	DEBT SERVICE - PRINCIPAL	141,708.00	151,836.00	14,423.40	166,259.40
	7612	BETWEEN GEN FND & SP RSRVE FND	.00	.00	.00	.00
	7613	ST SCH BLD FND OTH FND OF DIST	.00	367,656.00	.00	367,656.00
	7615	FROM GEN/SPC/BLDG TO DEF MAINT	650,084.00	738,310.00	.00	738,310.00
	7619	OTHER AUTH INTRFND TRANSFRS OUT	606,777.00	493,127.00	.00	493,127.00
	TOTAL EXPENSE		130,015,008.00	140,716,541.79	-5,218,663.62	135,497,878.17

75 Tracy Jt. Unified School Dist.

Restricted and Unrestricted

FISCAL YR: 09

APPROVED			07/23/2008	02/01/2009	BUDGET	02/28/2009
FUND	OBJECT	DESCRIPTION	ADOPTED BUDGET	REVISED BUDGET	ADJUSTMENTS	REVISED BUDGET
01	8011	REVENUE LIMIT ST AID-CURR YEAR	64,911,793.00	59,907,821.00	2,245,449.00	62,153,270.00
	8019	REVENUE LIMIT ST AID-PRIOR YRS	.00	.00	322,754.00	322,754.00
	8021	HOME OWNERS EXEMPTION	322,754.00	322,754.00	.00	322,754.00
	8040	COUNTY & DISTRICT TAXES	27,098,681.00	26,935,819.00	-1,617,158.00	25,318,661.00
	8042	UNSECURED ROLL TAXES	1,282,014.00	1,282,014.00	.00	1,282,014.00
	8043	PRIOR YEARS' TAXES	32,685.00	32,685.00	.00	32,685.00
	8044	SUPPLEMENTAL TAXES	1,017,624.00	1,017,624.00	.00	1,017,624.00
	8045	ED REVENUE AUGMENT FUND (ERAF)	2,330,754.00	2,330,754.00	.00	2,330,754.00
	8091	REVENUE LIMIT TRANSFERS	.00	.00	.00	.00
	8092	PERS REDUCTION TRANSFER	455,386.00	512,343.00	12,662.00	525,005.00
	8096	TRANSFERS TO CHARTERS, IN LIEU	-1,595,274.00	-1,619,423.00	81,387.00	-1,538,036.00
	8181	SP ED-ENTITLEMENT	2,134,560.00	2,154,364.00	.00	2,154,364.00
	8182	SP ED-DISCRETIONARY GRANTS	243,322.00	224,579.00	4,282.00	228,861.00
	8290	ALL OTHER FEDERAL REVENUES	1,799,795.00	3,131,752.00	58,893.00	3,190,645.00
	8311	OTH ST APPORTIONMENTS-CURR YR	2,910,556.00	3,680,383.00	.00	3,680,383.00
	8319	OTH ST APPORTIONMENTS-PRIOR YR	.00	.00	.00	.00
	8434	CLASS SIZE REDUCTION K-3	3,424,724.00	3,297,737.00	.00	3,297,737.00
	8435	CLASS SIZE REDUCTION 9-12	.00	.00	.00	.00
	8560	STATE LOTTERY REVENUE	2,416,100.00	2,301,600.00	-274,246.00	2,027,354.00
	8590	ALL OTHER STATE REVENUES	6,691,419.00	7,283,378.00	27,223.00	7,310,601.00
	8660	INTEREST	800,000.00	500,000.00	.00	500,000.00
	8675	TRANSPORTATION FEES FROM INDIV	100,000.00	112,353.00	17,031.00	129,384.00
	8677	INTERAGENCY SVCS BETWEEN LEA'S	1,161,689.00	1,186,009.00	106,259.00	1,292,268.00
	8689	ALL OTHER FEES & CONTRACTS	28,700.00	28,700.00	.00	28,700.00
	8699	ALL OTHER LOCAL REVENUES	1,737,557.00	2,778,322.61	88,537.00	2,866,859.61
	8792	TRANS OF APPORTION FROM CO OFF	4,005,331.00	4,004,613.00	-19,300.00	3,985,313.00
	8919	OTH AUTH INTERFUND TRANS IN	3,106,368.00	9,792,925.00	.00	9,792,925.00
	8965	TRANS FROM FND OF LAPSED/REORG	.00	.00	.00	.00
	8972	PROCEEDS FROM CAPITAL LEASES	.00	.00	.00	.00
	8980	CONTRIBUTE FROM UNRSTRCTD REV	.00	.00	.00	.00
	8990	CNTRIBUT/TRANS FRM RSTR/UNREST	.00	.00	.00	.00
TOTAL REVENUE			126,416,538.00	131,199,106.61	1,053,773.00	132,252,879.61



75 Tracy Jt. Unified School Dist.

Restricted and Unrestricted

FISCAL YR: 09

FUND	OBJECT	DESCRIPTION	BEGINNING BALANCE	02/01/2009 REVISED BALANCE	ADJUSTMENTS	02/28/2009 REVISED BALANCE
01	9770	DESIGNATED FOR ECON UNCERTAIN	-3,328,815.00	-3,328,815.00	.00	-3,328,815.00
	9780	OTHER DESIGNATIONS	.00	.00	-2,500,000.00	-2,500,000.00
	9790	UNDESIGNATED/UNAPPROPRIATED	-6,226,547.80	-307,582.62	-3,772,436.62	-4,080,019.24
	9791	BEGINNING BALANCE	-13,389,832.80	-13,389,832.80	.00	-13,389,832.80
	9793	AUDIT ADJUSTMENTS	.00	.00	.00	.00
	9795	OTHER RESTATEMENTS	.00	.00	.00	.00
	9798	BUDGET FUND BALANCE OFFSET	9,791,362.80	3,872,397.62	6,272,436.62	10,144,834.24
	9799	K12 NET GAIN OR LOSS	.00	9,517,435.18	-6,272,436.62	3,244,998.56



# BUSINESS SERVICES MEMORANDUM

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**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Assoc. Superintendent of Business Services  
**DATE:** March 3, 2009  
**SUBJECT:** Approve Accounts Payable Warrants (February, 2009)

**BACKGROUND:** Each month the Financial Services Department submits summaries of warrants issued monthly to the Board of Trustees for review.

**RATIONALE:** The Board of Trustees is required by law to approve the total expenditures of the district. The Board has requested to review detailed backup for expenditures. This agenda item meets Strategic Goal #6 – Forming Partnerships.

**FUNDING:** N/A.

**RECOMMENDATION:** Approve Accounts Payable Warrants (February, 2009)

**Prepared by:** S. Reed Call, Director of Financial Services



**TRACY**  
UNIFIED SCHOOL DISTRICT

# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James C. Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Associate Superintendent for Business Services  
**DATE:** March 13, 2009  
**SUBJECT:** Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

**BACKGROUND:** To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

**RATIONALE:** The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

**FUNDING:** Per attached summary of requisitions.

**RECOMMENDATION:** Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

**Prepared by:** Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES  
FACILITIES DEVELOPMENT DEPARTMENT  
MEASURE E BOND  
SUMMARY OF SERVICES**

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A. Vendor: Bockmon & Woody Electric Company  
Site: Tracy High School – New Classroom Bldg.  
Item: Proposal - Ratify  
Services: Contractor to provide mule tape and rope in AT&T conduit to connect the minimum point of entry (MPOE).  
Cost: \$2,493.00  
Project Funding: Local Bond Funds & State School Building Fund (SSBF)

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B. Vendor: Aquatic Renovation Systems dba RenoSys Corp.  
Site: West High School  
Item: Notice of Completion  
Services: Contractor to provide and install a new movable bulkhead system in the pool at West High School  
Original Contract: \$209,116.00 Change Order: \$0.00 Total Amount: \$209,116.00  
Completion Date: March 13, 2009  
Project Funding: Local Bond Funds & SSBF

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**TRACY**  
UNIFIED SCHOOL DISTRICT

# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James C. Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Associate Superintendent for Business Services  
**DATE:** March 13, 2009  
**SUBJECT:** Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

**BACKGROUND:** To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

**RATIONALE:** The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

**FUNDING:** Per attached summary of requisitions.

**RECOMMENDATION:** Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

**Prepared by:** Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES  
FACILITIES DEVELOPMENT DEPARTMENT  
SUMMARY OF SERVICES**

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- A. Vendor: GWF Tracy Community Charitable Foundation  
Site: Side by Side Preschools at Hirsch and McKinley  
Item: Approval of Grant Proposal  
Services: To apply for a GWF Tracy Community Charitable Foundation Grant for funding to help cover the cost of buses and scholarships for entrance fees for various field trips. The Side by Side Preschool Program teaches 18 children per class with 4 classes at Hirsch and 2 classes at McKinley Elementary Schools. These special needs children are from within the TUSD boundaries and come from all social-economic backgrounds. Each bus for a field trip costs \$492.45. We need to take 3 buses per field trip for 6 classes. We have about 6 children per class who cannot afford the entrance fees and our budget must cover this. Entrance fees average about \$10.00 per person. Side by Side is requesting \$5,332.00.  
Project Funding: No Cost to the District
- 

- B. Vendor: Gowan Construction Company  
Site: Tracy High School – Practice Fields  
Item: Agreement  
Services: Contractor to replace and install a dual height concrete drinking fountain at the practice field.  
Cost: \$19,253.00  
Project Funding: Deferred Maintenance 08/09
- 

- C. Vendor: Gowan Construction Company  
Site: Bohn Elementary School  
Item: Agreement - Ratify  
Services: Contractor to install donated "Project Fit America" playground apparatus at Bohn School.  
Cost: \$27,857.00  
Project Funding: Donation from Tracy Hospital Foundation/Unrestricted Facility Fund
- 

- D. Vendor: Sacramento Cooling dba L&H Airco  
Site: New Energy Management Conversion - ISET  
Item: Notice of Completion  
Services: Contractor installed the new energy management system throughout the ISET building.  
Original Contract: \$36,542.00 Change Order: \$0.00 Total Amount: \$36,542.00  
Completion Date: March 2, 2009  
Project Funding: General Fund
-



# BUSINESS SERVICES MEMORANDUM

**To:** Dr. James C. Franco, Superintendent  
**From:** Dr. Casey J. Goodall, Associate Superintendent for Business  
**Date:** March 13, 2009  
**SUBJECT:** Approve Substitution of McFadden Construction, Inc. in place of Aggressive Welding Services as the Welding Subcontractor for McFadden Construction, Inc. - Tracy High School Modernization – Gym/HVAC

**BACKGROUND:** On June 12, 2008 McFadden Construction, Inc. submitted the apparent low bid for the Tracy High School Modernization – Gym/HVAC Project; an agreement was signed on June 24, 2008 awarding the project to McFadden Construction.

On February 12, 2009, the District received a letter from McFadden Construction requesting substitution of the listed welding subcontractor, Aggressive Welding Services. The reason provided was that Aggressive Welding Services refused to perform its subcontract. McFadden Construction requests substituting Aggressive Welding Company with McFadden Construction.

A hearing was held on March 5, 2009 in the District Education Center with Casey Goodall, Associate Superintendent of Business Services and duly authorized officer representing the District, and Bonny Carter, Facilities Planner, along with Aggressive Welding Company and McFadden Construction. After hearing both sides, the District representative approved of the substitution request.

**RATIONALE:** Prime Contractor can request substitution based on the Public Contract Code §4107.a.2 – when listed subcontractor becomes bankrupt or insolvent and/or §4107.a.3 – when the listed subcontractor fails or refuses to perform his/her subcontract.

**FUNDING:** No funding necessary for this agenda item.

**TIMING:** The proposed changes will become effective upon approval of the Board.

**RECOMMENDATION:** Approve Substitution of McFadden Construction, Inc. in place of Aggressive Welding Services as the Welding Subcontractor for McFadden Construction, Inc. - Tracy High School Modernization – Gym/HVAC

Prepared by: Casey J. Goodall, Associate Superintendent of Business



## Facilities Development Department

1875 W. Lowell Ave  
Tracy, California 95376  
(209) 830-3245  
Fax (209) 830-3249

March 9, 2009

Mr. Kurt McFadden  
McFadden Construction, Inc.  
7207 Murray Dr.  
Stockton, CA 95207  
(209) 478-1516 fax

Mr. Jimmie Chapa  
Aggressive Welding Services  
1601 Mono Drive  
Modesto, CA 95334  
(209) 491-2102 fax

RE: Tracy High School Modernization – Gym/HVAC  
Substitution of Aggressive Welding

Dear Sirs:

Tracy Unified School District represented by Casey Goodall, Associate Superintendent of Business Services and duly authorized officer representing the District, and Bonny Carter, Facilities Planner, has approved the substitution of McFadden Construction, Inc. for Aggressive Welding based on the hearing held on March 5, 2009 at 3:00 p.m. at the Tracy Unified Schools District Education Center.

Sincerely,

Casey Goodall  
Associate Superintendent of Business Services

cc: Mike Rainforth, Rainforth Grau Architects  
Anthony Continente, RGM & Associates  
Tom Crites, RGM & Assoc.  
Ramon Parocua, RGM & Assoc.  
Bonny Carter, Facilities Planner  
Mike Allsup, Project Inspector



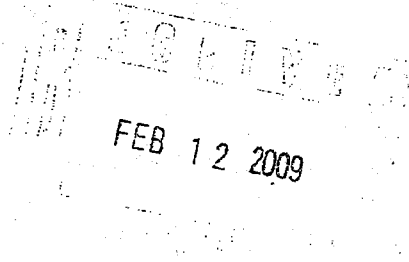
**McFADDEN  
CONSTRUCTION, INC.**

License #617672

7207 MURRAY DRIVE, STOCKTON, CA 95210  
(209) 478-7407 FAX (209) 478-1516 email: mcfconst@aol.com

February 12, 2009

Tracy Unified School District  
Facilities Development Department  
Monique Willner  
1875 W. Lowell Ave.  
Tracy, CA 95376



RE: Tracy High School – HVAC Project

Mrs. Willner;

McFadden Construction, Inc. hereby requests that Tracy Unified School District consent to the substitution of Aggressive Welding on the Tracy High School HVAC Project pursuant to California Public Contract Code Sections 4107(a) (3), as Aggressive Welding refuses to perform its subcontract.

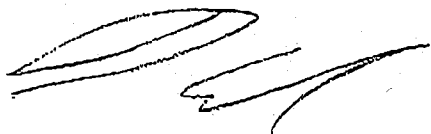
Accordingly, McFadden Construction, Inc. respectfully requests that, in accordance with Public Contract Code Section 4107, Tracy Unified School District give notice in writing to Aggressive Welding, of our request for substitution and the reasons therefore. Such notice should be served by certified or registered mail to the following address: 1601 Mono Drive, Modesto, CA. 95354. Thereafter, Aggressive Welding will have five working days within which to submit written objections to the substitution request. Failure to file such written objections constitutes Aggressive Welding consent to the substitution.

If written objections are filed by Aggressive Welding, you must give notice in writing of at least five working days to McFadden Construction, Inc. and Aggressive Welding of a hearing by your governing board on our request for substitution.

In order to promote Aggressive Welding knowledge of this matter we are sending them a copy of this letter to you, but note that under California law it is the owner that must notify the listed subcontractor of its right to object and we ask that you do so immediately with a copy being sent to myself. Thank you for your prompt action. To promote the least impact to the project, you are requested to act today on this matter.

Thank you and please let me know if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt McFadden', with a stylized flourish at the end.

Kurt McFadden  
President  
McFadden Construction, Inc.

CC: Aggressive Welding  
Murphy Austin Adams Schoenfeld LLP



# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James C. Franco, Superintendent  
**FROM:** *Casey Goodall* Dr. Casey Goodall, Associate Superintendent for Business Services  
**DATE:** March 13, 2009  
**SUBJECT:** **Accept the Generous Donations From the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed Herein With Thanks and Appreciation From the Staff and Students of the Tracy Unified School District.**

**BACKGROUND:** In order to assist the various school sites and departments in the District with the continued effort to enhance the educational, technological, health, and environmental needs of our students and staff, the following funds, materials, and/or equipment are to be considered for acceptance as donations:

1. Tracy Unified School District: From: Lawrence Livermore National Security, LLC. The donation is in the amount of \$5,000.00 (Check # TBD). The donation will be used as a contribution toward the various science programs within Tracy Unified School District.
2. Tracy Unified School District/Wanda Hirsch Elementary: From: Wanda Hirsch Elementary Parent Club. c/o Wanda Hirsch Elementary. The donation has an estimated value of \$1,500.00. The donation includes one Timeliner XE computer program.
3. Tracy Unified School District/Art Freiler School: From: Freiler School Parent Association c/o Art Freiler School. The donation is in the amount of \$1,018.79 (via Freiler Bag A7978042). The donation will be used for teacher copy charges.
4. Tracy Unified School District/Louis Bohn Elementary: From: Louis Bohn PTO c/o Louis Bohn Elementary. The donation is in the amount of \$12,000 (check #TBD). The donation will be used for a new playground structure in the kindergarten area.

**RATIONALE:** Acceptance is recommended in order to meet the District's strategic goals and to enhance and benefit the educational experiences of the students of the Tracy Unified School District.

This agenda item meets Strategic Goal #2 – Create a quality and effective learning environment for all students.

**FUNDING:** Sites and departments of the District will incur responsibilities and costs associated with (some) of the donations which include, but are not limited to, supplies, repairs, maintenance of equipment, disposal/recycling. All items accepted by the Board of Trustees of the Tracy Unified School District are directed to the District's warehouse through the Materials Management Department for inclusion on the inventory list, marking for distribution and identification prior to site or department use or placement. All items needing inspection prior to installation or use are scheduled through the Materials Management and Operations and/or the Facilities Developments and budgeted accordingly. All technology items are reviewed and approved by the Director of Information Services and Educational Technology, prior to Board presentation.

**RECOMMENDATION:** Accept the generous donations from the various individuals, businesses, and school site parent teacher associations listed herein with thanks and appreciation from the staff and students of the Tracy Unified School District.

**Prepared by:** Dr. Casey Goodall, Associate Superintendent for Business Services.



# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Associate Superintendent for Business  
**DATE:** March 17, 2009  
**SUBJECT:** Authorize Associate Superintendent for Business Services to Bid and Award for a Soft Drink / Beverage Vendor

**BACKGROUND:** The District has been in a long term agreement with the current vendor and it expires at the end of the 2008-09 school year. The District will solicit vendors to provide the District with new proposals for Soft Drink / Beverage provider. Any proposal received or resultant contract shall comply with the State of California Education Code Sections 35182.5 and 49430-49436, The Pupil Nutrition, Health and Achievement Act of 2001, SB 12, and SB 965 State Meal Regulations.

The goal of this program is to increase the revenue stream to the District and enhance the student's, faculty's and staff's experience with the District.

**RATIONALE:** The sites and students will be served beverages that comply with the health and nutrition requirements of Federal, State, County and Local regulations. They will be sold at the times specified and where permitted by law. The proposals will lead to a cost savings for the District versus going to a regular grocery vendor or convenience store to buy soft drinks / beverages.

**FUNDING:** The District will generate a revenue stream from the proposals. The current contract provides about \$70,000.00 per year in gross revenues and most of this funding source is returned to the sites / departments to help fund needed items.

**RECOMMENDATION:** Authorize Associate Superintendent for Business Services to Bid and Award for a Soft Drink / Beverage Vendor.

**Prepared by:** Matthew Belasco, Director of Food Services.



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** ~~March 4, 2009~~  
**SUBJECT:** Approve the Community-Based English Tutoring (CBET)  
Program Application, Fiscal Year 2009-2010

**BACKGROUND:** The State has approved apportionment for the Community Based Tutoring (CBET) Program. The allocation is based on the number of Limited English Proficient (LEP) students identified in the Annual Language Census. The purpose of the CBET funds is to provide free or subsidized programs of Adult English language instruction to parents or community members who pledge to provide personal English language tutoring to California students with limited English proficiency. The Board needs to approve the Community-Based English Tutoring (CBET) Program Application, Fiscal Year 2009-2010.

**RATIONALE:** The approved Notification of Intent will allow Tracy Unified School District participatory status for funding which encourages family members and others to provide personal English tutoring to children of limited English proficiency. This meets Strategic Goal #1, Quality Curriculum.

**FUNDING:** Funding for this program is provided by the Department of Education based on the LEP student count for Tracy Unified School District.

**RECOMMENDATION:** Approve the Community-Based English Tutoring (CBET) Program Application, Fiscal Year 2009-2010.

**Prepared by:** Dave Pickering, Director of Adult and Career and Technical Education

**COMMUNITY-BASED ENGLISH TUTORING PROGRAM  
APPLICATION FORM, FISCAL YEAR 2009-10**

**Submission Postmark Deadline: May 15, 2009**

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**Local Educational Agency (LEA) Information**

Name of LEA Tracy Adult School / Tracy Unified School District

County/District Code 3 9 / 7 5 4 9 9

School Code (Leave blank unless applicant is a direct-funded charter school) \_\_\_\_\_

Program Director Name Dave Pickering

Title Director of Adult, Career and Technical Education

Telephone Number 2 0 9 - 8 3 0 - 3 3 8 4 x \_\_\_\_\_

Fax Number 2 0 9 - 8 3 0 - 3 3 8 5

E-mail Address dpickering@tusd.net

Chief Fiscal Officer Casey Goodall

Title Associate Superintendent of Business Services

E-mail Address cgoodall@tusd.net

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**Assurances**

The signature of the superintendent or designee on this form acknowledges that the following general assurances will be observed.

1. The conditions established pursuant to California *Education Code (EC)* sections 315-317, and *California Code of Regulations (CCR)*, Title 5, sections 11315, 11315.5, and 11315.6, will be met by the LEA in the administration of this program.
2. The LEA will use fiscal control and accounting procedures that will ensure proper disbursements and accounting of state funds paid to that agency under the program. The LEA will make all records available for audit when requested.
3. Funds may be used for direct program services, community notification processes, transportation services, and background checks related to the adults participating in the tutoring program.
4. The LEA will be responsible for expending these funds to provide free or subsidized adult English-language instruction for parents or community members who have pledged to provide personal English-language tutoring to English learners in kindergarten through grade twelve.

5. Pledge records will consist of the following information: name of school district, name of school, and the name and signature of parent or community member committed to tutor English learners. These records will be maintained for audit.
6. A Community-Based English Tutoring (CBET) plan will be adopted by the local governing board and include elements of instruction and achievement information as described by *EC* Section 317. The data collected shall be used, by the governing board, to review and revise the plan as necessary, not less than once every three years, and be made available to the state as requested.

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### Certification and Signature

I certify that: (1) the planned allocation and expenditures of funds for the CBET program are for educational services for eligible participants; (2) the expenditures of funds and the programmatic activities will be conducted in accordance with federal and state statutes and regulations, including the assurances contained in this application; (3) full records of program activities and expenditures will be maintained and made available for review and/or audit by the California Department of Education and/or the representatives or designees of the Department; and (4) a CBET plan has been written in accordance with *EC* sections 315-317, and *CCR*, Title 5, sections 11315 and 11315.5.

I hereby certify that I have read the conditions contained in this document and agree to comply with all requirements as a condition of funding and that to the best of my knowledge the information contained in this CBET application form is complete and correct.

Name of LEA	<u>Tracy Adult School/Tracy Unified School District</u>
Signature of Superintendent or Designee	_____
Printed Name	<u>James Franco</u>
Title	<u>Superintendent</u>

---

### Board Approval

Board Approval Date	_____
Signature of Presiding Officer of Governing Board	_____
Printed Name	<u>Ted Guzman</u>

Mail this application form, postmarked on or before May 15, 2009, to:

**CBET Application  
Language Policy and Leadership Office  
California Department of Education  
1430 N Street, Suite 4309  
Sacramento, CA 95814-5901**





**TRACY**  
UNIFIED SCHOOL DISTRICT

# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** March 11, 2009  
**SUBJECT:** Consent to Expend Funds for Purchase of K-5, 6-8 Mathematics and High School Algebra Textbooks

**BACKGROUND:** On January 27, 2009, the Board approved materials for the K-5, 6-8 math and high school algebra textbook adoption. However, in light of the current budget crisis, the Board postponed their approval to expend funds until more information became available regarding the impact that the state budget would have on the district's budget. Thus, the Board directed Director of Instructional Media and Curriculum, Dr. Sonnenburg, to return to the Board after the state budget passed to seek approval to expend funds for the K-5, 6-8 math and high school algebra textbook adoption.

In the meantime the district applied for a waiver that would extend the timeline for the mathematics and the English language arts adoptions one year. However, since applying for the waiver, new information has surfaced. First, the new state budget allows the district to postpone purchasing the mathematics adoption until 2009-2010. Second, the County Assistant Superintendent of Curriculum and Instruction, Gary Dei Rossi and the California Department of Education Executive Director of the Curriculum Commission warned that "without an extension or further legislation, districts could be forced to purchase instructional materials for both mathematics and English language arts prior to the start of the 2010/11 school year – a particularly dangerous prospect considering the costly nature of materials for these subjects". Third, the Instructional Materials Funds Realignment Program money was reduced 15.4% in February and will be reduced another 4.46% in the 2009/10 school year. In summary, if the State Board of Education denies the waiver for English language arts, the district would be in the position of having to purchase and implement two expensive core curricula with reduced funding. Therefore, it is recommended that the Board approve the expenditure of funds to purchase K-5, 6-8 math and high school algebra textbooks.

Publisher	Title	ISBN#	Copyright	
K	Harcourt	California HSP Math Student Edition (consumable)	0153541660	2009
		Practice Workbook (consumable-life of adoption)	0153569085	
		California HSP Matemáticas Student Edition Spanish (consumable)	015375091X	South/West Park Bilingual
		Practice Workbook Spanish (consumable-life of adoption)	0153751371	
1	Harcourt	California HSP Math Student Edition (consumable)	0153541679	2009
		California 3-in-1 workbook: Practice, Reteach, and Spiral Review (consumable-life of adoption)	0153833823	
		California HSP Matemáticas Student Edition Spanish (consumable)	0153750928	South/West Park Bilingual
		Practice Workbook Spanish (consumable-life of adoption)	015375138X	

2	Harcourt	California HSP Math Student Edition (consumable) California 3-in-1 workbook: Practice, Reteach, and Spiral Review (consumable-life of adoption) California HSP Matemáticas Student Edition Spanish (consumable) Practice Workbook Spanish (consumable-life of adoption)	0153541687 0153833831 0153750936 0153751398	2009  South/West Park Bilingual
3	Harcourt	California HSP Math Student Edition California 3-in-1 workbook: Practice, Reteach, and Spiral Review (consumable-life of adoption) California HSP Matemáticas Student Edition Spanish Practice Workbook Spanish (consumable-life of adoption)	0153541695 015383384 X 0153750944 0153751401	2009  South/West Park Bilingual
4	Harcourt	California HSP Math Student Edition California 3-in-1 workbook: Practice, Reteach, and Spiral Review (consumable-life of adoption)	0153541709 0153833858	2009
5	Harcourt	California HSP Math Student Edition California 3-in-1 workbook: Practice, Reteach, and Spiral Review (consumable-life of adoption)	0153541717 0153833866	2009
6	McDougal Littell	Math Course 1 Practice Workbook (consumable-life of adoption) Notetaking Guide (consumable-life of adoption)	9780618726509 9780618893003 9780618893072	2008
7	McDougal Littell	Math Course 2 Practice Workbook (consumable-life of adoption) Notetaking Guide (consumable-life of adoption)	9780618726516 9780618893010 9780618893089	2008
8	McDougal Littell	Algebra 1 Practice Workbook (consumable-life of adoption) Notetaking Guide (consumable-life of adoption)	9780618726523 9780618893027 9780618893379	2008
Includes High School Courses:				
Algebra 1				
Algebra 1 w/Support				
Algebra 1A & 1B				
Algebra 1 LEP				
Middle School SDC Intervention				
	Harcourt	Fast Forward Math 4-7	0153669071	2009

**RATIONALE:** Purchasing approved K-5, 6-8 and high school algebra textbooks prevents the district from having to possibly purchase and implement two core curricula during the same year.

**FUNDING:** The cost of the K-5, 6-8 mathematics, and high school algebra adoption will be approximately \$868,000. Funding for these materials will be provided through state instructional textbook funds.

**RECOMMENDATION:** Consent to Expend Funds for Purchase of K-5, 6-8 Mathematics and High School Algebra Textbooks.

**Prepared by:** Dr. Donna Sonnenburg, Director of Instructional Media Services and Curriculum



**TRACY**  
UNIFIED SCHOOL DISTRICT

# HUMAN RESOURCES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Ryan Davis, Assistant Superintendent of Human Resources  
**DATE:** March 16, 2009  
**SUBJECT:** Approve Classified, Certificated, and/or Management Employment

## BACKGROUND:

Flores, Arthur Jr.

Martinez, Joe

## CLASSIFIED

Mechanic (New Position)  
\*Filled by current TUSD employee  
Transportation  
8 hours per day  
Range 49, Step C - \$24.63 per hour  
Funding: Transportation – Home to School

Mechanic (New Position)  
\*Filled by current TUSD employee  
Transportation  
8 hours per day  
Range 49, Step A - \$22.43 per hour  
Funding: Transportation – Home to School

## BACKGROUND:

Trombley, Benjamin

## COACHES

Head Track Coach  
Kimball High School  
Stipend: \$4,868.03

**RECOMMENDATION:** Approve Classified, Certificated and/or Management Employment

**Prepared by:** Ryan Davis, Superintendent of Human Resources



# HUMAN RESOURCES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Ryan Davis, Assistant Superintendent of Human Resources  
**DATE:** March 16, 2009  
**SUBJECT:** Accept Resignations/Retirements/Leave of Absence for Classified, Certificated, and/or Management Employment

## BACKGROUND:

## CLASSIFIED RESIGNATION

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Burns, Geraldine H.S. Library Technician	WHS	03/05/09	Personal
Thomas, Juanita Spec. Projects Budget Acct.	DEC	02/23/09	Personal

**RECOMMENDATION:** Accept the Resignation/Retirements/Leaves of Absence for Certificated, Classified and/or Management Employees

**Prepared by:** Ryan Davis, Assistant Superintendent of Human Resources



# HUMAN RESOURCES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Ryan Davis, Assistant Superintendent for Human Resources  
**DATE:** March 18, 2009  
**SUBJECT:** Ratify Agreement for Special Contract Services for Steven Alkire for the 2008-2009 Tracy High Baseball Season

**BACKGROUND:** There is a need in the baseball program at Tracy High School adequate supervision by knowledgeable coaches to ensure the players have a safe, educational and positive experience. Having exceptionally qualified staff is the primary aim of the program.

**RATIONALE:** Steve Alkire is uniquely qualified to assist and enhance the baseball program at Tracy High School. He has extensive baseball experience as a player and as a coach. The experience and enthusiasm he brings to the players will ensure the overall success and safety of the program. His duties will consist of assisting with daily practice, game management, scouting, and fundraising.

This agenda item aligns with Strategic Goal #2, Creating and Maintaining a Safe and Supportive Learning Environment.

**FUNDING:** Expenses for this coach will be paid out of the Tracy High School ASB account. Expenses will not exceed \$2000.00.

**RECOMMENDATION:** Ratify Agreement for Special Contract Services for Steven Alkire for the 2008-2009 Tracy High Baseball Season

**Prepared by:** Ryan Davis, Assistant Superintendent for Human Resources

## AGREEMENT FOR SPECIAL CONTRACT SERVICES

This Agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and Steve Alkire hereinafter referred to as "Contractor," is for consultant or special services to be performed by a non-employee of the District. District and Contractor, herein named, do mutually agree to the following terms and conditions:

1. Contractor shall perform the following duties: Assist with the coaching of the Tracy High Varsity Baseball Team including practices, tournaments, and fundraisers.
2. Contractor will provide the above service(s), as outlined in Paragraph 1, for a period of February 10, 2009 to May 30, 2009
3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:
  - A. District shall pay \$2000.00 FLAT RATE (Flat Rate/Hourly), not to exceed a total of \$2000.00. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
  - B. District [ ☐ ] **SHALL**; [ ☒ ] **SHALL NOT** reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals, and lodging at rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ for the term of this agreement.
  - C. District shall make payment on a [ ☐ ] **MONTHLY PROGRESS BASIS**, [ ☒ ] **SINGLE PAYMENT UPON COMPLETION OF THE DUTIES** and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a "Invoice of Non-Employee Consultant Services". Original paid receipts are required for lodging, airfare (passenger coupon or ticket stub), automobile rental and parking. Claims for unusual expenses, such as teaching materials, photocopying, etc., must be accompanied by original paid invoices.
4. The term of this agreement shall commence on 2-10-2009, and shall terminate on 5-30-2009.
5. This agreement may be terminated at any time during the term by either party upon N/A ( 0 ) days written notice.
6. Contractor shall contact the District's designee, Victor Alkire, with any questions regarding performance of the service outline above. District's designee shall determine if and when Contractor has completed the services described.
7. The parties intend that an independent contractor relationship is created by this contract and District assumes no responsibility for workers compensation liability. District likewise assumes no responsibility for liability for loss, damage, or injury to person(s) or property resulting from, or caused by, contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify district for:

Any injury to person or property sustained by Contractor or by any person, firm or corporation employed directly or indirectly by the Contractor or by any of the individuals participating in or associated with him or her, however caused; and any injury to person or property sustained by any person, firm or corporation, caused by any act, neglect, default or omission, of Contractor, or any person, firm or corporation directly or indirectly employed by Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of their term of this Agreement, and Contractor at his or her own cost, expense and risk, shall defend any and all actions, suits or other legal proceedings that may be instituted against District for any such claim or demand, and pay or satisfy any judgment that may be rendered against District in any such action, suit or legal proceedings or the result thereof. Nothing herein provided shall be construed to require Contractor to hold harmless or indemnify District for liability or damages resulting from the negligence or willful act, or omission of District or its officers, agents, or employees.

8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any persons who are not parties to this Agreement except for employees of Contractor.
9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state or local statutes, rules or regulations, or with any policies of Contractor's current employer.
10. District shall become the owner of, and entitled to, exclusive possession of all records, documents, graphs, photographic or other reproductions of any kind produced in the scope of services performed and no other uses thereof will be permitted except by permission of the District. Proprietary materials will be exempted from this clause.
11. Consultant/Contractor certifies that he or she is not an employee of the District and is self-employed in the performance of the services specified. Consultant agrees that he or she assumes all responsibility in relation to providing the District with an Employer Identification number or Social Security number as required by IRS regulations in relation to the conduct of his or her business.

AGREED:

Stephen Alkire  
Consultant Signature (1)

Social Security Number or TIN number (2)

2/24/09  
Date

Asst. Varsity Coach  
Title

Tracy, CA 95376  
Address  
City/State/Zip

Phone Number

Jason Noll  
Date  
3/18/09

PRINCIPAL  
Title

Account Number to be charged

Budget Approval

Date Approved by the Board

Send All Copies to the Business Office

1. Whenever organizational names are used, the authorized signature must include company title, such as president.
2. Whenever organizational names are used, the employer IRS Identification Number must be used instead of a Social Security Number.

C:\WINNT\Profiles\borjko\Personal\Agreement for Special Contract Services.doc

Glenda Borjko Page 2 03/18/998

**SIGN  
HERE**



# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Associate Superintendent, Business Services  
**DATE:** March 13, 2009  
**SUBJECT:** Consider Claim No. 5-0809 TUSD

**BACKGROUND:** On or about March 6, 2009, a claim was received by the Tracy Unified School District in which the claimant, by and through her parents and guardians, stated that a loss or injury occurred on or about September 15, 2008. The alleged injury/incident occurred while the claimant was playing on the monkey bars at George Kelly School. The District's insurance providers reviewed the claim and determined:

- a. The information provided to date does not suggest that there is a liability on behalf of the School District.

The District's insurance providers recommends a rejection/denial of this claim by the Board of Trustees.

The amount of the claim is noted as \$2,500.00.

**RATIONALE:** District's insurance advisors, legal advisors, and District staff recommend rejection/denial of this claim. This is standard practice in order to protect the District from future litigation.

**FUNDING:** District insurance account covers costs up to the Board approved deductible amount.

**RECOMMENDATIONS:** All claims March 24, 2009 and after are hereby denied/rejected.

**Prepared by:** Dr. Casey Goodall, Associate Superintendent for Business Services.





# BUSINESS SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** Dr. Casey Goodall, Associate Superintendent, Business Services  
**DATE:** March 18, 2009  
**SUBJECT:** Consider Claim No. 6-0809 TUSD

**BACKGROUND:** The claimant in this matter, Mr. Wayne Gilbert and Gilbert Inspection Services, is a former building inspector who worked on an independent contractor basis for the District as an inspector on the West High School project. On or about March 10, 2009, a claim dated March 2, 2009 was received by the District in which the claimant, by and through his attorney, stated that a loss or injury occurred on or about November 14, 2008 when the District terminated his independent inspection services contract. The claimant alleges wrongful termination and breach of contract. The District's counsel reviewed the claim and determined:

- a. The information provided to date does not suggest that there is a liability on behalf of the District; and
- b. The District's position regarding the termination of the claimant continues to be as stated in the termination letter dated November 14, 2008.

The District's counsel recommends a rejection/denial of this claim by the Board of Trustees.

The amount of the claim is noted as \$100,000.00.

**RATIONALE:** District's legal advisors and District staff recommend rejection/denial of this claim. This is standard practice in order to protect the District from future litigation.

**FUNDING:** District insurance account covers costs up to the Board approved deductible amount.

**RECOMMENDATIONS:** The claimant's claim dated March 2, 2009 should be denied/rejected.

**Prepared by:** Dr. Casey Goodall, Associate Superintendent for Business Services.



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** March 9, 2009  
**SUBJECT:** Adopt Board Policy 5129, Bullying Prevention Policy (1<sup>st</sup> Reading)

**BACKGROUND:** On January 1, 2009, a new state law, AB 86, went into effect. AB 86 was designed to help protect students and staff from bullying, cyber-bullying and electronic harassment. Research indicates that young people who are victims of bullying are significantly more likely to use drugs and alcohol, receive school detentions or suspension, skip school, experience in-person aggression, have emotional distress, and have relationship problems with their parents. Research also shows that students are victimized through various means of technology including instant messaging, e-mails, text messages, chat room talk and talk on web sites.

**RATIONALE:** The Tracy Unified School District appointed a committee consisting of parents, students and school staff that have drafted a Bullying Prevention Policy consistent with AB 96. This board policy will guide our efforts to prevent, investigate, and apply discipline for incidents involving bullying. The message of our district policy is clear; bullying is never acceptable, in any form, in TUSD schools.

Due to AB 86, California Education Code 48900 has been amended to read:

- (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

This agenda item meets Strategic Goal #2 – Provide a safe environment for students and staff that is conducive to learning.

**FUNDING:** N/A

**RECOMMENDATION:** Adopt Board Policy 5129, Bullying Prevention Policy (1<sup>st</sup> Reading)

**Prepared by:** Paul E. Hall, Director of Student Services

## BULLYING PREVENTION POLICY

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote the six pillars of character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

The Tracy Unified School District will not tolerate bullying which shall be defined as: Behavior that means one or more acts by a pupil or a group of pupils directed against another pupil that constitutes sexual harassment, hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, that causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment, and includes acts that are committed personally or by means of an electronic act and social isolation or manipulation. An "electronic act" means the transmission of a communication, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

The Tracy Unified School District expects students and/or staff to immediately report incidents of bullying to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying shall be promptly investigated. This policy applies to students whose behavior is related to school activity, students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

To ensure bullying does not occur on school campuses, the Tracy Unified School District will provide staff development training on bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Tracy Unified School District will adopt a Student Code of Conduct to be followed by every student.

The Student Code of Conduct includes, but is not limited to:

- Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

- Students are expected to immediately report incidents of bullying to the principal or staff.

**BULLYING PREVENTION POLICY**

Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal. If the complaint is not resolved at the school site/principal level the Office of Student Services should be contacted (830-3280). The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

All staff, students, and their parents will receive a summary of this policy prohibiting bullying: at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.

The school will make reasonable efforts to keep a report of bullying and the results of the investigation confidential.

Staff are expected to immediately intervene when they see a bullying incident occur.

People witnessing or experiencing bullying are encouraged to report the incident; such reporting will not reflect on the victim or witnesses in any way.

**Legal Reference:****EDUCATION CODE**

35294.2                      School Safety Plan

**CALIFORNIA**

AB 79

TUSD Adopted:



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services  
**DATE:** ~~March 12, 2009~~ March 13, 2009  
**SUBJECT:** Approve the Charter Renewal for the Tracy Learning Center's Primary School

**BACKGROUND:** The California Education Code requires that the Board of Trustees renders a final decision on the renewal application within 60 days of the date of submission of the charter application. The Board of Trustees may approve a charter renewal application if they are satisfied that the charter is consistent with the requirements set forth in the Tracy Unified School District's Charter School Board Policy 0420.4, Administrative Regulation 0420.4 and the Charter School Provisions of the California Education Code, 47607.

**RATIONALE:** Primary School's initial 5-year charter will expire at the end of the 2008-2009 school year. Primary School has submitted the charter for a 5-year renewal per Education Code 47607. Tracy Unified School District staff and legal counsel have extensively reviewed Primary School's renewal application to determine if it meets the guidelines and criteria set forth in the Charter School Provisions of the California Education Code, 47607; Tracy Unified School District Board Policy 0420.4 and Administrative Regulation 0420.4.

It is the finding of the district staff and legal counsel that the charter renewal application meets the above mentioned guidelines and criteria. Therefore, the district staff and legal counsel recommend that the Tracy Unified School District Board of Trustees approves the Primary School charter renewal for a five (5) year period beginning with the 2009-2010 school year. This supports District Strategic Goal # 1: Provide a variety of learning opportunities through standards-based curriculum and assessment and research-based instruction that ensures that all students meet or exceed grade level standards and results in closing the achievement gap.

**FUNDING:** Not applicable.

**RECOMMENDATION:** Approve the Charter Renewal for the Tracy Learning Center's Primary School

**Prepared by:** Linda Dopp, Director of Alternative Programs.



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services  
**DATE:** March 13, 2009  
**SUBJECT:** Approve the Charter Renewal for the Tracy Learning Center's Millennium High School

**BACKGROUND:** The California Education Code requires that the Board of Trustees renders a final decision on the renewal application within 60 days of the date of submission of the charter application. The Board of Trustees may approve a charter renewal application if they are satisfied that the charter is consistent with the requirements set forth in the Tracy Unified School District's Charter School Board Policy 0420.4, Administrative Regulation 0420.4 and the Charter School Provisions of the California Education Code, 47607.

**RATIONALE:** Millennium High School's initial 5-year charter will expire at the end of the 2008-2009 school year. Millennium High School has submitted the charter for a 5-year renewal per Education Code 47607. Tracy Unified School District staff and legal counsel have extensively reviewed Millennium High School's renewal application to determine if it meets the guidelines and criteria set forth in the Charter School Provisions of the California Education Code, 47607; Tracy Unified School District Board Policy 0420.4 and Administrative Regulation 0420.4.

It is the finding of the district staff and legal counsel that the charter renewal application meets the above mentioned guidelines and criteria. Therefore, the district staff and legal counsel recommend that the Tracy Unified School District Board of Trustees approves the Millennium High School charter renewal for a five (5) year period beginning with the 2009-2010 school year. This supports District Strategic Goal # 1: Provide a variety of learning opportunities through standards-based curriculum and assessment and research-based instruction that ensures that all students meet or exceed grade level standards and results in closing the achievement gap.

**FUNDING:** Not applicable.

**RECOMMENDATION:** Approve the Charter Renewal for the Tracy Learning Center's Millennium High School

**Prepared by:** Linda Dopp, Director of Alternative Programs



# EDUCATIONAL SERVICES MEMORANDUM

**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** March 9, 2009  
**SUBJECT:** Adopt Board Policy 5130, Conflict Resolution Policy (1<sup>st</sup> Reading )

**BACKGROUND:** To promote student safety and contribute to the maintenance of a positive school climate, the Governing Board encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supersede the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

**RATIONALE:** The Tracy Unified School District appointed a committee consisting of parents, students, and school staff that have drafted a Conflict Resolution Policy. This board policy will guide our efforts to prevent, investigate, and develop communication skills of students and staff to resolve disagreements with respect to the rights and opinions of others. The message of our district policy is clear; violence is never acceptable, in any form, in TUSD schools.

This agenda item meets Strategic Goal #2-Provide a safe environment for students and staff that is conducive to learning.

**FUNDING:** N/A

**RECOMMENDATION:** Adopt Board Policy 5130, Conflict Resolution Policy (1<sup>st</sup> Reading)

**Prepared by:** Paul E. Hall, Director of Student Services

## CONFLICT RESOLUTION POLICY

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent conflict, each school within the Tracy Unified School District will incorporate conflict resolution education and problem solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment

The Tracy Unified School District will provide training to develop the knowledge, attitudes, and skills that students will need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. Tracy Unified School District will adopt a Student Code of Conduct to be followed by every student while on school grounds, when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus.

The Student Code of Conduct includes, but is not limited to, the following:

Students are to resolve their disputes without resorting to violence.

Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems peaceably.

Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence.

Students needing help in resolving a disagreement or students observing conflict may contact an adult or peer mediators (listing will be posted in the school office and all English classes).

Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult or peer mediators. Staff and mediators will keep the discussions confidential.

Conflict resolution procedures shall not supersede the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

TUSD Adopted:





# EDUCATIONAL SERVICES MEMORANDUM

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**TO:** Dr. James Franco, Superintendent  
**FROM:** ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services  
**DATE:** March 9, 2009  
**SUBJECT:** Adopt Board Policy 5144.1 and Acknowledge Administrative Regulation 5144.1 SUSPENSION AND EXPULSION/DUE PROCESS (1<sup>st</sup> Reading)

**BACKGROUND:** Periodically, board policies are reviewed for accuracy and compliance. Board Policy 5144.1 and Administrative Regulation 5144.1 SUSPENSION AND EXPULSION/DUE PROCESS needed to be revised to reflect the new education codes.

**RATIONALE:** To provide a document that will be the foundation for decisions made in accordance with education codes to ensure a safe environment for both students and staff, and protecting the rights of the students. This supports Strategic Goal #2- Provide a safe environment for students and staff that is conducive to learning.

**FUNDING:** Not Applicable

**RECOMMENDATION:** Adopt Board Policy 5144.1 and Acknowledge Administrative Regulation 5144.1 SUSPENSION AND EXPULSION/DUE PROCESS (1<sup>st</sup> Reading)

**Prepared by:** Paul Hall, Director of Student Services & Curriculum

## SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct (Education Code 48900.5).

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915).

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

### Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. ~~This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law.~~ Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parents/guardians about the districts zero tolerance policy and the consequences, which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5).

On Campus Supervision Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus. The Board believes that in many cases, it would be better to address the student's misconduct by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1).

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

The board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1).

Parental attendance may be requested on the day the student returns to class or within one week thereafter. **The principal or designee shall contact a parent/guardian who does not respond to the request to attend school.** The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons which as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

**When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)**

Labor Code 230.7 provides that no employer shall discharge or in any way discriminate against an employee who takes time off work to attend his/her child's class when requested pursuant to Education Code 48900.1, provided the employee gives the employer reasonable advance notice that he/she is requested to appear in school. Any employee who is discharged, threatened with discharge, demoted, suspended or in any other discriminated against by the employer for such an absence is entitled to reinstatement and reimbursement for lost wages and work benefits.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

**In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)****Legal Reference:****EDUCATION CODE**

212.5	Sexual harassment
1981	Enrollment of students
17292.5	Program for expelled students
32261	Interagency School Safety Demonstration Act of 1985
33032.5	Hate violence reduction
35146	Closed sessions (re suspensions)
35291	Rules (for government and discipline of schools)
35291.5	Rules and procedures on school discipline
39141.12	Program for expelled students
48660-48667	Community day schools
48900-48927	Suspension and expulsion
48950	Speech and other communication
49073-49079	Privacy of student records

**CIVIL CODE**

47	Privileged communication
48.8	Defamation liability

**CODE OF CIVIL PROCEDURE**

1985-1997	Subpoenas; means of production
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**GOVERNMENT CODE**

11455.20	Contempt
54950-54963	Ralph M. Brown Act (regarding closed sessions)

**HEALTH AND SAFETY CODE**

11014.5	Drug paraphernalia
11053-11058	Standards and schedules

**LABOR CODE**

230.7	Discharge or discrimination against employee for taking time off to appear in school on behalf of a child.
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**PENAL CODE**

31	Principal of a crime, defined
240	Assault defined
241.2	Assault fines
242	Battery defined

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**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

243.4	Sexual battery
245	Assault with deadly weapon
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~~6301-8962~~                ~~Improving America's Schools Act, especially:~~  
~~8921-8922~~                ~~Gun-Free Schools Act of 1994~~  
~~John A. v. San Bernardino School District (1982)~~  
~~33-Cal 3d 301, 308~~  
~~Fremont Union High School District v. Santa Clara~~  
~~County Board (1991) 235-Cal. App. 3d 1182~~  
~~Garcia v. Los Angeles Board of Education (1991) 123~~  
~~Cal App. 3d 807~~

7151                      Gun free schools

**COURT DECISIONS**

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County

Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

TUSD Adopted: 6/23/98

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**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

**ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

**Management Resources:**

**CDE PROGRAM ADVISORIES**

306.96 ————— Expulsion Policies and Educational Placements, SPB  
95/96-04

**WEB SITES**

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs/index.html>

**SUSPENSION AND EXPULSION/DUE PROCESS****A. Purpose and Scope**

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

**B. General**

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of the day prescribed by the Governing Board for students of the same grade level.
2. ~~Referral from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.~~  
Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

**C. Forms****Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. **(Education Code 48900.1, and 48980)** Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

**D. Procedures****Grounds for Suspension and Expulsion**

Students may be subject to suspension or expulsion for committing any of the acts listed below and shall be suspended and/or expelled when so required by law:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person or another, except in self defense (Education Code 48900(a))

**\*\*\*Note: Education Code 48900 allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. However, a student may be suspended or expelled pursuant to item #1 above if a juvenile court determines that he/she has committed, as an aid or abettor, a crime of physical violence in which the victim suffered either great or serious bodily injury. The term "aiding or abetting," as defined in Penal Code 31, is a complex legal term and requires that the aid or abettor be aware of the crime and specifically intend that the crime be committed. Because of the complexities of criminal law, this issue may be difficult for school administrators to apply in a school setting and**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

legal counsel should be consulted as appropriate.\*\*\*

**A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled.**

**However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aid or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))**

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in the Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))
12. Knowingly received stolen school property or private property (Education Code 48900(l))
13. Possessed an imitation firearm, i.e. a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, ~~Penal Code~~ 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both (Education Code 48900(o))
16. **Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))**
17. **Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))**  
  
**Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))**
18. **Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (48900(r))**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

19. **Made terrorist threats against school officials and/or school property. (Education Code 48900.7)**

**A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)**

~~16. Made terrorist threats against school officials and/or school property (Education Code 48900.7) students in grades 4 through 12 are also subject to suspension or recommendation for expulsion for any of the acts listed below:~~

**A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:**

20. **Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)**

**Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)**

21. **Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 33032.5 233. (Education Code 48900.3)**

**Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233)**

22. **Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment (Education Code 48900.4)**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

**Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.



**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

**A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)**

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

**This notice shall also:**

- 1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date**
- 2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student**
- 3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1**

~~Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1~~

**Suspension by Superintendent, Principal, or Principal's Designee**

The Superintendent, principal, or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her, the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (Education Code 48911(c))

**2. Administrative Actions**

All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

**3. Notice to Parents/Guardians**

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student and the date and time when the student may return to school. The parent/guardian is asked to confer regarding matters pertinent to the suspension. The notice may also add that state law requires the parent/guardian to respond to such requests without delay.

**4. Parent/Guardian Conference**

Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

**5. Extension of Suspension**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

**Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

**The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)**

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

**On-Campus Suspension Program**

Students for whom an action to expel has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised, supervised

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

Note: At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

**Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion." (**Education Code 48915**)

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915 (b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

**Mandatory Recommendation for Expulsion**

~~TUSD Acknowledged 6/23/98~~

TUSD Draft March 9, 2009

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

Unless the principal or Superintendent finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915 (a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in **Health and Safety 11053-11058**, Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

**Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(©))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item # 14 under "Grounds for Suspension and Expulsion" above

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

**Student's Right to Expulsion Hearing**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

**Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to all the following: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Written Notice of the Expulsion Hearing**

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a **non-attorney advisor**.

**Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.**

**Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.**

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

**Conduct of Expulsion Hearing**



**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918 (c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918 (c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by a means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11525. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(I))

4. **Presentation of Evidence:** While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918 (f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student. (Education Code 48918)
  - a. Any complaining witness shall be given five days' notice before being called to testify
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances requires the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.
- 1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - 2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - 3. The person conducting the hearing may:
    - a. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
    - b. Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is good cause to take the testimony during other hours.
    - c. Permit one of the support persons to accompany the complaining witness to the witness stand.

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

6. **Decision Within 10 Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
7. **Decision Within 40 Days:** If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated persons yet none of whom shall be members of the Board or on the staff of the school in which the student is enrolled (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same proceedings as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board.

~~If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instruction program, a rehabilitation program, or any combination of those programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (Education Code 48918(f))~~

**The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))**

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing that the Board may order. (Education Code 48918(f))

The hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Suspension of Enforcement of the Expulsion below.")

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer or an administrative panel, the final action to expel must be taken by the Board at a public meeting. (Education Code 48918(j))

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final, and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to the school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date will be no later than the last day of the semester following the semester in which the expulsion occurred **If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.** (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training counseling, employment, community service and other rehabilitative programs.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school: Education Code 48916.5

**Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

- ~~1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900 (a-r), 48900.2 48900.4 and 48915© Education Code 48900.8)~~
  1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion, (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

**Suspension of Enforcement of the Expulsion**

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year.

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

When deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

In cases of mandatory expulsion, the enforcement of an expulsion order shall not be suspended.

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j))

**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

**The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)**

**Post-Expulsion Placements**

The Board shall refer expelled students to a program of study that meets all of the following conditions: (Education Code 48915, 48915.01)

1. Is appropriately prepared to accommodate students who exhibit discipline problems
2. Is not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Is not housed at the school site attended by the student at the time of suspension.

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items **#6 through #13 and #20 through #22** under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.



**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

**Readmission After Expulsion**

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmissions of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program, which the Board has chosen. The student shall enroll in that program unless the

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

**The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)**

Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession or weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

**E. Reports Required**Outcome Data

**SUSPENSION AND EXPULSION/DUE PROCESS (Continued)**

The Superintendent or designee shall maintain the following data and report such annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48916.1)

1. The number of students recommended for expulsion
2. The grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

**F. Record Retention**

Permanent

**G. Responsible Administrative Unit**

Student Services

Site Principals

**H. Approved By**

Assistant Superintendent of Educational Services

